Inheriting Generations
From the Accident of Birth to the Uninsurable Life

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THESIS

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ABSTRACT

_Inheriting Generations: From the Accident of Birth to the Uninsurable Life_ navigates a course through inheritance: a subject found in all literary and non-literary genres, time periods and cultures. In the face of that certainty, I map three distinct and dramatic shifts in the transfer of American wealth between generations: (1) the need to make property increasingly alienable in the face of what Charles Sellers called the “market revolution” of the mid-19th century, (2) the emergence of corporate forms, especially life insurance contracts, as vehicles of inheritance in the latter half of the nineteenth century, (3) the increased role of the state in inheritance during the early part of the twentieth century. Because of the upheaval surrounding these three transitions, the tensions created when a text imagines different answers for the questions of “Who can inherit?” and “Who should inherit?” were not just useful plot devices, or sentimental evasions of real economic transfers, but of such economic and political significance that inheritance remained a topic of deep cultural and political anxiety throughout the nineteenth—and into the twentieth—century. Authors such as William Wells Brown, Harriet Beecher Stowe, Nathaniel Hawthorne, and Amelia Shackelford use inheritance to navigate the mingling of economic calculation and sentimental value for the purposes of imagining forms of morality and solidarity compatible with the market. In making this claim, I depart from a scholarly tradition of treating inheritance as a conservative plot device of sentimental fiction that for some, like Ann Douglas and Gillian Brown, looks like a retreat from the marketplace—an introduction to consumerism—and for others, like Jane Tompkins and Nina Baym, looks like a viable protestation against the market’s advance from the public into the private sphere. Instead, I examine inheritance more broadly in an attempt to replace the conflict between economic calculation and sentimental value enacted in these critical readings with the ways 19th century writers were alive to the possibility that the market was a source of solidarity, even morality.
DEDICATION

This Thesis is dedicated to my mother and father, Nell and Steve Wulff. My first teachers, I have yet to meet their equal. Your commitment to each other and to our family helped me find the dedication to finish this project. Also, I would like to thank my wife, Shephali, and my son, Jonah, for their patience and love. I hope someday you will both be as proud of me as I am you.

AMW
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Introduction
The Problems of Inheritance

Haunted Hearts and Inherited Property

Everything had long been going to rack and ruin at the Cousin farm, and a general breaking up was now inevitable. Diedrich Stein, as a matter of course, was in at the dividing of the spoils. He did not openly appear as holder of the mortgage on the estate, which was foreclosed the very day after the old Frenchman's death, but somehow he had a hand in the proceeding, and, as it proved, reaped the profits. He made out the inventory of personal property too; practice had rendered him adept in that sort of thing. He knew how to put a light appraisal on everything that could possibly be made serviceable at the tavern; and although Mr. Cousin's floating debts must have been inconsiderable, and there were still articles of value on the place, it so happened that between Stein and an attorney who had the settling of the estate, nothing was left for Angie except the meagre furniture of her own room; which was respected less from courtesy than from a vague notion these harpies had that it was an inheritance from her mother, and could not be meddled with.

—Maria Cummins, Haunted Hearts 1864

Even when inheritance and the threat of disinheritance does not structure all of the dramatic action in a text (as it does in Haunted Hearts), inheritance reoccurs in 19th century novels at an extraordinary rate. This begs the question: Why are 19th century American novels, both alike and unlike Maria Cummins’ fourth novel, so often consumed by questions of inheritance? The traditional answer to this question has been that Americans liked reading about

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1To create a list of American novels of the nineteenth century that take inheritance as their theme would be a project unto itself. I will explore a number of works that take up this fascination with inheritance in the chapters of this dissertation, but I can provide brief support for this claim here without impinging upon what will follow. By the end of the nineteenth century, pulp novels like those published by Horatio Alger and William Taylor Adams (who usually published under the pseudonym Oliver Optic) were awash in explorations of inheritance. Both Adams and Alger explored, usually improbable, avenues for inheriting outside the family. While the family has always been the most important path to inheritance in American, inheritance increasingly went to individuals (like adopted daughters) that would not have been considered “legitimate” heirs at the start of the century. Additionally, novels like Alger’s A Cousin's Conspiracy; Or, a Boy's Struggle for an Inheritance (1900) and Adams’ The Casket of Diamonds or Hope Everton’s Inheritance (1901) showed how writing about inheritance could be a very profitable
inheritance because the vicarious nature of reading expands the “chance” of inheritance outside the bounds of the text. In this formulation, Cummins disinherits Angie Cousin because she wants her audience to identify with the stroke of luck that will return her inheritance at the close of the novel. Rather than engaging the reality of 19th century social arrangements, inheritance is understood to be, at best, a form of simplistic wish fulfillment. At its worst, this wish fulfillment has appeared to some critics as an attempt to justify the inequalities inherent in those social arrangements.

It is certainly true that the above image of Angie Cousin being disinherited through the manipulation of the market value of her father’s estate is meant to inspire sympathy and identification with the novel’s heroine. In the sentimental logic of Haunted Hearts, that sympathy—which is underscored by the fact that “the estate is foreclosed the very day after” her father’s death—seems firmly rooted in the distance Angie keeps from the valuation of her father’s estate. Diedrich Stein, who makes a small fortune from manipulating the difference between price and value in the novel, can count on Angie’s unwillingness to be involved in putting a “price” on the death of her father to leave him a free hand in setting the value of the estate, effectively determining who should inherit the Cousin estate. The narrative distance between the market value of the estate and the sentimental valuation of Angie’s inheritance

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business. Earlier in the century, Catharine Sedgwick’s novel Clarence; Or, a Tale of Our Own Times (1830) followed a family’s consuming desire to win a lawsuit, which would allow them to inherit a fortune. The fascination and legal pursuit of an inherited fortune led to death and ruin in Sedgwick’s novel. On the other hand, this fascination led the title character of Nathaniel Beverly Tucker’s George Balcombe (1836) on an adventure from Virginia to Missouri to sue for his inheritance. In Tucker’s hands this pursuit is understood to be an epic pursuit of justice. An attempt to catalogue, much less unite, texts as disparate as these would necessarily reduce this dissertation to a cursory examination of a broad theme in American Literature. Even though I believe this is an important theme that has gone underexplored, I focus the following chapters on texts that help to illuminate the ways inheritance was central to 19th century debates about the marketplace. As I point out in this introduction, my claim regarding the role of inheritance in debates about the market reverses the dominant critical stance that inheritance works to mask the functions of the market.
might suggest that *Haunted Hearts* is a story about market price corrupting sentimental value,² but only if we actually follow the prescription that Cummins means for her readers to greedily hope for their own “couple hundred thousand.”

Admittedly, this has been the dominant form for reading inheritance at least since Henry James’s declaration, in his seminal 1884 essay “The Art of Fiction” that:

One would say that being good means representing virtuous and aspiring characters, placed in prominent positions; another would say that it depends for a "happy ending" on a distribution at the last of prizes, pensions, husbands, wives, babies, millions, appended paragraphs and cheerful remarks. Another still would say that it means being full of incident and movement, so that we shall wish to jump ahead, to see who was the mysterious stranger, and if the stolen will was ever found, and shall not be distracted from this pleasure by any tiresome analysis or "description." But they would all agree that the "artistic" idea would spoil some of their fun. (58)

² This is how Nina Baym reads both *Haunted Hearts* and Cummins most famous novel, *The Lamplighter* (1854) in her 1988 introduction to the latter for Rutgers University Press. Even though *Haunted Hearts* appears “gloomier” about the prospects of “family values”—by which one meant woman’s values” for “shap[ing] the body politic” (xxx) to Baym, both *The Lamplighter* and *Haunted Hearts* mark the severity of the divide between the sentimental values of the home and values that conflict with sentimental appraisal (like those of Diedrich Stein): “[The domestic economy] looks like a closed circle—training women in the home and for the home to assume the burden of creating characters whose highest value will be of the home” (xviii). The significance of Baym’s emphasis upon the figure of the closed circle of domestic exchange has been registered in a surprisingly bifurcated debate. On the one hand, Jane Tompkins’ *Sensational Designs: The Cultural Work of American Fiction 1790-1860* (1986) suggests that the kind of resistance Angie shows to pricing her father’s life provides a sharp contrast to the machinations of someone like Diedrich Stein. The point of such a resistance, for Tompkins, is not a withdrawal from the realm of the market or the political, but the creation of a model for how a truly democratic world could be organized with sentiment as its guiding principle. In contrast, critics like Lori Merish, in her *Sentimental Materialism: Gender, Commodity –Culture and 19th century American Literature* (2000), argue that the “interiority” of *The Lamplighter*, and other sentimental novels, is actually a legitimation of “Middle-class domesticity.” Where for Tompkins Maria Cummins imagines a political alternative to capitalism, for Merish, *Haunted Hearts* is capitalism’s veneer. My argument with Tompkins is that *Haunted Hearts* is a significant attempt to come to terms with market exchange (as opposed to a search for an alternative to that exchange) and my argument with Merish concerns her characterization of literature as a veneer as well as the illegitimacy she believes lies beneath that veneer. Where Merish reads 19th century American literature as a kind of ideological trick perpetuated on the nation’s population, I see those same texts as searching to name and create legitimate social arrangements to accompany legitimate market exchanges.
Yet, this reading of inheritance misses the debate about inheritance that helps to structure novels like *Haunted Hearts*. James never published a critique of Cummins’ *Haunted Hearts*, but his criticism of Nathaniel Hawthorne’s *The House of Seven Gables* does suggest that Hawthorne’s use of the inheritance plot is an artistic failing. In a Jamesian reading, when Hawthorne has the readers of *The House of Seven Gables* watch the Pyncheon family, and their newly inherited “couple hundred thousand,” drive-off to a happy ending through the eyes of their neighbors, it is not that hard to imagine ourselves in the carriage rather than on the street. More recent critics than James have suggested that the problem with this moment is not so much that we imagine ourselves in the carriage, but that we stop imagining the difficulties of those outside the carriage. By turning wealth into something you already have (as opposed to something earned), the inheritance plot supposedly justifies whatever social arrangement allowed for the initial creation of that wealth.³

One problem with both these readings of inheritance in general and *Gables* in particular, as my third chapter will demonstrate, is that 19th century novels like *Gables* actually explore various ways an inheritance might not be something you want to have; the protagonist of Hawthorne’s romance begins the story believing that all inheritances must be eliminated because inherited wealth creates inequality. The undoing of this belief drives much of the character development in the novel. Hawthorne’s inheritance plot contains an extensive debate about the role of inheritance in a market society and his conclusion is less a romantic evasion of that society and more the logical outcome of the debate he stages.

If this is true, why have most critics, following James, seen fiction that distributes “prizes, pensions, husbands, wives, babies, [and] millions” as less than art, or at least a lesser

³ Jules Zanger’s “‘Consider the Lilies of the Field’: The Inheritance Theme in American Literature” (1983) is emblematic of this approach.
form of art (58)? Creating a fictional race to the bottom, this distribution marks the ways that the author who that creates the novel of greatest wish fulfillment wins. Where James was clearly attempting to *segment* the market for fiction in a way that distinguished between his own aesthetic goals and those of his competitors, later critics have been attracted to the claim that inheritance acts as an *obfuscation* of inequality. For instance, Amy Lang takes James’ critique of simple identification one step further in *The Syntax of Class* (2006), where she claims that “undercutting the narrative of striving with one of inheritance” (27) performs the work of “displacing class difference and managing class conflict” (6). For Lang, identifying with characters who inherit their way out of poverty means not thinking about the inequalities created by the marketplace. Inheritance looks to Lang like an aristocratic privilege held over into a capitalist age. In this reading, the only way to explain 19th American literature’s fascination with inheritance is that it enabled Americans to *ignore* the market.

This dissertation is committed to a substantially different understanding of the 19th century, American fascination with inheritance.\(^4\) I believe inheritance is not so much narrative wish-fulfillment as an engagement with contemporary debates about who should inherit and why. Inheritance is less a fictional retreat from the 19th century market economy, than an engagement with a debate about that economy. This engagement represents various attempts to think through what it was going to mean to live in a society where debt and credit structured increasingly large components of both the economic and social spheres. The answers to this

\(^4\) Andrew J. Counter sees a similar degree of fascination with inheritance in French, 19th century novels. While his book, *Inheritance in Nineteenth-Century French Culture*, obviously does not address the American context and its 2010 publication date means this project was long underway before I became aware of his argument, it makes sense that the French and Americans, who both came to terms with a Revolution ending a monarchy, would need to substantially alter the way inheritance was understood. Where I see inheritance working as a crib for debates about the proper role of the market in American society, Counter reads French familial inheritance, especially the French literary tendency to involve uncles and nephews in inheritance plots as a crib for the political dimension of Revolutionary France. I would like to thank Nathaniel Bump for bringing my attention to Counter’s work and to acknowledge that it is fitting that the comfort I have drawn from knowing that I was not alone in seeing a strange lack of critical attention paid to inheritance was sent my way from that source.
question were obviously quite diverse, but the examples I explore here suggest that Americans used debates about inheritance to gauge possible market forms of social solidarity.

Nathaniel Hawthorne uses *The House of Seven Gables* (1851) to directly ask what constitutes a legitimate inheritance in a market society. Yet, this questions remains in texts whose engagement with inheritance is less direct. If you are the sole provider for your family and you are in debt, how do you plan to provide for your family if you die? Life insurance is the easy contemporary answer, though that was not the answer for much of the 19th century. Interestingly, the life insurance industry had existed in America well before the Revolution and Americans still did not have an easy time accepting life insurance as a vital economic and social institution rather than an economic incursion into the social and moral spheres. As such, Chapter Five will deal with the role of fiction in making life insurance the answer to this question. Ironically, it was only once life insurance stopped seeming like a new “market for life” and more like an “inheritance” that it could be accepted as proper.

Because inherited wealth could be made to seem unlike market based acquisitions (your inheritance did not have to be something you worked for) it helped ground an understanding of what should and should not be part of the market, as well as helping 19th century Americans understand the significance of market transactions. In part, this is because the American Revolution left an “unsettled” legacy concerning inheritance. The legal framework for inherited property changed dramatically after the revolution in several southern states. Legislative initiatives—like those created by Thomas Jefferson in Virginia—were meant to abolish British inheritance practices like entail and primogeniture and to make property alienable. Even in states, like Massachusetts, where entail and primogeniture had been phased out long before the revolution, inheritance law was one of the most significant areas of legal revision after the
revolution. The effect of this process was to create a symbolic element to the economic and political dimensions of inheritance. As I discuss in Chapter Three, the budding field of economics picked up on this, with early American economists like John Taylor (1787-1824) and Daniel Raymond (1786-1849) using Americans inheritance reforms as indications of the country’s successful integration of market principles.

Inheritance was not a static symbol that simply registered the successful reforms of a market society, and Americans were not done debating the role of inherited property in a market society after the Revolution. Where the Revolutionary generation had clearly marked inheritance as an area of economic life that the government could regulate (inheritance was a positive law rather than a natural one), there was by no means agreement on how the government should regulate the sometimes competing interests of the living, the dead and the yet-to-be-born. For instance, where Jefferson articulated a vision of limited regulation that would have the effect of creating (eventual) broad distribution of property, other members of the revolutionary generation expressed little concern with unlimited accumulation and transfer of wealth. Nineteenth-century Americans negotiated the disparity between these positions, the one favoring the rights of the family or society and the other favoring the individual power of bequest, in various ways. On the one hand, the rights of surviving spouses and illegitimate children were expanded greatly during the century, and on the other hand trust law came into its own as a means of granting the dead even further control of their property. The initial “unsettled” nature of the revolutionary legacy

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5 Here I am relying on *Inheritance in America: From Colonial Times to the Present* by Carole Shammas, Marylynn Salmon and Michel Dahlin (1987).

6 I do not mean to suggest that the idea of inheritance being a natural law, rather than a positive law, did not play a role in inheritance debates during the 19th century. Both sides in the argument for the constitutionality of inheritance taxation appealed to the natural law of inheritance at various points. In fact, as late 1896 the Supreme Court had not settled the constitutionality of the disinherance of children to the satisfaction of all of it members, with Justice Henry Billings Brown splitting the difference between civil and natural rights by arguing in *United States v. Perkins* that inheritance of children was a natural right, while inheritance by bequest was a civil right.
and these ongoing negotiations are the ground for Americans’ insatiable consumption of inheritance stories.

For this reason, I repeatedly turn to moments, like the disinheritance of Angie Cousin, in 19th century American cultural and literary texts when the legitimacy of an inheritance is questioned and find that what is at stake is often the legitimacy of the market itself. That is, in seeking to answer why 19th century novels are so consumed by questions of inheritance I have found that literary representations of inheritance acted as a crib for debates about the role of market. The tensions created when a text imagines different answers for the questions of “Who can inherit?” and “Who should inherit?” were not just useful plot devices, or sentimental evasions of real economic transfers, but of such economic and political significance that inheritance remained a topic of deep cultural and political anxiety throughout the nineteenth—and into the twentieth—century. Authors such as William Wells Brown, Harriet Beecher Stowe, Nathaniel Hawthorne, and Amelia Shackelford use inheritance to navigate the mingling of economic calculation and sentimental value for the purposes of imagining forms of morality and solidarity compatible with the market. In making this claim, I depart from a scholarly tradition of treating inheritance as a conservative plot device of sentimental fiction that for some, like Ann Douglas and Gillian Brown, looks like a retreat from the marketplace—an introduction to consumerism—and for others, like Jane Tompkins and Nina Baym, looks like a viable protestation against the market’s advance from the public into the private sphere. Instead, I examine inheritance more broadly in an attempt to replace the conflict between economic calculation and sentimental value enacted in these critical readings with the ways 19th century writers were alive to the possibility that the market was a source of solidarity, even morality.
From Fear and Anxiety to Solidarity

Inheritance plays a fundamentally important role in understanding the affective life of 19th century American market society. Americans certainly could have become comfortable with the market without the alterations to inheritance practices accomplished in the 19th century (like protecting certain forms of inherited property—life insurance and homesteads—from creditors), but they are part of that story. Yet, most scholars of 19th century literature that have examined the affective relationship between authors and the 19th century marketplace have seen the relationship as one grounded in anxiety and fear.

Most recently, this focus on the fear generated by the market has focused on something like an “affective turn” in the 19th century that allowed for these fears to be acknowledged, sublimated and unaddressed. For instance, in Sentimental Materialism: Gender, Commodity – Culture and 19th century American Literature (2000) Lori Merish argues that the “cultural work” of sentimental texts “was to construct equivalence between commodity and psychological forms—while suppressing the marketplace orientation of ‘private’ life” (2). Similarly, Christopher Castiglia charts the same “internalization” of both political and economic life in Interior States: Institutional Consciousness and the Inner Life of Democracy in the Antebellum

While I disagree with the authors I examine here about the significance of this “affective turn,” they are certainly observing a very real historical trend towards what historian Jeffery Sklansky, in his 2009 book The Soul’s Economy: Market Society and Selfhood in American Thought, 1820-1920, has called “the death of ‘economic man’ and the birth of a new ‘social self’” (3). He is marking the same inwards “affective turn” as the literary scholars I discuss here, and he sees this death and birth as intricately bound up in the 19th century process of “discredit[ing] demands for a democracy of means rather than wants or for the socialization of property rather than the psyche” (12). Sklansky registers the ways that the political and the economic could, at times, be subverted in the process of turning towards a “social” rather than an “economic” self. At the same time, he directly explores the ways that “the nineteenth-century critique of the ‘money power’ and ‘wage slavery’ yielded to a growing acceptance of finance capital and wage labor as the new grounds of economic democracy, not its antithesis” (3). While he is not happy about the social, economic or political structure of American capitalism as it is practiced today, he also does not deny that this process of “yielding” was real, open and very deliberate.
*United States* (2008). Where the political and the economic at times collapse in Merish’s account, Castiglia forcefully examines how the “social” space of political decision making has become internalized:

> [W]e have been encouraged to misrecognize the location of the social, find it, not in association with others, but in the turbulent and conflicted interiors of our own bodies. The bodily interior has become misunderstood as a social space, as the social space of modernity, and it exclusively within that interior state that citizens are encouraged to develop democratic innovation and the skills to negotiation across differences. (2)

While Castiglia does not share Merish’s understanding of the supremacy of the economic in relationship to the political, they both rely an understanding of the relationship between an “interior” realm and an “exterior” field of the political and economic that is based in contamination. Castiglia posits a time (just after the American Revolution) that these two realms were in balance and Merish suggests that such a balance of the two is not possible under capitalism, but both imagine that any relational work done between these two fields will lead to the contamination of one.⁸

Both Merish and Castiglia have produced sophisticated and nuanced works, and they certainly have merit. Authorship is almost always a vexed enterprise, even when it is funded by enterprise. Markets do produce fear and the 19th century saw a string of economic depressions. Some of the response to those depressions could certainly be categorized as fearful and anxious.

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⁸ Mark Rifkin’s chapter “Settle States of Feeling: National Belonging and the Erasure of Native American Presence” in *A Companion to American Literary Studies* (2011) similarly objects to Castiglia’s understanding of the contaminating work performed by interiority, though his critique is largely concerned with Castiglia’s readings of Native American figures. Rifkins is less concerned that Castiglia’s overarching thesis is wrong as he is concerned that the relationship between interior and exterior (as formulated by Castiglia) relies upon making the Native American body disappear.
At the same time, I believe that any depiction of 19th century America that makes it appear that anxiety and fear were Americans only, or even primary responses to the market skews or masks the ability of individuals and communities to integrate new economic activity into their existent understandings of morality, meaning and solidarity.

For instance, in the summer of 1841 the new Governor of Tennessee, James Chamberlain Jones tried to come to terms with the worst economic crisis the United States had faced since establishing its independence and financial credibility some sixty years prior. Writing in the midst of the depression of 1837-1844 Jones wrote that:

Our country has for the last few years been laboring under great and extraordinary embarrassments and from the effects of which it has only partially recovered. But it is confidently believed that the industry, patience, and energies of our citizens will be found fully adequate to the crisis and we may confidently anticipate the day as not very distant when our country shall be visited once more with prosperity.

The temporary derangements in commerce and trade are not peculiar to our government. They will sometimes occur under the wisest and best governments. But they are always attributable to some adequate cause and it is the peculiar province of those who have been chosen as the guardians of the public interest to determine where the defect is and apply the corrective. (Hazard’s United States Commercial and Statistical Register, Volume Five 294-295)

Jones suggests that depressions, even those so deep as to be catalogued as an “extraordinary embarrassments,” are to be expected and that he “confidently believed” in an economic recovery. While an inaugural address is certainly an occasion to express confidence rather than fear and
anxiety, Jones does not ignore or discount his constituents’ fears. To be elected in 1841 was to be able to harness those fears to an image of a more productive and prosperous future. In fact, his speech is deeply concerned with the ways that the depression could become less “temporary” and more consistent if both state and nation did not learn from the lessons of the precipitating bank crisis of 1837. While fear helped caused the Panic of 1837, Jones reads that fear, once tempered, as productive. Fear will allow for him to administer changes to the economic structures within Tennessee that will make sure that a crisis like this one does not return. While not quite suggesting that Tennessee needs to avoid wasting a good crisis, Jones does believe that the fear that caused the crisis can generate important and lasting change. By acknowledging this fear he can govern with the “care” he believes is needed to ensure that the “pleasing delusion” of abundance without sacrifice does not return. This is the central message he has for “General Government” throughout his address. To this end, he attempts to imagine a reformed relationship between state and economy into a more “well regulated system” that will foster more equal social arrangements (through the equal sharing of “burden” and “participation”). I take seriously both the intentions and the efficacy of 19th century attempts to re-imagine and renegotiate the social in the face of new economic relations.

In directly considering 19th century literary attempts to use inheritance to think through the Market Revolution9 I have followed the work of economic sociologist Viviana Zelizer, who has made a career of arguing that markets are not just the products of economic and moral

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9 Here I borrow from the title of Charles Sellers' *The Market Revolution: Jacksonian America 1815-1846* (1991). Sellers, the preeminent Marxist historian of the 19th century, argues that this period is the beginning of a “market revolution” that establishes “capitalist hegemony over economy, politics and culture” (5). Where previous incursions of the market into other spheres were either slow or incomplete, this period saw incursions that would remake the political and social in the image of capitalist exchange. While I do not agree with the fullness with which Sellers’ imagines hegemony, inheritance practices were certainly remade in the image of exchange during this period. Sellers’ thesis also avoids the historically and theoretically vexed question of when Capitalism actually begins. A series of arguments have been, and are being made, that certain basic elements of capitalism can already be observed in medieval texts. This argument is perhaps made most directly and famously by Robert S. Lopez in *The Commercial Revolution of the Middle Ages* (Cambridge UP, 1976).
practices, but normative moral projects. Zelizer argues that market exchange is essentially and fundamentally composed of moral meaning. Successful commodification actually requires substantial moral work. The creation of a market requires the building of social solidarity in order to legitimate the ensuing exchanges. Market exchanges involve—often quite conscious—efforts to investigate, catalogue and normalize behavior. For a market to work there has to be extensive debate about the difference between legitimate and illegitimate exchange. Critiques of the market often mistake these debates as evidence of coercion. In fact, market activity and moral valuation are so deeply and pervasively interrelated that Zelizer’s recent studies have argued that the image of a clean division between market and non-market spheres is a valuable rhetorical distinction, but a distinction whose significance is a legitimate negotiation between these spheres rather than a corruption of one or the other. In Chapter One, I explore how Zelizer offers literary scholarship a chance to shift from the characterization of markets as either corrosive or corruptive and towards a more nuanced understanding of the relationship between the aesthetic and the economic.

The primacy literary critics have shown to the fear and anxiety produced by the market has two important, recent exceptions. Both Joseph Fichtelberg’s Critical Fictions: Sentiment and the American Marketplace 1780-1870 (2003) and Jennifer Baker’s Securing the Commonwealth:

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10 Zelizer does not subscribe to the belief that markets produce both economic and social harmony. Deirdre McCloskey is the most significant current defender of the view that markets successfully promote not just public, but private virtues. Her recent work, The Bourgeois Virtues: Ethics for an Age of Commerce (2006) and Bourgeois Dignity: Why Economics Can’t Explain the Modern World (2010) has argued that markets have produced “bourgeois virtues” like integrity, honesty, trustworthiness, enterprise, respect, modesty, and responsibility. Market interactions end up teaching ethics by distinguishing illegitimate from legitimate exchange on a large scale. Zelizer is less interested in establishing the ways that markets produce certain virtues and is more interested in the moral negotiations that are maintained through markets. At the same time that there are important distinctions between Zelizer and McCloskey, they do both critique the more utilitarian approach to morality usually found in economic theory. They do not believe that morality is essentially a gamed system through which one attempts to build credibility that can be exchanged on the market. Both McCloskey and Zelizer critique the idea that markets are necessarily corrosive to morals.
Debt, Speculation and Writing in the Making of Early America (2005) have begun the process of reassessing the literary response to the market in terms of what the market offered rather than what it threatened. While Fichtelberg’s commitment to a positive rendering of the market does not extend as far as Baker’s, Fichtelberg does examine how the sentimental form helped individuals understand and adapt to the economic depressions of the 19th century. These fictions used sentiment to think through the problems produced by economic crisis and to imagine what forms of “personhood” could be created to limit the kinds of “temptations” that could lead to market “exuberance.” Similarly, Baker argues—in Securing the Commonwealth—that literature helped individuals understand the increasingly speculative financial times in which they lived. Early American texts depicted risk taking and borrowing as threats to be sure, but also as chances to bind individuals into communities; circulating ideas of economic and social commonwealth meant that indebtedness could be the grounds for evoking sympathy for others. In many respects I look to extend Fichtelberg’s understanding of literature as a valid means of thinking through the engagement of the social and the economic and Baker’s arguments about the binding nature of market exchange.11

Unlike Fichtelberg, Baker suggests that there is something to be gained from choosing to “to see a social dimension in an increasingly modern economy,” and her “choice” to “read these works as investigations worthy of our investigation” is a promising one (3). Yet, Baker does not insist that her reading of the market’s ability to “foster social cohesion” is more than a “choice”

11 At the same time, I have far less sympathy for Fichtelberg’s claim that despite the fact that he believes the texts he examines gave “meaning to” market exchange, his exploration of the “conscious” literary response to the market leaves in place the “unconscious” examination produced by ideological critics who treat literary texts as “symptoms of larger processes whose dark secrets may be glimpsed in an era’s discourse” (4). That is, though the 19th century authors were struggling to come to terms with the market, the “unconscious” level of domination present in the marketplace trumps those struggles. In Fichtelberg’s words, the “‘traumatic’ truths of the marketplace, by contrast, hover just beyond the grasp of authors who can no more comprehend such principles than a coin can understand the laws of supply and demand” (5). For Fichtelberg, his texts might produce meaning from the “law of supply and demand,” but that meaning does not engender the kind of legitimate social solidarity that he envisions would occur under a different relationship to property.
to see her selected writers in this manner. I would like to be even more explicit than Baker about the significance of her readings. In so reading the relationship between the market and the social Baker offers more than a choice: she offers a corrective to the kinds of “Ideological critics” that Fichtelberg continues to endorse. My point is not that some, or even most, 19th century authors had a “positive” rather than a “negative” affective response to market exchange—even though I believe the field of literary studies has too often missed the “positive” or sought ways to see these representations as a form of false consciousness. Rather, I believe that the literary texts of this period point to a more general pattern of negotiation between economic and intimate values. The negotiations I observe are the cultural work of texts that use inheritance to construct aesthetic equivalency between social and economic forms in order to make a livable space from the possessions of the dead.

Even ten years ago, inheritance might have seemed like a strange choice of theme for locating the kind of solidarity that Baker claims resides in the idea of debt. The dominant historical and sociological accounts of inheritance patterns followed what might be called the Durkheim-Weber-Parsons triumvirate of modernization theory12 and held that the weakening of familial bonds in the face of economic individualization meant that inheritance practices were primarily evidence of the erosion of solidarity in the face of individualization. For instance, Durkheim wrote in 1912 that familial inheritance was already past its prime as an organization of social solidarity:

The family is all the time in the process of breaking up; it lasts only for a period and it may die out here and there. It no longer has sufficient power to link

12 Here I am paraphrasing Martin Kohli, whose account of the “neglect” of solidarity in relationship to inheritance practices helped to alter the study of inheritance within sociology. See “Private and Public Transfers Between Generations: Linking the Family and the State” (1999) and “Intergeneration Transfers and Inheritance: A Comparative View” (2004).
the generations, one to another, in the economic sense. But only a secondary, fairly small medium can be a substitute. This can and should have greater scope than the family because the economic interests themselves have grown. It is not possible for any central organ to be everywhere present and everywhere active at the same moment. All these points, then persuade us in favour of the professional groups. (Professional Ethic and Civil Morals 218)

Less a prediction of the future than an articulation of a transformation he saw as already well underway, Durkheim used the increasing ability of heirs to disinherit their children as evidence of the decrease in solidarity and the increase in individualization. As a consequence of industrialization, Durkheim believed that individuals with property would use their power to will their property outside the family to make significant bequests to organizations that had played more significant roles in their lives. Yet, at no point in American history (or in the history of any nation where it has been possible to disinherit one’s children) has that choice become the societal norm as Durkheim predicted. Even though any American without a legal responsibility to a dependent could leave all of their money to a political party, corporation, union or charity—almost nobody disinherits their children. Even childless families tend to leave their money to someone else’s children. We have seen people increasingly choose to incorporate non-biologically related individuals into their “family,” but inheritance has remained an institution dominated by the family.

What then to make of Durkheim’s predication? Increasingly, historians and economic sociologists have come to see that what Durkheim articulated as a “process of individualization,

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13 See Lawrence Friedman’s Dead Hands: A Social History of Wills, Trusts, and Inheritance Law (2009) for an analysis of “who is giving to whom” and an extensive account of how inheritance has involved a redefining of the familial rather than the disinheritance of any member of the family.
understood as an increasing separation of the individual from society” is actually evidence of a “transformation of social solidarity” (Beckert, *Inherited Wealth* 3). Here I am quoting from Jens Beckert’s *Inherited Wealth*, perhaps the most significant treatment of inheritance in this revised understanding of the role of the market in creating social solidarity. A comparative sociological account of inheritance in the United States, France, and Germany—*Inherited Wealth* argues that inheritance is perhaps one of the accurate measures of this transformation in social solidarity.

Even as the scope of Beckert’s argument clearly makes developments in 19th century America a rather minor part of his argument, he does profitably identify the two contradictory fears Americans possessed about inheritance in the 19th century (1) that increasing concentrations of wealth would destroy republican social equality and equality of opportunity and (2) that interfering in the individual right of inheritance would amount to an attack on private property writ large (*Beckert* 8).

My project explains how American authors of the 19th century navigated and attempted to negotiate and balance the questions created by these fears. My goal is not to simply restage Beckert’s arguments within the literary realm; instead, I want to examine and explain literature’s participation in this negotiation. Explaining this participation will in large part mean making the consuming interest of inheritance palpable to an audience that has no such interest.

**Misreading the Market and a “Surface Reading” of Inheritance: Revisiting *Haunted Hearts***

My chapters in this study are an attempt to reanimate the relationship between inheritance and the market found in my chosen texts. For instance, in Chapters Three and Four I have focused on two texts, Nathaniel Hawthorne’s *House of Seven Gables* and William Wells
Brown’s *Clotel; or, The President’s Daughter*, that I believe have suffered dramatic misreadings because this relationship has been obscured. Critics like Brook Thomas have figured *House of Seven Gables* as an attempt at “imagining an alternative to the society he inherited” even as Hawthorne explicitly rejects the path of avoiding such an inheritance. In fact, I argue that Hawthorne casts the market in the “reforming” role Thomas gives to the romance. Similarly, Chapter Four examines William Wells Brown’s use of inheritance to chart the relationship between economic transactions and the intimate relationship between master and slave in his novel *Clotel; or, The President’s Daughter* (1853). Brown’s attempt to create an aesthetic document that could demonstrate the misalignment of the economic and the intimate in the slave economy did not produce the cultural work he hoped (abolition), but his novel does register a profound faith in the market. Yet, in developing this account I find it necessary to explain why critical treatment of the work as an aesthetic failure has sometimes gone so far as to misread this faith as the reverse, an attempt to mark the free market with the sign of slavery, or as a failure to “authenticate” himself as a black author.

In correcting what I see as misreadings of these, and other, texts I often insist upon taking seriously what has come to be called a “surface reading” because I believe one’s critical focus must shift once the preoccupation of 19th century Americans with inheritance is made clear. Starting with Sharon Marcus and Stephen Best’s introduction to “The Way We Read Now,” a

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14 Thomas’ article (“The House of Seven Gables: Reading the Romance of America.” PMLA 97 195-211) is emblematic of the attempt to read a utopian impulse into a novel that explicitly rejects this impulse.

15 Carla L. Peterson’s “Capitalism and Black (Under) Development, and the Production of the African-American Novel in the 1850’s” (1992) makes the argument that Brown is attempting to critique all moments of “exchange” in the novel. Setting aside how such a critique would even be possible (What would a world without exchange even look like?), it is hard to imagine an author more committed to the market than Brown. Reading Brown as a kind of proto-Marxist requires misreading not only his text, but his biography. His successful career as a banker, for instance, would not lend itself to the kind of dismissal of exchange Peterson claims.

16 I will deal with the sources I have in mind here more thoroughly in my fourth chapter, but even those critics who attempt to salvage the novel have done so in an attempt to demonstrate Brown’s commitment an anti-essentialist logical of race, mistaking his borrowing from other authors an attempt to proliferate various kinds of black identity in an attempt to resist the more essentialized portrayals of blackness found in the white literary sources he borrows from. Instead, I read the novel as a narrative mapping of the slave economy.
special issue of *Representations* published in the fall of 2009, “surface reading” has been defined in opposition to “symptomatic reading,” a reading practice that is suspicious of the text and looks to replace the “simple” meaning (“the texts means just what it says”) of textual “surface” with a deeper underlying logic only discoverable through the efforts of the critic. Marcus and Best identify “symptomatic reading” with the “metalanguage” of Marxist and psychoanalytic criticism and they use Fredrick Jameson to embody what they see as a recent history of critical overreach. In an effort to abandon “the hermeneutics of suspicion” and a “heroic” understanding of the role of the critic Marcus and Best substitute a form of reading that examines:

- what is evident, perceptible, apprehensible in texts; what is neither hidden nor hiding; what, in the geometrical sense, has length and breadth but no thickness, and therefore covers no depth. A surface is what insists on being looked at rather than what we must train ourselves to see through. (9)

I find both promise and ambiguity in their language. In so far as Marcus and Best indicate that critical practice needs to move away from the attempt to see through literature into the ideological, demanding that literary form carry the burden of imagining a way out of capitalism towards another social organization, I would submit this project as firmly within the confines of what they call surface reading. They are right to suggest that the dismissal of “surface” meaning was driven by a belief “that only weak, descriptive, empirical, ideologically complicit readers attended to the surface of the text” (5). Often times what has previously been considered “surface” and therefore dismissible, contains a complexity that requires explanation. Even more promising is their vision of “surface reading” as “stay[ing] close to our objects of study, without citing as our reason for doing so a belief that those objects encapsulate freedom” (15). That they have “a sense of political realism about the revolutionary capacities of both texts and critics, and
doubts about whether we could ever attain the heightened perspicacity that would allow us to see fully beyond ideology” (15-16) sounds like it could be the end of an understanding of art and the market as (positively or negatively) disruptive of the other.

Yet, Marcus and Best seem to suggest that the task of the critic is one of description rather and interpretation. I do not share their discomfort with the idea that by “reading the surface” I am explicitly offering an interpretation of the author’s intentions. Even more disconcerting, they hold up the descriptive task of critic as a way “to begin to challenge the state of things, or the distortions of ideology” (18). Surface reading, in the hands of Marcus and Best is an admission that the past thirty years of imagining resistance to capitalism have failed, but they hope that surface reading can be a first step towards a renewed imagining of that they call “freedom.”17 That freedom, it is implied, bears some resemblance to what a critic like Jameson imagined he was achieving by moving beyond surface to depth. In order to achieve this freedom “we must strive to produce undistorted, complete descriptions,” but this striving is understood to be in the service of imagining new forms of “freedom.” So long as these “freedoms” are understood to derive from the process of freeing ourselves from current capital formations I would argue that Marcus and Best’s use of “freedom” recreates the sins of “symptomatic” reading with an increased attention to form (18).

While the techniques I employ are adequately described as attempts “to produce undistorted, complete descriptions,” I do not see these descriptions of 19th century Americans’ attempts to come to terms with a market economy as uniformly revealing ways that their

17 I do not have the space for a full critique of Best and Marcus here. For a full critique from the perspective of someone more interested in continuing the kind of “deep” Jamesonian readings Best and Marcus critique see Ellen Rooney’s “Live Free or Describe: The Reading Effect and the Persistence of Form” (2010). While Rooney and I come about the problem of “freedom” in Best and Marcus from opposite perspectives on the market and its relationship to freedom, I believe her reading of their failure to see the ways “descriptions” are actually “interpretations” is largely accurate.
freedom was illegitimately circumscribed by that market. Additionally, I am comfortable with acknowledging all of the many ways that completely describing requires interpretation. For instance, I take Maria Cummins at her word in *Haunted Hearts* when she imagines market exchange as a source of solidarity in her text. It is for this reason that Cummins has her readership identify with Angie Cousin, and the other sentimental figures of identification in the novel, because Angie *refuses* to limit the effects of the market when it is in her power to do so. Specifically, all the figures of identification in the novel refuse to use inheritance laws that would protect their property from the vicissitudes of price in their attempts to make price and value align. The act of identifying with these characters has less to do with the reader imagining an inherited fortune falling from the pages of the novel and more to do with an identification with these characters’ negotiations between sentimental and market value. The solution to Diedrich Stein roaming the novel’s pages stealing inheritances does not end up being the protection of inheritance from the market. It is, in fact, Diedrich who stretches and manipulates inheritance law to remove inheritances from the market—when such a removal is to his advantage. Surprisingly, the solution Cummins proposes to Stein’s manipulations of inheritance law is not protection from, but exposure to, the market. Economic justice in the novel relies on limiting the encumbrance of property and a scene in a New York City courtroom where Stein must slink into the background in fear and shame. The resulting anxiety about his past crimes eventually forces Stein to relinquish the stolen inheritances of Angie Cousin and the other main characters in the novel, beginning the process of turning the “thinly settled district” of “Stein’s Plains” into the “township” of “Rawley,” Angie’s future surname (377).

Giving inheritance a “surface reading” in this manner does not mean underestimating the difficulties and limitations Cummins saw in the marketplace. It is surely the case that the most
intense form of solidarity Cummins depicts in the novel is between Angie Cousin and two widows\textsuperscript{18} who not only share a house, but have refused to challenge Diedrich Stein’s claims to their husbands’ or father’s property. The forms of solidarity depicted at the close of the novel—dispute resolution by a justice of the peace, for example—that more clearly work in tandem with the marketplace, are diffuse and vague in comparison. Yet, the inheritance rights that Angie Cousin and her two widowed housemates refuse to claim or challenge are of a particular form—rights that rely on removing property from the market. In a novel that makes the history of American inheritance part of its subtext—from the Revolutionary generation’s elimination of British preference for the eldest son to the contemporaneous passage of Married Women’s Property Acts—this detail is more than a narrative accident. In fact, I would suggest that there is very little in the novel that counts as accident. While \textit{Haunted Hearts} has been treated as a failure to live up to the promise of Cummins’ \textit{Lamplighter}, the novel is deeply deserving of renewed critical attention.

In the example of the disinheritance scene opening this introduction, Maria Cummins eliminates the one recourse Angie Cousin might have had to Diedrich Stein’s “light appraisal” when she notes that Angie is left “the meager furniture of her own room” not “from courtesy” but “from a vague notion…that it was an inheritance.” The distinction between courtesy and inheritance does not rest upon a “vague notion”; it rests upon law. If Angie’s mother had willed her the furniture, it would have been protected from her father’s debts.\textsuperscript{19} At the same time,

\textsuperscript{18} Angie Cousin is the only member of the household that is not a widow—she did not marry George Rawle before his mysterious death. Yet, she grieves for him as if they had been married and the novel suggests all three women are bound together by their grief.

\textsuperscript{19} The only way Angie’s mother’s personal property would have directly transferred to Angie during her father’s lifetime would have been if Angie’s mother had willed her the furniture. In 1864, when Cummins wrote \textit{Haunted Hearts}, this would have been a legal possibility. After New Jersey passed the 1848 Married Women’s Rights Act, women had the right to draw-up a will. In 1812, when the novel is set, the only way her mother could have written a will was with her father’s permission. See Joan R. Gundersesen’s chapter “Women and Inheritance in America: Virginia and New York as a Case Study, 1700-1860” in Robert Miller and Stephen McNamee’s \textit{Inheritance and...
Cummins has good reasons for appealing to vagueness: it marks the double meaning of “courtesy.” As a term of sentiment, it is clear that Diedrich Stein and the “harpies” collecting on her father’s debts had few considerations besides their own greed, but they may have considered her mother’s personal property beyond the pale. As a legal term, courtesy—or curtesy\textsuperscript{20}—would have given Angie’s father a life interest in her mother’s property, but also limited his ability to encumber Angie’s future inheritance with debt.\textsuperscript{21} If the furniture is an inheritance there should be a will and if the furniture was not willed to Angie then what other property should also have been hers—no matter how great her father’s debts?

The reader has not been provided with either a will or enough details about Angie’s inheritance to answer this question. Cummins never makes it clear what Angie is owed. This is not because Cummins is uninterested in questions of inheritance. It would be more accurate to say that she is fascinated by inheritance and inheritance law. The novel rests upon an archetypal inheritance plot; Angie’s eventual husband—Geordie Rawle—is disinherited at the start of the novel and eventually proves his worth, inherits his rightful “share” of the Rawle fortune and restores order to the town that comes to bear his name. Jo Alyson Parker, in \textit{The Author’s Inheritance: Henry Fielding, Jane Austen and the Establishment of the Novel} defines the tradition arc of the inheritance plot: “at the outset the protagonist deprived of his or her rightful

\textit{Wealth in America} (1998), which discusses the implications of Dutch law on both New York and New Jersey for the legal options for those looking to protect a daughter’s inheritance.\textsuperscript{20} The etymology of courtesy eventually split in English between the legal spelling (a right of curtesy) and the sentiment (showing courtesy), while the split never occupied in Scotland. See the \textit{Oxford English Dictionary} (“courtesy, n.” OED Online. December 2011. Oxford University Press. 30 December 2011) For more on the elimination of courtesy in 19th century American law see Ronald Chester’s \textit{Inheritance, Wealth and Society} (1982).\textsuperscript{21} Diedrich Stein spends most of his life paying courtesy to those around him only insofar as his actions are visible to the marketplace—he courts the name of an honest man to better cheat his family and neighbors out of their property. In a reading of courtesy as sentiment it is possible that Stein left Angie just enough property to avoid being openly reproached. Yet, I believe Cummins wants both readings in play as Stein also manipulates, ignores and fabricates inheritance law to such a degree that following the trail of stolen inheritances in the novel requires familiarity with 18th and 19th century inheritance law. She brings in the history of inheritance reforms up to and beyond the date of the novel’s setting. It is true that Angie is due more consideration than she receives; yet, it is also possible she was due a much larger portion of her father’s farm than even consideration would have granted.
inheritance, must embark on a quest for security and position; by the end, he or she has been revealed or recognized as the proper heir and has come into wealth—or, at least an elevation of social condition” (11). She goes on to mark the English tradition of the inheritance plot as supporting a “stasis” and “[f]airy-tale justice.” My argument is that inheritance performs a much different function in American Literature in the 19th century. Rather than being a commitment to stasis, inheritance acted as a ground for debating the marketplace of the 19th century. While authors could use it as a commitment to various forms of justice or injustice, those forms were much more likely to be real rather than “fairy-tale.”

Additionally, Cummins references various elements of 18th and 19th century inheritance law enough times that her audience is required to have at least a passing knowledge of the institution in order to follow the plot. Even more to the point, if Stein and his “harpies” are ignoring the possibility that more of the Cousin’s estate should have been protected from all market incursions, much less from their manipulation of market price, it is not from a lack of legal knowledge. Throughout Haunted Hearts, Diedrich Stein (whose name suggests both his fate—to die rich without heirs—and his preferred method of accumulation—robbing the dead) uses inheritance laws meant to protect property from the market for his benefit. Though entail—the practice of limiting inheritance to a property owner’s lineal descendants—had been removed from New Jersey statute following the Revolutionary War22, Stein manages to use entailment twice in the novel, where it keeps debt collectors, family members, or both, from claiming all or part of an inheritance. The refusal to clarify Angie’s property rights is less an attempt to ignore inheritance and more a desire to contrast her integrity with Stein’s insatiable appetite for money. Here, integrity means letting her father’s debts be paid. If Angie did have a rightful claim to her

father’s estate that his creditors had been unaware of, Angie’s father—and perhaps Angie—would have defrauded those creditors. He would have taken out loans on property he did not own. Even though her creditors are “harpies,” they deserve to collect on her father’s debts—even at Angie’s expense.

I began with the disinheritance of Angie Cousin in *Haunted Hearts* and returned to discuss the novel further because it is so openly and obviously consumed by concerns about inheritance, but also because the “vague notion” concerning Angie’s inheritance, courtesy, or curtesy is so easy to miss on a first reading. Only after the importance of inheritance is threaded back through Cumming’s wordplay does it become possible to patch together a reading that would have been much more readily available to a 19th century audience. This is not simply because 19th century audiences had a clearer grasp of 19th century inheritance practices and inheritance laws. Where a huge amount of writing was dedicated to inheritance in the 19th century—from tracts advocating the abolition of all forms of inheritance23 to the actual laws passed to give women the ability to inherit their husband’s property24—twentieth and twenty-

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23 I could cite any number of pamphlets, tracks or essays decrying the influence of inherited wealth upon the “Republic.” The most famous of these would undoubtedly be Orestes Brownson’s 1840 piece “The Laboring Classes,” which I will discuss in my third chapter. Guido Erreygers and John Cunliffe have published several articles concerning early writing about objections to inherited wealth in the United States. Their theoretical work on current possibilities for arguing for “equal shares” of a national income and their bibliographic work on the history of this idea has helped lead to a collection of essays, *Inherited Wealth, Justice and Equality* (2012). One of the earliest 19th century authors Erreygers and Cunliffe discuss is Cornelius Blatchly. Blatchly published “Some Causes of Popular Poverty, Derived from the Enriching Nature of Interests, Rents, Duties, Inheritance and Church Establishments, Investigated in Their Principles and Consequences and Agreement with Scripture” in 1817. Blatchly’s most significant accomplishments were founding *The New York Society for Promoting Communities* and being elected to the New York State Assembly. His work pushing a reform agenda of mutualism and workers rights is recorded in his correspondence with both Thomas Jefferson and James Madison. See Philip S. Foner’s “A Pioneer Proposal for a Woman’s Library” (1978) for more on Blatchly.

24 Married Women Property Acts were arguably the most important reform of inheritance practice to take place in 19th century America. Unlike England—which passed a uniform, national Act in 1870—each individual state passed reform laws. Most of those reform initiatives were passed during the 1840’s with Mississippi being first state to pass such legislation in 1839. Though these reforms were passed piecemeal and faced opposition in court battles, they eventually succeeded in establishing the rights of women to profit from their own labor, to control real and personal property, to be parties to lawsuits and contracts, and to execute wills on their own behalf. Understanding the full extent of what these reforms accomplished is hard to imagine without first understanding the precise limitations
first century audiences are much less likely to be interested in, much less consumed by, questions of inheritance. The 19th century saw inheritance rights extended to wide swaths of the population—daughters, married women, African Americans, and adopted children. Also, the century saw the popularization of radical new forms of inheritance—life insurance and trusts—were created after acrimonious and prolonged debate. In contrast, inheritance law has largely been “settled” for the past hundred years in this country.

The extension of inheritance rights to various populations was not created, or intended to create, equal opportunities to inherit for men and women. In fact, the alterations to women’s property rights listed above were not largely driven by the nascent feminist movement. In many cases, they were driven by men that understood the women whose rights they were increasing as vehicles for property transfer to another generation of men. Yet, these changes remain extraordinary alterations to the social structure of the United States. As Morton Horwitz has explored in his two-volume work *(The Transformation of American Law, 1780-1860)* (Harvard UP, 1977) and *(The Transformation of American Law, 1870-1960)* (Oxford UP, 1992), these reforms were largely accomplished within the context of a broader goal—mobilizing capital. The evolving nature of inheritance law reflects the success and difficulties that those with capital had passing that capital to the next generation. Horowitz summarize this as a transition to “a dynamic, instrumental, and more abstract view of property” (1977, 31). After 1916, when the estate tax as we know it was introduced,25 Americans have, with a few exceptions,26 made

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25 Prior to 1916, estate taxes were usually tied to a war-time funding. When military engagement came to an end the tax either expired or was repealed. See Ratner, Sidney. *American Taxation: Its History as a Social Force in Democracy*. New York: Norton, 1942. Print.

26 The most recent exception is the increasing popularity of a formerly far right wing political stance against all inheritance taxes. In this manifestation inheritance taxes are referred to as “death taxes,” and are criticized as an unconstitutional “double tax” because the property being bequeath was already taxed once as income. This debate is
inheritance into a question about tax rates, and have attached an attendant level of interest.\textsuperscript{27} That is, the most popular books about inheritance are those that help people avoid paying “death” taxes.\textsuperscript{28}

This means that the modern reader of 19\textsuperscript{th} century American literature faces a significant challenge: understanding literature that is an attempt to negotiate and respond to social relationships and financial circumstances that were never their own. It no longer seems interesting for a text to argue that a testator should treat his adopted son or daughter with the same level of sentimental attachment as his biological children, as Maria Cummins argues in both \textit{Haunted Hearts} and \textit{The Lamplighter}. It also now seems strange that one would want to avoid life insurance because it infringes upon the sentimental bonds between family members, as George Albree argued in \textit{The Evils of Life Insurance} (1870). To further complicate the interpretation of these texts, the thing that made inheritance seem so interesting in the 19\textsuperscript{th} century was the larger economic transformation of the Market Revolution. Answering how inheritance would fit into a market economy (where market exchange rather than inherited wealth structured the greatest transfers of wealth) involved not only a reconsideration of the role of family within the market, but a complex consideration of the market itself. Talking about inheritance was talking about the role of the market in determining value and, especially once

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\textsuperscript{27} For example, the estate tax lapsed and the gift tax exemption ballooned to 5 million dollars in 2011. For a full year Americans were able to create trusts or simply give gifts that, so long as they totaled less than 5 million dollars, would not be taxed. The significance of this event was largely marked by the passing of billionaires, whose fortunes went untaxed. The death of Dan Duncan created headlines about the first billionaire to avoid the estate tax only to be pushed out of the news upon the death of George Steinbrenner. Yet, the full extent of this loophole, the number of Americans who took advantage of this loophole, will be impossible to track unless the federal government chooses to “claw back” four million of the five million dollar gift allowance, as the gift allowance returns to one million dollars at the end of 2012. Articles debating this potential “clawback” in \textit{Fortune} and \textit{Forbes} have been quite common. See Peter Reilly’s article “Should Threat of Clawback Discourage 2012 Megagifts?” (\textit{Forbes.com} 3/13/12) as an example that contains links to other such articles.

\textsuperscript{28} Despite the number of specialized legal textbooks concerned with inheritance law, a search of Amazon .com finds texts specializing in inheritance advice dominate all other texts at least 4 to 1 (Amazon .com 2011. Web. 20 December 2011). A search on sites for tracking Amazon purchases, like TitleZ, also confirms this.
inheritance was understood to incorporate life insurance, it was also talking about economic theories of risk, exchange and debt. While value, risk, exchange and debt are not uninteresting ideas for a current reader of these texts (any issue of the Economist would indicate these are still rather fascinating concerns), readers do not usually imagine inheritance practices as especially relevant to these concerns.

Perhaps even more important for my purposes is the fact that this more general lack of interest in inheritance has extended to broad swaths of the academy. Because I have already mentioned the primary exceptions to this rule, like Jens Beckert’s Inherited Wealth and the work of Martin Kohli, the fullness of this disinterest may be harder to appreciate. In 1987, when Carole Shammas, Marylyn Salmon and Michael Dahlin wrote Inheritance in America: From Colonial Times to Present—what was the only comprehensive history of American inheritance patterns—they opened by claiming that “The bulk of household wealth in America, perhaps as much as 80 percent of it, is derived from inheritance, not labor force participation” (3). Perhaps the most notable accomplishment in sociological and economic studies of inheritance is that their expression “perhaps as much as 80 percent” has been given a name, the law of 20/80:

29Shammas, Salmons and Dahlin assessed the lack of scholarship on inheritance by saying that “[s]ome contemporary debate on the family seems to revolve around the question whether, for most Americans, intergenerational transmission of wealth retains much meaning at all” (11) and also that “[o]nly a few disparate testamentary studies exist covering the period 1800 to the mid twentieth century, and they do not deal extensively with the effects of changes in the composition and management of capital” (7). The first observation refers to the fact that most examinations of family wealth focus solely on income, ignoring inheritance and the second points to the failure to account for the differences in what (a life insurance payout, a trust fund, a business, or a house) was actually inherited. In the first, inheritance as a force of inequality is masked completely. In the second, the social relations involved in inheritance disappear and all that can be measured is inequality. If there were enough demand, and with special regard to these two points, they could reissue their text with few qualifications. Examinations of inherited wealth have largely continued along the lines identified by Shammas, Salmon and Dahlin. Robert Miller and Stephen McNamee’s Inheritance and Wealth in America (New York: Plenum Press, 1998) is the most notable collection of essays that manage to address one or the other of these concerns, though rarely both. At the same time that inequality has usually been made to appear or disappear, there has been an undeniable increase in the interest in the transfer of wealth. Jens Beckert’s Inherited Wealth and Lawrence Friedman’s Dead Hands: A Social History of Wills, Trusts, and Inheritance Law (Stanford UP, 2009) both catalogue this increase in interest, while marking its limitations. Friedman for instance, decries the lack of historical and sociological knowledge concerning “the detailed history of succession laws” (5).
“The ‘law of 20/80’ refers to fact that current best estimates suggest that inherited wealth could represent as little as 20 percent or as much as 80 percent of total wealth” (Miller and McNamee).30 Because there is little agreement about what actually constitutes an inheritance (Do inter vivos, during life, transfers, like paying for a son or daughter’s college education count as inherited wealth?) there is an equally large disparity between the policy conclusions being drawn from sociological, legal and economic analyses of inheritance practice.31

What follows is not a complete historical account of inheritance in 19th century America; in essence, this dissertation is a series of case studies using conflicts over inheritance to gain new perspectives on canonical and non-canonical works. The knowledge of inheritance laws and the debates surrounding new forms of inheritance enable a fuller appreciation and understanding of these texts. In a final analysis, the introduction of 19th century debates about inheritance enables

30 This line is from the introduction to Miller and McNamee’s Inheritance and Wealth in America and half of the essays in their collection directly examine or cite the difficulty of measuring inheritance transfers with any real accuracy. Their collection is not alone. In fact, the “law of 80/20” has made it into more popular texts from the genre of inheritance “advice” mentioned in the previous paragraph. For instance, even as Anne Perry’s The Wise Inheritor (New York: Broadway, 2003) is premised upon “The Great Wealth Transfer” awaiting the death of Baby Boomers, she notes that “Researchers in field refer to the ‘law of 20/80’ because their best estimates suggest inheritance represents as little as 20 percent or as much as 80 percent of an inheritor’s total wealth” (21). In a book dedicated to helping people avoid being “Guilt Inheritors,” sociological confusion simply mirrors the psychological confusion of heirs. Perry images that resolving this psychological confusion is the only way of maximizing the importance of inheritance. That is, if you follow her advice you will be more likely to be represented by the 80 percent than the 20 percent.

31 While I am focusing on historical and sociological accounts of inheritance I do not mean to suggest that only sociological or historical readings of inheritance have struggled with this ratio. In fact, most of the work on the intergeneration transfer of wealth has been done within the field of economics. Within economics much of the recent work has been aimed at demonstrating the important of inter vivos, during life, transfers of wealth in our current economic climate. See J. B. DeLong’s “A History of Bequests in the United States” (his contribution to A. Death and Dollars: The Role of Gifts and Bequests in America, 2003) for an example. How effectively the family works as a means of economic redistribution (or security) and what the motives are for this distribution within the family is perhaps the area where economic explanations have been the least persuasive because there is so little consensus. It has not only been difficult to establish a clear sense of how much inheritance matters to American society in general, it has also been difficult to assess how much it matters to individuals. This is in part because the answers to these questions are understood to directly relate to questions of policy: how will someone react to changing incentives to give money within or without the family directly relates to inheritance taxation policy. For instance, Gary Becker (in his 1991 A Treatise on the Family) has persuaded much of the field that during life transfers are motivated by altruism (largely because you could be doing something with the money yourself), but the relationship of motivation to bequests has produced great divergence. For more on the work being done within economics on inheritance see Martin Kohli’s “Intergenerational Transfers and Inheritance: A Comparative View” (2004).
a purchase on long standing critical debates about these texts. I have selected texts whose engagement with inherited property is quite explicit.

Yet, lack of interest in inheritance—both within and without the field of literature—does present a conceptual difficulty. While a study of literary representations of inheritance in 19th century America does not require an empirically accurate account of the present importance of inheritance to inequality, I do need to account for the privileged nature of inheritance in discussions of the 19th century American marketplace because it no longer has that function. To register the previous importance of inheritance one need only briefly glance through 19th century legal treatises, flip to their sections on inheritance law and see the number of times lines like “We may not be able to calculate with certainty upon the future operation of the changes which have been recently made in the doctrine of expectant estates by the New York revised code of statute law”32 force their way into texts meant to codify legal codes. Rather, changes to inheritance—and the ensuing debates about those, potential and or real, changes—happen so frequently (both within and without the realm of the literary) that it seems strange that inheritance has flown so far under the critical radar.

**Organizations of Chapters**

Because I need to explain why inheritance has been left unexplored or underexplored in the field of literature, **Chapter One** of my dissertation is an account of the limited interest

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32 Here I am quoting the most famous legal historian of the 19th century, James Kent and his *Commentaries on American Law* (New York, 1840). Even later attempts to construct a thorough, encyclopedic account of American law were not able to construct a text that captured the complexity of variances in inheritance law. Emory Washburn, Joseph Willard and Simon Greenleaf Croswell’s section on inheritance, in their three volume *A Treatise on the American Law of Real Property* (New York: 1887), is replete with exceptions beginning with “In some States,” “In Massachusetts” or “the law is less uniform” (15). This is in part because states enacted reforms at different points, creating a situation where different members of the family would be expected to inherit depending on the state.
literary scholars have had in the representation of inheritance of 19th-century texts. A chapter length document is not the place for a comprehensive history of the field, so I largely concern myself with addressing how inheritance has or has not been addressed after the formalist tack of New Criticism had abated. Inheritance would seem to be a perfectly suited vehicle for historicizing a literary text. Yet, New Historical analyses of 19th-century American texts largely leave inheritance unexplored. After accounting for this blind spot I propose a strain of the New Economic Criticism as a more profitable framework to use in this study, specifically the work of Viviana Zelizer.

In the final section of my first chapter I explain why Zelizer’s work should serve as a model for understanding the relationship between economic and literary value. Zelizer is an economic sociologist whose work has not been widely discussed within the realm of literary criticism. Her work is, however, discussed in *The New Economic Criticism*, a 1999 collection of essays put together by Martha Woodmansee and Mark Osteen. Woodmansee and Osteen suggest a typology of “New Economic Criticism” that is quite capacious in nature: (1) criticism that studies the economic conditions of textual production, (2) studies of how the market alters canonization, (3) critics interested in metaphorical resonances between money and language and (4) meta-critical appraisals of economic criticism itself (35). Their attempt to build as big a tent for *The New Economic Criticism* as possible is understandable and deeply profitable. Zelizer’s approach and the rest of this dissertation fit best in Woodmansee and Osteen’s second category, where the approach is an attempt to “analyze the wider economy in which the author or his work may reside” (35). At the same time, much of what Woodmansee and Osteen claim as the New Economic Criticism looks more like New Historicism than something that was really “new” in 1999. I believe this is because they do not appear open to the idea that the market might be
socially cohesive rather than divisive. Viviana Zelizer’s approach to markets as a place where social solidarity is built, rather than destroyed, is a more adequate response to the limitations of the New Historical approach to literary value I observe in this chapter.

After positioning my approach to the literary representation of inheritance, my **Second Chapter** puts forward an account of the “unsettled” nature of inheritance law following the American Revolution that I believe connected inherited property and the marketplace for the inheriting generations of the **19th century**. In this chapter, I claim inheritance reform after the revolution was an attempt to create a “distribution” of wealth grounded in both Republican support for independent, agrarian property owners and a Liberal concern for generational equality. Unlike later generations, the Revolutionary reformers did not experience these different rationales as contradictory—nor did they understand distribution to require a “redistribution.” With a clear version of aristocratic inherited wealth to oppose, the founding generation created a framework for inheritance that, in certain key respects, poorly fit the coming demands of the market revolution.

This is one of the reasons that inheritance reforms were passed so frequently during the **19th century** and it is also for this reason that so many inheritance reformers called the American Revolution an “unfinished” revolution, that only the abolition—or taxation—of inheritance could “finish.” I close my second chapter with what is undoubtedly the most famous novel by an individual actively involved in the project of reforming inheritance’s relationship to the marketplace: Edward Bellamy’s *Looking Backward 1887-2000*. One of the most surprising

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33 As I will make clear, I do not mean to overstate the differences between Liberalism and Republicanism. It seems clear that both were ideological clothes worn quite comfortably by individuals during the Revolution. At the same time, there is a reason that inheritance has seemed like “a living fossil, curiously surviving the liberal egalitarian ethic of western societies” to so many observers of the practice. Here I am quoting Michael Levy’s “Liberal Equality and Inherited Wealth” (*Political Theory*, 11.4 (Nov., 1983), pp. 545-564), which marks the inconsistencies in the philosophical liberalism’s approach to inherited wealth.
elements of Bellamy’s utopian novel is that he imagines that inheritance need not be reformed and my reading accounts for this surprise by clarifying Bellamy’s critique of the market.

After these first two chapters, the divisions of this dissertation sketch a map of three dramatic shifts in the transfer of American wealth during what Charles Sellers called the “market revolution” of the 19th century and, in my final chapter, a fourth shift from the early twentieth century: (Chapter 3) the alteration of women’s ability to inherit property, (Chapter 4) the controversy surrounding slaves as inherited property and then freedmen as heirs, (Chapter 5) the emergence of corporate forms, especially life insurance contracts, as vehicles of inheritance and (Chapter 6) the role of the state as heir after the passage of the 1916 estate tax. As I position my chosen texts within these historical and cultural contexts, I argue they do more than reflect the legal, economic and social alteration of inheritance; they are actively involved in constructing aesthetic equivalency between social and economic forms in order to make a livable space from transactions with both the living and the dead.

In Chapter Three I examine why inheritance seemed like the most intractable of social problems to reformers like Thomas Skidmore and how Nathaniel Hawthorne, in The House of Seven Gables (1851), imagines the market as the answer to Skidmore’s problem. Skidmore’s The Rights of Man to Property (1832) begins with an argument that wealth accumulated from the accident of birth could never be reconciled with wealth earned in a labor market and then details a plan for limiting gifts from one generation to another. Hawthorne’s protagonist, “Holgrave the reformer,” echoes Skidmore’s proposals; however, his plans to loosen the grip of past inheritances, which he calls “a Dead Man’s icy hand,” from present property are accomplished by other means: making the gift into a commodity.
When Judge Pyncheon and his son die, the curse haunting the Pyncheon family estate is broken once the limitations upon Hepzibah Pyncheon’s “life interest” in the titular house is changed into an equal share of the fully alienable Pyncheon estate. The solution to the inequalities created by inheritance is not the limitation of market forces imagined by “Holgrave the reformer,” but the application of those forces to the status of “gift” attached to Hepzibah’s inheritance. Hawthorne’s romance, mirroring the 19th century’s increase in the inheritance rights of women, makes the inheritance of property that one cannot fully possess, the nightmare of the market economy.

Chapter Four examines the abolitionist movement’s attempt to remove African American lives from the sphere of the market. In telling the story of two very different attempts—William Wells Brown’s Clotel; or, The President’s Daughter (1853) and Harriet Beecher Stowe’s Uncle Tom’s Cabin (1852)—to imagine what the first generation of freedmen would look like, I also make an argument about the relationship between sentiment, the market, and race that contradicts recent scholarly claims concerning the sentimental form’s relationship to both capitalism and racism.\textsuperscript{34} As I have already discussed, in Sentimental Materialism: Gender, Commodity –Culture and 19\textsuperscript{th} century American Literature Lori Merish indicts the sentimental project with “suppressing” the relationship between the market and the home. In a

\textsuperscript{34} While the two novel’s receptions are interesting stories in themselves, I will be focusing on Brown’s response to Stowe’s text. Both novels were fated to receive strikingly different initial receptions and even more different critical revivals. Harriet Beecher Stowe’s Uncle Tom’s Cabin; or, Life Among the Lowly was so successful (over 300,000 copies sold in the first year of publication) that eventually the national collective required the memory of Abraham Lincoln to fully encapsulated that success; Lincoln, upon meeting Stowe, was, years later, alleged to have said “So this is the little lady who made this big war!” (Weinstein 1). The attribution of this saying to Abraham Lincoln first appeared in print 34 years after the actual meeting between Lincoln and Stowe and Daniel Vollaro does a commendable job of tracing its use to fulfill “the desire among many contemporary intellectuals…to affirm the role of literature as an agent of social change” in his article “Lincoln, Stowe, and the “Little Woman/Great War” Story: The Making, and Breaking, of a Great American Anecdote” in the Journal of the Abraham Lincoln Association (2009). Whether Lincoln ever said these words to Stowe, it is certain that William Wells Brown’s Clotel: or, The President’s Daughter, while popular, never enjoyed the same level of success. Yet, Brown’s novel was written with the popularity of Stowe’s in mind. Clotel did manage to go through several editions and was well regarded in initial reviews.
structurally similar argument, Ezra Tawil’s *The Making of Racial Sentiment* (2006) makes the novel of sentiment an exploration of how different races “felt differently.” In both arguments, the interiority of the sentimental form and the focus on individual “character” marks the failure of the form to address the structural inequalities of capital and race. Yet, Brown was aware of the limitations of the sentimental form and I read his novel as attempts to create structural links between the interiority of sentimental value and the economic calculations of the slave market. The attempt to make sentiment perform more structural and economic work is especially apparent in Brown’s opposition between a Southern economy based upon inheriting slaves and the Northern free market.

