

Episodic or Novelistic? Law in the Atlantic and the Form of Daniel Defoe's *Colonel Jack*

Gabriel Cervantes

Like other fictions by Daniel Defoe, *The History and Remarkable Life of the Truly Honourable Col. Jacque, Commonly Call'd Col. Jack*, draws together various literary genres. Until recently, this heterogeneity has been studied through a mode of ideological critique that privileges novelistic coherence, and *Colonel Jack* has long been dismissed as an ideological and aesthetic failure. Taking a different approach, this article examines how Defoe's ostensibly broken novel uses a mixture of genres and analogous rather than progressive plot lines to capture and resolve a contemporary problem: the stretching of British legal authority from internal struggles (with criminals, slaves, and Jacobites) to the permeable interimperial boundaries of the Atlantic. Historicized in the development of the illicit trade between Britain and Spanish America, *Colonel Jack's* famously problematic conclusion—a remorseless smuggler's adventure—does not offer a negative example for mercantile morality, but rather serves to theorize a legal regime based on negotiation.

abstract

NINETEENTH- AND twentieth-century conceptions of the novel have been retrospectively projected onto earlier, incipient fields of fictional writing.¹ In English, this projection has been especially apparent in studies of early eighteenth-century literature where the term “novel” has long been used with little concern over historical accuracy. Using the example of Daniel Defoe's *Roxana* (first published in 1724), recent studies by Nicholas Seager and Mary Poovey have shown such processes of reinterpretation were already at work by 1740 when the model of domestic fiction absorbed earlier works and the continuum between fact and fiction began to break apart.² These realizations are crucial, but, as I

¹ Homer Obed Brown traces one such lineage of the “institutionalization” of the novel in his *Institutions of the English Novel* (Philadelphia: University of Pennsylvania Press, 1997). See also John Richetti's introduction to *The Cambridge Companion to the Eighteenth-Century Novel* (Cambridge: Cambridge University Press, 1996), 1–8.

² See Nicholas Seager, “The 1740 *Roxana*: Defoe, Haywood, Richardson, and Domestic Fiction,” *Philological Quarterly* (Winter 2009): 103–26; and Mary

will argue, they should not lead us to completely disassociate early long fictional narratives from their later counterparts or to abandon the work of analyzing their form. Rather, such findings should encourage critics of the early novel to answer the call made by J. Paul Hunter for the development of an “anti-essentialist aesthetic” based on historical principles that better explains the cultural work undertaken by texts that are “additive, digressive, lumpy, and resistant to closure in the generally accepted sense.”³

In answer to Hunter’s call, this article works to describe two interconnected problems. In section 1, I consider a point of continuity between the novel’s earliest examples and later ones: generic hybridity. I do this to highlight the way in which discussions of the early novel have been swept up in larger literary critical trends—trends that have diverted attention away from the question of how generic hybridity manages or fails to manage ideological tensions. With this in mind, the next two sections focus on one of Defoe’s most ambitious and difficult novels, *The History and Remarkable Life of the Truly Honourable Col. Jacque, Commonly Call’d Col. Jack* (1722).⁴ In section 2, a review of the critical approaches to this novel demonstrates how notions of formal unity have obscured that narrative’s engagement with a wide range of historical sites and events. Section 3 builds on section 2 by describing *Colonel Jack’s* aesthetic agenda within a framework of Atlantic history. Specifically, I reconsider the novel’s representation of interimperial smuggling and the correction of lawbreakers as manifestations of a pluralistic legal

Poovey, *Genres of the Credit Economy: Mediating Value in Eighteenth- and Nineteenth-Century Britain* (Chicago: University of Chicago Press, 2008), 114–24.

³ J. Paul Hunter, “Serious Reflections on Farther Adventures: Resistances to Closure in Eighteenth-Century English Novels,” in *Augustan Subjects: Essays in Honor of Martin C. Battestin*, ed. Albert J. Rivero (Newark: University of Delaware Press, 1997), 288–89, 278.

⁴ As Ashley Marshall has recently cautioned us, the Defoe bibliography is unstable, especially with regard to *Moll Flanders* and *Roxana*. Marshall, “Did Defoe Write *Moll Flanders* and *Roxana*?” *Philological Quarterly* 89, nos. 2–3 (2010): 209–41. *Colonel Jack’s* connection to Defoe rests on somewhat better ground since the novel was attributed to him in 1738 by John Applebee, a printer who published an edition of the book and may have had other connections to the person we assume wrote it. I operate with Marshall’s cautions in mind, but am less concerned with who wrote the fictional works than I am with their legibility as cultural forms. It may, however, prove a consequence of my arguments about formal evaluation that Defoe’s standing as an author may not need to depend so much on his connection to *Moll Flanders*.

imaginary, a worldview responsive to the social and commercial expansion of Britain into the western hemisphere. Instead of attempting to rescue *Colonel Jack* from charges of incoherence and making a case for its aesthetic merits as a unified novel, this article recovers the text as a novelistic work in which the aesthetic achievements are anchored in the specificities of its historical moment but also linked to the novel's generic protocols.

1. Coherence, Ideology, and the Novel as Meta-Genre

The novel has long demonstrated a proclivity to absorb a variety of literary modes as well as more stable literary and non-literary genres. To date, this formal hyperactivity has produced little debate about the relation between novelistic coherence and the ideological function of long fiction. This elision has allowed literary criticism to focus instead on the hierarchy between art and ideology, a point of contention that assumes all novels can be digested as ideological wholes. Following these general trends, critics of eighteenth-century culture have allowed, as Hunter terms it, "old rules and criteria based on formalism and organicism [to] remain unquestioned" and have reproduced rather than recreated aesthetic standards derived from later periods.⁵ Many early novels resist unity and closure; but the received terminology of "episodic" and "novelistic"—a curious fusion of Aristotelian and modern criteria—have relegated these difficult texts to the literary-historical margins and turned the question of coherence into a matter of anachronistic categorization.⁶

To sketch the history of these formal issues, I will return to a formative period in the criticism of the early English novel, the twentieth-century moment when Defoe became a serious novelist. In the decade before the publication of Mikhail Bakhtin's *The Dialogic Imagination* (1975), critics working on Defoe's fiction had already identified the early novel as a meta-genre—a literary form predicated on the amalgamation and orchestration of other forms of writing. Grounded in such observations, Hunter's *The*

⁵ Hunter, "Serious Reflections," 278.

⁶ Poovey discusses the way unity was installed as a metric for the evaluation of imaginative writing in the eighteenth century (115–20). The term "episodic," however, was normally reserved for discussions of poetry from 1680–1740. A search in Eighteenth-Century Collections Online and Early English Books Online shows that the term began to appear in discussions of Homer beginning in 1722 and was in a few later instances expanded to include fables.

