# Black George and the Black Act

John Allen Stevenson

In the flood of reversals and recognitions that marks the closing chapters of *Tom Jones*, one act of restoration can easily be lost. Given that Tom, in a matter of hours, goes from prison and the prospect of the gallows to a triumphant place as Allworthy's heir and Sophia's husband, the recovery of the £500 in banknotes he lost on the day he was exiled from Paradise Hall seems like a small matter, no more than a precise balancing of the books in this, the most symmetrical of novels. But among the few brush-strokes that Fielding employs to conclude this business, there is one odd comment—odd, at least, for anyone with a knowledge of eighteenth-century criminal law. Allworthy, having discovered the money and identified Black George as the culprit, asks Lawyer Dowling what legal recourse he has. The question is a tricky one, and Dowling is cautious. George did not, after all, directly steal the money; he found it on the ground and kept it. The lawyer answers that George "might be indicted on the Black Act; but said, as it was a Matter of some Nicety, it would be proper to go to Counsel." A few chapters later, he reports that no criminal charges are possible, only an action of trover, by which the banknotes could be recovered as lost property.[1]

1 Martin C. Battestin and Fredson Bowers, eds., *The History of Tom Jones, A Foundling* (Middletown, Conn.: Wesleyan University Press, 1975), pp. 922, 947. References are to this edition. The footnote on p. 922 briefly summarizes the origins and provisions of the Black Act without attempting to explain why Dowling mentions it here. The law of trover is described in note 2 on p. 632. Fielding refers to the Black Act two other times in his work. See Martin C. Battestin, ed., *Joseph Andrews* (Middletown: Wesleyan University Press, 1967), p. 290; the reference there is indirect, alluding to the Act's prohibition against cutting down trees, and is not noted by Battestin. See also *The Jacobite's Journal*, ed. W.B. Coley (Middletown, Conn.: Wesleyan University Press, 1975), p. 128; here, Fielding ironically bemoans the fact that abuses

Why has Fielding brought up the Black Act? It was probably the most notorious of all statutes in the infamous Bloody Code of eighteenth-century English jurisprudence, but, as Dowling is forced to admit, it has no legal relevance to George's action. But if Fielding's gamekeeper and the Black Act are not literally connected, they do share a common world, a world of the game laws, of the hunt, of a changing and sometimes embattled English countryside. And considered together, they provide a new perspective on a variety of issues: on Fielding's thinking about questions of class and the law, on the peculiar inconsistencies and striking liminality of George's character, and on the way Fielding may be commenting on aspects of his own ill-defined social status. I will begin by building up a rather thick description of certain aspects of Black George. He is a minor character in a long novel, and it is easy to miss the complex variety of associations that Fielding puts in play around him. Once that description is in place, we can return and consider, not only Black George's relation to the Black Act, but the singular way in which Fielding has created this character.[2]

*The Game Laws*

George Seagrim is first introduced to us, neither by his name nor by his nickname, but by his occupation, "the gamekeeper." But what sort of work did an eighteenth-century gamekeeper actually do?[3] That question is not only practical but legal, and to understand the law regulating the work of gamekeepers, we must go back to 1671 and the Game Law of

in the book trade are not subject to the Act. Black George has received almost no critical attention; however, two recent studies have begun to focus our attention on the serving classes in Fielding's fiction. See John Richetti, "Representing an Under Class: Servants and Proletarians in Fielding and Smollett," *The New Eighteenth Century: Theory, Politics, English Literature*, ed. Laura Brown and Felicity Nussbaum (New York and London: Routledge, 1987), pp. 84–98; and Bruce Robbins, *The Servant's Hand: English Fiction from Below* (New York: Columbia University Press, 1986).

2 My language here is meant to call to mind the work of Clifford Geertz, particularly the essays "Thick Description: Toward an Interpretive Theory of Culture" and "Deep Play: Notes on a Balinese Cockfight," both of which are reprinted in *The Interpretation of Cultures* (New York: Basic Books, 1973). I do not claim to be using Geertz's work as a precise model—a foolish enterprise, since his work treats real people, not fictional characters. I do owe him a more general debt, however, and I find quite useful his procedure of using an elaborated description as a way into interpretation.

3 My understanding of the activity of gamekeepers and poachers alike has been shaped by three studies: Douglas Hay, "Poaching and the Game Laws on Cannock Chase," *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*, ed. Douglas Hay, Peter Linebaugh, John Rule, E.P. Thompson, and Cal Winslow (New York: Pantheon, 1975), pp. 189–253; Frank McLynn, *Crime and Punishment in Eighteenth-Century England* (Oxford: Oxford University Press, 1991), esp. chap. 11, "Poaching," pp. 202–18; and particularly P.B. Munsche, *Gentlemen and Poachers: The English Game Laws 1671–1831* (Cambridge: Cambridge University Press, 1981).

that year. This legislation significantly modified the ancient Norman belief that all game in England was owned by the King and that the hunt was therefore the particular privilege of the monarch, a privilege he could in turn grant to others as his generosity and prerogative indicated. The law of 1671 removed hunting from the monarch's mostly symbolic control and made it the privilege of all gentleman whose freehold property was valued at £100 or more a year (or whose leasehold totalled £150). The Game Law seems thus to have enshrined the value of private property; in a curious way, however, it also compromised it, both because those landowners who did not meet this standard could not hunt, even on their own property, and because anyone who *did* meet the qualification could simply enter another's land if his purpose was to hunt.[4] All game belonged to all gentlemen. The £100 freehold did not, as we might expect, mark off a gentleman's property as a kind of playing field within which the sport might be privately pursued; rather, that magic threshold of ownership passed, one entered a sportsman's paradise where, theoretically, all land and all game were open and available. This law—modified in its details, but essentially intact—survived until 1831.

As one historian of these laws has put it, "the king's game" had become "the gentry's game,"[5] but in taking possession of that right, they also took up the monarch's traditional responsibility as well, that of preserving the game. The job of gamekeeper was not, to be sure, an invention or consequence of the 1671 law, but in its wake, the rights and duties—and limitations—of the profession were to be carefully described and circumscribed by further legislation in the decades that followed. Thus, initially, gamekeepers were themselves forbidden to hunt, except in the rare event that they met the property qualification in their own right. Later, they were allowed to take game on their master's property; this led, in turn, to the practice among some qualified gentlemen of appointing their non-qualified friends as gamekeepers. To counter this ruse, Parliament decided that only one gamekeeper be allowed on each estate, and that, moreover, the gamekeeper had to be a servant of the lord of the manor.[6]

These legal details have their own interest, but they are much more important symbolically than as anything that actually governed social

4 This particular *droit de seigneur* is well illustrated by the hunt Western enjoys immediately after losing track of Sophia at Upton. See pp. 622–24. The possible limitation on this privilege was a violation of the laws of trespass; see McLynn, p. 202.

5 Munsche, p. 13.

6 See Munsche, pp. 12–14, and esp. 30–31, 42.

practice. The fact is, where hunting was concerned, England was a nation of scofflaws. Just as there had been an ineradicable Saxon distaste for the Norman idea of a royal hunting prerogative (a distaste still strong six hundred and fifty years after the Conquest, as we see in Pope's "Windsor Forest"),[7] so, in the face of the new game laws, there persisted a widespread belief that the ancient rights and liberties of the English included the right to hunt, whether for sport or for food. In the countryside, that meant poaching, even among the prosperous middle classes who might normally have united with the larger landowners in defence of property; in the city, where a taste for game was more a matter of the dinner plate than of the field, it meant a thriving trade in illegal meat (since an act of 1707 banned the sale of game).[8]

Gamekeepers were the often reluctant footsoldiers in this war between the symbolic aspirations of those with landed wealth and the stubborn denial of those aspirations by almost everyone else. Their reluctance probably reflected the fact that, both practically and symbolically, they had a foot in both camps. The remarkable liminality of their position must be emphasized, for they had real authority over those both above and below them in status. For instance, they were delegated to confiscate the guns and other "engines" (including dogs) of the poachers they caught, and to use force when their authority was resisted. Such a power to humiliate at least and possibly to harm or kill meant one thing when the poacher was a poor man, quite another when he was a small landowner. Indeed, the "impertinence" of keepers was a common complaint among the latter.[9] But their status ambiguity went even further. The gamekeepers enjoyed the right to take game for their masters, meaning that, unlike many of their social betters, they could hunt—and quite legally. They thus enjoyed emblematic as well as tangible privileges denied to many rural men, through a wide range of status. Yet, the gamekeepers—because of poverty or because they were tempted by the profits—themselves often turned to those practices it was their job to prevent. They enforced laws against poaching, but they also broke them, and they were obliged to harass those who must have looked at times like their own doubles, men

7 Interestingly, Pope's panegyric to both English liberty under Stuart rule and the pleasures of the hunt does not mention the limitations of the 1671 law; nothing in the poem indicates the property qualification necessary before anyone could legally force those larks to leave their little lives in air. This may reflect Pope's sense that the liberty of the hunt increased under the Stuarts (since the law enfranchising the gentry passed under Charles II), but it ignores the fact that the Stuarts in general were most zealous to preserve the old Norman claim to the monarch's ownership of all game; for the latter, see McLynn, p. 203 and Munsche, pp. 10–11.