Chapter Four also examines why Brown’s model for emancipation ends up relying upon a rather sophisticated understanding of the implications of inherited property. His use of inheritance as a marker for what is wrong with the slave economy was not a unique position among abolitionists, though I will argue that his filtering of the opposition between inherited slavery and emancipation through the credit economy is quite unique. For instance, William Goodell’s *American Slave Code* (1853) represents inheritance as one of slavery’s most pernicious aspects. 35 Yet, Goodell actually makes Brown’s argument in reverse and sees the

35 Abolitionists who argued for immediate emancipation had to argue that those who had “inherited” their slaves had no legitimate title to that inheritance. Elizur Wright, one of the founders of *The Anti-Slavery Society* and someone whose views on life insurance will be treated more thoroughly in my following chapter, addressed the arguments that legitimized inheritance through its status as an inherited institution in his 1833 *The Sin of Slavery and Its Remedy*:

> With their father's damning guilt before them, blazing in the light of God's curse, can they divide among themselves that wretched family of slaves as an inheritance? If they do, they may well be said to inherit their father's sin—they commence the business of sinning not like their father, upon their own resources, but with an accumulated and fearfully productive capital. Why they steal afresh, beneath the gallows, that very thing for which their father paid the last penalty of the violated law! They dare heaven and earth, between which he was suspended, to do their worst!!

Wright’s arguments that set aside the inherited property rights slave owners because the “accumulated and fearful productive capital” because that capital has been “stolen,” is a common refrain in abolitionist discourse.
possibilities of increasing the Southern economy’s link to a feudal past as one possible means of ameliorating the condition of the slave:

How the distribution of slave property among heirs and legatees is effected under the Code Noir, or where slaves are held as real estate, as in Louisiana, we are not minutely informed. If the soil and the slaves must remain together, a distribution would seem to require the whole to be sold, and to one purchaser. We doubt whether such a restriction obtains, at present, in that State. Under the old feudal system, the estate, consisting of soil and serfs, was kept together by the law of primogeniture, entailing it to the eldest son, in perpetuity. The repeal of that law has been justly regarded as a step in the march of human progress; but if the “peculiar institution” of slavery is to remain, humanity might, perhaps, invoke its re-enactment, as it might prevent the separation of slave families, or rather, permit their existence. (75-76)

Where Goodell hopes to use primogeniture as a brake upon the rapaciousness of Southern capitalism, Brown believes it is the South’s failure to fully enter into a speculative economy that allows slavery to continue.36

36 Where I believe Brown is uniquely using inheritance to engage the economic implications of slavery, Harriet Bigelow’s The Curse Entailed (1857) is the direct fictional descendant of the kinds of arguments made by Weld and Goodell. Written five years after Clotel, Bigelow’s novel is based around a series of slaves who inherit property, but are defrauded of their inheritance because of their status as slaves. Her novel follows a traditional inheritance plot, with an abolitionist twist. Bigelow uses Hinds v. Brazelle—an 1838 Mississippi Supreme Court decision where a master’s attempt to free his son and his son’s mother (and leave them property in his will) was rejected—as her guide, Bigelow has several wills that would have freed slaves and left them property overturned. Edward Le Clare is the novel’s protagonist. While Le Clare is raised as a white man, he finds out he is actually a slave three quarters of the way through the novel as he attempts to investigate his own inheritance. Even though Le Clare and other slaves are deeded their freedom and, sometimes, willed large sums of property, they are easily cheated out of their inheritances because they are slaves. In Bigelow’s novel, the exemplary converted Southern slave holder, George Brownson, refuses to inherit his parents’ slaves, leaving them without an heir. In Bigelow’s estimation, slavery is primarily an inherited institution whose control over those that have inherited it must be broken. Brown’s argument similarly relies upon inheritance, though Clotel contains a much more complex representation of slavery and the implications of both inherited property and inherited social structure for the abolitionist argument. For Brown, the idea of someone like George Brownson simply abandoning his inheritance creates two problems: (1)
My Fifth Chapter concerns inheritance in the form of a life insurance payout. While American citizens were early adopters of most other forms of insurance (notably marine and fire), they avoided buying life insurance in significant numbers prior to the 1840’s. Because the property insured in a life insurance contract is the life of a person, the blurring of the distinction between property and personhood seemed like a dangerous mixture of what belonged inside and what belonged outside of the economic sphere. Trying to revise economic sentiment meant competing in the realm of sentimental fiction.

For this reason, life insurance executive Nathan D. Morgan wrote *George Cardwell, or, A Month in a Country Parish* (1868), a novel about a man debating whether or not buy insurance. Morgan wanted both to burnish his company’s reputation and to sell more policies. Yet, in order to do both he needed to argue that the decision to buy a life insurance policy was a proper, sentimental calculation. *George Cardwell* might be called one of the more successful “corporate novels,” a short-lived though not fully aberrant literary form, of the 19th century. The negotiation between sentiment and economic calculation is a fundamental component of the insurance writing genre that takes place from the 1840’s to the 1880’s, by which time the amount of life insurance under contract was measured in the tens of millions of dollars instead of the

underestimates the self-interest of slave holders and (2) it makes freedom into a gift. Unless the gift of freedom could be made to cost something, Brown feared that colonization would retain its appeal to a significant portion of the anti-slavery community.

37This term has been used in a few places to describe more recent literary endeavors where the protagonist details their career at least as (though usually more) extensively as their private lives, though these uses tend to be found in more mainstream assessments of current literary trends. See Dibeyendu Ganguly’s “Corporate Novels: Mixing Business with Pleasure” for The Economic Times (February 2007) as an example. Here, I want to term to register a more specific relationship between the corporation and the novel. I am talking about a subgenre of novels written for and by particular industries or corporations. Genre would certainly be too capacious a term for such a small group of texts designed for such a limited purpose. During the 19th century, as corporations became every increasing parts of the American social fabric, some corporations, or a corporate field, commissioned fictional works to depict their endeavor in a particularly positive light. These were literal attempts by corporate entities to “make” or defend markets. For instance, David Morier Evans wrote *The Banker’s Daughter* in 1857 partially to promote the idea of savings banks. As novels become less convenient and persuasive forms of advertising this literary form withered. The life insurance industry itself published or commissioned a large number of short stories (either for in-house journals or published more broadly) aimed at convincing the general public to purchase life insurance.
thousands. The recalculation of sentiment is the aesthetic principle that Amelia Shackleford, an early science fiction and mystery writer whose work has started to be recovered and acknowledged, uses in both her short stories and her largely uncredited novel, Madelaine Darth (1869). Her protagonist—Roger Tiernay—is a sentimental, yet calculating attorney who narrates a mystery surrounding an insurance fraud committed by a “sentimental” photographer.

In my Sixth Chapter I examine the role of the state as heir. No account of the literary representation of inheritance would be complete without some assessment of the taxation of inheritance by the state. Despite the extensive debate about inheritance during the 19th century, the state performed fairly minor intrusions into the taxation of inheritance during the 19th century; the proposed reforms of inheritance laws during this century relied upon an imagined role for the state that would become reality with the passage of the national inheritance tax. While the 19th century was consumed by questions of inheritance, the consensus around the redistributive goal of the inheritance tax coalesced in the early twentieth century.

I have chosen Robert Penn Warren’s All the King’s Men (1946) as the central text in this chapter at least in part because Warren represents such a firm critique of the state’s incursion. Warren’s criticisms are filtered through a unique account of the history of the Southern United States that has puzzled critics of his novel. The novel’s retrospective bent allows me to look backwards towards the 19th century even as the novel is set in 1930’s Louisiana; the rise of Willie Stark from “hick” lawyer to Governor of Louisiana, seen through the eyes of Jack Burden, reveals Warren’s belief that the interaction between the market and the state had come to fascinate and distract. Once we are so distracted that the two blur together, we lose the ability to tell the difference between the human being as “person” and the human being as “adding-machine.” For Jack Burden, this blurring begins with his investigation into a fraudulent life
insurance claim and ends with Burden allowing the state to take over his family’s estate. In the logic of Warren’s novel, inheritance taxes fund the “Power State’s” collusion with the market. This collusion between the state and the market takes place at the cost of the social. In response, Warren attempts to perform a spectacular feat, especially for a work of art: the elimination of the aesthetic. The Louisiana of Willie Stark is one where the aesthetic has been eliminated as a mediator between the economic and the social. Warren’s novel is meant as a cautionary tale, a sketch of a precipice we must turn away from.


Chapter One
Inheritance in Literary Criticism: Towards a Social Marketplace

Anxious Metaphorical Inheritances

If Robert Penn Warren had listened to a proposal for a dissertation project on inheritance in 19th century American Literature he would probably have expected that dissertation to concern the “literary inheritance” of one author to another, say Melville’s inheritance from Emerson. The purpose of such a project would have undoubtedly had some resemblance to (Warren’s colleague at Yale) Harold Bloom’s 1973 The Anxiety of Influence38 in that it would have sought to account for the aesthetic legacy of an author. An updated version of that project might have a line like “Time reveals that [Hart] Crane…was the legitimate heir of Emerson, Whitman, Melville and Dickinson,” (285) which is a line in Bloom’s 2011 update of Anxiety—Anatomy of Influence. In contrast, this dissertation avoids such a metaphorical rendering of inheritance in favor of something much more literal: the literary representation of the transfer of wealth from one generation to another.

By “avoids” I do not mean to suggest that there is no place for studies of influence or a more roundly metaphorical rendering of inheritance. There is nothing wrong with Bloom calling Crane the “heir of Emerson.” The fact is that the role of the critic as “Literary executor” (self-proclaimed in the case of Bloom and Crane) is a long established one in literary criticism. For example, I cite Robert Penn Warren’s legally appointed literary executor, John Burt, in my epilogue. Yet, a study that limits itself to a study of influence between canonical authors

38 Bloom and Warren were both faculty members at Yale. Bloom recounts the beginning of their friendship in Anatomy of Influence.
(establishing a specific ordering of the cannon is the point of marshalling the word “heir” to link Crane and Emerson), or even one that solely identifies the influence between canonical and non-canonical authors will, as Bloom certainly does, miss the relationship between an author and other, non-aesthetic, spheres of production. This explains why New Criticism and New Historicism (the latter of which he labels New Cynicism) are the two schools of literary criticism that haunt Bloom’s *Anatomy of Influence*—the first rejected the author (and his influences) and the second expanded the sphere of influence beyond anything Bloom recognizes as an aesthetic. It also explains why I have consciously limited the role of metaphor in this study of inheritance.

Instead, I focus on the ways literary texts are engaged with the institution of inheritance as it was practiced during the 19th century. The term institution carries significant theoretical weight in certain fields, but I mean something fairly straightforward by the term. In *Institutions and the Path to the Modern Economy: Lessons from Medieval Trade* (2006), Avner Greif defines institutions as “a system of rules, beliefs, norms and organizations that together generate a regularity of (social) behavior” (30). To paraphrase, institutions are systems of behavior, ways of doing things, that help to mechanize human action for the purposes of enduring. As a mechanism of social interaction, inheritance practices are formally manifested in inheritance laws, but also in informal social organization, like patterns of bequest that are not mandated by law. Anthony Giddens has identified three “institutional orders”: “modes of discourse, political institutions, economic institutions and legal institutions” (1984). Inheritance

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39 Debates about the canon are not devoid of economic content. Quite the contrary, when a new author is dubbed the heir of an established author the author of this new “classic” achieves some form of legitimacy, which can certainly increases book sales. For instance, Bloom spends enough time arguing against the expansion of the canon that anyone who interviews Blooms always asks some version of “Which current author(s) are likely to be considered part of the canon in the future?” and, to the extent that Bloom himself has real critical influence, his pronouncements have the ability to alter sales.

40 There is, for instance, a difference between “old” and “new” “institutionalism” within the field of Political Science. See B. Guy Peter’s *Institutional Theory in Political Science* for an example of someone who explores the ways institutional analysis changed in that field.
involves all of these “orders” and, as such, is one of the most basic social institutions. Rather than using inheritance as a metaphor for understanding the transference of literary value, I explore ways that literary values are marshaled to legitimate or question inheritance practices.

Bloom’s metaphorical use of inheritance as influence is, of course, not the only version, or the most metaphorical, of this metaphor. I use Bloom here because “influence” defined Bloom’s criticism and because I find Bloom’s “map” of the literary field usual for laying out the basis of this project. For an even more prominent critic making a similar move, one can turn to Jacques Derrida’s *Spectres of Marx* (1993). In that text, the simple transfer of wealth between generations descends into a metaphorical relationship with spiritual inheritance so quickly that it becomes the basis not for the transfer of wealth but for our ontological existence: “Inheritance is never a given, it is always a task... like all inheritors, we are in mourning...we can only bear witness to it. To bear witness would be to bear witness to what we are insofar as we inherit...we inherit the very thing that allows us to bear witness to it (54).” While this has something to do with his attempt to explain his relationship to Marx, it extends beyond any debt or inheritance he has to Marx, as the same “responsibility” created by “interruption,” “deferral,” or “différance” runs throughout the entire Derridian oeuvre. Here, Derrida is using inheritance, as he uses “the gift of death” in both *Given Time* (1994) and *The Gift of Death* (2007), to imagine an “interrupt[ion]” of the economic that would deny the “circular” exchange of “the economic.” At the same time, he articulates the need for a form of “responsibility” that is somehow beyond the sphere of “the economic.”

It is finally hard to see how the phenomenological delay Derrida explores, and even extends, could perform the kind of ethical or economic “interruption” he imagines. Most wills

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41 At times Derrida seems to suggest that it is his own “desire” to “interrupt” the economic that might actually be the problem with his reading of the gift, as when he rhetorically asks “Why desire the gift and why desire to interrupt
are testaments to the sense of “responsibility” already possessed by their writers. At a broader, sociological level this sense of responsibility is clearly on a path of extension. For instance, Lawrence Friedman’s *Dead Hands: A Social History of Wills Trusts and Inheritance Law* (Stanford UP, 2009), notes the already expanded sense of that responsibility to adopted children, voluntary associations and caretakers. All of these trends would have seemed impossible at the start of the 19th century. I hope to avoid Bloom’s and Derrida’s descent into inheritance as ever expanding metaphor by focusing on the transfer of wealth between generations. Individual authors I will examine, like William Wells Brown, will use the transfer of wealth to make arguments about spiritual and cultural inheritances, but my interest in a text like Brown’s *Clotel;* the circulation of the circle?” (*Given Time* 8). Yet, this question does not, in the end, lead him away from the desire to find a lasting interruption of the economic. An alternate understanding of what it might mean to interrupt the economic is provided by Ralph Waldo Emerson in his short essay “Gift,” where he makes a claim about this exchange between the living and the dead that Derrida echoes: “the only gift is a portion of thyself.” For both Emerson and Derrida, the only gift worthy of its name is a gift of “self” that interrupts the “economic,” the reciprocal exchange of commodities. Yet, the status of that interruption could not be more different for Emerson and Derrida. For Derrida, the paradoxical nature of the gift, that it requires reciprocation but also the denial of reciprocity, means that the “gift of death,” comes closest to being an actual gift, though even death fails to bridge “the impossibility” of gift. Emerson depicts the gift just as paradoxically as Derrida, with the exception that gift-giving yields the observation that there is “no commensurability between a man and any gift.” The pleasure of giving or receiving is watching the various ways “we cannot be bought and sold.” Where Derrida searches for, and fails to find, a lasting interruption of the economic, Emerson marks the recognition of those things we do not buy and sell as interruption enough. Given that both Emerson and Derrida understand the gift as a gift of “self” and “blood,” it is strange that neither discusses the most fundamental exchange involving death: inheritance. The responsibility I refer to here is a desire that is plainly read in most wills: to have an orderly transfer of property and ease any burdens placed upon family members and heirs. My favorite historical example of this sense of responsibility is from George Washington’s will and testament, where he outlines a simple mechanism for resolving any potential disputes that might arise:

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But having endeavoured to be plain, and explicit in all Devises--even at the expence of prolixity, perhaps of tautology, I hope, and trust, that no disputes will arise concerning them; but if, contrary to expectation, the case should be otherwise from the want of legal expression, or the usual technical terms, or because too much or too little has been said on any of the Devises to be consonant with law, My Will and direction expressly is, that all disputes (if unhappily any should arise) shall be decided by three impartial and intelligent men, known for their probity and good understanding; two to be chosen by the disputants--each having the choice of one--and the third by those two. Which three men thus chosen, shall, unfettered by Law, or legal constructions, declare their sense of the Testators intention; and such decision is, to all intents and purposes to be as binding on the Parties as if it had been given in the Supreme Court of the United States. (The Papers of George Washington, University of Virginia)
or, the President's Daughter: A Narrative of Slave Life in the United States (1853) is how the transfer of wealth grounds these other arguments.

While I do not find Bloom’s account of literary distinctness persuasive, it does occupy a unique place in the past forty years of literary criticism. In many respects, the timing of his initial attempt to define himself in opposition to New Criticism (followed by the quick demise of New Criticism) and his subsequent attempts to critique the aesthetic value of New Historicism have meant that Bloom has created cogent criticisms of both without offering a clear alternative to either. More to the point, Bloom understood his rendering of the aesthetic—defined by competition between individual poets—as a “relationship that remains inescapably subject-centered” (A Map of Misreading 174). Even as he clearly creates obstacles to linking literary value to other forms of value, Bloom insists upon the social nature of literary value. If Bloom had seen a noncorrosive relationship between social and economic values he might have understood the literary constructions of the “social” as more than the relationship between authors. He might then have produced a reading of inheritance that was not solely defined by influence.

This is, of course, highly speculative as Bloom’s very understanding of the social possibilities of the aesthetic circumscribe the social even as he assaults the idea that “influence” be constructed (as he imagines Derrida and others practicing Deconstruction to do) as “between words and words” rather than between subjects. For instance, Bloom tells a story in A Map of Misreading, his attempt to more plainly explain the methodology behind Anxiety of Influence and one of the clearest outlines of his understanding of literary interpretation, about “a poet of real achievement” who objected to Bloom’s rendering of influence by claiming that “his poems were not about Yeats, but about life, his own life” (75). Bloom’s response to is to largely deny that the
“life” of the poet, outside of his relationship to other poets, can be what his poems are really about: “To interpret a poem, necessarily you interpret its difference from other poems. Such difference, where it vitally creates meaning, is a family difference...Tropes and poems can relate to life, but only after first relating to other figurations (75). Literary value trades within the family, but it bears little resemblance to itself once it is placed in relationship to “life” instead of its family, “other figurations.”

Despite his singularity as a critic, others have followed his interest in influence; yet, Bloom has largely seemed disinterested in these attempts. For example, he has consistently suggested that New Historicism’s inability to “rank” texts is a weakness, but has consistently dismissed “rankings” other than his own as demonstrating the inability to “rank.” His many dismissals of all African American literature besides *Invisible Man* and his consistent refusal to admit that feminist scholars have “rehabilitated” a text worth reading are only the most inflammatory versions of this dismissal. Even as his account of the importance of ranking texts is persuasive (what gets included and what gets excluded in a course or the canon does matter), he struggles to account for how such a judgment could be made beyond a personal appeal to his

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43 Bloom has been categorically insistent on this point for at least the last three decades, but even a belief he appears to hold firm, that “ranking” is one of primary purpose of the literary critic, is useful for marking the famously unsystematized system making of Bloom. For instance, in *Ringers in the Tower: Studies in Romantic Tradition* (1971) Bloom castigated R.P. Blackmur as “a juridical critic” who “ranks poets” (197). Even in *Anatomy of Influence*, his ostensible retrospective account of his life’s work, Bloom does not suggest why such a dramatic shift should occur, or even if it was such a dramatic shift. In retrospect, it appears that what Bloom was critiquing in Blackmur is the sense that Blackmur’s “ranking” actually rested upon an evaluation of individual poems rather than individual poets. In this way, his critique of Blackmur actually looks a lot like his continued critique of New Criticism, and even his assessment of Deconstruction, rather than a complete contradiction. In my reading, Bloom found a, in his view, necessary way of rescuing evaluation without destroying the aesthetic. Yet, Bloom has famously been unwilling to create just this kind of account of his own thinking. His unwillingness to smooth out the transitions, corrections or misdirections in his own work have proved frustrating to many and left others to angrily dismiss him as nothing more than “a conservative ideologue.” See Henry Giroux’s “Cultural Politics and the Crisis of Universality” (2000) as an example of both frustration with and anger at Bloom. I am not attempting a reassessment of Bloom, though I do believe he is too expansive a critic to be encapsulated by a phrase like “conservative ideologue.” Even as I openly admit that Bloom’s contradictions and career are beyond the scope of this chapter, I still believe his position between New Criticism and New Historicism, not to mention his unwillingness to be associated with Deconstruction, is a useful lens through which to create a context for this project.
own judgment. Similarly, in Anatomy of Influence Bloom never quite explains how the “simple” desires of the economic fail to translate to the “integrity” of literary value. Bloom seems to write for an audience already convinced of the distinctness of literary value and to move from that assumption to his own hierarchy of those values. This is especially true with regard to Bloom’s critique of Pierre Bourdieu’s idea of “cultural capital.” As Bloom himself notes, he has usually been criticized for his emphasis upon competition between authors (perhaps most famously in Douglas Robinson’s “Dear Harold” in New Literary History (1988), but when confronted by a theoretist who uses a similar version of competition between authors to demonstrate how literary value functions like “cultural capital” Bloom simply retorts that something has been lost in the translation. 44

As I will demonstrate in the next section, one of the problems with Bloom’s dismissal of this approach is that the end result usually does not end up as the elimination of aesthetic value, but in the attempt to criticize economic values using aesthetic values. There still may be something lost in the translation, but what is lost first is an accurate appraisal of the significance of economic value. Bloom clearly marks the need for such an account rather than providing one

44 Bloom’s insistence upon only “strong,” and presumably stronger, “misreading” of texts, rather than interpretations, has much to do with his inability to articulate a relationship between literary competition and other social forms of competition. In his most famous line denying the value of interpretation, from A Map of Misreading (1975, 2003), Bloom claimed that “Influence, as I conceive it, means that there are no texts, but only relationships between texts” (3). Because there are no texts, only relationships, the act of criticism is no longer one of interpretation (getting the meaning of the text right) but a critical struggle to create the most persuasive account of the relationships between texts. In this act, both critics and writers struggle against one another, but literary texts (and their critical appraisals) are therefore unlike all other texts (or documents) in that their formal components preclude interpretation. Literary competition is social for both the writer and the critic, though that social sphere is precluded from aligning with other social spheres in a way that would allow for comparison. At the same time, Bloom’s commitment to the line “there are no texts” appeared to waver at times; he is insistent upon using the intentions of various authors to preclude rival “misreadings” and the methodology he outlines in A Map of Misreading is clearly a means of interpreting texts. Perhaps “there are no texts” is just one more “strong” “misreading,” which allows Blooms to compete in a world where he imagines that “all poetry necessarily becomes verse-criticism, just as all criticism become prose-poetry” (in part because “[o]ne of the functions of criticism…is to make a good poet’s work even more difficult to perform”), but the substitution of texts for relations certainly limits his ability to register the ways literary production relates to other forms of production or other forms of relationships (A Map of Misreading 3,9).
himself. There is, finally, no version of Bloom’s inheritance as authorial influence that would capture the relationship between inheritance and the market. I believe that this is one reason that inherited wealth has been afforded so little critical attention within literary studies.

In this way, Bloom—despite his best efforts—creates the need for someone like Bourdieu’s emergence within the field of literary studies. It is no accident, in my readings of Bloom and of Bourdieu, that the most prominent Bourdiean literary critic to emerge out of the criticism of New Historicism wrote a dissertation and first book inspired by Bloom’s work on competition in the field of literature. John Guillory’s Cultural Capital (1993) is undoubtedly the most famous extension of Bourdieu’s argument into the literary field. Inside the pages of Cultural Capital Guillory creates a sociological account of the cannon wars that marked the literary debates of the 1980’s. To summarize his argument, Guillory is claiming that the attempt to make the cannon “representational” through “identity politics” was a misguided attempt to “make-up” for the lack of “capital” (cultural or otherwise) possessed by minority groups that did not actually address the identified lack. Identity politics ends up being window dressing on an awareness of inequality. While the canon does not hold the central place it did in the 80’s, Guillory’s means of addressing this debate, narrating how individuals on all sides were confusing representation with access to capital or use value with exchange value, has remained valuable because he attempted to created a sociological account of “social function and institutional protocols of the school” (vii). That is, he argued that aesthetic judgments about the “value” of the

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45 Poetic Authority: Spenser, Milton, and Literary History (Columbia UP, 1983)
46 Within the field of 19th century studies Christopher Beach’s The Politics of Distinction: Whitman and the Discourses of 19th Century America (1996) is an even more direct application of Bourdieu. Where Guillory appears to have come by Bourdieu through a fortuitous search for ways to manage to connection between the literary and the social, Beach is directly applying Bourdieu’s account of literary value to Whitman’s poetry. Beach argues that Whitman’s incorporation of “normal language” into the poetic paralleled his resistance to elite expression more broadly. Whitman wanted a distinct style, but also to use that style to alter the perceived value of the literary. Among other things this allows Beach to create a clear dialogue between Whitman’s prose and his poetry.
canon have their basis in the sociological values of the institutions within which the aesthetic
game is being played. Guillory’s own account of his intellectual development, as moving from
something like a “Bloomian study” to his fully developed argument in Cultural Capital is
partially embedded in Cultural Capital, but he lays this development out quite clearly in a 2004
interview published in The Minnesota Review. In Guillory’s account, his early work attempting
to imagine how “the influence of Spenser and Shakespeare on Milton” played out as “the way
authority itself was created by the annexation of text to a tradition” led him to see “[a]uthority
and canonization [as] two ways of looking at the same phenomenon—authority immanently and
canon formation transcendentally, from the standpoint of social conditions” (62). Here it seems
like Guillory’s own account of the genesis of his interest in Bourdieu is a kind of “Bloomian”
resistance to exploring the contradiction between Bloom and Bourdieu. Even though Bloom
believed his work was imminently more “social” than what had gone before (“To say that a
poem is about itself is killing, but to say it is about another poem is to go out into the world
where we live” (A Map of Misreading 198)), he simply produced no interpretive technology for
registering the “social condition” outside the aesthetic. What Guillory found in Bourdieu was a
way that texts and institutions, like inheritance, could be read together.47

From Anxiety to Representations of the Market and Inherited Property

Though Bloom’s idea of influence precludes a reading of Guillory’s “social conditions,”
a significant amount of the literary criticism published after The Anxiety of Influence has

47 Bloom’s own role in the canon wars meant his writing did contain an account of how poems related to at least one
institution, the academy. At the same time, Bloom clearly meant to hide literary value from the relationship between
the academy and other institutions. The “social” eventually came to like more like a threat than the basis for the
“relationship” formed between “gifted individuals” that makes up influence.
contained some account of the relationship between literature and the market. In Bloom’s own take on this period, which he calls the “long Age of Resentment,” (*Anatomy* 17) this is *all* that has been accomplished in the past forty years, if it can even be called an accomplishment. Because scholars of “New Cynicism” invariably shrink aesthetic value down to “cultural capital” (*Anatomy* 17), the *only* relationship “New Cynicism” can explain is that between aesthetic and economic value. Bloom’s believes “New Cynics” get aesthetic value wrong because, unlike economic value, aesthetic value is not an attempt “to simply vanquish the rival, but to assert the integrity of his or her own writing self” (8). That is, “simple” economic values like competition are not complex enough to capture the “integrity” of the individual “self.”

That Bloom marks his own rebuffing of New Historicism with an appeal to the individual’s “self,” something he believes cannot be captured by the more purely social value of the economic valuation of “cultural capital,” is useful for my purposes because I believe the two most promising responses to New Historicism—New Economic Criticism and those critical readings following Pierre Bourdieu’s model of social *Distinction* (*Distinction: A Social Critique of the Judgment of Taste.* 1984)—are in agreement with Bloom: Simply imagining the individual as “embedded” in the social is an inadequate response to New Historicism. 48

Taking the need to move beyond an “embedded” account of values, critics following both Bourdieu and the New Economic Criticism capture the negotiations that take place between

48 This is not to say that my faith in Bloom’s assessment is any more popular than Bloom’s own critical appraisals at the moment. In fact, one of the most recent attempts to achieve the return to literary form Bloom advocated is the attempt by Stephen Best and Sharon Marcus, which I discussed in my introduction, to valorize “surface reading” in an attempt to *more thoroughly* focus on the embedded nature of the text. The ostensible goal of surface reading, to return to form, would certainly please Bloom; additionally, Best’s and Marcus’ critique of “symptomatic reading’s” “suspicions” has similarities to his description of “New Cynicism.” Yet Bloom was largely serious about there being only relationships and not texts. The attempt to turn metaphor, meaning and representation itself into a “surface” (Best and Marcus “take surface to mean what is evident, perceptible, apprehensible in texts” (9)) whose “meaning” is broadly available (rather than in the hands of a “strong” reader) would, for Bloom, represent a return to a vision of “influence” between “words” rather than “subjects.” Put another way, Bloom’s attempt to mark the limitations of “embeddedness” makes him a more current figure than he is given credit for.
different spheres of value. While Bloom collapses all three of these approaches to literary value into his New Cynical heuristic, I am committed to the distinction between New Historicism and what has come after. Before I get to the two responses to New Historicism that I believe hold the most potential and my commitment to the model suggested by a version of New Economic Criticism, I would like to proffer an account of New Historicist limitations in relationship to 19th century American inheritance practices. To begin that account, I would like to suggest that, as a gloss on the history of literary criticism from 1973 to near the turn of the century, Bloom’s is not terribly inaccurate. It is certainly true that a wide range of literary critics responded to an older belief about the autonomy of literary (or aesthetic) value—symbolized by the New Critics in Bloom’s gloss—by denying the autonomy of literature. Additionally, his objection to the dissolution of the “self” into “simple” economic value captures a fundamental element of the responses to New Historicism, even as he is intentionally collapsing the differences between New Historicism and what has followed.

The draw of the New Historicist denial of the uniqueness of the literary text was that it expanded the possibilities for understanding the historical implications of various literary forms. This both expanded the number of forms considered to be “literary” and allowed further insights into canonical literary texts. It was now possible to see that conduct books, portraiture and Shakespeare’s plays all relied on “self-fashioning.” Such an achievement makes it easy to see

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49 This is not a new observation about New Historicism’s response to New Criticism. In fact, Paul Hamilton, in *Historicism* (1996), observes that this is actually part of a broader history of literary studies: “[s]ince its acceptance as respectable Academic subject, English literary criticism has alternated between seeing itself as an historical or formal discipline of thought” (151). For a more thorough account of this cycle see Gerald Graff’s *Professing Literature: An Institutional History*. Chicago: University of Chicago, 1987. Print.

50 I am alluding here to Stephan Greenblatt. Whether Greenblatt counts as the first New Historicist, he certainly is the most famous. As a number of critics have pointed out, he also may or may not have coined the phrase in his 1982 introduction to *The Power of Forms in the English Renaissance* (1982). For more on Greenblatt’s relationship to New Historicism see Harold Aram Veeser’s *The New Historicism* (1989).
why New Historicism gained such immense critical traction so quickly: the ability to explain how conduct books “made sense” as a historically contingent form, especially as they shed light on Shakespeare’s plays, is by no means a minor accomplishment. At the same time, literature stopped seeming like a distinct field and a literary text started to seem like one “thing” among a vast array of other “things.” This lack of distinction appeared to rid literary studies of a sense that literary texts contained a unique immanence. Literature courses made room for various

51 In retrospect, the speed with which New Historicism came to dominate conversations of literary form should itself be an object of critical study. For comparison, New Criticism developed acceptance at a much slower rate. See Gerald Graff’s Professing Literature for more on New Criticism’s path to acceptance.

52 While both the critical approaches I will discuss below—the New Economic Criticism and those critics that have followed the work of Pierre Bourdieu—take this as the defining limitation of the New Historical approach to literature, a third approach has chosen to radically embrace the idea of literature as one “thing” among other “things.” I have addressed current attempts at constructing a “surface reading” of a text in my introduction, which can in some way be read as part of a “descriptive turn” that posits the goal of literary criticism as a “way to register what the text itself is saying” (Best and Marcus 8). If this means that literature is not an object of interpretation but a talking “thing,” then “surface reading” would certainly count as one way in which the idea of literature as one thing among other things has been embraced. On the other hand, the extent to which this is meant to describe a move away from the Marxist insistence on making all texts say the same thing is the extent to which “surface reading” might be more than just another attempt to rearticulate a field of study that that is very much up for grabs. Either way, Bill Brown’s work on what he calls “Thing theory” is perhaps most emblematic of this approach. Brown edited a special collection of Critical Inquiry in 2001 and has published a series of “thing” centered texts. Outside of his introduction to the Critical Inquiry collection (“Thing Theory”), his book A Sense of Things: The Object Matter of American Literature (2003) may be his best known articulation of “Thing theory.” Brown does not mean for “Thing Theory” to be a simple importation of the kind of Material Culture studies done in anthropology and sociology. Despite its rather amorphous title, Brown means something rather specific when he advocates for focusing on “things.” Taking the idea of literature as one thing among many things as his starting point, Brown attempts to reverse the New Historical feedback loop. Rather than assuming that historical contexts explain a particular literary text, he argues that literature provides privileged access to the history of social value because it captures the embedded nature of things (“Thing Theory” 6). In essence, Brown is arguing that by focusing on the “things” represented in literary form, we are granted a distinct vantage point from which to review the social and the historical. For a fuller account of Brown’s “Thing Theory,” see Geoffrey Harpham’s article “Things and Theory” (2005). I have not dealt more extensively with this critical avenue, in part, because I am not convinced that reversing New Historicism’s feedback loop actually makes it possible to break that loop. Rather, it seems that this would amount to a return of the “formalism” New Historicism replaced, though it would be a formalism with much more attention to the “things” hidden in form. Even as Brown takes seriously the status of material objects as integral elements of social practice and power I think his overarching claim is, at bottom, one that a New Critic could author: a poem might be made-up of a series of referential and verifiable statements about the world beyond it, but it is the poem’s presentation and sophisticated organization of a set of complex experiences in a verbal form which grants the poem a “privileged” cultural space. Admittedly, there is clearly real institutional value for literary critics if literature really does have the kind of privileged snapshot of the social that Brown advocates, though it seems doubtful that such a privilege resides in literary form. Brown’s formulation seems like an (even more) esoteric version of what Stanley Fish has come to call “Theory’s Hope” in his own Critical Inquiry piece (2004). Where Fish is concerned that calls to link theory to political action will get in the way of academic rigor, Brown appears to have tried to save a privileged theoretical space for literary form in hopes that it will allow a bridge between social criticism and formal criticism. While this is not the same direct call to political action Fish decries, it might have all the more institutional value for this precise reason.
forms of context, but the difference between context and text began to blur. In creating homologies as intertextual resonances between different genres of writing, a pattern began to emerge. While one New Historicist found that the rules of the game were the same for Renaissance conduct books and Renaissance property relations, another found that the rules of the game were the same for 19th century sentimental novels and particular forms of 19th century capitalism—like cigar advertising53. That is, authors—even when they thought they were doing something different (like the example I will explore at the end of my second chapter—Edward Bellamy’s attempt to design a socialist utopia in *Looking Backward*)—reproduce the social system of their text’s production.

**New Historicism’s Feedback Loop**

In my account of New Historicism, inheritance would appear at least as likely a candidate for examination as, say, cigar manufacturing or conduct books. Yet, despite the extraordinary number of 19th century American novels and short stories that revolve around questions of inherited wealth, inheritance, as a New Historicist topic, has been treated most thoroughly in relationship to Victorian English authors. As Allan Hepburn claims in the collection of essays he organized around the theme of inheritance, *Troubled Legacies* (2007) “Although scholarship on the entanglement of money and narrative exists, no single critical book surveys the continuity between inheritance and narrative. Other scholars have taken up inheritance as a trope in detailed

53 Had I left off “cigar manufacturing,” this sentence could describe any number of critical appraisals. For influential examples see Amy Kaplan’s work, *The Social Construction of American Realism* (Chicago UP, 1992) and *The Anarchy of Empire in the Making of U.S. Culture* (Harvard UP, 2005). Because I will deal with Lori Merish’s *Sentimental Materialism: Gender, Commodity –Culture and 19th century American Literature* (Duke, 2000) most extensively, I have included this reference to her concluding chapter concerning the extension of female conception into the masculine realm through cigar advertising.
readings of single authors” (3). Goldie Morgentaler’s *Dickens and Heredity: When Like Begets Like* (2000), Tess O’Toole’s *Genealogy and Fiction in Hardy: Family Lineage and Narrative Lines* (1997) and Semmel Bernard’s *George Eliot and the Politics of National Inheritance* (1994) are three of the single author studies Hepburn mentions. All of these studies are of British authors and are more interested in deploying New Historical homologies between inheritance practices and belonging, either within the family or within the nation. Even though these texts do not use inheritance as a metaphor in the same manner as Bloom, inheritance quickly becomes a question of who gets to be part of the family or the nation rather than a question of wealth transfer. When a New Historicist reading does directly confront inherited wealth, it often looks like Richard Halpern’s treatment of primogeniture in *The Poetics of Primitive Accumulation* (1991):54

The ideological work carried out by the myth or narrative of social mobility was to reduce complex social phenomenon to a discourse of capacities which explained vertical movement exclusively by means of quasi-ethical powers within the individual…while ignoring facts such as inheritance, economic monopoly, political patronage, exploitation, plunder, criminal activity or even the luck of inhabiting a particularly fertile or well-placed piece of land. (88-89).

For Halpern, inheritance belongs in a list with “exploitation, plunder, [and] criminal activity” because it is an “unearned” form of wealth that continues to have great social impact in a society attempting to define itself as a meritocracy. Like stealing, it is a means by which those who

54 Halpern is a useful marker in the study of New Historicism because of his attempt to take seriously the attempt to create a “harmony” between Foucault and Marx. Any attempt to historicize this period in literary criticism will hit upon the distinction between “Cultural Materialists” as the British, Marx inspired variant of the American, Foucault inspired New Historicism. Yet, it has always seemed to me that both variants were really in search of the other in ways that Halpern marks clearly. Even contemporary attempts to understand what was then “The New Historicism” adopted these distinctions. See D. G. Myers’s article, “The New Historicism in Literary Study,” *Academic Quarterly* 2 (Winter 1988-89): 27-36 for an example.
profess to live in a merit-based society can achieve unearned wealth. In this reading, inheritance is a practice that capitalism overtly disavows, but allows to be practiced. In Halpern’s analysis, the critique of primogeniture and the response to this critique featured in English Renaissance texts cannot help but miss this point about inheritance, even as they debate a particular form of inheritance. Literature’s attempt to imagine new forms of inheritance (ostensibly ones more in line with meritocracy than primogeniture) are simply enclosed and then used for the purposes of self-interest. As Halpern’s title indicates, the stories in literature are all different versions of “primitive accumulation,” Marx’s term for the fencing of the commons.

This pattern, of finding that inheritance obscures inequality, is repeated when scholars—less frequently—examine 19th century American representations of inheritance. This is strange because, as the remaining chapters of this dissertation will demonstrate, Americans in the 19th century produced an extensive examination of inheritance and came to a much different conclusion about inheritance than Halpern. Rather than understanding the institution of inheritance as mostly like plunder, they came to see it as a fundamental element of a market society. Rather than understanding inheritance through Marx, they reached the conclusion that the unequal inheritance of wealth was not inherently unjust. While it was certainly possible to imagine ways to control the transfer of wealth from generation to generation, inheritance was a positive social institution that did not unduly take advantage of the least fortunate. While it was immanently possible that Americans could create a system of controlling inheritance, inheritance actually required very little control. Despite this, most literary treatments of inheritance have proceeded from the assumption that inheritance does look more like plunder than legitimate exchange.
Perhaps the most encompassing and characteristic examination of inheritance in 19th century American literature is Jules Zanger’s “‘Consider the Lilies of the Field’: The Inheritance Theme in American Literature” (1983). Published in The Antioch Review, Zanger’s article notes that while “versions of [the inheritance] theme can be found all through American writing, its period of greatest popularity began in the latter portion of the nineteenth century” (481). Here I believe she mistakes the increasing amount of print literature published after the Civil War as an increase in popularity. I do agree that inheritance was a special fascination of the 19th century in general. Yet, she then goes on to name inheritance as “Unearned wealth, free of any tinge of moral responsibility” that “presents the purest kind of wish-fulfillment fantasy” (481).

Inheritance in literature is, in turns, “a fantasy,” “a fairy-tale” and a “kind of pornography of achievement”: “like pornography it speaks directly to desire without socially sanctioned mediating fictions, offering, instead an alternative set of fictions, equally fantastic. Like pornography, its roots are in adolescent longing and adolescent innocent” (487). It is certainly true that there are more and less significant treatments of inheritance in this period, but Zanger’s list of analogies is certainly a gross exaggeration of the motivation behind the kind of consuming interest in inheritance found in the 19th century. She appears to be working under the assumption that inheritance is not rightfully part of a capitalist economy and therefore its use by authors from Hawthorne to Faulkner can simply be labeled “adolescent longing.”

Even still, her exaggeration is revealing in its overstatement. The function of comparing inheritance to “pornography” is her attempt to seal inheritance off from any sense of “social mediation.” Where “fairy-tales” certainly had clear, mediating social functions in their originating context, the only social value for “pornography” is—for Zanger—the brief fulfillment of “adolescent longing,” which really just reveals the extent of “adolescent”
innocence. This all relies on an interpretation of pornography that seems weak at best, but Zanger is essentially saying that because an inheritance is a “free” gift, it makes no friends and carries no social responsibility. Some of the inheritances that Zanger discusses do land in the laps of their recipients, but most of them are expected gifts from one generation to another. Why this should count as “free” gift, one that, despite following the structure of the family, is outside the realm of both the social and the economic (it is part of the economic only insofar as it is a “fantasy” of that sphere) remains a mystery.

Even when critical treatments are not so over the top as to label inheritance as a form of “pornography,” they do import the sense that its most useful function is limited to the function of guilty pleasure. While Zanger seems to suggest that the pornographic nature of inheritance is largely a harmless byproduct of growing economic inequality (the simple “fantasy” of an “adolescent”) others have argued that the “fantasy” of inheritance is actually quite harmful. For example, Lori Merish understands 19th authors of sentimental fictions as using inheritance to imagine ways of “transforming aristocratic material and social forms: the aristocratic ideal of inalienable (landed) property was rearticulated through mobile property, inflected with interiority, and transformed into psychological necessity” (16). Merish is not giving Americans credit for this “transforming” of aristocratic material and social forms,” though this is certainly one of the most interesting elements of America’s Market Revolution. Instead, she means to suggest that this “transforming” is actually a smuggling of the “aristocratic” into capitalistic property relations. That is, inheritance in fiction works, as it does in Halpern and Zanger, to mask the inner-workings of capitalism.

Of course, New Historicist analysis of inheritance is not always so openly inflected by an interest in class as it is in the case of Merish and Halpern. Alys Eve Weinbaum’s Wayward
Reproductions: Genealogies of Race and Nation (2004) discusses inheritance, as Raymond Williams does in his Keywords: A Vocabulary of Culture and Society (1976), as the noun connecting “key” adjectives like “Racial” and “Genetic” (143, 249). Weinbaum directly models her approach on Williams’ text and, though she is largely interested in scenes of inheritance or disinheritance, she treats the inheritance of wealth as one way among many that the drive to reproduce racial distinctions is marked. Whether it is racial inequality or class inequality, there is broad critical agreement that inheritance obscures, rather than reveals, how the market works.

Outside of Zanger’s and Merish’s treatments of inheritance, the most thorough, direct reading of the role of inheritance occurs in Amy Lang’s The Syntax of Class, where she claims that “undercutting the narrative of striving with one of inheritance” (27) performs the work of “displacing class difference and managing class conflict” (6). For Lang, identifying with characters who inherit their way out of poverty means avoiding the inequalities created by the marketplace. The primary conduits for creating this identification alternate between gender and race in Lang’s analysis, with inherited property counting as the most damning form of evidence. Inheritance looks to Lang like an aristocratic privilege held over into a capitalist age. In this

55 For instance, Weinbaum claims Kate Chopin’s short story “Désirée’s Baby” (1893) can be read “against the grain” of genealogy and racial purity because a father’s disinheritance of his only heir based upon an insinuation of black ancestry is followed by the father himself finding that he also “belongs to the race that is cursed with the brand of slavery” (The Complete Works of Kate Chopin 245). That a Southern court might have used the same logic as Désirée’s husband—with or against his will—seems to suggest that Chopin meant the story to be read “against the grain” of racial purity, but it is hard to see how this can be extended to genealogy writ large. Genealogy is always “tainted” with racial implications for Weinbaum, but Chopin doesn’t seem to share the same problem with inheritance along genealogical lines. Chopin’s story would lose its force, not gain more, if it were just a story of disinheritance. Her reliance on the question of whether the child was the son of a white man and black woman or a black man and a black woman mimics the ways this question would have mattered, or could have been made to matter, in a Southern court. “Cohabitation” between white men and black women was handled differently in various Southern states, but the difference could be the difference between a partial inheritance or being completely disinherited. See Adrienne D. Davis “The Private Law of Race and Sex: An Antebellum Perspective” (Stanford Law Review. (51) 221); Emily Field Van Tassel “‘Only the Law Would Rule between Us’: Anti-miscegenation, the Moral Economy of Dependency, and the Debate over Rights after the Civil War.” (70 Chicago-Kent Law Review 873); and Rachel F. Moran, Interracial Intimacy: The Regulation of Race & Romance. (Chicago: University of Chicago, 2001). If race is eliminated the story has none of this resonance and is just another story of a heir disinherited. For this reason, it is hard to see this story as a critique of inheritance along genealogical lines and still appreciate the irony driving Chopin’s critique of “racial purity.” There are certainly texts that perform this critique, though they usually do so as an appeal to radical economic equality.
reading, the only way to explain 19th American literature’s fascination with inheritance is that it enabled Americans to ignore the market. In fact, inheritance counts as one of the primary forms of evidence that Lang cites.

This pattern, in turn, reveals the limitation of imagining the social context of aesthetic production as extending, or constraining the market. The work that fiction does in relationship to the market seems more like the mediation of value—to clarify and explore the significance of exchange and market values—than the limitation or expanding of that exchange. In the New Historical model, inheritance is excluded from market logic in that it works like an “aristocratic” transfer rather than a market transfer. Because an inheritance is not something you earn, but something you are given, it is an opportunity for the gains of (exploitative) market exchanges to be disseminated to other undeserving recipients. Yet, even as inheritance appears to function differently than the market it does not end up disrupting market exchange; it reproduces the conditions for market exchange. Thus, Merish can see the continued interest in inheritance during the 19th century as an attempt to cloak market dominance in aristocratic form.

I believe that 19th century observers can be excused for believing that inheritance practices are a holdover from an aristocratic age; they lived at a time when aristocratic privilege was either a continuing concern or a recently eliminated social formation. Yet, continuing to account for inheritance in this fashion means modern critics are unable to account for the actual social significance of inheritance in a market based economy. Likewise, reasons for writing about inheritance are lost to a polemical approach to market transactions. Treating inheritance like a wolf in sheep’s clothing—as a social function that appears to operate outside the market’s rational production (and eventual exploitation), yet ends up working towards the ostensible ends of the market—fails to account for all the ways individuals distinguished between legitimate and
illegitimate inheritance transfers. For instance, at the start of the 19th century, life insurance was considered an invasion of the sacred, betting on something God controlled. By the end of the 19th century, the life insurance industry had over a billion dollars of life insurance in force.\textsuperscript{56} Why was life insurance a legitimate means of transferring wealth in 1900 and an illegitimate one in 1830? How were literary representations of life insurance used to create this sense of legitimacy? As shown in my third chapter, answering these questions requires treating inheritance as more than another commodity in the boundless market; it requires the ability to distinguish between markets.

\textbf{Cultural Capital or New Economic Criticism}

The past twenty-five years have seen the development of various responses to the New Historical pattern, or feedback loop. These approaches are obviously more diverse than I will be able to capture here, yet I believe that two approaches most successfully break this loop.\textsuperscript{57} The first is an attempt to account for forms of value in various sociological fields, as broad as literature and as narrow as inheritance, and is associated with Pierre Bourdieu’s approach to

\textsuperscript{56} Life insurance has generated a surprising number of historical surveys. Because life insurance is by definition a long-term contract insurers have to “advertise their capital” in the sense of establishing the perception that they will be around to pay-out a policy. Building skyscrapers like the John Hancock Center and creating company logos depicting the Rock of Gibraltar are some of the more obvious means of accomplishing this end. Less obviously, the insurance industry was involved very early in the production of various periodicals and other forms of publications. This has meant a wealth of data that historians have found hard to resist. The amount of policies in effect at any one time can be found in any number of sources. For example see Roger Grant’s \textit{Insurance Reform: Consumer Action in the Progressive Era} (Iowa State University Press, 1988) and Morton Keller’s \textit{The Life Insurance Enterprise, 1885-1910: A Study in the Limits of Corporate Power} (Cambridge, MA: Belknap Press, 1963). More precise estimates regarding the specific number I cite here can be found in Douglass North’s “Capital Accumulation in Life Insurance between the Civil War and the Investigation of 1905” which is an essay in \textit{Men in Business: Essays on the Historical Role of the Entrepreneur} (Ed. William Miller. New York: Harper & Row Publishers, 1952).

\textsuperscript{57} Any attempt to bifurcate an entire period of literary criticism will unequivocally oversimplify that period. Here, I am trying to isolate the two most significance attempts to respond to what I have called the “feedback loop” of New Historicism. There are obviously a vast number of critics who have not been interested in, or have seen their work outside of, this response.
value. The second is a particular version of what has come to be called New Economic Criticism and relates most closely to Viviana Zelizer’s approach to the relationship between morals and markets.\(^5^8\) Both Zelizer and Bourdieu argue that simply noting the “embeddedness” of a particular text, or practice is a limitation to any understanding of value. Accounting for how a text responds to its location within varied settings is useful, but misses the negotiation between different forms of value. Usually, as in the case of New Historicism’s homologies, non-economic value ends up as a veneer on rational, economic exchange. Both Bourdieu and Zelizer remove this sense of veneer and take these other forms of value seriously. As Jens Beckert notes in his examination of previous conceptions of embeddedness, “What is Sociological about Economic Sociology? Uncertainty and the Embeddedness of Economic Action,” “it becomes possible on theoretical grounds to reject...theories that economic relations become increasingly disem- bled with the unfolding of capitalist market societies” (829).\(^5^9\) That both of these responses

\(^{58}\) I recognize that Zelizer’s name does not carry the same critical weight as Bourdieu within the field of literary criticism. Zelizer engages literary texts throughout her sociological texts and she accounts for literary value in several places. Yet, these examples occur on the periphery of her arguments and she has no account of literary value as sophisticated as Bourdieu’s reading of Flaubert, for instance. Perhaps more importantly, she has no corresponding literary critic in the way that Bourdieu has John Guillory, whose *Cultural Capital* (1993)—as I have already expressed—effectively transports Bourdieu’s claims regarding cultural and symbolic capital into the literary sphere. That said, a growing number of literary works are influenced by Zelizer’s observations. Mark Osteen’s and Martha Woodmansee’s collection *The New Economic Criticism: Studies at the Intersection of Literature and Economics* (University of Chicago Press, 2000) gathers a number of these authors. Perhaps Mary Poovey’s *Genres of the Credit Economy* (2008) is the closest example of a single author text taking a “Zelizerian” approach to the relationship between economic and aesthetic value. Poovey argues that literature helped to “naturalize” the credit economy. Literary texts performed very real economic functions, despite the genre divide between economic and literary “value” that was created in the 19th century. Poovey believes that literature has virtually stopped having this function (we have collectively, in a sense, learned what we need to know about “credit” by digesting *Tom Jones*), while Zelizer would argue that it continues to have this function, but Poovey also clearly wants literature to regain this function. Outside of *Genres of the Credit Economy* see Michael Tratner’s *Deficits and Desires: Economic and Sexuality in Twentieth Century Literature* (Stanford UP, 2001) for a text that examines literature with an understanding of literary value that comes close to Zelizer’s. Tratner examines the correspondence between a shift in individual and governmental regard for debt in the early twentieth century. Taking the economic writings of John Maynard Keynes as his quintessential text, Tratner examines how going into debt became a normal and valuable part of life. At times, Tratner treats Keynesian “consumerism” as a more negative concept than Zelizer has, but his analysis is also open to the positive cultural good accomplished through consumption.

\(^{59}\) Both Bourdieu and Zelizer have been categorized as performing “The New Economic Sociology.” While I am interested their differences as well as their similarity, one of the defining elements of this field is its engagement with idea of “embeddedness.” It is possible that the technicality of this term will elude those outside the field of sociology. The amount of work done surrounding this term and the care that economic sociologists take to note their
take sociology as their starting point is not an accident. While literary studies became enamored with New Historicism during the early 1980’s, economic sociologists like Bourdieu and Zelizer spent the later part of the 1970’s critiquing the neoclassical account of the rational actor and looking to replace that account with something more nuanced. Rather than rejecting the market with rational actor theory, both sociologists looked for different accounts of market activity. In Zelizer’s account, the goal of economic sociology is to answer a relatively simple question: “When new forms of economic activity arise, how do ordinary people integrate them into their existing webs of meaning and solidarity” (Economic Lives 1).

In many respects, the possibility of accounting for the extraordinary interest in inheritance during the 19th century requires trying to answer just such a question. Inheritance is not a new form of economic activity; all organized societies have forms of inheritance. It is as fundamental as death and property. Yet, alterations to inheritance practices, through law or altered social practice, had the effect of making inheritance new again in this period. Between 1800 and 1916, simply taxing inheritance, which was first done by the federal government in 1797, became first unconstitutional, then constitutional, then unconstitutional, and then


It is also possible that both of these responses take sociology as their starting point because literary studies has increasingly come to “import” knowledge from surrounding fields in order to stay relevant. If this is true it would be just one more example of literary studies “mining” other fields for a foothold in a “saturated” market. See Mark Bauerlein’s article “The Research Bust” in The Chronicle Review (December, 20011. Web) for further analysis of this possibility.

Zelizer’s 2011 book Economic Lives: How Culture Shapes the Economy (Princeton UP) provides her personal account for the development of economic sociology as a field, starting in the 1970’s. While I have been emphasizing important differences between Bourdieu and Zelizer, Zelizer’s account references Bourdieu in largely positive ways. I believe this is more a function of both the rhetorical stance she has taken in the text (which is an attempt to defend economic sociology at large) and the fact that she and Bourdieu developed their different accounts of the relationship between “fields” simultaneously. She is by no means blind to Bourdieu’s limitations, but she sees those limitations as minor compared with traditional accounts of the relationship between the social and the economic.
constitutional after the passage of the 14th amendment. For much of the 19th century it was unconstitutional to tax any inheritance at the state level in New Hampshire, Minnesota and Wisconsin. Inheritance and its relationship to the market (Was it something that could be taxed or something sacred—either to individual or to the family?) were in flux. The “newness” of inheritance practices, as I will show in my third chapter, was especially true in relationship to creation of a market for life insurance—perhaps the most significant formal alteration of American inheritance during the 19th century.

While I have sympathy for both accounts’ retreat from a reductive, polemical view of the market, examining Bourdieu and Zelizer more closely reveals that Bourdieu’s attempt to situate “cultural” and “economic” value relies less on a complication of their relationship than an animation of the relationship by the economic. This does not mean that Bourdieu’s account somehow capitulates to the economic. This has been said many times, perhaps most notably and forcefully by French sociologist Alain Caillé. His Critique of Utilitarian Reason (2002) has not been published in English, but he has published some shorter works in English and other article length works are available in translation. In Caillé’s account, Bourdieu represents acquiescence to rational actor theory rather than critique. I do not see Bourdieu expanding the market in order to explain other sociological realms. In fact, I believe that critics that suggest that Bourdieu relies too much upon “calculation” in the determination of value, miss some of the subtlety of his analysis. He does not always attempt to reveal the calculation behind every action. For instance, in The Social Structure of the Economy (2005) he marks the indeterminacy that can preclude or

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62 While a number of legal textbooks offer historical accounts in inheritance law in America, one of the first of these—Max West’s The Inheritance Tax (1893)—remains one of the most thorough accounts of the 19th century’s legal shifts.

63 Among these shorter works, Caillé’s “The Double Inconceivability of the Pure Gift” (2001) is perhaps the most explicit discussion and elaboration of his critique of Bourdieu. In this article he discusses how Bourdieu obscures the fact that his understanding of economic interest relies upon making disinterestedness into “an illusion” (26).
generate a sale as evidence that “Far from simply expressing the logic of the economic relation, the interaction actually creates that relation; it is always uncertain and its development is full of suspense and surprise” (210). That is, there is no way to account for the purchase in a clear, rational manner. Deals get done for a number of reasons that have nothing to do with rational calculation. He is openly precluding something like a rational actor.

At the same time, I believe Bourdieu overvalues competition in-between fields in his attempt to unite various forms of capital under the umbrella of symbolic capital. While this may seem like a small distinction, saying that the economic animates the relationship between fields for Bourdieu is not to suggest that he has gone so far as acquiescing to the economic. Reading Bourdieu as an apologist for the market reveals a discomfort with the market that I do not share. It is also a misreading of Bourdieu that flattens the complexity in his understanding of how individual fields work. Instead, it is in the attempt to account for the ability of the “dominant” to dominate through symbolic capital (by setting exchange rates between capitals at a favorable rate) that competition comes to structure all fields. Caillé believes that Bourdieu’s attempt to map various fields is really a (barely) hidden justification of dominance and self-interest. I would simply assert the possibilities of recognition without competition while avoiding a critique of those forms of recognition that rely upon competition.

Bourdieu depends upon the distinctions people make between different forms of value. He divides the social realm into “fields,” each field having its own form of capital. For Bourdieu, each “field” functions something like a game with its own set of rules. Performing mastery of those rules enables success in a particular field. This approach does short-circuit the New Historical homology by insisting upon the distinctness of each form of “capital.” Cultural capital does not “trade” with economic capital in the same way that one form of economic capital trades
with other forms of economic capital. Yet, as Philippe Coulangeon and Yannick Lemel demonstrate quite convincingly in their 2009 article “The Homology Thesis: Distinction Revisited,” there is very little to suggest that the “trade” between fields follows the “structural homology” Bourdieu asserts: “[T]he correspondences between behaviours and social and cultural characteristics are far less strict that suggested by the idea of ‘structural homology’ (52).64 At the same time, Bourdieu’s “structural homology” is not the same homology of New Historicism. Bourdieu is committed to a distinction between the fields, but each field’s unique form of capital is linked through symbolic capital. All forms of value are convertible to symbolic capital for Bourdieu: “the transformation of any give kind of capital into symbolic capital…is the fundamental operation of social alchemy (the paradigm of which is gift exchange)” (Logic of Practice 129). To even be called value or capital, “it” must be recognized as such by the other players of the game. There is no such thing as something that is exchangeable and has no value. Exchange relies on the ability to mutually recognize value in an object, even if that value is not identical. For instance, my grandfather’s walking cane contains sentimental value well above what one might normally consider its exchange value. Even if we imagine that I was willing to sell that cane to someone outside my family for a fixed dollar amount, the process of exchange would still be quite complex—despite the dollar amount. I may value the cane because it is a

64 There are other accounts of Bourdieu that make a similar point, though few do so with the quantitative thoroughness of Coulangeon and Lemel. Their article graphically plots out the difficulty in attempting to demonstrate the relationship between various positions between fields. In essence, the conversion rates between fields are variable in ways for which Bourdieu has not allowed room. The most thorough theoretical critic of Bourdieu’s broad use of homology can be found in Jeremy Lane’s Bourdieu’s Politics: Problems and Possibilities (2006). Lane catalogues the various uses Bourdieu makes of the term “homology” and attempts to “re-think” Bourdieu’s position having eliminated vagaries between uses. For instance, I have not touched upon Bourdieu’s use of the term to describe relationships in the same field. Lane discusses how these two uses of the term are quite different and perform different enough functions that they deserved to be treated separately. For another example, see Craig Calhoun’s contribution, “Habitus, Field and Capital: The Question of Historical Specificity,” to Bourdieu: Critical Perspectives (1993). Calhoun explains how the homology between each field is a rather glaring assumption in Bourdieu’s work (82). He goes on to question the validity of this assumption. Calhoun has also become one of the most important chroniclers of Bourdieu’s work on the American side of the Atlantic. (See also Calhoun’s entries for Bourdieu in both Contemporary Sociological Theory (2012) and The Blackwell Companion to Major Contemporary Social Theorists (2003).)
physical embodiment of the stories my grandfather told. The individual buying the cane may value the cane for strictly utilitarian purposes, but in the moment of exchange we would have to agree on a rough equivalency of the sentimental and the utilitarian. The utilitarian is neither a devaluation nor an elimination of the sentimental in this exchange. To go one step further, it is almost certain that as a form of capital moves between different fields it will be assessed different values. This should not limit its ability to be exchanged or move between fields, but it will set up the rate of exchange.

All of this is to say that it is undeniable that value relies upon recognition. Just how recognition works between fields is harder to make clear. To deny that value relies upon recognition would be to make an individual’s value of an object into its tradable value. While I would like it if the world valued my grandfather’s walking cane as much as I do (this would make me quite rich), there is no reason to confuse these two understandings of value—or to understand them as totally unrelated. Because I put such a high sentimental price on my grandfather’s cane you would have a difficult time buying it for what would understood as its traditional, market price. Sentimental values play a role in determining economic values. More importantly, there is also no reason to make recognition rely upon competition, as it does in Bourdieu’s account. While the rules of each particular game are different, they all appear to, equally, run on competition, a drive for status.65

The reason Bourdieu imagines gift exchange as the “fundamental operation of social alchemy” and “the paradigm” for symbolic capital is that he reads gift exchange as only seeming like a disinterested, altruistic exchange, revealing that “the function of gift exchange presupposes

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65For an example of an analysis of a particular field and the importance of competition to the very concept of field, much less the conversion of value between fields, see Bradford Verter’s “Spiritual Capital: Theorizing Religion with Bourdieu Against Bourdieu” (Sociological Theory, 21.2 (2003) 150-174). Verter sees competition has an underutilized concept in determinations of religious values, even as he has difficulty with the extent to which Bourdieu relies upon competition.
individual and collective misrecognition of the truth of the objective ‘mechanism’ of the exchange” (Logic of Practice 105). Bourdieu imagines symbolic capital, like gift exchange, involves people disavowing the competition for recognition between fields: “Gift exchange is one of the social games that cannot be played unless the various players refuse to acknowledge the objective truth of the game” (Logic of Practice 105). The paradigmatic truth of both gift giving and symbolic capital is that each is an unacknowledged competition, but a competition nonetheless. This problem becomes clear when one considers practices like inheritance, that involve both “economic” elements (the calculations a heir might make based on an expected inheritance) and “moral” elements (giving an inheritance unexpectedly, as a gift). As Mark Osteen notes when he analyzes Bourdieu in his introduction to The Question of the Gift: Essays Across Disciplines (2006), this “suggests we misunderstand our own habits, that we all believe a lie. The truth would expose gifts for what they really are—disguised economic transactions” (24). Osteen belies, as I do, that this is a profoundly limiting assessment of both the economic and the gift.

Even more importantly, this is not the experience of individuals who set about writing wills. There is very little to be gained by making sure that the friend who admired your walking cane gets that precise cane after you die, as was the case with James Madison and Thomas Jefferson. There appears even less to be gained when your friend returns that same walking cane to your children, as Jefferson did in his own will. Where exactly is the self-interest in such a transaction? It is certainly not a maximization of profit or even profitable to have a cane transported from Montpelier to Monticello, back to Montpelier. If we look further afield, it is

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66 In editing both The Question of the Gift: Essays Across Disciplines and The New Economic Criticism: Studies at the Intersection of Literature and Economics (1999), Osteen became one of the primary chroniclers of the New Economic Criticism.
perhaps possible to find a motive different from altruism in this exchange. In the case of Jefferson and Madison we can look to the public nature of their wills, though this ends up being a rare exception. Jefferson and Madison knew their legacies would be scrutinized and lionized in ways that would make their wills important social documents in ways I, for one, will never have to worry about. Perhaps Jefferson and Madison created this transaction as a demonstration, to posterity, of something about their inner character they hoped would be conveyed by such an exchange. After all, George Washington’s will, published in pamphlet form, had already become something of a bestseller. Yet, the bulk of inheritances are, and have always been, conveyed without a will. If the personalized will of a Madison, Jefferson or Washington can be understood to have “hidden” value for the writer of the will, it is hard to see how a life insurance contract or simply allowing the state to divide your assets hides that same value. These contracts and laws have clear economic value, but can just as clearly function as gifts. The inability to take

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67 This attempt to re-describe what an individual understands as altruistic as a form of calculation is not unique to Bourdieu’s analysis. In fact, it characterizes the bulk of the concern for inheritance within economics. Most examinations of inheritance in economics deal with the motivations for inheritance. For an example see the collection of articles edited by Alicia Haydock Munnell, Annika E. Sunden, Death and Dollars: The Role of Gifts and Bequests in America (Washington, D.C.: Brookings Institution Press, 2003). All of the articles in this collection dismiss “accidental” transfers as outside the bounds of altruism. If my grandparents die before they can spend their life savings and leave their remaining money to my one-year-old son this is not understood as an act of altruism. While it is fundamentally true that a gift without any intention would be an accident rather than a gift, putting my son’s name on their will is no accident. But why leave their money to my son? They certainly don’t get anything from the transfer of money to my son after their death. There is clearly no way for them to imagine reciprocity in any traditional sense in this situation. They might, perhaps, imagine that this money will be used for some sort of familial purpose in generations to come. Attempting to describe such an imagined distant outcome as a self-interested calculation stretches both self-interest and calculation beyond recognition. Intentions are not reducible to calculations, they can be contradictory and without apparent reason.

68 Robert Farmer (The Last Will and Testament (1976.) and Nathan Roth (“The Psychiatry of Writing a Will” (1987)) and others have maintained that wills are essentially a post-mortem acting out of a strict calculation of self-interest. They cite will and testaments where the deceased limits the actions of future generations as evidence for self-interest. I do want to suggest that it is not possible for individuals to imagine that their interests should continue to be carried out after their deaths. I also do want to suggest that inheritance is a form of “gift” that is somehow entirely devoid of self-interest. I do not see self-interest as a threat to “gift” and simply want to point that that an account of inheritance as purely self-interest fits poorly with the overwhelming majority of inheritance transfers. For example, trusts continue to be underutilized even by those with fortunes larger enough to justify the legal expense of creating such a means to limit future generations.

69 Washington’s will was published in pamphlet form shortly after his death. For a comprehensive analysis of George Washington's will and its publishing history, see Eugene E. Prussing, The Estate of George Washington, Deceased (Little Brown and Company: Boston, 1927).
gift giving seriously, by making all transactions between fields of human interaction into selfinterested competitions, marks a profound limitation of Bourdieu’s approach to value.

Rather than Bourdieu’s conception of symbolic capital, I will follow Viviana Zelizer’s understanding of the relationship between different forms of value:

Economic processes should not be set in opposition to extraeconomic cultural and social forces but understood as one special category of social relations, much as is kinship or religion. Thus economic phenomena, although partly autonomous, are interdependent with a system of meanings and structures of social relations.