Reluctant Pilgrim contended that source-oriented criticism—driven by a “rage for parallel”—misidentified *Robinson Crusoe* (1719) as a mere rehashing of the Selkirk castaway narrative or stories like it.⁷ Such approaches, Hunter argued, failed to recognize the religious material that the text drew upon. More troublingly, “fact-centered rather than idea-centered” methods neglected the guiding force that co-ordinated these distinct genres into a single story.⁸ Hunter summed up the difference between Defoe’s fiction and its antecedents in the following way: “*Robinson Crusoe* has a larger coherence than that produced by narrative sequence—a coherence which ultimately separates *Robinson Crusoe* from both travel literature and adventure stories, for books in both the latter traditions lack an informing idea which gives meaning to individual events or to the sequence as a whole. These books seem to lack ideological content, and no thematic meaning can be extracted from them.”⁹ More than an imitation of a well-known, fact-based castaway tale, Crusoe’s story represents a product of a “cultural mind” that drew together the rudiments of such stories into “a familiar Christian pattern of disobedience-punishment-repentance-deliverance.”¹⁰ For Hunter, Defoe’s achievement as a writer appeared in his shaping the raw materials of theology and recorded happenstance into a narrative structured by a particular, unified worldview.

As Hunter and others have subsequently shown, a wide range of eighteenth-century texts perform this kind of cultural work.¹¹ Yet novels seem to demonstrate an especially powerful penchant for (to use a Bakhtinian formulation) “incorporat[ing],” “re-formulating and re-accentuating” other genres.¹² Codes of genre were thus given a place in the study of early long fictional narratives, but only to illuminate a higher order of design. Consequently, the novelistic whole proved greater than the

⁷ Hunter, *The Reluctant Pilgrim: Defoe’s Emblematic Method and Quest for Form in “Robinson Crusoe”* (Baltimore: Johns Hopkins University Press, 1966), 12.

⁸ Hunter, *The Reluctant Pilgrim*, 14.

⁹ Hunter, *The Reluctant Pilgrim*, 18–19.

¹⁰ Hunter, *The Reluctant Pilgrim*, xii, 19.

¹¹ See, for example, Hunter, *Before Novels: The Cultural Contexts of Eighteenth-Century Fiction* (New York: W.W. Norton, 1990); and Lennard J. Davis, *Factual Fictions: The Origins of the English Novel* (Philadelphia: University of Pennsylvania Press, 1983).

¹² M.M. Bakhtin, *The Dialogic Imagination: Four Essays*, trans. Michael Holquist (1975; 1981, reprint, Austin: University of Texas Press, 1996), 5.

sum of its parts, and the critic's task was to identify the organizing principles of long fictional works. In this regard, Hunter and Bakhtin concurred: discussions of the form of the novel needed to account for the ways in which such texts mobilize other forms of discourse within themselves. This kind of accounting has become a commonplace in discussions of the early novel. For example, the structure of Aphra Behn's *Oroonoko* has often been productively discussed as a suturing of romance and travel narrative.¹³

However, as Hunter's account of *Robinson Crusoe* also made clear, this approach to long fictional works necessitated a shift to critical terms capable of describing the novel's capacity to synthesize what it absorbs. The meta-generic operations observable in the *Crusoe* narrative provoke an account of the text's "coherence": its "informing idea," "ideological content," and "thematic meaning." This turn to ideological criticism cannot be characterized as merely reading for plot. For as critics of Defoe's fiction have shown, it takes a well-developed knowledge of specific genres (letters, spiritual autobiography, criminal biography, conduct manuals, memoirs, and spy narratives, to name but a few) to successfully examine the ways in which novels appropriate them.¹⁴ What is more, as G. Gabrielle Starr has argued, the novel's meta-generic operations are essential to untangling the "generic heterodoxies" common in eighteenth-century literature.¹⁵

The parsing of the early novel into its component parts has been long underway and has succeeded. But has this process succeeded too well? I want to underscore the importance of coherence as a metric for novel studies and to ask why, regardless of their insistent heterogeneity, novels almost always yield a

¹³ This observation has appeared in various critical contexts. A recent iteration appears in Elizabeth Maddock Dillon, "The Original American Novel, or, the American Origin of the Novel," in *A Companion to the Eighteenth-Century English Novel and Culture*, ed. Paula R. Backscheider and Katherine Ingrassia (Malden: Blackwell Publishing, 2005), 235–60.

¹⁴ See n11, as well as G.A. Starr, *Defoe and Spiritual Autobiography* (Princeton: Princeton University Press, 1965); Lincoln B. Faller, *Crime and Defoe: A New Kind of Writing* (Cambridge: Cambridge University Press, 1993); Srinivas Aravamudan, "Fiction/Translation/Transition: The Secret History of the Eighteenth-Century Novel," in *A Companion to the Eighteenth-Century English Novel and Culture*, 48–74; and G. Gabrielle Starr, *Lyric Generations: Poetry and the Novel in the Long Eighteenth Century* (Baltimore: Johns Hopkins University Press, 2004).

¹⁵ G. Gabrielle Starr, 2.

coherent ideological effect under critical analysis? Why is it that no matter how extensive the novel's generic promiscuity and, concomitantly, no matter how wide a world it represents, the form always seem to land on its feet, ideologically speaking? Does it not seem equally plausible that novels might be rife with incoherence, static, and confusion connected to specific historical difficulties and impasses?

To continue with the example of *Robinson Crusoe*, even as the contexts and methods for interpreting Defoe's famous novel have dramatically changed, the narrative continues to resolve into "an informing idea" whose "ideological content" can be traced and summed up as such. Even as critics have followed the generic modulations that move the Crusoe story through early eighteenth-century British politics, the Caribbean, and China, the result has been a coherent ideological statement. As Geoffrey M. Sill has shown, faced with a turbulent political atmosphere, the novel refines the genre of the political memoir to advocate for the replacement of "the idea of absolute monarchy with a political state composed of moderate men."¹⁶ In Peter Hulme's account, *Robinson Crusoe* harmonizes adventure literature and individual spiritual accounting into a romance of self that occludes the dependency of New World ventures on slave labour and an erasure of a native presence.¹⁷ More recently, Robert Markley and G.A. Starr have usefully expanded the discussion of the Crusoe narrative to include the eastward-looking sequels that Defoe plotted for his superstar castaway. The *Farther Adventures* and *Serious Reflections* redeploy content from missionary accounts within the format of adventure fiction.¹⁸ Defoe's visions of China may result from a fear of a Sino-centric world or from widely held attitudes about trade, government, and religion, but in both cases these patchwork narratives advance one or a series of mutually reinforcing, ideologically informed

¹⁶ Geoffrey M. Sill, *Defoe and the Idea of Fiction, 1713–1719* (Newark: University of Delaware Press, 1983), 159.