8 McLynn, p. 211; Munsche, p. 22.

9 McLynn, p. 208.

who poached for food or for cash in exchange for contraband meat.[10] As Charles Kingsley put it in 1862, "a keeper is only a poacher turned outside in, and a poacher a keeper turned inside out."[11] Over time, then, they took up positions both inside that great legal edifice that said that the pursuit of game was the pleasure and the pastime of the great and also in the shadow world below and behind that structure, the world in which, whatever the law said, most rural men hunted, hunted because they needed to or because they believed that it was their right.

*George's Poaching*

If we turn from the actual game laws to Fielding's fictional gamekeeper, we note that the novel pays little attention to the details of his work—though we could interpret the fact that he is "universally disliked" by his fellow-servants (p. 133) as a small commentary on the unpopularity faced even by a quasi-constable in a community where the law is resented or flouted. What we see in much sharper focus is George's poaching. He is first introduced (significantly, in mock-legal language) as a man "thought not to entertain ... [strict] Notions concerning the difference of *meum* and *tuum*" (p. 119), and over the next thirty pages, we see two specific instances of this apparently undeveloped sense of property. Later, when Tom loses his £500, we learn a bit more about the gamekeeper's dealings in illegal game. Let us examine the evidence.

In the first instance, he and Tom—at Tom's urging but against his master's strict command not to trespass on neighbouring land—wander a few hundred yards onto Western's estate in pursuit of some partridges they had raised on Allworthy's land. George shoots one bird, hides in the bushes, and Tom—for the first, but not the last time—is nabbed *in flagrante delicto*. Western reports the crime to his neighbour with characteristic heat and demands satisfaction. Tom serves as the gamekeeper's screenmaster and earns a beating from Thwackum for concealing evidence (for all suspect an accomplice). Though Tom never breaks, thanks to Blifil the truth ultimately comes out and, as a consequence, Tom rises in Allworthy's estimation (because of his loyalty), while George is fired, less for disobeying the initial command than for allowing Tom to suffer a beating on his behalf. In the second example, George is convicted of "wiring hares" (p. 148) on the evidence of a "Higler" who, caught with illegal meat, saves his own skin by "becoming Evidence against some Poacher" (p. 147). Fielding makes it clear that there was only one hare

10 Munsche, p. 44.

11 Charles Kingsley, *The Water Babies, A Fairy Tale for a Land Baby, The Works*, vol. 9 (London: Macmillan, 1885), p. 20.

and that George killed it to feed his family. Finally and much later, after Tom has eventually engineered a change in George's fortunes and obtained for him a gamekeeper's position with Western, we discover that George is now a thriving poacher. While the keeper hypocritically helps Tom look for the £500 safely hidden in his own pocket, Fielding mentions two things. One, that George was in the vicinity "in order to lay Wires for Hares, with which he was to supply a Poulterer at *Bath* the next Morning"; and two, that "he had, by selling Game, amassed a pretty good Sum of Money in Mr. *Western's* service" (p. 314)—service that has lasted something over a year at that point. In other words, the same man who was once a helpless victim of the game laws now seems to be turning their prohibitions to his own profitable advantage.

What, then, from the vantage point of the game laws, are George's crimes? First of all, Tom himself has no legal right to hunt (though it was common, if not technically correct, for any squire to allow whom he pleased to hunt on his own property),[12] while George can take game only on Allworthy's estate. By invading Western's land and shooting a bird there, they violate both the game laws and the laws of trespass.[13] The normal penalty for such non-aggravated poaching was a £5 fine or three months' imprisonment. As it turns out, £5 was the typical annual wage of a gamekeeper,[14] and that fact—along with the wrath of Allworthy—may help explain George's willingness to let Tom cover for him. Fielding further mitigates George's behaviour, both for hiding behind Tom and for killing the bird in the first place, by emphasizing that the birds had been raised on Allworthy's estate and by the narrator's insistence that the young man had "over-persuaded" him (p. 120).

A similar air of mitigation surrounds what we know of George's second game law violation: "The Gamekeeper, about a Year after he was dismissed from Mr. *Allworthy's* Service ... being in want of Bread, either to fill his own Mouth, or those of his Family, as he passed through a Field belonging to Mr. *Western*, espied a Hare sitting in her Form. This Hare he had basely and barbarously knocked on the Head, against the Laws of the Land, and no less against the Laws of Sportsmen" (p.

12 Munsche, p. 31.

13 I should note that Western does not prosecute for a violation of the game law, only for a trespass—see p. 121. Battestin's note there misses the point that the two men have even broken the game law. His discussion of whether or not Western's property has been officially designated as a game warren is irrelevant. Neither man is legally able to hunt, whether Western's land is a warren or not. Battestin does note the property qualification on pp. 357–58n3, but does not connect it to Tom or George.

14 For wages, see Munsche, p. 42; for fines, see Hay, p. 189, McLynn, p. 204, and Munsche, p. 21.

147). George has certainly again broken the game laws—jobless wretch that he is, he cannot kill a hare on Western's property or anyone else's for that matter, including, if he had any, his own. But the technicalities of the law aside, the load of oppression heaped on George's back as we read these two incidents is great: he loses his job for one partridge and he is prosecuted again for a single hare. He is victimized by Western's zealous prosecution, by Allworthy's "inflexible Severity" (p. 133), and by a legal system that ignores his necessity and rewards the self-interested testimony of a greater thief than himself.

Throughout these chapters, which introduce us to Tom, to Blifil, to Western, to (in Empson's great phrase) the lethal hatreds of Paradise Hall,[15] Fielding, as his heavily ironic tone in the hare-wiring passage implies, seems unambiguously to create sympathy for George and contempt for those forces which conspire to injure him. The gamekeeper is hungry and powerless and the law crushes him like a fly. The satiric targets through this section of *Tom Jones* are not George but his enemies, who include Western, whose fervour in defence of the game is revealed as a mere hypocritical excuse for his own bloodthirst (see, especially, p. 120); Allworthy, a good man as we are repeatedly told but a blind and dogmatic justice of the peace; and the game laws themselves, founded on the presumption of the propertied and targeted at the weak.

And yet, Fielding then proceeds to cut the ground from beneath the moral and legal certitudes he has apparently so firmly established. For when George returns to the novel in the sixth book after an absence of over a hundred pages, no longer hungry and no longer unemployed, master of a sum of money and a confirmed poacher for profit, he appears as the traitor to friendship who (practised close observer of the ground that he must be) spots and keeps Tom's £500. The effect is to cast a retrospective pall over our early sympathy and this victim of the concerted folly and cruelty of his masters is revealed as someone who deserved all that abuse.

*Names*

If George is first referred to by his occupation, we learn other names for him in quick order. It is Blifil who first speaks the name that will prove to be his most common one, "Black George," at the very moment that he betrays the secret of the gamekeeper's role in the partridge hunt (p. 131). A bit later, we learn his full name, George Seagrim (p. 174).

15 William Empson, "Tom Jones," reprinted in *Twentieth Century Interpretations of "Tom Jones,"* ed. Martin C. Battestin (Englewood Cliffs: Prentice-Hall, 1968), p. 40.