(Economic Lives 367)

Following Zelizer’s advice, debates about inheritance that found their way into aesthetic texts in the 19th century will not be read as attempts to make market dominance look like refined, aristocratic transfers. Inheritance does not equate to a form of market competition by other means. Rather, the institution of inheritance had to undergo shifts and modifications to accommodate the changing economic landscape of the 19th century. As my following examination of the history of inheritance in 19th century America will show, inheritance would have been a less than successful means of cloaking anything in aristocratic form. Inheritance practices that were understood to be aristocratic in nature were the targets of Revolutionary reform and to the extent that an inheritance practice could successfully be made to seem aristocratic is a marker of the extent to which that practice was the subject of reform. If inheritance is not aristocratic, what was its purpose? I believe that the authors I will examine are not masking market dominance so much as they are negotiating the relationship between the personal and commercial.
For this reason, I understand Zelizer’s lack of a uniform system of transfer between what Bourdieu calls fields, something like symbolic capital, as a strength of her approach. Instead of elevating competition to the ultimate arbiter of inter-field value, she replaces fields with “multiple markets.” She avoids conflating gift giving with economic exchange be allowing for an increased fluidity between fields. Replacing Bourdieu’s various fields with markets of consumption, exchange and production, Zelizer imagines that each of these “markets” should be analyzed as a category of social relations rather than as individual attempts to maximize value. While describing a “market for sentimental relations” will be a non-starter for those who fear the rising “economization” of terminology through “market rhetoric,” what Zelizer means by using the term “market” this way is actually an attempt to claim theoretical turf from economists. Her other term for this characterization “connected lives” is less polemical, though it lacks specificity. Carried in the term “market” for Zelizer is a set of beliefs about the market: (1) that markets are not autonomous, (2) markets do not determine social institutions and cultural values (3) markets are actually interactive with these social institutions and cultural values (4) the interplay between institutions, values and various markets is both difficult to capture and in flux. Markets are neither morally improving, nor morally damaging. Zelizer looks for interplay between “multiple markets” both within kinds of market exchange as well as at the border of market and non-market activity. She argues that the intertwining of market activity and moral valuation is so pervasive that any sense of a clean division between market and non-market spheres will fail to see these spheres dependence upon each other. Zelizer characterizes this

70 Margaret Radin makes this point in Contested Commodities (Harvard UP, 1996). While Radin and Zelizer both critique neoclassical economists, they disagree about the significance of “market rhetoric.” Each spends significant time critiquing the work of Gary Becker and Richard Posner. Where Posner and Becker suggest that the only reason for excluding goods from the market is market failure, both Radin and Zelizer believe Becker and Posner create cartoons out of human relations in order to make these relations fit into cost-benefit analysis. Where Radin wants to reclaim “rhetoric” from the market, Zelizer appears to want to move into spheres usually given over to economists’ understandings of markets. For more on the relationship between Radin and Zelizer see Zelizer’s introduction to The Purchase of Intimacy.
position as “Hostile worlds,” and defines it as the belief that “[s]uch a profound contradiction exists between intimate social relations and monetary transfers that any contact between the two spheres inevitably leads to moral contamination” (182). Similarly, she rejects the position, which she names “Nothing-but,” that “intimate relations involving monetary transfers are…nothing but rationally conducted exchange, indistinguishable from equivalent price-making markets” (182). To stick with the idea of a market for sentimental exchange, sentiment is neither contaminated by economic values, or an economic game by other means.

For example, both Zelizer and Lori Merish examine the increasing “pricelessness” of the child at the close of the 19th century. While Zelizer’s account is purely sociological and Merish’s is an attempt to see the “value” of sentimental literature, both agree that the increasing value placed upon childhood is tied to the elimination of child labor and the increasing competitive nature of education. Yet, Merish believes that the “priceless” nature of the child actually hides the ways that the child remained commodified through “erotic regulation” (“Cuteness” 189) in the child’s new, ostensibly non-market role. The impact of removing children from the market is a means of registering the extent to which the market continues to dominate supposedly “cultural” arenas, like dollhouses and Shirley Temple movies.71 Children’s occupancy of a sphere of “protection” ends up being a lie that needs correcting. Zelizer’s analysis, on the other hand, takes seriously the commitment to a “priceless” child without literalizing the sentiment behind “priceless.” She explores the new ways these children were priced without arguing that these new “prices” are hidden commodification. She marks the increase of child-insurance contracts as children began to live longer and were increasingly removed from this market. This, of course, makes no economic sense for the parent. If children really were being subjected to the

71 Merish, ironically and without attribution, is following a long tradition of examining the end of child labor as a simple “cost-benefit” analysis. For example, see Lawrence Stone’s The Family, Sex and Marriage in England 1500-1800 (New York: Harper and Row, 1977) as an example.
laws of supply and demand, they should have been insured at greater rates when there was greater risk they would die: “The expulsion of children from the market at the turn of the [nineteenth] century, although clearly shaped by materialist concerns, ultimately exceeded a mere economic calculus…As the emotional and moral uniqueness of children was stressed, pragmatic pecuniary equations of their value became increasingly inadequate” (54). Rather than understanding the economic transaction that still surrounding rhetorically “priceless” children as nothing but evidence of coercion, those economic transactions can actually reinforce the rhetoric of the “priceless.” This is not to say that the “pricelessness” of children is without inequalities; the protection of this sphere is clearly limited by race and class. Zelizer believes that marking the limitations of sentimental valuation does not undo the logic of sentiment that created that value in the first place. In fact, she ends her argument with a plea to “recognize the curious and even cruel limits to our sentimentalization of childhood” (71). Yet, this shortage of sympathy seems to me, and to Zelizer, for an argument of its extension rather than an attempt to see it as inevitably commodifying and degrading.

In my Fourth chapter I will examine a text that directly addresses how Zelizer formulates the relationship between sentimental and economic value in one of her defining texts, Morals and Markets: The Development of Life Insurance in the United States (1979). Sharon Ann Murphy’s Investing in Life: Insurance in Antebellum America (2010) challenges Zelizer’s work on life insurance by claiming that the “sentimental” work of making life insurance palatable to Americans is, in effect, window dressing. Price is what mattered and price determined the market

72 These limitations obviously continue. The strongest element of Merish’s argument is her reading of Toni Morrison’s Bluest Eye (1970) and the text’s explicit critique of the refusal to acknowledge the “priceless” nature of black children in the same way white children are understood as “priceless.” Clearly, sentimental value is distributed unevenly. Why this should then count as a critique of sentimental value is not clear. For instance, in the current adoption market, children over the age of six are much harder to find homes for than 6 month old babies. Does this invalidate the attachment formed between the mother who adopts the 6 month old rather than the 6 year old?
for insurance. Her oft repeated refrain is some version of “price did matter in life insurance” (170), by which she means that price was the determining factor in developing the market. Her argument to put price at the center of the shift in views about life insurance is a direct rebuttal of Zelizer’s claims. It is also a much weaker understanding of how life insurance became a normal social practice. The moment her “price” argument is applied to the insurance of women’s lives it is possible to see how she misses the ways that individuals were concerned that the kinds of community created by actuarial insurance practices involves would distort or change existent social relationships. For most of the 19th century, actuaries believed that the kinds of women that would purchase life insurance would be outsized risks because they knew something about their health that the insurance company would be unable to determine. They were concerned that no medical examiner could detect the kinds of flaws inherent in the kinds of women who would seek out insurance. To this end, Murphy rightfully and clearly establishes that actuaries of the 19th century were simply wrong to charge women more for life insurance. By this I mean that they were actuarially wrong, the numbers just do not back-up this bias. While women die in childbirth, men of the same age group in the 19th century took more risks in employment or travel and actually died at greater rates. Yet, she concludes that:

If companies wanted to ensure that the mortality tables were accurate by expanding policy sales across a substantial subset of the population, they could not overcharge applicants. Of course, it is also possible that demand for life insurance among women would have remained low regardless of the price of insurance, in which case the companies were wise not to expose themselves to unnecessary risk. (44-45)
At this point in her argument Murphy has already mentioned the attempts by several insurance companies to take advantage of the underinsurance of women. All such attempts failed, even those that priced life insurance equally. That she qualifies her “price did matter” argument with “it is also possible that demand for life insurance among women would have remained low” does not help her argument. She effectively limits the dominate factor in the decision women made to avoid buying life insurance (since price did not appear to make a difference), a resistance to insuring their lives that is not explainable with a simple appeal to price, to a single sentence of a book length project dedicated to the argument that “price did matter.” Price most certainly did matter, but sentiment mattered as well. Zelizer’s work in Morals and Markets is the basis for a much more thorough and sophisticated account of how the market for life insurance was developed.

Most recently, Zelizer has examined how different kinds of intimate relationships are differentiated from one another (The Purchase of Intimacy 2005) and the crucial role that monetary exchanges play (depending on their interpretation as payments or gifts) in marking the substance of social ties (The Social Meaning of Money 1994). Zelizer’s earlier work on life insurance (Morality and Markets 1979) grounds my fifth chapter’s examination of the literary

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77 In the realm of aesthetic value, Olav Velthuis’s Talking Prices: Symbolic Meanings of Prices on the Market for Contemporary Art (Princeton UP 2005) takes Zelizer’s understanding of “multiple markets” and examines the nature of prices in the art market. For Velthuis, understanding how art is priced requires understanding the organization of the art world. Prices vary depending not only on an artist’s reputation, but on who buys and sells the work. For example who buys an artists’ work at certain points in the artist’s career can greatly alter the trajectory of that career. Price stops being simply a question of supply and demand and becomes part of a social narrative. Certain buyers act as “market makers” whose purchases not only alter other prices, but create markets for works where no markets existed before. Peter Levin, in “Culture and Markets: How Economic Sociology Conceptualizes Culture” (Annals of the American Academy of Political and Social Science, 619 (Sep., 2008), pp. 114-129), summarizes Velthuis’s argument as a combination of seeing the market as culture and culture as the market: “The market is culture; dealers mark art as a noncommodity even as they sell the same art. Gallery owners use a front-room/back-room strategy, whereby in the front of the gallery the art is talked about as a specifically cultural object but in the back of the gallery its price is negotiated and the art is bought and sold. But the market also has a culture; dealers do not adjust prices to maximize profits (as an economically rational actor might be expected to do). Instead, they follow the conventions of their professional community, and they price art according to distinct kinds of narrative” (127).
representations of this industry. Her broader significance for this project is the space to see the 19th century concern with inheritance as a marker for the boundaries of market exchange. Rather than seeing representations of inheritance as gifts concealing inheritance as commodity, I will treat understandings of inheritance as gift and commodity as negotiations for the place of inheritance in a market society. Understanding fictional and real 19th century inheritance debates as attempts to maintain and transform meaningful social relationships, rather than attempts to expand market control over these relationships, does reveal concerns with market incursions, but also faith in the market. As Jens Beckert argues in *Inherited Wealth*, the connection between inheritance and the market in 19th century America is not simply one of tailoring inheritance to the demands of an individualizing, rationalizing marketplace, but a “process of negotiation in which individual rights and the rights of the family or society are weighed against each other with respect to their reciprocal consequences, claims and obligations” (82). Literary texts engaged in these negotiations should not surprise us as readers, though some of the ways literature was used do just that.


Chapter Two
The Inheriting Generations and American Inheritance

Reforming Inheritance after the Revolution

Every age and generation must be as free to act for itself, in all cases, as the ages and generations which preceded it. The vanity and presumption of governing beyond the grave, is the most ridiculous and insolent of all tyrannies. Man has no property in man, neither has any generation a property in the generations which are to follow...Every generation is and must be competent to all the purposes which its occasions require. It is the living, and not the dead, that are to be accommodated.

—Thomas Paine, Rights of Man 1791

But it was the law of inheritance that drove equality to take the last step. I am astonished that ancient and modern writers on public matters have not attributed to this law a greater influence on human affairs. Such laws belong, of course, to civil affairs, but they should be placed first among political institutions because of their incredible influence on a people’s social state, of which the political laws are merely an expression. Furthermore, inheritance laws act on society in a sure and uniform way: in a sense, they lay hold of each generation before it is born. Through them, man is armed with an almost divine power over the future of his fellow men. Once the legislator has regulated inheritance among citizens, he can rest for centuries.

—Alexis de Tocqueville, Democracy In America 1835

Both of these epigraphs, one by a man of the Revolution and another by the most profound documenter of the following generation, mark the complex understanding of just what was accomplished with the inheritance reforms following the American Revolution. Where Thomas Paine saw these reforms as lacking, Tocqueville believed they had been a success. Even more importantly for my purposes, both men understood inheritance to be fundamental to the future effects of the Revolution. Those attempting to revise British inheritance law were no less aware of the importance of their undertaking. Even while Thomas Jefferson clearly expressed, in a letter to James Madison, his belief that it was not possible to “fix” the laws of property without infringing upon the rights of future generations—
I set out on this ground which I suppose to be self evident, "that the earth belongs in usufruct to the living;" that the dead have neither powers nor rights over it. The portion occupied by an individual ceases to be his when himself ceases to be, and reverts to the society. If the society has formed no rules for the appropriation of its lands in severalty, it will be taken by the first occupants. These will generally be the wife and children of the decedent. If they have formed rules of appropriation, those rules may give it to the wife and children, or to some one of them, or to the legatee of the deceased. So they may give it to his creditor. But the child, the legatee or creditor takes it, not by any natural right, but by a law of the society of which they are members, and to which they are subject. Then no man can by natural right oblige the lands he occupied, or the persons who succeed him in that occupation, to the payment of debts contracted by him. For if he could, he might during his own life, eat up the usufruct of the lands for several generations to come, and then the lands would belong to the dead, and not to the living, which would be reverse of our principle. (*The Life of Thomas Jefferson*, 589)

—his work in the Virginia legislature would do precisely this. Jefferson wrote laws creating the equal division of inheritances between children when an inheritance was not governed by a will and he also wrote legislation eliminating the entailment of property. His reforms were both lauded and condemned for curtailing Virginia’s nascent aristocracy.⁷⁴ Americans rewrote inheritance law following the Revolution and even as these revisions were taking effect, Americans became dissatisfied with the law, either as written or practiced. That Jefferson, who wrote laws that became the basis for limiting future inheritance reforms, composed one of the

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⁷⁴ No less than Supreme Court Justice Joseph Story saw inheritance reform as one the most important legislative reforms of the new republic. See Story’s *A Discourse on the Past History, Present State, and Future Prospects of the Law* (1833).
most famous and grandest statements of this dissatisfaction is ironic, but useful for seeing the difficulties faced in making these reforms.

Jefferson’s famous passage contains the seeds of both my title, *Inheriting Generations* is about the response of those “generations to come” to the idea of intergenerational transfer, and the reasons why debates about inheritance in the 19th century so often are about the market. The battle between a “wife and children” and “creditors” ended up being a conflict about what wealth needed to remain in the family and what wealth was required to pay the debts of the family. As John Addy notes in *Death, Money and the Vultures: Inheritance and Avarice 1660-1750*:

The vultures are many and varied, ranging from close and distant relatives to intimate friends claiming that deceased had promised to remember them in his will. One allegation that is often found is that the will had been drawn up after the testator had died. Another allegation is that the deceased’s goods and chattels were grossly overvalued in the inventory, or sold at ridiculously low prices. Then there were the executors who fail to pay legacies or creditors who moved in to remove goods as payments for debt, or the negligent guardians of minors. (3)

This battle was on shifting ground in the 19th century, as rules for collecting debts from the dead began to increasingly favor creditors. This shift produced varying degrees of reform. Some reforms, like expanding the rights of step-children and illegitimate children were accomplished without great difficulty or controversy. At the same time, more radical critiques of inheritance often drew on Jefferson’s own ruminations for inspiration—whether those critiques were successful in bringing about reform or not. Jefferson’s letter establishes a theory of intergenerational justice and this theory was used, by inheritance reformers like Orestes Brownson and Thomas Skidmore, to suggest that the American Revolution would only be
finished once inheritance rights had been entirely abrogated. While my next chapter will examine Nathaniel Hawthorne’s response Brownson’s and Skidmore’s formulations, 19th century dissatisfaction over inheritance was not usually as extreme, though anxiety about inheritance was especially consuming during the 19th century.

This is especially apparent in the work of early American political economists. John Taylor (1787-1824) Daniel Raymond (1786-1849) and other early American political economists used England’s primogeniture and entail laws as distinct markers of a society that had created unnecessary inequalities by limiting the positive effects of market exchange. Taylor, a member of the Continental army, the Virginia legislature and United States Senate is an embodiment of the increasing interest in the economic aspects of political economy that characterize the generation that inherited the revolution. After helping to solidify the political institutions of the new republic, Taylor began to publish economic treatises like An Inquiry Into the Principles and Policy of the Government of the United States (1814) and Tyranny Unmasked (1821). Taylor was deeply pessimistic of America’s chances for avoiding the pitfalls of European economic malaise if the country continued along the lines of nationalization begun with the Constitution. He favored a looser alliance between states, which he systematically referred to as nations. Taylor believed that nationalization led to the concentration of political power, which led to the concentration of wealth, which lead toward aristocracy and monopoly. At the same time, Taylor was deeply hopeful that the elimination of entail and primogeniture would limit such amassing of political and economic power. He compared primogeniture and entail to the interest rates of “paper feudalism,” which he saw as the concentration of wealth through the financial industry.

75 For more on Taylor, see Sheldon, Garrett Ward, and C. William Hill Jr. The Liberal Republicanism of John Taylor of Caroline (2008).
Similarly, entail and primogeniture are linked to monopoly time and again in Raymond’s 1820 *Thoughts on Political Economy*. Raymond’s text is the first systematic American textbook on economics and for this reason he is sometimes given the title of America’s first economist.76 Raymond’s text reviews the prominent theories of European political economists like Adam Smith, Thomas Malthus and Jean-Baptiste Say in an attempt to disentangle American economic policy from the mistaken assumptions made by Smith, Malthus and Say because they adhered too closely to the limitations of the European context. His theory is really an amalgamation of these earlier theories. For instance, in putting together his own version of Adam Smith’s argument in *Wealth of Nations* for market values as exchange value he notes that Smith’s was pervaded by a “singular obscurity” (331) despite the fact that he reaches the same conclusions as Smith. While Smith certainly is obscure about the source of exchange value (his text opens with a consideration of labor value and then appears to skip forward to exchange value without a marking of the relationship between the two), Raymond meant to point to Smith’s (and other economists) styles in general. He found that one of the problems with economic thought prior to its application in America were the unnecessary restrictions placed on accessing these ideas. Economics, in so far as it was the study of how the economy actually worked, needed to be within reach of those individuals making economic decisions.

One of his most original contributions to economic thought was the argument that current forms of property have no necessary or natural legitimacy. All forms of property are necessarily “artificial” and “exclusive” in their very nature. He also saw no problems with either the artificial or the exclusive nature of property, but believed that these labels simply meant that all states

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76 Paul Conkin makes this claim in *Prophets of Prosperity: America’s First Political Economists* (Indiana UP, 1980), which is perhaps the definitive history of the individual figures of America’s earliest political economists. Alfred Eckes makes a similar claim in his 1999 *Opening America’s Markets: U.S. Foreign Trade Policy Since 1776* (University of North Carolina Press). For more on Raymond, see Kenneth Lundberg’s *Daniel Raymond, Early American Economist* (University of Wisconsin-Madison Press, 1953).
were responsible for creating social solidarity out of these economic, property relations. Property is a social privilege. Raymond argues that the laws of accumulation as written were unnecessarily unequal, both in England and America (the two countries he wrote about most forcefully), though America had rid itself of many of England’s inequalities. His main targets were English entail and primogeniture laws, as well as corporate charters. His ideal solution to this “unnecessary” inequality would have been to limit property rights to a single generation. Raymond believed that economic equality was largely impossible without all the wealth of the dead being pooled into a general fund and then distributed along generation lines. Yet, he saw this as an ideal fantasy without practical implication. The unintended consequences of such a pooling and redistribution were too immense to fully articulate. Given this impossibility, he simply wanted an equal inheritance for each surviving child, something American law already provided for in the absence of a will.

American political economists used inheritance to examine the unique possibilities presented by a market society divested of aristocratic transfer, and I believe that the 19th century was singularly fascinated with inheritance. Yet, as long as Americans have considered themselves Americans, they have been conflicted about inheritance. Even further, this conflict is not unique to America. All societies that recognize an individual’s right to own property require a means of transferring that property to another individual or the community at large. At least since Jean-Jacques Rousseau’s 1754 *Discourse on the Origin and Basis of Inequality Among Men,* certain forms of inherited property have seemed at odds with the goal of an equal society.

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77 I do not mean to name Rousseau and 1754 in a kind of Foucauldian or New Historicist attempt to produce hyper historical specificity. Rousseau and 1754 could be replaced by a number of other names and dates. Both mark the importance of individualized property rights to the relationship of inheritance to equality. If property rights are understood to reside entirely within the family, inheritance can only appear as a familial duty fulfilled and not a vehicle for inequality between individuals of the proceeding generation. The idea of generational equality requires the idea of individual property rights. Inequality will of course be perpetuated in a property arrangement that is between families rather than individuals, but it is not visible in the same degree. The stated goal in such an
In their most extreme forms, critiques of inheritance have asked, if individual wealth is derived from an event as random as the accident of being born rich, then what claim to equality between individuals can a society possess? The American response to this situation has, by and large, been defined not by this extreme critique but by the rights of testers to dispose of their property as they wish. Despite this rather uniform response, debates about reforming inheritance laws have punctuated American history since the American Revolution. The simplest explanation for this continued concern over inheritance is the opposition between meritocratic wealth (earned by the individual) and inherited wealth (given as a gift, unearned). If wealth were to somehow disappear upon death (as Nathaniel Hawthorne fantasizes in *The House of Seven Gables*) or if generational wealth tended to disappear in the next generation, meritocracy and testator freedom would not conflict. All fantasies aside, the fact remains that the poor tend to pass poverty to their children and the rich tend to pass riches onto their children.\(^{78}\)

arrangement is for property to stay in the family forever. The distinction is the basis of perhaps the most famous passage in Rousseau’s essay, his depiction of the transition from the state of nature to civil society:

> The first man who, having fenced in a piece of land, said ‘This is mine,’ and found people naïve enough to believe him, that man was the true founder of civil society. From how many crimes, wars, and murders, from how many horrors and misfortunes might not any one have saved mankind, by pulling up the stakes, or filling up the ditch, and crying to his fellows: Beware of listening to this impostor; you are undone if you once forget that the fruits of the earth belong to us all, and the earth itself to nobody. (33)

Meant as a critique of private property law when used to justify the “arbitrary” (45) “force” (34) needed to subjugate the weak to the powerful, Rousseau saw that once property had been individualized, made private and alienable, the transmission of that property to the next generation would remain private, arbitrary and unequal. Inequality once created would continue through inheritance. Even so, Rousseau’s project, to remove the cloak of legitimacy attributed to such arbitrary transfers, is not possible without first seeing property as “mine,” individual rather than familial in nature. That is, Rousseau did not believe, as Voltaire famously accused, that a return to the state of nature and public property was possible or desirable. Instead, he advocated for increased political freedoms, the creation of a public education system, equitable use of property already considered public and a double taxation on inheritance. Not only did he propose extensive taxes on inheritances, but also the “tastes” bred by the inheritance of wealth. He laid this program out clearly the following year, 1755, in his *Discourse on Political Economy*.

\(^{78}\)As Edward Cary Royce points out in *Poverty and Power: The Problem of Structural Inequality* (2009), “The rich and the poor have at least one thing in common: they both tend to pass along their economic standing to their children (7). Royce provides extensive data on the “persistence of poverty from generation to generation.” For more specific analysis of the role of inherited wealth in this structural inequality see George Marcus and Peter Hall’s *Lives in Trust: The Fortunes of Dynastic Families in Late Twentieth-Century America* (New York: Westview Press, 1992)
Yet, this more general conflict between meritocracy and individual property rights is only a part of what makes inheritance such a consuming concern for 19th century authors. This is a conflict that has continued past the seemingly permanent establishment of a national inheritance tax, and will continue for the foreseeable future. What made the 19th century concern with inheritance so consuming is embedded in the rhetoric the Revolutionary generation used to dramatically alter British inheritance law and the effects of that rhetoric on the market revolution that followed. The legal historian Stanley Katz marks the uniqueness of inheritance reform following the Revolution: “For the Revolutionary generation, the law of inheritance took on a new, strategic importance, since it appeared to symbolize the aristocratic aspects of English government against which the Revolution increasingly directed itself” (11). Because inheritance reform was the major alteration made to the English common law of property, it came to have special import to the following generations. Daniel Webster, one of the prominent members of the inheriting generation, made this point in his “Oration at Plymouth” (1820), claiming that the laws “parceling out and division of land” that accompanied Revolutionary inheritance reforms had “rendered estates divisible among sons and daughters. The right of primogeniture, at first limited and curtailed, was after-wards abolished. The property was all freehold” and had “fixed the future frame and form of their government” (Great Speeches 33). Historian Joyce Appleby renders a similar point to Webster’s claim concerning the relationship between the “form of government” and the economic implications of inheritance reform. In Inheriting the Revolution: The First Generation of Americans, Appleby claims “American commentators...constru[ed] their economic progress as testimony to the soundness of the revolution they had inherited” (4). Yet, the economic progress of the following generations—what has come to be called the market

and Jenny Wahl’s “From Riches to Riches: Intergenerational Transfers and the Evidence from Estate Tax Returns” (Social Science Quarterly, 84 (2003), 278)
revolution—sometimes fit poorly with the republican critique of aristocracy. The literary witnesses to “the consolidation of a market economy and a market society” gravitated to a form of exchange, one between generations, that so obviously predates the market precisely because the market placed new strains upon this institution that the reform of inheritance during the Revolutionary generation had not accomplished. The critique of aristocratic property forms that grounded Revolutionary reforms did not produce all that the market required.

Americans did, however, continue to use the revolutionary generations’ reform of inheritance as a political and economic touchstone throughout the 19th century. Reforms were measured in relation to this initial elimination of aristocratic forms of property. In fact, the lack of an established aristocracy in the United States that Alexis de Tocqueville famously emphasized and Louis Hartz later politicized does bear special relevance. De Tocqueville’s *Democracy in America* (1835) points out the significance of the absence of an aristocracy in the United States at several points, one of which I use as an epigraph to this section. One of his early examinations of this absence works as a partial foil for the politicization of his argument by Hartz:

The social condition of the American is eminently democratic; this was its character at the foundation of the Colonies, and is still more strongly marked at the present day...The germ of aristocracy was never planted in that part of the Union. The only influence which obtained there was that of intellect; the people were used to reverence certain names as emblems of knowledge and virtue. Some

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79 Here I am quoting Steven Watts’ *The Republic Reborn: War and the Making of Liberal America, 1790-1820* (John Hopkins UP, 1987). Watts argues that “liberal capitalism” became the “crucial fact” of American life in the early 19th century. Watts is unmistakably engaged in a very specific historical debate concerning the dating of “Republicanism” and “Liberalism,” which is beyond the scope of this project. (See Joyce Appleby’s *Liberalism and Republicanism in the Historical Imagination* (Harvard UP, 1992) for more on the deeply polemical nature of this divide.) His broader argument, that the synthesis of Republican with Liberal ideas concerning property was a subtle rather than a radical shift, is one that my argument supports: “Yet this fundamental shift [between Republicanism and Liberalism] of the early republic, though broad and far reaching, did not appear as stormy or even dramatic. To the contrary, a complex subtlety defined its nature and often befuddled participants” (xvii).

80 The simplicity and elegance of Hartz’s thesis in *The Liberal Tradition in America: An Interpretation of American Political Thought since the Revolution* (New York: Hardcourt, Brace. 1955) has appealed beyond its Cold War origins, but it remains indebted to the need to twin an account for the American rejection of socialism with an account of American exceptionalism.
of their fellow-citizens acquired a power over the rest which might truly have been called aristocratic, if it had been capable of transmission from father to son (50).

Unlike Hartz, De Tocqueville sees the continued possibilities for conflict, and ideological division, when such a power is exerted. Even though he qualifies the phrase “truly have been called aristocratic” with “might,” there are clearly times in American history where such power has actually “seem[ed]” aristocratic. While it seems doubtful that such a consensus was ever as widespread as Hartz emphasizes, it is possible to grant that there is or was something like a “Liberal Tradition” and still disagree with the implications of Hartz’s version of the depoliticizing, consensus building elements of that tradition. Hartz believed that the “Liberal Tradition” meant that Americans essentially had an understanding about the legitimacy of democratic power and market exchanges. That understanding was based upon the fact that the country had never had to overthrow a domestic aristocracy. That is, if the “power” De Tocqueville observes “had been capable of transmission from father to son” then it would be seen as illegitimate. That many Americans continued to see the principles of democratic equality violated when such power was, or is, transmitted (even in altered form) from father to son helps to explain some of the limitations of Hartz’s thesis, especially to the extent that he denied or obscured significant conflicts within that tradition.

Even as colonies, the United States were not subject to the same conspicuous level of aristocratic privilege so long evident in both Britain and France and so reforming inheritance did not take on the same zeal as is found in the French Revolution nor did it generate a defender like Edmund Burke. Yet, Americans like Nathaniel Hawthorne were—as I will show in my next

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81 Burke famously endorsed the American Revolution and critiqued the French. He did so well before the French had abolished inheritance, though Burke’s critique of the French Revolution relied heavily upon his understanding of the necessity of inherited property and institutions for the success of the state. His argument condemning the French Revolution in Reflections on the Revolution in France, and on the Proceedings in Certain Societies in
chapter—importantly marked by this lack of a feudal past. Contrary to Louis Hartz’s thesis in *The Liberal Tradition in America*—that this lack inoculated American politics from the ideological extremes found in Europe—I believe that the more radical critique of inheritance that was part of the revolutionary generations’ rhetoric (if not its laws) remained important despite a true aristocracy with which to engage. The Revolutionary generation’s inheritance reforms were meant to both stamp out a nascent American aristocracy and to limit to possibilities of such an aristocracy returning in the future. This meant that future debates about legitimate and illegitimate forms of both acquiring and transferring wealth would be filtered through these debates about inheritance reform. Where Hartz defended *The Liberal Tradition* (1955) with his “Reply” in *Failure of a Dream? Essays in the History of American Socialism* (1974) by arguing that “the Mayflower left behind in Europe the experience of class, revolution and collectivism,” I think inheritance practices are a site where “class, revolution and collectivism” are mediated (358). Americans did not have preternatural knowledge of how to make inheritance work in a market economy. To argue this is to claim an understanding of the market that did not exist in 1776. I do not mean to suggest by the term “mediation” that it is possible to “Dream” socialism into being by recalling radical proponents of inheritance reform like Thomas Skidmore. I deal with Skidmore at some length in my third chapter because his vision of America rid of inheritance and gift transfers is in important marker for Nathaniel Hawthorne’s understanding of the relationship between the market and inheritance. But even the length (390 voluminous pages

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*London Relative to That Event* (1790) is based upon the claim that a society must rely upon property rights, rather than human rights for social cohesion. To eliminate inheritance rights, as the French did shortly after the publication of his work, would be to sacrifice property to an “idea” of liberty with no material basis. Burke takes inherited property as a primary example because inheritance “furnishes a sure principle of conservation, and a sure principle of transmission” (Burke 48). Using the transmission of family heirlooms and landed property tracts as models for the way a state must ensure that traditions (like religion, law, and liberty) are passed from one generation to the next, Burke uses the concept of collective inheritance to defend the constitutions of Britain and America.
requiring a complex index) of Skidmore’s “Dream,” *The Rights of Man to Property!: Being a Proposition to Make it Equal Among the Adults of the Present Generation, and to Provide for Its Equal Transmission to Every Individual of Each Succeeding Generation on Arriving at the Age of Maturity* (1832), works as a primer for the difficulties of figuring out ways to derive a socialist economy from the elimination of inheritance.\(^82\) Rather, 19th century American fiction was fascinated by the ways in which asking the question “Who can inherit?” answered other questions about what belonged inside, and what belonged outside, the market.

Louis Hartz’s version of what historians have called the liberal consensus is especially relevant for my argument because it imagines that the transition to a market economy was effectively begun in transit to America. That is, the United States was founded by explorer entrepreneurs whose commitment to a market economy was unquestionable. The Founders had solved the problem of aristocratic inheritance. If this were the case then my understanding of the 19th century as a site for this struggle would be making much ado from the writings of a few radicals who failed to acknowledge the success of the founders in creating a fully formed capitalist marketplace. This was an especially useful version of American history during the Cold War, but it has understandably fallen out of favor. Ever since the publication of Bernard Bailyn’s *The Ideological Origins of the American Revolution* (1965) and the expansion of Bailyn’s critique of the liberal consensus in Gordon Wood’s *The Creation of the American Republic, 1776-1787* (1969), the “transition question” has become increasing important for historians to

\(^82\)Skidmore has been called a “proto-marxist,” but his desire to abolish inheritance reverses the order of reform Marx proposed. Marx believed that private property must be abolished in order to end the rights of inheritance rather than abolishing inheritance to limit the effects of private property. This was actually a key point of controversy between Marx and Mikhail Bakunin at The First International in 1864. For more on this controversy see Nick Soudakoff’s *Marxism Versus Anarchism* (Sydney: Resistance Books, 2001). For my purposes, it is far more important to note that neither version (banning inheritance first as the French did multiple times after the French Revolution, or banning private property and then limiting the rights of inheritance as both the Soviet Union and The People’s Republic of China attempted) have worked particularly well. See Frances Foster-Simons’ article “Inheritance Law in the Soviet Union and the People’s Republic of China” (*The American Journal of Comparative Law*, Vol. 33, No. 1 (Winter, 1985), pp. 33-62) and Paul Roger’s *Insurance in the Soviet Union* (Praeger Publishers, 1986).
answer: When did America stop being a republic and when did it start being a capitalist, liberal democracy? Hartz’s liberal consensus was replaced by Bailyn’s and Wood’s “Republican synthesis.” Rather than imagining the Revolutionary generation as committed to an individualistic, market based reform of aristocracy, historians like Wood argued that “republicanism was essentially anti-capitalistic, a final attempt to come to terms with the individualist society that threatened to destroy once and fall all the communion and benevolence that civilized man had always considered the ideal of human behavior” (Creation 418).

Neither appraisal captures the deeply conflicted, if purposeful, nature of the revolutionary generation. One imagines an American exceptionalism inoculating against criticism of the market and the other makes an anti-capitalist critique of the market central to the purposes of the founding fathers. To this end, more recent historical work has complicated both the liberal consensus and the republican counter. As Alex Tuckness summarizes in “Discourses of Resistance in the American Revolution” (Journal of the History of Ideas, 64.4 (Oct., 2003), pp. 547-563):

One can grant that Locke was not a hegemonic figure and that republican sources played an important role without denying Locke's central place. The real puzzle for scholars now is the ease with which early American thinkers combined liberal and republican strands of political thought that many modern scholars find contradictory. (547)

**From Colonial Inheritance Practices to Unstable Ground**

Tuckness’ observation is especially true for inheritance. Where much of English common law was maintained after the Revolution, laws regarding inheritance were reformed drastically in all 13 colonies. For instance, in *Notes on the State of Virginia* (1785) Thomas Jefferson placed inheritance reform above religious freedom in a list of the “remarkable alterations” that needed
to be made to the common law. Inheritance was a practice whose conventions and institutional agreements had to be recreated in order to turn an institution understood as “aristocratic” into a practice that would touch all members of the republic. After the Revolution, there was almost universal agreement in American statehouses on two necessary reforms to inheritance: the elimination of primogeniture and entail. Yet, within this broad agreement the justifications for these reforms differed substantially. To see why requires an understanding of how colonial inheritance differed from British practice even prior to the Revolution.

The American colonies adopted and adapted British common law for their purposes, and so initially the dominate form of inheritance in Britain, primogeniture, deeply influenced American inheritance law. As Shammas, Salmon and Dahlin note in *Inheritance in America: From Colonial times to the Present*, this means that, even as the American Revolution began, American inheritance laws had their basis in the rules of succession originally devised in medieval England. It is not hard to imagine some of the ways that an island nation’s medieval laws about transferring land after death would prove of little relevance to the colonial settlement of North America. Access to land and the reduced importance of title made some British laws an ill fit for the new continent almost immediately. At the same time, this is the point of origin for American inheritance law. The consequences of those laws was that “[t]heoretically, most people had no testamentary power at all, and those that did could only excise it over a small portion of certain kinds of assets” (23). Essentially, individual inheritance rights depended upon social status and the local property relationships established through that social status.\(^8\) The goal of English inheritance law was to continue to match title with the land associated with that initial

\(^8\) Certain members of the propertied male elite were required to pass most realty, landed property or property affixed to the land, to their eldest son undivided. Their personal property, personal effects and more liquid property, was usually divided in thirds, with one third being “the widow’s share,” one third divided between the children and a final third being allocated according to the will of the deceased.
grant of title. The defining characteristic of American inheritance reforms was to remove any
sense that property was “titled” in this manner. At the same time, one of the great difficulties
facing the reform of matching title to estate was matching the will of the testator with the will of
the heir.

Yet, even as English law continued to be concerned with the transmission of status and
title, it was increasingly moving toward a great apportionment of property free to the testator’s
will. A looser version of primogeniture, which would continue to concentrate land in the eldest
son, would remain in effect for the laws of intestacy, but it was now possible for estates to be
divided evenly if the testator so chose. It eventually became possible for an Englishman to
almost totally disinherit his wife and to actually disinherit his children should he so choose.
Virtually alone in European history in this regard, English inheritance law’s extraordinary
testimonial freedom granted extraordinary control to a family’s patriarch. In reality, very few
transfers occurred outside the family and testimonial freedom was largely used to increase,
though not equalize, the share of an estate given to younger children.

It was now possible for an Englishman to threaten to disinherit his children, though he
almost never did. This meant that more and more property came under the individual discretion
of those children, which also meant that it was possible for those children to disinherit the
grandchildren of the English patriarch. English law responded to this possibility by creating
instruments for limiting the testimonial freedom of one’s heirs. Entails were the most popular
means of accomplishing this end. An entail usually ensured that inherited land could not be
alienated from the family and had to pass on to the next generation. As the eighteenth century

85 Ibid.
86 Ibid.
progressed, the inheritors of entailed property found legal means of “barring” the entail, which meant that the entailment did not hold. The property would once again be within the full control of the present generation. Once “barring” an entail became a common, other practices of limiting future generations testimonial freedom were created. 87

Interestingly, colonial inheritance law and practice both looked backward to the medieval roots of English inheritance law and looked forward past the limitations of English aristocracy. Some colonies, like Pennsylvania, returned to the medieval limitation of testimonial freedom to a third of property—the other two-thirds being reserved for the surviving spouse and children. 88 At the same time, almost all of the Northern colonies did away with English intestate laws’ approximation of primogeniture. Colonial reformers justified this difference with British common law with an appeal to scripture, where the eldest son does not receive the entire estate, but only a double portion. This double apportionment for the eldest son remained in most Northern colonies until after the Revolution. Yet, a few Southern colonies retained inheritance laws that favored eldest sons to a greater degree than in England. Additionally, in most of the Southern colonies, entailment was much easier to procure than it was in England and it was much harder to break. John Orth (1992) was the first historian to discover the full extent to which entail limited property in the South:

[O]n the eve of the American Revolution, Virginia law (and North Carolina law too, as we shall shortly see) replicated English law on this point, not as it was in the eighteenth century, but as it had been in the Middle Ages! By statute in 1705, Virginia had disallowed the common recovery, setting back the clock four hundred years. (40)

87 Ibid.
88 Ibid.
“Common recovery” was a complicated “legal fiction” used to unlock entailed property. By eliminating common recovery, entailments were profoundly more effective in these states than they had been in England for hundreds of years. The legal reasoning behind a stronger entailment than was possible in England relied on the colonial interpretation of the sanctity of testimonial freedom. Because the original testator had clearly intended for the property in question to stay in the family, later generations had a difficult time curtailing the “will” of the original testator.

While there are clearly regional differences in this cursory summary, both Northern and Southern colonies alike looked both backward and forward at the English common law.

Proponents of the liberal consensus have long taken the equalizing reforms of the common law undertaken prior to the Revolution to be evidence that Americans were already looking for ways to reject aristocratic European traditions. In the opposite vein, advocates of the republican synthesis have argued that the medieval tendencies in American inheritance law indicate a commitment to a republicanism that contains the kind of “anti-capitalist” critique of the open market outlined by Gordon Wood. The simultaneity of both liberalism and republicanism, as well as the less than “anti-capitalist” tendencies of republican virtue, are glossed over in both accounts. Looking forward to the demands of a market society, it was possible for colonists to see that impartible estates were increasingly undesirable and difficult to maintain. Looking backwards, it was possible to see value in inherited property in establishing a “disinterested,” and therefore uncorrupt, relationship to political gain.

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89 I understand that “legal fiction” has become a rather common theoretical phrase since the advent of the Law and Literature approach to legal studies. In this case, the legal fiction is quite literal, rather than theoretical. The legal reasoning behind “common Recovery” was quite complex and I cannot reproduce it fully here, but the breaking of the entail under common recovery essentially relied upon a thought experiment. If an heir were to convey his entailed property to someone else, but then the court were unable to find that someone else and the corroborating witnesses (after each had initially vouched for the transfer), the property would be returned to the heir without the entailment attached since it would have belonged (fictionally) to the missing person. It was upon the hypothetical possibility of such an arrangement working that entailments were broken.
Each of these could have led to a different path for reforming inheritance law after the revolution. As it was, Americans chose to follow both. The relationship between inheritance and illegitimate privilege would remain vague. For instance, the reasoning behind Thomas Jefferson’s critique of entailment found in his autobiography—“The transmission of this property from generation to generation, in the same name, raised up a distinct set of families, who, being privileged by law in the perpetuation of their wealth” (36)—would count as a critique of almost any form of inheritance. At the same time, Jefferson clearly meant the abolishment of entail to at least mitigate these circumstances. It would remain possible to bind property between generations, though those binds and the justifications for those binds would constantly shift. What this meant for 19th century Americans was that inheritance was understood to be both protected and part of civil control. It had been reformed in order to eliminate the power of the aristocratic “dead hand” of property. Yet, elements of that control had been retained.

For instance, the establishment of trusts might seem to solve the problem of entails without involving the broader kind of critique of inheritance latent in Jefferson’s desire to end entailment. Trusts did not remove assets from the market because property held in trust could always be sold in the “interest” of the beneficiary. Unlike entail, which barred sale outside the family, the disbursement of trusts rests upon a determination of interest rather than a strict removal of property from the market. Yet, trust law remained controversial long after entailment had been abolished.

90 This quote is from Jefferson’s later, autobiographical account of his motives (The Writings of Thomas Jefferson: Being His Autobiography, Correspondence, Reports, Messages, Addresses, and Other Writings, Official and Private, Volume I (1853). Written after the fact, his interpretation still fits with the preamble to the bill he wrote in 1776 and suggests that the difference between a Republican reform that made it possible for an elite political class to be maintained and a Liberal reform where individual property rights were maintained were subsumed within Jefferson’s critique of a particular form of aristocratic privilege. Jefferson even goes on to write how this particular reform was meant to “make an opening for the aristocracy of virtue and talent.” (36)
While trusts appeared to solve the problems of entails to some contemporaries of the revolution, the critique of entail certainly laid the seeds for more radical critiques of inheritance. For instance, if one takes the positive law position and pairs it with a claim for political equality in the face of hereditary government Thomas Jefferson makes in the Declaration of Independence it is possible to extend equality to mean material equality. Then inheritance can be made to look like a practice that needs to be abolished, or at least curtailed, in order for the Revolution to live up to its promise. Whether Jefferson himself came to this conclusion is not entirely clear. I have already mentioned his most famous statement on inheritance is a 1789 letter to James Madison, where he paired his earlier “self-evident” claim of the Declaration with the “self-evident” claim that “the earth belongs in usufruct to the living.” The state obviously has the power to eliminate inheritance if the “dead” begin to infringe upon the rights of the “living,” though it is not clear when such a standard of infringement would have been reached. Though Jefferson’s letter to Madison was written as the latter was working on the Bill of Rights, Jefferson’s thoughts never came close to being law, though he did repeat them in several other correspondences. Benjamin Franklin, however, did propose, in the Pennsylvania legislature, radically limiting the amount of money an individual could inherit. The radical egalitarianism of Thomas Paine mirrored Jefferson’s linking of generational inequality and inheritance. Both Paine’s Rights of Man (1791) and his later Agrarian Justice (1797) imagined the need to either eliminate or tax inheritance in order to redistribute wealth. By rejecting an aristocratic,

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91 For the differences in Jefferson’s and Madison’s conceptions of what a Bill of Rights should look like see Pauline Maier’s American Scripture: Making the Declaration of Independence (New York: Random House, 1997).
92 See Jefferson’s 1813 letter to John Eppes in Letters and Addresses of Thomas Jefferson (New York, 1907) as a near restatement of this position. This letter, and other more opaque allusions Jefferson makes to his understanding of the rights of the “living” in the face of the “dead,” suggests that he was committed to this position quite thoroughly. The publication of the original Madison letter also made his pronouncements a touchstone for future attempts to reform, or eradicate, inheritance.
genealogical account of continuous possession of both property and governance, Paine and the Revolutionary generation opened up the possibility of defining what it would mean to accommodate the living and not the dead. If equality is defined generationally, along what line will one divide the property of the dead among the living?

As if these questions were not complex enough, the 19th century also saw the extraordinary growth of the life insurance industry—the most significant alteration in the form of inheritance in American history. Life insurance was available during the 18th century, but only a small percentage of Americans purchased policies prior to the 1850’s. For half of the century life insurance companies’ attempted to persuade Americans that life insurance was not a market incursion into the moral sphere of the family. Their various attempts—and their eventual success—are extensively documented in literary texts throughout the century. Even more significantly for my purposes, the life insurance industry eventually came to sell itself as a particular kind of “moral inheritance,” one made possible by the market and in order to make this sale they borrowed extensively from literary forms.

At the same time, they did not begin their sales pitch with the literary. Insurance companies originally sought to turn the logic of the life insurance table into a key plank in their attempt to persuade Americans to buy life insurance. If actuarial tables didn’t make for such dry reading, I might have included the American Experience Table of Mortality (also known as the American Standard Life Table), the first American comprehensive mortality table in this chapter. Compiled by actuary Sheppard Homans and loosely based on the statistics of the Mutual Life Insurance Company of New York, the table was designed to represent the probability of death for all “insurable” American lives, from those surviving birth to the age of ninety-six. Composed of three simple columns (“At Age,” “Number Surviving” and “Deaths”), Homans’ table was
originally produced solely for use within the Mutual Life Insurance Company of New York, but was published in a legislative bill aimed at reforming capital requirements for insurance corporations in New York. Because the business of life insurance companies is selling long-term contracts, the bankruptcy of an undercapitalized firm threatens confidence in the entire industry. The Mutual Life Insurance Company of New York provided Homan’s table to the State of New York, strangely enough, because insurance companies needed states to have a reliable American table for regulatory purposes more than the company needed the competitive advantage a more precise table might provide. Though the capital reforms advocated by actuaries like Homans and Elizur Wright—dubbed the “Father of Life Insurance” and perhaps the most important actuary and insurance officer of the 19th century—were not taken seriously until the panic and depression of the mid 1870’s bankrupted a majority of the mutual life insurance companies in business, by the turn of the century the Experience Table was used in every state and it continued to be the standard mortality table used in the United States until 1948. At the same time, tables purporting to have established a “law” of mortality did not actually persuade Americans they needed to buy life insurance. Life insurance was a “good” economic investment long before Americans decided to buy it in bulk. Because of this, life insurance is an especially interesting example for the purposes of this dissertation because it is a historical example of the blending of Morals and Markets, to borrow Viviana Zelizer’s title concerning America’s investment in the life insurance contract. Extending Zelizer’s account of this blending into the realm of the literary provides a new way to read unexamined literary texts, as well as the relationship between literature and the Market Revolution.

At the outset of the 19th century literary output concerning insurance in American periodicals involved a number of stories from English periodicals and texts. It is not surprising
that publications like *The American Monthly Magazine*—a short-lived literary magazine—would publish considerations of insurance, “Comments on Travel Number 6: Mathematical Fear” (Vol. 2, 1836), that looked similar to considerations of insurance published on the other side of the Atlantic—*Death’s Doings Consisting of Numerous Original Compositions in Verse and Prose, the Friendly Contributions of Various Writers* (London: J. Andrews and W. Cole, 1827)\(^94\)—since the industry had a much longer history in England. Yet, even as the industry was much more developed across the Atlantic, advertising played a huge role in the insurance business in both the United States and English.\(^95\) Advertisements were one of the means insurance companies had to project their strength—a requirement for an industry with nothing physical to sell. Because insurance companies sell protection from risk they need to make sure that individuals “see” their own risks and also see insurance companies as a solution to those risks. The difficulty of “selling risk” to individuals who could not yet “see” death as a “risk” meant that life insurance companies went further afield to make their case than the fire, or marine branches of insurance. Novels, a seemingly unlikely vehicle for advertisement to the modern reader, were utilized at various points in the century. Even more extensively, life insurance companies borrowed imagery from the tradition of the sentimental novel to make their case. Yet,\(^94\) I do not mean to suggest a strict line of influence between these pieces. One might sample from a number of other works from either nation and see similarities. I have chosen these because they each represent a rather high level of satirical sophistication regarding the mathematical certainty created by life insurance companies’ mortality tables. These tables represent the cutting edge actuarial efforts of life insurance companies in both countries and that they dramatically altered the way death was perceived in both nations. After citing English and French actuarial work, the author of “Mathematical Fear” marks the mathematical certainty of these tables as strangely compelling: “[t]he power which erring men call chance when it comes to be considered narrowly is appalling in the inscrutableness of its laws and the exactness of their effect. All seems at the outset casual and irregular but as we investigate and record phenomena every point we study discloses symmetry and certainty. Look at the bills of mortality the tables of the Life Insurance Companies…and you will find that the doings of the assassin are as punctual as those of the sexton, that each district has its annual quota of murders robberies and fraud a hundred this year ninety nine next then a hundred and one perhaps and ninety nine again…And you ask, with an involuntary shudder, whether it might not be if one murder were wanting in your district to make the hundred that this power, which you conceive so vaguely, strangely would set your hands at work to commit it” (403).

\(^95\) For more on the history of insurance in England see *The Historian and The Business of Insurance* (Manchester UP, 1984) a collection of essays edited by Oliver Westhall. While written by different historians, Westhall has assigned and divided the text into a chronological history of the insurance industry in England.
even as death became more public, unpredictable and disruptive during the nineteenth century. Americans did not purchase life insurance in the same way that they purchased other forms of insurance like fire.

Despite Americans’ reluctance to insure their lives, or perhaps because of this reluctance, the American insurance industry made its presence felt by advertising—in virtually all print mediums—their “cash capital and accumulation” amounts. Advertisements like these can be

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96 For instance, industrial accidents became increasingly frequent and these new technologies were capable of placing death fully within the purview of the public, or the reading public. Those accidents, like the famous 1860 Pemberton Mill collapse, were spectacular instances of the privacy of death being brought into public purview. When the Lawrence, Massachusetts mill suddenly collapsed, most of the workers were not killed instantly, but trapped alive. Articles relating the rescue attempts took pains to graphically depict not only the deaths of the victims, but the responses of witnesses to those deaths. For more on the newspaper depiction of the accident see Alvin Oickle’s *Disaster in Lawrence: The Fall of the Pemberton Mill* (New York: History Press, 2008)

97 Benjamin Franklin, under the guise of Silence Dogood, published an exact reprint of a proposal for widow’s insurance by Daniel Defoe in one of his earliest (August 6, 1772) Dogood essays, which would have worked like a combination of a pension fund and a mutual life insurance company:

> Suppose an Office to be Erected, to be call’d *An Office of Ensurance for Widows*, upon the following conditions:
>
> Two thousand Women, or their Husbands for them, Enter their Names into a Register to be kept for that purpose…If any one of the Women becomes a Widow, at any Time after Six Months from the Date of her Subscription, upon due Notice given, and Claim made at the Office in form, as shall be directed, she shall receive within Six Months after such Claim made, the Sum of 500 l. in Money, without any Deductions, saving some small Fees to the Officers, which the Trustees must settle, that they may be known. (*The New-England Courant*, Number 54, 1-2 August, 1722)

Insurance, in general, was one of the “friendly societies” Franklin was fond of founding and advocating for, in the voice of one of his pseudonyms or more directly. He help found the first mutual fire insurance company in America, *The Philadelphia Contributionship for the Insurance of Houses from Loss by Fire*, and was also played a central in the founding of the first American life insurance company, the *Presbyterian Ministers’ Fund*. Yet, the fact that Franklin could fully quote Defoe’s 1687 plan as something to be adopted, as opposed to an already existent “society,” is revealing. America lagged behind England in life insurance policies beyond the limitations of population and urbanization. For example, life insurance agents were found of quoting Franklin’s own surprise at the limited success of the life insurance enterprise well into the twentieth century:

> A policy of life insurance is the oldest and safest mode of making certain provision for one’s family It is a strange anomaly that men should be careful to insure their houses their ships their merchandise and yet neglect to insure their lives, surely the most important of all to their families and more subject to loss. 13 (As quoted in Solomon Huebner’s *Life insurance: A Textbook*, 13) [*New York: D. Appelton, 1915*]

A full history of insurance advertising is beyond the scope of this project, even if limited to the American context. For a more detailed examination see J. Owen Stalson’s 1969 *Marketing life insurance: Its history in America* (New York: McCahan Foundation,) and Carlye Buley’s *American Life Convention 1906-1952: A Study in the History of Life Insurance* (New York: Appleton-Century-Crofts,1953). I will discuss Stalson’s text more thoroughly in my fifth
found throughout the 19th century. In fact, life insurance companies were so important to the advertising budgets of American periodicals that insurance reformers like Elizur Wright found it almost impossible to find someone willing to publish his early criticisms of the industry.99 Instead of the kind of critique and call for reform Wright envisioned, periodicals of various stripes usually offered endorsements or veiled endorsements of one company over another.100 Wright’s particular role in the development of the life insurance industry is explored more thoroughly in my fifth chapter, but his sense that life insurance must be a special kind of contract because it was an “inheritance” helped pull life insurance into 19th century debates about the role of inheritance in a market society.

This of course is not how Americans understand insurance today. Capturing the hope and suspicion attached to the life insurance contract in the 19th century is actually quite difficult. In a century especially concerned with inheritance, life insurance was the greatest change to the theory of practice of inheritance; yet, this change is so embedded in the political, economic and

99 Wright published his early critiques of the industry (those that would eventually lead to his role as the lead regulator in Massachusetts and the most powerful life insurance regulator in the country) in pamphlet form and complained of being shut-out of other venues quite often. See his 1866 defense of his time as Insurance Commissioner A Curiosity of Law; or, A Respondent in the Supreme Judicial Court, as a Judge in the General Court; and What Possibly Came of It and his 1877 Church of the Holy Commissions.

100 In 1849 The Bankers’ Magazine and State Financial Register—a trade publication for the banking industry published from October 1845 to June 1943—registered some of the excitement created by mutual insurance companies while suggesting that excitement was misplaced:

The enquiring spirit of the age which has put so many things upon their trial has not overlooked the important subject of life insurance, both in its principles and practice. The rivalry of competition has for some years past turned attention to the constitution of the insurance companies so far at least as related to the division of the profits. Mutual insurance offices, which divide all the profits amongst the insurers, boast their superiority over both the proprietary and the mixed which retain the whole or a part of these profits: an advantage more apparent than real (138)

As the full article, “Life Insurance Premiums and Policies” makes clear, demand for life insurance was increasing and the editors of the magazine favored stock companies over mutual companies.
social spaces a twenty-first century audience occupies it can be difficult to convey just how drastically the insuring of life altered the American consciousness. For instance, we can take it for granted that a wife can benefit from a husband’s life insurance policy and that a life insurance policy is shielded from creditors. Neither of these were the case for the first half of the nineteenth century and the exemption of life insurance payouts from creditors was not a uniform practice in some states until much later in the 20th century. In stark contrast, most working Americans currently carry some form of life insurance. Some do not even realize their employment contracts carry life insurance riders. That is, we find it totally acceptable to treat life insurance as something you must opt-out of rather than having to opt-in. Even more to point, we have an extraordinary amount of life insurance in force. In 2007 an estimated seventy-seven percent of Americans owned life insurance and the amount of reported life insurance coverage in force in the United States reached 20 trillion dollars for the first time (Life Insurance Fact Book 2007).

This should not be taken to mean that Americans really understand their own investments in life insurance. Leaving out the fact that actuarial models and the technical legal language of policies are beyond average Americans—How many Americans know that the AIDS epidemic in the 1980’s led to the creation of an entirely “new” market for life—a less disturbing version of the one Elizur Wright witnessed in 1844? Depending on where one stands on this market’s desirability it is called the viatical market, death futures market, or the Life Settlement industry. Because AIDS was a virtual death sentence, AIDS patients sometimes sold their life insurance

101 For clarification, the practice I am describing here is different from the “dead peasant” insurance policies that were popular tax dodges during the 1980′s and 1990′s. In those policies employers just took out policies on wide swaths of their employees (called “dead peasants” in several court documents) without their knowledge. Because all profit from these policies was tax free the companies could use their actuarial knowledge of their employees to select likely candidates and then insure them. There has been reform to the industry since this practice was made public. I am describing a situation where consent to insure an employee’s life has been granted in writing. There are simply ways of making that consent easier to obtain than others. For more on the unethical nature of “dead peasant” or “janitor” policies Joseph DesJardins Contemporary Issues In Business Ethics (New York: Wadsworth Publishing, 2004).
policies for more than insurance companies would pay, known as the cash surrender value of the policy. (The company buying the policy could afford to pay more than the life insurance policy company because they could be sure of holding the policy until the (most likely imminent) death of the insured.) This practice has become more common, especially for retired individuals who are no longer concerned with providing for their (now grown) children. At the moment the industry is largely unregulated because many states have a difficulty drawing a distinction between life “insurance” and death “futures.” This situation calls to mind the “insurance auction” of old, white English bodies witnessed by Elizur Wright. A few states also have statutes on the books that emanate from the kinds of concerns expressed by Wright in the 19th century and these statutes may or may not cloud the legality of the viatical market. Once insurance can be collected before the event has happened, how should it be taxed or regulated? If both insurance before and after the event look like placing a “bet” on when a person will die, what is the difference between insurance and gambling? Which one has a more legitimate claim to reflect an “accurate” market price for the life of a person? When is having a market price for human life, accurate or not, a good thing?

The debate about this “new” market for life has produced, on a much lower frequency, some of the concerns about “pricing life” expressed during the 19th century despite the fact that we live in what Ulrich Beck has called the “Risk Society,” where the idea of not having insurance is understood to be an American’s biggest risk. Beck’s work (Risk Society (New York: Sage Publications, 1992); World Risk Society (New York: Polity, 1999)) is interested in the 19th

102 While the viatical market has increasingly made its way into more mainstream publications, even being featured in the May 2003 issue of The Economist, none of concerns about this market have reached the kind of fever pitch found in 19th century texts like Reverend Henry Ward Beecher’s 1869 Truth in a Nutshell (New York, Equitable Life Insurance Company of New York), where Beecher vehemently defends life insurance from religious and moral criticisms. Perhaps even more importantly, the questions raised have few moral implications and are instead questions about the administrative difficulties created by such a market. The question is not so much should this market exist, but could we make this market reliable?
century purely as a marker for the precursor to the “Risk Society,” what he calls “simple modernity.” In this way, my argument is fully outside his consideration. At the same time, Beck’s claim about the rise of “uninsurable” risk in the post-modern era is, according to this chapter, a misreading of how risks became “insurable” in the first place and does have some significance for his argument. Where Beck and other scholars who have followed him in writing about our new “Risk Society” believe that we have come to a historical crossroads where insurance (and other market-based solutions) can no longer provide social or economic solidarity, the beginning of the life insurance industry faced similar forms for criticism.

The 19th century American life insurance industry had to make itself the responsible response to the risk of death. If we take two life insurance advertisements from *Harper’s Weekly*, one from 1867 and the other from 1901, the difference between an industry selling itself to doubters and one that can rest upon an established trust can be made more readily:

Beck is emblematic of a series of arguments (Francois Ewald, for example, has created a similar position in various publications like “Insurance and Risk,” his contribution to Graham Burchell, Colin Gordon & Peter Miller’s *The Foucault Effect* (Chicago UP, 1991)) that posit a drastic shift between modern and post-modern understandings of risk in order isolate (supposedly) increased levels of uncertainty that are associated with post-modern risks. It is only possible to claim that post-modern risks are so uncertain as to be “uninsurable” if one ignores the history of the uninsurable. Beck’s argument is filled with the sense that post-modern capitalism has run off the rails and has no means of returning. In order to make this argument, typical market based solutions to social problems—like insurance—need to be made to seem inadequate to the problems created by these very institutions. The strength of Beck’s claim is that he acknowledges that the threats to the sovereignty of nation-states are a creation of modernity and that to look for alternative communities outside of modernity is to create false “pre-modern” or “traditional” communities that simply do not exist. He is right to suggest that this makes his understanding of the shift from a “simple” to a “reflexive” modernity different from other theorists of post-modernity who embrace these communities. Yet, my investigation into what Beck calls “simple” modernity finds that the reflective nature of modernity does not begin with the kinds of risks (global warming or Chernobyl) Beck writes about. It might seem perfectly feasible for Beck to claim that the distinction between “simple” and “reflective is one of degree, but it then becomes especially difficult for him to justify the dramatic shift from “need” to “risk” that he suggests is produced by the unintended consequences of “simple” modernity. His argument that that the solutions of “simple” modernity will no longer work under “reflexive” modernity also becomes untenable.
The history of the Traveler’s umbrella is rather vague. When Citigroup recently rescinded and Travelers re-launched the icon a flurry of articles where produced in an attempt to find the origin of the umbrella. Eric Dashes January 19, 2007 article, “A Personal Toll to Setting Aside the Umbrella,” in *The New York Times* is a good example. All of these articles correctly date Traveler’s use of the umbrella to a previous Travel’s ad in 1870, but none of them note the different meanings of the umbrella for 19th and 20th century audiences. 19th century Traveler’s advertisements used umbrellas to mark the individuals in their ads as travelers, and so at risk. These umbrellas are always closed and oftentimes in the hands of, or sitting directly next to, individuals, like the one feature here, facing those risks directly. The umbrella represents a rather flimsy response to the rush of oncoming traffic and so is a
open, red umbrella Traveler’s now uses as its company logo) and with his right he waives a valise. Perhaps he is doing this in an attempt to save the two dogs at his feet or perhaps the dogs are, like Harper’s readers, unfortunate witnesses to the moment before the man is run-down by two horse and carriage sets. His last words would appear to be the ones he uttered as he turned down a Traveler’s insurance policy: “Don’t Travel Much.” Not traveling “much” is clearly, to Traveler’s, not a good excuse for avoiding life insurance. Quite the opposite, it is a good reason to buy insurance. Traveler’s also advertised the number of accidents they have insured in their admittedly brief existence as a company—emphasizing both their ability pay and the riskiness of life in 1871. Written in the midst of one of the greatest insurance booms in the history of America, the ad is meant to make its audience aware of its own risks. The figure on the right advertises The Prudential’s life insurance policies “From the Women’s Point of View” and is the end result of a prolonged attempt by the insurance industry to make women comfortable with taking out policies on the lives of their husbands. The appeal in the advertisement is written to a man purchasing insurance for his wife. This wife not only does not have a resistance to life insurance, she sees it as “the bulwark of protection you are duty bound to provide.” Rather than attempting to persuade a reluctant wife to “allow” her husband to insure his life (a frequent trope in earlier life insurance advertisement and literature), the insurance industry here relies on an implied wife to provide the “duty” to insure. Further, the contrasting images of a man’s life flashing before the eyes of Harper’s readers and “strength” of the Rock of Gibraltar on the right mark a drastic change in Americans thinking about life insurance. In 1871, the “need” for life

reminder to be insured in the face of such risks. In 1959, Travelers reached back into their history and created a much more comforting image out of the same material—a red, open umbrella offering protection from risk. This umbrella, a kind of “rain day” fund, appears to keep one from risks, rather than forcing one to acknowledge them. Traveler’s umbrella is, at this point, meant to work like a more active version of the Rock of Gibraltar depicted in the 1901 Prudential advertisement on the left.
insurance had to overcome a resistance; by 1901 the life insurance industry had successfully sold itself as the protector of widows and orphans.

I followed Thomas Paine with Alexis de Tocqueville in the epigraph to this chapter because, in observing the result of this revolutionary reform in inheritance law, he remarks upon its success. That is, Tocqueville has a much more representative understanding of inheritance. Where Paine never believed America had lived up to its revolutionary promise, Tocqueville saw “equality” as the product of both French and American revolutions. He believed that they had not only taken “the last step” to equality, but that in each system “the death of the owner brings about a revolution in property. Not only do goods change masters, they also change nature, so to speak. They are broken up into ever smaller portions” (54) Tocqueville claims a future equality that will be brought into being by the reforms already accomplished by 1835. The idea that future equality lay dormant within present reforms was not an uncommon belief in either the Revolutionary generation or the one that followed. Yet, by 1835 the French had voted to eliminate inheritance several times. The end result of that series of reforms is still a characteristic of French life; inheritance in France is partible, the bulk of an estate is automatically divided equally between surviving family members. It is virtually impossible to disinherit one’s family in France. In contrast, Americans were free to will much more of their property by 1835 and the only national inheritance taxes that had been passed were meant to cover war-time expenditures and were allowed to lapse after those conflicts had passed. Where France increasingly limited testimonial freedom, Americans had an increasing freedom to

105 This idea has been most thoroughly documented with regards to slavery. Thomas Jefferson’s own personal relationship to this idea has been debated quite vigorously. John Miller’s The Wolf by the Ears: Thomas Jefferson and Slavery (New York: Free Press, 1977) is an early example of this concern for Jefferson’s understanding of slavery. See David Brion Davis’ The Problem of Slavery in the Age of Revolution: 1770-1823 (Cornell UP, 1975) for an account not limited to Jefferson.

dispose of their property as they wished. Tocqueville addressed this difference in a footnote, but it seems not to concern his claim regarding the egalitarian promise of American inheritance laws.

Tocqueville’s syntax, suggesting that “the law of equality drove equality to take the last step” makes both law and equality independent actors, and reveals a tension within the relationship between law and equality as it regards inheritance. Were the Revolutionary reforms Tocqueville lauds in 1835 enough because they had taken the “last step,” or were they meant as the beginning of an expanding understanding of equality that would eventually encompass material wealth? Did the future promise of present reforms require even more radical reforms, or simple adjustments? If inheritance rights were to be abrogated in some manner, to what degree and to what end? Who should inherit and who should be disinherited? These questions are the undercurrent over which more basic questions of inheritance flowed and they remained unanswered for the entirety of the 19th century.

This is not to say that individuals did not attempt to answer these questions. Edward Bellamy’s romance Looking Backward 2000-1887 takes the anxieties produced by the accumulation of wealth as the driving force of the narrative. I believe that this helps to account for the extraordinary success of Looking Backward. That the most popular critic of the 19th century market economy takes inherited wealth as its starting point is not surprising within the

107 “It cannot fail to strike the French reader who studies the law of inheritance that on these questions French legislation is infinitely more democratic than even the American” (350).
108 In The Obsolete Necessity: America in Utopian Writings 1888-1899 (1976) Kenneth Roemer documents the extraordinary sales of Looking Backward: “within the first year 60,000 copies were sold. After another year, the figures rose to 213,988; sometimes over 1000 copies were bought on a single day” (2). Even more staggering than the novel’s sales figures were the number of people moved to concentrated political action by the text. Bellamy’s novel famously spawned a nascent (and still-born) political movement, several newspapers and at least one actual utopian community. That Nationalism inspired a utopian community is extraordinary not just because America was a generation removed from its great utopian experiments, but because Nationalism seems to require national reform to even begin to achieve its ends. Still, as with most literary works the most profound response was within the literary realm itself, where hundreds of utopian novels emerged. To again cite Roemer, more utopian novels were written from 1888-1900 “than in any other period of American (or possibly any other country’s) history” (Roemer 9).
context of this dissertation. At the same time, the fact that Bellamy eliminated the market without eliminating inheritance has seemed incongruous within the novel’s critical reception. My next section examines why anxiety about inheritance helps to explain the novel’s popularity.

**Ending the Market and Saving Inheritance: Accounting for Edward Bellamy’s *Looking Backward***

That evening Dr. Leete asked us about our visit to the store, and in the course of the desultory comparison of the ways of the nineteenth century and the twentieth, which followed, something raised the question of inheritance. "I suppose," I said, "the inheritance of property is not now allowed." "On the contrary," replied Dr. Leete, "there is no interference with it. In fact, you will find, Mr. West, as you come to know us, that there is far less interference of any sort with personal liberty nowadays than you were accustomed to.

It is not hard to imagine what the “something” is that raises “the question of inheritance” in *Looking Backward* 2000-1887 (1887). Guilt over his inheritance wracks Julian West throughout the novel. The novel opens with West admitting that he had lived “without service to the world” because his inheritance was “a species of tax in perpetuity upon the product of those engaged in industry” (33). While the narrative conceit explained in the “Author’s Preface” is that the text is actually being published in the year 2000 and that West is a fictional character whose “romantic narrative” will better explain history to a twenty-first century audience, West’s 19th century guilt over his inheritance is the driving narrative force of the “romance.” It follows that eventually, after awakening from a hundred thirteen year hypnotic trance into a utopian America where economic equality has been achieved, West makes the above supposition about the elimination of inherited property: that “the inheritance of property is not now allowed” (85-86). The beliefs about inequality and inheritance undergirding West’s questioning of inheritance
would have been familiar to Bellamy’s 1887 audience. As the previous section discusses, debates about reforming inheritance laws had punctuated American history since the American Revolution. In fact, Bellamy wrote only three years after congress had attempted to make all inheritances taxable income; more pointedly, Edward and his brother Charles were deeply involved in contemporary attempts to tax inheritances.