¹⁷ Peter Hulme, *Colonial Encounters: Europe and the Native Caribbean, 1492–1797* (London: Methuen, 1986).

¹⁸ See Robert Markley, "I have now done with my island and all manner of discourse about it": Crusoe's *Farther Adventures* and the Unwritten History of the Novel," in *A Companion to the Eighteenth-Century English Novel and Culture*, 26–47; and G.A. Starr, "Defoe and China," *Eighteenth-Century Studies* 43, no. 2 (2010): 435–54.

positions. This small but arguably representative sample of scholarship on *Robinson Crusoe* (similar surveys could easily be produced for other Defoe novels) suggests that even if the early novel's form cannot be discussed with the precision achievable in studies of more relatively rigid forms such as the sonnet or the epic, formal analysis of the early novel serves to produce coherent ideological wholes. If long fictional narratives marshal other discourses, genres, and literary modes, they do so without major difficulty, moving towards a definite conceptual end and undertaking a purposive form of cultural work.

The persistent link between formal analysis and ideological critique that is evident in Defoe criticism—and in literary studies more generally—has not gone unremarked, but discussions of this link have tended to elide the question of coherence and the aesthetic assumptions it depends on in favour of discussion of directionality. Instead of inquiring into the circumstances whereby a novel's genres work or do not work together, critics have asked whether ideology shapes literary output, or if literature evades or overcomes ideology. This inclination is especially apparent in the work of scholars who have defined the value of Defoe's fiction for literary analysis. In *Defoe's Narratives*, for example, John J. Richetti recognized the development of a critical practice whereby Defoe's long fictions "are rescued from inconsistency by fitting into a background which provides them with unsuspected coherence and makes them expositions of their author's informed view of a complex reality."¹⁹ Reversing this movement and offering an alternative manner of bringing ideology and form together, Richetti proposed that the central issue informing Defoe's fictional narratives is ideology itself, "part of the problem any novel faces rather than an answer to what it means."²⁰ Refusing to locate ideology as the force that shapes long works of narrative fiction from the outside, Richetti showed how Defoe's novels internalize their engagement with material and conceptual strictures by narrating a movement through them. This approach focuses attention on how the techniques of narration—characterization, the construction of time and space, representations of speech, plot—negotiate characters' and

¹⁹ John J. Richetti, *Defoe's Narratives: Situations and Structures* (Oxford: Clarendon, 1975), 6.

²⁰ Richetti, *Defoe's Narratives*, 11.

readers' passage through a world circumscribed by manmade rules. In this view, the novel's meta-generic orchestrations are one means through which literature activates, tests, and even supersedes ideology. Rather than taking an ideological stand, Richetti proposed, novels might be seen as taking a *stand on ideologies* in their fiction-making processes.

New Historicist critics subsequently described a discursive continuum in which all kinds of texts struggle for cultural dominance in much the same way. This approach extended the techniques of literary analysis to a wider range of texts, flattening the differences between the literary and the non-literary, but also remaining centred—by disciplinary predilection—on literary texts. In *Factual Fictions*, following the theories of Michel Foucault, Lennard J. Davis put the eighteenth-century English novel into dialogue with a range of non-fictional sources to better describe contemporary boundaries of fiction itself and to trace the “strategic desires in both the work of art and the act of power.”²¹ In this model, cause and effect appear as functions of broad historical changes that produce and are in turn shaped by webs of discourse. In Davis's work and in New Historicism more generally the idea of form did not disappear; instead, it was integrated into critical processes that fused specific strains of formal and historical analysis. A sweeping reconfiguration of novel studies followed this shift in the methodologies of literary criticism. As ideological instruments, novels from various periods and traditions could be approached in much the same way. For example, the publication of John Bender's *Imagining the Penitentiary: Fiction and the Architecture of Mind in Eighteenth-Century England* (1987), which deals with Defoe's fiction extensively, coincided almost directly with the publication of similarly-minded studies in law and literature by D. A. Miller and Brook Thomas that addressed fictional production in the nineteenth century and on both sides of the Atlantic.²²

Another consequence of this methodological change was brought to light by Alan Liu's contemporary challenge to the

²¹ Davis, 9.

²² John Bender, *Imagining the Penitentiary* (Chicago: University of Chicago Press, 1987); D.A. Miller, *The Novel and the Police* (Berkeley: University of California Press, 1988); and Brook Thomas, *Cross-Examinations of Law and Literature: Cooper, Hawthorne, Stowe, and Melville* (New York: Cambridge University Press, 1987).

collusion of historical approaches and formalist criticism enabled by a turn to discourse analysis. In its interest in the novel and lyric poetry, Liu argued, New Historicism appeared not only as a reincarnation of formalisms past but also as “an ultimate formalism so ‘powerful’ that it colonizes the very world as its text.”²³ With particular regard to the eighteenth-century novel, Liu pointed to the prison and the recreational tour as critical paradigms that subsume a plurality of content—mental and geographic, respectively—within a literary form beholden to the “rule of the individualistic self.”²⁴ For Liu, literary criticism intent on discovering an indexical relationship between form and history privileges events and phenomena that correspond to a given formal arrangement. In this scheme, literary form determines what is and is not significant and yields static accounts of historical transformations. The selectivity Liu describes has a parallel effect on the definition of the literary field itself as certain texts more readily match received historiographical structures and knowledge.

The problem Liu pinpointed has not gone away nor has it been limited to the study of eighteenth-century culture. Jim Hansen has recently revisited the connection between formal and ideological analysis by examining models for literary criticism proposed by Walter Benjamin and Paul de Man. In de Man’s case, form contains the possibilities for textual interpretation by “unmask[ing] all language as subject to the same problems of literary language” and referring anything extra-textual back to the textual processes.²⁵ Benjamin, on the other hand, offers a more useful dialectic whereby a balance is struck between ideologies outside a text and the literary forms that work upon them. Borrowing Benjamin’s language, Hansen defines this strategy as “a criticism that begins with the mortification of the work of art and ends by mortifying the structure of the social world from which that work springs.”²⁶ By adopting this paradigm, Hansen contends, a renewed formalism would enact ideology-critique not only on self-consciously crafted artifacts of culture but also

²³ Alan Liu, “The Power of Formalism: The New Historicism,” *ELH* 56, no. 4 (1989): 755.

²⁴ Liu, 727.

²⁵ Jim Hansen, “Formalism and Its Malcontents: Benjamin and de Man on the Function of Allegory,” *New Literary History* 35, no. 4 (2004): 679.