Tom, at least while in Somerset, never calls his friend "Black George," preferring to call him by his Christian name or by his occupation, but the other characters, and the narrator himself, do not hesitate to call him by this compound—though at this point in the novel neither the narrator nor the characters give us any indication how or why George is "Black."

"Seagrim" is the least used and least interesting of George's three names.[16] But it is not the name we most readily associate with this character. He is most often "the Game-keeper" or "George" or "Black George." There are a number of oddities here, the first one being that he is called by his first name at all. The other servants and quasi-servants in the novel—Mrs Wilkins, Honour, Partridge—are called by their last names. And the peculiarity of Fielding's decision to emphasize his gamekeeper's Christian name is compounded when we recall the particular name that he has chosen.

"George" should strike us as a very odd name indeed for Fielding, a vocal supporter of the Hanoverian establishment in his journalism, to bestow upon even a minor villain. (In fact, he doubles the gesture, and at the other end of the social register: the only other "George" in the novel is Sir George Gresham, the profligate Oxford classmate who corrupts the Man of the Hill—see p. 453.) George I had ascended the throne in 1714, and his son George II had inherited it thirteen years later (he would rule until 1760). So, at the time of the publication of *Tom Jones* in 1749, one George or another had occupied the throne of Great Britain for thirty-five years (as indeed, two more would keep George as the King's name until 1830). Thus, it is at the very least curious that the monarch's name should appear in Fielding's novel almost exclusively connected to a character we associate with poverty, victimization, greed, and the betrayal of friendship (and even the brief appearance of George Gresham connects the name to another false friend).[17] And the link between Black George and the monarch is made even firmer when we remember that "George" was an extremely rare name until the eighteenth century. Despite the status of St George as the nation's patron saint, "George" did not become a common name until the Act of Settlement (1701) placed the royal

16 Battestin mentions that a man named Seagrim, who may have been a neighbour of Fielding's, welshed on a loan, forcing the novelist to sue him for debt, and he speculates that there may be a personal score being settled as Fielding appropriates the name of this debtor for his character. Certainly, if such a Seagrim was Fielding's neighbour or acquaintance (the evidence is not conclusive), it is possible to imagine the novelist reconceiving the betrayal of his own act of friendship into George's ungrateful pocketing of Tom's money. See Martin C. Battestin, with Ruthe R. Battestin, *Henry Fielding: A Life* (New York and London: Routledge, 1989), p. 352.

17 To be precise, the monarch is named three times in the novel (pp. 368, 440, and 546), and always in dialogue, direct or indirect. Tom speaks the king's name once (p. 440) and soldiers mention it on the other occasions.

succession in the House of Hanover.[18] Real Georges in the mid-eigtheenth century were probably named for the King.

But we are hardly done with the oddities of the gamekeeper's name. Why "*Black* George?"[19] There is a dearth of nicknames in *Tom Jones*, perhaps because Fielding has given so many characters allegorical or descriptive names, many of which sound like nicknames already.[20] If nicknames imply a desire to be more affectionate or more singular in the specification of identity than the normal and mostly generic range of given names allows, what nickname (at least from the point of view of singularity) could improve on "Thwackum"? Black George's name, then, is unique in the world of this novel, being as it is a nickname that appears to have arisen (for reasons that remain unknown a long time) from the community of which he is part. But if Fielding leaves us to wonder through most of the novel exactly why George is called "Black," he finally does satisfy our curiosity. Partridge, long absent from the Somerset world of the novel's beginning, runs into George in the

18 E.G. Withycombe, *The Oxford Dictionary of Christian Names*, 2nd edition (Oxford: Clarendon Press, 1950), pp. 122–23; Withycombe asserts that the "name was rare until the advent of the House of Hanover in 1714" (p. 122). He is seconded by another scholar of names: "scarcely a single George appears in our parish registers before 1700." See Charlotte M. Yonge, *History of Christian Names* (London, 1884; repr. Detroit: Gale, 1966), p. 115. There is one more etymological point worth noting. "George" comes from a Greek root meaning "tiller of the soil." Black George is no farmer, but he is firmly rooted in the Somersetshire countryside that provides Fielding with the setting for the first third of the novel. Moreover, Fielding, good classical scholar that he was, may also have had in mind another word descended from that root, the poetic form known as georgic, made famous by Virgil, and the subject of a long essay by Addison earlier in the century. In so far as "georgic" meant a poem about rural life, the opening volumes of *Tom Jones* themselves constitute a kind of georgic, with a character named George passing in and out of the action, as if to remind us, however mockingly, of the classical tradition. This pastoral connection is not, to be sure, entirely separable from the Hanoverian one. There was a tradition, especially popular among the Jacobites, and possibly connected to the etymology of the name, that the news of his succession to the British throne was brought to George I in a turnip patch. For the Hanover-turnip connection in Jacobite propaganda, see Paul Monod, *Jacobitism and the English People, 1688–1788* (Cambridge: Cambridge University Press, 1989), pp. 57–58. Western probably has this tradition in mind when he complains that "the *Hannover* Rats have eat up all our Corn, and left us Nothing but Turnips" (p. 321). Battestin's note there does not mention this as a popular form of Jacobite abuse

19 I have ignored here the possibility that would immediately leap to a modern reader's mind—that George is named after the colour of his skin. Black people were relatively common in eighteenth-century Britain, especially relative to their numbers on the continent. Still, despite the lack of any definitive statistics, all evidence points to a very small black population, and the novel gives us no reason to suppose George is black. Indeed, as I will show below, it explains very clearly why he carries this nickname. For the early history of blacks in Britain, see F. Shyllon, *Black People in Britain, 1555–1833* (Oxford: Oxford University Press, 1977). For representations of black people in eighteenth-century art, see David Dabydeen, *Hogarth's Blacks: Images of Blacks in Eighteenth-Century English Art* (Athens: University of Georgia Press, 1987).

20 The classic essay is Ian Watt, "The Naming of Characters in Defoe, Richardson, and Fielding," *Review of English Studies* 25 (1949), 334–37. However, virtually all of Watt's discussion is devoted to the name of the hero of *Tom Jones*, and he says nothing about George.

streets of London. He tells Tom, "I knew him presently, though I have not seen him these several Years; but you know, Sir, he is a very remarkable Man, or to use a purer Phrase, he hath a most remarkable Beard, the largest and blackest I ever saw" (p. 829). On the next page, speaking of the fine livery that George wears in Western's service, Partridge reiterates this new (to us) information: "if it was not for his black Beard you would hardly know him" (p. 830). Like other nicknames, then—"Lefty" or "Red"—the specification here is metonymic: George is in some way uniquely recognizable by one physical trait remarkable enough to seem inseparable from him—a big, black beard.[21]

*Beards*

Let us pause for a moment over the apparently innocuous fact that George is bearded—remarkably bearded, for in the eighteenth century, in England, it was remarkable indeed when anyone wore a beard. The simple fact, as near as we can recover it, is that throughout the century, almost without exception (sailors and Jews were often bearded) every man in the kingdom shaved. As one scholar of these matters has put it, "After the end of the seventeenth century, for a hundred and fifty years, faces were to remain smooth."[22]

The question arises, naturally enough, whether such matters of fashion had anything to do with the labouring or serving classes to which George belongs. Lacking a photographic record, we have to turn to other visual sources. What we see, for instance, if we look at the work of Hogarth or Rowlandson, both of whom frequently took subjects from the lowest classes, is that the faces they depict are almost universally clean-shaven. Even a sequence such as *The Rake's Progress* or *The Harlot's Progress*, crowded as they are with the dregs of society, shows no beards (plate 8 of the former, the well-known image of Bedlam, shows the madmen, who might reasonably be expected to ignore fashionable norms of hygiene, perfectly smooth-faced).[23] Now, certainly artistic representations may be idealized or made to conform to conventions of appearance, and

21 According to the *OED*, the use of "black" to refer to someone who was black-haired goes back to the eleventh century.

22 Reginald Reynolds, *Beards: An Omnium Gatherum* (London: George Allen and Unwin, 1950), pp. 242–43. I am also indebted to a conversation with John Dixon Hunt on this matter.