Even more to the point, West’s conclusion appears required by what he (and Bellamy’s audience) has been told about America in the year 2000. Having gone to sleep in 1887, upset by the delay a strike has caused to the construction of his house and his wedding plans, West awakens to a utopian America where there is no longer such a thing as a strike—the “dislocation” between labor and capital has been solved. Instead of being “dislocated,” labor and capital have been subsumed into the nation. All industry has been nationalized, so much so that the nation is now organized like an “army” of laborers. All wealth has been equalized. Surely, for America to have arrived at this extraordinary equality, to which West bears shocked and

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109 The Income Tax Act was repealed by the Supreme Court in 1895, with the court deciding—in Pollack v. Farmers Loan and Trust Company—that federal taxation of income from real estate required a constitutional amendment. The ratification of the 16th Amendment, in 1913, would satisfy this requirement. The passage of the Income Tax Act does, however, mark the first time the U.S. congress taxed inheritance without express purposed of paying of war debts.


111 Critics have long noted that Bellamy’s plot conceit is a take on Washington Irving’s 1819 short story “Rip Van Winkle,” though fewer of them have noted that the idea of falling asleep or somehow returning to the United States without knowledge of the nations advancements was not a terribly uncommon means of conveying the sense of the quickly growing nations progress. For example, William Austin’s “Peter Rugg, The Missing Man” (1824) takes Rugg—a mythic Massachusetts traveler who Austin imagines has been cursed in 1770 to forever wander through a thunderstorm—on a businesslike tour of 1824 New York City, to the amazement of Rugg. Austin continued to use Rugg as a character in several other stories and the character was also used in several later poems. Additionally, Edward Everett Hale used variations of the conceit in both “The Man Without a Country” (1863) and “Around the World in a Hack” (1869).
guilty witness, all sources of inequality from 1887, especially the inheritance of private property, must have been eliminated as West slept?

Nothing could be further from the truth. In a pattern that Bellamy repeats throughout *Looking Backward*, West’s assumption that people must be kept from creating inequality (by not allowing inheritance in this case) is revealed to be a “nineteenth century” “understanding” that has been superseded in twenty-first century America. Inequality is the result of irrational fears about private property and collective wealth that seemed real in the 19th century, but have proven false in Bellamy’s utopia. Instead of being a “question,” inheritance “illustrates” why the confiscation and redistribution West imagines is not required to create an entirely equal society.

Dr. Leete, who acts as West’s host and tour guide to utopia, informs West that “there is far less interference of any sort with personal liberty nowadays than you were accustomed to” (86). Furthermore, the twenty-first century “system depends in no particular upon legislation, but is entirely voluntary, the logical outcome of the operation of human nature under rational conditions” (86). West’s interrogative objection “What is to prevent …accumulations of valuable goods…as might seriously interfere with equality” reveals, to Dr. Leete, how little West has been able to understand about the “rational conditions” which now surround him. Leete reminds West that the value (being solely determined by use rather than exchange in the year 2000) of an inheritance of “gold, silver plate, rare china” would not so much make one’s heirs rich as it would impoverish them: “The articles, not being salable, would be of no value to him except for their actual use or the enjoyment of their beauty…he would have to deplete his credit to hire houses to store the goods in” (87). Because the state has “rationally” eliminated exchange value, it can depend upon a citizen “to see that he is not overburdened” (87). Eliminating relations of
exchange stops inheritance from being a source of inequality—it is simply a gift devoid of market value. If you inherit too much gold, you just give it away.

I believe Bellamy uses inheritance as a kind of litmus test for his utopian America. Because inheritance can function purely as a gift and not a transmission of inequality from generation to generation in the year 2000, his 1887 audience is meant to see the extraordinary transformation that has taken place within—not simply without—the American population. This situation, where massive amounts of gold might be transmitted without government involvement, would have undoubtedly been cause for the creation of black market in 1887. In 2000, not only has the market been eliminated, but the desire for a market has been eliminated.

I close this chapter with Looking Backward in part because it so clearly dramatizes what Jens Becket identifies in Inherited Wealth (2008) as the two contradictory fears Americans possessed about inheritance in the 19th century: (1) that increasing concentrations of wealth would destroy republican social equality and equality of opportunity and (2) that interfering in the individual right of inheritance would amount to an attack on private property writ large (Becket 8). The ways that individuals dealt with the tension between these two fears marks the 19th century fascination with inheritance and helps explains why that fascination is linked to market exchange. As Becket argues:

[I]t is the study of inheritance law that allows us to trace most clearly the structures of the relationship between individuality and its social embeddedness. In conflicts over inheritance law, questions about the relationship between individual freedom in the disposition of property, the claims of the family and the state to this property, as well as the role of ascription and individual achievement
take center stage and provide a concise indicator of the normative structures that carry out the social integration of the individual. (2)

Most of the authors I examine are not nearly as uncomfortable with the relationship between the market and inheritance as Bellamy. Bellamy is much more comfortable with the idea of limiting individual property and also more inclined to fear the accumulation of individual wealth. *Looking Backward* offers a chance to explore a text deeply committed to ending all market exchanges.\(^{112}\)

Yet, my primary reason for engaging *Looking Backward* at the close of this chapter is that Bellamy’s solution to West’s anxiety over his inheritance has proved so dissatisfying to critics because he relies on a perfection of sentiment rather than a truly “social” conception of private property. While positing the same contradictory fears marked in *Inherited Wealth* (concentrating wealth and unlinking individual rights and private property) as the source of West’s confusion about how equality has been achieved, Bellamy never quite resolves this tension within West. Instead, he has West escape the confusion and guilt through the love of his “mediator between me and the world” (174), Edith Leete—the great-granddaughter of his fiancé, Edith Bartlett. This has been used to explain the popularity of the novel as a form of escapism.

\(^{112}\) It also provides a chance to differentiate my purposes from some recent critical attempts to read current understandings of economic sociology back into previous era’s literary outputs. For example, the collection of essays, *Literature and the Economic of Literature* (2009), edited by Paul Cantor and Stephen Cox takes as its central purpose the goal of demonstrating that “forms of economic thinking sympathetic to capitalism may be able to illuminate our understanding of literature in new ways” (ix). In the case of their collection the “form of economic thinking” is the Austrian School of economics. Cantor and Cox’s preface argues that “this brand of economics, which focuses on the freedom of the individual actor and the subjectivity of values, is more suited to the study of literature and artistic creativity than a materialist, determinist and collectivist doctrine such as Marxism” (x). For Cantor and Cox, language itself comes to resemble the Austrian School’s commitment to “spontaneous order” and “creative destruction.” Thus, all literature ends up demonstrating the spontaneous order of the marketplace, “turn[ing] the tables on Marxism and apply[ing] itself technique of ideology critique to socialist authors” (xiv). I am not interesting in turning the tables on Edward Bellamy. I do not undercut Bellamy’s commitment to nationalism or try and suggest that as an “anti-capitalist intellectual” he had his own “kind of parochial class interest” (xiv). Bellamy’s political commitments are real and grounded in the stratified economy of 1887. Rather, I believe that the repeated critical attempt to suggest that Bellamy’s novel does not have a “social” enough version of “social property” misses the difficulties Bellamy has in imagining a fully social world without the marketplace.
The similarities between the two Ediths have unnerved critical responses to the novel because Edith Leete seems like a simple, slightly updated version of “a nineteenth century sentimental heroine” (Towers 60).\footnote{Here, I cite Tom Towers “The Insomnia of Julian West” (American Literature, Vol. 47, No. 1 (Mar., 1975), pp. 52-63). For other readings of Bellamy’s commitment to sentiment see David Bleich’s “Eros and Bellamy” (American Quarterly, Vol. 16, No. 3 (Autumn, 1964), pp. 445-459) and Matthew Hartman’s “Utopian Evolution: The Sentimental Critique of Social Darwinism in Bellamy and Peirce” (Utopian Studies Vol. 10, No. 1 (1999), pp. 26-41)} That sentimental heroines of the 19th century were obviously fictional products of very real economic structures suggests that despite Bellamy’s promises to the contrary Edith Leete is not really a utopian woman of the year 2000 so much as she is the product of 1887. Jean Pfaelzer\footnote{Pfaelzer’s chapter "Immanence, Indeterminance, and the Utopian Pun in Looking Backward" in Looking Backward: 1988-1888: Essays on Edward Bellamy (Ed. Daphne Patai. Amherst, MA: Univ. of Massachusetts Pr., 1988. Print) makes the argument that despite his best efforts Bellamy has created a “conservative” text. Her understanding of what it means for any text to be conservative is inflected by her rather traditional Marxist reading of utopia. For instance, she not only believes that though Looking Backward is conservative because Julian’s guilt over his inheritance is solved through a sentimental romance, but also that the text reveals the limits of “utopian” critique in general—a position Pfaelzer acknowledges Fredrick Engels outlined in “Socialism: Utopian and Scientific” (1880).} and a number of other critics read Bellamy this way, claiming that “the reconstruction of Julian West had more to do with sentiment than with socialism” (62) and this sentiment “binds Julian to 19th century capitalism” (63). The appeal of sentiment is also used to explain Bellamy’s answer to his own “question of inheritance.” If his version of property was really about making property social, then inheritance—a commodity exchange between individuals—would need to be eliminated.

This critique misses Bellamy’s attempt to render inheritance a gift and, in the utopia of 2000, evidence that self-interest really has been eliminated. It also suggests that the failure of imagination in Looking Backward is its inability to offer a thoroughgoing critique of market exchange. The popularity of the text is, in this reading, reliant on the successful cooption of an American public’s nascent resistance to the market. Responding to the “dislocation” between labor and capital that Bellamy notes in his text, rather than “solving” this division with the
socialization of private property, America was taken\textsuperscript{115} by Bellamy’s idea of Nationalism. Yet, Catherine Tumber, in “Edward Bellamy, the Erosion of Public Life, and the Gnostic Revival,” notes the extent to which Bellamy’s version of Nationalism had more to do with his vision of the future than his response to the present:

Although \textit{Looking Backward} was written in the midst of industrial turmoil—indeed, in the immediate aftermath of the Chicago Haymarket riot it envisioned a postindustrial world where market integration has reached completion, administration has replaced politics, the last vestiges of patriarchy have disappeared, and mass consumer culture reigns. (611)

Bellamy’s appeal, in many respects, lay in presenting a picture of the marketplace perfected. Even as he argued for the state control of economy, he imagined that the nation would somehow respond to supply and demand with perfect coordination. The appeal of \textit{Looking Backward} cannot be explained by pointing to Bellamy’s failure to make property social enough. In fact, I would like to posit that if there is a failure of imagination in \textit{Looking Backward}, it is in the failure to see the way the market is social. That is, Bellamy’s attempt to render social experience without the market inadvertently reveals the extent to which the social is imbricated with the market.

While Jonathan Auerbach does not share my conviction regarding the social implications of the market (in fact, he imagines social space as a kind of separate sphere limiting the effects of the market\textsuperscript{116}) his article "‘The Nation Organized’: Utopian

\textsuperscript{115} The extent to which some critics make Bellamy appear as a kind of cheat who squandered what could have been America’s true progressive moment is an interesting thread in his recent reception. See Shelton Stormquist’s \textit{Reinventing “The People”: the Progressive Movement, the Class Problem and the Origins of Modern Liberalism} (2006) for a fuller catalog of this type of critique.

\textsuperscript{116} Auerbach acknowledges his hopefulness for a social reserve mitigating the effects of the market in a critique of Walter Benn Michaels’ \textit{The Gold Standard and the Logic of Capitalism}:
Impotence in Edward Bellamy's Looking Backward” (1994) is perhaps the most astute reading of Bellamy’s elimination of the social. Auerbach argues that “Bellamy's rejection of all representation as misrepresentation” is a direct result of his difficulty imagining how the social spaces of a non-market society would function:

Recognizing that buying requires selling and that selling is a form of persuasion that introduces problematic power relations, Bellamy imagines a perfect fit between the desires of the individual and the provisions of the state, with no one in the middle to mess up the transparent equation. (36)

As Auerbach and others 117 have noted, there are no spaces for social gathering in Bellamy’s text. Even “communal” dining spaces are divided into enclaves for individual families. Negotiations during shopping have been eliminated, as has advertising and other forms of persuasion that are not clearly based on “truth” and “facts.” This is why Auerbach argues that Bellamy’s recipe for a socialist utopia resembles nothing so much as C. B. Macpherson’s definition of “possessive individualism,” what Macpherson saw as the defining characteristic of liberalism and capitalist market relations:

The human essence is freedom from dependence on the wills of others, and freedom is a function of possession. Society becomes a lot of free equal individuals related to each other as proprietors of their own capacities and of what

Sharply distinguishing between what an economy does and what a person does, Michaels skips over what I take to be a possible middle ground between subject and system: that people do things to and with and against other people, that they want things from one another, that they are positioned (laterally as it were) in respect to one another, not just in relation to capitalism at large. Even when Michaels does talk about social relations, he does so strictly by way of the phenomenology and forms of the market (contract law, for example), as if other sorts of relation simply do not count, do not help make up the economy or affect how it functions. (31)

My problem with Auerbach’s rendering of the social is that he imagines people being “socialized” as offering resistance to the market.

they have acquired by their exercise. Society consists of relations of exchange between proprietors. Political society becomes a calculated device for the protection of this property and for the maintenance of an orderly relation of exchange. (3)

Almost every “invention” Bellamy imagines in Looking Backward is meant to create freedom from dependence upon others. From individual music players, to shopping malls and credit cards—the world Bellamy imagines is one where individual freedom, as the freedom to possess, is paramount. If we remove the word exchange from Macpherson’s definition, it could describe the essence of Bellamy’s future utopia rather than the market society Julian West comes to abhor. What Auerbach hopes to accomplish by tying Bellamy to Macpherson is making Bellamy’s sense that social relations can cause just as much difficulty as market relations (both can lead to self-interest and competition) align with Macpherson’s belief that by the mid-nineteenth century there was no longer enough social cohesion (in the United States and Europe) to support continued political obligation: “The dilemma of modern liberal-democratic theory is now apparent it must continue to use the assumption of possessive individualism, at a time when the structure of the market society no longer provides the necessary conditions for deducing a valid theory of political obligation from those assumptions (Possessive Individualism 275).

While I cannot agree more that Bellamy’s text struggles to render social interaction on any scale and that struggle has everything to do with his desire to avoid creating a social space that could smuggle competition and self-interest into his utopia, I do not believe this corresponds to the failure of market relations to produce social relations of solidarity. At the same time, it is certainly true that this is how market relations appear in Looking Backward. When West dreams that he has returned back to the 19th century, a sequence that allows the reader to see that West
has truly become part of the 21st century rather than the 19th, he can see the market for what it “truly” is. In this dream sequence, a bank director tells West that banks are “a poem sir, a poem, that’s what I call it. Did you ever think, Mr. West, that the bank is the heart of the business system” (186). In response West says nothing, but thinks that the “poor bank director” “had mistaken the throbbing of an abscess for the beating of the heart” (186). Banks are a result of “the original mistake” of leaving the market to the “hap-hazard efforts of individuals” and the following “endless exchanges” that follow. Yet, where Auerbach reads Bellamy’s difficulty depicting the social as evidence that Macpherson was right to question the possibilities of the relationship between the market and social cohesion, I am committed to demonstrating the ways in which authors in the 19th century also understood the market as a means of creating the kind of solidarity Macpherson sees as disappearing by mid-century. In my next chapter, Nathaniel Hawthorne introduces a protagonist that shares the diagnosis of something like Macpherson’s possessive individualism as failing to create solidarity. At the same time, Hawthorne works to undercut this position, all the while suggesting that market exchange is the strongest basis America has for an enduring nation.
Works Cited


Chapter Three
Dead Hands and Life Interests:
Inheritance Reform in The House of Seven Gables

Hawthorne’s Dead Men and their Icy Hands

[A] dead man, if he happen to have made a will, disposes of wealth no longer his own; or, if he die intestate, it is distributed in accordance with the notions of men much longer dead than he. A dead man sits on all our judgment-seats; and living judges do but search out and repeat his decisions. …Whatever we seek to do, of our own free motion, a dead man's icy hand obstructs us! …I ought to have said, too, that we live in dead men's houses; as, for instance, in this of the seven gables!" (183)

Uncle Venner, passing slowly from the ruinous porch, seemed to hear a strain of music, and fancied that sweet Alice Pyncheon...had given one farewell touch of a spirit’s joy upon her harpsichord, as she floated heavenward from the HOUSE OF SEVEN GABLES! (319)
—Nathaniel Hawthorne, The House of Seven Gables

Despite the blithe ascension of Alice Pyncheon in its all caps exclamatory final line, the House of Seven Gables (1852) is usually understood to end unsatisfactorily, or at the very least contradictorily. The dissatisfaction and contradiction are often attributed to Hawthorne’s adherence to the logic of an inheritance plot. Given the pervasiveness of inherited property and allusions to aristocracy in Gables, the novel is read as a (usually failed) alternative or refutation of market exchange\textsuperscript{118} or as evidence of Hawthorne’s fear of the market.\textsuperscript{119} Both of these readings rely on an understanding of inheritance as an aristocratic property transfer, an anachronistic form operating on the periphery of market capitalism. Yet, Hawthorne does not appeal to inheritance as a romantic solution to the inequalities of a market economy. Rather, he

\textsuperscript{118} Michael Gilmore’s American Romanticism and the Marketplace (U of Chicago P, 1985) is perhaps the most thorough reading of Gables as Hawthorne’s attempt to resist the incursion of market values into the realm of aesthetic value.

\textsuperscript{119} Walter Benn Michaels makes this argument most forcefully in The Gold Standard and the Logic of Naturalism: American Literature at the Turn of the Century (Berkeley: University of California, 1987). I will use Gilmore’s and Michaels’ readings to clarify Hawthorne’s understanding of a reforming marketplace.
offers the increased alienation of inherited property as a necessary, democratic, and market-based reform of inheritance. That is, the market is an institution of reform. Holgrave’s above diatribe on “Dead Men” and their “icy hands” ends up as call for the further alienation of property. While alienable property does not seem like the kind of thing that sends a spirit “float[ing] heavenward,” understanding the role of inheritance in Hawthorne’s romance not only makes Alice Pycheon’s ascent a satisfying conclusion to the romance, it offers an opportunity to recast the critical appraisal of Hawthorne’s response to *The Market Revolution* of the Jacksonian era.

Most critics have disagreed with Herman Melville, who wrote to Hawthorne in an 1851 letter that “The marriage of Phoebe to the daguerreotypist is a fine stroke, because of his turning out to be a Maule” (*Correspondence* 187), and have read the undoing of the Maule curse upon the Pyncheons—by the marriage of Holgrave Maule to Pheobe Pyncheon—as undoing the text’s democratic logic by returning to an aristocratic property transfer: inheritance. Because Holgrave’s ancestors were robbed by the “capitalist” inclinations of Colonel Pyncheon (whose

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120 As the preeminent Marxist historian of the 19th century, Sellers argues, in *The Market Revolution: Jacksonian America 1815-1846* (1991), that this period is the beginning of a “market revolution” that establishes “capitalist hegemony over economy, politics and culture” (5). Where previous incursions of the market into other spheres were either slow or incomplete, this period saw incursions that would remake the political and social in the image of capitalist exchange.

121 Critical dissatisfaction with the line of inheritance in the romance is carried to its logical extreme in Keiko Arai’s denial—in “‘Phoebe is no Pyncheon’: Class, Gender and Nation in *The House of Seven Gables*” (Nathaniel Hawthorne Review 34.2 (2008):40-62)—that there is any resolution at the romance’s close. Arai claims that Phoebe is not actually a Pyncheon and is instead a “Maulized” “female Pyncheon” who is from the same (“plebian”) class as Holgrave and therefore reading the romance as a marriage between two classes, or even families, doesn’t make sense. The attempt to claim that Phoebe is not a Pyncheon because of the role assigned to women in the 19th century within “the genealogical discourse of inheritance” precisely misses the interest Hawthorne has in examining the inequalities created by the discourse of inheritance (43). The point of the romance is not that Phoebe’s “Pyncheoness” did not count for Hawthorne because she was a (fictional) woman: the point is that Phoebe and Hepzibah’s female “Pyncheoness” does not count in the same way as his son’s “Pyncheoness” for Judge Pyncheon. The logic of Hawthorne’s romance looks more like the undoing of masculine primogeniture (Hawthorne kills off the son, allowing Phoebe and Hepzibah to inherit), than its endorsement.

122 While later critical responses to the novel have largely followed a line of derision for the ending, some early reviews followed Sophia Hawthorne’s response to the novel (“There is an unspeakable grace and beauty in the conclusion” (Hawthorne, Julian (383))) and praised its ending. Outside of Melville’s private letter, Henry T. Tuckerman’s essay “Nathaniel Hawthorne” in *The Southern Messenger* is perhaps the most significant of this line. For a few exceptions proving the rule concerning the interpretation of Hawthorne’s ending, see Francis Battaglia “The House of Seven Gables: New Light on Old Problems” (*PMLA* 83 (1967): 579-590) and John Caldwell Stubbs *The Pursuit of Form: A Study of Hawthorne and Romance* (1970).
inclinations are embodied in the current generation by Judge Pyncheon), it has seemed to critics that using inheritance to undo the crimes of capitalism is reactionary at best.

Amy Lang’s *The Syntax of Class* is one of the more forceful accounts of Hawthorne’s reactionary politics. Lang argues that Hawthorne introduces a deeply promising moment, the destruction of a “doomed aristocracy” only to squander that crisis by mediating the potential conflict between the upper and lower classes. To that end she claims that Phoebe is “imported from the domestic universe of works like [Maria Cummins’] *The Lamplighter* into the gothic world of *The House of Seven Gables* in time to avert the crisis of social classification prompted by her cousin Hepzibah’s impoverishment. Phoebe’s strategic arrival plays out in narrative form her larger ideological function” (11). Lang’s reading is a more directly class oriented version of Henry James’ reading of the novel as deeply promising in scope, but finally unsatisfying in execution. In his 1879 book-length study *Hawthorne*, James does not name “inheritance” as his problem with the romance’s “subject,” but his remarks that *Gables* “seemed to me more like a prologue to a great novel than a great novel itself…partly owing to the fact that the subject…does not quite fill it out, and that we get the impression of certain complicated purposes on the author’s part” (*Hawthorne* 119) are easily explained by a conceit James earlier expressed in his seminal essay “The Art of Fiction.” Here, James claims that an inheritance plot encourages the “people who read novels as an exercise in skipping” (58). The inheritance plot “depends for a ‘happy ending’ on a distribution at the last of prizes, pensions, husbands, wives, babies, millions, appended paragraphs, and cheerful remarks,” and so fiction worth the term “art” needs to do more than decide who gets to inherit what (58). That *Gables* deserves to be called art is not in doubt for James, but the “deep intentions” of its author are not matched by its “subject” (119). While I disagree with both Lang’s and James’ criticism of the novel, I do believe Lang is
right that Hawthorne was more directly considering the political and economic import of market exchange.

To understand how the market works as an institution of reform, rather than reaction, for Hawthorne, it will be important to emphasize how the death of Judge Pyncheon’s son, also named Jaffrey Pyncheon, plays a fundamentally important role in releasing the Pyncheon estate from the “dead hand” of the Judge—making the entire estate alienable and forcing its division between family members. Prior to the death of both Jaffrey Pyncheons, Hepzibah—the Judge’s cousin—resides in the House of Seven Gables, but has only a “life interest” in the estate, which means she has incomplete title to the House of Seven Gables and the land attached to the house. Hepzibah’s limited control of the estate lasts only as long as her life, then the estate would have transferred to the Judge. Only once Judge Pyncheon’s will has been circumvented by the death of his son, the only known members of the Pyncheon family, Hepzibah, her brother Clifford and their cousin Phoebe stand to inherit the estate. Only once Hepzibah’s “life interest” becomes a complete title to the house—emphasized by the last line of the novel being the same as the title of the text—does the ghost of Alice Pyncheon, who appears to have a corollary “death interest” in the house, ascend to heaven.

The increased alienability of the market actually answers the criticisms of inheritance laid out early in the novel by Holgrave and later by Clifford; if Hawthorne’s text is read alongside debates about inheritance reform in political pamphlets, economic tracts and other contemporary documents, it becomes clear that he believed that the market would reform inheritance in a way that no other reforming principle could. Once made alienable, inheritance required no other reform. This is not to say that Hawthorne celebrated the market as an unqualified good, or that more substantive proposals for inheritance reform were not available; on the contrary, it is in the
face of the kinds of reforms offered by Orestes Brownson, Thomas Skidmore, and others that Hawthorne proposes the market as *the* institution of reform *par excellence*. For Hawthorne, the market was the only truly democratic possibility for mediating between the largely incommensurable values of different individuals and groups within the nation. The market’s mediation is rarely satisfactory to all involved and often fails outright, but there are simply no better alternatives.

**Navigating Alternative Inheritance Reforms in 19th Century America**

Even in the face of repeated¹²³ critical dissatisfaction with the type of “distribution” at the romance’s close, there has been no focused critical examination of inheritance within *Gables*.¹²⁴ This is perhaps most glaring when the death of Judge Pyncheon’s son is “skipped” over. It is only the earlier (though yet unknown) death of his son that nullifies the Judges’ wish for his property to pass over his cousins Clifford, Hepzibah and Phoebe. Because the Judge’s son is

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¹²³ Robert Levine’s critical introduction to the Norton edition of *Gables* is largely given over to a defense of the text from critics who have found, and readers who might find, their dissatisfaction with the ending overshadowing Hawthorne’s other accomplishments in the text. To these ends, he announces his belief that the critical reception of the romance is beginning to understand that *Gables* “is not so easily reduced to its ending” (XV). While I by no means seek to reduce *Gables* to its ending, I refute the understanding of the ending as a contradiction between Hawthorne’s “democratic” and “aristocratic” impulses. Instead, I read the close of the novel as a vindication of inheritance within the “democratic” marketplace.

¹²⁴ Most of Hawthorne’s major works rely heavily upon inheritance: Ellen Langton being pursued by Butler because of her inheritance, in *Fanshawe*; the conflict between Chillingworth and Dimmesdale over the inheritance of Pearl, in *The Scarlet Letter*; Judge Pyncheon’s murder of his uncle over a change in the will, in *The House of Seven Gables*; and the drama surrounding whether Zenobia or Priscilla is the rightful heir of a Southern fortune, in *The Blithedale Romance*. Even more to the point, these texts often position inheritance in relation to a lack of political and economic alternatives to the market. *The Scarlet Letter* begins with the prison door “of a new colony” and quickly marks “whatever earliest practical necessity to allot a portion of the virgin soil as a cemetery, and another portion as the site of a prison” (51). *The Blithedale Romance* begins with the mesmeric potentialities of the Veiled Lady and commences a slow march towards “Paradise anew” and “a better life” (6, 7). Almost as quickly, Hawthorne repeats with unexplained exclamation: “Paradise indeed!” and “The better life!” (6, 7). The slow march towards “Paradise” which seemed to lead away from the market quickly turns to a consideration of commodities: wood, pigs, vegetables and labor. Even “Paradise” is built upon competition and exchange. Nevertheless, these hard facts of Hawthorne’s plot devices appear to go unnoticed. There has been little serious examination of inheritance in his work.
already dead upon the Judge’s own death, the Judge, in effect, dies intestate and Hawthorne’s version of Henry James’ “distribution…of…husbands wives…millions…and cheerful remarks” proceeds apace the intestacy laws of Massachusetts. Critics as significant as T. Walker Herbert, author of *Dearest Beloved: The Hawthornes and the Making of the Middle-Class Family*, have produced near willful misreadings of the text because of this oversight. When Herbert incredulously asks: “Does one read the anxious rhetoric of Holgrave’s lovemaking without being subliminally aware that the judge’s bank stock, insurance shares, railroad holdings, and extensive real estate are all riding on the outcome?” (102) he overlooks the simple narrative fact that Holgrave’s “anxious” proposal of love to Phoebe occurs prior to knowledge of the younger Jaffrey Pyncheon’s death reaching Salem. Holgrave’s calculations regarding Phoebe’s wealth, subliminal or otherwise, could have never added up to more than a share of Hepzibah’s nearly bankrupt cent shop. More importantly, Holgrave’s expressed fantasy is not to own the house of seven gables, but to see the house burn down. Only once he ends up with a “share” in the house through his marriage to Phoebe does he become a conservative. His initial, reformist impulse is not for a “share” of the Pyncheon fortune, but the elimination of the kind of property that generations could share in the first place.

The only overt calculation that Holgrave makes regarding a share of inheritance is an estimate of what individual shares might look like in an egalitarian society, one devoid of inheritance. That he does so before the alchemy of marriage and property has turned him into Holgrave the “conservative” from Holgrave the “reformer” does not make his pronouncements without value so much as they indicate the importance of inheritance in considerations of reform for Hawthorne. It is in one of the many (so Hawthorne implies) meetings of Phoebe and Holgrave in the Pyncheon garden, attached to the house of seven gables, that Holgrave reveals
the principles for his future oriented reforms: a desire to “get rid of the Past” (130). The Past “lies upon the Present like a giant’s body” and makes the living “slaves…to Death” (130). The example he chooses to illustrate his theory will have great significance for the plot of Gables: “a Dead Man, if happen to have made a will, disposes of wealth no longer his own; or, if he die intestate, it is distributed in accordance with the notions of men much longer dead than he. A Dead Man sits on all our judgment-seats; and living judges do but search out and repeat his decisions” (130). The death of Judge Pyncheon, who dies with a will but without a living heir, leads to the intestate division of his “Capitalist” holdings “in accordance with the notions of men much longer dead than he.” His will would also have disposed of wealth that never should have been his. It is only by switching his uncle’s will, and framing his cousin Clifford for the murder of the same uncle, that the Judge gains access to the capital he uses to acquire his fortune.

If an inheritance is the kind of thing that encourages a young man to accidentally kill his uncle, frame his cousin for the murder and effectively imprison the rightful heirs to his stolen fortune in the house where the crime took place, then perhaps inheritance is an institution worth eliminating or, at least, reforming. More to the point, Holgrave believes that eradicating inheritance, and thereby frustrating the desires of those who want to accumulate enough wealth to “plant a family,” will produce “almost every reform which society is now suffering for” (132, 131). Inheritance reform is not just a reform, but the arch-reform from which all other reforms will flow. That Holgrave puts all of his reforming impulse into his belief about inheritance reform offers the reader a glimpse into what it will take to make Holgrave the reformer into Holgrave the conservative: a shift in his beliefs about inheritance.

Long before Holgrave’s newfound conservative understanding of inheritance is alluded to in the final pages of the romance, we are led to believe that Holgrave’s desire to eliminate
Inheritance is in earnest. At the same time, we are not left with a very detailed picture of what a world without inheritance would actually look like. We do know that people would no longer build houses out of stone and other long lasting materials. Whatever replacement materials were found, “If every generation were allowed and expected to build its own houses” we know that a long list of other reforms would take place. Other than these allusions to a kind of property designed to expire after use by a single generation, and a couple previous mentions of Fourierism in the text, little is offered in the way of an explanation for what reforms society is “suffering for” and how eliminating the possibility of inheriting property will produce these reforms. Certainly the elimination of the ability of one generation to transmit wealth to another generation would have profoundly altered the nature of American society in 1851 (just as it would today), but what exactly would happen to the wealth owned by the dead? Once you have eliminated the right of bequest, the right to will property, what will replace this right?

It is possible that Hawthorne saw no need to clearly enumerate a mechanism for the redistribution of “dead” property by his reformer because he imagined that his readership would have access to a rather clear picture of what this reform would actually look like. While Hawthorne argues for an understanding of Holgrave as “stand[ing] forth as the representative of many compeers in his native land” (181), at least one critic has claimed that the “satire” of Holgrave “was directed in large part at a single reformer…Orestes A. Brownson” (272). Daniel Barnes’ aptly titled “Orestes Brownson and Hawthorne’s Holgrave” lays out the case for Hawthorne’s characterization of Holgrave as a recognizable send-up of his acquaintance from Brook Farm. Barnes believed that Holgrave was Brownson in a thinly veiled disguise because

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126 Though Brownson was never a member of Brook Farm (as Hawthorne was), he was a frequent visitor of the community and supported its foundation prior to his conversion to Catholicism. Brownson’s conversion and
“Holgrave’s earlier theory of property sounds remarkably like the one Brownson advanced in his essay on “The Laboring Classes”” (272). Published in 1840,127 over a decade prior to Gables, “The Laboring Classes” was Brownson’s most controversial piece of writing and, prior to his conversion to Catholicism in 1844, what had made Brownson (in)famous.128 In “The Laboring Classes” Brownson railed against “the privilege which some have of being born rich while others are born poor” (395). He went on to clarify that he did indeed “allude to the hereditary descent of property, an anomaly in our American system, which must be removed, or the system itself will be destroyed” (395). In Brownson’s hands, the “American system” began with a partial victory over a monarchy, but needed to end the inheritance of property to complete its revolution: “as we have abolished hereditary monarchy and hereditary nobility, we must complete the work by abolishing hereditary property” (395). For Brownson, inherited property represented a counterforce to the democratic marketplace. He did not imagine his reform as an attempt to

following political transformation are well documented, but for more on Brownson’s and Hawthorne’s roles within and in support of the Brook Farm community, see Sterling F. Delano’s Brook Farm: The Dark Side of Utopia. Brownson has also been suggested as a potential model for Hollingsworth in The Blithedale Romance. Annette Kolodny makes this reference in her introduction to the Penguin Classics Blithedale and while Brownson didn’t admit that he saw himself in Hollingsworth (it is hard to imagine that possibility), he did say that Hawthorne had “In the character of Hollingsworth…been exceedingly successful…[both Hollingsworth and Old Moody] stand out from his canvas lifelike, and impress us as real living and breathing men” (“Literary Notices and Criticisms” Brownson’s Quarterly Review 4 (1853): 563).

127 “The Laboring Classes.” Brownson’s Quarterly Review 1840 (3), 358-395. 128 “The Laboring Classes” caused such a controversy that it was bound and published on its own in order to meet demand. The demise of Brownson’s reputation is catalogued thoroughly in various biographies, but perhaps the initial assessment by Arthur Schlesinger Jr. in his 1939 biography, Orestes A. Brownson: A Pilgrim’s Progress (1963) makes this argument most clearly. Brownson’s radical beliefs were well known through the United States, but also in England. For example Harper’s New Monthly Magazine (31.6 (1852): 136-140) picked up a comparison between Hawthorne and Brownson in an unnamed “London critical journal” that makes Brownson’s reputation abundantly clear:

Hawthorne is one of the few intellectual Americans who have left behind them the extravagances of Transcendentalism without being doomed to nourish feelings of remorse or disappointment, or being impelled to still more dangerous companionship with the impracticable and absurd. What a difference between him and Orestes Brownson…Brownson is a very clever, accomplished, and resolute man who was brought up a strict Presbyterian, then became a Unitarian and Universalist, presently falling among New England Transcendentalists, he out-Hegelized Hegel and out-Proudhonized Proudhon. Now, he is an ultra-Romanist, and is commencing a platform crusade against Protestantism, like which there has been nothing so insane since Don Quixote took the field. (139)
equalize individual shares of property, or as a threat to individual property, simply the illumination of an illegitimate form of property transfer. To fail to make this reform was to endanger the success of the entire democratic experiment because it meant asking the members of the democracy to accept an anomalous means of becoming wealthy without earning that wealth. Failing to distinguish between earned and unearned property meant that the values of the marketplace would eventually be in dialectical conflict with the values of democracy.129

Having given Holgrave’s critique of inheritance (biographical) import in tying Holgrave to Brownson, Barnes minimizes the importance of this critique by making it a joke. Herein lies the most fundamental problem with the conflation of Holgrave and Brownson, it misses the essential way “Holgrave’s theory of property” is distinct from Brownson’s and in missing this difference fails to contextualize the commitment to inheritance at the novel’s close. In Barnes’ reading, Holgrave and Brownson have the same “theory of property” because they both want to eliminate inheritance. Yet, in Brownson’s formulation, individual property rights can be entirely severed from the rights of inheritance; however theoretically true this may be,130 this does not appear to be the case for Holgrave, or for Hawthorne. In fact, the entire point of Holgrave’s diatribe against the “Past” and the “Dead” seems to be to mark the limitations of any attempt to fully separate “property” from “inheritance.” While Holgrave the reformer wants to eliminate

129 Barnes’ claim that Hawthorne would have been familiar with Brownson’s article seems likely. Not only was the piece widely disseminated (and rebuked), but Brownson and Hawthorne had moved in the same social circle and Brownson published occasional pieces by Hawthorne’s sister-in-law, Elizabeth Peabody, in his review. At the same time, no contemporary review of Gables mentions Brownson as a possible source for Holgrave, and Brownson himself did not offer a review of Gables. To say Brownson’s intellectual personality was confrontational would be an understatement (Elizabeth Peabody said he “roared” rather than spoke) and it would have been strange for Brownson to miss an opportunity to upbraid Hawthorne’s choice of subject matter. When Barnes himself admits that “ideas of such radical stamp were in the air by 1851” he is more than right. Despite Brownson’s claim that “There are to my knowledge, none of my friends who entertain the doctrine [of abolishing inheritance],” he was only one of many seeking to reform inheritance. Hawthorne himself recorded Eben Hawthorne, his cousin, as believing that “nobody ought to possess wealth longer than his own life, and then that it should return to the people” (Passages from the American Notebooks 65).

130 The right to enjoy property during one’s lifetime seemed at best ancillary to the right to make that property perform one’s “will” after one is dead to a number of the nineteenth century’s most foundational theorists of private property, including John Locke, Jean Rousseau, William Blackstone and others.
inheritance, he is not capable of demanding the kind of “equal shares” redistribution demanded by Brownson. Where Brownson’s “theory of property” seems to be divorceable from his “theory of inheritance” in that he imagines himself to be endorsing private property rights while redistributing that property upon the death of the private individual, Hawthorne has Holgrave advocate for an alteration to the very form of property, such that the actual property people own will decompose or disappear within a generation. What Holgrave seems incapable of imagining is a situation where the “dead” will have their property taken from them in order for it to be redistributed among the “living.” In order to imagine what property truly in control of the living would look like, Hawthorne has Holgrave imagine property that dies when its owner does.

Attempting to resolve the controversy surrounding the ending of *Gables* by suggesting that Hawthorne endorses an understanding of inheritance as a threat to the logic of the marketplace reproduces a line of argument that claims the ending is meant to be read ironically, satirically, or humorously because there is no way to reconcile the market and nonmarket forms of exchange present in the text. For instance, William Dillingham’s much anthologized argument “Structure and Theme in *The House of Seven Gables*” makes the claim that the unwritten fifth act of the romance will be the tragedy that befalls the newly recombinated Pyncheon clan in the face of their new inheritance. Arguments like Dillingham’s have been met with admonishments like Hyatt Waggoner’s: “Hawthorne meant his ending to be taken seriously!” (Waggoner (1963) in *Gables* 412). What exactly it might mean to take Hawthorne’s ending seriously has increasingly been understood as the need to discern the relation between Hawthorne and the marketplace of 19th century America.

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Michael T. Gilmore’s *American Romanticism and the Marketplace* seeks to accomplish the task of situating Hawthorne inside the marketplace, but he simply relocates a tension between Hawthorne’s desire for success in the external marketplace and the need to produce art of internal value *within* Hawthorne. For Gilmore, Hawthorne’s desire for success in the market is creatively balanced by his desire to alter the marketplace. In searching for a moral alternative to the market system in which the material benefits of capitalism are retained, Hawthorne fails to produce the kind of commodity Gilmore desires precisely because Hawthorne sought to both enter and alter the marketplace. If he had simply attempted to enter the market, in Gilmore’s formulation, Hawthorne would have produced a work of sentiment that clearly belonged to the 19th century and if he tried to alter the marketplace he would have more firmly trusted to his modernist sensibilities, suppressing the “author” and “meaning” by increasing textual difficulty in order to “survive in what has become purely a relation of exchange” (95). Though Gilmore reads *Gables* as an attempt to balance “individual integrity” with market “institutions,” this balancing act fails because Hawthorne “was unable to suppress his misgivings that in bowing to the marketplace he was compromising his artistic independence and integrity” (97). The non-economic values of art and the economic values of the market are understood as not only separate spheres in Gilmore’s argument, they are actually in competition. This maneuver should appear familiar, as the noneconomic values of art function like the anti-market principles of inheritance in Barnes’ argument. In both, Hawthorne appears to be “of two minds” about the market and his inability to reconcile his two minds produces the ending of *Gables*. In both Barnes’ and Gilmore’s readings, Hawthorne watched what Charles Sellers named *The Market Revolution* and responded to the invasion of non-market spheres with revulsion. My argument is that Hawthorne saw the incommensurability of separate spheres as the reason for relying on the
market, rather than on other institutions. The market becomes the only way to mediate incommensurable claims about values. Rather than opposing art and inheritance to the market, I believe Hawthorne goes to great lengths to first establish and then discredit Holgrave’s “theory of property” in order to make sense of inheritance in a nation just beginning to claim that the most rational method of allocating resources is established through market competition.

The first effort to establish Holgrave’s theory as something to be taken seriously is found in the preface to the romance, which seems to establish Holgrave’s criticism of inheritance as identical to Hawthorne’s intended moral:

Not to be deficient, in this particular, the Author has provided himself with a moral;—in truth, namely, that the wrong doing of one generation lives into successive ones, and divesting itself of every temporary advantage, becomes a pure and uncontrollable mischief;—and he would feel it a singular gratification, if this Romance might effectually convince mankind (or, indeed, any one man) of the folly of tumbling down an avalanche of ill-gotten gold, or real estate, on the heads of an unfortunate posterity, thereby to maim and crush them, until the accumulated mass shall be scattered abroad in its original atoms. (3-4)

As a description of the process of accumulation used by the Pyncheon clan, this seems more than apt. More importantly, it is almost the precise description Holgrave offers in support of his own theory of inherited evil. Holgrave tells the story of Alice Pyncheon to Phoebe precisely as proof of and “exemplifying a theory” about inherited evil that he says he has been “pursuing” while he lives in the house of seven gables (132). The story-within-the-story that Holgrave tells is one of reoccurring traits inherited by both the Pyncheons (a curse/disease that causes male Pyncheons to bleed out of their mouths) and the Maules (the ability to manipulate dreams and minds), but also
of a Pyncheon inheritance that disappears. The Pyncheon fortune is estimated to be much larger than currently known because of a land grant, the deed to which has disappeared.

It is in Holgrave’s story that the terms of the wizard Maule’s curse is revealed and the importance of either paying the Maule family for the use of their land (which Colonel Pyncheon stole and built the house of seven gables on) or leaving the house of seven gables is made clear. This is the exact price that Matthew Maule the carpenter, the grandson of the wizard Maule, sets for revealing to Colonel Pyncheon’s grandson, Gervayse Pyncheon, where the deed to the Pyncheon Indian lands can be found. When Gervayse Pyncheon agrees to this demand, the carpenter realizes that what the Pyncheons will gain from the exchange will pale in comparison to the real estate value of the house of seven gables and decides to use his “spirit” to mesmerize Gervayse’s daughter, Alice Pyncheon. So doing, the carpenter adds to his grandfather’s curse upon the Pyncheons and claims that the curse cannot be broken until the deed to the land grant “is no longer of any value” (148).

The Maule curse of the Pyncheon clan, first that they must abandon their house and second that they can only obtain the land grant when it is worthless, sounds like nothing more than a prescient description of Holgrave’s desire to have all property disappear or disintegrate before it can be inherited. The story-within-the-story also reverses the role of the two families. In the first curse, or contract, for the House of Seven Gables, Colonel Pyncheon wants wizard Maule’s land. Just before the Colonel is able to have the wizard killed during the Salem witch trials, Maule curses Pyncheon so that he will be forced to leave the house in order to gain access to the more valuable land grant. In the battle over the house in the story-within-the-story, the wizard’s grandson actually wants to keep the Pyncheons in the house until the value of the exchange is not tilted so far in favor of the Pyncheons. Alice Pyncheon’s death is the corollary to
the “life interest” that Hepzibah Pyncheon has in the estate during the most recent generation of both families. Where Hepzibah cannot sell the house (and therefore cannot leave) because she has only limited title to the estate, Alice Pyncheon’s mesmerized spirit is literally entombed in the house in an attempt by Matthew Maule to avoid fully consummating the deal he has struck with Alice’s father. Not only does Alice’s spirit ascend to heaven when the Pyncheons finally leave the house at the romance’s close, but “Alice’s Posies” bloom “in the angle between the two front gables…and seemed, as it were, a mystic expression that something within the house was consummated (201). Where some critics have read the bewitching of Alice Pyncheon as a sexual conquest of Alice Pyncheon by Matthew Maule, it seems more accurate to say that the “something” that was consummated was not her relationship with Matthew Maule.\footnote{Matthew Maule bewitches Alice Pyncheon, but he does so not to make her his wife, but to use her as a handmaid at his wedding.} Rather, her “posies” have come into bloom after the death of Judge Pyncheon (which makes it possible for Hepzibah, Clifford and Phoebe to leave the house), thereby expressing the consummation of the real estate deal struck by Maule and Pyncheon so many generations past. Alice Pyncheon’s “death interest,” like Hepzibah’s “life interest,” is a postponement of this consummation, not its realization.

If Hawthorne really did hold Holgrave’s initial reformist criticism of inheritance as his own, the “death interest” and a “life interest” of Alice and Hepzibah would have answered the fantasy of property that disappeared between generations. At the same time, there is an important difference between Holgrave’s critique and Hawthorne’s moral. Holgrave clearly endorses the solution of creating property that will scatter “abroad in its original atoms” every generation. Hawthorne leaves an opening for a reform that will be able to keep an inheritance from “divesting itself of every temporary advantage.” At this point, it isn’t clear how it will be
possible to eliminate the permanent advantage of inheritance without scattering property “abroad in its original atoms.”

In order to understand how the market might answer—rather than foster—this demand, it will be necessary to understand why inheritance and property rights are ultimately indivisible for Hawthorne. If we briefly examine a much more thorough critic of inheritance, from whom Brownson most likely cribbed a number the specifics in his later defense of his proposal in “The Laboring Classes,” we will see exactly why Hawthorne thought “property” was indivisible from “inheritance.” Thomas Skidmore, labor activist and author, is a much more exemplary case of the kind of inheritance reform Hawthorne would have seen as threatening, because while Skidmore still allowed for limited private property rights, he saw that only eliminating inheritance would simply mean that the rich would shift their asset transfers from the time of their death to during their lives, therefore escaping Brownson’s attempt to eliminate the “privilege” of inherited wealth without eliminating either “privilege” or intergenerational transfer. In this way, Skidmore’s work is exemplary of the kind of conclusion about the nature of private property (that its private nature was a problem) that Hawthorne has Holgrave avoid in his critique of inheritance.

Skidmore’s radical program for inheritance reform involved not only the elimination of transfers of wealth at death, but transfers during life between generations as well. Unlike

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134 Brownson argued explicating for the originality of his proposal, though the elimination or reform on inheritance was a proposal in numerous circles. More directly, Brownson knew Thomas Skidmore and was familiar with his work both as an activist and as a writer. As John Cunliffe and Guido Erreygers point out, Skidmore was one of the subjects Brownson would write about shortly after composing “The Laboring Classes.” They make this connection between Brownson and Skidmore in their chapter “Inheritance and Equal Shares: Early American Views” in the collection *The Ethics and Economics of the Basic Income Guarantee* (2005). While they do not look to establish conclusive proof that Brownson was influenced by Skidmore, the connection seems more than likely in their estimation. They also link Brownson to Skidmore’s time in the Working Men’s Party of New York.

135 Thomas Skidmore was born on August 13, 1790 in Connecticut, worked as a teacher prior to becoming a machinist in New York City. It is from this position that Skidmore would help launch the Workingmen’s Party of New York. The Party existed for only a brief time, but Skidmore was instrumental in its formation and his expulsion
Brownson, who advocated only a post-mortem division of inherited property, Skidmore used a labor theory of value to attack the unequal distribution of private property in all its current manifestations. The subtitle of his only book, *The Rights of Man to Property!*: *Being a Proposition to Make it Equal among the Adults of the Present Generation: and to Provide for its Equal Transmission to Every Individual of Each Succeeding Generation, on Arriving at the Age of Maturity* (1829), remains the clearest gloss of his argument. Where for Brownson an unequal division of private property was neither inequitable nor undesirable, for Skidmore the unequal division could only be equitable if based upon an individual’s labor and he imagined that this division would be drastically limited in its range of inequality.¹³⁶ He wanted to excise the exploitive privilege of capital while still allowing individuals to own property.¹³⁷ In order to

from the party marked its quick demise. Skidmore was expelled from the main (there were several splits, with some members following Skidmore to form a “true” Workingmen’s Party) party in the face of charges that his theory of value was too “agrarian” to meet the demands of the heavily industrial Workingmen’s Party. The source of the “agrarian” charge comes from Skidmore’s own language (he called his proposals “Agrarian Resolves”) and his engagement with Thomas Paine’s and Thomas Jefferson’s agrarian theories. While the charge that Skidmore was an “agrarian” seems tangential to the bulk of his argument, Mark A. Lause gives some credence to this claim in *Young America: Land, Labor and the Republican Community* by carefully contextualizing post-Civil War radicalism with its roots in antebellum agrarianism. Offering a corrective to the oversimplification of “Agrarianism” as “naïve,” Lause demonstrates the effectiveness of the term “agrarian” in helping to coalesce “one of the most successful and influential social movements in American history” (137). In this way, the moment when “Agrarian” becomes a political liability for someone like Skidmore is a harbinger for the various splits and splinters that reform movements were to experience for the rest of the nineteenth century.

¹³⁶ Skidmore began his argument with the claim that the original status of human equality, based on the inheritance of the earth by all, had been violated and needed to be restored immediately. His theory of value at times seems to anticipate Karl Marx’s later critique of capital: “One thing must be obvious…as long as property is unequal, or rather as long as it is so enormously unequal, those who possess it will live on the labor of others (Skidmore 3).” Yet, within the parenthetical “or rather as long as it is so enormously unequal” lies a fundamental difference between Marx and Skidmore.¹³⁶ (Skidmore’s appeal to scholars has largely been as a proto-marxist. For example, Staughton Lynd, in *Intellectual Origins of American Radicalism* (1968), named Skidmore “the single most comprehensive statement of pre-Marxian American radicalism” (88).) Skidmore’s critique of capital did not rely on painting capital as *entirely* parasitic or exploitive. That it was largely so in its contemporary manifestation seemed obvious to him. But rather than claim that the elimination of private property was the only way forward, he rests his critique on the intergenerational transfer of wealth. The problem was not that one man’s talents might lead him to make more money during his lifetime (this is a problem for Marx and Marx’s inheritors); instead, the problem was the unequal inheritance of capital.

¹³⁷ He understood that this would be incredibly complex and the thoroughness of his proposal (at times down to precise amounts) is almost comical given how far away from necessary history has made his details. There has never been a time in history when even half of his proposals were feasible. His 20 article plan called for a New York State Convention to rewrite the constitution of the State so that the reforms would then be legal. He gave detailed descriptions of how to handle all the attempts to wiggle out of the stated goal of virtually eliminating intergenerational transfers of wealth. His attempt to maintain an airtight economic system was so complex that he
accomplish this, and to ensure that no one property was able to escape his reforms, he believed it would be necessary to confiscate all property at the present moment, eliminate the ability of one generation to give money other than small gifts to the next, and then confiscate all property upon a person’s death. This confiscation would create a fund replenished yearly and then be distributed equally among all persons who had reached “the age of maturity.” His plan rested upon the belief that the “power of wills” meant that without the elimination of lifetime transfers and the equal division of assets upon death, “every generation would see the evil increasing in aggravation and enormity” (251). If only a onetime equal distribution of property were possible, the power of wills alone would be enough to recreate the kinds of extraordinary inequalities Skidmore wished to eliminate. For Skidmore, private property and a market economy will, if allowed to function outside his strict containment plan, continue to perpetuate inequality. Accomplishing either a one-time equalization or property or the elimination of post-mortem transfers of wealth would never work to equalize the fruits of society’s labor. The marketplace was simply too rapacious and private property too prone to breeding more private property for the United States to continue on its (then) current path. If Brownson thought he imagined a way to separate inheritance from the market, and so allow the market to continue on its democratic path, Skidmore believed that the market itself was undemocratic. For Brownson and Skidmore, inheritance was an anachronistic form of property transfer that needed to be eliminated. For Skidmore, inheritance at death was only the most illegitimate form of capital transfer, not the last illegitimate hereditary right that needed to be eliminated.

Hawthorne has Holgrave share both Brownson’s and Skidmore’s abhorrence for the power of the “dead hand” of wills and bequests, but without the commitment to a redistribution acknowledged that it would require a prolonged “universal suspension of all business, except in so much as it is necessary for subsistence, until the whole can be accomplished” (285).
of property, at death or during life. This is the point of Hawthorne having Holgrave wish that the house of seven gables would “be purified with fire—purified till only its ashes remain!” (131). Holgrave can’t imagine taking the house from Judge Pyncheon and that idea does not ever seem to enter into his reformist plans. Yet, that does not mean he thinks Judge Pyncheon should have the house. His solution is not to imagine the equal division of property between the living (or even a division of the Pyncheon estate where he gets an equal share), but the elimination of the tainted property in question.

The fantasy of property that will expire just in time to avoid transfer (through destruction or by design), or of property that is so ineffable as to avoid the possibility of transfer runs throughout 138 *Gables*, but this fantasy runs up against the reality of the one property relationship that actually fulfills all fantasies of eliminating the need or possibility of exchanging property in the marketplace: the life interest Hepzibah has in the Pyncheon estate. In this way, the romance very carefully sets up the idea that inheritance can either be divorced from the market (Brownson) or that inheritance demonstrates a fundamental problem with the market (Skidmore). Hawthorne’s dramatic depiction of Hepzibah’s difficulty in opening her cent shop and the virtual imprisonment of Hepzibah and Clifford in the house of seven gables dramatically depicts the problem having title to property that cannot be alienated from its owner (that literally cannot be sold): it isn’t really much of a title at all. Hepzibah is protected from creditors because she literally cannot sell the estate even if she wants to, but who will lend her money against property they could never collect on? Inalienable property, such Hepzibah’s life interest, acts just as much like a prison as it acts to keep creditors at bay.

138 Both Holgrave and Clifford are hopeful about the possibility of making property either difficult to transfer, or so imminently transferable that exchange is not even necessary, but a piece of property that expires upon its inheritance from one generation to another is the central piece of the inheritance plot: the missing Pyncheon land grant.
Most of the reforms to inheritance that actually did take place during the nineteenth century (as opposed to more radical proposals, like those made by Skidmore and Bronson) sought to accomplish this balancing act between disinheriting current owners in favor of creditors and making title unclear (and therefore virtually useless to all involved). That increased alienation was the primary force behind inheritance reform is marked in official changes to state constitutions, alterations in intestacy laws like the “two-lives rule,” the elimination of primogeniture and dower, the reduction in “life interests” in property, a movement to “active” rather than “passive trusts,” but also in the reform pamphlets, political platforms and actual inheritance practices that violated the mandates of these more official reforms. In most cases,

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**Footnotes:**

139 First purposed during New York State’s statutory reforms of 1828-1830, the “two-lives rule” was adopted in almost every state of union prior to 1850. Replacing “The Rule against Perpetuities” (perhaps one of the most complicated and most misunderstood rules in common law), the “two-lives rule” was the 19th century attempt to limit the ability of the “dead hand” to guide future exchange when the interests of the future were as yet undetermined. In short, it became impossible to place a contingency upon a future interest when the contingency might remain unresolved more than twenty-one years after the deaths of everyone who was alive when the interest was created. Prior to this rule change it was possible to use an unlimited number of lives in order to wiggle around The Rule against Perpetuities, though this wiggling was successful only in the hands of more elite attorneys. Why exactly two lives were agreed upon is unclear. It is clear that the original draft forbade the suspension of “the absolute power of alienation “for longer than “a life or lives in being” (Alexander 121). It is plausible that this original limitation was understood as too limiting and revolutionary in nature. At the same time, the extension from one to two lives can be read as an attempt to manage the twin desires of mainstream inheritance reform: the desire to make inheritance more alienable and the desire to keep portions of an inheritance free from the demands creditors. A credit economy cannot operate on the principle that all debts die with an individual. While the desire to ensure that debts were properly paid was one driving force behind inheritance reform, one of the others was the attempt to make sure that families were not left destitute. It is this desire that guided the most important alterations to inheritance law during the 19th century: those made to the property rights of women. The kind of “life interest” Hepzibah was assigned became a less utilized form of structuring wills during the 19th century (Shammas, Salmon and Dahlin). But even more striking than alterations in practice is the fact that “[f]rom about 1850 on, most states passed legislation allowing married women, rather than their husbands, the ownership and control of overall personal and real property they had been inherited and given” (83). The trade-off with increased control was a decrease in the ability of women to keep property from the hands of creditors and debtors once their husbands had died.

140 It is equally true that increased alienation at times met resistance. This can be documented by the reform pamphlets, political platforms and actual inheritance practices that violated the mandates of these more official reforms. For instance, while it eventually became illegal for wills to limit ownership to blood relatives of the deceased, inheritance patterns often bear out just this kind of limitation. See Lawrence M. Friedman, “Patterns of Testation in the 19th Century: A Study of Essex County (New Jersey) Wills,” *American Journal of Legal History* 16: (1972): 34-52.

141 The goals of increased alienation served both those looking to uphold the status quo and those calling for a more equal distribution of assets. As Lawrence Friedman has stated in his *History of American Law*, “The dominant theme of American Land Law was that Land should be freely bought and sold” (412). When this issue was taken up by those looking to increase the commodification of land, no issue was more important to alienability that the elimination of privately imposed restraints upon alienation. This goal manifested itself in the revised constitutions of
the stated goals of inheritance reform were to make it clear who owned a piece of property and to limit anything resembling perpetual control over a piece of property.

The “life-interest” that Hepzibah has in the Pyncheon estate was part of an ongoing legal debate in the 19th century about how best to protect the interests of dependants and widows after the death of a male property owner. Where American colonies had originally granted widows the right to their husband’s “personal” property (money and more liquid assets) and a “dower” share of his “real” property (literally real estate and other more fixed property), these safeguards to a widow’s property were fast becoming extinct. Hepzibah is not a widow and so would never have had “dower” rights over her father’s property, but her property rights in the romance are directly affected by the elimination of “dower” during the nineteenth century. With the elimination of “dower” the use of a “life interest” on property became a more popular testimonial tool for those looking to ensure the maintenance of their wife or child. The “life interest” in property means that Hepzibah has control over the property only for the duration of her lifetime.

This meant that she could not sell the property, but also that creditors would not be able to make

most states as a restriction on the creation of “passive” trusts and the “two-lives rule” against suspending power to transfer property. The shift between a “passive” to an “active” trust is legally quite complex, but is practically simple: a passive trusts divided ownership and control between a beneficiary and trustee without requiring any action on the part of the trustee. The demand that trusts be “active” was an attempt to make title clear. Having a property controlled by one party but owned by another was useful for doing things like avoiding creditors and making it impossible for property to be sold outside the family, but those uses of a trust became increasingly unpopular in the face of Jacksonian era reforms to property. Lawrence M Friedman offers a brief sociological reading of this transformation in Dead Hands: A Social History of Wills, Trusts and Inheritance Law. See also, Carole Shammas, Marylynn Salmon and Michel Dahlin, Inheritance in America: From Colonial Times to the Present.

142 At the beginning of the nineteenth century it would have been more common for a widow to be awarded the rights of “dower” over her husband’s estate than a “life interest” in the estate. “Dower” was slowly eliminated and by most states by the mid-nineteenth century because it limited the alienation of property. Most dower laws established a widow’s rights to a third or a half of her husband’s property, no matter claims creditors might have had on the property. This protected widows from being disinherited by spendthrift husbands, but it did nothing to protect creditors who might have bought a piece of property only to have a widow claim her “dower right” years later after the death of her husband. The twin component of “dower” was “coverture,” the elimination of a woman’s property rights upon marriage. “Dower” was meant to protect the rights of widows who had no control over their property once married. Both rights eroded in the face of pressure of increased alienation. For a more detailed examination of coverture and dower see Joan R. Gundersen “Women and Inheritance in America: Virginia and New York as a Case Study, 1700-1860” in Inheritance and Wealth in America.
inroads into the properties title, because the title would revert to another designate upon her death. When Hepzibah dies, the house of seven gables will become the property of Judge Pyncheon, whom the law will recognize as having had the right of property in the house all along, with simply the “interest of life” owed to Hepzibah. Hepzibah’s title is as secure as death because it rests upon her life; however, I don’t think anyone has ever read *Gables* and imagined that the lesson of the romance was to envy the “life interest” Hepzibah has in the house that haunts her and Clifford to the point where the two of them flee via railroad. In fact, the life interest in the house means that they cannot just sell the house and move on with their lives. Even as Judge Pyncheon dies, he is planning on adding onto the estate of Hepzibah. In the only mention of “alienated” property in the text, the Judge is scheduled, on the day of his death, to buy a piece of land that “had been alienated from the Pyncheons these fourscore years; but the judge had kept it in his eye, and set his heart on reannexing it to the small demesne still left around the gables” (191). Why does the judge imagine that “reannexing” the property to Hepzibah’s life interest is a good investment? It is certainly not because the Judge would rather have the property in Hepzibah’s hands than the “alien possessor” who currently owns the land. The Judge knows that once “annexed” to Hepzibah’s life interest, the property is as good as his because when Hepzibah dies, the house and its attending property revert to the Judge or the Judge’s heirs.

The accidental byproduct of her father’s will, apparently written as an attempt to provide for her during her lifetime, and Judge Pyncheon’s menacing of her brother Clifford, turns Hepzibah’s life interest from the very fantasy of property proposed by Holgrave, into a prison. Inheritance divorced from the market appears to be a problem, not the solution imagined by Brownson and Skidmore. That the market, through increased alienation actually works to reform
inheritance would appear a strange argument to both Brownson and Skidmore, but it is one that Hawthorne made repeatedly, both within *Gables* and without.

**Hawthorne and the Reforming Marketplace**

Hawthorne has already indicated to the reader of *Gables* that while there is something to be admired in the reforming impulse of Holgrave and Clifford, there is also something fundamentally wrong about how they want to bring about these reforms. As to Holgrave’s “main point,” namely “that we are not doomed to creep forever in the old, bad way” (194), Hawthorne upholds this desire but uses his narrator’s voice to chide Holgrave’s understanding of how (or why) the good, new way will develop:

> His error lay in supposing this age, more than any past or future one, is destined to see the tattered garments of Antiquity exchanged for a new suit, instead of gradually renewing themselves by patchwork; in applying his own life-span as the measure of interminable achievement, and more than all, in fancying that it mattered anything to the great end in view, whether he himself should contend for it or against it. Yet it was well for him to think so…the haughty faith, with which he began life, would be well bartered for a far humble one, at its close, in discerning that man’s best-directed effort accomplishes a kind of dream, while God is the sole worker of realities. (194)

The kind of visionary future that individuals like Charles Fourier tried to realize in Phalansteries and others looked for in socialist communities is here a “new suit” that will simply never fit.\(^{143}\)

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\(^{143}\) Charles Fourier’s proto-socialist writings came under special attack from Hawthorne in both his fiction and in his notebook entries. Andrew Loman documents Hawthorne’s aversion to Fourierism in great detail in “*Somewhat on*
Instead, the patchwork of the past and present is all the reform that is possible. Antiquity can never be exchanged, it can only be bartered with and while that barter will almost certainly result in a “humble” suit, at least the suit will fit. The difference between “exchanged for” and “bartered for” is even more apparent in Clifford’s near monologue with the stranger on the train.

The lack of alternatives to marketplace reform is perhaps most directly detailed in the conversation Clifford has with a stranger about real estate and railroads as he and Hepzibah escape the House of Seven Gables. Having just discovered the body of his dead brother, Clifford convinces Hepzibah to flee with him. They take the railroad and head out of Salem, with the apparent goal of traveling forever, as opposed to living in the haunted House of Seven Gables. Thus, when Clifford announces to the unnamed stranger that, “We are riding for pleasure, merely!” he really means that he imagines that these two remaining Pyncheons have replaced their haunted house with the pleasure of riding the rails, interminably: “this admirable invention of the railroad…is destined to do away with those stale ideas of home and fireside, and substitute something better” (183). We should hear in Clifford’s pronouncement that “[t]he past is but a coarse and sensual prophecy of the present and future” the echo of Holgrave’s earlier critique of inheritance and be ready for Hawthorne’s difference between “exchange” and “barter.” We find it in the stranger’s inadvertent negation of Clifford’s pronouncement that:

it is my firm belief and hope, that these terms of roof and hearth-stone, which have so long been held to embody something sacred, are soon to pass out of men’s daily use and be forgotten. Just imagine, for a moment, how much of

*the Community System*: Representations of Fourierism in the Works of Nathaniel Hawthorne. Loman’s argument about *Gables* is that the romance is an attempt to imagine an alternative to the capitalist marketplace that is not based on the “egoism” present within Fourierism. While there is an implicit critique of Fourierism and other utopian projects in *Gables*, it is hard to believe that Hawthorne understood “the family” as the kind of alternative to “the market” as Loman argues. Hawthorne certainly believed things about marriage that made the values inside a marriage different than the kind of economic values one would find in the market, but that does not mean that he imagined that it was possible to create a market based upon those values.
human evil will crumble away, with this one change! What we call real estate—the solid ground to build a house on—is the broad foundation on which nearly all the guilt of the world rests. (183)

Where Clifford makes the confusion between the commodified object, as real estate, and the noncommodified object, as home, an indication that some new technology (electricity is the example Clifford chooses to explore most thoroughly) will supersede the partially commodified house, the stranger responds by automatically shifting the conversation towards a way in which Clifford’s chosen technology (electricity) is already commodified. The telegraph is a use of electricity that mirrors Clifford’s rather fantastic rendering of what electricity could do if it were only freed from the constraints of the market. When the stranger begins his rebuttal with “If you mean the telegraph,” he begins the most important line of dialogue in the exchange between the two men because it represents the impossibility of the kind of incommensurability and commensurability that Clifford desires. The point of electricity understood as a kind of “great nerve,” as Clifford terms it, is that it will no longer function as a commodity and will therefore stop being subject to the kind of confusion between commodities (real estate) and noncommodities (homes) that humanity has created in the past. The point is equally that this new incommensurability—the elimination of the commodity as the possibility of exchange—is to be brought about to more fully serve the purposes of commensurability. The point of the “great nerve” is that it is connected to all our nerves and therefore has eliminated the need for the kind of “bartering” that is required with commodities. We no longer need something like the price of a good, because the inexchangeable nature of all our values has been translated into exchangeable experience through the great nerve. The problem in Clifford’s economy, as it turns out, isn’t that we all have different values, but that the confusion about commodities makes us
think that we have different values when in reality we all have the same value(s). But Clifford’s traveling partner, with “If you mean the telegraph” short-circuits the “great nerve” of electricity because he demonstrates the impossibility of the kind of “exchange of ideas” that Clifford wants to make possible with the great nerve and immediately sets about “bartering.” The telegraph is “[a] great thing[s] indeed, Sir; particularly as regards the detection of bank-robbers and murderers” (184). Clifford if horrified by this possibility, not least of all because he can be caught and brought to trial using the “great nerve,” but also because the stranger on the train does what strangers on trains sometimes do, remind us that we don’t all have the same values and that conflict between those values can be quite extreme. When the difference between values looks like your own hanging (even though Clifford did not kill Judge Pyncheon he knows that it will look like he did because he ran away with Hepzibah) for killing your brother, even if he made you live in a haunted house, then selling the house of seven gables (even if it was your childhood “home”) doesn’t look like such a bad thing. But of course, Clifford and Hepzibah can’t simply sell the House of Seven Gables; they only have a “life interest” in the home.