²⁶ Hansen, 680.

on the contexts to which they correspond. Such a method would employ a multidirectional approach that mobilizes critical efforts within and outside a given literary form.

In essence, Hansen suggests that effective and useful forms of literary criticism can avoid the formal “colonialism” Liu warned against by embracing a more rigorous type of historical analysis. This seems to move in the right direction, but by focusing attention on the question of the movement of meaning between text and context, even this renewed formalism leaves the matter of ideological coherence largely unexamined. Two interrelated assumptions are signalled by the persistence of this elision. One is that any given text will yield a coherent ideological position when put under critical scrutiny. Works of art, we are assured, act as consistent ideological units. Another assumption is that the object of critical analysis needs to be taken apart, demystified, demolished, and disenchanting—to suffer “mortification,” as Benjamin put it. But, to return to the problem of the eighteenth-century novel and the early novel in particular, what if this “enchantment” is less a result of what long fictional narratives do and always have done and more a result of how we expect them to behave? What if we move beyond the categories “episodic” and “novelistic” in studying the early novel and reconstruct the relationship between the form of the literary text and its ideological context without recourse to what Hunter calls the “old rules”?

In the following sections, I will address these questions by working with *Colonel Jack*, a text that serves as a useful but certainly not unique limit case for ideologically minded criticism and the ideal of novelistic coherence. Like most of Defoe’s long fictional narratives, *Colonel Jack* uses the novel’s meta-generic capacities and brings together a host of genres: adventure narrative, criminal biography, missionary fantasy, personal history, and military memoir, to name a few we can readily identify. Despite its similarity in style and theme to *Moll Flanders*, this text has languished at the margins of Defoe’s oeuvre as an ostensibly “episodic” narrative. Critics have long disparaged it for failing to make its parts cohere into a convincing unity, and its conclusion has presented a long line of scholars with a “great, dangling loose end.”²⁷ The narrative’s formal failings have also been attributed

²⁷ Faller, 182. In the following section of this article, I will more fully discuss Faller’s thorough examination of the book’s formal instabilities.

to its propagandistic nature, its too obvious presentation of an ideological agenda. *Colonel Jack* asks us to consider how much the success of novel criticism depends on the description of not just ideology but a coherent—and often hidden—ideological agenda. Crudely executed, it would seem, the narrative proves artless in organizing its component parts into a unity; its closing movements channel the values attached to sincere penitence, successful marriage, and personal honour into an avaricious conclusion following the adventures of a law-breaking Atlantic smuggler. In contrast to this assessment, I suggest another approach: attending to the multiple formal commitments of this early novel but not privileging their coherence.²⁸ In the case of *Colonel Jack*, as I will show, such an approach reveals an early novel that uses an array of available genres to trace what historians are now coming to recognize as the uneven and dispersed contours of the legal regimes of the early eighteenth-century Atlantic.

2. From Faults to Fault Lines in “Colonel Jack”

Published at the end of 1722, *Colonel Jack* tells the story of an orphan turned petty thief and later military officer who, after being kidnapped to Virginia and illegally sold as a servant, ends up a reluctant plantation master and, ultimately, a first-rate smuggler operating in the lucrative black market between Britain, its colonies, and Spanish America. The narrative’s primary scenes bind together London, Virginia, Cuba, and Vera Cruz. Shorter sequences range even further abroad to sites such as Bordeaux, Ghent, the Scottish border, and New York, where Jack gets some of the goods he smuggles across the imperial boundary. By all accounts, the text draws together issues and a terrain ripe for analysis through what William Boelhower calls

²⁸ For recent accounts of the novel’s eighteenth-century history aimed at recovering alternate canons and modes of reading, printing, and reprinting in which coherence and totality were not the norm, see Seager, “The 1740 *Roxana*,” 106–10; Simon Dickie’s account of “ramble novels,” popular literature, and the difficulties of enacting social critique through fiction in “*Joseph Andrews* and the Great Laughter Debate,” *Studies in Eighteenth-Century Culture* 34 (2005): 285; and, for a discussion that spans the novel’s Chinese and British histories and reveals the gender bias involved in novelistic coherence, see Ling Hon Lam and Dahlia Porter, “Hybrid Commodities, Gendered Aesthetics, and the Challenge of Cross-Cultural Comparison: A Response to Moretti’s ‘The Novel: History and Theory,’” *Literature Compass* 7, no. 9 (2010): 900–11.

the “new Atlanticist critique”—a scholarly movement intent on recognizing the “multiple and differently inflected geo-political positions, each with its distinct history and agency in the Atlantic world.”²⁹ Somewhat ironically, however, the transformations of the narrative’s hero and his expansive links to historical events and sites have made it difficult to appreciate the novel as a literary work.

This depreciation has been true since the early nineteenth century. In 1817, Coleridge found *Colonel Jack*’s combination of events too singular even for a novel: its fictitiousness was too obvious and, as such, “perplexes the reader’s feelings” and works to “divide and disquiet his faith.”³⁰ Charles Lamb expressed much the same response to reading the work. For him, the narrative’s opening scenes focusing on Jack’s boyhood present “the most affecting natural picture of a young thief that was ever drawn”; yet the rest of the story seemed to him as a “long relation of common incidents, which might happen to any man, and have no interest beyond the intense appearance of truth to recommend them.”³¹ The fracture Lamb found in *Colonel Jack* between one coherent sequence—the sentimental dilation of criminal biography—and subsequent disconnected (and perhaps all too historical) events would be repeatedly pointed out by critics for nearly two centuries. In each case, the narrative’s failure to maintain a coherent idea results in comments about its failure to orchestrate its narrative sequences.

Commenting on a scene in the novel he found suitable as anti-slavery propaganda, the eighteenth-century poet and scientist Erasmus Darwin also complained of the narrative’s meandering. In a 1789 letter to Josiah Wedgwood (who, two years earlier, produced anti-slavery badges for the Society for the Abolition of the Slave Trade), Darwin singled out a “long story ... of the generous spirit of black slaves ... [it is] told rather diffusely, so as to be almost tedious,” he warned Wedgwood, adding that the story might be rescued for use in a “magazine, or a newspaper,

²⁹ William Q. Boelhower, “The Rise of the New Atlantic Studies Matrix,” *American Literary History* 20, nos. 1–2 (2008): 86.

³⁰ Samuel Taylor Coleridge, *Biographia Literaria*, ed. James Engell and W. Jackson Bate (Princeton: Princeton University Press, 1983), 2:133.