23 In search of a range of images of male faces of the era, I consulted *The Drawings of Thomas Rowlandson in the Paul Mellon Collection*, catalogue compiled by John Baskelt and Dudley Snelgrove (New York: Brandywine Press, 1978); drawings 66–101 are "Rustic Compositions" and no beards are to be seen (but drawing 114, "The Prize Fight of 1787," seems to show two men with beards, though the scene is so crowded with faces that I cannot be certain). Also, Joseph Burke and Colin Caldwell, *Hogarth: The Complete Engravings* (New York: Harry N. Abrams, n. d.); Hogarth represents a few beards. See "The Enraged Musician" (1741), which shows a

we should not necessarily conclude, based on the evidence of Hogarth, that the keepers at Bedlam roused their charges each morning with basins of hot water and straight razors at the ready. But that is the point. Whatever the reality—irrecoverable in any absolute way—the representational convention was that everyone shaved, and Black George, to be sure, is just that, a representation. Fielding, against the fashion, against the standards of convention, has given his gamekeeper what Hogarth never gave his madmen or prisoners and what Rowlandson never gave his hedgers or ditchers—a beard; further, he made that beard George's defining feature. No wonder then that Partridge—who, after all, works as a barber among his other professions and who first converses at length with Tom while shaving him—calls it "remarkable."[24]

*Lost Property*

The character who picks up Tom's banknotes, then, comes to that action already strongly but ambiguously marked—by his work, by his name, by his appearance. And that ambiguity extends to his crime. For as we noted above, he does not steal the cash (though critics sometimes refer to it as a "theft"),[25] he simply picks up what has fallen out of Tom's pocket and keeps quiet about what he has found. There are probably few readers who would defend this action, especially in light of the wealth of aggravating circumstances Fielding heaps on George's behaviour here (aggravations in direct contrast to the many mitigations with which he surrounds George's earlier crimes). He helps Tom look for the money, he commiserates with him on its loss, and the hypocrisy of it all is compounded when we recall what we could hardly forget, the manifold acts of kindness and generosity Tom has shown him in the past. It is the

scruffy-looking hautboy player with a barely detectable fringe around his chin; another musician, this time fully bearded, leads the procession in "Chairing the Members" (1758). The latter is part of an election series which also shows a bearded peddler in the picture titled "Canvassing for Votes." According to Ronald Paulson, these bearded characters are both Jewish, and are part of a complex commentary in the series on the so-called "Jew Bill" of 1753. See *Hogarth: His Life, Art, and Times* (New Haven and London: Yale University Press, 1971), vol 2, pp. 199–200. I should add that among Hogarth's engravings not drawn from contemporary life, beards abound. The point about the beardlessness of eighteenth-century England is made very well by Hogarth's "Character and Caricaturas" of 1743. Three faces at the bottom of the page are renditions of figures from Raphael and are bearded; the host of faces (close to 100) above are all contemporary, they represent a range of classes and ages, and they are all clean-shaven.

24 Given the paucity of beards in eighteenth-century England, it is worth noting that George's is not the only beard in *Tom Jones*. Captain Blifil, who wins Bridget as a wife and produces young Blifil as a son, has, we learn, a face "totally overgrown by a black Beard, which ascended to his Eyes" (p. 66). George's beard, as we will see, is multiply emblematic, and here we have an early association in the novel between a beard and ideas of social climbing and hypocrisy.

25 See, for instance, James Thompson, "Patterns of Property and Possession in Fielding's Fiction," *Eighteenth-Century Fiction* 3 (1990), 40.

sort of behaviour for which we say, "There ought to be a law," but as we learn at the end of the novel, there's not one, at least not a law that can *punish* George, only the law of trover that allows lost property to be recovered.[26] George has done wrong, no doubt, but it is not a wrong that the law is prepared to punish. England is not Lilliput, and ingratitude is not, as it is there, a capital crime, or even a misdemeanour.

The distinction between what is stolen and what is lost seems straightforward enough—one is a matter of design, the other a matter of accident. But is it? The question was of particular concern for those who thought about crime in eighteenth-century England. In 1725, the notorious Jonathan Wild, the self-styled "Thief-Taker General" of Great Britain, was hanged at Tyburn. Before his fall, he had been a man who had worked, and masterfully, both sides of the law, profiting from the thefts of those he controlled, from the rewards of those whose property he returned, and (for a time) from a grateful government through the bounties he collected on those thieves he chose to betray. He had also been the eponymous "hero" of Fielding's first extended piece of prose fiction. At the heart of his system was a "Lost Property Office," where—for a price, of course—victims of theft could recover the stolen goods that Wild had received from his thieves. The system did little to discourage theft; it only discouraged theft by those independent-minded souls who wanted no part of Wild's control and so left themselves open to his impeachment. But the system, however cynical, did serve to return property to those who wanted it back, and who were willing to participate in the fiction that their goods were merely "lost."[27]

Were Tom's banknotes lost or stolen? The money moves from Tom to George as neatly as if the gamekeeper had picked his friend's pocket or held one of the guns he could legally carry up to the young man's head. But that is not how it did move. The transfer of funds is a murky compound of Tom's hysterical fit of grief after his exile (as he rolls about, the money falls out), his ignorance (both about the fact of the loss, which he discovers later, and the amount, which he learns only at the end of the novel), and George's professionally sharpened eyes. The scene is not one of violence or even of subterfuge but of accident and strategic silence. Tom himself will later characterize and extenuate it to

26 "Trover": "a remedy to recover the value of personal chattels wrongfully converted by another to his own use." See Henry Campbell Black, *Black's Law Dictionary* (St. Paul: West Publishing, 1979), p. 1351.

27 For Wild, see Gerald Howson, *Thief-Taker General* (New Brunswick: Transaction Books, 1970). An excellent brief discussion of Wild's career and methods can he found in Robert Hughes, *The Fatal Shore* (New York: Vintage, 1986), pp. 613–14.

Allworthy as a "Temptation" (p. 969)—as George had once been "over-persuaded" to pursue the partridges. Temptation suggests impulse, itself a mitigation in the eyes of the law.

*Banknotes*

What exactly does George take from Tom? He pockets £500 in banknotes, which are somewhat different from the kind of money we are accustomed to. Our own bills may be covered with mysterious letters, numbers, arcane symbols, and the signatures of various government officials, but unless we have specially marked it ourselves, it appears to us as the essence of anonymity—mass-produced, apparently identical, freely circulating, a currency that needs no authority beyond itself. Not so in the eighteenth century. When George tries to invest his windfall with old Nightingale, Allworthy recognizes the notes: "The Bank Bills were no sooner produced at *Allworthy's* Desire, than he blessed himself at the Strangeness of the Discovery. He presently told *Nightingale*, that these Bank Bills were formerly his" (p. 920). As James Thompson has explained in a pioneering essay on Fielding and money, eighteenth-century "paper money is not government issued, neither anonymous nor impersonal in this period."[28] More like a modern cheque, though the analogy is not at all exact, it typically bore the names of those whose hands it had passed through—drawers, bearers, assorted endorsers along the way. So, the notes that George finds and hopes to "lay out either in a Mortgage, or in some Purchase in the North of *England*" (p. 920) are not cash as we normally think of cash. Rather, they resemble personal possessions, marked probably with both Tom's and Allworthy's names, and in some ways more like a necklace or a watch than a simple sum of money. But the bills *are* negotiable—Nightingale takes them and is looking into the possibilities for investment that George has suggested. The bills thus exist at another point of ambiguity among the many ambiguities that surround Black George. Not exactly stolen, but not simply found; not anonymous cash but not precisely a signet ring either.