It is important to note that the idea of the railroad and electricity as noncommodifiable entities, as Clifford wants them to be, would have been ridiculous to Hawthorne’s readers. Railroads were becoming giant corporations and the primary purpose of telegraph offices was certainly not the sending and receiving of instantaneous love messages. Clifford’s search for an “exchange” of the partially, and to his mind improperly, commodified house for the noncommodities of the railroad and the telegraph ignores the kind of “bartering” that occurs when a new technology enters the marketplace. This has special import for Clifford and Hepzibah, who now have to face the idea that they can be captured and returned to Salem (for

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144 I imagine that the idea of sending love messages back and forth via telegraph would have been much funnier for those that had sat around and waited for the telegrapher officer to type out a reply to a very private message.
the murder of their brother) just as easily as they left. For those who might read Clifford and Hepzibah’s inheritance as an escape from the market, Hawthorne allows the logic of the stranger (and the market) to perform its office: they return to the House of Seven Gables.

That Hawthorne’s faith in the market has been infrequently remarked upon perhaps says more about literary scholarship than Hawthorne’s own clarity. He certainly did not hide his belief that the solution to problems of inequality, like inheritance would look more like a negotiation of interests as opposed to radical reform. What has masked Hawthorne’s commitment to the market as a democratic institution of reform is the sentence that has come to haunt Hawthorne’s appraisal of all reform movements:

There is no instance, in all history, of the human will and intellect having perfected any great moral reform by methods which it adapted to that end; but the progress of the world at every step, leaves some evil or wrong on the path behind it, which the wisest of mankind, of their own set purpose, could never have found the way to rectify. (114)

Written in his campaign biography of Franklin Pierce (his college friend and political benefactor), Hawthorne is defending Pierce’s position on slavery. This sentence has become one of the touchstones of Hawthorne criticism. No current account of Hawthorne is rendered successful without coming to terms with his politics and his politics regarding slavery. In the process, Richard Holt Hamilton’s post-Civil War response to Hawthorne’s pre- and post-war attitudes about slavery has become as canonical as Hawthorne’s own words, namely, that Hawthorne possessed “the most immoral kind of political fatalism” (Essays Theological and Literary 416).145

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145 In the opening words of Michael Gilmore’s contribution to Hawthorne and the Real: Bicentennial Essays, “The consensus on Hawthorne and politics goes something like this: unlike Emerson and Thoreau, unlike Douglas and
One cannot really defend Hawthorne’s less than abolitionist position on slavery. It is obvious that Hawthorne had no good answer to the question “How do we get to freedom from here?” At the same time, his belief that the market was the only mechanism capable of “getting” to freedom is not an unprincipled one, or one based upon a failure of the imagination. It is true that—if the marketplace is necessary because no one individual, or even group of individuals, is sufficiently wise to serve as the arbiter of slavery—it is not clear how the market solves the problems of arbitration rather than simply leaving those problems for another generation. Essentially, for Hawthorne, it seems to come down in the end to a choice between two less than perfect decision making institutions—a market in which the bad may indeed crowd out the good for long, protracted periods, and a political realm whose battles are fought by parties. The results of this latter type of conflict seemed to Hawthorne as relying on the happenstance of which party is in power during a particular crisis. Partially because of this less deliberate and arbitrary nature of the political mechanism, Hawthorne trusts the task of separating the good from the bad to the turns of a marketplace that has no governing purpose other than the combination of individual interest rather than to a political process in which the good and the bad are filtered through ideological purposes vying with one another for power. While I do not believe this choice deserves the title “fatalism” it has been the basis for some of the most important interpretations of Hawthorne’s work.

Stowe, activists all, he was an inactivist who fetishized deferral” (22). Gilmore goes on to try and save Hawthorne, to a degree, from the conviction of passivity as regards to slavery. Locating his defense in “verbal agency” Gilmore’s reading replaces the divide between the slave and free with the “segregation” of the aesthetic and the political in Hawthorne. In Gilmore’s reading, “Hawthorne’s politics of pacification always contain an unpacificed dimension” (33). The “segregation” of aesthetics and politics is never complete and the unintended effects of Hawthorne’s narratives open possibilities for resistance to his politics. But it is in Hawthorne’s reliance upon unintended effects that should lead Gilmore to Hawthorne’s understanding of the market as a reforming institution. This, however, is not possible because Gilmore is the most conspicuous advocate of the narrative of “retreat” from the market. For this reason, he cannot do more to “overturn this consensus” regarding Hawthorne’s passivity regarding slavery.
The sense that no action in his fiction can result in its intended effect has produced a line of criticism that has (usually in condemnation) claimed “ambivalence”\(^{146}\) or “paralysis”\(^{147}\) as his primary motive. The most famous of these readings is undoubtedly Sacvan Bercovitch’s, who writes that Hawthorne is “ideologically fixated, like some Ahab of compromise” and this desire to “compromise” is an endless deferral of political decisions. Bercovitch argues in *The American Jeremiad* that middle class ideology rests on its ability to defer political decisions until the market makes those decisions into economic instead of political ones. Hawthorne, thus, ends up being the literary spokesman for the rising middle class of the 19\(^{th}\) century. The deferral of conflict is here seen as a class’s response to the crisis caused by the very dominance of that class. Because, for Bercovitch, a capitalist class is given the responsibility of solving the problems of capitalism, it is a closed system without recourse to change that could fundamentally alter capitalism. Capitalism is the only “thing” that can alter capitalism.

Walter Benn Michaels makes just this observation as he uniquely reads the “passivity” thesis into the very structure of *Gables*. His ostensible target in his influential *The Gold Standard and the Logic of Naturalism* is a logic exhibited by a particular historically delimited set of texts, naturalist novels in most cases, but in the case of Hawthorne, the Romance. His real aim is nothing less than the delineation of the relationship of literary production to capitalism, which he writes as: “the only relation literature as such has to culture is that it is part of it” (27).\(^{148}\) For

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\(^{146}\) Brenda Wineapple’s recent biography (*Hawthorne: A Life. Knopf, 2003*) claims that he “identified with the southern white slaveholder” and rested on “passivity and inaction, the one a psychological state, the other a political one, and both of them consistent with the proslavery argument” (263-264).

\(^{147}\) Clark Davis (*Hawthorne’s Shyness: Ethics, Politics, and the Question of Engagement. Johns Hopkins UP, 2005*) is not alone in using this kind of vocabulary, but his stands out because it is included in an otherwise positive representation of Hawthorne.

\(^{148}\) My disagreement with Michaels is not based upon the substance of this line, which is meant to assert that literature does not hold an oppositional relationship to culture. I agree that there is no link between any particular literary form and a particular set of politics: “Realism is a critique of capitalism,” for example. My disagreement is perhaps most readily visible in the conflation Michaels makes between seeing “the self through its own terms, as a commodity, a subject in the market” (28) in his introduction to *The Gold Standard*. I agree that texts—like “The
Michaels, culture and capitalism collapse together, at least in so far as they appear as the two forms one cannot escape from. Any attempted escape from either requires positing a space outside of capitalism/culture from which to critique, something he renders logically impossible. To argue that a value, or an aesthetic object purporting to have values, is outside of, or incommensurable to, either culture or capitalism is to be naïve about the productive power of culture/capitalism. Not only is culture/capitalism a system of production of objects, but it “provides the subjects as well” (20).

Michaels does not judge Gables to be an inferior good because Hawthorne wished to enter or alter the marketplace. For Michaels, Hawthorne could not have helped having this desire or outcome. He might have had higher or lower sales but he was, after all, trying to sell books. He wanted to sell books, so he wanted to enter the marketplace. He wanted his books to be popular when they were not, so he wished for an alteration of the marketplace. This might seem like a realistic, if banal, assertion, but Michaels generates a particular force behind this claim regarding textual commodities: the “triumphant omnipresence of market relations” found in the naturalist texts he examines in The Gold Standard rely on “a difference between a society where nothing is for sale and a society where everything is for sale” (17). Where someone like Gilmore, for example, is content to point to a particular relationship between a text and the reasons for its production (a desire for a wider audience), Michaels argues that all texts end up reflecting the

Yellow Wallpaper,” which is the text Michaels is discussing when he makes this remark—show the self to be “a subject in the market,” but I understand that self as a negotiation between commodity, non-commodity and partial commodity that not only need to be maintained, but actually gives particular commodities, non-commodities and partial commodities their meanings.
marketplace of their production (a society where everything is for sale) instead of the textual economy their authors might desire (a society where nothing is for sale).^{149}

This makes Michaels’ argument a much more forceful account of the relationship between Hawthorne’s romance and the market than Gilmore produces. It bears some resemblance to what I called the New-Historicist feedback loop in my first chapter, though Michaels’ loop is not motivated by a search for something that could actually “resist” or “oppose” capitalism so much as it is an acknowledgement that literary forms are not in and of themselves oppositional. In many ways Michaels announced the failure of that feedback loop even as it was being constructed. At the same time, *The Gold Standard* still centers around, in my reading, a search for the inalienable.

While the formal structure of Michaels writing has received rather extensive commentary,^{150} here I am interested in pattern that has gone unexplored in assessments of *The Gold Standard*: the subjects in Michaels’ narrative seem to be left only a choice between universal commodification or universal non-commodification. This choice seems to produce what Viviana Zelizer has called the false dichotomy of “separate spheres” and “nothing but” approaches to market values. In “separate spheres” the commensurability of the economic and the social produces a fear of contamination and the desire to protect what is “valued” from the label of commodity—a world where nothing is for sale. In “nothing but” analyses, everything is commensurable once we can agree upon the basis of commensuration: here it would appear to be the commodity. What is missing here is any degree of commensurability. As Zelizer points out,

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^{149} In Michaels reading of Theodore Dreiser, “Dreiser didn’t so much approve or disapprove of capitalism; he desired pretty women in little tan jackets with mother-of-pearl buttons, and he feared becoming a bum on the streets of New York” (19). Because capitalism produces desiring subjects, subjects and desire are part and parcel of capitalism, even when those subjects desire a limit to capitalism.

^{150} For the most famous example see Fredrick Jameson’s reading of Michaels in *Postmodernism, or, The Cultural Logic of Late Capitalism* (1991).
“The extremes miss the existence of differentiated ties—the many ways in which money transfers coexist with intimate relations” (Economic Lives 189). In both a world where nothing is for sale and a world where everything is for sale the socially bound variations and iterations of commodities, and the partially commodified realms of any market society are made into week attempts to counter universalizing tendencies. For Zelizer the idea that we live within a world where commodification has fully saturated our existence, or one where commodification threatens our social ties is a little strange given a world where we partially commodify, or compartmentalize, a truly dizzying array of items and relationships. We give gift cards instead of cash, we have “rainy day funds” that are different from “college saving accounts”; even more importantly, we balance all of these gifts and accounts in a calculus that is truly extraordinary. Zelizer would have us examine the way in which Hawthorne was negotiating between competing accounts of economic transactions. His engagement with Skidmore and Bronson is just such a negotiation. In contrast, for Michaels, authors’ desires are not structured by a world where some things are for sale, but not others; the partial commodification of objects, like the “home” in Gables, seem like opportunities to describe the logical inconsistencies of both positions.

I agree with Zelizer that a choice between full and non commodification seems strange given the

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In a pattern that has gone unremarked upon, all the authors featured in Gold Standard at least appear to be in search of an inalienable commodity: the “notion of an inherited title that never lapses” for Henry James and Nathaniel Hawthorne, writing that is “simultaneously production and consumption” for Charlotte Perkins Gilman, “an immortal fortune” in Theodore Dreiser’s Sister Carrie, and “slaves without masters” for Harriet Beecher Stowe. As Michaels admits, the attempt to imagine the inalienable usually appears as an attempt to imagine necessary barriers between what is “valued” and what is “feared,” but all of these texts end up enacting the collapse of those barriers. Living in a world that looked more like one where “everything is for sale” rather than one where nothing was for sale meant these authors produced narratives that demonstrate the impossibility of eliminating the market, or even successfully imagining what this elimination would look like. Several critics have critiqued Michaels for failing to take seriously the possibilities of imagining truly oppositional, non-market structures of desire (See Lee Clark Mitchell’s Determined Fictions (1989) for an example that directly addresses Michael’s understanding of Naturalism). I am more concerned that the relationship between oppositional and non-market is virtually the same in these critiques and in Gold Standard. Readings that find texts (illogically) searching for inalienable commodities rightly point out that the logic of capitalism is exchange. Yet, I believe this exchange is never as successful as Michaels depicts. That the barriers erected around “values” fall victim to the “fears” created by the market seems to endorse a version of the market that is always a threat to those values.
world in which we live, but its relevance to The House of Seven Gables cannot be overstated as universal commodification and non-commodification are precisely the two options Clifford Pyncheon presents to his stranger on the train.

Hawthorne has already begun to make this clear by the time Clifford and Hepzibah catch their train. But if we return to Clifford’s’ critique of real estate, we can see that Michaels’ own reading of Gables gets Hawthorne’s argument about real estate backwards. For Michaels, the romance is primarily a “search for clear title,” but he goes on to specify that by “clear” he means “inalienable.” He finds the source for this inalienable title where most critics begin their readings of Gables: in Hawthorne’s famous preface and the distinction between the novel and the romance. Here Michaels dismisses two options “the point of the romance is neither to renew the past or break with it” and replaces them with a third:

it is instead to domesticate the social dislocation of the 1840’s and 1850’s in a literary form that imagines the past and present as utterly continuous, even identical, and in so doing attempts to repress the possibility of any change at all…what seemed dangerous and subversive to Hawthorne…was not so much the ‘crisis’ of reference intrinsic to the romance…as the violently revolutionary power of mimesis, the representing form of a market society inimical to social stability, the individualism, and the rights of property that Hawthorne meant the romance to defend. Thus the novel actually ends triumphantly, with a transformation of “business” into inheritance and mimesis into ‘fairy-tale’ (88).

As I think should be clear by now, I do not believe Hawthorne has turned “business” into “inheritance.” Rather, Hawthorne is actually looking for ways to turn “inheritance” into “business.”
While Michaels relies on a reading of Judge Pyncheon as a capitalist, my reading of the text finds that Judge Pyncheon’s preferred mode of acquisition is simply taking by fiat and has very little to do with either “exchange” or capitalism. The only thing he ever barter during the course of the romance is the freedom of Clifford, but even this is in his possession because of his ability to manipulate rather than “barter.” The Judge, in fact seems to be an example of the kind of “inheritance” that “divesting itself of every temporary advantage, becomes a pure and uncontrollable mischief,” which Hawthorne has Holgrave attack. But the problem with the Judge doesn’t appear to be his inheritance, but the fact that he has “divested” himself of every temporary advantage (those that might be achieved by bartering in the marketplace) and relied on advantages that can be made permanent by the powers of government. Judge Pyncheon could count as an ideal figure of a marketplace economy if your image of the marketplace is a group of capitalists stealing labor from others who either do not know any better or do not have the ability to bargain better terms. But this does not seem to be the image of the market Hawthorne argues for.

Hepzibah’s entrance into the marketplace, while full of temerity and embarrassment, is read by no other than Holgrave as a necessary and important development. Holgrave’s critique of inherited wealth extends to the “past” that would allow Hepzibah to continue on without the value of having placed her wares in the market. This is not to say that we should read Hepzibah’s entrance into the market as a success. She violates some of the fundamental principles of market exchange: She gives what she could sell and tries to sell what is without demand. All the while she holds out hope that some “harlequin trick” will allow her to build “castles in the air” rather than the pittance she has earned at the end of the day. Hepzibah’s cent shop is usually understood to be Hawthorne’s attack on the sullying realities of the market. But if we return to Clifford on
the train, it is precisely the realities of the market that keep one from imagining a past that can be “exchanged” rather than “bartered.” Brown was right to argue that Hawthorne does not advocate for the commodification of female labor, but it is not in hope that “change” can be turned into a static tradition. Hawthorne believes that changes in tradition are the only way that a future can be negotiated rather than stolen, as in the attempts by Judge Pyncheon to steal the governorship of Massachusetts.

The house that Holgrave imagines building is not one that is outside change: the house Holgrave wants to build is made of stone so that each generation can remodel the interior without have to rebuild the entire edifice itself. Neither effacing change nor entirely embracing the conversion of change into tradition, Hawthorne imagines the romance as a tradition that will change with, not against, the market demands of the next generation.
Works Cited


Chapter Four
Borrowing Freedom and Inheriting Slavery in William Wells Brown’s
Clotel

The Problems and Possibilities of Inheriting Slaves

That these lords of the soil and the slave should yield up both without a struggle; that they should surrender their whole inheritance into the hands of theorists and dreamers, as a subject to be cut up and dissected and experimented on, and resign themselves and consign their children to poverty and exile, for the mere satisfaction of science, or the vain and unsubstantial pleasure of a sentimental and very doubtful philanthropy, will not be very easily believed.

—Henry Middleton Economical Causes of Slavery in the United States, And Obstacles to Abolition (1857)

This property is diffused throughout all class and conditions of society. It is owned by widows and orphans, by the aged and infirm, as well as the sound and vigorous. It is the subject of mortgages, deeds of trust, and family settlements. It has been made the basis of number debts contracted upon its faith, and is the sole reliance, in many instances, of creditors within and without the slave States, for the payment of debts due to them. And now it is rashly proposed, by a single fiat of legislation, to annihilate this immense amount of property! To annihilate it without indemnity and without compensation to its owners! Does any considerate man believe it to be possible to effect such an object without convulsion, revolution and bloodshed?

I know there is a visionary dogma, which holds that negro slaves cannot be the subject of property. I shall not dwell long on this speculative abstraction. That is property which the law declares to be property.

—Henry Clay, Speech on abolitionist petitions in the Senate, February 7, 1839

The conjunction joining the adjectives “sentimental” and “doubtful” to “philanthropy” in Henry Middleton’s treatise on the economic impossibility of abolition is meant to align

152 Published five years after William Wells Brown’s Clotel, Middleton’s text is useful because it is perhaps the clearest and most detailed economic account of the cost of emancipation published prior to the Civil War. Along with Thomas Roderick Dew and Jacob Newton Cardozo, Middleton was one of the most important Southern Political Economists in 19th century America. For more on Middleton, see Jay R Carlander and W. Elliot Brownlee “Antebellum Southern Political Economists and the Problem of Slavery” (American Nineteenth Century History 7:3, (2007) 389-416).
abolitionist sympathy with a failure to account for self-interest. Where my previous chapter explored how Nathaniel Hawthorne understood the market as a reforming impulse, Middleton wants to point to the market as an institution resistant to reform. Middleton’s argument is perhaps more thorough in its “calculation” of the self-interest of slave holders than most pro-slavery arguments that took this position, but the argument he makes about the inheritance rights of Southern slave owners is not unique. In Middleton’s estimation this pairing creates a litmus test that no abolitionist “theorist” can pass: one must doubt any account of abolition that cannot imagine a situation where Southern slave-holders would “yield-up their whole inheritance.” Imagining that Southerners would give their slaves freedom instead of giving their children property is, in this formulation, not a proper understanding of sympathy because it invalidates the sympathy shown a son or daughter by their parent.

This Chapter explores how William Well’s Brown’s novel Clotel; or, the President’s Daughter: A Narrative of Slave Life in the United States153 (1853), the first African-American novel and a novel that I argue is one of the most sophisticated fictional works produced on behalf of the abolitionist cause, attempts to answer Middleton’s critique. As concerned with as he was

153 Unless otherwise specified, the text I refer to here is the 1853 version of the novel, Clotel: or, The President’s Daughter reprinted by Bedford St. Martin and edited by Robert Levine in 2000. All four editions of Brown’s novel had different titles and offered significant revisions/alterations. I refer to the four versions as Clotel as editions, but it is more profitable to think of the texts as four separate novels reflecting transitions and alterations to Brown’s original positions, as well as the shifting historical landscape of the abolitionist movement. I am grateful to the University of Virginia’s Electronic Scholarly Edition of Clotel, which makes it possible to track the changes between the various editions. The 1860 edition is the first edition of the novel published in America and was serialized in the abolitionist newspaper The Weekly Anglo-African and titled Miralda; or, The Beautiful Quadroon. This edition features a much more straightforward narrative structuring, while keeping most of characters and plot. The 1860 edition is not an anti-colonization novel, which reflects Brown’s increasing frustration with the failure to achieve abolition, the serious attention given to “emigration” by figures such as Martin Delany (Delany organized the National Emigration Convention in 1854.), and hostility following Harpers Ferry. The 1864 edition keeps much of the 1860 edition in tack, but titles the novel Clotelle: A Tale of the Southern States and was marketed to Union soldiers. Undoubtedly the most significant revisions occur in the 1867 edition, entitled Clotelle; or, The Colored Heroine. In this Reconstruction version of the novel, Clotel/Clotelle survives and heads a school for freedmen and women. Even more striking is the addition of a new hero for the novel, Jerome. Jerome is a member of the union army and it is his tragic death that is the novel’s emotional center. The radical changes to the text to meet the demands of Reconstruction, rather than emancipation and possible colonization, support my claim that the 1853 edition is uniquely aimed at those abolitionists insisting upon colonization.
with sentimental and self-interest, Brown was equally intent upon mapping a possible alternative to the “revolution and bloodshed” that Henry Clay imagines is impossible to avoid if the United States were to embark upon a path of abolition while failing to account for the fact that abolition would in effect steal the inheritance of “widows and orphans.” Within Clotel’s textual economy, escape or revolt become unnecessary; if slave owners simply “loan” slaves their freedom they are repaid in the increased productivity created by accessing the self-interest of the slave. This is why slave escapes in Clotel look like models for a form of emancipation based on borrowing and why the only, brief depiction of a slave revolt sounds both like stealing, “[The slave] will seize the first opportunity to possess himself of what he conceives to belong to him” (201), and like the same circular-unprofitable-form of exchange that Brown uses to characterize slavery in general: “the whites massacred all the blacks found beyond their owners’ plantations: the negroes, in return, set fire to house, and put those to death who attempted to escape from the flames…carnage was added to carnage” (203). It is the interest paid on the loan that ends this cycle and opens up the possibility of emancipation from the slave economy in Clotel.

“Borrowing” freedom from an emancipated future to pay for emancipation in the present has an obvious structural appeal, but Brown’s commitment to borrowing extends beyond his plot; Clotel enacts an aesthetic of borrowing. Brown’s technique so resembles collage at times that his status as an author has been called into question. Rather than seeing Brown as a “cultural editor”154 (who borrowed because he could not create,155 could not “control” his own writing,156 or could not communicate his message without “masking” his “trickster” prose within white

155 I will explore a few examples of critical readings that see Brown as a thief later in the chapter, though usually the stealing of text is transmogrified into the stealing of either blackness or manhood in these readings. These readings replace Brown’s mapping of the material conditions of the slave economy with questions of authentic identity.
“costume” prose), I read Clotel as possessing a sentimental aesthetic animated by borrowing and interest—the self-interest of the slave and the slaveholder, as well as the interest Brown pays on borrowed sentimental texts. Brown intends to “pay back” this formal loan by amending the abolitionist argument and thereby achieving the same goals as the original authors. This might seem scant repayment, but copyright can be described as balancing the interests of authors (or owners) and the interests of the public (who would clearly benefit from free use) then Brown would seem to have a case for having made such a balancing act. Even more importantly, copyright infringement in the case of borrowed text was not a settled issue in 1853. It was not legally clear to what extent authors had control over the reproduction of their works. Yet, I believe the simple truth was that Brown did not see his borrowing as stealing because he maintained common cause with the authors he borrowed from and because the cause they wrote for was of such importance.

Indeed, it seems clear that Brown understood the value of the sentimental aesthetic to lie chiefly in its capabilities to map the complicated institution of slavery, at both abstract and specific levels, in a form that mirrored the system he found in the market relations of the credit

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157 Jennifer Schell, in “This Life Is a Stage”: Performing the South in William Wells Brown’s Clotel; or, the President’s Daughter (Southern Quarterly 45, no. 3 (Spring 2008), is one of a number of critics who position Brown’s borrowing as primarily a white “costume,” from within which he can construct a proto-post-modern pastiche. Schell actually says that “[w]hat Brown does to ‘The Quadroons’ in Clotel is actually very similar to what Jean Rhys does to Jane Eyre (1847) in Wide Sargasso Sea (1999) or what J.M. Coetzee does to Robinson Crusoe (1719) in Foe (1988)” (52). That Brown borrows extensively from his own earlier writing and splices his words alongside the prose that supposedly constitutes his white “costume” should make clear that the borrowing in Brown’s text is not uniformly an ironic pastiche of his sources. Brown clearly employs irony and parody throughout the novel, but his tone varies and his formal commitment to borrowing has more to do with 1853 than either 1999 or 1988.

158 The 19th century standard for the limits of acceptable borrowing was set in the Supreme Court decision Folsom v. Marsh (1841). In this case William Story pronounced that a “justifiable use of the original materials” was one that did not “diminish” the “value of the original” to an “injurious extent.” While Story’s words have become today’s “fair use” doctrine and Brown’s borrowing would certainly violate modern standards, what exactly constituted the kind of “diminished” value Story wrote about in 1841 was not clear for some time. For instance, in 1853 Harriet Beecher Stowe sought to gain control over the translation rights of Uncle Tom’s Cabin and lost. While Brown was not translating from one language to another, whether his borrowing would have meet the standard of new “clothing” set in Stowe v Thomas or the standard of injury set in Folsom v. Marsh is not imminently clear.
economy. That is, Brown borrows from such a wide variety of sources in order to stitch together a map of slavery as an institution that is both diachronic and synchronic, a narrative mapping of slavery. What has been taken as the defining characteristic of the novel’s lack of an aesthetic (its expansiveness), is the central feature of its aesthetic. Brown borrows from sentimental texts in particular because he believed that the abolitionist map of slavery needed to be reshaped to account for the relationship between sentiment and self-interest.

It might seem strange that the first African American novel, a novel whose stated goal is to end slavery, would be so concerned with the self-interest of slave owners. Yet, Brown’s interest in slave-owner self-interest stems from a difference between Henry Clay and Henry Middleton, as well as a similarity between Clay and the Harriet Beecher Stowe’s *Uncle Tom’s Cabin; or, Life Among the Lowly* (1852). While Clay and Middleton shared a common belief that abolitionist “philanthropy” was incapable of raising the necessary funds to buy the slave states out of the business of slavery wholesale (which for both meant that abolitionists were either less than sincere or only willing to be “philanthropists” with other people’s money), Clay believed in another path to passing Middleton’s litmus test: colonization. One of the founders of the *American Colonization Society*, Clay imagined that the only way one could imagine a way around the self-interest of the slave owner was through a gift inspired by Christian missionary zeal. Stowe, for a time, held Clay’s faith in colonization efforts. It has been remarked more than once that it is a rather inconvenient truth that *Uncle Tom’s Cabin*, the most popular abolitionist novel, settles upon Henry Clay’s solution to the colonization, rather than immediate emancipation.¹⁵⁹

¹⁵⁹ Kevin Pelletier’s article “*Uncle Tom’s Cabin* and Apocalyptic Sentimentalism” (*Literature Interpretation Theory* 20:4, 2009) is one of the more interesting recent accounts of the inconvenience of this truth. In his reading, Stowe’s investment in colonization is a natural extension of the novel’s sentimental basis, despite the fact that this link “seems so incongruous” to the modern reader (266). What modern reader’s fail to appreciate, for Pelletier, is the
By 1854, Stowe had changed her mind about colonization and published *The Key to Uncle Tom’s Cabin; Presenting the Original Facts and Documents upon which the Story is Founded, Together with Corroborative Statements Verifying the Truth of the Work*. Stowe’s research for *The Key* helped her change her position on colonization, but she published it in part to stem the tide of pro-slavery “anti-tom” novels published in response to her enormously successful novel. Having stated her aim of “awaken[ing] sympathy and feeling for the African race” in the preface of *Uncle Tom’s Cabin (UTC)* and having asked her readers to “feel right” about slavery at its close, Stowe did not foresee the extent to which respondents to her novel would argue that not only did they “feel right” but that feeling right required the institution of slavery, rather than the free labor of Northern capitalism. Anti-*Tom* novels, like Baynard Rush Hall’s *Frank Freeman’s Barbershop: A Tale* (1852) argued that the paternalism of slavery was the only reprieve from the self-interested calculations of the abolitionist “philanthropist.” By giving the actual events behind her novel, which she called a “mosaic of facts,” Stowe sought to more closely align “feeling right” about slavery with “the facts” about slavery. In the second half of *The Key* she chiefly questions the “fact” that the relationship between master and slave was a paternalistic one, where “the slave would not take freedom as a gift” (175). Stowe demonstrates the failure of Southern sentiment in the face of the slave owner’s self-interest.

Writing at the same time Stowe was composing *The Key*, Brown similarly sought to address the appropriation of the sentimental form by anti-tom novelists. Yet, Brown also sought seriousness with which Stowe imbues her call to “feel right” about slavery not just with sentimental love, but with fear about the apocalypse, a fear the 19th century was far more alive to than the “modern reader.” Pelletier is able to convincingly demonstrate the connection between colonization and sentiment in Stowe’s novel. For my purposes, it is interesting that, in many respects, the fear of the apocalypse Pelletier claims Stowe use to motivate her readers to “feel right” about slavery, has a structural equivalent in Brown’s *Clotel*: self-interest. The market, not the apocalypse, lies that the center of *Clotel*. For other important contemporary critiques of Stowe’s commitment to colonization see Hortense Spillers “Changing the Letter: The Yokes, the Jokes of Discourse; or, Mrs. Stowe, Mr. Reed” in *Slavery and the Literary Imagination*. Eds. Deborah E. McDowell and Arnold Rampersad. Johns Hopkins UP, 1989. Print.
to distance his novel from Stowe’s conclusion in *UTC* that “feeling right” about slavery equated to a model of sympathy requiring the removal of freed slaves to Africa via colonization. Unlike Stowe, who seems as uncomfortable with self-interest and the market as Hall in both *UTC* and *The Key*, Brown creates a model of sentiment that represents self-interest and the freedom to borrow as essential to the sentimental exchange. Sentimentality divorced from considerations of self-interest drives both Stowe and Hall’s conclusion that once abolition was bestowed the only possible outcome of that gift was another gift: returning slaves to Africa through the philanthropic efforts of the colonization movement.

Brown understood closing the gap between the self-interest of commodity exchange—what Stowe and Hall find so disturbing about the market—and the sentimental gift-exchange—which Stowe and Hall offer as an alternative to self-interest—as the most important obstacle that had to be overcome in order to represent the pervasiveness of the institution of slavery and a future for freed slaves after abolition. Brown believed that neither “facts” about slavery nor tears produced by abolitionist novels would reach a Southern slave-holding population that did not see its own scarcity of sympathy. Instead, Brown’s depiction of the South questions how sympathy could short-circuit without Southerners noticing a flaw in the circuit. He posits that the system of slavery is a total system, swallowing the social relations (including those formed by the religious and the aesthetic) of Southern society and making the social homologous to the economic. Rather than producing a novelized version of *The Key* (as Stowe would in her second, 1856 novel *Dred; A Tale of the Great Dismal Swamp*), Brown sought to create a sentimental aesthetic in *Clotel* that could account for the self-interest of the slave owner without dismissing the relationship between sentiment and self-interest.
In the following parts of this chapter I first examine the reasons critics have taken the textual borrowing in William Wells Brown’s *Clotel* as a sign of aesthetic failure, or a “blackening” of sentimental characterization rather than an a substantial revision of the abolitionist engagement with the sentimental aesthetic. I believe this focus on a “blackening” of character has led critics to severely misread Brown’s novel. For instance, Brown’s commitment to representing emancipation as gift and loan has gone unnoticed, though his insistence on blurring gift and loan is difficult to ignore. I then provide historical explication for Brown’s commitment to emancipation as gift *and* loan, as well as the prominence of inheritance to his model for emancipation. Following this, I address the problem of sentimental slavery, how taking a “wife” as a slave and not giving her freedom allows Brown to demonstrate the weakness of sentiment in the face of self-interest. Finally, I focus on Brown’s solution to this problem: a model of escape and emancipation that relies on both the calculations of (self)interest required by market exchange and the selflessness involved in gift exchange. My claim throughout is that Brown’s sentimental aesthetic is a form of mimetic speculation seeking a return on his extensive textual borrowings. That return is an explanation for how a generation of freedmen could enter the marketplace upon equal terms while still calling the United States home.

Brown wrote his novel containing this proposed model for freedom at time when inheritance did still offer a path to freedom in most Southern States and Brown was not alone in seeing the moment of inheritance as one uniquely capable of offering a model for emancipation. In part this was because slavery was an inherited condition in the United States. If a slave-owner were to free his slaves he would be denying his own heirs not just the value of the (now) freed slave, but the value of that slave’s offspring as well. While this was not a path that many slave owners chose, it was available. Shortly after the publication of Brown’s novel, the ability of a
slave owner to “give” his slaves their freedom upon his death became increasingly restricted. Increasingly alarmed by the numbers of freedmen and women within their borders and resistant to both abolition and Colonization, most Southern states took pains to limit the ways in which slaves could be manumitted upon the death of their master. Brown takes note of an early version of these laws, one requiring that freed slaves leave the state within thirty days or face re-enslavement, but the law increasing closed the loophole Brown imagined exploiting. In *Southern Slavery and the Law: 1619-1860* (North Carolina UP 1992) the preeminent historian of slave law, Thomas D. Morris, includes a chapter “Slavery and Law of Succession.” There, Morris examines the trend of emancipating slaves through wills and other documents. While the practice was never common and rather expressed the kind of abolitionist sentiment that animated Brown’s version of emancipation, the 1850’s saw a stark curtailment of testator’s rights in favor of restrictions upon freedom through inheritance:

The intentions of individual slave owners, whether those intentions grew out of opposition to slavery, gratitude for the faithful service of an individual slave, or even malice toward potential heirs, were giving way to interest in the securing the social order in Federal Union in which one section come to oppose the social order in the other. (399)

By pointing to the historical record I do not mean to suggest that Brown’s plan was feasible; the difficulty of imagining Southerner’s “giving-up” their property is more than the stuff of pro-slavery pamphlets. At the same time, the driving force behind Brown’s aesthetic is his attempt to pair an account for the very real economic value slaves had for their masters with abolitionist sentiment. In this way, Brown’s novel partakes in extensive abolitionist treatments of the inherited condition of slaves, even as he attempts to revise abolitionist discourse.
The Trick in “The Gift” of Freedom

There is a perplexing series of exchanges in Brown’s slave narrative, which he appends to the opening of Clotel. At the moment where he secures his freedom, with the help from a Quaker named Wells Brown, the escaped slave William is given “a name” and “something to aid him to get ‘a local habitation’” from Wells Brown (63). Despite the status of gift attached to this exchange, William openly barters for his name by refusing Wells as his first name (hence William Wells Brown), and pays “some money” for his new home. Further, we do not learn the identity of the “something” Wells Brown gave William to procure his new home. Brown avoids acknowledging any receipt of money from the Quaker, so when Brown pays the Quaker “some money” it does not look like re-gifting.\textsuperscript{160} The blurring of gift and sale is repeated as each escape from slavery in Clotel is preceded by a gift exchange involving exaggerated instances of bartering and repayment. Clotel herself refuses both money and her freedom without a plan for repayment, with interest. The strangeness of these transactions is further magnified when Brown introduces his model for emancipation: Georgiana Peck gives her inheritance away by freeing her slaves, but her slaves help purchase their freedom by working on credit. Why, then, is Brown so concerned with representing the transition from slave to free as both a gift and a loan?

The most obvious distinction Brown is blurring between freedom given and freedom purchased involves the expectation of a return. If you give me a copy of Clotel as a gift, then you

\textsuperscript{160} The blurring effect created in this particular exchange is only heightened by the vagueness surrounding Brown’s use of the pronoun “he.” As several critics have noted, Brown steadily increases the use of “he” in describing himself and Wells Brown. Both William L. Andrews (“The Novelization of Voice in Early African American Narrative” PMLA Vol. 105 No.1 1990) and CL Peterson (“Capitalism, Black (Under)Development, and the Production of the African-American Novel in the 1850’s” American Literary History Vol. 4.4 1992) note how this seemingly vague pronoun usage acts as a formal device for extending Brown’s claim to the political rights already granted to Wells Brown.
don’t expect me to return the novel when I am done reading. If you loan me *Clotel*, then I need to return the book. As an advocate for immediate abolition and as a fugitive ex-slave living in England who had yet to allow his freedom to be purchased from his ex-master, Brown might be expected to argue that the “gift of freedom” should simply be free. After all, both colonization (the most popular gradualist position in 1853) and the fugitive slave law (which kept Brown in England) relied upon an obvious logic of return. Brown makes it clear that his objective is to produce an anti-colonization model of emancipation. He has several characters give speeches inveighing against colonization, yet he clearly wants to accomplish this by making “the gift of liberty” (*Clotel*, 132) cost something.

Brown’s anti-colonization position can help provide a shorthand explanation for the pairing of gift and loan once *Clotel* is compared with the rhetoric of the “pure” gift that drives the conclusions of *Uncle Tom’s Cabin; or Life Among the Lowly* (1851) and the anti-*Tom* novels of 1852, like *Frank Freeman’s Barbershop*. In both of these texts, once “the gift of freedom” is given, whether justly (*UTC*) or mistakenly (*Frank Freeman’s Barbershop*), the only course of action is another gift: the returning of slaves to Africa through the philanthropic efforts of the colonization movement. Turning what looks like a gift into a loan, while still retaining the status

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161 Though often referred to as a “radical” abolitionist, Brown and other advocates for immediate abolition did not usually refer to themselves as radicals, but preferred the term immediatists. See Richard S. Newman’s 2002 *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic* on what he calls “The Age of Immediatism.”

162 Brown had resisted having his freedom purchased from his ex-owner and did not allow the transaction to take place until 1854. He included letters from his owner to this effect in the introductory section of *Clotel*.


164 Brown himself was closely linked to William Lloyd Garrison during his career as an abolitionist orator and Garrison makes this precise point in his *Thoughts on African colonization: or an impartial exhibition of the doctrines, principles and purposes of the American colonization society* (1832): “The plea that the evil of slavery was entailed upon them shall avail them nothing: in its length and breadth it means that the robberies of one generation justify the robberies of another! that the inheritance of stolen property converts it into an honest acquisition! that the atrocious conduct of their fathers exonerates” (90). Garrison also goes further, “Is it, then, proposed to buy the slaves of their masters as if the claim of property were valid? It were better that the money should rust at the bottom of the deep, better to buy bank notes and convert them to ashes” (155). Brown’s faith in credit means that he doesn’t end up burning “bank notes,” so much as his argument for abolition relies upon them.
of gift, allows Brown to construct an economy of sentiment that counters the sentimental representations of both pro-slavery and colonization positions he found dominant in 1852. Intervening in the space between the abolitionist, pro-colonization position championed by Stowe and the outpouring of pro-slavery anti-Tom novels of 1852, Brown offers a corrective to the sentimental aesthetic proffered by both sides of this divide.

At the same time, rendering Brown’s commitment to gift and loan solely as a response to Stowe’s short-lived\(^\text{165}\) and Hall’s more thorough pro-colonization positions shallows Brown’s commitment to altering the sentimental aesthetic, something that requires greater relief. Brown’s own position on colonization wavered as he came to see the chance for emancipation within the United States moving further into the future. Later editions of the novel reflect Brown’s acceptance of certain forms of colonization and remove the anti-colonization speeches of several characters. Yet, Brown’s commitment to representing the transition from slave to free using both gift and loan does not change in the various editions. I will return to the representations of emancipation, both visual and textual, in UTC and Frank Freeman’s Barbershop further along in my argument to provide immediate historical context to the pairing of gift and loan, but colonization alone does not fully explain Brown’s combination of gift and loan.

Interestingly, the distinction Brown is blurring—between freedom given and freedom purchased—has come to be seen as a line between two contradictory accounts of emancipation. It seems worth parsing Brown’s engagement with the relationship between gift and loan in further detail. The line between freedom given and freedom purchased first became divisive in

\(^\text{165}\) Stowe quickly changed her position on colonization. The only sustained criticism the novel sustained in abolitionist circles focused on her colonization scheme. The initial 1852 review in The Liberator and a letter to the editor by William G. Allen in Fredrick Douglass’ Paper, also 1852, are prominent examples of this critique. The 1853 American and Foreign Anti-Slavery convention in New York condemned the novel’s ending and Stowe sent a note to the convention stating that she no longer believed in colonization. For more on Stowe’s position with regards to colonization see Joan D. Hedrick’s Harriet Beecher Stowe: A Life (1995). Hedrick links Stowe’s early position on colonization to her father’s, Lyman Beecher’s, experience as the president of Lane Seminary in Cincinnati. A debate over immediate abolition, as opposed to colonization, resulted in most of the students leaving Lane.
the historiography of slavery upon the re-publication of Eric Williams’ *Capitalism and Slavery* in 1964. Williams’ text replaced the consensus that British abolition had been derived from the altruism of abolitionists (a gift bestowed) with an account that relied upon the self-interest of a rising Capitalist class (freedom purchased). Beginning with Adam Smith’s view that slavery failed to properly capture the self-interest of the slave (“a person who can acquire no property can have no other interest than to eat as much, and to labor as little as possible”), Williams found, pace Karl Marx, that the British did not spend twenty million pounds to buy out slaveholders because slavery failed to capture the self-interest of the slaves, but because, after the American Revolution, it ceased to be in the interest of British free-trade capitalists. Rendering slavery an “economic phenomenon” (as opposed to a social or racial one), Williams saw slavery

166 Originally published in 1944, Williams’ impact did not fully develop (outside of his friendship with C.L.R James) until his book was re-issued in 1964. Resistance to the initial publication can be attributed to the fact that the position he refuted had been dominant at least since 1861, when John Stuart Mill wrote that abolition was achieved “not by any change in the distribution of material interests, but by the spread of moral convictions” (*Representative Government*). It is not as if Marxist historians had not examined slavery, but they had never gone after the sacred cow of abolitionism at the same time. See Howard Temperley, “Eric Williams and the Birth of a New Orthodoxy,” in Barbara L. Solow and Stanley L. Engerman (eds.), *British Capitalism and Caribbean Slavery: The Legacy of Eric Williams* (Cambridge, 1987), pp. 229-58.

167 Williams’ more precise thesis, that abolition created immediate financial rewards for those supporting abolition and that slavery was clearly unprofitable without mercantilist policies to support it, has lost most of its staying power as more empirical research has become possible, but the link he makes between capitalism and abolition has remained a staple of the field. The most substantial and perhaps most important refutation of Williams’ position is Orlando Patterson’s *Slavery and Social Death* (1982). Situating the transition from slave to free in a broader historical context than the trans-Atlantic slave trade, Patterson sees emancipation as a “classic instance of anthropological gift exchange” that marks the impossibility of “express[ing] manumission in any appropriate legal-economic category” (209, 210). Patterson’s understanding of slavery as “social death” (defined as an extermination of social and “blood” ties through “natal alienation” (5)), precludes the efficacy of the “legal-economic” in the face of the “social” debt established through gift. The differences between understanding emancipation as a gift versus a purchase have been codified in an ongoing debate, perhaps most succinctly demonstrated in the exchange between David Brion Davis and Thomas Haskell in Thomas Bender’s *The Antislavery Debate* (1992). See David Brion Davis, *The Problem of Slavery in the Age of Revolution* (1974) for the origins of the Davis-Haskell exchange.

168 Williams quotes this exact line from *The Wealth of Nations*. Smith gives little attention to slavery in his text, citing it as an unprofitable enterprise doomed to fail only a few times.

169 Williams link to Marxism has never been as exact as some Marxists would like, but his observation that slavery acts like Marx’s period of primitive accumulation and primes the pump for modern capitalism makes the link explicit and is made clearer in these two quotes from *Capitalism and Slavery*: “The profits obtained provided one of the main streams of that accumulation of capital in England which financed the Industrial Revolution” (52) and “The *Wealth of Nations* was the philosophical antecedent of the American Revolution. Both were twin products of the same cause, the brake applied by the mercantile system on the development of the productive power of England and her colonies. Adam Smith’s role was to berate intellectually ‘the mean and malignant expedients’ of a system which the armies of George Washington dealt a mortal wound on the battlefields of America” (107).
as a “solution” to the “planter’s problem” (7) of labor under mercantilism that became a problem once Adam Smith’s doctrine of free-trade outstripped mercantilism and British plantations became unprofitable (122-142) as a result.

In the introduction of Clotel, where he makes it clear that he believes the American Revolution should have ended American slavery, Brown advocates for a seemingly similar replacement of abolitionist sentiment with self-interest: “It does the cause of emancipation but little good to cry out in tones of execration against the traders, the kidnappers, the hireling overseers, and brutal drivers, so long as nothing is said to fasten the guilt on those who move in a higher circle” (46). “[T]o cry out” does “little good” because this fails to address the interests of those who actually hold slaves as capital, those men “who hold, buy or sell slaves” (46). Like Williams, Brown believes the slave’s status as capital, “common property” (46), defines “the institution [of slavery]” (46). Rather than “cry[ing] out,” Brown’s stated goal for Clotel is to “lay bare the institution” (46). As I have stated, Brown’s attempt to “lay bare” in Clotel translates as an attempt to map the institution of slavery. Brown’s aspiration to “lay bare the institution,” grounded in a Williams-like focus on the slave’s status as capital, begins to explain the appeal of representing freedom as a loan because any account of emancipation failing enumerate the cost of emancipation will not be “true” (46), in that it will not account for the interest of slaveholders in their own property.

Yet, Brown’s depiction of freedom as both gift and loan does not tally with William’s depiction of abolitionist sentiment as entirely threadbare. Not only does Brown repeatedly insist upon the status of emancipation as a gift, Brown’s attempt to “lay bare the institution” of slavery is a sentimental novel, with blatant appeals to sympathy and extensive borrowings from other sentimental texts throughout.
One can begin to fully account for Brown’s insistence upon sentiment and the gift by marking a distinction between the Williams’ and Brown’s understandings of capitalism. While both Brown and Williams see capitalism as bringing on the end of slavery, Brown’s capitalism looks more like Adam Smith’s and Williams’ more like Karl Marx. Brown’s model for emancipation involves the only “good” master in the novel, Georgiana Peck, giving-up her inheritance. Yet, Georgiana does not just “give” her slaves their freedom; they earn that freedom on credit. In the case of Georgiana giving away her inheritance, the capital to purchase the freedom of the slave is, for Brown as it is for Adam Smith, latent in the slave. Brown’s calculation matches Smith’s; if slave holders loaned a slave his or her “freedom,” the increase in the slave’s labor output would replace the purchase price of the slave. In this way, *Clotel* is an abolitionist working out of the famous “Adam Smith problem,” the supposed contradiction between the “invisible hand” of *The Wealth of Nations* (1776) and the sympathetic drive that undergirds Smith’s earlier *Theory of Moral Sentiments* (1759). Brown’s commitment to reconciling self-interest and abolitionist sentiment are the deeper source of his commitment representing the transition from slave to free as both gift and loan. Where Williams’ critique of sentiment situates all abolitionist sentiment as bad-faith, Brown takes sentiment seriously; even as he mounts a critique of sentiment divorced from self-interest, he builds towards a model of sympathetic exchange that accounts for self-interest.

If seeing Brown’s commitment to sentiment as part of, rather than in contrast to, his understanding of the slave as capital begins to explain his commitment to the gift and to
sentiment, it does not explain his commitment to the sentimental novel and his extensive borrowing from other sentimental texts. Questions of form are never far removed from consideration of Clotel because so many critics have claimed that the novel is defined by the absence of an aesthetic. This absence is universally tied to Brown’s borrowing from other texts, though borrowing is usually conflated with theft. Brown is accused of stealing from so many different sources that what is left ends up being read as either incoherent or inauthentic. Once the difference between dealing and stealing is restored, the coherence of Brown’s aesthetic can be made apparent.

Additionally, writing Clotel—instead of a political economy titled something like A Theory of Slave Wealth—allows Brown to answer a question Adam Smith had failed to in 1776: if slavery was not really in the interest of slaveholders, why did they continue to hold slaves?

Brown constructs an account of Southern interest by contrasting the credit economy of the North to the method of accumulation he sees as dominant in the Southern economy: inheritance. Slaveholders are depicted as an aristocracy that does not “earn” their wealth. Instead, they are

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171 Brown never wrote a political economy, though “industry” is the watchword in two of his three histories, The Black Man: His Antecedents, His Genius and His Achievements (1863) and The Negro in the American Revolution (1867). In both of these texts, Brown is clearly attempting to refute claims that citizenship should be denied to African Americans because they are unfit to join the labor market. Yet, even prior to Reconstruction Brown seems alive to the possibility that if some form of “equal” political rights might be extended to African Americans, without equal economic opportunity those political rights would be an empty legal formalism.

172 This of course assumes that slavery was not, in fact, profitable. Most abolitionists simply discounted the value of slaves from the Southern economy and if this premise is allowed, it is clear to even an untrained economic observer (such as myself) that slavery was not profitable. Whether or not slavery was profitable has become a deeply nuanced historical debate that reached the heights of academic controversy with the publication of Robert Fogel and Stanley Engerman’s Time on the Cross: The Economics of American Negro Slavery (1974), which argues that slavery was profitable. While Fogel and Engerman certainly get the empirical better of Brown, other historians and economists have argued that the failure to capture the self-interest of the slave was in the process of making slavery less profitable. For a thorough examination of this debate see James L. Huston’s Calculating the Value of the Union (2003).

173 Brown was far from alone in his estimation that the South constituted an aristocracy. In fact, it is one of the assumptions about the South he could have counted on his readership sharing. As Walter Benn Michaels summarizes in The Gold Standard and the Logic of Capitalism, “the supposed ‘feudalism’ of the South was a northern byword” (104). One need look no further than the extensive use of the term “slaveocracy” in both William Lloyd Garrison’s The Liberator and Zachary Macaulay’s The Anti-slavery Reporter (to name a prominent anti-slavery newspaper from each side of the Atlantic) for verification of this claim.
driven by the passage of their hereditary estates, largely composed of slaves, from one generation to another. The Southern economy is built around a possessive continuity of slave capital that is anathema to the risks and rewards of the credit economy. When slaves are sold, they are sold to other slave holders. The only reliable way to break into this closed system of exchange is to marry a slaveholder, as does Brown’s character Reverend Peck. As the institution of slavery is inherited by successive generations, the slaveocracy becomes not only a closed system, but a total system, one that has swallowed the social, religious, and the aesthetic spheres of Southern life. Brown cites Thomas Jefferson’s belief that slavery created an “entail” upon the present generation of slaves and slaveholders alike and argues that systemic effects of this entailment make the economic the master trope of these other spheres and yoke all other values (social, religious and aesthetic) to the justification of economic value, to slavery. *Clotel* represents the values of various Southern institutions much in the same way that Marx represents commodities in *Capital*. Where Marx traces the transformation of commodities to money and then back to commodities, Brown sees other values in the South filtered through the slave. In fact, Brown represents slaves as Southern currency at several points in the novel. The hope that Brown borrows from Adam Smith’s calculation of slave self interest and the credit economy is in direct contrast to the “value” created in the Southern slave market.

174 I will return to Jefferson and the construction of entail later in the chapter, but the extensive use of the rhetoric of entail, that slavery was an inherited institution, pervades the pro-slavery argument. In Brown’s immediate context, Thomas Roderick Dew had been the most famous pro-slavery advocate to utilize entailment as a rhetorical trope. Dew gave prominence to the claim that slavery could not be abolished once “the original sin of introduction” had been committed. Dew refused to argue against slavery in the abstract and acquiesced that it would have been better if it had never been introduced. Yet, once slavery was established as a given Dew believed it impossible and unnecessary to remove slavery from the South in order to create a moral society. Quite the contrary, God was using slavery for the “taming of man” and the process of “rendering him fit for labor.” Slavery actually accomplished all the goals of the free labor market, but through the means of enslavement. His *An Essay in Favor of Slavery* develops this position fully. In addition, his position was recycled in various forms, sometimes literally. In *The Pro-slavery Argument: As Maintained by the Most Distinguished Writers of the Southern States* (1852) his writings are cobbled together into a chapter titled “Professor Dew on Slavery.” Also See, *A Review of Uncle Tom’s Cabin; or An Essay on Slavery* by A. Woodward, M.D. for another 1852 use of entailment to justify the continuance of slavery.
When representing the sentimental commitment Southerners have to their slaves as, at bottom, an attraction to property, Brown does not argue that supporters of slavery do not have feelings, but that their feelings (like their religious beliefs and their art), end up demonstrating, over and over again, the homology between the Southern economy and Southern society. The only story that the South has to tell is the one about slavery’s astonishing powers of co-option. Brown has a much different story to tell, one about a credit economy that does not offer the same threat of co-option as slavery. As much as the driving economic sentiment in Clotel is Brown’s desire for actual Southerners to realize that they could get a greater return on their investment by giving their slaves the gift of freedom, Brown wants to avoid turning all gift exchanges into simple calculations of value, which would turn the northern free market into a version of the Southern slave market: one where all gifts are loans in disguise.

Seeing Brown’s desire to “lay bare” rather than “cry out” as an attempt to account for self-interest within the sentimental form helps explain why Brown borrows Lydia Child’s short story “The Quadroon” and makes it his fourth chapter. Brown then repeats the main feature of Child’s plot, a legally unrecognized “marriage” between a master and slave, four times. Brown’s version of Child’s story has Clotel bought at auction and promised her freedom. The final “marriage” successfully removes the quotation marks from the term because it occurs in France and Mary, Clotel’s daughter, refuses to have her freedom purchased by her husband. Instead, Mary bargains for her freedom until her future husband simply helps her escape, getting her freedom up front as it were. Where Child’s story creates a conflict between a sentimental institution (marriage) and the economic calculation of self-interest, Brown creates a sentimental economy where freedom can be bought on credit.
While Brown’s link between freedom and credit is not fully developed until the midpoint of the novel, his first chapter, “The Negro Sale,” depicts Southern institutions such as marriage and the church, as compromised by the slave’s status as capital: when slave marriages get in the way of a sale, the Southern legal system, supported by the church, rules that slaves “die” upon being sold. He then introduces his audience to his main characters through an advertisement for a slave market, which concludes a long list of slaves with the lines, “several mulatto girls of rare personal qualities: two of them very superior. Any gentleman or lady wishing to purchase, can take any of the above slaves on trial for a week, for which no charge will be made” (85). The two “superior” slaves are Clotel and Althesa, daughters of Currer (who is also for sale at this auction) and Thomas Jefferson. Currer has always been owned by a Mr. Graves, but she is “hired out” to Jefferson and is his lover prior to the events of the novel. The novel will return to Jefferson—as the author of the Declaration of Independence, as a slave owner whose family members were slaves and as a supporter of colonization—at three important points in the novel, but Brown’s narrative follows the fate of three generations of slaves beginning with the revolutionary generation of Currer and ending with, the presumably contemporaneous generation, the three daughters of Clotel and Althesa.

In “The Negro Sale,” Clotel is purchased by Horatio Green, who loves her and installs her as his “wife” without actually freeing her. I have already mentioned their daughter, Mary. Mary eventually helps George Green, another slave of Horatio Green’s, escape and eventually reunites with George Green in a graveyard in Dunkirk, France. Brown’s musing on their marriage in France closes the novel. Much of the novel’s narrative force is driven by the difference between Mary’s fate and her mother’s. Clotel is repeatedly sold to owners prizing her appearance. She eventually escapes but commits suicide by diving into the Potomac River to
evade slave-catchers; her body is carried by the river onto the grave of George Washington. Clotel’s sister and mother are not bought by Horatio Green and are sold into even more degrading forms of bondage than Clotel. Currer is sold to Rev. John Peck and tragically dies before Rev. Peck’s daughter Georgiana emancipates her father’s slaves. Initially re-sold to a slave speculator, Althesa is eventually, like her sister, purchased to act as the “wife” of her white owner. Henry Morton purchases Althesa and, like all of the other men who buy slaves as “wives” in the novel, fails to free his “wife” and children during his life or in his will. Upon the death of Althesa and Henry, their daughters, Ellen and Jane, are taken from their uncle and sold as slaves. Ellen commits suicide and Jane dies shortly thereafter.

As the above should indicate, even a rough sketch of the plot of Clotel is extraordinarily complex. Yet, a rough sketch does not begin to capture the ins and outs Brown weaves between the narrative arcs involving these three generations of slaves. All three generations are alive for much of the novel. Because Clotel’s family tree ends up being central to the novel’s plot and I have included it below:
In addition to keeping all three generations involved at all times, Brown does so even as he moves backwards and forwards in time as well as shifting between various locals in the South. Brown also borrows, sometimes quite liberally, from real-life stories of escaped slaves, court cases, newspaper articles and advertisements (real and imagined), poems (some attributed, some not and some presented as dialogue), political speeches (mostly unattributed), congressional debates (almost all unattributed), slave narratives (his own and others), his travel book *Three Years in Europe* (1852), speeches and sketches from various abolitionist presses (some by Brown, some by Fredrick Douglass, some by various other orators and almost all unattributed), letters (some published, some real and some imagined), songs and whole sections of Lydia Maria Child’s short story “The Quadroons” (1842).
Critical Reaction to *Clotel*

The sheer volume of borrowed material has been used as fodder for the argument that *Clotel* is an aesthetic failure. Vernon Loggins’ estimation, in 1931, that “[t]he great weakness of *Clotel* is that enough material for a dozen novels is crowded into two-hundred and forty-five pages” (166) is perhaps the most benign version of this complaint. In this rendering, the novel has too many different aesthetics, some borrowed and some original, for any of them to prove quite satisfying. More frequently, the particular sources Brown borrowed from—especially white, female authors of sentiment—have proved central to the supposed aesthetic failure of the novel. This has been especially true for the borrowing of Child’s story, as Brown does not really edit Child so much as cut and paste. As Robert Reid Pharr explains in *Conjugal Union: The Body, The House, and the Black American*, “This [borrowing from Child], and the reality that Brown never establishes the authorial control that is so very apparent in the novels of twentieth century (Black) America, continues as almost an embarrassment within some quarters of Black American and American literary and cultural criticism” (37).

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175Brown borrows Child’s story verbatim excepting a few minor sentence level alterations and name changes. In Child’s version a white master, Edward, is attracted to a slave, Rosalie. He marries Rosalie, though their marriage cannot be recognized by law. They have a daughter, Xarifa. Out of political ambition, Edward marries Charlotte, the daughter of a wealthy and politically connected plantation owner whom he does not love or care for. Rosalie dies of grief when he learns of Edward’s legal and loveless marriage. Xarifa is sold into slavery after Edward dies. Xarifa’s white lover attempts to rescue her, is killed and Xarifa goes mad and dies. Brown adds a previous generation, giving Rosalie (now Clotel) a mother, Currer. He also does not kill off Clotel, as Child’s does Rosalie, in an immediate case of broken heart syndrome. Rather, he gives one of Clotel’s nieces, Jane, that fate. Clotel still has a daughter (now Mary), but her sister, Althesa, has two daughters. Because Brown expands the family and therefore the number of characters, much emphasis has been placed upon Brown’s characterization. Instead, I believe that what is important is the repetition of the structure he found in Child’s story—the white slave owner marrying his own slave. Borrowing and then repeating the problem of sentimental slavery allows Brown to realign abolitionist sentiment and self-interest where they have been split in “The Quadroon.” Brown isn’t trying to get the character of the quadroon “right” so much as he is using the structure of desire he finds in “The Quadroon” to explain how slavery works. While each master has an account of “character” that attracts them to their, or (initially) someone else’s, slave-that account ends up being hollow. The attraction ends up being an attraction of property, the appeal of being able to buy a social relation.
Perhaps the least benign version of this “embarrassment” is, ironically, best encapsulated in the introduction to the Modern Library edition of *Clotel*, written by drama critic and memoirist Hilton Als. Als introduces Clotel by extending James Baldwin’s famous criticism of Stowe’s *Uncle Tom’s Cabin* to Brown’s heroine. After citing Baldwin (“*Uncle Tom’s Cabin* is a very bad novel…like its multitudinous hard-boiled descendants—is a catalogue of violence” (xix)), Als makes the case that *Clotel* is similarly, sentimentally “bad.” But the violence Baldwin saw in the “hard-boiled” sentimentality of *UTC* is turned explosively erotic in Als’ criticism of Brown.

Where Stowe’s humanity is called into question by Baldwin (her sentiment is evidence for having to falsify feelings as opposed to actually having feelings), Als accuses Brown of being all too human in his creation of “a kind of autoerotic writing, in which Brown projects his nobility of purpose, his ‘blackening’ of Stowe” (xix). In Als’ logic, Stowe’s inability to understand, and therefore represent, the humanity and suffering of her black characters is smuggled into Brown’s sentimental borrowing from Stowe, making him an inauthentic black male author—both less than black and less of a man—because he borrows a facsimile of blackness and because his desire for selfhood is satisfied by this facsimile.176

Als, angrily and inadvertently, paints a stark picture of the most consistent reading *Clotel* has received since its critical revival began in 1969:177 that Brown (1) “blackened” Harriet Beecher Stowe’s characters, or those of another white female writer of sentiment, in order to (2)

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176Joyce Carol Oates, in reviewing the edition, notes that: “Yet a contemporary reader might still find fascinating those lengthy passages in *Clotel* in which modestly educated women deliver speeches of the sort William Wells Brown probably delivered...far more vividly narrated, are the scenes in Clotel that have nothing to do with romance or rhetoric but with quotidian life in the slaveholding south (“The Wind Done Gone June” 21 2001). The point here is similar to Als’, if more tactfully placed. Both Als and Oates seem to be saying: “*Clotel* is a “bad” novel of sentiment, but it might have been a good slave narrative...if only he had stuck with unsentimental nonfiction.” Both ignore the links between the genre of the slave narrative and the sentimental novel explored by Ezra Tawil in *The Making of Racial Sentiment* (Cambridge UP, 2006). Tawil persuasively argues that “authentic” form of the narrative cannot be used to invalidate the “inauthentic” form of the novel.

177Though Vernon Loggins positioned Brown as the first African American novelist as early as 1931 (in *The Negro Author in America: His Development to 1900*), a resurgence in Brown scholarship began with a series of articles by William E. Farrison in the late 1950’s, which he would follow with *William Wells Brown: Author and Reformer*, the definitive Brown biography for a generation of scholars, in 1969.
produce his own self “authorization” as the first African American novelist. Brown’s relationship to “firstness” has meant critics have largely debated Brown’s originality in dehistoricized evaluations of authenticity and originality. This has been especially true within the African American tradition and within the critical assessments of this tradition. Gloria Naylor’s claim that Brown had no capacity for irony, Addison Gayle’s various dismissals (that Clotel “could have been written by any number of the Plantation School of writers” and “Brown accepted, all too readily, many of the romantic aspirations of the black middle class”) and Barbara Christian’s dismissal of Clotel’s masculinist “abolitionist conventions” can serve as examples.\footnote{From: Gloria Naylor. “Love and Sex in the Afro-American Novel.” \textit{Yale Review} 78 (Spring 1989): 19-31; Addison Gayle. “Cultural Nationalism and the Black Novelist in America” \textit{Black Books Bulletin} 1 (Fall 1971) pg 4-9; Addison Gayle. \textit{The Way of the New World: The Black Novel in America.} New York: Anchor, 1976; Barbara Christian. “What Celie Knows That You Should Know” in \textit{Anatomy of Racism.} Minneapolis UP, 1990. pg 135-145).}

Even readings that have placed less emphasis upon the “firstness” of Clotel have been caught in “the difficulty,” articulated in Madhu Dubey’s \textit{Sings and Cities: Black Literary Postmodernism}, “of resisting essentialism while remaining invested in the project of authentic racial representation” (39). While some critics have attempted to read Brown’s self-authenticating techniques against the claims that his “blackening” is inauthentic (usually claiming that Brown convincingly establishes “authorial control” or “narrative voice” and so he cannot be understood as restating Stowe or Child’s aesthetic), another group has used Brown’s commitment to a sentimental aesthetic to reanimate his racial politics. The first move has largely been done in an attempt to establish Brown as an “anti-essentialist” with regards to race (and to a lesser extent gender) and the second is subtended by a broader argument about the sincerity and efficacy of sentiment. Both moves have in common a commitment to seeing Brown’s primary
goal as increasing the complexity of black characters rather than providing a narrative mapping of slavery as an institution. I will want to return to the ways in which assuming the political value of sentiment actually undercuts Brown’s most significant alteration to the abolitionist engagement with sentimental aesthetics, the lack of sincerity involved in divorcing sentiment from self-interest. For now, I would like to explore the problem with turning Brown into an anti-essentialist, mistaking his borrowing from other authors an attempt to proliferate various kinds of black identity and thereby claiming *Clotel* as a pastiche rather than a narrative mapping of the slave as capital.  

One overriding problem with positioning Brown as an “anti-essentialist” with regards to the “blackening” of his characters is that it posits a self-consciousness about an original (usually white) depiction of Blackness that goes entirely unexpressed, even in Brown’s text or his private letters. Not only does Brown never articulate this as a primary concern, his extensive, verbatim borrowing of “white” texts representing black characters would belie this point. At the same time, one can understand the appeal of reading Brown as an anti-essentialist as he borrows from so many sources that trying to delineate a clear, essentialist notion of race is actually quite

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179 Ironically, these anti-essentialist arguments seem to suggest that by being “anti-essentialist” Brown has somehow captured something more “authentic” about black experience than more essentialist representations. For example, Robert Levine, in his chapter “Whiskey, Blacking and All” from *The Serpent in the Cup: Temperance in American Literature* and Paul Gilmore, in *The Genuine Article: Race, Mass Culture and Literary Manhood*, both defend Brown from charges of inauthenticity by arguing that Brown destabilizes essentialist notions of race in *Clotel*. Levine believes that the “problematic metaphor of ‘blacking’” (95) is used by Brown to “reject[] essentialist notions of racial difference” (103) and Gilmore sees “The Blacking Process” in *Clotel* as establishing the “performative nature of gender and race, in both abolitionism and minstrelsy, thus creating a space from which to articulate a black male literary voice” (43).

180 There have been very few efforts to take Brown’s borrowing seriously beyond those that emphasize the text as a “proto-post-modern” utilization of pastiche. One of these, “Capitalism, Black (Under)Development, and the Production of the African-American Novel in the 1850’s” (*American Literary History* Vol. 4.4 1992) by CL Peterson tries to position Brown’s “borrowing” as a Marxist attempt to undermine the commodification of both Black life and the literary. While the proto-post-modern and the Marxist readings diverge sharply, both imagine Brown is attempting to create a form that is will make the black body resistant to commodification. Both arguments turn Brown’s abolitionist concern for removing slaves from the slave market into a fear of commodification in general.
difficult. No matter what one claims as the dividing line between what is essentially or inessentially “black,” Brown appears to be on all sides of the divide.

As easy as the desire to turn Brown into an anti-essentialist is to understand, it is just as easy to see that this mistakes a byproduct of Brown’s borrowing (lots of different representations of blackness) for a product (an anti-essentialist construction of race). This argument turns Clotel into an aesthetic accident and imagines that Brown effectively borrows, but pays only a “bit” of interest on his debt. For instance, Jennifer Schell represents Brown’s “anti-essentialist” borrowing this way:

Viewed one way, this kind of borrowing can be seen as one author's attempt to pass off another's words and ideas as his or her own. Viewed another way, this act can be seen as a type of performance in which one author costumes himself in the words of another. In Clotel, Brown performs ‘The Quadroons,’ a story written by a well-established, white, female, northeastern, abolitionist author. Ultimately, though, Brown alters Child's story a bit, thereby subverting Child's literary authority and asserting his own in its stead. If Child's story merits attention and appreciation as a work of literature and as an important depiction of African American life in the South, so does Brown's "corrected" version of her story. After all, Brown was a former slave who had far more intimate experience with the relationships between Southern white men and their female slaves than Child

181 Robert Reid Pharr, in Conjugal Union: The Body, the House, and the Black American (1999), makes a version of this claim of an accidental aesthetic when he argues that Clotel is a “bad Black American novel” (39). For Pharr, the text is accidently consumed by a concern for blackness. On the one hand Pharr is arguing, as I do, that Brown is not interested in “blackness,” certainly not in creating a heroic register for “blackness” as does someone like Fredrick Douglass. At the same time, Pharr believes what Brown is interested in is eliding “the fact of blackness” in the creation of an alternate, less essentialized notion of identity. Pharr argues that the key to imagining a “post-slavery” America is, for Brown, his own mulatto body. My argument is that it is the loan.
did. He, himself, was the product of an affair between a white Southerner and his slave mistress. (50)

Schell’s article insists upon the significance of the “bit” that Brown has altered Child’s story because it is enough for her that Brown’s black body is “performing” the part Child wrote for her (white)self. I believe there were stronger means of distancing an “anti-essentialist” characterization of blackness from white essentialist representations than “performing” them, at times with no, or “bit” sized, alterations. ¹⁸² Most importantly, focusing on the “bit” Brown has internally altered Child’s story and suggesting that what Brown has “corrected” is Child’s “characterization” (53), her depiction of black characters, is misleading. Brown leaves almost all of Child’s characterization—not just her plot and setting—intact, but is very much interested in paying more than a “bit” for his borrowing. While Brown does borrow Child’s story wholesale with a few small alterations, to focus on a few words altered within the story, as Schell does, misses the structure and scope of Brown’s borrowing: Brown borrows Child’s story and splices it into different sections of the novel. Reading Clotel as a performance piece fails to account for the relationship between Child’s story and what Brown puts in front, between and behind it.