³¹ Charles Lamb to Walter Wilson, 16 December 1822, in *The Works of Charles and Mary Lamb* (London: Methuen, 1903–5), 1:523.

if it was curtailed, or publish'd in parts."³² Such comments illustrate the mutually constitutive relationship between novels and anthologized literature that was typical of the eighteenth century.³³ But these responses also prefigure subsequent attempts to extract the narrative's treatment of slavery from a distracting remainder. Reacting in much the same way, the United States author and philanthropist Edward Everett Hale edited an "Americanized" edition of *Colonel Jack* in 1891. This edition cut "the unimportant European episodes" in order to highlight Jack's story as a representation of "the system of white slavery which is called 'apprenticeship' by tender writers."³⁴ For Hale, Defoe's text contained a "real" and "thoroughly American" novel trapped in a book "padded" for publication and marred by "long episodes" that "destroyed its interest as a single novel"; in Hale's assessment, the narrative was "the most important of De-Foe's novels with the exception of Robinson Crusoe," but was really "two or three novels awkwardly patched together."³⁵

³² Erasmus Darwin to Josiah Wedgwood, 22 February 1789, in *The Collected Letters of Erasmus Darwin*, ed. Desmond King-Hele (Cambridge: Cambridge University Press, 2007), 332. This view of the representation of African slavery in *Colonel Jack* depends to a large degree on Darwin's and Hale's willingness to see anti-slavery potential in the figure of the grateful slave appearing in *Colonel Jack*. As George Boukulos makes clear, people who have responded to such figures in this way often neglect to recognize the contradictions involved. For, as he explains, such representations of slavery also imply that brutality is the norm and that "Africans can be induced not just to accept slavery, but to embrace it, to be overwhelmed by ecstatic gratitude toward someone who continues to claim mastery over them." Boukulos, *The Grateful Slave: The Emergence of Race in Eighteenth-Century British and American Culture* (Cambridge: Cambridge University Press, 2008), 3.

³³ See Leah Price, *The Anthology and the Rise of the Novel from Richardson to George Eliot* (Cambridge: Cambridge University Press, 2000).

³⁴ Edward Everett Hale, preface to *The Life of Colonel Jack*, by Daniel Defoe (New York: Thomas Y. Crowell, 1891), vii–viii.

³⁵ Hale, vii. Hale also believed in the novel's true significance as an anti-slavery story. In the preface to his edition, Hale admits that he first read the text in 1863 in Fort Monroe at what he coyly describes as "a period of a good deal of interest to slaves and slaveholders." The copy he read belonged to then major general of the Union Army and later governor of Massachusetts, Benjamin Butler, who pointed out that much of Defoe's narrative was set not too far from where they found themselves at a key Union stronghold on the southern border of Virginia. Butler's affinity for the book, Hale imagined, comported well with his actions as a general. Not long before these literary observations had been exchanged, Butler had made his famous decision to treat escaped slaves as "contraband" and in so doing prevented their return to slavery.

In describing the narrative's closing turn to scenes in the life of an Atlantic smuggler in his mid-twentieth-century Oxford University Press edition of the text, Samuel Holt Monk offered the opinion that "perhaps the novel should have ended with the remarriage of Jack and his first wife."³⁶ Instead, as he explains, "it wanders into a sort of postlude, which many readers find dull, or at best anticlimactic."³⁷ Refusing even the ambivalent repentance that made *Moll Flanders* a keystone of nearly two decades of sustained critical debate about Defoe, irony, and, the question of morality and the study of literature, Jack's story ends with the suggestion (examined below) that one should get rich or die trying. Darwin, Lamb, Hale, and Monk thus found that its most significant achievements—political, emotional, or mimetic—could not be made commensurate with the expansiveness and desultory nature of the story as a whole. For each commentator, questions of ideology become a matter of aesthetic evaluation. The narrative's "dull[ness]" and its "awkward" stitching together evince a lack of authorial control and a failure to retain readers' interest. In Darwin's opinion, even the scenes of plantation life would need to be slimmed down and made less "tedious" to make effective propaganda.

Twentieth-century critics inherited these views and amplified them with the help of the episodic/novelistic distinction. Maximillian E. Novak has argued that the book "might have been as good as *Moll Flanders*" if Defoe had not "dissipated the energies of the work" in the turn to military memoir and smuggling adventure; "Jack's dealings with the colonists in Cuba and Mexico," he adds, "have little intrinsic interest for the modern reader" as they "have a certain amusement" but produce a "feeling of randomness and drift."³⁸ Richetti's otherwise sympathetic reading of the narrative as part of Defoe's novelistic engagement with ideology puts the problem of narrative coherence another way: even though Jack has achieved a "hard-won domestic tranquility," the "energy that makes Jack a character" forced Defoe's hand. Jack's sudden need to flee Virginia because he might be fingered as a Jacobite traitor becomes, at his wife's behest, an

³⁶ Samuel Holt Monk, introduction to *The History and Remarkable Life of the Truly Honourable Col. Jacque, Commonly Called Col. Jack*, by Daniel Defoe (London: Oxford University Press, 1970), xvii.

³⁷ Monk, xvii.

³⁸ Maximillian E. Novak, "Defoe as Innovator of Fictional Form," in *The Cambridge Companion to the Eighteenth-Century Novel*, 63.

opportunity to do a bit of smuggling. Here, Richetti explains, “the narrative is at its most transparent”; not merely “evidence of Defoe’s haste and relative incompetence as a narrator,” these scenes make an appropriate but not deftly prepared-for ending to the story of a man perpetually “moving and transforming.”³⁹ In sum, the narrative’s seemingly tacked-on ending constitutes an uncomfortable leap from one informing idea to another. In its meta-generic effects, the story’s romance of family, one of the structuring principles for *Moll Flanders*, succeeds when Jack finds a faithful wife but too obviously gives way to an adventure narrative. Or, as Novak contends, the interests that set the story in motion—crime and criminal biography—are abandoned because of a shift in Defoe’s career towards economic geography as evinced in *A New Voyage Round the World* (1724) and his *Tour through the Whole Island of Great Britain* (1724–26).

This critical tide began to turn with Lincoln B. Faller’s account of the novel in his *Crime and Defoe: A New Kind of Writing* (1993). Like earlier commentators, Faller finds *Colonel Jack* “at best only quasi-coherent,” comprising “hints and partial, not whole, often confused and contradictory meanings.”⁴⁰ Yet, after working through an array of possible readings, he eventually finds the novel’s instability important to understanding its relationship to ideology. Drawing on the work of Pierre Macherey, Faller suggests that the force of *Colonel Jack* rests in its capturing of the “logical disarray of early capitalism,” in the book’s rendering of the “varieties of false consciousness” operating in Defoe’s day with “with all the flaws, contradictions, and inconsistencies that riddle them.”⁴¹ This approach to the novel has subsequently gained ground. Stephen H. Gregg has recently addressed the “untidiness” of Jack’s story as more than evidence of Defoe’s incompetence: the narrative’s movement between “different ideological positions,” he contends, correspond to “the period’s unwitting and disavowed ideological manoeuvrings concerning hierarchy” and “constructions of masculinity.”⁴² Drawing together anti-Jacobite literature, anti-female satires, and treatises on gout, Gregg finds *Colonel Jack* a “rambling and restless novel,” the

³⁹ Richetti, *Defoe’s Narratives*, 189.