*Reading*

These notes are not only ambiguous as property, they are also texts, in a way that is foreign to us. The personal markings on the banknotes—names, signatures—imply, not merely that the notes can be read, but that they *must* be read. In a very real sense, they are without value outside

28 Thompson, pp. 33–34. Thompson's essay provides an excellent introduction to eighteenth-century money and its role in Fielding's fiction. He is not, however, much concerned with crime.

an act of reading. Fielding makes this point very clear by presenting us with two occasions in the novel where money is lost. Besides Tom, Sophia Western also loses something—to wit, a "little gilt Pocket-Book," containing a £100 bank-bill (p. 631). Tom discovers the pocketbook on the road, in the hands of the beggar who found it, and the discussion that ensues is important. It clarifies the fact that these bills are not uniform or even immediately recognizable as what they are: when Tom opens the book, "a Piece of Paper fell from its Leaves ... which *Partridge* ... delivered to *Jones*, who presently perceived it to be a Bank-bill" (p. 632). The bill, that is, has to be read to be recognized, not only as a possession (Tom's, Sophia's, whoever's) but as an item of value. The beggar, who "could not read" (p. 632), literally does not know what he has. Coins, the usual form money took in the eighteenth century, would not present such a problem of recognition to a non-reader, just as an illiterate person today would presumably recognize bills as money.

Fielding's doubling of the scenes of bank-bills lost and found functions, of course, to point a contrast between the loyal Tom and the disloyal George, but it also raises a question: how does George know what he has found? Can he read? Such an ability would by no means be assured for one of his status,[29] but (again, towards the end of the novel) Fielding settles the issue. Speaking of George, Partridge tells Tom that "we are both of an Age, and were at the same Charity School. *George* was a great Dunce, but no Matter" (p. 829). The gamekeeper may have been a bad student, but he did go to school and his immediate understanding of the treasure he has found (in contrast to the beggar on the road) is now clear. In whatever minimal way, Black George can read and his literacy—as the parallel scenes make clear—is inseparable from his act of appropriation. If he fell, as Tom says, because of the strength of "Temptation," that temptation is grounded in the fact that he can read.

There is one other possible association here. The history of the idea of "benefit of clergy" is far too complicated to outline here in the detail it needs.[30] Suffice to say, then, that this institution, which began as a way for those in the Church who had been charged with a crime to be placed under the jurisdiction of the ecclesiastical courts, came to be a legal fiction whereby those who demonstrated their literacy (if in a wholly factitious way: the test passage was always the same and so could be memorized) were not, on a first conviction, subject to a capital

29 For a recent discussion of the literacy of servants, see Judith Frank, "Literacy, Desire, and the Novel: From *Shamela* to *Joseph Andrews*," *Yale Journal of Criticism* 6 (1993), 157–74.

30 For a full discussion of the practice, see J.M. Beattie, *Crime and the Courts in England 1660–1800* (Princeton: Princeton University Press, 1986), pp. 141–46, 167–81, and 451–58.

sanction for a whole range of crimes. Practically speaking, it was a way to institute a principle of mercy in a code where death was mandated for all felonies; but symbolically, it suggested some inherent connection between literacy and innocence or at least between literacy and access to mercy. Fielding's construction of George's ambiguous crime becomes even more curious in its light. The assumption here seems to invert the symbolism of the old tradition; with George, literacy is not equivalent to a presumption of innocence but rather is a cause of guilt.

*The Black Act*

As we have seen, Dowling suggests that George might be indicted under the Black Act. But what was the Black Act?[31] At least ostensibly, it was meant to address a specific problem, an increase in certain kinds of violence and vandalism in some forested areas, mostly in the south of England—Waltham, Windsor, Hampshire. Groups of men blackened their faces and killed deer or stole rabbits or cut down trees or fired off their guns or wrote anonymous and threatening letters. The Act, legally cited as 9 George I, cap. 22, but popularly known as the Waltham Black Act or simply as the Black Act, was rushed through Parliament with little debate in the spring of 1723 in order to suppress this kind of activity, especially the killing of deer. But the sanctions here were much more severe than the fines characteristic of the game laws (though we need to keep in mind that deer were *not* classified as game—wild animals—but as private property). For a modern student, the Black Act provides a ferocious reading experience, damning all kinds of rural mischief as capital villainy. A key aggravation had to be present, however, to trigger the full wrath of the law: the deer had to be killed or the head of the fishpond broken or the tree cut down while the perpetrators were "armed with swords, fire-arms, or other offensive weapons, and [with] ... their faces blacked, or ... otherwise disguised."[32] All told, the Act added at least fifty capital crimes to a criminal code already swollen with opportunities to hang people.[33]

31 For the Black Act, see Leon Radzinowicz, *A History of English Criminal Law* (London: Stevens and Sons, 1948), vol. 1, pp. 49–79; E.P. Thompson, *Whigs and Hunters, The Origin of the Black Act* (New York: Pantheon, 1975); Thompson reprints the Act as Appendix 1 of his book; see also Pat Rogers, "The Waltham Blacks and the Black Act," *Historical Journal* 17 (1974), 465–86; Eveline Cruickshanks and Howard Erskine-Hill, "The Waltham Black Act and Jacobitism," *Journal of British Studies* 24 (1985), 358–65; and John Broad, "Whigs and Deer-Stealers in Other Guises: A Return to the Origins of the Black Act," *Past and Present* 119 (1988), 56–72.

32 E.P. Thompson, p. 271. Further references appear in the text.

33 The arithmetic is difficult: see Radzinowicz, pp. 76–77 and E.P. Thompson, p. 23. Both think the theoretical total of new capital offences is on the order of two hundred or more.

The gap between the crimes addressed and the sanctions proposed is more shocking to a modern observer than it might have been to many contemporaries—the eighteenth century did not have any real philosophy of proportional punishment (that is, that punishments should be graduated according to the severity of the crime).[34] And we should also keep in mind that Parliament was much more willing to write capital legislation than the courts were to enforce it, and the image that a reading of the Black Act conjures up in the modern mind—cony-catchers hanging from every gibbet in the land—is far too grim for the reality. Few people actually were hanged because of the Black Act. At the same time, the Act cries out for interpretation. Why even threaten to hang somebody for cutting down a tree, whether his face was blacked or scrubbed?

Three primary explanations exist.[35] The first says that the Blacks actually were thugs and a scary lot, and that in a system with few options for the punishment of criminals, the path of greatest fearfulness seemed safest. Second, some have insisted that there were real connections between the Blacks and the Jacobites (1722 had been the year of the Atterbury plot), and nothing was more likely to stir up a passion for severity in the Hanoverian establishment than a Stuart ghost. Finally, there is the theory of the Black Act's most comprehensive historian, E.P. Thompson. He insists that the law reflected what he calls "the Whig state of mind" (p. 197), in particular, its insistence on exclusive property rights in the face of resentment from those in rural areas who depended on patterns of customary appropriation. The old forest economy had paternalistically allowed many in its midst to live by a kind of gleaning—scavenging, cutting turf, collecting fallen wood. The new Whig landowners wanted an end to such customs and when conflict broke out, they turned for relief to a Parliament all too ready to serve "the interest of the government's own closest supporters" (p. 206). For Thompson, the Blacks and the Act written to suppress them were an instance of "something close to class warfare" (p. 191), with a "predatory

34 The literature on capital punishment in eighteenth-century England has grown quite large and contentious in the last twenty years. The best and most judicious survey of the question can be found in Beattie, chaps. 8–9 (the entire book, however, is relevant). Much more hostile accounts can be found in *Albion's Fatal Tree*, esp. Douglas Hay's essay, "Property, Authority, and the Criminal Law"; and more recently, in Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (Cambridge: Cambridge University Press, 1992). The assumptions about the criminal justice system that lie behind Hay's work (and that of all the Warwick school, including E.P. Thompson and Linebaugh) come under severe attack in John Langbein, "Albion's Fatal Flaws," *Past and Present* 98 (1983), 96–120. See also Linebaugh's rejoinder, "(Marxist) Social History and (Conservative) Legal History: A Reply to Professor Langbein," *New York University Law Review* 60 (1985), 212–42.

35 Respectively, these are the arguments of Rogers, of Cruickshanks, Erskine-Hill, and Broad, and of E.P. Thompson, cited in note 32 above.

elite" (p. 245) arrayed against an infuriated underclass motivated quite often by "malice against the gentry" (p. 256).