The chapter that follows the first part of Child’s story in Clotel, “Going to the South,” makes no sense in the narrative structure of the novel if Brown’s purpose to re-characterize Child’s representation of “blackness.” In fact, there isn’t a single character in the chapter we will see again in the novel. In order to “lay bare” the entire institution of slavery Brown must move outside the usual scope of a generational novel; he requires a rather extraordinary number of

¹⁸² Those searching for originality in Brown would do better to look outside of current concerns for anti-essentialist precursors. One of the few exceptions to this anti-essentialist move is William L. Andrews’ “The Novelization of Voice in Early African American Narrative.” Andrews argues for a distinction between “restatement” and “representation” that places Clotel firmly in the camp of “representation” and therefore original. While I disagree with Andrews about the source of Brown’s originality and I see his use of “restatement” as vital to that purpose, Andrews carefully marks the formal devices of authentication in Brown in a way that does not posit Brown as an anti-essentialist.
characters. Going to the South, for instance, introduces six characters that will be picked-up and then left behind. A card game is taking place between a gambler and slave owner. Set on a steamboat, where a slave speculator is getting his slaves ready for market, the only extended action of the chapter is the moment in the game when the slave owner must put his slave up for collateral. What the chapter does accomplish, with deftness, is to establish slaves as the currency, not just the labor force, of the South and then to hint at the repercussions for this monetary policy. The slave driver’s own slave, Pompey, directs the process of preparing the slaves for market and while he says “Dis nagger is no counterfit; he is the de genewine artkil,” (90) his entire strategy is to “counterfit” the age and value of each slave by altering their physical appearance. Brown further drives the point home by having the slave who is gambled away literally act as a marker in the card game, and then having this moment represented in one of the novel’s four illustrations:

Figure 4: “Betting” a Negro in the Southern States

183 If one defines a “character” as someone given a role to perform in the novel, as opposed to a reference or citation, then there are well over forty characters in the novel. Yet, the asides Brown tells (for instance about the color of Daniel Webster’s skin) are at times quite extensive and would bring that number to well over a hundred.
The gambler even asks if the slave owner is “bet[ting] the whole of the boy,” (93) as if he were composed of only so many poker chips that could be divided like a pot. The implied image of dismemberment of the slave is acted out in the chapter’s steamboat race, which ends in a boiler explosion. For the sake of increasing the gambling on the two steamboats the pilots of each boat place all the members (not just the slaves on board) in danger by obviously taxing the boilers. Even more shocking than the eventual explosion, which “killed and scalded” (91) nineteen passengers, is the ease with which the bodies are disposed: the killed are quickly “put on shore” so that the steamer is “soon again on its way” (91). In Brown’s estimation all Southern life has taken on the characteristics of the slave trade and representing that trade requires his narrative to abandon narrative’s usual focus upon persons and character with a focus on a network of capital exchange, that capital being slaves.\footnote{A number of critics explored the relationship between “character” and “economy” in various forms. For instance, Gillian Brown’s \textit{Domestic Individualism} (1990) broke significant critical ground in 19th century American studies by claiming that “nineteenth-century American individuals takes on its peculiarly ‘individualistic’ properties as domesticity inflects it with values of interiority, privacy and psychology” (1). While Brown certainly is interested in the “individual” characters he writes about, that interest seems to be filtered through an attempt to represent “interior” desires as structurally composed. The masters who act as “husbands” don’t leave their wives because they have bad “interior” motives so much as they respond to the economic realities which surround them.} Mapping the South means making the link between betting a “whole” or only part of a “boy” and dismembering bystanders for the sake of a wager. Chapters like this one, where major characters are swept into a broader narrative map of the slave economy, occur as regularly as those driving the generational story of Currer’s daughters and granddaughters.

Brown is using the steamboat as a microcosm for the Southern states and the image of “‘Betting a Negro in the Southern States’” gives him a way to implicate a spectrum of that society very quickly on a journey whose major purpose is, in Brown’s rendering, to transport slave’s to market. Outside of the main action of the illustration we find a number of other card
games with various figures watching. Furthermore, the estimation of the young slave’s value “he will bring a thousand dollars, any day, in the New Orleans market” (91) allows Brown to bring the image of the slave auction into his Southern miniature by proxy. In many respects the slave auction is the novel’s touchstone, a web connecting all the characters in the novel. The narrative arc of the novel is never far removed from another slave auction, again emphasizing slavery as not just the form of labor in the South but the form through which all its values must pass.

It seems possible to criticize my explication of Brown’s rendering of the Southern economy as closed off from capitalism and the credit economy because an auction establishes nothing if not market value. Yet, the auction scenes Brown chooses to represent are those depicting slaves as inherited property. Titles or forms of property outside the market are not what makes slavery feudal: a lack of credit accomplishes this. In the case of “Betting a Negro,” the slave owner only makes his slave part of the pot because the gambler refuses to extend him credit. Even more telling, after losing the game the owner “claim[s] the right of redeeming that boy…My father gave him to me when I came of age, and I promised not to part with him” (91).

Brown depicts slaves as inherited property rather than speculative property because speculation in slaves is interesting only for the value of an individual sale. The example of “counterfit[ing]” a slave’s age leaves some room for this kind of increase and decrease in the value of an individual slave, but Brown imagines that the value of slaves only goes up. So long as one owns enough slaves for those slaves to reproduce themselves into the next generation, one has a pretty good retirement plan in Brown’s economy. For instance, Clotel’s value fluctuates as she is sold at various ages, but her nieces are sold for double the “fifteen hundred” Horatio Green eventually writes on his “blank bank check” for Clotel. Where there is

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185 Historically Brown was not wrong about the value of slaves. After the Atlantic slave trade was made illegal in 1808, slave values increased dramatically and continued to increase until the Civil War. For a more detailed accounting of slave values, see James L. Huston’s *Calculating the Value of the Union* (2003).
money to be made on the margins by slave speculators, only those individuals lucky enough to inherit slaves have the kind of money that allows them to purchase other slaves. The only slave holder in the novel who comes from outside the sphere of inheritance is Reverend Peck, who marries into his wife’s inheritance. “Slavery,” Brown will have a missionary say, “is the incubus that hands over the Southern States” (119). All other forms of value in the South, be they economic value of non-slave labor or those values more sentimental than economic, are only valuable insofar as they add value to the South’s slaves.

Horatio Green, Clotel’s master and “husband,” ably demonstrates this point by showing up to the novel’s first auction with his “blank bank check,” backed by his father’s fortune, and then failing to back his promise to Clotel that, “You shall soon be free and your own mistress” (86). The blankness of Horatio’s check initially works to create rhetorical separation between his purchasing of Clotel and the other members of the crowd, whose bidding is stoked to a frenzy by the auctioneers listing of Clotel’s attributes. Brown summarizes this list after the bidding:

This was a Southern auction, at which the bones, muscles, sinews, blood, and nerves of a young lady of sixteen were sold for five hundred dollars; her moral character for two hundred; her improved intellect for one hundred; her Christianity for three hundred; and her chastity and virtue for four hundred dollars more. (63)

Though this is precisely the auctioneer’s list of Horatio’s purchase, the “deeper interest” he has in Clotel, the fact that he seems willing to pay anything, and Brown’s abolitionist audience’s understanding that Clotel cannot be reduced to the sum of her parts, acts to guard his purchase from seeming like a purely economic relationship. Yet, this separation between Horatio’s purchasing of Clotel and the unofficial marriage ceremony that follows shortly upon the auction
is quickly closed when an even deeper “interest” of Horatio’s, his self-interest expressed as his political ambitions, causes him to marry the daughter of a rich planter. Brown’s point is that Horatio and Clotel’s relationship cannot help but be a purely economic transaction, no matter “[t]he tenderness of Clotel’s conscience” or Horatio’s “deeper interest.” Horatio’s “interest” is still a calculated interest; even as the blankness of his check is meant to represent the priceless nature of his love, Horatio still has to write “Fifteen Hundred” on his check.

Though it may seem strange to begin a sentimental narrative with such a clear indictment of sentiment, Brown is beginning his project of “laying bare the institution” rather than “crying out.” In so doing he is engaging a long tradition of determining “false” from “true” sentiment. The debate was conducted in some length, for instance, in the “The Polygon Papers,” a series of anonymous articles featured in *The Knickerbocker*, one of the most prominent literary magazines of the prebellum period. While the difference between “false” and “true” sentiment need not be so starkly related to self-interest, the author of “The Poloygon Papers” makes Brown’s point exactly:

> for experience tells us that those who neglect their own visible and proper interest, are influenced by some false sentiment or unworthy passion; and this sentiment, or this passion, will also induce them to slight or trample on their duties in relation to the affairs of others. Deliver me from all business intercourse with those who are imbued with the finest and most delicate sentiments on trivial occasions; who are tremblingly alive in all the chords of feeling; and who shrink and shudder in all cases where shuddering and shrinking are proofs of super-sublimated generosity. Avoid them. They are hypocrites, and arch deceivers.
Their tears flow fast for ideal wo[e], theatrical distress and painted sorrow. (“The Polygon Papers: Number 12” *The Knickerbocker* Vol. 25, 1845 pg. 42)

The author of “The Polygon Papers” aims his critique at those who “counterfeit the riches of the mind” (41). The only means of recognizing “forged” “sentiment,” “morality,” or “the riches of the mind and heart” (41) is to line-up the document in question and the self-interest of the author. For Brown, the purpose of Horatio’s “blank bank check” is similarly to establish slavery’s failure to account for the self-interest of the master in the model of “sentimental slavery” implied in the union of Horatio and Clotel. In so doing he establishes “[t]he marriage relation, the oldest and most sacred institution given to man by his Creator” as “unknown and unrecognized in the slave laws of the United States” (83). Because the social convention of allowing white men to take black women as mistresses and for slaves to “take to themselves husbands and wives” confers no legal standing upon either relationship, the relationship is a fictive one. Marriage in both cases is a convenient invention of the Southern imaginary allowing for the continued operation of “The Negro Sale.” Marriages between slaves are convenient fictions for slave owners that produce economic advantages because happier slaves are better workers. But once the fictional relation had become inconvenient, when a slave-owner wanted to sell a married slave and the “till death” part of marriage seemed like a barrier to sale, slave-owners required another fiction. Brown documents several Southern churches appealing to their umbrella organizations for a ruling on the ability of owners to remarry slaves whose spouses

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186 Who exactly wrote the series of articles entitled the “The Polygon Papers” is not clear. Though the series was popular and celebrated by various contemporaries (in both *The Ladies Companion* and *The New Yorker*, for instance), it appears that in at least two cases the name of the author was considered an open secret. Yet, both cases identify different authors, either Charles Fredrick Briggs (author and co-editor of *The Broadway Journal* with Edgar Allen Poe) or Horace Benjamin Colton (an author turned banker). Even further complicating the issue is the fact that later bibliographies identify a third author as the source, Henry William Herbert.
were still alive and receiving the answer that selling a slave “is civilly a separation by death” (83). Once “dead,” a slave was free to remarry.\textsuperscript{187}

The “unrecognized” fictionalized marriage relation that Brown is most interested in, and is repeated in \textit{Clotel} over and over, is the one between a master and a slave, specifically slave women in the role of “the tragic mulatta.” Where the social fiction of marriages between slaves is no less fictional within the laws of the South, the fictional nature of the relation is more obvious between a master and a slave because the master could free his “wife,” ending the possibility that the value of his “wife” will be determined in the slave market. All of the master’s who “marry” into Currer’s family either “forget,” “delay” until it is too late or somehow fail to understand the laws of slavery.

Brown continues his comparison of the institution of marriage and the institution of slavery by taking the first lines of Child’s short story, and his borrowed fourth chapter, “A Quadroon’s Home” (“About three miles from Richmond is a pleasant plain, where here and there are beautiful cottages surrounded by trees so as scarcely to be seen,”) and using them as a model for the first line of his following chapter “The Slave Market”: (“Not far from Canal-street…stands a large two story flat building surrounded by a stone wall twelve feet high, the top of which is covered by bits of glass” (100, 103)). The architecture for each building is radically different, yet the syntax (“About three

\textsuperscript{187} Brown’s formulation is a surprisingly precise engagement with what Orlando Patterson labels “social death.” As I have earlier noted, Patterson reads manumission as a gift exchange often granted for “faithful services,” which “placed the slave under the deepest possible obligation to repay the gift of the master by honoring him for the rest of his life” (\textit{Slavery and Social Death} 224). Examining several religious organizations’ attempts to answer the question “[i]s a servant, whose husband or wife has been sold…permitted to marry again?” Brown quotes the answer of the Savannah River Association: “That such a separation…is civilly a separation by death” (82, 83). Rather than endorsing Patterson’s assessment of slavery as universally functioning like social death, Brown claims that “slavery undermines the entire social condition of man” by making the social for sale (84). That is, slaves are only socially dead when it serves the economic interests of their masters to create such a fiction.
miles”/“Not far from”) and word choice (“surrounded by” “trees”/ “twelve foot walls”) of the sentences link the two structures.

While each structure is partially obstructed from view, it is the fact that they are “surrounded” that seems most important, as Brown explains that there is no social stigma associated with either building: “No one forfeits his or her character or standing in society, by buying or selling slaves; or even raising slaves for the market” (105). Though physically isolated, these structures are not perversions of the relationship between the Southern economy and Southern society; they are the places where the “true” relation between individuals in the South is recognized. The “attraction” of white men to the mulatta characters in the novel is the attraction of property relations fictionalized as social relations. Even while the relation between these masters is set within the tropes of a sentimental text, the relation between a master and his bought wife always ends up being a purely economic relation, one not mediated by the social structure of marriage.

Brown’s attempt to map the ways in which Southern sentiment masks this economic relation mirrors a critique of sentimental fiction that has been maintained since the publication of Anne Douglas’ The Feminization of American Culture (1977). In Douglas’ words, sentiment is simply “the political obfuscated” (254) and the obfuscating nature of sentiment is tied to sentimental literature’s “appearance…with capitalist development” (254). Sentimental texts

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189 In many respects, this mirrors Tompkins’ success in creating a space for sentimental texts—especially UTC—in the 19th century American canon, while simultaneously failing to convince (ostensibly the same group of scholars) to regard the final value of sentiment as anything other than “the political obfuscated.” I argue that having taken sentiment seriously enough to offer inclusion, but only as a seriously flawed aesthetic as regards the political and economic sphere has less to do with sentiment in the 19th century and more to do with a disdain for something like “compassionate conservatism” in the 20th and 21st. Interestingly, the link between compassionate conservativism and a text like UTC is made explicit in Kathleen Woodward’s chapter “Calculating Compassion” in Laura Berlant’s Compassion: The Culture and Politics of an Emotion (2004). Woodward is interested in drawing a distinction between the “compassionate liberalism” of UTC and George Bush’s “compassionate conservatism,” but the distinction seems rather empty because, while “compassionate conservatism” is the elimination of “the feeling of compassion entirely,” the political import of “compassionate liberalism” is still “moral bankruptcy” (79, 71).
work to conceal, rather than reveal economic relations in Douglas’ formulation. Brown’s critique of sentiment that “cries out,” and his attempt to create a text that “lays bare the institution,” does not abandon sentiment as Douglas does, but it is clear that Brown is searching for a sentimental form that will reveal, rather than conceal, the economic.

This is to say that the argument that Brown’s “blackening” of white sentiment invigorates his racial politics turns on a debate about the authenticity of sentiment and its relationship to the authenticity of race in a way that elides Brown’s primary engagement with sentiment: the importance of economic self-interest for the moment of sentimental identification. We can see this use of gender to undergird a racial politics most clearly in a moment of rhetorical excess in Paula Garrett’s and Hollis Robbins’ *The Works of William Wells Brown: Using His “Strong, Manly Voice.”* Garrett’s and Hollis’ text is the most complete and thoroughly researched collection of Brown’s work outside of *Clotel* currently available. Yet, in Garrett’s and Robbins’ introduction they respond to attacks on Brown by claiming: “*Clotel* appears to be a women’s novel—not just about a woman but also by a woman, by one who shares women’s concerns” (xviii). Their argument that Brown is, actually, a woman, is meant to claim his work as part of the larger traditional of sentiment literature—it is a riff on a phrase (fictions “by and about women”) coined by Nina Baym in her groundbreaking student *Woman’s Fiction* (1978)-and as a kind of rebuke to those that would devalue *Clotel* as devoid of aesthetic value. Yet, Garrett’s and Robbins’ argument does not so much engage the critical work of Baym and others, as it rests an argument about Brown’s ability to “perform” various gendered and racial roles upon that work. The aesthetic value of the text lies in the Brown’s “trickster,” “strong, manly voice.” Here Brown’s aesthetic and his politics rely on his formal commitment to “voice” rather than “text.”
Brown isn’t so much writing a novel as performing one. While Garrett and Hollis write with the stated goal of putting Brown’s text in dialogue with sentimental texts, they do not so much begin this dialogue as they foreclose its possibilities because they replace Brown’s concern with the sincerity of sentimental identification with the project of authenticating Brown’s racial politics through his performance of gender.

Outside of the appeal to the performative, Garrett and Robbins are relying on, without engaging, a debate about the authenticity or sincerity of sentimental identification that has organized the reception of sentimental texts for the past thirty years. The work done on Clotel by Anne duCille explores this link directly in several places. duCille has championed Clotel and, in her own words, reads white sentimental authors “generously” (456). Her understanding of Brown’s project as primarily a “blackening” of white sentimental tropes reads this “blackening” as important and necessary to the project of rehabilitating sentimental literature in general. Witness her estimation of Brown as a sentimental author: “Brown blackens the saga [of women’s fiction] with his colored heroines, often borrowing tropes, subplots, and even characters’ names from such novels as Catharine Maria Sedgwick’s Hope Leslie (1827) and The Linwoods (1835)” (452). Where critics who disparage Clotel believe Brown requires “blackening” because he and/or his characters are so inauthentically black as to require “blackening” to be believed, those who endorse his “blackening” of white sentiment, like duCille, believe Brown’s novel fits within a wider set of liberatory claims they identify with sentimental literature, the African American tradition or both. In duCille’ reading, the

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190 In their attempt to claim a canonical position for the author of the African American novel, one should hear Cornel West’s claim that the “ur-text” of African American literature is “neither a word nor a book” but “a guttural cry” (“Black Strivings in a Twilight Civilization” 81). Brown’s “manly voice” is clearly more refined than “a guttural cry,” but the appeal of turning Brown’s text into his voice establishes the authenticity of Brown’s text by sidestepping the necessity of claiming that Brown has “control” of his “borrowings” because he is really “performing” rather than writing.

“blackening” of sentiment is understood as a forceful and historic, and certainly believable, argument for abolition: “As not simply the president's but the nation's illegitimate daughter—as (within the) pale as any white woman—Clotel symbolizes the hypocrisy of a social order that puts one woman on an auction block and another on a pedestal, even though they look the same…Her eulogy is a scathing indictment of Americans' own human rights violations” (455-456). In these two quotes, duCille sides with a reading of the political possibilities embodied in the indemnificatory work of sentimental texts made famous by Jane Tompkins in her seminal work Sensational Designs: The Cultural Work of American Fiction, 1790-1860 (1985).  

While no critic is suggesting that Clotel played a substantial role in leading the nation towards Civil War (a claim Tompkins makes for UTC), arguments that Brown’s novel is an effort at “covert resistance” and “subversion” have been repeated in various registers. Yet, despite having been successfully included in the 19th century American literary canon, little has been done to alter the general trend of reading sentiment in Clotel as the obfuscation of the political and the economic. Critics such as Laura Wexler, Amy Kaplan, Laura Berlant, Lynn Festa, Lori Merish and Christopher Castiglia have gone further, blaming not only capitalism, but the carnage of imperialism, slavery, colonialism and even the failure of democracy on some element of the sentimental tradition. These critics blur causality in their writings enough that reading or writing sentimental literature does not directly produce the ills of the 18th and 19th

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192 duCille directly positions Clotel as a text that performs the kind of cultural work Tompkins claims for Uncle Tom’s Cabin in Sensational Designs. Rather than understanding sentimental texts as simple pandering, Tompkins repurposed the sentimental tradition as: “a monumental effort to reorganize culture from the woman’s point of view…offer[ing] a critique of American society far more devastating than any delivered by better-known critics” (124). Written in direct response to Douglas’ anti-sentimentalist position in The Feminization of American Culture, Tompkins spends most of Sensational Designs, explaining the profound political efficacy of the sentimental tradition in America. In a similar vein, Philip Fischer has argued that sentimental works like Uncle Tom’s Cabin performed “the experimental work of lending out normality” in “extensions of the self,” which allowed for the eventual inclusion of African Americans into a “restructure[ed]…national home” (98, 87).

193 Jennifer Schell’s “This Life Is a Stage”: Performing the South in William Wells Brown’s Clotel; or, the President’s Daughter” (Southern Quarterly 45, no. 3 (Spring 2008)) reads the “subversive” possibilities in the performance of identity in Clotel and Paul Gilmore, in The Genuine Article: Race, Mass Culture and Literary Manhood reads the novel as “covert resistance.”
centuries, but the cumulative implication of these arguments is that the convergence of imperialist and capitalist practices, which doomed the possibilities inherent within democracy, is structurally linked to the voyeurism made possible by the fictive space between victim and reader accomplished by the sentimental mode. Brown’s insistence upon both the self-interest of the master and the slave allows that the slave is a victim, but situates emancipation as the limit to the status of victim. Without collapsing the structural differences between freedom and slavery, Brown attempted to close the gap between sentiment and self-interest.

**Figuring the Return on the Gift of Freedom**

Of special importance for my argument is Lori Merish’s charge, in *Sentimental Materialism: Gender, Commodity Culture and Nineteenth-Century American Literature*, that the “cultural work” of sentimental texts “was to construct equivalence between commodity and psychological forms—while suppressing the marketplace orientation of ‘private’ life” (2). Her argument is that because sentiment replaces the political with the personal, sentimental forms bear special responsibility for the ills of capitalism; she positions sentimental texts as unwitting accomplices in capitalism’s march of appropriation. Brown’s argument for capitalism, precisely because it allows for the difference between dealing and stealing (between free labor and slave labor) is neither unwitting nor an endorsement of appropriation. Merish’s assumption that sympathy can be made to fit one relationship between reader and text— that of appropriation—belies William Wells Brown’s attempt to put a price on the “gift” of freedom and the distance between his pricing of freedom and other sentimental authors’ investments in the “pure” gift of freedom.
As Marcus Wood demonstrates in *The Horrible Gift of Freedom* (2010), the most common representation of the “emancipation moment” was that of a gift (2). While the 1853 edition of *Clotel* is written prior to the following two images of slaves kneeling and or kissing the hand of Lincoln after the Emancipation Proclamation,

![Figure 5: Lincoln and Emancipation](image1)

![Figure 6: “Freedom Memorial”](image2)

they are strikingly similar to images Brown certainly would have been familiar with as he wrote *Clotel* in England. The kneeling slave was the most iconic image of the abolitionist movement, at least in large part because of Josiah Wedgewood’s 1787 famous design of his “Slave Medallion,” which was produced in hundreds of different forms besides medallions:

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Both of these images are from the Electronic Collection called “Documenting the American South” from the University of North Carolina Chapel Hill (www. http://docsouth.unc.edu). The first of these images is a print circa 1865. The later is a model for the “Freedman’s Memorial” in Washington D.C. Designed and sculpted by Thomas Ball and finally erected in 1876. The monument, which still stands, depicts Abraham Lincoln in his role of the "Great Emancipator" freeing a male African American slave modeled on an actual ex-slave Archer Alexander. Images depicting the reading of the Emancipation Proclamation, either featuring Lincoln or a figure standing in for Lincoln, often utilized the image of the kneeling slave.
Figure 7: Wedgewood’s “Slave Medallion”

It is beyond the scope of this chapter to fully trace the history of the representation of emancipation as a gift. As I have already noted, Marcus Woods has begun this project in *The Horrible Gift of Freedom*, but I do want to emphasize the extent to which the rhetoric of gift was tied to emancipation in both England and the United States. The following images give a sense of that link. Both of the first two images, one a print and the other an engraving, bear the title “Britannia Giving Freedom to Poor African Slaves.” Each was disseminated widely in the abolitionist press in England and each served as a model for later depictions of abolition, like the Lincoln images from above. The painting in the second row is by Samuel Jennings (1789-1834) and is titled “Liberty Displaying the Arts and Sciences, or The Genius of America Encouraging the Emancipation of the Blacks” and was first exhibited in England 1792. It was created for the Library Company of Philadelphia and was the first painting by an American artist to address the abolitionist cause. As Wood notes, “Jennings’ image was to provide a lasting formula when it came to prints to celebrate British abolition in 1897 and 1833” (70). The 1838 abolition medal that follows is one example of the formula Wood refers to. Based on the iconic abolitionist image of “Am I not a Man and a Brother’ created by Josiah Wedgwood, this version depicts Liberty granting emancipation to a female slave.

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195 The Wedgewood medallion has a long history in the abolitionist and colonization movements. Wedgewood himself was an original shareholder in the Sierra Leone Trading Company, which was one of the first attempts at colonization.
Where Marcus Woods is interested in the visual depictions of “the gift of freedom” (primarily of British emancipation (1833), the Emancipation Proclamation (1863) and modern counterparts created for anniversary celebrations of these events), Brown was most directly responding to the rhetoric of the gift driving the conclusions of Harriet Beecher Stowe’s *Uncle Tom’s Cabin; or Life Among the Lowly* (1851) and the anti-*Tom* novels of 1852, such as *Frank Freeman’s Barbershop*:

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196 The first image is a print by W. Green, 1798 and the second is the engraving by J. Bridgens, 1838. The Jennings painting in the second row spent time in England and the United States and As Marcus Wood notes in *The Horrible Gift of Freedom*, “Jenning’s image was to provide a lasting formula when it came to prints to celebrate British abolition in 1897 and 1833” (70). The 1838 abolition medal that follows is one example of the formula Wood refers to. Based on the Wedgewood Medallions phrase “Am I not a Man and a Brother,” this version depicts Liberty granting emancipation to a female slave.
Figure 9: Emancipation in *Uncle Tom’s Cabin* and *Frank Freeman’s Barbershop*

The above image on the left is Tom finally receiving his freedom in heaven and on the right is Frank begging not to be sold to the deep South for his assumed involvement in a slave uprising. Absorbing the rhetoric of the “gift of freedom” so entrenched in the iconography and marketing of both the abolitionist and colonization movements, both of these texts make the slave an object of gift exchange.

The figuring of gift exchange has gone largely unnoticed in the few sustained critical appraisals of *Frank Freeman’s Barbershop*. In fact, Hall’s novel is usually cited in abstract rather than examined directly. This is unfortunate because texts like *Clotel* and *Frank Freeman’s Barbershop* are obviously engaged in a rather direct dialogue. For instance, the fascination Brown represents in Southern slave holders, the ability to purchase “wives,” to write checks rather than propose marriage, is rendered as the lurid fascination of the Northern Abolitionist, or

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197 Hall’s novel is well known and referenced widely, but the novel has usually been treated in passing. Diane N. Capitani’s *Truthful Pictures: Slavery Ordained by God in the Domestic Sentimental Novel* (2009) is a recent exception. While Capitani notes that “It is when gifts are disturbed and slaves gather happily around that the visitor finds ‘a time when the patriarchal character in our southern institutions ever makes the generous-hearted spector from other parts forget the evils,’” she is less interested in the way Hall’s use of “gift” makes abolitionist “philanthropists” look thieves than she is in Hall’s consistent calls to “forget[s] the evils” of slavery (96).
rather “philanthropist,” in *Frank Freeman’s Barbershop*. Published in 1852 by Rush Baynard Hall and the first anti-tom novel, Hall uses the term “philanthropist” through his text because he believes that abolitionists represent themselves as “giving” when they are actually “stealing.” It is southerners who actually give gifts; it is the North that is the calculating, capitalist machine of self-interest. For instance, the narrator of *Frank Freeman’s Barbershop* claims that it is only in abolitionist stories that Southern men fall for “mulatta” women:

> Reader! after all, abolitionists have poetry lurking in their souls. A story, to produce a good and full effect, must be adorned with beautiful quadroons. Saxon blood must deepen the modest flush of their bleached cheeks; raven locks must pour a flood of silky hair over their women’s rounded and taper shoulders, and over their swelling busts…Your own wives, your own daughters—in all save complexion—must win on your sympathy and love! White men and women must have, not abstract virtues, but material and substantive forms, that may be admired, loved, caressed; and if their like can be found—may be married! The deep coal black—the genuine negro—maugre198 his soul’s excellencies—will not take! (316-317)

In Rush’s logic, sentimental identification is not possible across racial lines and the accusation that Brown makes against Horatio, that his “blank check” isn’t really so blank, ends up as the “blank check” of emancipation that abolitionists (who run the “North American Anti-Slavery and Philanthropic Society”) hold out to slaves. Instead of freedom worth having, the “philanthropists” offer a second form of enslavement as underpaid wage laborers. All the while, the society pays exorbitant wages and “allowances” in the thousands of dollars to the white members of the association. *Frank Freeman’s Barbershop* opens on a utopian Southern island

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198 Hall uses an Old French phrase “maugre,” meaning “in spite of” in several places in the novel.
where slaves are not only happy to be slaves, they are treated as family. In fact, the opening
scene is of Edward and Mary Leamington returning to their island plantation, having left their
children alone in the care of their slaves. Predicting George Fitzhugh’s\textsuperscript{199} argument in \textit{Cannibals
All!} (1857) that the “competitive relations” of capitalism were far more dangerous than the
familial relations of slavery, the title character, Frank, finds that freedom is really another word
for monopoly and cutthroat competition. Outside of the utopian slave island, from which he is
cast out because he is mistakenly associated with a slave revolt, Frank finds that sympathy
cannot cross racial lines. Only when offered a ticket to Liberia does Frank experience true
sentiment. A Quaker offers to buy Frank a ticket to “his nation,” Liberia. Colonization is the only
solution to the lack of “true” abolitionist sentiment.

Interestingly, Harriet Beecher Stowe reaches the same conclusion Hall makes about
colonization in \textit{UTC}, though by a different road. Stowe imagines the responsibility for
“education and elevation” \textit{can} be met by Northern sympathy, that it is possible for Northerners to
“adopt” freed slaves in the way that Miss Ophelia adopts Topsy. In a passage worth quoting at
some length, Stowe creates a model for emancipation that relies entirely upon Northern
sympathy and the extension of the familial:

"Do you suppose it possible that a nation ever will voluntarily emancipate?" said Miss
Ophelia.

"I don't know," said St. Clare." This is a day of great deeds. Heroism and
disinterestedness are rising up, here and there, in the earth. The Hungarian nobles set free

\textsuperscript{199} Fitzhugh was trained as a lawyer, but published sociological assessments of Southern life and famously argued
that slavery keep slaves economically secure in ways that capitalism failed to do for its laboring class. In Fitzhugh’s
estimation, slavery was not only economically profitable, it was the most moral labor relationship imaginable
between blacks and whites.
millions of serfs, at an immense pecuniary loss; and, perhaps, among us may be found
generous spirits, who do not estimate honor and justice by dollars and cents."

"I hardly think so," said Miss Ophelia.

"But, suppose we should rise up to-morrow and emancipate, who would educate these
millions, and teach them how to use their freedom? They never would rise to do much
among us. The fact is, we are too lazy and unpractical, ourselves, ever to give them much
of an idea of that industry and energy which is necessary to form them into men. They
will have to go north, where labor is the fashion,— the universal custom; and tell me,
now, is there enough Christian philanthropy, among your northern states, to bear with the
process of their education and elevation? You send thousands of dollars to foreign
missions: but could you endure to have the heathen sent into your towns and villages, and
give your time, and thoughts, and money, to raise them to the Christian standard? That's
what I want to know. If we emancipate, are you willing to educate? How many families,
in your town, would take in a negro man and woman, teach them, bear with them, and
seek to make them Christians? How many merchants would take Adolph, if I wanted to
make him a clerk; or mechanics, if I wanted him taught a trade? If I wanted to put Jane
and Rosa to a school, how many schools are there in the northern states that would take
them in. How many families that would board them and yet they are as white as many a
woman, north or South. You see, Cousin, I want justice done us. We are in a bad
position. We are the more obvious oppressors of the negro; but the unchristian prejudice
of the north is an oppressor almost equally severe.'

" Well, Cousin, I know it is so," said Miss Ophelia,—" I know it was so with me, till I
saw that it was my duty to overcome it; but, I trust I have overcome it; and I know there
are many good people at the north, who in this matter need only to be taught what their duty is, to do it. It would certainly be a greater self-denial to receive heathen among us, than to send missionaries to them; but I think we would do it.” (393-394)

Stowe sees “the immense pecuniary loss” of the Hungarian nobles as a model for what is possible in both the South and the North. For the South, they will obviously lose the value of their slaves (without remuneration, a point Brown saw as impossible for the South to accept) and the North will “elevate” the slave through an education in both labor and Christian virtue. Yet, the point of that elevation and education is not so that the freedman can make a home in the North. As Stowe later outlines though a private letter from escaped slave George Harris to a friend:

Let the church of the north receive these poor sufferers in the spirit of Christ; receive them to the educating advantages of Christian republican society and schools, until they have attained to somewhat of a moral and intellectual maturity, and then assist them in their passage to those shores, where they may put in practice the lessons they have learned in America. (304)

Slaves should be returned to Africa, not because of the impossibility of sentiment across racial lines depicted in Frank Freeman’s Barbershop, but because the slave will have become such an instrument of sentiment that they can “put into practice” in Africa what “they have learned in America.” The “freedom” Uncle Tom is “given” in his death, the freedom to be with Christ, is the “gift” slaves are expected to give to Africa once they are in turn given their freedom.
While few critics have fully addressed the link between sentiment and colonization, either inside UTC or in other sentimental texts,²⁰⁰ the obviousness of Stowe’s engagement with gift exchange has not gone unnoticed. In fact, it has become a mainstay of Stowe’s critical reception that she opposes a domestic economy based upon disinterested gift giving with a corrupt market economy based upon self-interest. Jane Tompkins makes this point in her reading of Stowe’s famous chapter “The Quaker Settlement,” where Rachael Halliday’s kitchen acts, in the Tompkins words, as “the ideal society” where “there will be no competition, no exploitation, no commands” (142).²⁰¹ If Brown proposes something that looks like “the ideal society” it is one where an ex-slave can open his own barbershop and a wild-cat bank and beat his competitors out of market share in both; Brown documents both of these exploits in his narrative. For Brown, this competition not only doesn’t violate one’s ability to “feel right,” it is how the nation will afford to “give” the slaves their freedom. Brown saw the faults of a sentimentality divorced from considerations of self-interest as the flaw driving Stowe’s conclusion, at the end of UTC. Once abolition was bestowed, the only possible outcome of that gift was a return to Africa through the colonization movement.

²⁰⁰ The major exception to this is Amy Kaplan’s The Anarchy of Empire in the Making of U.S. Culture (2005), where Kaplan links sentimental literature’s “Empire of the Home” to colonial projects more broadly than just the project of using freed slaves to colonize Africa. Kaplan ties Stowe’s temporary commitment to Sarah Hale’s extensive use of the sentimental form to argue for colonization. Hale wrote three novels arguing for colonization as a solution to slavery, though Liberia; or Mr. Peyton’s Experiments (1853) is her most sustained argument for colonization. The link between Hale and Stowe reveals a limitation in Kaplan’s argument: How does one account for the sentimental texts Stowe creates after UTC, which are both clearly sentimental and argue against colonization? While I am concerned here with Brown’s response to Stowe’s initial position, linking sentiment to Empire without marking sentiment’s resistance to the project of Empire makes Kaplan’s argument for a causal link between sentiment and empire another version of Lori Merish’s argument concerning sentiment and capitalism.²⁰¹ I do not have the space to deal with the fullness of Stowe’s career in this chapter, but she does seem to have become more accommodating of the market as her career progressed. For instance, the plot of The Pearl of Orr’s Island (1862) is driven by maritime trade. While Stowe found completing Pearl difficult and Sarah Jewett’s assessment that the novel has “a divine touch here and there in an incomplete piece of work ” (The Letters of Sarah Orne Jewett, 47) is the most apt summary of the novel’s critical reception, in this text Stowe seems fascinated by the risks involved in trade.
That Brown was looking to directly engage Stowe’s position on colonization seems clear from the way he marketed his first novel. Brown wrote and published his novel as UTC was demonstrating the massive appetite that the American consumer had for a sentimental novel about slavery. That Brown hoped to capture some of the same audience as Stowe seems obvious, as he included an early reviewer’s hope that “The extraordinary excitement produced by ‘Uncle Tom’s Cabin’ will…prepare the public of Great Britain and America for this lively book of travels by a real fugitive slave” (77). In addition, Brown’s strongest anti-colonization remarks are given by Georgiana Peck, a woman resembling a grown-up version of Stowe’s little Eva—from her angelic physical feathers and disposition, to the “child-like simplicity” with which her abolitionist arguments are constructed, to the scene at her deathbed where her ex-slaves mourn her loss. That Georgiana is mourned by ex-slaves, rather than current slaves, has everything to do with the different relationship between emancipation and gift between the two texts.

Two of the more recent examinations of Stowe’s use of the gift to critique the market, Kete’s Sentimental Collaborations (2000) and Stephen Michael Best’s The Fugitive’s Properties: Law and the Poetics of Possession (2004), argue that UTC “underscores the role of a gift economy in which affections circulate…convert[ing] slaves, senators, and boys into ‘men’” (Kate 84) by using “the ‘gift’ as the form that interrupts restrictive and reciprocal economies” (Best 195). For both Kate and Best, Stowe’s use of the gift economy mirrors the claims Lewis Hyde makes in The Gift: Imagination and the Erotic Life of Property (1999). 202 Hyde claims the gift creates solidarity because gifts operate in a sphere separated from market exchange. Gifts, in order to be gifts, must be “free” and “pure,” free because they are opposed to the demand of reciprocity and therefore pure from the corruption of the market. If this is right, then it is not a

202 Both Kate and Best use of Hyde’s argument throughout their respective books and each directly links Hyde to Stowe.
stretch to see Stowe’s task as using the logic of gift exchange to create the kind of political
solidarity necessary for the abolition of slavery to become law in the United States. For Kete,
Stowe’s text is successful in its resistance to the logic of the market in its creation of a
“sentimental collaboration” between author and audience. For Best, Stowe cannot help but fail in
her attempt to create a gift that can resist the logic of the market. Gifts turn into credit for Best
because authors like Stowe and Hyde have not learned the lesson Marcel Mauss made famous in
his groundbreaking *The Gift* (1925). Mauss’ estimation of the gift is famously that the gift
requires a return, gifts are always exchanges, never pure: “in theory these [gifts] are voluntary, in
reality they are given and reciprocated obligatorily” (3). You give a gift to get a gift. Best goes
on to use Jacques Derrida’s arguments concerning the gift in both *Given Time: I. Counterfeit
Money* (1992) and *The Gift of Death* (1995), where Derrida focuses on the “impossibility” of the
gift or the belief that the gift is essentially a market exchange in disguise, to argue that Stowe
inadvertently collapses the difference between credit and gift because she “preserves against her
better judgment the very ‘shell and kernel’ of speculative economy” (196).

I am sure that if Best had a reading of *Clotel* in *Fugitive Properties* he would say much
the same thing about Brown’s use of the gift—that it ends up looking like a form of credit
defered. This is the great benefit of deconstruction; the ability to collapse a seemingly secure
binary can be repeated for any text. Yet, collapsing the difference between a loan and a gift, by
turning all gifts into forms of credit, misses Brown’s critique of sentiment entirely. The “giving”
of freedom in *Clotel* does not have the homologous relationship to broader economic and
semiotic exchanges that “giving” has for Derrida. At the same time, Brown is not interested in a
form of “solidarity” created by the “free” or “pure” gift that drives Hyde’s analysis (free because
it is opposed to the demand of reciprocity and therefore pure from the corruption of the market).
Instead, the gift of freedom creates a bond of social solidarity precisely because it is not “free.” The free market is not in competition with the gift. Rather, the free market allows for gift giving’s distinction from calculation. The problem with sentiment for Brown was the ease with which it could be removed from the concerns of self-interest, that sentiment could be used against the argument for the market. Without an argument for market exchange and credit, Brown saw abolition as a toothless exhortation to “feel right” without having to count the cost of those “feelings.” That writers like Brown were aware of the possible limitations of the sentimental form, and still chose to utilize that form, should suggest the malleability and complexity of sentiment. As I have already suggested, Brown’s text is written out of the concern that the South is capable of capturing sympathy and that the sentimental narrative of abolition does no more than “cry out in tones of execration” (46). To drive home this distinction, Brown depicts a “hireling overseer” named Huckleby saying “them’s just my sentiments now, and make no mistake. I think that, for the honour of our country, this slavery business should stop. I don’t own any, no how, and I would not be an overseer if I weren’t paid for it” (119). Making Huckleby’s sentiments even more abolitionist than they already are does not seem like it is going to count as an argument against his employment.

What Brown does hope will count as an argument against Huckleby’s continued employment as an overseer is his model of emancipation, drawn on a limited scale through slave escapes and on a larger scale through the model of emancipation he creates using Georgina Peck’s inheritance of her father’s slaves. The final slave escape in the novel is Mary’s, Clotel’s daughter. In it we can see the difference between giving freedom as a “pure” gift and freedom as both gift and loan. When met on a steamboat by a Frenchman who offers “If you are willing I will try and buy you from your present owner, and you shall be free,” Mary reasons that the offer
must be a fraud: “Although this was said in an honest and off-hand manner, I could not believe the man to be sincere in what he said. ‘Why should you wish to set me free? I asked.’” The Frenchman’s reply “‘I had an only sister…who died three years ago in France and you are so much like her that had I not known of her death, I would most certainly have taken you for her’” only leads to further doubt:

However much I my resemble your sister, you are aware I am not her, and why take so much interest in one whom you never saw before? ‘The love,’ said he, ‘which I had for my sister is transferred to you.’ I had all along suspected that the man was a knave, and this profession of love confirmed me in my former belief, and I turned away and left him. (223)

This is a direct limitation to the kind of purely sentimental identification and adoption Harriet Beecher Stowe suggests is possible in the relationship between Ms. Ophelia and Topsy. Even though Mary will later marry the man she originally “suspected” as “a knave,” all of the other “marriages” in the novel justify her suspicions, if not of one man being “a knave” as least of the institution of slavery making him one. If she had not first secured her freedom by escaping to France, if she had repeated her mother’s relationship with Horatio Green, we could expect the same result: Mary sold further into slavery.

Brown makes this clear during the trial of George Green, who Mary helps escape and then marries after her husband dies and they are reunited in France. George’s speech during his trial is one of the more spectacular instances of textual borrowing in the novel:

I have heard my master read in the Declaration of Independence ‘that all men are created free and equal,’…You boast that this is the ‘Land of the Free;’ but a traditionary freedom will not save you. It will not do to praise your fathers and build their sepulchers. Worse
for you that you have had such an inheritance, if you spend it foolishly and are unable to appreciate its worth. Sad if the genius of a true humanity, beholding you with tearful eyes from the mount of vision, shall fold his wings in sorrowing pity, and repeat the strain, ‘O land of Washington, how often would I have gathered thy children together, behold your house is left onto you desolate.’ This is all I have to say; I have done. (212-213)

Given as George’s final statement, the above functions as the decisive closing argument of the novel. In small part, this is because George’s speech is a brief restatement of the evidence against slavery. More fundamentally, what Brown believes makes his case in Clotel is not a partial restatement of evidence, but the failure of George’s speech. Having been convicted of murder for his part in a slave revolt, George’s speech explains to the Judge, and those in attendance, why he chose to revolt. While his aim cannot be abolition for himself or other slaves, George’s argument appropriates the formal structure of the Declaration of Independence in order to situate the sentiments of Fredrick Douglass’s “The Meaning of July Fourth for the Negro” and the words of Massachusetts’ orator Charles Shackford’s abolitionist and anti-war tract “A Citizen’s Appeal In Regard to the War With Mexico,” as well as a number of other sources. Because Brown spends much of the novel demonstrating the inability of a pro-slavery audience “hearing” any abolitionist line of argument, when the Southern court refuses to grant George clemency, the explanation requires only the words “But George was still a slave” for us to know, in the logic of a slaveholding South, “an example must be made of him” and he must be sentenced to death (213). All of this is to say that, in order for Brown’s argument to succeed, he needs to punctuate the failure of George’s rehearsal of various abolitionist arguments, in front of a packed Southern court house.

203 Shackford’s tract is actually spliced into the novel at various different points. This is one of the many “borrowed” sources that have largely gone unnoticed in the attempt to track down Brown’s sources.
Actually, Brown needs both “Nearly everyone present” “melted to tears” and for George to be sentenced to death despite those very same tears (213). He requires slaveholders’ tears as well as the failure of George’s words because Brown works tirelessly to represent slavery as a total system that has swallowed up the social, religious, and the aesthetic. Brown depicts the South as producing religious and aesthetic texts that are simply reproductions of the logic of the slave economy. The “tears” shed by George’s audience are as heartfelt as the tears contained within the “tearful eyes” of “true humanity” imagined within George’s speech, but they are shed in service of making an “example” of George, rather than a fair sentence. Sentiment alone does not produce a link to the structural limitations of slavery that Brown wants to represent. His Southern audience is “surprised” at George’s ability to produce an argument that justifies clemency, but this “surprise” never exceeds George’s status of “slave” and the need for “an example” in order to maintain the institution of slavery. Brown does not argue that supporters of slavery do not have feelings (they are after all “melted to tears”) just as they most certainly write poetry, but their feelings, like their poems, end up demonstrating, over and over again, the homology between the Southern economy and Southern society. George’s Southern audience seems as incapable of fully understanding George’s speech, the bible or a good poem as they are of freeing their slaves. In contrast to George’s speech, the only story that the South has to tell is the one about slavery’s astonishing powers of co-option.

Brown’s broader model of emancipation enables a very different story to be told, one that imagines the possibility of the Southerners listening to George’s speech reinvesting their inheritance in a free labor market rather than wasting it on slaves and tombs. The model of this plan of reinvestment is based around Georgiana Peck’s inheritance of her father’s slaves, her decision to give-up this inheritance, and the subsequent “gradual emancipation” of her slaves. A
Southerner educated in the North, Georgiana appears to be able to see through slavery because she has rejected the “tyranny” of calculation for a religious “disinterest.” Yet, her “disinterest” ends up being a model for how those with interest, slaveholders, can profit from emancipation. Brown’s example of slave holders giving away one inheritance, their slaves, in order to gain access to another inheritance, the free market, is imagined a return to profitability for an impoverished South.

Though Georgiana “gives” her inheritance away, her slaves actually earn their freedom by working on credit. When they amass a certain amount of credit, they are granted their freedom. His version of “gradual emancipation” is an attempt to separate the link between emancipation and colonization. The colonization argument that slaves were either racially inferior or had been made unfit for citizenship by enslavement itself were undone by arguing that it was possible for slaves to “earn” their freedom. Using the credit economy to solve the problem of slavery, by allowing slaves to borrow their time until they had amassed enough credit to buy themselves, was also a situated response to the claim that emancipation would destroy the South’s economy.

That claim is vocalized in Clotel through the absent father of Clotel and Althesa, Thomas Jefferson. Brown uses the figure of Jefferson at several points in the novel and Jefferson has figured prominently in the reception of the novel. Anne duCille’s argument for Clotel’s effectiveness as a sentimental critique of the contradiction between Jefferson’s Declaration of Independence and the constitutionally supported institution of slavery is based on Sally Hemings, the slave with whom Jefferson fathered a number of children. Yet, Brown’s introduction of Jefferson as both the father of slaves and the author of the Declaration suggests that he is engaging Jefferson’s legacy on multiple fronts.
The novel’s first chapter, “The Negro Sale,” offers a pre-history for the relationship between Clotel and Horatio Green, the major element Brown has borrowed from Child. Rather than beginning Clotel’s story with her “marriage” to Horatio Green, as Child does, Brown focuses extensively on how the slave market is the transition between their courtship and their “marriage.” The bulk of the chapter is borrowed from a short narrative Brown published in 1852, “A True Story of Slave Life,” that represents a slave auction in Virginia, but Brown’s borrowing goes further afield than his own writing. The chapter begins with the opening stanza from “The Slave Auction—A Fact,” an anonymous poem Brown included in his 1848 Anti-Slavery Harp, and it closes with the last two stanzas of the same poem—turning his own short story into a prose rendering of the poem’s middle three stanzas. Brown alters the separation of brother and sister that occurs within the poem and makes it a separation of sister (Clotel) from sister (Althesa) and mother (Currer), but his final prose lines echo the third stanza he has omitted. Brown turns “Ah now I know why she is there—/She came there to be sold/That lovely form that noble mind/Must be exchanged for gold” into “Thus closed a negro sale, at which two daughters of Thomas Jefferson, the writer of the Declaration of American Independence, and one of the presidents of the great republic, were disposed of to the highest bidder!” (88).

While it is certainly the case that Brown uses Jefferson as “the writer of the Declaration of American Independence” to mark the American Revolution as unfinished so long as the United States endorses slavery, he is as interested in the ways in which “to the highest bidder” makes the revolution not only incomplete, but for sale. Jefferson’s own words are used to articulate this problem later in the novel, when Brown engages Jefferson more extensively. It is Jefferson’s defense of slavery as an unwanted inherited institution, one that has been “entailed” upon the South, Brown engages most fully. At the point in the novel where Georgiana Peck

inherits her father’s slaves and must decide what to do with her inheritance, Brown quotes extensively from Jefferson’s *Notes on the State of Virginia* (1785) and the backhanded defense of slavery Jefferson constructs there:

> The whole commerce between master and slave is a perpetual exercise of the most boisterous passions; *the most unremitting despotism on the one part, and degrading submission on the other*…For if the slave can have a country in this world, it must be any other in preference to that in which is he born to live and labour for another… entail[ing] his own miserable condition on the endless generations proceeding from him…I tremble for my country…a revolution of the wheel of fortune, an exchange of situation, is among possible events (157)²⁰⁵

Jefferson famously makes slavery a tiger the South has by the tail. To let go of that tail is to create a slave insurrection, the kind of “revolution” George Green is on trial for when he reworks Jefferson’s own words to create a different kind of Declaration. To end “the whole commerce” between slave and master is to replace commerce with violence. The only way to remove this possibility of violence is to remove the slave to “a country” other than the “he is born to live.” Colonization or revolution appear as the only historical choices open to southerners.

In order to reverse Jefferson’s logic, Brown makes the “entailment” of slavery one that threatened the “freedom” of all its exchanges, especially those “spontaneous free will offering[s]” that should be without “avarice” (83). Brown thus describes Southern gift exchanges as calculations of return rather than gifts freely given. This is the case in master-slave relationships. For example, Clotel is pursued by her master with lavish gifts: “knowing that whatever he gave her he could take back again.” Yet, relationships between white characters suffer the same fate, such as a white woman being tricked into slavery only to be given as a

²⁰⁵ I have kept Brown’s italics.
wedding present. The great irony for the South is that all this calculating means that they miss the double meaning of George’s claim that they fail “to appreciate” the worth of their inheritance. Slavery does more than impoverish their society, slavery hits slave-owners in their pocketbooks because it is a poor fiscal return on their investment.

On the other hand, a “free” credit economy is far more productive-allowing for the ability to give without calculation and the ability to calculate the value of a gift. Brown models the superiority of the northern market in his narrative, quickly mastering the credit economy, becoming a successful barber and then banker. The balance between gift and negotiation is fundamental to Brown’s imagination of the first generation of freed slaves because it meant that the problems of slavery were curable within a generation.206 Slaves were conditioned by their experiences as slaves, but that conditioning in no way made them unfit to participate in a free economy. It also assured Brown’s white readers that abolition would not require a “revolution” or a “revolution of the wheel of fortune” as Thomas Jefferson had feared. The end of slavery didn’t look like a revolution; it looked like a loan.

The largest obstacle to Brown’s attempt to persuade Southerners to give away their slaves is not re-describing a gift as an investment, but getting them to recognize a gift as anything but an investment. As much as Brown wants actual Southerners to realize that they could get a greater return on their investment by giving their slaves the gift of freedom, he wants to avoid turning all gift exchanges into simple calculations of value, which would turn the Northern free market into a version of the Southern slave market: one where all exchanges are disguised calculations and where the only possibility for aesthetic production is the reproduction of the economic.

In the chapters following Clotel’s relationship with Horatio Green, Brown’s borrowed text from Child, he makes a significant revision to Child’s plot by selling Currer to a “Parson Poet” named John Peck. At this point, Currer literally disappears from the narrative and we continue to follow her life only insofar as she interacts with the other members and slaves of Reverend Peck’s household. The courtship of a “tragic mulatta” figure by her master, which structures every other section of the novel save the slave revolt, is substituted by a three way debate about slavery between Rev. Peck, his daughter Georgiana and Mr. Carlton, an old friend of Rev. Peck’s. Rev. Peck’s position is derived from his past as Connecticut minister and his present position as plantation owner. In short, how a minister from Connecticut came to own a plantation in the South functions as the story of how religion has come to be bought by slavery in the South. As a young divinity school graduate, Reverend Peck is “captivated” by the “society” of South because he is “looked upon as [a] genius[sic] in a small way” and as he is “captivated” he in turn “succeeded in captivating a plantation and seventy slaves, if not the heart of the lady to whom it belonged” (106). As Currer enters the household of a man who symbolizes the buying of religious institutions in the South, Rev. Peck begins planning for “a new system” on his plantation, one where the gospel shall be preached to slaves.

The need for this new system is made manifest in the debates between Carlton and Rev. Peck. Carlton believes slavery violates the “inalienable” rights of individuals found in the Declaration of Independence and Constitution and he does not believe these rights must be justified by religion. Peck denies the existence of any such inalienable rights and claims that: “Rights and wrongs are therefore the creatures of society…They are, in this state, both artificial and voluntary. Though man has no rights, as thus considered, undoubtedly he has the power, by such arbitrary rules of right and wrong as his necessity enforces” (107). Because any rights
advocated in a “social contract” are arbitrary, the only way to “ground” an argument for which rights are enforceable by “necessity” is with an appeal to the Bible. The greatest threat that Rev. Peck sees to “[o]ur domestic institution” are those that “array the Bible against our social economy” (108). As a result Rev. Peck has designed a “new system” of Christian education for slaves. Rev. Peck sees himself as a defender of Slavery, and while his father educated him to be the next John Wesley of the Methodist faith, the novel makes clear that Rev. Peck’s role is to establish a new gospel of slavery, a new sect of Christianity for slaves.

The extent to which Rev. Peck is willing to eviscerate the Bible in the cause of slavery is further provided by his chosen missionary, Mr. Snyder. His sermons are always an exploration of the role of the servant in the Bible and are full of admonishments to yield to even arbitrary punishments from one’s master. Snyder’s “missionary” efforts seem less like efforts to spread the gospel than an attempt to create a new gospel for slaves. That the defense of slavery requires one to edit the Bible in the creation of a “new system” of religious instruction is not a problem for Rev. Peck, though it is for his daughter. Georgiana’s unofficial sermons on the impossibility of using the Bible to support slavery act to give the reader a choice between two texts, Synder’s sermon’s or Georgiana’s.

The implication that the economic relations of slavery require an edited version of the Bible is mirrored in a similar choice Brown gives the reader between a poem produced by Rev. Peck and another by his daughter. Rev. Peck is given the title “The Parson Poet” in the novel and he responds to a request by Carlton for “a short poem for [Carlton’s] sister's album” with “a domestic piece” that, prior to hearing the poem, Carlton imagines will be a “prize” all “the more for that” (133). What Carlton reads is a poem that, like the gospel Peck has created for his slaves, acts as a defense of slavery. Yet, Rev. Peck’s poem “MY LITTLE NIG” is not meant as a
defense of slavery. It is simply designed as a “domestic piece” that reflects on the social relations of the South:

"MY LITTLE NIG."

I have a little nigger, the blackest thing alive,
He'll be just four years old if he lives till forty-five;
His smooth cheek hath a glossy hue, like a new polished boot,
And his hair curls o'er his little head as black as any soot.
His lips bulge from his countenance—his little ivories shine—
His nose is what we call a little pug, but fashioned very fine:
Although not quite a fairy, he is comely to behold,
And I wouldn't sell him, 'pon my word, for a hundred all in gold.

" He gets up early in the morn, like all the other nigs,
And runs off to the hog lot, where he squabbles with the pigs—
And when the sun gets out of bed, and mounts up in the sky,
The warmest corner of the yard is where my nig doth lie.
And there extended lazily, he contemplates and dreams,
(I cannot qualify to this, but plain enough it seems;) Until 'tis time to take in grub, when you can't find him there,
For, like a politician, he has gone to hunt his share.

" I haven't said a single word concerning my plantation,
Though a prettier, I guess, cannot be found within the nation;
When he gets a little bigger, I'll take and to him show it,
And then I'll say,' My little nig, now just prepare to go it!'
I'll put a hoe into his hand—he'll soon know what it means,
And every day for dinner, he shall have bacon and greens.”

Placed at the end of a chapter, Brown allows his reader to interpret these two poems for their own merit. Georgiana’s poem, given spontaneously in the face of her father’s belief that Christians make the best slave-owners is not placed at the end of a chapter, but her poem elicits no response from either her father or Carlton:

"Send Bibles to the heathen;
On every distant shore,
From light that's beaming o'er us,
Let streams increasing pour
But keep it from the millions
Down-trodden at our door.
"Send Bibles to the heathen,
    Their famished spirits feed;
Oh haste, and join your efforts,
The priceless gift to speed;
Then flog the trembling negro
If he should learn to read."

Poetry serves as marker of the difference between an abolitionist and pro-slavery aesthetic throughout the text. The only characters who speak in verse are slaves, or Georgianna, and our only poem by a pro-slavery Southerner is Rev. Peck’s “My LITTLE NIG.” Because the poem has no effect at all upon the debate about slavery between the two men, it is meant to have an effect upon the reader. “MY LITTLE NIGGER,” like the extemporaneous speech by George that begins this section, is meant to present the limitations of the interpretive powers of the pro-slavery argument and the extraordinary powers of the free, credit economy of the North.

Georgiana’s poem and George’s speech are texts for which the South has no response.

In Black and White Strangers, Ken Warren claims that a basic difference between realism and sentimentalism is that in realism, “the redemption of the individual lay within the social world,” but in sentimental fiction, “the redemption of the social world lay within the individual” (75-76). Using this distinction, Warren pursues an argument that documents how realist fictions dependence upon the social redemption of the individual “made separatism and discrimination in a variety of forms seem viable solutions to the social problems of a supposedly democratic society” (10). My argument has been that, William Well’s Brown’s 1853 abolitionist novel, Clotel; or, the President’s Daughter blurs Warren’s distinction, between sentiment and realism, by making the northern labor market into the kind of environment that makes redemption possible. I have not hoped to turn Brown into a proto-realistic, but instead have tried to suggest that Brown is more interested in the ways blackness is exchanged than he is with the “blackening” of sentimental characterization. This focus on exchange does not mean that Brown
was not concerned with blackness, but his concern was less about creating an “authentic” representation of a black character (a slave) and more about creating a representation of the slave market (slavery). I take this distinction to be the force of Brown’s oft expressed insistence that the “condition” of the slave could never be represented.\textsuperscript{207} Equally, part of Brown’s opposition between representing the slave and representing slavery relates to his concern that the structural differences between freedom and slavery were in danger of being absorbed in the anti-tom novels already being published, as well in the original \textit{UTC} itself. Brown sought a formulation of sentiment that would address the limitations of sentimental form. He is looking for a form of sentiment that will address the limited model of sentiment he has a slave owner articulate late in his novel: “I’ll care for the Blacks when I turn Black myself” (181). Brown knows he won’t be turning anyone black, but he does try to create a form of sentiment that address the self-interest expressed in “turn Black myself.” Brown understood closing the gap between interest and sentiment as the primary obstacle to representing the pervasiveness of the institution of slavery and a future for freed slaves after abolition.

\textsuperscript{207} Articulated most clearly in his 1847 “Lecture Delivered before the Female Anti-Slavery Society of Salem,” Brown made this point throughout his career as a lecturer.
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Chapter Five:  
The Creation of Insurable Lives

Reforming Life and Reforming the Market

“The Fetters galled my weary Soul—
A Soul that seemed but thrown away;
I spurned the tyrant’s base control,
Resolved at least the man to play”
—Elizur Wright, “The Fugitive Slave to the Christian” (1848)
—William Wells Brown Anti-Slavery Harp (1848)
—William Wells Brown, Clotel; or, the President’s Daughter: A Narrative of Slave Life in the United States (1853).

The above quatrain opens the chapter “Clotel’s Escape” in William Wells Brown’s Clotel. Brown borrowed the lines from Elizur Wright’s poem “The Fugitive Slave to the Christian,” which he had already included in his Anti-Slavery Harp. In both cases of borrowing the lines are not attributed to Wright. Where the lines are presented straightforwardly in the Anti-Slavery Harp, in the case of Clotel Brown turns Wright’s “the man to play,” which is meant as a masculine assertion of equal rights in Wright’s poem, into Clotel’s cross-dressing escape from slavery. “Playing the man” means something quite different in each text and one could make the argument that Brown’s borrowing rescues Wright’s words from ambiguity about just how a black man might “play” at being a man. This is despite the fact that, as is the case with most of Brown’s borrowing, he could count on the original author’s sympathies broadly aligning with his. Wright was an original founder of the American Anti-Slavery Society and one of the most famous abolitionists of the mid-nineteenth century. Brown and Wright were also both prolific writers. Each contributed poetry, essays, articles, narratives, histories and fiction to the abolitionist cause. As Marcus Wood indicates in The Poetry of Slavery: An Anglo-American Anthology, 1764-1865 (Oxford UP, 2004): “As a textual strategist, [Brown] stands besides the
other two great multi-media abolitionists Lydia Maria Childs and Elizur Wright” (570). Most importantly for my purposes, Wright was someone that shared Brown’s concern that segments of the abolitionist movement were improperly divorcing the abolitionist cause with the necessities of self-interest. Wright consistently used commercial relations as the primary metaphor in his arguments for abolition and his split with William Lloyd Garrison was representative of Wright’s hopefulness for a “calculated” sentimentality, not the total “moral” society Garrison envisioned. In Wright’s hands, the illegitimate nature of slavery was most easily depicted by demonstrating how slavery was an illegitimate commodification of human life. Abolition was a moral crusade whose end would restore the slave to the sphere of the “free” market.

I open with Brown’s borrowing from Wright’s poem because Wright went on to extend the principles he honed in his career as an abolitionist into his career as the preeminent life insurance regulator in the 19th century. This chapter examines the literary treatments of the most important shift in American inheritance practice during the 19th century, the life insurance contract. Where Brown depicted the Southern slave economy as a closed economy because it rested upon the inheritance of a particular commodity, Wright feared that the logic of slavery

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208 By 1840 Wright would go so far as to propose an independent, abolitionist candidate for President was “required” to express the legitimate political goals of all abolitionists. Wright increasingly saw Garrison’s position of protest, rather than engagement, to be a “sinful” withdrawal. Garrison relates the beginnings of his disagreements with Wright in an 1837 letter to George William Benson, “Dear Brother George.” In the letter Garrison includes snippets of Wright’s logic and his accusation that Garrison’s position is “sinful” (archive.org/details/lettertodearbrot00garr23).

209 Wright’s faith in the market would also be the source of his falling out with various reform efforts concerning life insurance and other saving vehicles later in the century. These later disagreements were often carried out openly in his own journals. Wright’s very public debate with abolitionist turned labor activist Ezra Heywood is one example of this kind of disagreement. In a 1876 letter to Wright’s journal The Index, Heywood claimed to be surprised that Elizur Wright, a bright-minded Abolitionist, can suppose that the old communistic dogma, “what the law makes property is property,” is any more defensible when applied to speculative profits than when it was used by Henry Clay to defend negro slavery. Closer study of the labor question will disclose to him the fact that, in the field of essential equity, labor reformers are almost alone in asserting “the rights of property”; that is, the right of labor to its earnings.

Wright’s response is a defense of rent and interest, the precise infringements to “the right of labor to its earning” that Heywood sought to make Wright aware.
was capable of escaping the bounds of chattel slavery and infecting a free society. He imagined properly regulated life insurance as a bulwark against this infection. Where unregulated life insurance would act to improperly and fully commodify human life, insurance companies could be forced to follow actuarial science and help mediate the risks of the market without making life into an illegitimate commodity. It might seem strange to claim that arguing for the abolition of slavery and regulating corporations could be based upon the same principles, but to see this connection through the eyes of Elizur Wright is to see just how important life insurance was in the 19th century.

For Wright, life insurance reform required the lessons of the abolitionist movement: life insurance mediated the relationship between personhood and property. To get life insurance wrong was to create a form of capitalism that relied on slavery’s logic, even if it no longer relied upon slave labor. The slave spurning “the tyrant’s base control” was fully applicable to the reforms required to make the life insurance contract a foundational document in American life.

This chapter explains how life insurance became the most important corporate form of inheritance in America. While the other major corporate form of inheritance—the trust—underwent major changes during the 19th century, those changes were largely available to and used as vehicles of inheritance by only the most elite families. Life insurance, on the other hand, became the inheritance vehicle of first the middle-class and then the working-class.210 Yet, prior to the career of Elizur Wright anyone betting that life insurance would become a billion dollar

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210 Women and African Americans were illegitimately excluded from the life insurance market for much of the 19th century. White women were granted wider access to “equally” priced life insurance policies in the last fifteen years of the century. African Americans would have never have achieved such equality without the advent of African American insurance companies, like the Alpha Life Insurance Company. Alpha Life was founded by Milton Holland and had a “who’s who” board of directors, including Fredrick Douglass. For more on African American insurance companies see Jacqueline M. Moore’s Leading the Race: The Transformation of the Black Elite in the Nation’s Capital, 1880-1920 (U of Virginia Press, 1999) and Megan Wolff’s “The Myth Of The Actuary: Life Insurance And Frederick L. Hoffman’s Race Traits And Tendencies Of The American Negro” (Public Health, 121.1 (2006): 84-91.).
industry before the start of the twentieth century would have found a number of takers. Life insurance was an underperforming industry that seemed unable to convince the broader American public that insuring a life was not an illegitimate commodification.

Elizur Wright is, of course, only a representation of an industry’s success. Wright was by no means responsible for the ascendancy of life insurance; his work is part of a much larger cultural shift, which this chapter seeks to help document. While not everyone was as committed to actuarial calculations as a kind of mathematics of freedom, 19th century Americans did eventually become convinced that the sharing of risk was one of the primary purposes of civil society. Making death one of those shared risks required extensive rhetorical effort, but once accomplished, debates about the distribution of material property after death, debates about inheritance, were forever changed. Wright was unique in his level of commitment, but he was also incredibly prescient. He was one of the first to understand just how American life insurance companies could overcome the sense that life insurance was an improper commodification. By combining a sentimental appeal to the family with the idea of “disinterested” corporate profit it was possible to argue that collectivizing the risk of death was in both the moral interest and the commercial interest of Americans. One can see this in the argument and title of Wright’s 1877 critique of the industry, *Traps Baited with Orphan; or, What Is the Matter with Life Insurance*, where Wright argues that unbalanced books combined with sentimental appeals have led some insurance companies to commit both financial and sentimental fraud. Much of his career was spent making sure that life insurance did not become or remain such a trap. Literature proved a valuable tool for advertising this confluence of sentiment and disinterest for the insurance industry. At the same time, it was not only members of the industry that saw value in sentiment and disinterest.
One of the America’s earliest “proto” science fiction writers, Amelia Shackelford, used the life insurance contract and the inherent possibilities for fraud held therein to examine the limits of sentiment. Shackelford’s 1867 novel *Madelaine Darth* follows Roger Tiernay, an attorney whose nascent love for a woman with memory loss finds him investigating insurance fraud and listening to “stories within the story,” which parallel the tension between sentiment and disinterest followed in the main narrative. The plot of *Madelaine Darth* forms a kind of primer for selecting a husband, a selection that the title character ends up making poorly. Yet, it is difficult to explain why Shackelford includes the two “stories within the story,” one a story about a man nearly drowning in wheat and the other about a vampire fly containing the soul of a mummy, without understanding that the qualities Shackelford is suggesting make up a good husband are precisely those that have led her dead husband to chose to insure his life. While other works of nineteenth century fiction feature life insurance, I focus on Shackelford’s at the close of this chapter because her novel is written at the precise historical moment that Americans were weighing the possibilities of life insurance and because her work has largely been ignored outside of a science fiction sub-culture. Admittedly, the limited attention Shackelford garnered can be explained by the fact that she published under multiple names so extensively that the extent of her work has gone unnoticed prior to this dissertation. At the same time, I believe that her focus on inheritance—almost all of her works examine what happens to property at death—has played a role in her limited exposure.