⁴⁰ Faller, 169.

⁴¹ Faller, 199.

⁴² Stephen H. Gregg, *Defoe’s Writings and Manliness: Contrary Men* (Burlington: Ashgate Publishing, 2009), 132.

“margins” of which illuminate “ideological aporias” rather than fully resolving them.⁴³ Like Faller before him, Gregg illustrates how ostensible meta-generic “failures” of the novel can be turned to critical advantage.

The exacting work of Faller and Gregg on this difficult Defoe novel provides a useful model for further analysis. Going one step further, I suggest that *Colonel Jack* might be deemed an aesthetic failure, but not convincingly so without a fully realized account of the aesthetic preferences that might have made it so in specific cultural-historical contexts, especially around the time of its publication and before the categories of fiction were reworked from 1740 onward. In the incipient field of the early novel, standards of novelistic coherence need to be measured against historically informed accounts of fictional genres like that recently undertaken by Seager with regard to *The Memoirs of Major Alexander Ramkins* (1718).⁴⁴ In light of such ongoing work, the very determination of aesthetic failure may need to be radically reworked or abandoned altogether. For example, we should consider the significance of *Colonel Jack*'s blend of fact-distorting memoir and harmless “private history”—generic categories, as Seager convincingly maintains, that have been given unequal amounts of importance in accounts of the development of the early English novel.⁴⁵ More work along these lines is necessary in order to recover early eighteenth-century narrative aesthetics. The question I want to answer here, however, has to do with linking *Colonel Jack*'s problematic but thoroughgoing generic hybridity with the historical contexts that the text itself insists upon; that is, with explaining why genre mixing, a novelistic feature of this early long fiction, provided an appropriate strategy for representing the early eighteenth-century British Atlantic.

3. Correction and Atlantic Smuggling in “Colonel Jack”

Many of *Colonel Jack*'s ideological investments can be found in Defoe's subsequent non-fiction writing.⁴⁶ As a work of fiction,

⁴³ Gregg, 132.

⁴⁴ Seager, “Daniel Defoe, the Novel, the Canon, and *The Memoirs of Major Alexander Ramkins*,” *Eighteenth-Century Novel* 8 (2010): 1–37.

⁴⁵ Seager, “Daniel Defoe, the Novel, the Canon,” 15.

⁴⁶ In *Conjugal Lewdness* (1727), Defoe explored many of the pitfalls to happy marriage, like unrestrained appetites, that trouble Jack throughout

however, it does more than merely index a series of concerns; instead, it orchestrates their relationship and priority through narrative and through the suturing of genres, some of which make unlikely companions. This process is especially evident in the narrative's interest in colonial affairs, an interest that has been in part explained by way of Defoe's abiding support of criminal transportation as a penal practice. There are, however, difficulties with reading *Colonel Jack* as propaganda of this sort—difficulties that cannot be addressed without a sense of what effects generic hybridity has on the narrative's ideological impact. At the level of plot, Jack is never arrested, tried, or sentenced to transportation. Avoiding Moll's fate, near the middle of his story he is "spirited away" (kidnapped) to Virginia and made a plantation worker. More troublingly, the narrative's conclusion, which finds Jack's smuggling of British goods to Cuba and Mexico, points away from repentance, a typical conclusion of criminal and spiritual biography that would reinforce a propagandistic agenda. Adventure takes over and a sequence of harrowing episodes glorifies treasonous law-breaking and the accumulation of wealth by illicit means. Even in Faller's capacious assessment of the novel, this ending intensifies the novel's disorderliness.⁴⁷

his various marriages. In *The Compleat English Gentleman* (1728–29), he demonstrated concern over figures like Jack who constituted a class of bred gentlemen as distinct from those born with such a status. *Colonel Jack's* disdain for violence as a means of dealing with intractable servants finds an echo in Defoe's *The Great Law of Subordination Consider'd* (1724). An early opinion piece published in his *Review* condemned the practice of dueling, which would soon be outlawed in France, as an arcane means of establishing honour. As other critics have noted, the treatment of Jacobitism in *Colonel Jack* enters into dialogue with other writings by Defoe and others on that topic. David Blewett has argued that the 1717 Royal Act of Grace, by which George I pardoned some Jacobite rebels, stands as an important analog for the various acts of clemency intended to produce obedience in the novel. See Blewett, "Jacobite and Gentleman: Defoe's Use of Jacobitism in *Colonel Jack*," *English Studies in Canada* 4, no. 1 (1978): 18–20. And, of course, Defoe had been a frequent commentator on Spanish affairs from the first inklings of the War of Spanish Succession to one of his last works of fiction, *A New Voyage Round the World*, which describes a trade journey across the Atlantic and into the Pacific and, like *Colonel Jack*, works to convince its readers of the potential for immense profits in trade with Spanish America. In Jack's narrative, Defoe's interest in gratitude becomes a means for putting forward a model of social relations that addresses almost all of these concerns more or less directly.

⁴⁷ Faller, 184.

These difficulties, I argue, can be reconceived through attention to the narrative's meta-generic effects, which are organized around the representation of law. Here I refer not to the letter of any single nation's laws, not to any branch of lawyers' law, but to a collective understanding of the nature of legal power that has become a central matter in recent scholarly accounts of the overlapping legal systems of the early modern Atlantic world.⁴⁸ Moving between Britain, the American colonies, and Spanish America, the episodes of Jack's life dramatize the enforcement of British laws governing crime (including treason) within a geopolitical framework organized around negotiation and the logic of clemency. If the book presents criminal transportation as a penal practice worth recommending, it does so because the practice is one among many that expresses what historian Lauren Benton describes as the "*possibility of fairness ... in the absence of overarching political authority.*"⁴⁹ Across *Colonel Jack's* genres, punishment has its meaning tailored to persons and situations that span the British Atlantic, and a patchwork of narrative sequences allows the legal logic of clemency to appear at various sites therein. Seen in this way, the import of the narrative's troubling conclusion can be dramatically reassessed. Less a padded ending intended to entertain or motivate readers through a ludicrous fantasy of wealth, the Spanish scenes illustrate the extent to which British juridical practices were embedded in a trans-imperial and transnational sphere of legal meaning-making where codes and statutes often gave way to custom and negotiation. For Defoe, diverse genres helped to bring a wide world of legally circumscribed activity into focus. But these genres themselves move towards conclusions that yield a sequence of events in which multiple ideologies are engaged and yet not necessarily harmonized in the way modern readers expect them to be.