Thompson is very convincing when he argues that the Black Act originated in a conflict that must be understood in terms both of status and of shifting conceptions of the meaning of property. He probably understates the element of anti-Jacobitism in the passage of the legislation (in the terms he himself uses, a group of people anxious to preserve their customary rights might very well also be attached to a customary dynasty); and he possibly overstates the importance of a specifically *Whig* state of mind in establishing the law (since the Act passed with broad bipartisan support).[36] And from the perspective I am developing here, he is guilty of another distortion. What Thompson wants to describe as class conflict in the history of the Blacks might be better or additionally understood as class *confusion.*

As we have seen, one legacy of the game laws was to create a sense of a common grievance, and hence a surprising alliance, among the poor and the small landowners. Douglas Hay remarks that the "game statutes ... antagonized a great many men who usually were the first to support the defense of property and the conviction of thieves. ... [The laws] created something of an alliance between farmers and labourers, who poached together and supported one another."[37] And if we look more specifically at the Black Act itself, it is Thompson who admits that "persons of estate and quality" were involved in Blacking in some areas (p. 140)—an alliance consistent with the old poaching brotherhood of foresters and small landowning farmers. So, one useful way to look at the tangled history of the Blacks and the laws they inspired is not to think of the conflicts in the countryside as the fruit of firmly established positions and clearly marked sides, but rather as the anxious product of a certain confusion—who hunts? who owns? who uses?[38] The Black Act, like the Game Law of 1671, can be seen as an attempt, however clumsy or stupidly Draconian, to bring some kind of clarity to a world where matters of status seem to have struck many among the privileged as all too murky.

Such status uncertainty was nowhere more acute than with the gamekeepers. As we have seen, that confusion grew out of the 1671 law, and the Black Act did nothing to dissipate it. Thompson tells us that the battles in the forest of the 1720s involved "Blacks and keepers" (p. 63).

36 For more on a consensus of conservative values between Whigs and Tories alike, see J.C.D. Clark, *English Society 1688–1832* (Cambridge: Cambridge University Press, 1985).

37 Hay, "Poaching and the Game Laws," p. 212.

38 See Hay, pp. 210–14, for more on this kind of confusion of rights and roles.

As we might expect, the gamekeepers were the first line of both defence and attack against the Blacks, those men who had added a new measure of terror to the old and (to many) honourable pursuit of poaching. But, as we would also expect, the reality was not a simple opposition of rebels and enforcers, and in this regard Thompson is able to state the ambiguity of roles nicely: "Gamekeepers were at the vortex of [the] conflict; sometimes they were terrorized into aiding the poachers; sometimes they were agents of terror and freebooters on their own account" (p. 225). This instability in their position is exemplified by the contrasting fates of two keepers caught up in these struggles. One, Baptist Nunn, a zealous enforcer of the law and doer of his master's bidding, makes "that most difficult of eighteenth-century transitions" (p. 220), from servant to gentleman. Another gamekeeper, however, Lewis Gunner, despised by all sides, resorted to the kind of terrorism favoured by some Blacks (he fired a pistol at a man in a public house) and was himself prosecuted and condemned (though not hanged) under 9 George I, cap. 22 (pp. 225–26).

Thompson's general scorn for the forest authorities means that, despite his use of such examples, he is not fully sensitive to the liminality of the gamekeepers' position, isolated as they were by their authority and their (sometime) criminality from those both above and below them. They were tools of the rich and potential rebels against the law at the same time. Where they could, they profited from old poaching traditions, and yet they sometimes prospered as well from the new and harsh law aimed in part at the very customs some of them relied on. If Thompson does not really acknowledge the difficulty of such liminality, he does mention at one point what could be another, more material plight. Speaking in a footnote of those gamekeepers who had not succeeded in achieving that potentially lucrative mix of salary, perquisites, and poaching that some of their fellows enjoyed, he quotes the Duke of Kent as saying in 1716 that the underkeepers of Windsor had not been paid for years and that "some of these poor men who subsist chiefly by that salary do at this time want bread" (p. 34n).

*The Two Georges*

If Thompson tends to neglect the ambiguity inherent in the status of gamekeepers, Fielding wants to highlight it. The character of Black George, like any real gamekeeper in the world in which he was created, is everywhere marked by ambiguity, liminality, and instability, an instability that shows up most powerfully in the way that Fielding has contrived to give us, not one, but two Georges. For George Seagrim's place in *Tom Jones* tends to fall into two not easily reconcilable

roles.[39] On the one hand, we have a George rather like those underkeepers whom the Duke of Kent pitied. He is a hapless victim, a poor man unable to support his family, and a rather dimwitted pawn in the hands of men more wealthy or more clever than he. He poaches, but he does so for meat, and on a very small scale, and not at all successfully. This is the George we see in Allworthy's employ and just after, and he appears to us as the object of Tom's benevolence and as a vehicle by which Fielding can satirize certain kinds of rural injustice, the game laws in particular. But there is another George, the gamekeeper who works for Western. This character wears fine livery (is, in fact, such a trusted servant that the squire brings him to London); he has actually accumulated a significant sum from a suddenly more lucrative poaching career (he offers to help the imprisoned Tom with money); and he aspires to pull himself up even further by becoming a member of the investing classes, an absentee landlord in fact. We can recall Partridge's words to Tom, "you would hardly know him."

We could explain this doubleness in various ways. First of all, this reversal—the subject of satiric sympathy becomes the object of moral judgment—is characteristic of Fielding's slipperiness, the way in which his art tends to thwart our desire to rest easy with the various opinions we form as we read.[40] Moreover, we might trace the sketchy outline of some kind of "development" in George, whereby the wretch of the early chapters becomes (under the influence of oppression, perhaps, or due to the turning of *Fortuna*'s ancient wheel) the cannier or luckier exploiter of circumstance that we see later. Or maybe he is simply happier working for Western, whose love of the hunt and all its appurtenances is profound.

These interpretations have the virtue of suggesting a completed narrative, either of a reader's complacency overturned or of an individual character's development. But they do not have much to with Black George, who seems not really to *be* a character as we often think of characters in novels, not the "round" ones associated with the school of Richardson, but not the "flatter" characters often attributed to Fielding either. In *Joseph Andrews*, Fielding describes his fictional practice in traditional neo-classical terms as the description not of "an Individual

39 In this regard, it is also worthwhile to recall the way that Fielding splits George in two in book 6, chap. 13, where the gamekeeper argues with his conscience (which is to say, with himself) about whether to steal the money that Sophia has entrusted him to give Tom. See pp. 319–20 for this example of a doubled George.

40 My point here is congruent with Empson's description of what he calls "double irony" in Fielding, a technique whereby he simultaneously distances himself from, and also shows sympathy for, both of two opposed positions. See the essay "Tom Jones," cited above, esp. p. 34.

but a Species," but I do not believe that we should view the instability so apparent in George's character as the novelist's attempt to suggest a range of behaviour possible under the generic label "gamekeeper."[41] Black George is a much more interesting example of the novelist's art than that, precisely because he is an example of a completely different kind of representation. He is not a person, even a generic person, so much as he is a particularly dense site of association. As a site of association, his various actions and traits do not have to cohere as a character, because they—which is also to say "he," George—can work quite well as commentary.

That commentary is centrally concerned with the question at the heart of this essay, the ambiguous position of gamekeepers in eighteenth-century England. As we have seen, keepers were police and criminals, keepers and killers, comfortably-off and poverty-stricken. They enforced the game laws and the Black Act, yet, like George, they were sometimes threatened by these same laws that they were empowered to uphold. Above all, they were men of a most uncertain class status, privileged (to hunt, to enforce the law) like their betters, but, like their inferiors, sometimes operating outside the law, either by choice or by pressure of necessity.[42] I am not concerned here with individual differences, with the fact that some keepers flourished while others struggled and failed. Rather, whatever the success or failure of individuals, there was a certain ambiguity written into the position itself, an ambiguity that Black George, through his doubleness, and through the density of the associations that Fielding has put in play around his character, represents.