**Legitimating Life Insurance through Reform**

“Life insurance,” broke out Mr. Procter “it’s the biggest humbug in Christendom!” I was quite thunderstruck but managed after a little hesitation to say “You surprise me Mr. Procter. If I had not taken a policy from a life company just started in
Boston, I should not have dared to cross the water leaving a wife and five children on the other side.” “Go to the Royal Exchange,” said Mr. Procter “Thursday afternoon at three o’clock and you will see what I mean.” I assured him I should do so and did. What I saw at that sublime center of trade was a sale at auction of several old policies on very aged men to speculators apparently of the Hebrew persuasion to be kept up by them by their paying annual premiums to the company till they decease. This was done, I was told, because the companies had made it a rule never to buy their own policies. *A poor rule it seemed to me. I had seen slave auctions at home. I could hardly see more justice in this British practice.* If I should ever become old myself I thought I should not like to have a policy on my life in the hands of any man with the slightest pecuniary motive to wish me dead. This then was what had disgusted the sweetest songwriter in England with life insurance!


Elizur Wright was not one to create a weak analogy between slavery and life insurance.

When Wright ran into the English songwriter B.F. Proctor in 1844 he was on a trip funded by *The Massachusetts Hospital Life Insurance Company* to research English actuarial practices, but his career had, up to that point, been defined by the abolitionist cause. One of the founders of the American Anti-Slavery Society, author of the anti-colonization text *The Sin of Slavery, and its Remedy: Containing Some Reflection on the Moral Influence of African Colonization* (1833), Wright would—in 1851—be tried, and acquitted, for his role in helping a fugitive slave escape after being captured. In 1861 he would write *The Lesson of St. Domingo: How to Make the*
War Short and the Peace Righteous, an attempt to persuade President Lincoln to issue a document like the Emancipation Proclamation a full two years prior to Lincoln’s own address. Even more telling of Wright’s radicalism, he imagines that pronouncing all Southern slaves free and equal citizens will not only capitalize on the potential for slave revolts in the Confederacy, but allow the union to avoid the post-revolt difficulties of Haiti. Yet, what Wright saw on his trip to England, which he really meant to use to promote his own translation of La Fontaine’s Fables (because being an leading abolitionist simply did not pay well), would turn one of the great abolitionist reformers into “the premier life insurance reformer of the century” (Goodheart 144).

The similarity Wright saw in the auctioning of old, white, male English bodies and the black bodies sold at an American slave auction was not meant to belittle the experience of black slavery in America. He does not conflate the two so much as draws a line of relationship that is meant to explain his own interest in actuarial practice. To say there is “no more justice” in the English version is not meant to undercut the evils of American slavery, as there is plenty of rhetorical space in that line for the evils of American slavery to far exceed the evils of a poorly regulated life insurance contract. Rather, it signals the significance of the life insurance contract in the 19th century imagination.

Put most simply, the life insurance contract became a symbol of trust in the American 19th century because life insurance is, by definition, a long-term, future oriented contract. Underwriting a life insurance contract requires enough capital on-hand to pay what claims may come, whenever they may come. The extraordinary success of the life insurance industry during the 19th century is perhaps the most accurate indicator of the trust these companies were able to

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as one of the actual orchestrators of Shadrack Minkin’s escape from a Boston courtroom. Either way, the question of how a captured, ex-slave was able to escape punishment through a crowd of abolitionists became an issue of pride and recrimination on a national level. Wright was lauded and condemned in the national press. See Goodheart’s Abolitionist, Actuary, Atheist 61-138 for more about the trials and Wright’s other abolitionist activities.
instill. At its most hyperbolic, this trust was the basis for utopian visions like D.R Jacques’

“Mutual Life Insurance: Society on the Basis of Mutual Life Insurance,” an 1847 article

published in The Merchant’s Magazine and Commercial Review, where the future Dean of New
York University Law School advocated for a version of social insurance, a proto-welfare state
proposal.214 While Jacques’ predication about the application of insurance to social problems
was indeed hyperbolic in 1847, by the time of the New Deal it would appear prescient.215 At the

214 Freeman Hunt published D.R. Jacques essay twice under two slightly different titles. The essay was first published under the title “Mutual Life Insurance: Society on the Basis of Mutual Insurance” in The Merchant’s Magazine and Commercial Review in the February, 1847 edition. In its second printing the title was reduced to “Society on the Basis of Mutual Insurance” and ran again in the same magazine in 1849. I mention the two editions because recent scholarly interest in insurance has created a series of mistakes in citing the piece, even as it has become an important document in discussions about America’s place in a global “Risk Society.” Law Professor Tom Baker characterizes Jacques piece, in “Embracing Risk, Sharing Responsibility” (2008), as:

consciously written against the French socialists who had so influenced the young Karl Marx,
Jacques essay imagines a world in which brotherhood and security come, not through collective
ownership of the means of production, but rather through the institutions that protect against the
inevitable misfortunes of industrial society. Jacques imagined society on the basis of mutual life
insurance that, unlike Marx’s communism, would not require revolutionary changes in the
ownership control of private property. (564)


215 The idea of remaking the social contract on the basis of insurance predates Franklin Roosevelt’s New Deal by at least 200 years. In just one historical example at the turn of the eighteenth century, insurance companies in England began to insure against more accidents than the traditional trinity of marine, fire and life. As the popularity of these three had risen it seemed possible begin to insure just about anything. In England, this practice was aided by the
more unique insurance policies sold at Lloyd’s of London, the famous insurance clearinghouse. Yet, where the individuals signing insurance contracts at Lloyd’s (call “names”) had the capital to lose on individual, one-off
policies and were usually involved in substantial reinsurance contracts, these new enterprises were started with little
capital and very little actuarial knowledge. As Geoffrey Wilson Clark notes in Betting On Lives: The Culture of Life Insurance in England, 1695-1775 (Manchester UP, 1999), “one could even insure against highway robbery, lying in
conversation, cuckoldry, or death by drinking gin” (1). The most prominent insurance market to fail was the market
for insuring marriages and the birth and deaths of children, which was so poorly regulated and large that it required a
law against these kinds of insurance. The names of insurance companies and the titles of their publications gives a
fairly clear idea that these companies saw insurance as more than a contractual relationship. The London based life
insurance company Society Without Loss (later renamed the Profitable Society Without Loss) published a series
of pamphlets which encouraged the insurance of all social institutions and relationships. It is clear that these pamphlets
(like “At a Certain Charge, Proposals for Insurance on Service” London: Society Without Loss, 1710) were meant to
open new markets in human capital, but also tie together the humanity thereby indemnified. While very little has
been done in the way of examining these emergent (and failed) forms of insurance, a brief analysis and useful listing
of corporations can be found in William Robert Scott’s three volume work The Constitution and Finance of English,
Scottish and Irish Joint-Stock Companies to 1720 (Cambridge UP, 1911, 1912 and 1913). For a more detailed and
slightly later dating of the beginning of the idea of social insurance see Gareth Stedman Jones’ “An End to Poverty:
The French Revolution and the Promise of a World Beyond Want” (2005). For Jones, the possibility of using
insurance “principles” to properly govern the relationship between co-operation and competition is a product of the
same time, Americans began the nineteenth century with little trust in life insurance as an institution. While it is possible to exaggerate the level of antipathy Americans had for life insurance contracts, life insurance was not truly popular until the latter half of the nineteenth century. Americans were immensely comfortable with the various mutual aid societies that provided for burial costs, but they were uncomfortable with the idea of “profiting” from death. Because life insurance companies seek to produce profit from calculated risks, they understand human life as calculable and subject to commodification. The story of how Americans became comfortable with the creation of a marketplace for life is not complete without an understanding of the literary representation of the life insurance contract. By the end of the century, life insurance had gone from an industry that had to claw its way to legitimacy to one of the largest industries in the nation. Yet, the creation of the life insurance market created a number of normative issues in the 19th century. Literary representations of life insurance were a vital part of overcoming the resistance to life insurance. Following the historical account of life insurance in the work of sociologist Viviana Zelizer in *Morals and Markets: The Development of Life Insurance in the United States*, I do not read these literary representations as acquiescing to a materialistic assessment of death. Rather, I see the creation of a market for life insurance as an intertwining of market activity and moral valuation. Life insurance corporations sought to enter

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216 Some 19th century and early twentieth century histories clearly exaggerate the extent to which some members of the population, women and clergy specifically, were resistant to the idea of life insurance. This is in part because some members of the clergy were outspoken critics of the practice and because of broader discrimination against women as somehow disinclined to enter the public sphere. For example, James T. Phelp’s *Life Insurance Sayings* offers diagnosis for the difficulty of selling policies to women: “We are fairly well convinced for our part that this uncertain, not to call it unfriendly, attitude of women is in part owing to their inherent commercial disability and in greater part even to a nervous organization which makes it hard for them to think with equanimity of being benefited through the death of those whom they love” (24). At the same time, there was clear resistance or reticence to the insurance of lives. America is not unique in this regard. See Cheris Shun-Ching Chan’s “Creating a Market in the Presence of Cultural Resistance: The Case of Life Insurance in China” (2009) for a contemporary example.

217 See David Bieto’s *From Mutual Aid to the Welfare State: Fraternal Societies and Social Services* (University of North Carolina Press: 1992) for more on the popularity of fraternal and mutual aid societies.
the literary realm to justify their product, just as literary texts used the increasing popularity of life insurance to evaluate the relationship between morals and markets in this new form.

In contrast, the most significant treatment of the relationship between life insurance and literature during this period, Eric Wertheimer’s *Underwriting: The Poetics of Insurance in America, 1722-1872* (2006) vilifies insurance as producing needless and heedless risk while also suggesting that insurance programs (either private or social) fail to balance the crises and excesses of capitalism. Wertheimer’s focus on deconstructing insurance as “writing business” figures insurance as the always impossible attempt to make what has been lost present. In Wertheimer’s estimation, even when insurance involves the most physical of property (a house for instance), it reveals the impermanence of, and threats to, property rather than security from risk. Insurance is always the search for real value in the search for artificial value in *Underwriting*. Using the concept of zero and a deconstructive understanding of “the artificiality of signified value,” Wertheimer argues that the “valueless” form of insurance is actually a critique of capital because it represents an “inadequacy of instability at the heat of capital’s founding logic” (11). Making insurance into a poetics of loss, Wertheimer fails to mark underwriting as the *evaluation* risk and insurance as the *calculation* of probability, primarily because he makes insurance into a metaphor for individual, rather than communal loss. The insurance contract (even the life insurance contract) does not look backwards from loss or forward from a position of fear, but is a calculation and a representation of the possibilities of future losses for a *group*. Insurance requires individuals and individual texts to tell its story, but that story is always meant to be an example or a type. While it has become less difficult to justify an investigation into the relationship between insurance and literature since the publication of Wertheimer’s text, this chapter is written in recognition that individual risks are never insurable.
(If I insure my grandfather’s pool-cue, I don’t imagine that the insurance company will be able to replace the uniqueness of the pool-cue if it is stolen, only the monetary equivalent of the pool-cue’s value.) In fact, one of the great victories of the life insurance industry was getting individuals to understand their own deaths as both unique and insurable events. There are very real conflicts that occur between individuals who are denied claims and the companies who justify these denials, but these are conflicts of the representation of risk as embodied by the insurance contract, not attempts to recoup what can never be recovered. Wertheimer’s understanding of insurance misses both what it means to pool risk and also the real objections that individuals had to life insurance in the 19th century.

Efforts to legitimize life insurance usually emphasized life insurance as a form of inheritance, a transmission of property bound to ownership and genealogy. This was at least in part an attempt to remove insurance from the taint of gambling and a full sense that the contract was a commodification of life. Even so, it was imbricated in the broader debates about the relationship between inheritance and the market. For instance, just as women were poorly protected by inheritance laws prior to the passage of Married Women’s Property Acts, the precursor to those laws were changes in married women’s rights to insure the lives of their husbands. This is not coincidence as the initial expansion of married women’s rights began an uptick in life insurance sales and (despite a few reservations) provided a model for Married Women’s Property Acts, legislation that was more substantive and faced more serious oppositions. At the same time, as Norma Basch points out in “Invisible Women: The Legal Fiction of Marital Unity in Nineteenth-Century America” (1979), “the legal solution [to the seeming equality found in new Married Women’s Property acts] was to riddle the old prototype with exceptions instead of creating a new one. Many exceptions existed already” (348). Reforms

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to the rights of women to insure the lives of their husbands were one of these exceptions. It was not until the passage of these laws (in the 1840’s) that women could widely insure the lives of their husbands. As Mary Heen explains in her article “From Coverture to Contract: Engendering Insurance on Lives” (2011) women could not demonstrate “insurable interest” on the lives of their husbands while they were married because their rights were subsumed in the marriage contract. Their interests were their husband’s interests and therefore any life insurance policy must be purchased by the husband and also surrenderable to creditors upon his death. While this change proved disturbing to some because it created the possibility that a wife might murder her husband for the insurance money,\textsuperscript{219} it was instrumental in helping to create a viable market for life insurance in the United States.

Even while insurance and inheritance are closely linked in American history and in the minds of most Americans, life insurance is a very different form of inheritance than the traditional transmission of accumulated property. These differences captured the imaginations of the 19\textsuperscript{th} century. Elizur Wright, for instance, seemed endlessly fascinated by the fact that, unlike other forms of inheritance, a life insurance policy does not require extensive capital. Wright paired this lack of capital with the general reliance of insurance upon the pooling for risk to imagine a world where life insurance would become deeply appealing to the growing middle-class. By the end of the 19\textsuperscript{th} century, life insurance policies were well within the fiscal reach of a vast majority of Americans. This meant that life insurance, while treated as a simple addendum

\textsuperscript{219} That possibility, and its legal precedents, is explored in Tomas Paton’s 1862 Compendium of the Law of Insurance, Comprising Marine, Fire, and Life Insurance. Insurable interest was a common law distinction passed to American law through its British origins. Much of the legal precedent cited in American cases are therefore British cases of murder and intrigue.
to existing forms of inheritance in many respects actually became a very special form of inheritance.220

**Making the Market for Sentimental Life: Literary Representations of Life Insurance**

Unlike the other chapters of this dissertation, I am not concerned here with reading a canonical text that contains an overlooked concern for inheritance. Instead, I survey some of the earliest literary treatments of life insurance in the United States and close the chapter by reading two novels intimately concerned with the life insurance contract. Of the two works I discuss at length in this chapter, one of them—a 1856 novel by Nathan Denison Morgan entitled *George Cardwell; or, A Month in a Country Parish*—is one of the most unique works produced by a member of the industry. Morgan’s work is meant as an advertising novel. A curious intersection of two cultural industries, *George Cardwell* is meant to begin the process of getting Americans to buy the “right” amount of life insurance. The final portion of this chapter will be a reading of the kind of literary text Morgan called for in the introduction of his novel, though one that did not experience the popular success Morgan hoped would accompany it. *Madelaine Darth*—an 1867 detective story with elements of science fiction written by Amelia Shackelford—is based around a woman with unexplainable memory loss and a scheme to defraud her of her dead husband’s life insurance policy. While Shackelford was part of the budding literary community in Chicago,221 her decision to publish *Madelaine Darth* under the name of one her fiction

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220 Life insurance is part of the debate about the relationship between inheritance and the market, but it is usually understood to mitigate income inequality rather than perpetuating that inequality. This has had wide ranging implications both within the industry and without. For example, even under current tax law a life insurance policy is exempt from estate tax.

221 Shackelford was an acquaintance of Francis Fisher Browne, the most important journal editor and literary agent in Chicago during the latter half of the 19th century and into the early twentieth. He founded a series of literary journals—*The Western Monthly, The Lakeside Monthly* and *The Dial*—that were important both for the
characters, E.L. Ford, and then to subsequently publish other works, like her second novel *A Questionable Marriage* (1897) under her married name, Amelia Sullivan, has allowed the substance of her contributions to go unnoticed. Her two novels revolve around women’s rights to inherited property, Madelaine Darth’s insurance claim and *A Questionable Marriage*’s depiction of the divorce laws in Oklahoma in the 1890s (when the courts were empowered to grant divorces until the Oklahoma Supreme Court declared the legislative empowerment unconstitutional, creating bigamists of those who had remarried). In a case of life imitating art, Shackelford’s concern for the inheritance rights of women ends being an ordeal she would live through only a few years after publishing *Madelaine Darth*. Amelia and her brother, Collins, took their attempt to retain the inheritance of their father all the way to the Wisconsin Supreme Court. In *Woodbury v. Collins Shackelford and another*222 (Amelia is the “another”) Amelia is the chief witness and dealmaker in the Shackelford family whose attempt to pay the taxes on land inherited from her father is denied.223

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223 Outside of the Wisconsin Supreme Court case, detailing her and her brother’s attempts to regain a large section of land that was part of the family inheritance, there are few documents treating Shackelford’s biography. I have not detailed the case here, but it reads much like one of her stories. Documents disappear and reappear after her father’s death, money potentially changes hands, but does not and—in the end—a woman is denied her inheritance for obscure legal reasons or potentially false testimony. She and her family draw mention in *Chicago: Its History and Its Builders, A Century of Marvelous Growth* (Josiah Seymour Currey, 1912), though the entry is largely dedicated to her husband, William Sullivan. Sullivan was a lawyer turned journalist, who owned one third of the *Chicago Evening Journal*. It is possible that her husband’s experience in the Civil War provided the basis for some of her writing about the war. The entry for Shackelford reads as follows:

On the 19th of May, 1874, in Evanston, Illinois, Mr. Sullivan was united in marriage to Miss Amelia Shackelford, a daughter of William Barlow Shackelford, originally of Culpeper, Virginia, and later of Madison, Wisconsin. Mr. and Mrs. Sullivan became parents of a daughter and son: Helen Amelia, who was married February 1, 1910, to Dr. James Gordon Gumming, medical director of the Pasteur Institute of the University of Michigan at Ann Arbor; and William Shackelford, a resident engineer for the Northern Pacific Railroad in Montana. (15)
Even as Shackelford’s novel appears to be the kind of text Morgan was attempting to conjure, her motivation and Morgan’s are not the same. Morgan was looking to create an early version of what Roland Marchland, in *Creating the Corporate Soul: The Rise of Public Relations and Corporate Imagery in American Big Business* (University of California Press, 2000), has called an attempt by corporations to “attempt to represent something beyond the merely commercial” (183). Life insurance companies legitimately saw themselves as offering protection from sometimes small and sometimes extraordinary risk and they saw the technology by which they offered this protection as a pooling of risks. They also tried to profit by selling themselves as benevolent institutions. Some, like Morgan, took this benevolence quite seriously. For instance, *New York Life* actually called its home office “The Temple of Humanity.”

Shackelford’s chief commitment to life insurance is not an attempt to sell more policies, but a concern for woman’s property rights. It is her heroine’s right to the insurance money that drives the narrative and her lawyer/private investigator’s search for her identity and her money. At the same time, the insurance company paying her dead husband’s policy does look like the kind of benevolent institutions Morgan imagined being represented by future fictions—they are one of a

Amelia also went by Emma in some circles (See John Moses and Joseph Kirkland’s *A History of Chicago* (Chicago: Munsell and Company, 1895) and it is possible that she published other work under this nickname, though I have not been able find evidence of this. Her final novel, *A Questionable Marriage* (1897), is published under her married name and strikingly few collections have cross-referenced Amelia Shackelford with Amelia Sullivan. Like Madeleine Darth, *A Questionable Marriage*, deals with inheritance—though her concern in the novel is with the complexities remarriage and divorce impose upon inheritance questions. Set in Wisconsin and Chicago, the main character—Cassandra Ardleigh—has her first husband’s wealth confiscated by her second husband, manages to divorce the second husband and marries a millionaire only to find out that the state of Oklahoma (where she received her divorce due to the lax divorce laws in that state) has rescinded her divorce from her second husband. This technically makes her a bigamist and her infant daughter illegitimate and it also raises the question of what will happen to her third husband’s millions.

224 In 1909 the company also published its own corporate history using this as its title. References like this one were not disingenuous, nor were they always connected with attempts to advertise the industry. Even a cursory examination of communications within these corporations finds that members of the industry understood the pooling of risk to be a civil service as well as a for-profit business.
number of insurance companies who sold life insurance policies to soldiers as they went off to fight the Civil War, certainly a losing business proposition.

Shackelford and Morgan are involved in a process of changing the ways Americans thought about inheritance because their novels helped extend the importance of inheritance firmly into the realm of the middle class. This meant that future debates about inheritance would carry a new valence. As Jens Beckert ably demonstrates in *Inherited Wealth*, the concerns of the middle-class were increasingly represented in inheritance debates during the latter half of the nineteenth century (171-180). At the same time, individuals who could afford insurance had to be persuaded to participate in its practice in ways that are difficult to reproduce or understand on this side of the institutions’ success. Life insurance was a form of inheritance for which a market had to be created. Where traditional forms of inherited property were connected to debates about the marketplace in important ways, life insurance was originally treated as a form of inheritance uniquely tainted by the market. It is not so much an exemplary moment in this broader connection between inheritance and the market as it is an extraordinarily intense negotiation between a set of practices thought to be opposed to market relations and another set of practices understood to be comprised by those relations.

Most of the literature concerning life insurance has not been looked at enough to justify considering it overlooked. There are a number of reasons for this. Many of the earliest literary texts to incorporate life insurance in the American context did so only with a brief mention. Even George Lippard, whose incredibly successful fraternal society *The Brotherhood of the Union* was also an insurance company, only mentions life insurance in passing in a few of his works. Nobody who reads *The House of Seven Gables* thinks a reading of that text is incomplete without an account of the “insurance office” from which Judge Pyncheon seems to be coming or going.
More to the point, those texts that did directly involve life insurance for any great length were likely to be sentimental in nature and rough attempts to deal with an institution that had yet to be firmly defined within the framework of the nation. By labeling these texts as sentimental I do not mean to suggest that, at this late date, texts involving life insurance have not been recovered simply because they are sentimental. Obviously, sentimental literature now has a long-standing significance in critical work on American literary production and appears more and more frequently in current critical appraisals of the 19th century. Laura Wexler has gone so far as to plot the axis of critical concern with sentiment along what she calls the "Douglas-Tompkins debate" (9), which I have discussed at some length. Additionally, I will have cause to return to Ann Douglas’ appraisal of sentimental representations of death in this chapter. What I do mean to point out is what Philip Fisher, in Hard Facts, calls the “cultural work” of sentimental texts. Fisher writes that the “cultural work of this fundamental kind was often done by exactly those popular forms that from a later perspective, that of 20th–century modernists, have seemed the weakest feature of 19th-century cultural life” (5). Like the texts Fisher examines, the life insurance works I will examine in this chapter are texts that “made-up” the terms of a new social institution and in so doing “that by their very success made themselves obsolete” (7). Texts that validate the life insurance industry seem to suffer from a lack of imagination because we live in the world these texts have made. For example, we do not think of industries inspiring poetry. Yet, James T. Phelps 1895 Life Insurance Sayings opens with:

THE BIRTH OF INSURANCE

Blessed labor was born

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225 Phelps’ book was meant as a resource for life insurance salesman, but it—rather inadvertently—treats the subject of life insurance in rather extensive historical detail, using past defenses of life insurance to guide the present sales pitch. While these past arguments are sometimes stripped so fully of context that they are nearly impossible to date, it is possible to date some approximations of the quotations to particular critiques of/rebuttals in favor of life insurance. The book is something like an industry specific version of Benjamin Franklin’ Poor Richard’s Almanac.
Unto all that is human
Through the charms of a snake
And the weakness of woman
Men do not repine
But increase their endurance
And strengthen their work
By the aid of Insurance

As overly “sentimental” as tying the Bible’s creation story to the life insurance industry might seem, this sentiment not only marked the success of insurance, it made that success possible.

This is not to say that the “20th-century modernist[]” sensibility Fisher says we inhabit did not make its own reckoning with insurance. The most famous “poet of insurance,” Wallace Stevens,226 would not arrive until the twentieth century, long after life insurance had been accepted as commonplace. In this chapter, I am interested in texts that were actively wrestling with the proper role of life insurance and constructing life insurance in such a way that avoided making insurance a perceived threat to sentiment and solidarity. One of the primary ways that insurance was made to seem benign was for the life insurance contract to be understood as an inheritance for widows and orphans that would protect against the vicissitudes of the market. While there simply was no Wallace Stevens ready to usher the life insurance industry into the extraordinary period from 1840-1900 (when the life insurance companies went from small enterprises to some of the largest corporations in America) the role of literature in the creation of the marketplace for life insurance was profound.

226 Stevens was an insurance executive and wrote rather extensively about the industry. While his role as an executive is usually understood as a kind of aberration in relationship to his poetry, the relationship between insurance and poetry has been explored by a few recent critics. David Lavery’s “Imagination and Insurance: Wallace Stevens and Benjamin Whorf at the Hartford” (2000) explores the “avocational creative process” of Stevens and Whorf. Where insurance acts as a muse in Lavery’s analysis, both Joseph Harrington’s “Wallace Stevens and the Poetics of National Insurance” (1995) and Michael Szalay’s New Deal Modernism: American Literature and the Invention of the Welfare State (2000) treat insurance as fundamental to Stevens’ aesthetics. Szalay’s discussion of social insurance and the relationship between literary production and the welfare state is beyond the scope of this chapter, but I will discuss his reading of Robert Penn Warren’s All the King’s Men in the next chapter.
By the 1850’s the insurance industry had created an extraordinary presence in the American publishing industry through a commitment to advertising, industry specific journals and in-house corporate publications. Through all of these mediums the industry extensively promoted life insurance. At the same time, less invested publications and authors were trying to figure out the proper role of life insurance in relationship to a “proper” death. While Elizur Wright stands out as the preeminent individual advocate for reform, independent journals both promoted the industry and called it to heel. These journals have no modern equivalent in that they formed the basis for reforms that not only legitimized the entire industry, but shaped all subsequent business models. For instance, it is hard to image a modern trade periodical publishing the following image from the October 20, 1881 issue of *The Insurance Chronicle*, the premier industry publication in America:

**THE CHRONICLE CARTOONS.**

![Insurance Chronicle Cartoon](image.png)

*Figure 10: Insurance Chronicle Cartoon*
Here the *Chronicle* takes issue with an insurance company that has written their policy in such a way as to allow them to dismiss a majority of claims. While every insurance company must protect itself against “moral hazard” of individuals being even riskier than “average” just because they are insured, they must—according to the *Chronicle*—also avoid capitalizing on their own self-interest to not pay out claims. The insurance contract played an important role in 19th century insurance cartoons. This is at least in part because the contract’s emphasis highlights the sometimes painful, and in this case fraudulent, disparity between representations of insurance companies that relate to “full security” and the facts of coverage, which sometimes exclude certain risks. Even when those exclusions are part of the contract, they could be seen as illegitimate. As institutions with increasingly advanced understanding of moral hazard, insurance companies and their agents have an additional burden of making sure they do not put consumers at risk by deceptively selling policies.²²⁷ The *Chronicle* highlights this hypocrisy by depicting a policy with a temperance rider signed in a bar, graphically depicting the defrauding of the same widows and orphans the journal believed life insurance was designed to protect. Because the industry advertised itself as being the advocates of this population, it was faced with increasing state regulation to ensure that this advocacy did in fact occur. The same appeal to sentiment that helped to create the demand for a larger life insurance industry also meant facing the relationship between sentiment and the market over the dead body of wage earner. The nascent industry could not be seen as too greedily segregating the market for risk. They needed to make sure that

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²²⁷ This continues to be one of the fundamental controversies in insurance. When the insured believes they should be covered and the insurance company denies a claim there is necessarily conflict. I do not mean to suggest that the *Chronicle* was able to resolve or adequately police practices like the one depicted in the cartoon. At the same time, it is telling that this cartoon is in an insurance industry journal. Modern counterparts are few, but those that exist—like Richard Ericson’s and Aaron Doyle’s “The Institutionalization of Deceptive Sales in Life Insurance: Five Sources of Moral Risk” (*British Journal of Criminology* 46.6 (2006) 993-1010.)—are found in academic analyses of the industry.
they pooled the risks of individuals successfully without creating exceptions that would be perceived as needless.

In this way, saying that literary treatments of life insurance were “concerned with death is an understatement; to a degree that requires special consideration, they were exercises in necrophilia” (Douglas 201). Here I am borrowing Ann Douglas’ assessment of the “memoirs of women and clergymen” Douglas examines in her chapter “The Domestication of Death: The Posthumous Congregation.” Douglas is exaggerating for effect, but her point is well taken and applies to life insurance as well as the memoirs she discusses: the nineteenth century saw an increased fascination with death and mourning. From the works examined by Douglas to the mourning poems examined by Mary Louise Kete in *Sentimental Collaborations: Mourning and Middle-Class Identity in Nineteenth Century American Literature* (2000), there is an outpouring of concern for how to manage death. Where widows and orphans, in reality or not, were understood to be within the purview of neighbors and relatives during the early part of the nineteenth century. Eventually, new institutions such as estate planning, life insurance, trusts, charitable organizations and eventually state run organizations formalized these informal relationships of care giving and financial support.

Douglas and Kete represent two very different interpretations of the significance of the relationship between sentiment and the marketplace in this context. In Douglas’s argument the fascination with death and mourning in the latter half of the nineteenth century is “created in protest against the larger competitive society” but actually “served to transfer, isolate, and protect what would become the most essential ritual of that society: the chaos of productivity is eliminated in order to insure the pleasures of consumption” (226). Though she does not discuss life insurance, it is not hard to imagine how Douglas would see the use of sentiment to encourage
the consumption of life insurance. In effect, the moment where someone uses sentiment to sell something is, in Douglas’ account, a moment where she can pounce on the insincerity of the individual expressing sentiment. Just as “women and clergymen” used sentiment to accrue (unearned) power, the fact that life insurance companies were able to create and mobilize a national market around sentimental tropes would count as evidence of the emptiness of sentimental projections. The problem with sentiment is that it is a veiled calculation and Douglas would like to strip the veil and lay bare the calculating rationality of these supposedly “sentimental” expressions. Kete’s argument in Sentimental Collaborations is, in return, an attempt to break through the façade of utilitarian calculation (which Douglas posits as universal) by justifying the non-economic value of grief, largely as expressed through little known “mourning books,” or collections of poems ostensibly written by the parents of dead children.

At the same time, Kete does not see sentimental value as necessarily or even frequently offering a critique of economic values. This makes her readings largely unique in the field of sentimental studies and also a profitable point of departure. Kete’s examination of mourning poems (and other documents of grief) injects culture into the market by treating grief as one of the fundamental structures of meaning and feeling that “frame” the market. While she mostly treats works as either “interpretive” or “narrative” “frames,” she also explores works that “resist” or “break” these “frames.” Even as these poems sometimes “break[] both the flow of fictional time and the fiction frame to allow for the construction of affective ties between the reader, writer and characters” (84) her emphasis is upon literary works offering a “frame” for understanding economic calculation. Her readings attempt to turn the consumption of grief, marked by the reading of poems, from Douglas’ process of passively absorbing resources, into a resourceful avenue for providing new meanings in an industrial society. This why the closing
lines of *Sentimental Collaboration’s* epilogue, “Converting Loss to Profit: Collaborations of Sentiment and Speculation,” are: “This American self, I have argued, can neither repudiate the circulation of affections through an emotional economy nor repudiate the circulation of money through a market economy” (186). The two economies, one economic and the other sentimental, work in tandem rather than conflict.

Kete is writing about separate spheres without depicting the interactions between these two spheres as acts of contamination. Because of this, she is more able to capture the complex interplay between sentimental collaboration and economic competition than Douglas. Where Douglas turns sentimental consumption into an act of passivity and surrender (it is something you do only when avenues to “real” power have been denied and you have acquiesced to this denial) Kete recognizes that the consumption of the morning poems she surveys is an act of survival, not surrender.

I am examining intersections of life insurance literature in much the same vein as Kete reads poems of mourning, with an important exception. While I agree with Kete’s critique of Douglas and her willingness to see consumption as more than rational profit maximization that has managed to acquire a cultural veneer, her emphasis upon sentimental collaboration as a “frame” for the economic suggests that these collaborations facilitate or constrain economic action. At times, it is clearly her hope that they will constrain more than facilitate. For instance, even as her introduction acknowledges the importance of understanding that gift economies are not oppositional to market economies (xiii) it also contains an appeal to the “utopian work” that sentiment makes possible and it is the “cynicism” of the market that makes the “utopian work of sentiment necessary. That is, even as Kete seeks to critique and avoid Douglas’ cynicism, her answer to that cynicism still depends on understanding the market as the sphere of cynicism.
Texts that are investing in Americans buying more life insurance do not reveal a struggle between sentiment and calculation, but a society attempting to construct a new set of rules for facing and coping with death. Even when individuals define their relationships in terms of commodities and exchanges, those relationships continue to involve much more.

**Nathan D. Morgan and Underwriting an Investment in Life**

Nathan Denison Morgan was one of the insurance executives responsible for this turn of attention and his understanding of the marketplace reveals a keen sense of the need to turn life insurance into a necessary ritual rather than purely an economic calculation. He possessed an eye for increasing the number of women who purchased policies, either on the lives of their husbands or on their own lives. The pairing of these motivations explains why Morgan wrote *George Cardwell* and it also lead him to have *The Manhattan Life Insurance Company* underwrite the first American insurance policy on the life on a woman. While there was little actuarial data on women that insurance companies trusted, Morgan pushed his company to open this market. That this attempt failed explains just how much the life insurance industry needed to alter its perception among Americans. A series of images Morgan helped to “author” as the President of *The Manhattan Life Insurance Company* demonstrate not only the extraordinary amount of effort life insurance companies put into advertising, but also the beginnings of a commitment to representing the purchasing of life insurance as a “protection ritual”:

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For more on this decision and individual case see the current company website of *Manhattan Insurance Group* (the name was changed when the company moved extensively into the reinsurance business), www.manhattanlife.com.
Figure 11: *Manhattan Life* Stock Certificate and Headquarters

Figure 12: *Manhattan Life* Stock Certificate
What I mean by “protection ritual” is not that Morgan was trying to trick policy holders that they would be less likely to die if they owned life insurance. That claim was made in some early life insurance advertising, though infrequently. Rather, what Morgan wants to show is that the investment is itself protected in ways that create a bond beyond a normal financial relationship. Insurance is more than a contractual relationship because it is an attempt by both parties to stop events from happening, rather than making them happen. As the president of The Manhattan Life Insurance Company one expects to see Morgan’s name on its advertisements, its stock
certificates and in the early plans for a New York headquarters that would eventually be built and come to be called “The Manhattan Life Building.” The advertisement for Manhattan Life is meant to make the company seem like a secure investment, which it turned out to be. It also suggests that it has the best of both the mutual company and the stock company, an attempt to seem like a “protected” investment. In part, that protection is established with an appeal to the state, but the largest appeal is the “Capital Investment,” which was the most unifying element of life insurance advertising during the first two-thirds of the nineteenth century. This not only gave the reader confidence that the policy would be paid, it gave the readership of a magazine the opportunity to watch the “growth” of the company, as Manhattan Life, and its competitors, updated these numbers frequently. In the same way, the first stock certificate pictured carries both the surrender value of the policy and the companies’ capitalization in bold letters. Though it is difficult to see without significant magnification, it also carries the imprint of a woman harvesting wheat in its uppermost corner. Pastoral images were not as common on insurance stock certificates as nationalistic or mythological themes, but the purpose here seems to be an early version of selling “piece of mind,” to borrow a modern financial institution’s slogan. Linking insurance to “agrarian” rather than fiscal value would have been appealing in a century that saw extensive conflict between financial institutions and the farmers who borrowed from them.229 The last image, the title page of Morgan’s novel, with his full name penciled in, came about because Morgan believed that the literary realm offered, if not a unique then a sophisticated apparatus for situating the relationship between risk and trust in 19th century America.

229 I do not have space to explore this further here, but the life insurance industry was extensively involved in debates about the gold standard.
Morgan’s faith in both life insurance and literature as well as his understanding of their importance are clear from the three epigraphs he gives *George Cardwell*. The first and last quotations are from the bible and concern the duty of husbands to widows and surviving family members. Buttressed and flanked by Timothy and Job are the words of Jenkins Jones, an English insurance executive made “famous” through the publication of life insurance pamphlets: “The practice of life insurance, in any country, indicates a state of society where high moral feeling and commercial confidence exist” (3). It is not surprising that Morgan was himself an insurance executive\(^{230}\) and wrote the novel because “[life insurance] is in need of a literature of a popular character, and it is to be hoped that its importance will, at no distant day, stimulate some friend of humanity to devote the talent which he may possess, in producing a popular treatise here suggested” (11).

*George Cardwell* is Morgan’s attempt to write a life insurance novel in the tradition of the sentimental novel. The life insurance industry would eventually become extraordinarily adept at creating advertisements that were essentially shorthand, illustrated versions of moments of sentimental endangerment. Writing in 1856, Morgan was not convinced that the shorthand of advertising was what the life insurance industry really required. He believed that getting Americans to buy the life insurance they should purchase would be a process that would look less like a sale and more like a conversion. It is for this reason that Morgan centers his novel around Mr. Pendleton, a man whose life is lost after recently being convinced that he should purchase life insurance. Pendleton assesses his thinking process thusly:

> although he did not altogether understand how it worked he was determined that in the morning when in the village where he had to go for the coffin he would at

\(^{230}\) Morgan wrote *George Cardwell* as the President of *Manhattan Life Insurance Company*. He eventually left to form his own company, the *North American Insurance Company*. He was president of the *North American* from 1872-1894.
once insure his life and afterwards go to the Judge and be “convinced;”

“converted” said he, “I am already satisfied that it is my duty, therefore I have but
one way to pursue. Curiosity and a desire for information may be satisfied at
another time.” (22)

In part, Morgan wants to “convert” his audience because some of the opposition to life insurance was situated in religious terms, but also because Morgan believed that advertising a product that people believed they should morally oppose only inflamed that opposition. Buying life insurance needed to be more than a sale in order to overcome the non-market resistance to that sale. With the benefit of hindsight he would have seen that the “conversion” he was attempting to write into being was already underway, though it was far from complete in 1856. Life insurance was already making its way into more popular literary forms and Americans were already beginning to buy more insurance policies.

At the same time, Morgan understood the limitations of his “pen” and did not believe his novel would properly answer his own call231 for “Life Insurance Literature” that would read “the minds of the people.” Yet, his introduction twins two images of a tree growing in the soil of the nation: the first tree is the tree of life insurance that both grows out of the soil of the nation and holds that soil together and the second tree grows from the seed of his book “bring[ing] forth fruit a hundred fold” (11). His own effort managed to stay in publication for a decade.232

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231 Morgan’s limitations aside, he was certainly committed to the relationship between art and insurance. Two of his sons became editors for insurance journals and he created a substantial art collection. He bought several works from American sculptor Hiram Powers (See Hiram Powers papers, 1819-1953, bulk 1835-1883. Archives of American Art, Smithsonian Institution.) and auctioned off part of his collection in 1879 (See Library of Nathan Denison Morgan Fine Art and Illustrated Works New York: George A. Leavitt, 1879 and also Report of the Special Committee of the Assembly Appointed to Investigate the Surrogates’ Court and Office of the County of New York. E. H. Fallows. New York: Wynkoop Hallenbeck Crawford Company, State printers, 1899.) The first is an auction list and the second contains the catalogue of Morgan’s estate when he died because the local probate court was being investigated for fraud and negligence).

232 The last edition of the novel appears to have been published in 1866.
The narrative of George Cardwell begins by introducing Mr. Pendleton, who is walking by his neighbor’s, Judge Mason’s, house. As it turns out, their mutual friend, George Cardwell has recently died. Cardwell has achieved the American dream. By collecting on a series of debts owed to him, he has accumulated enough money to pay off his mortgage. Still a young man, Cardwell’s future looks prosperous to say the least. Then Cardwell drops the bag containing the money he has just collected into a fire and in attempting to recover the funds is so badly burned that he dies. This moment serves two purposes in the narrative. Cardwell’s death is shocking and random, and because he dies with his capital, he leaves his family literally penniless. Even if Cardwell imagined that his family no longer needed insurance because he had accumulated that capital, because that capital was not secured, he should still have had insurance. Whether Cardwell had originally purchased insurance or canceled a policy is a subject of investigation for the first part of the novel. Judge Mason turns out to be a probate judge and Mr. Pendleton learns all about the difficulties families must endure when the primary wage earner dies.

In many respects the conversations between Pendleton and the Judge set-up the other relationships for the novel. Someone enters the narrative who is unconvinced about the efficacy of life insurance and they leave the scene convinced, providing Morgan with the opportunity to try out different sales scripts for different segments of the population. Judge Morgan is wealthy and owns life insurance, because he believes it is easier to manage and requires no attorney. Like Hepzibah in Hawthorne’s The House of Seven Gables, the Judge only has a “life interest” in his estate and his heirs will use his life insurance policy as a cash supplement until the estate makes its way through probate. Pendleton’s wife plays two roles at different points in the novel, the first is the religious objector: she “can’t see what right a man has to fight Providence” (33). Later in the novel she is the wife who cares too much about her husband to let him insure his life. Signing
a contract whose basis is the possible death of her husband is too disconcerting for her to continue the conversation. At the novel’s close the local minister and the Judge have an aside at Cardwell’s funeral where they discuss the “godliness” (as opposed to the godlessness) of insurance. As Cardwell’s body is taken to his gravesite, the hymn “Lord, let me know mine end” is sung. Opening with a request for a sinner for “the number of my days/That I may be certified how long I have to live” the hymn quickly moves to the Lord’s age, man’s vanity, and finally the understanding that numbering our own days (and buying insurance for those days) is really an attempt to understand that the Lord’s is a “world without end.”

The list of interactions and roles goes on, but the most important role in the novel is played by Pendleton. He has none of the various prejudices against life insurance expressed by other characters. He also begins the story without a policy and ends with one. Yet, at no point does he commit himself to a line of reasoning or even an explanation for his purchase. His “conversion” is the cumulative result of the conversations he has throughout the novel and is precipitated by a series of nightmares about his own death. While each encounter offers Morgan another chance to persuade a non-believing member of his audience, Pendleton’s conversion is an accumulation of the feelings and concerns expressed about death on both sides of the issue.

What Pendleton ends up buying “feels” less like a life insurance policy and more like a renewal in both his faith in God and his marital vows. When he explains his conversation to the Judge the Judge’s response is simply “Amen.” When he thinks about his conversion, he imagines that he has already been “compensated” for the cost of the policy in “The quiet sleep of last night, and the joy I now feel….I feel that I have recovered my youth, and taken a new lease of life” (42).
The relationship between literature and the insurance industry was, of course, not always one of mutual promotion. In Edward Everett Hale’s 1869 collection of short stories, *The Ingram Papers*, the story “The Rag-man and Rag-woman” begins with the “Rag-man” working in an insurance office that sounds more like a scam than a business:

The Office I was in was the newly establish ‘Methuselah and Admetus Life-Assurance Company.’ To say Assurance, instead of Insurance, is rather natty; it sounds English, and people fancy the Barings and the Bank of England pay the bills. ‘Methuselah’ was to attract the biblical, and ‘Admetus’ the classical gudgeons. For, though the great hope of man who insures his life is that he may be beloved of the gods and so die young, yet practically people insure in the vague feeling that they thus take a bond against Death, or turn him a cold shoulder. It is somewhat as you carry an umbrella in the hope of preventing rain.

(173-174)

Hale’s character does not seem to give credence to the idea that the individual purchasing insurance does so for the benefit of anyone else, like his beneficiaries. Here life insurance as practiced by stock companies[^233] is a scam because the space between what is calculated and what is paid is where the company makes its profit. Because the company is making the calculation, the game is rigged. In the same way the “Rag-man” literally makes his money from the miscalculation of other men. He runs a recycling empire and is one of the richest men in the

[^233]: Hale’s story ends up as a critique purely of stock companies. Hale demonstrates a rather extraordinary amount of knowledge of the life insurance business, mentioning specific actuarial tables by name (“O, I had shown him the Northampton tables, and the Carlisle tables, and the Equitable tables, and I repeated to him Cowper’s lines to the Registrar.’) and even explaining how life insurance companies in the 19th century attempted to make sure they underwrote policies only for healthy individuals.
nation. Short stories like Hale’s are direct responses to the kinds of arguments for insurance found in insurance-specific journals. These journals, the first of which was Tuckett’s Monthly Insurance Journal (1853), were one of the ways the insurance industry managed to get Americans to buy more life insurance: telling them that they were delinquent in seeing the value of the life insurance contract is a running theme. Equally, these journals announced a change in the perception of Americans. To this end, all of the insurance journals launched in the 1840’s and 1850’s echo the first issue of the United States Insurance Gazette: “the public have turned their attention to the theory and practice of insurance” (7).

The relatively few attempts to account for the public’s turn “to the theory and practice of insurance” and the staggering increase in the life insurance industry’s popularity (as measured by policies in effect) disagree about the actual causes for the eventual legitimation of life insurance in the United States. While all historical accounts of the industry agree that the United States lagged far behind Europe in the creation of a life insurance market and that the lag in life insurance contracts far exceeds the United States late adoption of insurance in general, the

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234 By 1872 the life insurance agent had become enough of an institution to be the subject of a play, “The Insurance Agent” by Harry S. Miller. Willie Wate, the insurance agent works for the “If You Get It” life insurance company, whose whole business model is to deny coverage so that your family can sue the insurance company and gain a degree of relative fame, which will then allow you wife to remarry. The play revolves around Wate’s seduction of “the lady of the house.” Sometimes individual companies responded to these fictional attacks by creating fiction of their own, like George Cardwell. For instance “Aleck and Pete, or The Hand of the Diligent Maketh Rich” was a short pamphlet written anonymously where two salesmen that used to room together meet again in the same town. Aleck has been off selling and not saving his money and Pete has stayed home, cleaned up his act and gotten married. Pete lays out how much he has saved from being abstemious and then they head out to meet his son, Aleck. Here the story makes Pete’s thriftiness through life insurance pay off in the addition of a new life. Where Aleck has nothing to show for his time away, Pete has both savings and a son. Pete’s primary form of savings is his life insurance policy. In fact, the purchase of that policy is what turned his life around. As it turns out, Pete had been drinking to avoid his fear of death, but life insurance has restorative properties: you do not have to worry about dying and so you do not die. Withstanding a few outliers like this one, the insurance industry’s primary response to these kinds of plots and representations of their practices would be the creation of their own journals and periodicals.

235 The earlier forms of insurance in the United States were marine insurance. Because Marine insurance could be written as short-term contracts (the length of a voyage) and clearly limited (to the value of an individual ship) marine insurance was an easier industry to start in Colonial America. Other forms of insurance, namely fire and life are far more capital intensive and therefore required both greater reserves and incorporation. See Mary Elizabeth Ruwell’s Eighteenth Century Capitalism: The Formation of American Marine Insurance Companies (New York:
reasons the life insurance market eventually exploded in the 1870’s remain controversial. Most 19th century accounts credit the invention of the mutual insurance company, which made the policy holders the owners of the company, getting rid of shareholders. Rather than using the profits of the company to reinvest, the profits of the company (when they exceed the amount necessary to pay out the policies in effect) are repaid to the policy holders through either dividend or a reduction in premium. This understanding was institutionalized by J. Owen Stalson in his 1942 book *Marketing Life Insurance*, where he pegged the creation of the first mutual life insurance company, Mutual of New York, in 1843 as “the Revolution of 1843.” Even as he labeled mutual companies revolutionary, Stalson rightly saw that the “mutuality” of the mutual companies did not in itself make them more profitable or more successful. In fact, most stock companies responded to the threat of losing business to mutual companies by either altering their pricing structure or creating mutual arms of their companies to compete directly with the mutuals. Recognizing this, Stalson’s thesis was that mutual companies were the first to aggressively market life insurance in America and so reaped the benefits of changing American minds about life insurance.

Viviana Zelizer radically altered Stalson’s thesis in her 1979 book *Morals and Markets: The Development of Life Insurance in the United States*. In Zelizer’s account the difficulties encountered by the life insurance industry required more than an advertising blitz. Rather than relying on aggressive marketing techniques, industrialization, or urbanization to explain the creation of the market for life insurance, Zelizer demonstrated that there were strong non-

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Garland, 1993) for more on the earliest forms of American insurance. That fire insurance companies were able to succeed shortly after the development of marine insurance companies suggests that life insurance was a unique case. See both Charles Benjamin Norton’s *Life Insurance: Its Nature, Origin and Progress; A Plain Exposition of the Principles of Life Insurance* (1852) and Jacob Lyman Greene’s *Life Insurance: Its Gradual Development in America, and the Past, Present, and Future of Certain Principles Inherent Therein* (1890) as examples.

Ibid.
economic factors at work. In her analysis, the cultural incompatibility of life insurance with the 19th century American marketplace is only overcome once life insurance is seen as an aide to widows and orphans rather than a commodification of human life. She does not argue that advertising, industrialization or urbanization were not a vital part of this transition, only that these factors cannot alone explain American’s reconsideration of life insurance. As the introduction to this dissertation makes clear, I believe Zelizer’s account of the creation of the life insurance market is deeply persuasive.

Yet, the most recent book-length history of the American life insurance industry, Sharon Ann Murphy’s *Investing in Life: Insurance in Antebellum America* (John Hopkins UP, 2010) attempts to reverse Zelizer’s account of the non-economic factors involved in creating the market for life insurance. For Murphy, the answer to the Stalson’s observations about the growth of life insurance during the 1840’s boils down to one thing: price. Life insurance was too expensive (because of actuarial cautiousness) prior to mutual companies and the reduction in the price of insurance meant that insurance was a more appealing product. In a rather strange twist, Murphy—who is essentially arguing that life insurance needed to reach a certain price point to become viable—is dismissive of standard economic accounts of the paucity of demand for insurance. That is, where economists have long contended that life insurance was cheap enough to be well within the self-interest of a large portion of the American population, Murphy claims that Zelizer’s account of the non-economic factors at play is based on a misreading of historical documents. Though she conducts nothing more than a rhetorical analysis of “price” Murphy wants to insist that when the price was right, people bought.

Murphy’s historical documentation of the insurance industry is thorough and well conceived, but her commitment to price as the explanatory factor in the rise of insurance is
overly simplistic. People have bought life insurance that was actuarially too expensive at various moments in the twentieth century. Actuarial data is built upon past life expectancies. Because of medical advances that the life insurance industry had yet to factor into their actuarial models in the late 1970’s, members of the baby boomer generation, who will live far longer than their parents, paid “too much” for the life insurance they were able to buy during that period. As a matter of fact, anyone reading this that has bought life insurance in the past ten years is probably part of a cohort of individuals that have “paid too much” for life insurance. Of course, if you know anyone that died in the past thirty years while maintaining a dependent and had life insurance, you understand the subjective nature of “paying too much” for life insurance. The “expensiveness” of life insurance (in relationship to actual actuarial calculation) is a rather limiting explanation for why an entire country begins to invest in life insurance.  

Murphy’s chief objection to Zelizer is that Zelizer’s claim that the expansion of the industry required acclimating “Theological concern with personal immortality” with “social forms of immortality” (30) is unfounded as it relates to the American experience. Rather, the resistance to life insurance Zelizer articulates is a historical reality, but only in England, France and other European countries. America, in Murphy’s reading, is unique in this regard. To this end she suggests that the Civil War was the defining historical moment in American’s coming to terms with life insurance. Like Zelizer, Murphy writes against Stalson’s “mutual” company hypothesis, and attempts to replace the “goodwill” of the mutual company with the more general “goodwill and publicity engendered with payment of each death claim associated with” the Civil War. That is, the American public gained both a “heightened awareness of mortality” and trust for life insurance companies through the performance of those companies in the Civil War. In theory, this reading of historical events should only necessitate a change in Zelizer’s dating of this transition, from the 1850’s to the 1860’s. Yet, Murphy insists that there is more wrong with Zelizer’s analysis than dates. In a rather extraordinary misreading, Murphy argues that Zelizer’s understanding of American historical development conform[s] to that of The Market Revolution: Jacksonian America, 1815-1846, in which Charles Sellers presents two competing view of Protestantism: as an antinomian strain that fought the encroachments of the market into all aspects of American life, and as an Arminian strain that ‘sanctioned competitive individuals and the market’s rewards of wealth and status. (210)  

She goes on to argue, as I do in the introduction of this dissertation, that a view like Sellers overemphasizes the discomfort Americans felt with the market at large. What is interesting here that that Zelizer is conflated with the leading Marxist historian of the 19th-century. Where Zelizer to read Murphy’s account she would have to be shocked and not just because Zelizer has spent a good bit of her career answering criticisms of her understanding of the relationship between markets and morals from Marxist sociologists. More to the point, her attack on Zelizer’s concern with an element of opposition between “theological” immortality and “social” immortality (wanting to be “saved” when you die versus wanting your family to be safe after you are dead) misses the point of “theological” for Zelizer.
Murphy goes to great length to prove that theological organizations were actually in the forefront, not acting in rearguard resistance, to the life insurance industry. As a point of fact, this is true. Theological organizations were some of the first institutions to see the value of offering life insurance policies to their clergy. Most members of the clergy were not wealthy and would leave behind a poor family with no visible means of support without an insurance policy if they were to die unexpectedly. Yet, Zelizer writes extensively about the same theological organizations Murphy cites without seeing their existence and requiring any form of qualification. She uses the term “theological” to capture the conflict between the sacred and profane, beliefs that life insurance intrudes upon social institutions (like kinship and burial) that are beyond the purview of the market. Zelizer does not need these views to be expressed by an official member of the clergy for her understanding of a conflict between the sacred and profane to hold. Her terminology is also not meant to commit her to an understanding of a stark historical shift in Americans’ relationships to market transactions along the lines of Charles Sellers. She uses the same terminology to discuss the ways that 20th century Americans understand gift cards to be acceptable gifts in instances where cash would be considered “profane.” Murphy is not wrong that Zelizer’s text is thinly sourced in comparison to hers. With less than a third of the length, with less than a third of the endnotes, and with a theoretical focus—it would be strange for *Morals and Markets* to have to kind of historical specificity provided in *Investing in Life*. Where Murphy’s analysis falls short is her commitment to using price, defined as a purely economic calculation, to determine why Americans in the 19th century “turned their attention to the theory and practice of insurance.” Price played a role, but price is only a partial explanation for the appeal of insurance.
In perhaps the most significant, if undervalued, novel written about the insurance contract in the 19th century, price does not explain the appeal of the life insurance contract. In fact, what interests Amelia Shackelford, the author of one of the first “proto” science fiction novels in American history, in her novel *Madelaine Darth* is precisely the line between sentimentality and disinterestedness that life insurance companies were trying to walk during the decade she published her novel. In fact, Shackelford appears to write the novel for the express purpose of marking the importance of the line between sentimentality and disinterestedness. There is no insurance company agent to pool risk or work in Madelaine Darth’s interest in the novel, Shackelford has that role played by attorney/detective Roger Tiernay, but the novel—despite

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239 I have tried to choose my words carefully here. I want to avoid suggesting that Amelia Shackelford is an undiscovered early science fiction writer. She has, in fact, been “discovered” for quite some time. Her work has been featured in several “pulp” collections over the course of the past twenty years. Two of her short stories, “A Celestial Visitant” and “Ambria Browning: How Did She Die?” have been reprinted in several science fiction magazines in the last twenty years. Most notably, her work has been featured in *Pulpdom*, a literary magazine that both publishes critical appraisals of the science fiction pulp tradition and reprints original pulp magazines stories. At the same time, the reprinting of these stories has not accompanied an appraisal of Shackelford’s work. In fact, some of these reprintings have contained mistaken pieces of biographical information. Most importantly, to my knowledge it has gone unnoticed that she wrote two novels in addition to her shorter works.

240 Both of her reprinted stories have generated interest because they are exemplary instances of what has come to be called “proto” science fiction. While there are several “origin” stories for the genre of science fiction, those origins are well beyond the scope of this dissertation. At the same time, it is certainly a key feature of *Madelaine Darth* that the text is written as the detective story was solidifying itself as a genre (a brilliant detective and a crime the police cannot solve) and as science fiction was not recognized as its own genre. Essentially, the novel is a detective story, but it gives clues as to its outcome through science fiction stories told to characters in the novel. For someone who makes extensive use of the distinction between “proto” and “real” science fiction see the work of Damien Brodrick, especially *Reading by Starlight: Postmodern Science Fiction* (1997). For someone who collapses the distinction between proto and “real” science fiction, see Adam Roberts’ *The History of Science Fiction* (2007). Robert’s takes up the seemingly arbitrarily precise starting date (the publication of *Frankenstein*) in Brian Aldiss and David Wingrove’s *The Trillion Year Spree* (1973) and argues instead for the Renaissance as the moment where there was enough faith in science to justify science fiction. For comparison’s sake, the American author most often referred to as “proto” science fiction writer is Edgar Allen Poe. Shackelford’s shorter works do bear some resemblance to those of Poe, though her conspicuous fascination with women’s inheritance rights is missing from Poe.

241 Roger Tiernay is an early forerunner of the fictional “detective” figure who would become, in the hands of writers like Raymond Chandler, even more jaded and “unsentimental.” In her shorter fiction Shackelford calls her attorney/detective character E.L. Ford, her pseudonym for *Madelaine Darth*. Surely meant as an inside nod to some
its detective story plot and science fiction interludes—treats the purchasing of life insurance as the exemplary action of a “good” husband. After the death of one such husband, Madelaine Darth ends-up with a husband we are lead to believe lacks the “prudence” of her first husband. This is the “sentimental” trap Shackelford sets for her heroine, one Madeline falls into without even the reader realizing it is a trap until it is too late. To say the novel’s goal is simply to impart advice to women in the selection of a husband would be to oversimplify Shackelford’s narrative, but this is certainly part of the novel’s subtext.

The plot is fairly complex as the novel is presented as outtakes from various primary sources. How all of these primary sources come to reside in one text is never explained, though most of them are gathered through the efforts of attorney Roger Tiernay, whose “narrative” or “journal” is the most prominent and frequent “source” in the narrative. We also are given extensive access to the journal of Madelaine Darth, a young woman who has lost her memory. We will later find out that she has recently been married to Karl Hartzell, though the name “Hartzell” will elude Roger Tiernay for much of the novel. Her marriage is so recent that none of the documents or letters she is carrying when she loses her memory bears her husband’s last name. The inability to discover the last name of her husband means that Tiernay does not know that the life insurance company has paid Karl Hartzell’s policy to his half-brother in the absence of Madelaine. The life-insurance fraud that will reveal Madelaine Darth’s identity as Madelaine Hartzell, and allow Roger to present Madelaine with both a history of her past and ten thousand dollars takes almost the entire novel to unravel.

of her readers, this divide between Tiernay and Ford has caused the novel to be catalogued improperly. Interestingly, like Edgar Allen Poe’s use of C. Auguste Dupin, Shackelford returns to Tiernay/Ford and threads him through several narrative arcs. Unlike Dupin, Tiernay/Ford sometimes plays a minor role. Shackelford actually developed two types of “detective” characters; Tiernay/Ford is an attorney whose dedication to his clients lends him to detective work and Monsieur d’Arteau is a detective whose preternatural ability to solve crimes is more directly reminiscent of Poe’s character. While d’Arteau plays a small role in Madelaine Darth, he is the central detective in her shorter detective stories.
In the meantime, it is lucky for Madelaine that she loses her memory, after an illness, in the presence of Mr. and Mrs. Matteson. She is in good hands because the Mattesons are childless, comfortably wealthy and also so “unmarked,” “common” and “bland” that the idea of maintaining Madelaine while they hire Tiernay to search for her identity is appealing to both. It seems like the mystery of Madelaine Dart will be the most exciting thing to ever happen to the Mattesons. After meeting the Mattesons as a passenger in the same stage-coach, Madelaine Dart falls ill. When she recovers she claims to have lost her memory. Until we are given access to her journal, where she writes of her difficulties coming to terms with her amnesia, it is not clear whether she has actually lost her memory or if her memory loss is being feigned. Even after Tiernay has a doctor analyze Madelaine and he determines that she is sincere in her inability to recall her previous life the easiest explanation for the events of the novel is that Madelaine Dart is someone looking to escape her past, probably in an attempt to defraud a life insurance company. After Tiernay takes the case, as it were, we are led throughout the Midwest, with stops in Chicago and various small towns. We are also taken as far away as England and Egypt through the related stories of those Tiernay meets in his attempt to discover the identity of Madelaine Dart.

The novel opens with a retrospective account of what Roger Tiernay understands as the defining cause of the narrative:

Perhaps if I had been more of a sentimentalist and less of a lawyer the events I am about to relate would never have occurred. It is certainly true that had I not possessed the lawyer-like attributes of method and exactness this story could never have been written. The dreamer neither records dates, nor remembers causes
This is no sensational tale. I shall give you the clue, even as quietly as Fate placed it in my unsuspecting palm, and you shall follow it as blindly and laboriously as I followed it to the end of the tangled skein.”

So much for the prologue. The play opened thus: (1)

What Tiernay means by “sentimentalist” and how it works in opposition to his status as a lawyer is not clear for some time. Like the broader structure of the novel, where we do not even know that we have been given the “clue” to figure out the identity of Madelaine Darth—the life insurance taken out by her husband—in the opening pages of the novel, it is hard to see that the novel will be resolved not with the discovery of Madelaine Darth’s identity, but with the resolution of a love triangle between Madelaine Darth, Roger Tiernay and a “college youth” featured on only ten pages of the novel, Jim Rainey. Both of these delays happen by design and are interrelated.

The “clue” to the solving the mystery at the heart of the novel (Who is Madelaine Darth? How did she end up on a stage coach with no memory of her past life?) is a throw-away line. It is given in an outtake from a series of letters Roger Tiernay reads when he takes the case from Matteson. The letters (and the stitching of her name inside her clothing) are the only clues to the identity of Madelaine Darth. Buried in one of the love letters between two newlyweds named Madelaine and Karl (It is clear from the letters that Madelaine has married Karl while he is on leave from the Union Army.) is a line from Karl regarding his recent purchasing of life insurance: “I nearly forgot to mention that at St. Louis I took out a life insurance policy for $10,000. Of course, woman-like, you will not understand my prudence, but will superstitiously believe that I have hastened my death. Well, so be it (4).” That Karl might now be dead at first
suggests that he was unwise to dismiss her wife’s “woman-like” concerns. Yet, by the close of the novel we understand that Madelaine’s Darth choice of Jim Rainey over Roger Tiernay is a mistake because she has chosen the “sentimentalist” over the attorney.

Once she has figured out that Tiernay would in fact make a better husband she is already “signed, sealed and delivered” (70) to Jim Rainey in the words of Mrs. Matteson. She has chosen a “sentimentalist” rather than her attorney. As a result, her future—though not depicted in the novel—looks the worse for having made this choice. This sense of regret and dread is driven home by the fact that, though she has no memory of the relationship, Madelaine has trusted a “sentimentalist” before. The half-brother of her husband is a “sentimental” photographer who cheats her out of her inheritance and is content to leave her destitute and with no knowledge of her past. There are certainly more subtle clues to the incongruity of the match between Madelaine and Jim. The architect of the relationship is Mrs. Matteson, who is depicted as earnest, but less than subtle for most of the novel. Thus, what Tiernay means when he suggests that being an attorney rather than a “sentimentalist” has made all the difference to the narrative is that had he simply accepted Madelaine Darth’s story at face value, he would have courted and married her without finding her past identity or her ten thousand dollars.

This is made dramatically and sensationally clear as Shackelford has Tierney move down investigative dead-ends whose only payout ends up being a series of stories he hears. The first of these stories is told by a one-armed man who balks at being an object of sympathy within a group of travelers on a train. Asked to tell his “poor man’s” story, the man balks and instead reveals that he is not to be pitied but feared. He is looking for, in order to murder, a man who attempted to bury him alive in a grain silo.
His arm is broken and in his fall and had to be amputated after he was rescued. He has a lesson and a riddle for his shocked audience. The moral of his is story is “If, as I have read somewhere…man’s life is made up of accidents, then the history of my life would prove the truth of this assertion” (39). His riddle is how “I got something I can’t sell, nor can I buy that something for nothing” (40). He is speaking about his lost arm and how each man looking at his empty sleeve has failed to put a “big [enough] price upon your arm” (40). Neither this story nor “The Mummy’s Soul,” which follows, has any effect upon Madelaine Darth or Roger Tierney. The stories seem to be included to emphasize the proper kind of “price” one should put on something like a life, an arm, or a soul. In “The Mummy’s Soul” an archeologist inadvertently unleashes a vampire bug containing the soul of mummy, only to have the bug devour both the soul of his wife as well as his own. The “fascination” and the “slavery of the mind” that befall the archeologist and his wife in their descent into “enslavement” to the “music” of the fly seem rather far removed from Madelaine’s choice between Tierney and Rainey. The melodramatic ends reserved for characters in these interludes are certainly beyond the probable outcomes of marrying a “sentimentalist.” At the same time, what unifies Madeline Darth is the way that life insurance, and its balance between sentiment and disinterest, has become a way to think through the institution of marriage in Madeline Darth.
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Chapter Six
Twitches and Trigger-fingers: Accidental Homicides in Robert Penn Warren’s *All the King’s Men*

**The State as Heir**

Just because he inherited a little money and the name Miller he thought you could have everything. Yeah, and he wanted the one last damned thing you can’t inherit. And you know that it is?” He stared in Adam’s face.

“What?” Adam said, after a long pause.

“Goodness. Yeah, just plan simple goodness. Well you can’t inherit that from anybody. You got to make it, Doc. If you want it. And you got to make it out of badness.” (386)

—*All the King’s Men*

In my final chapter I examine Robert Penn Warren’s *All the King’s Men*, a literary text that I believe is fascinated with the growing role of the state in the inheritance process. I argue that *All the King’s Men* is a broad critique of what Warren would come to call the “Power State” and that Warren’s target in the novel is the kind of fascination created by the merger of the State and the economy. I stress that inheritance is a loaded term for Warren; inheritance implies not only the inheritance of wealth, but also the inheritance of culture.

In the previous chapter I made the argument that 19th century authors were successful in helping to persuade the American public to buy life insurance; they were able to make the case that the creation of a market for life insurance was a legitimate intertwining of market activity and moral valuation. The focus of this project has been on a particularly 19th century fascination with inheritance—one that I have argued is not a retreat from an expanding market economy, but an engagement with a debate about that economy. Published in 1946, *All the King’s Men* is by no stretch of chronology or imagination a 19th century text. At the same time, Warren’s text uniquely registers the increasing role of the state in altering inheritance patterns as well as the
state’s role as heir in the twentieth century. I have chosen to close this project with *All the King’s Men* for this reason, but also because Warren is both sympathetic to the goal of limiting the inheritance of inequality and deeply concerned by the use of the state to achieve this goal.

The main character of the novel, Jack Burden, narrates the novel’s plot as a series of “historical research” projects. The central historical “clue” in the most important of these projects revolves around a life insurance contract. Unlike Amelia Shackelford, Nathan Denison Morgan and Elizur Wright, the authors I focused on in my last chapter (who wrestled with the proper role of life insurance and constructed it as a form of solidarity), Warren uses life insurance as a stand-in for the illegitimate “statistical” commodification of human life he sees in the “Power State’s” combination of the economic and the political. Unlike Amelia Shackelford, Warren does not see insurance as a possible model for the expansion of sentiment and solidarity. Rather, Warren sees the logic of collectivizing risk as a threat to the social and the aesthetic spheres. I will stress that I do not see the economic, even when paired with the state, as the threat to the social sphere that Warren imagines.