From the start, Jack's story prepares its readers to take up the idea of criminal transportation as replacement for a failed system

⁴⁸ The ground-breaking study in this area of inquiry is Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History* (Cambridge: Cambridge University Press, 2002). Following Benton's lead, other scholars have undertaken studies of lawmaking process and colonial constitutions. See, for example, Mary Bilder, *The Transatlantic Constitution: Colonial Legal Culture and the Empire* (Cambridge: Harvard University Press, 2008).

⁴⁹ Benton, 26.

of criminal punishment. At thirteen years old, Captain Jack (the Colonel's older brother) and his gang are caught kidnapping; as a result, the Captain is "order'd to be three times soundly Whipt."⁵⁰ Using the kind of wordplay typical of *Moll Flanders*, Jack relates that on the day he went to visit his brother in Bridewell, the Captain was "to be Corrected, *as they called it*, according to his Sentence" (40). Remembering the event, Jack calls our attention to the punishment's violence, as it impressed itself on the young eyes and incomplete understanding of a child. Sir William Turner, then President of Bridewell, "held preaching to him about how young he was, and what a pity is was such a Youth should come to be hang'd"; "all the while," Jack recalls, "the Man with the blue Badge on" (the sign of a poor person put to work) "lash'd him most unmercifully, for he was not to leave off till Sir William knocked with a little Hammer on the Table" (40). The Captain, Jack recalls, "stamp'd, and danc'd, and roar'd out like a mad Boy"; "I must confess," he adds, "I was frightened almost to Death" (40). The extra emphasis Defoe places on the word "correction" marks its instability; and, not long after, the word does begin to sound hollow: although the Captain is "corrected," we find the whippings "made him sick of the Kidnapping trade for a great while; but he fell in among them again" (40). The failure of corporal punishment to effect a change in the Captain's behaviour extends to the Colonel and his younger brother, the Major. As Jack explains, "we were corrected as well as he [by their fear], tho' not concerned in the crime," but, he confesses, it was "within the Year that Major, a good Condition'd easy Boy, was wheedled a way" and turned to picking pockets (40). Not long afterward Jack, too, crosses over to the wrong side of the law.

Genuine correction in *Colonel Jack* appears in the form of the transport's story—not only as a penal process scripted in law but also as a narrative useful for organizing experience. Thinking over what possibilities lay ahead as a result of his having been kidnapped to Virginia, Jack realizes that even though he "was bred a Vagabond" with "not any Employ to get anything by, except that wicked one I was bred to," years of servitude might open another path (119). Reciting a version of the transportation fantasy reviled by modern social historians, Jack imagines that once he has served

⁵⁰ Defoe, *The History and Remarkable Life of the Truly Honourable Col. Jacque*, ed. Maurice Hindle (1722; London: Pickering and Chatto, 2009), 39. References are to this edition.

his term, he will receive “a Quantity of Land to Cultivate” and find a way to “live without that wretched thing, call’d stealing” (119).⁵¹ It is, however, not enough for Jack merely to live out this fantasy. As Defoe contrives it, Jack must first recognize his story as a kind of criminal narrative, one that includes an escape from certain death and just as importantly impresses upon him the power of leniency. This recognition occurs as Jack overhears his Master welcoming a newly transported felon to the plantation, a “young Fellow” who, despite his age, has been recognized as an “old [that is, serious] Offender” and an “incorrigible” pickpocket who “not withstanding his being Whipt two or three times, and several times punish’d by Imprisonment, and once burnt in the Hand ... was still the same” (122). One of several doubles that Defoe employs for his protagonist, this felon was transported for committing a common trick from Jack’s criminal repertoire, pickpocketing bills of exchange. Speaking to this transport, Jack’s Master underscores the “favor” he “had receiv’d in being sav’d from the Gallows,” and explains that even though he had “follow’d such a wicked Trade so long,” it is now in “his Power to live an honest Life ... in which, when he came out of his Time [of penal servitude] might be able to set up for himself, and live honestly” (122).

Defoe ensures that his readers do not miss the resemblance between this transport’s life of crime, the reprieve he receives, and Jack’s own story. As Jack explains in words that a Foucauldian might have written, “I was exceedingly mov’d at this Discourse of our Masters, as any Body would judge I must be, when it was directed to such a young Rogue, born a Thief, and bred up a Pick pocket like my self, for I thought all my Master said was spoken to me and sometimes it came into my Head, that sure my Master was some extraordinary Man, and that he knew all things that I had ever done in my Life” (123). Rather than omniscience, what Jack’s Master demonstrates is a familiarity with the legal code and its rhetoric. A man Jack describes as not unlike “a Lord Judge on a Bench, or a Petty King on his Throne” (123), this Master might have been reading from the Transportation Act’s claim that “wicked and evil-disposed persons” might by colonial servitude become laborious and industrious and “the means of improving

⁵¹ For a discussion of penitence and the historiography of criminal punishment, see Gabriel Cervantes, “Convict Transportation and Penitence in *Moll Flanders*,” *ELH* 78, no. 2 (2011): 315–36.

and making the ... Colonies and Plantations more useful to the Nation."⁵² By introducing Jack to the idea of a reprieve in this way, that is, indirectly, *Colonel Jack* allows the force of gratitude—a key feature of Defoe's fictional vision—to work upon him while preserving Jack's distance from crime, the rigmarole of capture, the possibility of execution, and the emotional arrest and fear of death central to *Moll Flanders*. Not a transport himself, Jack participates in and observes such proceedings. If Jack's story supports transportation in this way, it does so by distilling its narrative logic. We might go so far as to see Jack's situation as a model for readers' reactions to fictional and non-fictional reform-oriented criminal narratives given institutional standing by the Transportation Acts: like Jack, readers who are not immediately subject to legal punishments would recognize in a transport's story another person's capacity for reform, a capacity activated and reinforced by more lenient penal codes grounded in newly developing confidence in the mutability of identity.

What ultimately expands a reflection on a specific British law into a consideration of a wider world is the portability of the transport's story—a narrative structure that comes in handy across several colonial settings and infiltrates other genres that the narrative makes use of. Made overseer of a plantation, Jack runs up against the problem of corporal punishment again. Speaking of the servants and slaves that become his responsibility, he admits, "every Blow I struck them, hurt myself" (128). Turning away from the lash as a form of punishment he knows does not work, Jack concocts a scheme whereby slaves are made into loyal, obedient workers without the use of a whip—a scheme drawn from the emotional logic and legal terminology of convict transportation. The secret of "moderate Correction," Jack tells his Master, consists of "raising" in slaves' minds "a Sense of the value of a Pardon" (132). The case of one particular slave, Mouchat, illustrates this process. Jack "sentence[s]" (140) his charge to a dreadful, surely fatal punishment. He then pretends to seek a reprieve from the plantation Master. Rehearsing the details of this performance to his Master, Jack explains that he told Mouchat that "you had heard of his Offence, and were highly

⁵² 4 George I c. XI § I, in *The Statutes at Large from the First Year of the Reign of King George the First to the Third Year of the Reign of King George the Second*, 8 vols. (London: Woodfall and Strahan, 1768–70), 5:174.