The primary associations that Fielding has attached to Black George concern his criminality and his class status, but other moral and political issues emerge as well. We can best see how those associations function by returning to what is, in many ways, the gamekeeper's defining act in the novel, his decision to pocket his friend's banknotes. Yet as we have seen, as a defining act, that moment is itself remarkably ambiguous. George has not broken the law; he is not, strictly speaking, a

41 Discussions of the concept of character in *Tom Jones* must all trace their lineage back to Ian Watt's oft-maligned discussion of the nonrepresentational quality of the characters in Fielding's fiction; see *The Rise of the Novel* (Berkeley and Los Angeles: University of California Press, 1957), chaps. 8–9. For Fielding's comments on character, *Joseph Andrews*, p. 189.

42 I should acknowledge that Black George is not the most famous gamekeeper in the history of the English novel. Pride of place goes, of course, to Mellors, who is not only Lady Chatterley's lover, but Sir Clifford Chatterley's gamekeeper. Lawrence's portrait of Mellors is consistent with the point that I am making here, not only in the sense of the class exogamy at the heart of the love affair, but in the language with which Lawrence describes his gamekeeper. If we look at the scene where Connie and Mellors first meet, we see that Lawrence says that he made "a slight bow, like a gentleman," and, a bit later, Connie thinks, "He might almost be a gentleman." See D.H. Lawrence, *Lady Chatterley's Lover* (New York: Grove Press, 1957), p. 52.

criminal in this matter. However morally reprehensible, his selective silence about a few items lost and found is not something that the criminal code chose to punish. Allworthy, always on the lookout for ways to put the law to moral uses, is predictably outraged at what he sees as the inadequacy of the system in this regard—"I think a Highwayman," he tells Tom, "compared to him, is an innocent Person" (p. 969). Fielding, however, insists on maintaining to the end the legal ambiguity of George's action—it remains an appropriation of another's property that stubbornly refuses classification as theft. The act itself thus functions as a marker of ambiguity, of a gamekeeper's legally liminal position. Surely, too, there is implicit in this narrative another ironic glance back at the career of Jonathan Wild, a cleverer man than George but another exemplary figure for anyone concerned with the limits of the criminal law and the tendency of its categories to resist either stability or comprehensiveness.[43] Wild was no gamekeeper, but his career raises the same troubling question: how well does the law define what is criminal?

But if George has violated no statute in the criminal law, he may be guilty of transgressing some unwritten law of class, and Fielding, I think, invites us to look at George as someone who is sinning above his station in life. Most immediately, there is the fact of George's literacy. By doubling the acts of trover in the novel, Fielding goes out of his way to emphasize the idea that an illiterate Black George would, in a quite direct way, have discovered nothing when he spotted Tom's banknotes. The other sharp-eyed character in the novel, the beggar, does not know what he has. From a moral point of view, it is because the gamekeeper can read what he has found that he goes wrong. But from an economic perspective, George's literacy becomes the potential fulcrum for his transformation. Legible paper becomes negotiable currency, and George, though a dunce at school, reads just well enough to find himself closeted with old Nightingale, seeking a mortgage to buy, hoping to make a new identity. We remember Baptist Nunn, the gamekeeper-turned-gentleman. According to Thompson, that social climber was also able to read (p. 65). So we could say that George's is a status crime

43 Compare here John Bender's account of how Fielding's practice as a magistrate resembled Wild's. See *Imagining the Penitentiary: Fiction and the Architecture of Mind in Eighteenth-Century England* (Chicago: University of Chicago Press, 1987), pp. 159–60. But if Fielding the magistrate is pragmatically willing to appropriate some of Wild's methods, Fielding the conservative idealist recalls nostalgically a much earlier time in British history, a time (as he puts it in the *Enquiry*) where "a Traveller might have openly left a Sum of Money safely in the Fields and Highways, and have found it safe and untouched a Month afterwards." Black George's action seems definitively to establish that such a time is gone forever—not that it ever existed outside of legend. See M.R. Zirker, ed., *An Enquiry into the Causes of the Late Increase in Robbers* (Middletown: Wesleyan University Press, 1987), p. 133.

because it requires the largely status-bound ability to read in order to commit it—a very early instance of a kind of white-collar crime.

But the possibility that George represents a class criminal runs deeper than this. Shortly after writing *Tom Jones*, after his ascension to the magistrate's bench, Fielding published a different kind of consideration of crime, *An Enquiry into the Causes of the Late Increase of Robbers*. There, he argues that the burgeoning crime rate is a result of poor people trying to follow the taste for luxury that they see among the wealthy. Fielding insists that such imitation, what we might call social mimesis, is destructive, leading to idleness and worse among the classes whose lot it should be to know much work and little pleasure (Magistrate Fielding tolerates such displays among the rich, with some irony, as good for the economy).[44] But George's ambition is not at all the same thing as the behaviour of the criminal classes that Fielding discusses in the *Enquiry*. His aim is not, after all, an indulgence in immediate pleasure, but a good return on a sober investment. This is social mimesis of a different order, for what George mirrors here is not the frivolous, but the prudent, side of wealth. He takes his windfall, not to the tavern or brothel, but to an investment banker. Who knows, in time and with a good return, he might very well achieve his own property qualification and so hunt in his own right. There indeed would be an end, once and for all, to the liminality of his peculiar position.

But that question of mimesis brings us back to hunting. It is apparent to me that the game laws and, in its own much fiercer way, the Black Act were centrally concerned with the regulation of particular forms of imitation. Certain privileges, these laws seemed to say, should be inimitable. Poaching was a kind of false hunting or hunting under false pretences, a bad imitation; to kill deer, as the Blacks did, was to mimic the sport *par excellence* that embodied the privilege of the great. And yet, those laws also created an anomalous group—the gamekeepers—licensed, as it were, to imitate. By virtue of their office, they could carry guns and take game, and thus, in this symbolically powerful way, mimic their betters. Little wonder, then, that George should look above his own station for a model of what to do with his money.

But what about George's beard—how does that anomalous growth fit into this frame? I think that we are now in a position to see the way in which it functions as a reflection of that fear of the hidden face

44 Sections 1–3 of the *Enquiry* specifically discuss the problem of luxury among the poor. For Fielding's ironic extenuation of the behaviour of the rich, see p. 83. The standard account of eighteenth-century thinking on luxury is John Sekora, *Luxury: The Concept in Western Thought, Eden to Smollett* (Baltimore and London: Johns Hopkins University Press, 1977).

inscribed in the Black Act's prohibition of men going about "with their faces blacked or otherwise disguised." George is disguised in several ways, of course, most obviously perhaps by his hypocrisy. The face of loyalty that he offers to Jones is only a mask for his willingness to betray him.[45] But his black beard is also, in this context, reminiscent of the blackface worn by the vandals of the 1720s. For those men, figures of such terror for the gentry, a black face was a badge of anonymity, an announcement that, in a social order sometimes called face-to-face, their faces were unreadable. If the troubles in the countryside, as I have tried to suggest, were linked to status confusion, a blackened face seems, at least symbolically, to be an attempt to promote that confusion by erasing familiarity. A known face, we hope, is a badge of stable identity; a hidden face can be anything.[46] "I thought there was not an honester Fellow in the World," says Tom, learning what George has done (p. 969). "I thought I knew him," he might have said, but that was his mistake. Tom's old friend has been, in a real sense, faceless to him. What a bearded George presented was, it turns out, a blank or blackened surface on which a warm-hearted young man could project his charity and his paternalistic assumptions. The gamekeeper—both this fictional character and his real-life counterparts walking through the English landscape—is never quite who he seems to be.

Finally, why is Fielding's gamekeeper not merely "Black" but also "George"? Why is all this weight pressing on the name of the monarch? In his journalism of the 1740s, especially *The True Patriot* and *The Jacobite's Journal*, Fielding expressed quite strongly his support of the Hanoverian succession, but there is no reason to assume, as many readers have, that those pronouncements are necessarily an unproblematic expression of Fielding's political sentiments. Nor should we assume, on the other hand, that in his novel Fielding was constructing a seditious or overtly Jacobite allegory, even though the use of the King's name seems to present us with that possibility. After all, what is George in *Tom Jones*? George is a kind of thief, and yet a thief whose crime is untouchable. There were certainly men in Fielding's time whose associations with that statement would not be George Seagrim but the

45 In his book on beards, Reynolds cites a sixteenth-century French attempt specifically to discourage beards among the lower classes: "the people were forbidden to wear long beards *qui ... semblent cacher quelque dessein pernicieux contre le repos de l'Etat*" (p. 213).