**A Novel Performing the Death of Art**

The epigraph to this chapter is from one of the pivotal moments in *All the King’s Men*. Governor Willie Stark—the Machiavellian, Hughie Long figure at the center of the novel—is making a pitch to Adam Stanton to have Stanton head-up Long’s publicly funded medical center. Stanton goes on to accept the position, which leads to his discovery that Stark is having an affair with his sister, Anne Stanton, and Adam’s assassination of Governor Stark. The only other witness to the conversation is the protagonist of the novel, Jack Burden, and Burden’s guilt leads
him to return to Stark’s justification for political corruption throughout the close of the novel. It is his understanding of the impossibility of inheriting “goodness” and his version of to “make” goodness “out of badness” that leads Stark to attempt to completely remake the State. Stark’s remaking of Louisiana works in the novel as shorthand for Franklin Roosevelt’s New Deal and the broader expansion of the government into arenas once firmly private. Warren worked on a number of different versions of the novel, and the expansive role of the state was central to all of them. Yet, it was only once he had settled on narrating the story of Willie Stark through the eyes of Jack Burden that he felt he had adequately captured the “involvement of the spectator’s own inevitable deep tensions” (“A Note to All the King’s Men” 476).242

Why, then, is Jack Burden so integral to capturing the “involvement of the spectator[]”? The rise of Willie Stark from “hick” lawyer to Governor of Louisiana, seen through the eyes of Jack Burden, reveals how the interaction between the market and the state can come to fascinate and distract. Once we are so distracted that the two blur together, we lose the ability to tell the difference between the human being as “person” and the human being as “adding-machine,” to use one of Warren’s distinctions. Warren’s novel attempts to perform a spectacular feat for a work of art: imagining the elimination of the aesthetic. In Warren’s estimation, the realm of the aesthetic representation offers mediation between the economic and the social, two realms the “Power State” attempts to blur together. The Louisiana of Willie Stark is one where the aesthetic has been eliminated as a mediator between the economic and the social. For Warren, we inherit an aesthetic through tradition, and both tradition and the aesthetic are devoured by a state run marketplace.

242Warren wrote several accounts of his composition process for the novel. “A Note to All the King’s Men” was one of the first. Published in The Sewanee Review. 61:3, (1953), 476-480, Warren used this “Note” to respond to critics of the novel’s political implications.
As Carole Shammas, Marylynn Salmon and Michel Dahlin argue in *Inheritance in America*, the changes Warren was reacting to were rather spectacular. Because of the expansion of the state into the intergenerational transfer of wealth, not only has “the federal government been a principal heir to the fortune of every affluent American decedent” (125) since the passage of the estate tax in 1916, but the “establishment of social insurance—social security and Medicare—and their companion, the old age pension…transformed old age and made the elderly more financially independent than their counterparts in previous centuries” (123). Warren’s novel hinges upon a life insurance scam and ends with Louisiana taking over the estate Jack Burden has inherited from Judge Irwin, a man Jack has recently discovered is his biological father. Jack lets the state take the estate both because he feels guilty for being the cause of Judge Irwin’s suicide—he allows Judge Irwin to believe that he would be blackmailed with the information that the Judge had been bribed when acting as the Attorney General of Louisiana—and because he believes he has learned enough from his time as “historian” or “researcher” for Governor Willie Stark to “fix” the corruption Stark unleashed upon Louisiana:

But I would have to go on the money from Judge Irwin. And that particular money, which would have made the trip possible was at the same time, paradoxically enough, a bond that held me here. To change the image, it was a long cable to an anchor, and the anchor flukes clung and bit way down there in the seaweed and ooze of a long time past. Perhaps I was a fool to feel that way about my little inheritance. Perhaps it was no different from any other inheritance anybody had. (541)

At the same time that Jack Burden suggests that “perhaps” his inheritance is “no different from any other inheritance,” he registers the way his inheritance is not functioning like a commodity,
which is presumably how “anybody” feels about their inheritance. We are left to believe that Jack has successfully avoided the world where everything is for sale. Instead of taking the money on the run, Jack Burden, we are left to imagine, helps Hugh Miller devise a way to mitigate the effects of inherited wealth without recourse to the kinds of solutions Willie Stark attempted.

The argument that Warren makes about the threat of commodification to art is unique in the sense that it is the combination of the state and the economic that turns commodification into a threat, but the idea that the commodity is a threat to art is perhaps one of the defining tropes in aesthetic theory. In my first chapter I examined Harold Bloom’s account of how New Historicism, and all that has followed, has turned aesthetic theory away from an account of aesthetic value and towards a mistaken understanding of the ways that aesthetic values are used to reproduce economic values. For Bloom, understanding literature as a commodity looks something like the death of art. Even as Bloom’s own theory of competition suggests that no such death is possible, he grew increasing insistent that this turn away from the aesthetic was, at the very least, a profound limitation on the future of art.

Unlike Bloom, who is deeply uncomfortable with the idea of interpretation, Warren’s novel posits interpretation as the solution to the problem of the blurring of the destruction of aesthetic value by the merging of the state and the economy. It is Burden’s ability to interpret Willie Stark that gives him the ability to avoid the fascination and distraction of the state merged with the economy. It is also this ability that allows him to avoid the fate of his biological father, who (having discovered that Jack is actually the son of Judge Irwin) has withdrawn from society. At the moment we meet him, Jack’s father—who is called “The Scholarly Attorney” in Jack’s

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243 One could devote a chapter or more to this trope and this has been done elsewhere. See David Carrier’s *Artwriting* (1987) for an examination of just how pervasive this trope has become within a specific field of aesthetics. Carrier is perhaps overly dismissive of all arguments purporting to establish something like a Hegelian “end of art,” but the extent to which he is able to read such a wide variety of theorists (Michael Fried, Rosalind Krause and Jacques Derrida) as imagining various “deaths” of art is in itself quite telling.
narration—has taken in an “unfortunate” who uses masticated bread to create sculptures and reliefs of angels. Interpretation allows Jack to avoid his father’s withdrawal while also avoiding the fascination and distraction created by the New Deal’s merging of the state and the economy.

Warren was not the only American author uncomfortable with implications of the New Deal. He was not even the first to imagine that the life insurance contract could be useful for creating a veiled critique of social insurance programs. Both James Cain’s *The Postman Always Rings Twice* (1934) and *Double Indemnity* (1936)\(^{244}\) use murders that look like suicides to set-up plot twists that take aim at the New Deal. Yet, Cain’s treatment of murders created to look like accidents and to earn insurance payouts seems to make the argument that social insurance encourages people to take risks they would not normally take. Social insurance comes to look like “too much” insurance. In Warren’s hands, the difference between a murder and suicide is not a means for critiquing “too much” insurance, which can end up seeming like a critique of bureaucracy in general. Rather, Warren blurs suicide and murder in ways that allow him to challenge the very idea of pooling risk. Because of this, Warren’s novel is a much more substantial challenge to the “Power State.” In Chapter Five I demonstrated the lengths that insurance companies went to justify just such a pooling of risk in the 19\(^{th}\) century. Warren’s novel sought to undo all such efforts.

My reading of Warren’s critique of the New Deal is indebted to Michael Szalay’s *New Deal Modernism: American Literature and the Invention of the Welfare State*. Szalay’s documentation of the importance of the state in relationship to literary production is instructive in several regards. Most importantly for my purposes, in *New Deal Modernism* Szalay avoids

arguing that the effects of social insurance (or other market based interventions) are an illegitimate replacement of social alliances with economic ones. In this, Szalay’s treatment of insurance in the literary realm is unique.245

In a more recent article, “All the King’s Men; or, The Primal Crime” (Yale Journal of Criticism, 15. 2 (Fall 2002): 345-370.) Szalay offers his own reading of Warren’s critique of the New Deal, but he is more interested in establishing Warren’s and Norman Mailer’s post-WWII commitment to a Freudian politics based upon “identifications” with African Americans than with Warren’s pre-war politics and aesthetics. I agree with Szalay that Warren’s racial politics and his broader economic politics are tied together since they both result in a “gradualist” position that he sees mediated by a commitment to “individual responsibility’ as opposed to the turning of men into machines with “statistics” and “facts.” Yet I do not follow Szalay in believing that “Warren’s novel works relentlessly toward the unstated conclusion that Stark’s assassination is something like a racial crime” (367). Race plays an important role in Warren’s thinking about the state, but Stark’s assassination is not an “identification” meant to reach across racial lines. I also disagree with his commitment to a reading of All the King’s Men where “we remain uncertain of whether Burden’s politics leave him closer to [Judge] Irwin or [Governor Willie] Stark” (347). I believe Jack Burden has left Governor Stark behind and has aligned himself with an updated version of Judge Irwin in the form of Hugh Miller. Burden’s commitment to interpreting Stark does not represent a commitment to Stark’s politics, but a

245 The other significant treatment of the relationship between literature and insurance in the late 19th and early 20th centuries, Jason Puskar’s Accident Society: Fiction, Collectivity and the Production of Chance (Stanford UP, 2012), argues that social ties and empathetic connections are lost when losses are compensated by either the state or an insurance company. Puskar’s argument focuses on how literary texts help to “produce” accidents by making them more visible. In so doing he avoids the mistake of made in Eric Wertheimer’s Underwriting: The Poetics of Insurance in America, 1722-1872. Wertheimer makes the mistake of reading insurance as metaphor for individual, rather than communal loss. Puskar avoids trivializing the collective risk in this manner, but he does finally argue that risk threatens social ties when undertaken by “formal” entities like corporations and states : “chance is a name for the active decoupling of actions from agents” (10). That is, once corporations and states take over social responsibilities once performed by, say, the family, the social component withers.
commitment to interpretation and Warren’s concomitant politics of interpretation. That is, Warren intended for *All the King’s Men* to function in a similar manner to Stanley Fish’s reading of Milton’s *Paradise Lost* in his groundbreaking book *Surprised by Sin: The Reader in Paradise Lost* (Harvard UP, 1967). In *Surprised by Sin*, Fish argued that *Paradise Lost* gives the reader the experience of being Fallen. By treating reading as having the ability to grant an authentic theological experience, Fish is able to argue that every time a reader identifies with the devil or finds a devilish action appealing (or a godly action repulsive) that same reader has the opportunity to reflect and see themselves as a sinner. This opportunity is an equal opportunity to be saved. Warren’s texts are always replete with theological arguments, but here I believe he constructed a secular argument that works like Fish’s Milton: The reader of *All the King’s Men* is given the experience of being fascinated by the rise of Willie Stark through the eyes of Jack Burden in order to undo America’s fascination with combining the state and economic spheres.

**The Death of the Reader: *All the King’s Men* as Formalist Detective Novel**

Given the imagined death of the reader that begins *All the King’s Men*, the various images of crumpled automobiles that populate the novel and the fact that we first meet Jack Burden and Willie Stark in a car driven by Sugar-Boy (who has a “twitch” and “whip[s] around a hay wagon in the face of an oncoming gasoline truck”), anyone could be forgiven the mistake of thinking that both life and car insurance were going to be profitable narrative investments (*ATKM* 1). That Robert Penn Warren hinges the plot of the novel on a life insurance payout might even make the investment seem like a sure thing. Yet, the payout in question is fraudulent. Mortimer L. Littlepaugh’s death was not an accident, but a suicide. Since the life insurance
policy that his sister collects has a suicide clause, she shouldn’t have been able to collect from the insurance company. Yet, fraud does not cost the insurance corporation its solvency, and Jack Burden tells Miss Lily Mae Littlepaugh “Don’t be afraid of the insurance company. That was long back” (*ATKM* 226). This is true enough, as Jack Burden is not an insurance investigator. But he does want to know Lily Mae’s reason for believing that “It was an accident…he did it, but it was not his fault” (*ATKM* 225). What Lily Mae believes is that Judge Irwin killed her brother because he took Mortimer’s job at the American Electric Power Company (and 44,000 dollars worth of stock) as a bribe and that, then Governor, Stanton killed her brother because he hid Judge Irwin’s acceptance of the bribe. For Lily Mae, the “He” who killed her brother was both Judge Irwin and Governor Stanton.

But much more disturbing (for anyone hoping to buy or provide insurance within the narrative logic of *All the King’s Men*) than Lily Mae Mortimer’s justification of insurance fraud is that the narrator, Jack Burden, claims that there is no *actual* difference between suicide, murder and accidental death. Jack is perfectly willing to claim “every man a suicide” and that Mortimer Littlepaugh\(^\text{246}\) is responsible for the death of Judge Irwin some twenty years after Mortimer’s suicide. This is an explosion of causality through the “accident of circumstance,” about which an older and more knowledgeable Jack Burden says: “many things happened and [the younger Jack] did not know when he had any responsibility for them and when he did not. There was in fact a time when he came to believe that nobody had any responsibility for anything and there was no God but the Great Twitch” (*ATKM* 435). The Great Twitch is the reduction of all human action to events, twitches, which makes the individual responsible for

\(^{246}\) The name Mortimer Littlepaugh appears to be a rather obscure play on words that would give away Penn Warren’s politics, and not just an apt character name that indicates the pathetic nature of Littlepaugh’s character in the novel. Mortmain is a legal term that means “dead hand” and is used to describe perpetual property rights granted by the state. Warren is advocating for the shrinking of the welfare state, literally a “little” “paugh” in place of a larger “dead hand.”
everything and nothing at the same time. The younger Jack’s claim that suicide and accidental death are the same eliminates the possibility of establishing the motive of an event (Did he pull the trigger or did his finger twitch?) and once the distinction between murder and suicide has been lost it becomes impossible to determine who is actually liable for an event (Did my father kill himself or did I kill my father?). More disturbing than insurance fraud is the impossibility of ever detecting fraud or determining liability.

If the collapse of motive and fault do not appear disturbing to Jack Burden, they have to most critics of the novel. Famously, the first reviews of the novel believed that the author failed to find fault with Governor Willie Stark, who seems to desire a dictatorship more than a democracy, and further claimed that Robert Penn Warren had made the not so difficult leap from Agrarian to fascist sympathizer. Others have faulted Warren for failing to choose between writing a “political” novel about Willie Stark or a “philosophical” novel about Jack Burden. More recently this claim has been rewritten as a fault in the philosophy of Warren’s New Criticism. The novel is said to be merely about politics, while following New Critical principles to such an extent that its reception has mimicked the fate of New Criticism, and consequently has been read as either apolitical or “anti-political.”

W.M. Frohock bridged the gap between these two positions (Warren as Agrarian vs. Warren as New Critic), by hanging “Mr. Warren’s Albatross” in such a way that the “fantasy” of Warren’s agrarianism produces the irrelevance of motive that characterizes both his criticism and his characters. I have a certain amount of sympathy for Frohock’s reading of the novel, if only because I also believe that any reading of the novel that makes Warren’s Agrarian and New Critical thought antithetical to the novel’s meaning has made an egregious miscalculation. But if Dr. Frohock would have read Warren’s

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247 Here I am quoting John Whalen-Bridge, whose work on Warren in Political Fiction and the American Self (1988) can be taken as exemplary in this regard.
248 This is the title of Frohock’s chapter on Warren in The Novel of Violence in America (1950).
own interpretation of Coleridge’s albatross in “A Poem of Pure Imagination,” he would have known that there was motive behind Warren’s apparent “motiveless” characters.

Published in the same year as *All the King’s Men*, “A Poem of Pure Imagination” is an elaborate defense of Coleridge’s intention in “Rime of the Ancient Mariner” and his development of the motive of the mariner; within this assessment Warren claims that the “the individual becomes a responsible agent” once “the iron chain of necessity” is broken through the realization that “There is no previous determination of the will, because the will exists outside the chain of cause and effect” (*New and Selected Essays* 358, 359). While this is a rather quick pastiche of Warren’s argument that borders on a collapse of Warren and Warren’s interpretation of Coleridge, it should be clear that he isn’t destroying the “chain of cause and effect” in an effort to destroy the idea of motive; he is asserting that without motive or “will,” cause and effect are meaningless. The only “thing” capable of giving meaning to things and their effects is an agent with “will.” Therefore, without an adequate assessment of “will,” there is no object worthy of interpretation (one that has meaning) and no perception that is not objectification.249 Jack Burden’s conflation of murder, suicide and accident turns individuals into will-less machines whose “twitches” are events recorded as “facts” rather than actions that can be understood by interpreting the “will” of an individual.250 The various “machine-men” (who

249 A commitment to intention need not be understood as oppositional to an objectification, mechanization and the commodification of interpretation. Neither E.D. Hirsch Jr., nor Walter Benn Michaels and Steven Knapp, perhaps the three most well known “intentionalists” within literary criticism (both Hirsch’s “Objective Interpretation” and Michaels and Knapp’s “Against Theory” are anthologized in the Norton Anthology of Theory and Criticism), make this construction. While Hirsch’s arguments regarding intentionalism are usually connected obliquely to a politics and to a method of interpretation, Michaels and Knapp argue that intentionalism does not require a politics, or a methodology. The link I am making between interpretation and ideology is limited in scope to Warren’s brand of intentionality.

250 Warren makes this precise point regarding the Mariner’s murder of the albatross in his explication of Coleridge: “But why did the poet not give us a literal murder in the first place? By way of answering this question, we must remember that the crime, to maintain its symbolic reference to the Fall, must remain motiveless. But the motiveless murder of a man would truly raise the issue of probability” (361). I believe Warren’s own contemplation of “motive” and “motiveless” crime in *All the King’s Men* is precisely designed to call forth an examination of probability in the form of the calculations required for social insurance.
operate, shoot, drive, think and write automatically) and the political machine of Willie Stark (which passes legislation, gets votes and administers “justice” automatically) are “things” that use the threat of force rather than building a consensus of individual wills. All of this is to say that Warren (as Agrarian, as New Critic, as Novelist) isn’t interested in supporting the social insurance programs promoted by the “fascism” of Willie Stark: he is offering a critique of the very statistical, non-experiential model of knowledge that he believes undergirds the concept of social insurance. Warren did not fail to choose between a political novel about Willie Stark and a philosophical, “motiveless” novel about Jack Burden: he wrote a novel about Jack Burden’s interpretation of Willie Stark and the impossibility of understanding Willie Stark and his politics of social insurance with only “facts” and “statistics.”

True to his motive, Warren opens All the King’s Men with the threat that “you” will become a statistic, and quickly turns that threat into a fear that once dead, “you” will automatically be recorded as, and only as, a statistic. Driving “northeast out of the city” (as yet a nameless city) “you” run the risk that “you” will “hypnotize yourself,” drive off the side of the road and die in a fiery crash (ATKM 1). If you do, the smoke will produce “Lawd God, hit’s a-nudder one done done hit!” from a laboring “nigger” whose hoe will “flash in the sun like a heliograph,” bringing the “boys from the Highway Department” with a “metal square painted white and on it in black a skull and crossbones” (ATKM 1). The “boys” will mark the spot where you went over the edge, as both a cautionary sign for others who might hypnotize themselves and as a means of keeping track of highway fatalities. While the “love vine” that Warren promises will climb out of the weeds to grow over your marker isn’t the violets Laertes promised Ophelia and a white painted marker is not nearly so dramatic a prop as Yorrick’s skull, it seems
almost certain that Warren means to conjure an allusion to the grave-diggers’ scene from
Hamlet.

In a novel from an author famous for his lectures on Shakespeare that asks “To be or not be” and decides “not” as often as Warren does in All the King’s Men, one would expect at least a minor riff on Hamlet. But, where Shakespeare has Hamlet ask Horatio, “Has this fellow no feeling of his business, that he sings at grave-making? (Ham. V.i.65-66)” Warren asks “Has these fellows’ business made grave making so automatic as to be without feeling, and graves?” That grave-making has become automated to the point where the marker of your life is automatically generated upon your impact into the earth makes the death Warren imagines both ignoble and meaningless. The shift from grieving to keeping track of death does not leave a sufficient enough mark for Warren. As Warren imagines it, death marked as an event rather than an experience is hardly worth the effort of dying. In the case of Ophelia, her grave is not marked as Laertes would like because she has committed suicide, and it is certainly the case that if Hamlet were to wander by with Yorrick’s skull in hand he would also recognize Warren’s burial scene as belonging to a suicide (if he recognized it as a burial at all) because there are no religious rights and no requiem. But is Warren’s hypnotized reader/driver a suicide?

Warren does imagine that “you’ll try to jerk” the car back onto the highway, but to what degree is the hypnotized state that begins this whole process a voluntary one? Warren’s use of the simple future tense makes it clear that these events “will” happen, but he just as easily takes away the funeral scene and his pronouncement that “you won’t make it, of course” by using the conditional “if you wake up in time” (ATKM 1). The tension between “will” and “if,” a tension between an assumed automatic causality and the interruption of this causality with an awakening, mirrors Jack Burden’s episodes of “Great Sleep” and his final movement into “the awful
responsibility of time” (*ATKM* 438). The reader is not yet a suicide, but, by making the same mistakes as Jack Burden, she or he will become a suicide, or at least lose the responsibility produced by the ability to see the difference between suicide and murder.

Warren clearly wants his reader to see the need to move away from “economic” valuation and towards a different means of valuing human life. At the same time, Warren’s reasons for this are actually difficult to discern in particular moments on the novel. The death of reader, for instance, is managed so well as a hypothetical that the force of what Warren is doing is not entirely plain. It is only when considered as a whole, that it becomes possible see what is stake in the imaginative act of killing the reader for Warren. In many respects, Warren’s conclusions about the danger of the state and the economic spheres becoming conflated are an attempt to insist upon the distinction between making an economic valuation and making a political decision. When the two start to look too much alike Warren sees a future in which human life is itself devalued. This is at least in part because the reforming marketplace I discussed in Nathaniel Hawthorne’s *House of Seven Gables* is no longer available to American in the 20th century, according to Warren. Where Hawthorne saw promise in the market, Warren sees contamination.

**Machine Men and Black Billikens**
But even if Warren wants his readers to avoid being hypnotized, one could be excused for being hypnotized by Warren’s narration; it is difficult to get one’s bearings at the beginning of the novel. We start with the words “Mason City,” but don’t have a reason for going there. The narrative voice, that we will come to know is an older Jack Burden, moves through locations and times as if he wanted our experience to mirror the “eight cylinder jobs” that “scatter the gravel like spray” (*ATKM* 2). We know we are in the south primarily because of the dialect used by the gravediggers and because, as we drive by “the big house,” we see where “the pickaninny sits like a black Billiken” and sucks its thumb and watches you go by” (*ATKM* 2). But we move just as quickly from the “big house” to the countryside and then we flash backwards in time to Reconstruction:

There were pine forests here a long time ago but they are gone. The bastards got in here and set up mills and the laid the narrow-gauge track…the saws sang soprano…and the Yankee dollar and Confederate dumbness collaborated to heal the wounds of four years of fratricidal strife. Till, all of a sudden, there weren’t any more pine trees. They stripped the mills. The narrow-gauge track got covered with grass…There wasn’t any more dollar a day. The big boys were gone, with diamond rings on their fingers and broadcloth on their backs. (*ATKM* 2)

Then we flash forward to the novel’s present, 1936, and the census of Mason City, “four thousand of them, more or less” (*ATKM* 3). By the time we move from the fictitious car that we have almost crashed, to the black Cadillac where Jack Burden, the Boss (Governor Will Stark), First Lady Lucy Stark, their son Tom and Lt. Governor Tiny Duffy are being driven by Sugar-

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251 Current readers of the novel will be unlikely to know what a billiken is unless they know that Saint Louis University’s mascot is a billiken. Billikens were one of the first doll fads in the United States: Where Teddy Bears have continued in popularity, billikens have not. A billiken looks something like a cross between an elf and a troll and was considered to be good luck.
Boy, we have effectively been hypnotized. But Jack Burden pulls back from this frenetic pace long enough to disabuse his reader of an assumption: “No doubt you thought Sugar-Boy was a Negro, from his name” (ATKM 4). But Sugar-Boy is Irish and, though his teeth are black from eating sugar, Jack does not want us to confuse Sugar-Boy with the gravediggers or the “black Billiken.” Sugar-Boy functions as a line of segregation in the novel. I don’t mean this in the sense that Warren is suggesting that his whiteness should somehow make us like Sugar-Boy better or that the novel is written in the attempt of promoting a regenerate, segregated south. All the King’s Men is not “The Briar Patch,” Warren’s contribution to I’ll Take My Stand and his Agrarian defense of segregation. Warren is in the process of developing his position of gradual integration as he composes the novel. 252 Yet, the assertion of Sugar-Boy’s whiteness clearly marks our entrance into a segregated south. There will be only one black character in the remainder of the novel who is not a slave, and Aunt Sophonisba, a servant in the Stanton household is a stock “old colored woman, who combined benevolence and vengeful tyranny in the ambiguous way known only to old colored women” (ATKM 308).

Sugar-Boy is also the first image we have of a machine man in the novel. In the novel his actions are a direct extension of Willie Stark’s will. Where Jack Burden’s fascination with Willie Stark reveals how the interaction between the market and the state come to fascinate and distract, Sugar Boy is an image of what happens once this fascination has become wholly successful. His “muscular coordination, satanic humor, and split-second timing” make both his driving and shooting mechanized perfection and while he speaks, not only does his head “twitch,” but his stuttering makes “saliva [sic] spray from his lips like Flit from a Flit gun” (ATKM 3). Jack rarely

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252 Though Warren did not publicly renounce “The Briar Patch” until the publication of Segregation: The Inner Conflict in the South in 1956, his work in the early 1940’s is transitional in its relationship to race. This transition is marked in Anthony Szczesniak’s Racial Politics and Robert Penn Warren’s Poetry by All the King’s Men and his short stories “Her Own People” and “Blackberry Winter.”
waits for Sugar-Boy to complete his sentences, and, at one point in the novel, Jack even asks Sugar-Boy where the Boss is and simply follows the direction of flit gun saliva rather than listening to Sugar-Boy’s answer. The words that come out of Sugar-Boy’s mouth are not how Sugar-Boy communicates:

Sugar-Boy couldn’t talk, but he could express himself when he got his foot on the accelerator. He wouldn’t win any debating contests, but then nobody would ever want to debate with Sugar-Boy. Not anybody who knew him and had seen him do tricks with the .38 special which rode under his armpit like a tumor. (*ATKM* 3)

The only time Sugar-Boy doesn’t stutter is after the death of Willie Stark. Jack Burden runs into Sugar-Boy and asks him what he would do if he knew that someone had “framed” Adam Stanton to murder Willie Stark. Sugar-Boy says “I’d kill the son-of-a-bitch” (*ATKM* 420). Jack knows that telling Sugar-Boy who was behind the death of Stark “would be like touching a trigger.” To “touch” Sugar-Boy would be to produce the death of Tiny Duffy, who put in the phone call to let Adam Stanton know that Willie was sleeping with his sister. This kind of automated production is disturbing to Warren, whose commitment to an organic version of community leads him to be suspicious of modern institutions’ ability to replace the localized relationship between individuals with systematic structures of action and judgment. The difference between knowing someone through experience and knowing about someone through “facts,” “statistics” and other non-individualized systems of representation is not only profound for Warren, but something that must be resisted in order to avoid the complete commodification of both the individual and society. Sugar-Boy is an embodiment of what we all will have become once we lose the ability to tell the difference between the human being as “person” and the human being as “add-machine,” or—in the case of Sugar-Boy—a gun. As Warren became increasingly less committed to the
particular version of paternalism represented by the slave economy, though still committed to a
different version of paternalism, he sought to substitute a commitment to the organic community
with an organic interpretation of history as a means of controlling the potential excesses of
modern action. But even as the implications of Sugar-Boy as machine become clearer, the
necessity of making Sugar-Boy a white machine will remain inaccessible without a sense of
history, specifically Warren’s commitment to a version of history as a collective source of
interpretive strategies.

**Warren’s Agrarianism and the New Deal**

Understanding how the threat of machine men, “statistics,” and “facts” are linked to the
understanding of African Americans as black Billiken’s watching white characters drive by in
Cadillacs will require a brief examination of Robert Penn Warren’s Agrarian commitments
followed by an examination of the relationship between the Agrarians and the New Deal. The
New Deal will come to represent a uniquely statistical model of knowledge in opposition to the
experiential model of knowledge Warren believes adheres in an organic and paternalistic society.
The New Deal, and its attempt to regulate the economy through social insurance, is perhaps most
prominently represent in *All the King’s Men* by the Willie Stark medical center, which provides
free medical coverage for anyone in the state. Social insurance pools risks, rather than
experience. The state as provider is a paternalistic structure that Warren, as an Agrarian could
not condone because it led to the commodification of experience and the destruction of local and
regional knowledge. At the same time, Warren and the other Agrarians actively engage the
policies and politics of the New Deal in an attempt to alter the paternalistic economy of the
South. Nevertheless, because Warren himself advocated for a reading of his work as non-essentially tied to agrarianism\textsuperscript{253} and because he did stop producing the kind of agrarian essay that takes seriously the economic and political reforms proposed in \textit{I’ll Take My Stand}, he is often understood as the least committed of the original twelve southerners whose essays appeared in that book. It will be my argument that Warren remained committed to certain key elements of Agrarian thought, even as the focus of the Agrarians themselves shifted during the 1930’s. While his contribution to the collection famously raised the ire of Donald Davidson (because Davidson\textsuperscript{254} believed Warren’s defense of separate but equal focused too much on the requirement of equality and various ways the black population of the South was intricately bound to southern culture), Warren was committed to the views he represented in \textit{I’ll Take My Stand} and to the political and economic commitments made by the other contributors. Warren’s correspondence can be taken as direct evidence of this, but perhaps even more direct is his biography of John Brown published one year prior to the Agrarian manifesto.

In \textit{John Brown: The Making of a Martyr}, Warren claims that he is seeking to define John Brown’s “mechanism for self-justification,” and his diagnosis is not complicated—John Brown was a thief. The only motivation that John Brown adhered to was a pursuit of profit, though his ability to manipulate others into believing otherwise was his central means of obtaining capital later in his career. Most importantly for my purposes, Warren side-steps the moral issue of slavery by satirizing Brown’s “higher law” claims (that slavery violates the laws of God) and attempting to reveal the self-interest in all of Brown’s actions. The limitations of “higher law” as

\textsuperscript{253} Warren’s most notable rejection of agrarianism as a viable political ideal occurred during the Agrarian reunion at Vanderbilt in 1980.

\textsuperscript{254} In contrast to Warren’s demand that segregationists take the economic place of African Americans seriously, Davidson’s understanding of the “organic” nature of southern culture excluded blacks from that culture wholesale. This commitment to the South as a white cultural space is tied directly to his aesthetics of section, as opposed to region. For instance, in the poem “The Tall Men” (featured in the collection \textit{Lee in the Mountains}) tallness is in the “seed” of white settlers of Tennessee, who also speak bullets. For this reason, attempts to separate Davidson from his views of race are few and usually weakly constructed.
an argument for change are mirrored in Willie Stark’s attempts to make the constitution of the State of Louisiana fit his purposes. Once “higher law” is admitted into the realm of constitutional law, it becomes possible for the state to become a tool for individual or particular class interests. Where Warren finds the doctrine of “higher law” unforgivable in John Brown, he seeks to mediate between “higher law” claims and a strict construction of the constitution in All the King’s Men.²⁵⁵

C. Van Woodward, in his introduction to the reissued John Brown: The Making of a Martyr, makes the claim that one should forgive Warren his use of the word “nigger” in phrases such as “nigger stealer,” which appear throughout the biography. What Woodward misses is the importance of “stealer” to Warren’s understanding of the word “nigger.” Warren makes this clear when he makes self-interest and an attempt to justify theft the motivations behind the confiscation of all private property in the articles of Brown’s proposed constitution, which would have gone into effect after his raid on Harper’s Ferry established a new nation. The title of Warren’s linchpin chapter is “The Birth of A Nation,” and it is the birth of a Northern industrial nation that will steal from the South in order to finance its industrial “progress.”

Throughout John Brown, Warren is obviously convinced that the Southern slave economy was not only culturally and morally superior to the North, but also more efficient than Northern manufacturing. The most interesting encounter between a Northern capitalist (by definition a person who has figured out how to spend other people’s capital, as the North spends the capital of the South in the attempt to industrialize) and a Southern gentleman is the encounter that leads to the “myth” of John Brown, which Warren despises. Brown has effectively been captured, but he manages to bluff the opposition into thinking he has more men than he actually

The end result of the truce is that Brown has a meeting with a Southern reporter, who takes Brown at his word as Brown conjures an image of a man seeking divine justice and the realization of a higher law. Here the South appears susceptible to the “lie” of Northern “progress” because its own values lead it to trust an adversary willing to lie and steal.

Warren goes on to satirize Brown’s claims to having access to a higher law, by claiming this is a means by which Brown is able to repudiate borrowing money on credit in favor of raising money through persuasion. Brown is a “bad businessman” (Warren highlights Brown’s failures in the Wool industry and a canal building scheme) but he is an extraordinary manipulator of public opinion and sentiment. Brown appears to have a preternatural understanding of advertising, which Warren casts as an illegitimate enterprise akin to the Tariff policies of the North. The critique of advertising and the inflation of prices underscore Warren’s understanding of the Southern economy as reflective of “real” values, both moral and economic, rather than the inflated, artificial and parasitic economy of the North. By making Brown’s higher law claims and his capitalist self-interest into attempts to steal the real value of the South, Warren argues that the free market is compatible with a competitive, organic social order. For Warren, the national economy should run like a version of a local economy. Warren’s biography of John Brown essentially tells the story of how Brown moves through various local communities, racking up debt and spending on credit and then moving on before these communities can figure out he is a fraud. Warren’s biography uses history to both figure out Brown’s fraud and to try and make it impossible for other historians to trade on a false version of Brown’s life. In this sense, Capitalism and consumer culture are a perversion of the market for Warren in John Brown, rather than what defined the market. The problem with the South was not that did not know how

256 This action might seem to be the hallmark of a good field general, but Brown’s mistakes up to that moment are the reason he does not actually have as many men as the opposition—he has managed to get them all killed or made them angry enough to quit.
to make money or that they could not compete with the North, the problem was that they weren’t willing to steal to win.\textsuperscript{257}

It is interesting that Warren’s revisionist understanding of Southern history is a precise reversal of the institutional analysis William Wells Brown was attempting in \textit{Clotel}. Where Warren sees the paternalism of the South as resistant to the rapaciousness of the North, Brown argued that it was the Southern economy that had lost the ability to see the difference between stealing and dealing. In \textit{Clotel} the Southern economy is built around a possessive continuity of slave capital that is anathema to the risks and rewards of the credit economy. When slaves are sold, they are sold to other slave holders, and because of this closed circuit it is impossible for the South to see that their own understandings of sentimental and aesthetic value have been reduced to an attraction to property. Only in a free market is the difference between economic, aesthetic and sentimental value perceptible for Brown. What makes the system a “total” one for Brown is slavery, what threatens a similar total system for Warren is the combination of the economic and the political that he would eventually name the “Power State.”

All of this is to say that the Southern Agrarians of 1930’s \textit{I’ll Take My Stand} were committed to a vision of the pre-civil war South that depended upon particular economic reforms that would make a return to the stable social system of paternalism possible, and Robert Warren was among their number. Various elements of this statement have been denied and obfuscated in many forms and for many reasons,\textsuperscript{258} but it has most recently been radically embraced and

\textsuperscript{257} My claim about Warren’s faith in the market should not be construed as extending to all the other Agrarians. While the desire to replace Capitalism with Agrarianism rather than Communism united all of the Agrarians, what Agrarianism would actually look like once achieved was not something the contributors agreed upon. More importantly, they continued to disagree about this after the publication of the manifesto. Paul Murphy documents various splits and splinters in the group’s cohesion in \textit{The Rebuke of History} (2001).

\textsuperscript{258} First and foremost, the Agrarians who made the shift into New Critics, namely John Crowe Ransom, Allen Tate and Robert Penn Warren all eventually adopted an understanding of Southern culture that saw value in the South, but saw Southern folkways as no longer representing a viable model for creating a larger society. Obviously these New Critics went to great pains to deny the seriousness of their earlier reform efforts at various moments in their
extended by Mark Jancovich in *The Cultural Politics of New Criticism* (2006). Jancovich claims that the Agrarian endorsement of paternalism was not a nostalgic fantasy, but a critique of capitalism based in the pre-capitalist relations of production found in the South, which is then carried forward into the founding of New Criticism. While Jancovich is demonstrating the Agrarian commitment to critiquing Communism and other forms of collectivism his argument is convincing. The Agrarian problem with Communism was that it relied on class interest rather than dissolving class interest into an organic society capable of uniting various economic and social interests. Following the work of Eugene Genovese, Jancovich sees the Southern Agrarians as a convincing “anti-bourgeois, anti-liberal, anti-scientific movement,” but he also claims that New Criticism, at least the New Criticism of Robert Penn Warren, Allen Tate and John Crowe Ransom, extends this critique.

While one might object to the conflation of New Criticism with these three southerners, I am more interested in refuting the claim that Warren’s brand of Agrarianism and New Criticism were the stark anti-statist and anti-liberal combination Jancovich presents. Warren’s concern was

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Gerald Graff, in *Professing Literature* (1989) summarizes the goals of this second campaign as, “the effort to purge literature of social and moral impurities and to promote it as a form of knowledge that could save the world from science and industrialism” (128). In addition, the generation of scholars trained in New Critical methods found the kind of “myth-making” in *I’ll Take My Stand* that made the Southern Renaissance possible. While accurately assessing the Agrarians influence in making the Southern Renaissance, the discussion of Agrarians as “myth-makers” fails to understand how serious these writers were about economic reform. This tradition, most exuberantly exemplified by Louis D. Rubin, credits the Agrarians as storytellers rather than intellectuals seriously invested in creating an alternative political and economic vision of society. Rubin’s reading of *I’ll Take My Stand* claims Agrarianism was chiefly an exercise in creating “images” and “metaphors” that could be used to identify a “real” and “concrete” Southern tradition that extended “Western Humanism.”

But because Jancovich follows Genovese’s rather limited reading of Marx in *Roll, Jordan, Roll: The World the Slaves Made* (1976)—as only critiquing the capitalist mode of production and not the capitalist mode of exchange—he fails to link the formalism of Agrarianism to the formal commitments of the New Critics. If one reads Marx as critiquing the control of production rather than production itself (the problem is not the factory but the fact the factory is owned by a capitalist) then one can see that one of the reasons that Warren and the other Agrarians so despised Communism was that they saw Marx as critiquing the intent of capitalism (the profit motive) but endorsing the form of capitalism (the factory). In the Agrarian critique of Communism the problem is not who owns our things (private property) but the mechanized production of the things we own. Capitalism is, in this rendering, a desire producing machine that we must demechanize, but one that we cannot demechanize without addressing both capitalist intentions and capitalist forms.
the way in which the state was combining with the economic to create a “Power State.”

Genovese situates the Agrarians in a line of anti-statist and anti-market Southern conservatives whose critique of both the state and capitalism is founded in the pre-capitalist slave economy of the South. The South, for Genovese, is uniquely situated because the organic nature of the slave society amounted to a rejection of wage labor and the ensuing commodification of social structure. While it is clear that Warren was anti-capitalist, the claim that he was also anti-statist and anti-liberal becomes increasingly hard to maintain in the face of the Agrarian interactions with the New Deal, itself a challenge to the paternalism of the South. The Agrarian response to the political battle between the New Deal and the interests of the planter class, reveals that they were just as often at odds with the expressed interests of large land owners as New Deal supporters.

Jancovich himself has difficulties with this when he is forced to admit that “During the late 1940s and early 1950s, Warren developed a type of liberalism in his social and cultural criticism” (124). I completely agree with his following disclaimer, namely that “this liberalism was not an uncritical assessment of American society, or a form of asocial formalism” (124). Yet, Jancovich focuses so exclusively upon defending the New Critics from a long list of post-modern interpreters (who claim New Criticism denies the history of literary works in the attempt to understand each “individual text as a fixed object which bears no relations to its conditions of production or consumption” (5)) that he fails to historicize the paternalism upon which his argument rests. That Warren can develop a “type of liberalism” while paternalism remains “anti-liberal” is a contradiction that rests uncomfortably in Jancovich argument.

260 Jancovich rightly reads Terry Eagleton’s work in *Literary Theory: An Introduction* and Frank Lentricchia’s *After the New Criticism* as making this claim.
By swallowing Genovese’s rendering of paternalism whole, as it were, Jancovich ties himself to a an understanding of paternalism as an anti-bourgeois system of exchange that can be excised from its roots in slavery and converted into the basis for a legitimate, conservative, anti-statist politics. In her most recent book, *Signs and Cities: Black Literary Postmodernism*, Madhu Dubey asserts that “the stories of racism and capitalism in the South are far more tangled than is suggested by Genovese’s account” (150). I believe Dubey is right and that Genovese’s argument about the Southern past stops being an argument about the past and instead becomes an argument about the possibilities of a conservative, anti-statist politics. Either way, Jancovich’s use of Genovese’s thesis means that while he is able to underscore Warren’s use of the past, he misses Warren’s engagement with a particular past and his engagement with the then recent present, specifically with the New Deal.

In fact, Jancovich’s lead-up to Warren’s liberal development is supported by what he sees as a general Agrarian attraction to New Deal policies after 1935. He essentially marks 1935 as a “shift in tactics” from an economic focus on literal farms to an attempt to influence social and cultural policy as New Critics. This is a startling oversimplification of the Agrarians relationship to the New Deal. In reality, almost immediately after the publication of *I’ll Take My Stand*, many of the Agrarians sought to determine the terms of this economic development by affecting the policies of Franklin Delano Roosevelt’s administration. The Agrarians had actively engaged the Roosevelt administration as they saw the possibility for state intervention to make Agrarianism a reality. John Crowe Ransom researched Agrarian economic plans and became even more enamored with subsistence farming than he had been prior to 1930.261 He came to believe that it would be necessary to tax farmer’s loans so that they would not be tempted to gamble on their

261 Paul Murphy’s *The Rebuke of History* gives an account of Ransom’s proposals found in his unpublished economic sequel to *I’ll Take My Stand, Land!*. 

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own ability to produce ever larger quantities of crops. Allen Tate secured first the *Hound and Horn* and then the *American Review* as magazine outlets for Agrarian thought. Because Warren was no longer writing essays directly about Agrarian economics, many critics have suggested that this period marks Warren’s shift away from Agrarianism. Emily S. Bingham and Thomas Underwood, the editors of *The Southern Agrarians and the New Deal: Essays after “I’ll Take My Stand”* effectively edit Warren out of this period because of this fact. But Charlotte Beck, in *Robert Penn Warren, Critic* is only the most recent commentator to notice that the reviews Robert Penn Warren published in the *American Review* are “the literary equivalent of Agrarian economic and political statement” (29). Even as Jancovich sketches out Warren’s commitment to a model of interpretation that includes the experiences of both the author and the reader of a text as an attempt to recreate an organic relationship within the confines of modernity, he fails to register the particular version of history that Warren’s narratives and theory end up endorsing.

As Paul Conklin demonstrates in *The Southern Agrarians* (1988), in many respects the Agrarian commitment to the land, as such, was only stronger in 1936, with the publication of *Who Owns America? A New Declaration of Independence*, the result of a second symposium. In this more committed form, Agrarianism was largely about replacing the system of tenant farming and oscillating unemployment with small subsistence farms. The Agrarians became involved with Distributionist economists and began to advocate for a redistribution of property.\(^{262}\) Jancovich’s claim that in 1935 the economic development policies of the New Deal “began to move away from the forms of centralized organization in which Government and business collaborated in running the economy” and were therefore more palatable to the Agrarians misses the Agrarian commitment to affecting change in the policies of the New Deal, both early and late

\(^{262}\) See Edward S. Shapiro’s article, “Decentralist Intellectuals and the New Deal” in order to document the relationship between various Agrarians and Distributionists like Herbert Agar (*The Journal of American History*, 58. 4 (Mar., 1972), 938-957.)
in the 1930’s (30). It is true that the passage of the Wealth Tax Act and The Public Utility
Holding Company Act in 1935 indicated that Roosevelt was moving away from the cooperation
between government and large corporate interests that had marked his first term. It is also true
that the program that most excited the Agrarians was Roosevelt’s 1933 establishment of 25,000
subsistence farms. If the New Deal had involved this kind of reform on a large scale, there would
be no confusion about whether the Agrarians were anti-statist or not. The problem for Warren
was not the state itself. The problem for Warren was the way the state could be made to blend
with the economic sphere and so produce the kind of “machine men” he depicts in his novel.

If the State had been used to produce ever more local communities—that would in turn
produce the kind of localized knowledge about individuals the Agrarians believed was necessary
to avoid a commodified perceptual and social apparatus—the conservative Agrarian cause would
still be voting Democrat today. But the kind of knowledge the New Deal seemed more interested
in producing was the kind of statistical information that would allow for the calculation of social
security and disability benefits. (Insurance benefits do not require experiential knowledge of the
individual, simply the gathering of a few relevant “facts” that determine eligibility.) In addition
to the appeal of certain early New Deal policies, late New Deal policies were often seen as
deeply antagonistic to the Agrarian cause. Programs like the National Housing Act of 1937 were
aimed at replacing urban slums with better rental housing rather than moving the urban poor onto
farms and the Social Security Act originally did not cover farmer workers.

But the real irony of the Agrarian attempt to affect New Deal policy is that while they
were working for the end of one kind of paternalism (tenant farming) through the substitution of
another version of paternalism (subsistence farming) they found that both of these forms of
paternalism were being replaced by a very different kind of paternalism (the welfare state).
Additionally, the transition to a system of social insurance provided by the state from the system of informal economic guarantees of tenant farming was already firmly in place by 1933. The passage of both The National Industry Recovery Act (NIRA) and The Agriculture Adjustment Act (AAA) marked the beginning of the end of tenant farming in the South. The NIRA suspended antitrust laws in order to permit industry planning and price fixing. Rather than curtailing the size of corporations by taking the land owned by banks and insurance companies and creating subsistence farms for the unemployed with this land, as the Agrarians argued for in *Who Owns America*, the NIRA made the solvency of corporations a primary focus of the New Deal and even allowed corporations to function more like collectives. The AAA paid landowners not to grow crops in order to coordinate supply and demand. There was no reason to sign a tenant agreement if the owner of the land could make a profit simply by leaving the field fallow.

**The New Deal Civil War and Motiveless Crime**

*All the King’s Men* tells the story of the fallow fields created by the New Deal, but it does so in the form of a twice told tale. The New Deal is, in Warren’s telling, haunted by the Civil War and the image of the bad deal the South received at the end of Reconstruction. The last shift from one bad system of paternalism (slavery) to another (tenant farming) in Southern history serves to underscore the New Deal’s shift from tenant farming to the paternalistic social insurance of the welfare state. Importantly, Willie Stark is not a tenant farmer or a large landowner. Willie represents the chance for a new class of citizens, the poor white farmer, to

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enter into the politics of the state. Willie gets his chance because of the accidental deaths of three school children. Those deaths hinged on a dirty political deal, which ended in the use of “rotten” bricks in the building of a school house. The causality here seems clear enough, but accidents are never just accidents in this novel. Willie Stark was seemingly plucked out of this class of poor white farmers by chance. He was on the County Commissioners Board in Mason City because he was a distant relative of the Chairman. When the Chairman didn’t want to take the low bid on the construction of a school house because he had a brother-in-law that worked for the company with the high bid, Willie created problems, and the Chairman began a campaign insinuating that Willie was a “nigger-lover” because the low-bid contract would have used “Negro bricklayers” (*ATKM* 57,60). As it turns out, Willie isn’t a “nigger-lover” and he, like Jack Burden, “like[s] [his] vanilla” (*ATKM* 57). The threat of “nigger-lover” accompanies Willie’s unwillingness to go along with the local traditional structure of doing business. That the local community is corrupt makes this decision all the easier to make, but Willie is ostracized by the kind of organic community that Warren values.

Willie’s political career will be built on gambling, on creating new economic relationships and a new social field within the state (one where Jack’s friends at Burden’s Landing will hate Willie for destroying the cooperation between the State and business interests), but he will not be running on an integrationist ticket. This will leave all of the African American characters in this novel sitting on the sideline of segregation waiting like “black billiken[s].” Making Willie Stark, a persona that Warren’s audience readily recognized as the fictional persona of Huey Long, into an integrationist in 1933 (or any other time in his career) would have been ahistorical, but it would have also represented a threat the gradual integrationist position.

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264 Even Jack Burden, who writes histories of dirt for Willie, cannot determine if the man who blew the whistle on the “rotten” bricks was “honest or just misinformed.”
Warren was building for himself by the time of the novel’s publication in 1946. Warren reveals his claim that the decision to integrate immediately would be to ignore the past and the dramatic failure of the first attempt at desegregation depicted in Jack Burden’s failure to write his PhD dissertation on Cass Mastern.

The Mastern material has always presented a unique problem for critics of the novel. In a political story about 1936, fifty pages of the novel take place directly before and just after the Civil War. But in the story of Cass Mastern’s affair with the wife of Duncan Trice, his best friend, we get our first “accident” that turns out to be a suicide. Duncan finds out about the affair and leaves his wedding ring under his wife’s pillow, where both his wife and her slave Phebe find it. Unlike Jack, who causes the suicide of Judge Irwin, Cass takes responsibility for his actions and when Phebe is sold down the river by Annabelle Trice, Cass attempts to recover Phebe and pay for her freedom. Unable to do so, he is nearly killed in a brawl with a slave trader and then sets his own slaves free. But Cass is not an abolitionist. He knows “that the Negroes were passing from one misery to another” (ATKM 183). Cass immediately follows this with the story of a northern abolitionist that comes South and kills one of her slaves for the same reason that Cass has freed his: they watch him. In Warren’s logic of gradual integration, Cass is the model for integration. He knows that what he has done is for himself and not for a “higher” cause, and he knows that to proceed ahead of history in the attempt to gamble on reform is not only foolish, but selfish.

Here Warren has Cass produce the kind of argument that critics have attached to Nathaniel Hawthorne with the term “fatalist.” It would not be hard to imagine Cass uttering Hawthorne’s infamous pronouncement regarding Slavery from his biography of Franklin Pierce:
There is no instance, in all history, of the human will and intellect having perfected any great moral reform by methods which it adapted to that end; but the progress of the world at every step, leaves some evil or wrong on the path behind it, which the wisest of mankind, of their own set purpose, could never have found the way to rectify. (114)

Yet, the commitment Warren is expressing for the gradual phasing out of the Jim Crows laws of the South in 1946 bears the weight for “fatalist” easier than Hawthorne’s fiction. At least in part this is because the market is understood to be the appropriate agent of reform in Hawthorne and the market’s combination with the political realm, in the form of the “Power State,” have made even these reforms suspicious to Warren. This is why Warren’s reports that a “black billiken” is watching the Cadillac drive by is, for him, a “progressive” stance on race.

In relationship to other Agrarians, like Donald Davidson, who never came to accept integration, this may be true, but it is also a marker of Warren’s particular understanding of history and the relationship between the past and present and he suggests must be mediated by interpretation. Warren may have been deeply committed to resisting the commodification of the self, but the commodification of African Americans was something that Warren found easier to accept than the commodification of white experience. Warren’s particular version of the past, one committed to an organic community structured primarily upon lines of color rather than class, informs not only his racial commitments, but also his critique of the New Deal.

When Warren began writing, Governor Stark was not yet Stark, his name was Willie Talos. Warren admitted that he was drawing on the character of Talus, from Spencer’s Faerie Queene, the iron man who administers justice swiftly and brutally. That Willie Stark should be named after a literal embodiment of justice has seemed strange to critics because Willie so often
seems willing to use unjust means to achieve what he considers just ends. John Burt, in Robert Penn Warren and American Idealism claims that there is a contradiction between Spencer’s iron man and Willie Stark: “Talos is a sort of legalist; Willie, in his way, an adherent of higher law” (142). Burt is right that there is a conflict between Willie’s “higher law” and characters like Judge Irwin that represent a strict interpretation of constitutional law, but he misses the importance of Talus’ automatic rendering of justice. Talus is an instrument of justice wielded by the knight Arthegall. Though he is sentient and can communicate, he does not sit in judgment (as Arthegall does) but simply uses force to implement justice. While it is true that Talus is only capable of administering justice (as opposed to injustice) and Willie seems capable of confusing his interests with justice, this confusion seems to be precisely Warren’s point. In a world where people are machines and the only kind of knowledge is based on the accumulation of “facts” and “statistics” rather than experiences with other individuals, it is not possible to tell the difference between acts committed by just individuals and events that simply happen without motivation.

The most famous blurring of motive and action and the one Jack Burden comes to regret most strongly, is his belief in the “Great Twitch.” Coming at the end of the novel, after Jack Burden has discovered the truth about Mortimer Littlepaugh’s suicide note, but has not yet told the Judge, the theory of the Great Twitch is Jack’s answer to the problem of trying to create meaning. Jack discovers the Great Twitch at a roadside gas station in New Mexico where Jack sees a twitch in the face of a man:

You would think he was going to wink, but he wasn’t going to wink. The twitch was simply an independent phenomenon which is the world we are lost in. It was remarkable, in that face, the twitch which lived that little life all its own. I
squatted by his side…and listened to him talk. But the words were not alive. What
was alive was the twitch, of which he was no longer aware. *(ATKM 313-314)*

Prior to this moment, Jack has failed in his attempts at understanding and interpreting various individuals in the novel, but he has never stopped trying. The realization of the Great Twitch marks the point in the novel where Jack claims to have stopped caring about the interpretation of other individuals. More to the point, it is the denial of their status as actors. It is the triumph of “statistical” knowledge about individuals. People no longer hold “secrets” for Jack. Instead, he claims the theory of the Great Twitch as the realization that there are no more secrets. Jack presents himself as finally having achieved a kind of complete knowledge, but that knowledge ends up being the kind of “facts” that we know Warren finds so disturbing. Only after the death of Willie Stark does an older Jack Burden realize the emptiness of this theory. In so doing, he returns to the difference between a wink and a twitch and remembers that when he first met Willie Stark, Stark winked. Jack never explains to the reader if he has decided whether Willie actually did wink, but in many respects the novel rests on the impulse to decide, to interpret whether Willie was winking or twitching. The collapse of the wink and the twitch creates a world without responsibility and without a limit upon self-interest because we can never know what effects we are responsible for and what effects of our actions are simply effects.

In this way it becomes clear that in order to see a difference between justice and interest we have to be dealing with actors rather than machines without will because machines don’t have interest. It is not that there cannot be just events and outcomes in a world of machines, but the world of machines does not require individuals as individuals, because it eliminates the question of motivation and interest. Machines do not want to function: they simply function. Talus applies force to the problem of justice, but if the justice of the action is not apparent in the
act, if the bad guy does not run away or try to club Arthegall (as they do all so often in the *Faerie Queene*), then Talus must simply wait for Arthegall to make a judgment about who is in the wrong. Our ability to judge whether an action is just or unjust relies not on force but interpretation. This is the problem with Willie’s argument about “higher law”; Willie turns law into a tool that simply works, rather than something that can be interpreted. It is possible to see, as Burt does, a link between Stark’s higher law argument and that of John Brown. But it is also important to take note of a difference. Brown’s higher law claims are presented as insincere. Brown might have been willing to articulate his demands in terms of “God’s law,” but Warren paints a picture of a man who was always looking to make a dollar, one who commodified even his appeals to the Almighty. Stark claims to be fulfilling not his own interests, but the interests of a class of individuals whose interests have not been represented in the state government—the “hicks.” Willie represents himself as a kind of political Robin Hood, stealing from the rich and giving back to the poor. Willie’s higher law is perhaps best expressed in his defense of his unconstitutional programs to Hugh Miller, his idealistic Attorney General:

> Hell, the law is like the pants you bought last year for a growing boy, but it is always this year and the seams are popped and the shankbone’s to the breeze. The law is always too short and too tight for growing humankind. The best you can do is do something and then make up some law to fit and by the time the law gets on the books you would have done something different. (*ATKM* 136)

When Hugh Miller objects that “The Supreme Court has ruled” Willie interjects with “Yeah, and they ruled because I put’em there to rule it, and they saw what had to be done. Half of the things weren’t in the constitution, but they are now, by God. And how did they get there? Simply because somebody did ’em” (*ATKM* 136).
While the narrative arch of the novel will take a long time to return to interrupted constitutional rebuttal of Hugh Miller, Willie has already foreshadowed the problems that turning law into action will produce. Hugh Miller is about to hand in his resignation when this exchange takes place and he is doing so because Willie is going to protect a guilty politician named Byram White. In defending his theory, Willie exclaims, “My God, you talk like Byram was human! He’s a thing! You don’t prosecute an adding machine if a spring does bust and makes a mistake. You fix it. Well, I fixed Byram. I fixed him so his unborn great-grandchildren will wet their pants on this anniversary and not know why” (ATKM 135-136). Turning law into action might, or might not, make a lot of sense for “things” like Byram White, but what is the limit for treating humans like things?

When Willie makes law into an action, something that you do rather than something you design, something that either works or doesn’t work, he rehearses two very famous arguments about the meaning of words, William Wimsatt and Monroe Beardsley’s “The Intentional Fallacy” and J.L. Austin’s How to Do Things With Words. It is in “The Intentional Fallacy” that Wimsatt and Beardsley make their famous pronouncement that “Judging a poem is like judging a pudding or a machine. One demands that it work. It is only because an artifact works that we infer the intention of the artificer” (1375). This is to say that one judges both machines and poems by their effects (the words on the page) and not what the machine or the poet was trying to do (the idea the poet had in mind but could not get down on paper). Poems are good because the words are on the page, not because the author meant to put the words on the page. One of the most interesting things about the poem as machine is that the machine is both the producer of the poem and the function of the poem. The function of the words and the words themselves are identical, the words perform their own meaning. Wimsatt and Beardsley claim that they do so
with the help of the linguistic community, which has created tools like dictionaries to solve questions of meaning. Because the words work, they mean. In Austin’s most famous account of meaning as performative, when a bride or groom says “I do” to one another in a wedding ceremony, it doesn’t really matter what the bride or groom meant by “I do.” Even if the groom meant to say “I don’t,” he is married. The effect that these words have relies entirely on the wedding ceremony. But the reliance on the wedding ceremony makes clear a problem with Wimsatt and Beardsley’s reliance on the dictionary. Repeating “I do” to each other outside the ceremony certainly does not have the same effect, even if we use the same dictionary to define both utterances. Whereas Austin believes that intentions can be made irrelevant within a social field and with a certain amount of social cooperation, Wimsatt and Beardsley are asserting the existence of a social field that precludes intentionality.

Making the absence of intentionality the ground for determining literary value, in order to distinguish this form of value from those expressed by other texts, is not unique to the kind of New Critical formalism practiced by Wimsatt and Beardsley. As I made clear in my first chapter, Harold Bloom’s critique of both New Criticism and New Historicism is based on precisely such a preclusion. Bloom’s fear is that without reserving a unique social function for literary texts, the value of these texts is washed out in the broader realm of the social. At the same time, Bloom believed that New Critics like Wimsatt and Beardsley had isolated individual texts from competitions between authors, denying the formative nature of the “social” bonds formed between authors.

Like Bloom, Warren is deeply committed to establishing a social field that precludes certain interpretive strategies, but he is primarily concerned with establishing a ground for
mediating between intentions and effects. This is one of the reasons that revision is such an important element for Warren. Whereas Wimsatt and Beardsley are wary that a consideration of revision will lead to back-door intentionality, Warren believes that the intention of the author is arrived at in the experience of writing a work. Like Wimsatt and Beardsley, Warren believes that intentionality is not fully expressed by the words on the page, but unlike his fellow New Critics, Warren does believe in the necessity of establishing the intention of an author. Warren conceives of intention as something slowly formed in time, a temporal mediation of the forever present “text” of the poem and its hidden, formative past. Warren does not expressly mention Wimsatt and Beardsley in “A Poem of Pure Intentions” but he does level a critique at Archibald MacLeish’s famous line that “a poem should not mean but be,” that works as a substitute. Namely, that the “being” of a poem, its words, cannot “mean” without an estimation of what the

265 An allusion to "Detroit and the creations of Henry Ford" (Selected Essays 353) is the only remainder of more overt references to the limitations of the "mechanical" in "A Poem of Pure Imagination," which Cleanth Brooks recalled in a letter to Warren: "you did not bring in the Industrial Revolution as you did once in conversation with me" though this "might put off the reader by making him think that your argument was to prove Coleridge an Agrarian" (Grimshaw 93). Warren doesn’t "prove Coleridge an Agrarian," so much as he sets up a system of interpretation that excludes the "mechanical" by requiring one to "experience" the statement a poem embodies. Once this claim is applied to the realm of constitutional interpretation in All the Kings Men, avoiding "mechanical" interpretation of both embodied texts and machines with bodies (like Sugar Boy and Willie Stark) turns out to have the same political import as "Agrarian," without the need to "prove" whether Coleridge was one or not.

266 In "A Poem of Pure Imagination," Warren explains a poet’s intention as unlike “the process of building a house from a blueprint,” rather “the creation of a poem is as much a process of discovery as a process of making” (New and Selected Essays 395). He goes on to give several examples of how a poem’s intention is realized, but all are a “discovery” or a “process” (395,396). The importance of all this for the interpretation of a poem (or all art) is that the interpreter cannot look for “intention” in a “mechanical fashion” and instead must mirror the “creative function of the mind” that the (in this case) poet performs when he write the poem:

What the poet is trying to discover, then, is what kind of poem he can make. And the only thing he, in the ordinary sense, may “intend” is to make a poem. In so far as his process of discovery has been more than a rhetorical exercise he cannot do otherwise than “intend” what his poem says, any more than he can change his own past as past, but he does not know what he “intends” until the poem is fully composed. (396)

267 This line is from MacLeish’s “Ars Poetica,” which was originally published in Poetry Magazine in 1926. The best prose version of what MacLeish meant is undoubtedly his own Poetry and Experience (1960) where he attempts to clarify how a word can “be”: “The Poem’s meaning is evoked by the structure of words-as-sounds rather than the structure of words-as-meaning” (15)
author meant by them; however, Warren is not a “pure” intentionalist. He believes that the words of a poem “ultimately express” the author of the poem. Understanding intention ends up being, at least in part, the sharing of an “experience” with the author of the poem. He makes this clear in “A Poem of Pure Imagination”: “The poem is the light by which the reader may view and review all the areas of experience by which he is acquainted” (New and Selected Essays 347). The value of this for Warren is that the reader must share common experiences with the author of the poem in order to create a valid interpretation. In “A Poem of Pure Imagination” Warren makes this clear in his explanation and endorsement of Coleridge’s theory of signification. Warren quibbles with Coleridge’s labeling of metaphor as “mechanical” and suggests that he is really explaining “bad metaphor” rather than the potential of metaphor. He suggests that what Coleridge’s claims about the symbol is also true of “good metaphor,” that a symbol is not a mere “sign” or “picture-language” (352). By this, Warren takes Coleridge to mean that the symbol is not arbitrary, it relies on a necessary connection between symbol and reality. Warren uses the phallus as an example, and takes the phallus to be part of “our universal natural experience” (352). This “universal natural experience” is a necessary link that interpreters use to understand the experiences of the past. The value of this for Warren as social critique is that individuals living in non-organic communities must establish an experiential link to organic communities in the past in order to understand both poetry and the constitution. The idea that Willie Stark might be destroying Louisiana’s constitution is first brought up by Jack Burden’s friends and family at Burden’s Landing, but when Hugh Miller quits over Stark’s manipulation of the Supreme Court, it becomes clear that Willie has decided that he does not need to interpret the constitution so much as use it, to make it work. This version of constitutional interpretation Warren proposes is not the strict interpretation offered by Judge Irwin; it makes the constitution look like a text
whose meaning can shift, but these shifts in meaning are mediated by experience. The experience of the authors of the document cannot be pushed aside in favor of action. The value of interpretation is that it acts as a conservative breaking mechanism on the attempt to automate key elements of society.

This claim that an experiential model of knowing can mitigate the statistical model of knowing endorsed by modern institutions is reflected in Warren’s commentary about the political philosophy of both Willie Stark and Huey Long in his introduction to the 1981 edition of *All the King’s Men*:

He lived in terms of power, and for him ends seemed to justify means. He was, you might say, the ultimate believer in the “realist view of law,” in the “sociological view,” in the idea that law did not come down to us from Mount Sinai…but grows out of the changing needs of a changing society…In other words he was an unrestrained example of a view that appears in, say, Justice Holmes—and that many held to be exemplified, on certain questions, by F.D.R. (XV)

It is no coincidence that Warren creates an identity between F.D.R, Huey Long and Willie Stark by claiming that they all pulled at the law until it fit their needs. Warren thought all three men had failed to make the law fit and, in so doing, augured future abuses. What Warren sought to capture in *All the King’s Men* was not a rejection of either the state or liberal governance, but a rejection of the commodified experience he found represented in the modern social field, where actions can be taken as judgments of value. When Warren has Willie tell Jack that “it could have been different,” he offers hope for the future, for a different deal instead of the New Deal. Jack’s affirmative response is originally an attempt to placate Willie, but the older Jack that narrates this
story has obviously found a way to interpret Willie’s wink and as such share in Willie’s experience. When Jack says that Hugh Miller “will get back into politics and when he does I’ll be along to hold his coat. I’ve had some valuable experience in that line” he has not only the benefit of his experience but also his interpretation of Willie to guide Hugh’s decisions (ATKM 436).

Warren seems to suggest that by rejecting the theory of the Great Twitch and replacing action with intention Jack Burden and Hugh Miller are equipped with a critique of both the social insurance programs of Willie Stark and the commodification of experience. Jack believes that he can detect fraud and restore liability in the “awful responsibility of time” at the close of the novel. Jack has more than the facts. His failure to write his thesis on Cass Mastern was based on his inability to do more than read Cass Mastern’s words. The older Jack explains that Cass’s words “could only be words to him, for to him the world was simply an accumulation of items, odds and ends of things” (189). In order to move beyond a commodified perception Warren believes we must come to have knowledge of the experience that lies behind “facts,” “statistics” and “words.”

If the novel perpetuates a fraud in the search for more than facts, it is the claim that the logic of the “power state” and its social insurance, what Warren calls “statistics” or “facts,” is incompatible with the logic of fault, or “responsibility.” Consistent with his Agrarian beliefs about an “organic” society and his New Critical beliefs about the “organic” nature of the text, Warren claims that the obstacle to the unification of interests (either that of the author and reader or the different class interests within the State) is the commodification of experience. Once we imagine people as things we can no longer determine whether their actions are legal, just or even if those actions belong to them because we have denied these actors the ontological status of
actors. What Warren is able to convincingly depict in his novel (Jack Burden’s conflation of murder, suicide and accident turns individuals into will-less machines whose “twitches” are events recorded as “facts” rather than actions that can be understood by interpreting the “will” of an individual) and his criticism (His interpretation of the Mariner’s murder of the albatross rests on his claim that “the crime, to maintain its symbolic reference to the Fall, must remain motiveless. But the motiveless murder of a man would truly raise the issue of probability” (361)), is finally not convincing as an argument about the relationship between the aesthetic and the economic because Warren fundamentally misunderstands both probability and commodification.

Commodification is not the unique property of the logic of insurance. The logic of fault also presupposes that when non-material possessions or attachments are damaged, the individual who is at fault will attempt to make “whole again” what was damaged. The collectivizing of risk does not commodify the individual more or less than the individual bearing of risk and responsibility. In the process of making all insurance “no-fault” in order to default on what he perceives as the amoral mechanization of the state, Warren should have realized that even the “mechanization” of the state was not the elimination of “will” and morality through the threat of force, but a choice to represent morality in statistical form. The assertion that statistics are facts requiring interpretation to become knowledge does not suggest that statistical representations are mechanical objectifications, the choice of what or whom to insure (for how much or how little) is a moral choice that demonstrates the will of the insurer just as equally as the novel demonstrates the “will” of the novelist.

As should be clear, I do not share Warren’s fears regarding social insurance, or his understanding of the state and the market as contaminating institutions. Rather than threatening
contamination, the economic valuation of human life by either institution is simply, though controversial and complex, an instance of a historically contingent, socially organized process of deciding what a human life is worth. This is why monetary worth and other forms of worth have not been understood as contradictory in the preceding chapters. Planning for, and discussing, death in a monetized terminology does not endanger the aesthetic or the social realms. Even as these new forms of putting life and death on the market (life insurance, social security and national healthcare) made Warren uncomfortable, his text—as it marks his discomfort—is part of a negotiation process between different spheres of value. A sharp division between market and non-market spheres has deep rhetorical value (witness the current political debate about “death panels”), but limited explanatory utility. (A novel tolling the death of art, at the mid-point of the author’s literary career, neatly encapsulates this limitation as does the reception of *All the King’s Men*—which largely missed Warren’s anti-statist purpose.) I believe the aesthetic representations of inheritance in this dissertation are examples of individual authors working through conflicts between different forms of value.
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