46 Terry Castle does not discuss Black George or his beard in her study of masquerade in Fielding, but her discussion is a valuable companion to my remarks here. See *Masquerade and Civilization: The Carnivalesque in Eighteenth-Century English Culture and Fiction* (Stanford: Stanford University Press, 1986). See esp. p. 92 (and the accompanying note on pp. 356–57) where she briefly discusses the Black Act's prohibitions on disguise in light of eighteenth-century thinking about masquerade.

House of Hanover. What seems to me to be more likely than either simple-minded loyalty or subtle sedition is the possibility that Fielding has constructed, through his choice of a name for his gamekeeper, a small and deeply ironic commentary on legitimacy (in a novel where issues of legitimacy face us at every turn). Black George, as we see him, can never be fully legitimate in the eyes of the world he inhabits, as a hunter, as an agent of the law, or as a property owner. His illegitimacy rests in his moral insufficiency, but it rests at least as much in the radical ambiguity of his position. Yet, as we have seen, that ambiguity is itself a creation of the law. Something similar could be said of the House of Hanover, determined to be England's ruling dynasty by Act of Parliament. Fielding—after all, an ironist of a capacious scope—would not have to wish for a restoration of the Stuarts to be able to see the ways in which the legitimacy of the Georges was a matter of legal construction and the public's acceptance, a product, that is, of law and consensus, not of nature or God. To remind us that the House of Hanover might never be quite right in the eyes of a public who remembered that the Stuarts were forced from the throne is not the same as the wish that the new dynasty be removed. To suggest, with the greatest subtlety, that King George is a poacher of thrones—even, to push the analogy of Hanover and Seagrim a bit further, to suggest that the King is in questionable if not criminal possession of a lost object—may have been a necessary ironic counterbalance to Fielding's other, publicly expressed belief that, having gained that throne, the monarchs imported from Germany should be allowed to keep it.[47]

*The Gamekeeper and the Magistrate*

Fielding, then, has created a character who is most difficult to stabilize in our minds—George is a victim, a traitor, and a social climber; he is the object of our sympathy and the target of our scorn. I have suggested that he is best understood as a site of association, a recurring figure in the narrative whose various appearances allow Fielding to construct a kind of commentary on issues of status and the law, but even that commentary is hard to summarize or make consistent and whole. Certainly, Fielding does seem suspicious of George's ambition, and he may

47 For more on issues of dynastic legitimacy in the novel, see my "Tom Jones and the Stuarts," *ELH* 61 (1994), 571–95. While the view that Fielding unambiguously hated the Stuarts and their Jacobite supporters remains popular, other work has been done in the last few years that tries to complicate the shape of his thought. Besides my essay, see Jill Campbell, "*Tom Jones*, Jacobitism, and Gender: History and Fiction at the Ghosting Hour," *Genre* 23 (1990), 161–90; Peter J. Carlton, "The Mitigated Truth: Tom Jones' Double Heroism," *Studies in the Novel* 19 (1987), 397–409, and "*Tom Jones* and the '45 Once Again," *Studies in the Novel* 20 (1988), 361–73.

well have believed that the kind of social mimesis that his gamekeeper represents is more insidious even than the art of luxurious imitation practiced by the underclass of London. The rigours of the Black Act, Fielding seems to say, may be more appropriate for George than Dowling ever imagined.[48]

Yet the ambiguity with which Fielding has so carefully surrounded Black George means that such a judgment can never be definitive. In fact, on two occasions, Fielding explicitly signals us to withhold any final condemnation. In the introductory chapter to book 7 ("A Comparison between the World and the Stage"), which is to say immediately after the gamekeeper pockets the bills, Fielding imagines George's action on the stage and speculates about how different elements of the audience might judge it. His conclusion is that "the Man of ... true Understanding is never hasty to condemn" (p. 329). And he seconds this idea much later, for when George visits Tom in prison at the hero's own blackest hour, we are told that "*George* was of a compassionate Disposition ... notwithstanding a small Breach of Friendship which he had been over-tempted to commit" (p. 917).

Such reminders of the virtue of withholding judgment take on a new urgency when we add one final angle of vision to this discussion. For there is good reason to believe that the novelist may have felt some personal identification with George, and all the issues of status confusion and illegitimacy that he seems to suggest. In the last months of 1748, Fielding was rushing to finish *Tom Jones*, despite a debilitating attack of his gout, and in addition to his new labours as Justice of the Peace for Westminster (he had taken office on 25 October). After only a few weeks in his new job, Fielding recognized, as Battestin puts it, "that he could neither prosper himself in that capacity [as Westminster JP] nor serve the public adequately unless he also became eligible to act in the commission of the peace for Middlesex County." Unfortunately for Fielding, there was a property qualification for this additional office: to become magistrate for Middlesex, he needed "property worth £100 a year clear value." For help in this matter he turned to his patron, the Duke of Bedford, and asked on 13 December that the Duke assign him enough property to produce the income required. Bedford agreed, and

48 Some recent work has gone far to complicate our old sense of Fielding's politics, and especially to illuminate that which was socially conservative in his thinking. See Brean Hammond, "Politics and Cultural Politics: The Case of Henry Fielding," *Eighteenth-Century Life* 16 (1992), 76–93; Michael McKeon, *The Origins of the English Novel, 1660–1740* (Baltimore and London: Johns Hopkins University Press, 1987); John Richetti, "The Old Order and the New Novel of the Mid-Eighteenth Century: Narrative Authority in Fielding and Smollett," *Eighteenth-Century Fiction* 2 (1990), 183–96; and the James Thompson essay, cited above.

on 9 January, "he conveyed to Fielding for a period of twenty-one years at an annual rent of £30 certain properties" in central London. Fielding took the oath for this second magistracy on 12 January and was securely ensconced in his new positions by the time that his publisher entered *Tom Jones* in the Stationer's Register on 3 February.[49]

The first two volumes of *Tom Jones*, encompassing the scene of George's find, had been issued the previous November, but the final scenes of the novel—the chapters where we learn of George's beard and education and his planned investment and of Dowling's advice—were still (as far as we know) in the process of completion as Fielding struggled to consolidate his new professional status. And even if the problem of the property qualification had not been a concern at precisely the same time as he was finishing his novel, Fielding's interest in a magistracy like Middlesex was longstanding (Chesterfield had recommended Fielding for the position as far back as 1747). He had, in other words, and not to belabour the point, a quite personal interest in the idea of the meaning of property worth £100 *per annum*.

Now the magistracy of Middlesex and the ability to hunt are not, of course, the same thing, and the qualification itself was somewhat different, since the right to hunt required either a £100 freehold or a £150 leasehold, while £100 from rented property was sufficient to make a magistrate. But the similarity in the qualifications is also striking, and the idea of a £100 threshold, and his own insufficiency in the face of it (and Fielding the son of a bankrupt general, the family lands all lost) must have struck the novelist forcibly in thinking about the creation for his novel of a gamekeeper, a job itself in large part defined by the idea of a property qualification.

The point of the parallel I am drawing here is to emphasize the complexity of the pattern of both distance and identification that appears to exist when we look at Fielding and Black George together. It would be easy to take his portrait of the gamekeeper as simply critical and socially conservative: class ambiguity (and the mobility such ambiguity may allow) is dangerous, the cash nexus will erode or destroy the bonds of community, the literacy of servants puts dangerous ideas in their heads, and so forth. But then, we are brought up short, for George is also *like* Fielding. Both author and character alike are excluded by the absence of property from the worlds they aspire to join. Indeed, the full extent of George's aspiration is made clear only at the end of *Tom Jones*, just the time when Fielding himself is attempting to vault over the obstacle placed in his path by the very social order he seems so fervently to

49 Battestin, *Henry Fielding*, pp. 448, 449, 451.

embrace. What I am calling the complex pattern of distancing and identification implicit at all levels in the character of Black George finally works to overturn, once more, our sense of certitude. In this glass of his own creation, Fielding has figured—darkly, humorously—an image of some part of himself.

University of Colorado, Boulder