Provok'd, and had resolv'd to Cause him to be severely Punish'd for an Example to all the Negroes ... But that I had told you how Penitent he was, and how good he would be if you would Pardon him; and had at last prevail'd on you" (136). This scene mirrors the belaboured sentencing process that Defoe described in *Moll Flanders*, and the transformative effect on Mouchat is much the same: he "Cry'd, like a Child that had been Corrected" (136) and in the aftermath proved so loyal as to offer his life in exchange for Jack's.

Laying out his "Method," Jack explains that slaves must first be "put into the utmost Horror and Apprehension of the Cruellest Punishment that they had ever heard of," so as to thereby "enhance the Value of their Pardon, which was to come from" the plantation Master—that "Petty King on his Throne"—"but not without our great Intercession" (140). Under this plan, Jack later relates, "there was scarce any such thing as Correction known in the Plantation," a place where "Gentle usage and Lenity ... had a Thousand times more Influence than all the Blows and Kicks, Whippings, and other Tortures could have" (142, 144). *Colonel Jack* thus reinforces its own worth as a moral tale. Moreover, up to this point, in balancing its generic commitments the narrative has used the logic of clemency to bring two parts of the story to a conventionally "successful" conclusion: the events that lead Jack to his own repentance that mirror the formula of criminal biography and the episodes on the plantation that involve a series of cascading conversions that Laura M. Stevens identifies as a typical feature of missionary fantasy literature.⁵³

Thus far, my reading of Jack's story coincides with the model of coherence proposed by earlier studies. I will now turn to the section of the novel that has marked it as an aesthetic and ideological failure—a seemingly random sequence of events that takes Jack to Cuba and Mexico as a result of being blown off course on the journey from Virginia to Antigua. This "loose end" puts Jack in contact with Spanish officials and merchants, and also proves extremely lucrative, netting at one point a £25,000 profit for a three-month voyage (approximately three million dollars in purchasing power today). With other critics we might read these scenes as a continuation of Jack's violation of legal codes since selling goods in Havana and Vera Cruz breaks a

⁵³ Laura M. Stevens, "The New Pilgrim's Progress, Anglican Longings, and Eighteenth-Century Missionary Fantasies," *Religion in the Age of Enlightenment* 3 (forthcoming).

Spanish law prohibiting direct trade between the British and its American colonies.⁵⁴ Or we might see these closing scenes as a revelation of Jack's avarice, a trait that he shares with Moll Flanders. In light of the "correction" motif I have been tracing, however, we can read these closing scenes another way. In what follows, I will consider how the logic of clemency—activated by the work of legal intermediaries—organizes this part of the story and opens onto a circum-Atlantic legal regime that Defoe outlines through the circulation of trade and legal analogies. Rather than a "loose end," the narrative's leaps between locations and genres—and especially its perilous ending manoeuvres—can be seen as an amplification of Defoe's effort to envision the Atlantic as a sphere of activity held together by a collective understanding of legal power. The result of this effort does not look like conventionally defined narrative coherence; instead, it reveals a novelistic strategy—genre mixing—deployed in response to specific historical problems.

Upon his accidental landfall in Cuba, Jack finds himself a captive of Spanish authorities who claim jurisdiction over him, his ship, and the crew. Identified as a criminal, he is put in the power of the local *Corregidore* (a magistrate of royal appointment) who aims to uphold the laws "against the suffering of any Strangers to set their Foot on his *Catholick* Majesty's Dominions in *America*" (242). These events have a direct historical reference, for accounts of the trade between Britain and Spain reaffirm the concern over the flow of commodities depicted in *Colonel Jack*. Resulting from Spain's prohibition of any direct trade with its colonies in force since the mid-sixteenth century, manufactured goods could only arrive in Spanish America by way of Seville and Cadiz, where annual fleets took commodities sold by British merchants (such as hats, toys, clocks, salt provisions) across the Atlantic to be resold.⁵⁵ The funnel created by this restriction made Cadiz into one of the most significant ports in Europe in the late seventeenth century and a key site for a trade that was arguably the most important for the development of commercial capitalism in Western Europe: the exchange of textiles manufactured in Holland, Flanders, England, France, Italy, and Germany for

⁵⁴ An especially cogent and thorough exploration of this argument appears in Faller, 184–85.

⁵⁵ Jean O. McLachlan, *Trade and Peace with Old Spain, 1667–1750* (Cambridge: Cambridge University Press, 1940), 13.

American silver.⁵⁶ Cloth played an especially important role in this movement of goods because the Spanish insisted on wearing woolen clothing even in the colonies, and much of that fabric was woven in Britain out of wool imported from various sources, some of the best from central Spain itself. Not only did Britain's capacity to manufacture textiles make it a key purveyor to Spanish America, but also, by the middle of the seventeenth century, the English had come to enjoy special trading rights in the Spanish market.⁵⁷ As Defoe recognized when turning his attention to the events that led up to the War of Spanish Succession, this trade was the foundation of Britain's commercial connection with Spain and a crucial part of the national economy.⁵⁸

When the war came to a close, trade between Britain and Spain resumed under a new set of terms that included the famous *asiento* awarded to the South Sea Company, which made the British exclusive purveyors of slaves to the Spanish colonies. On the foundation laid by the *asiento*—the right to establish shipping outposts in the Spanish colonies—it was also stipulated that the British might sail one 500-ton ship per year with the express purpose of trading manufactured goods to Mexico and Peru. Little scholarly agreement exists about whether Britain's seventeenth-century successes in this re-export trade resumed after the Treaty of Utrecht.⁵⁹ As one historian has recently suggested, most British gains following the Treaty of Utrecht proved illusory with the flow of trade repeatedly hampered by either outright conflict between the countries or by “informal obstructionism” of various sorts, some of which even went so far as to prevent the annual ship from making its journey.⁶⁰ The British failed to live up to their end of the bargain as much as the Spanish. As has been well documented, the slave ships licensed by the *asiento* proved a successful means of smuggling non-human commodities across the imperial boundary. Not only

⁵⁶ Stanley J. Stein and Barbara H. Stein, *Silver, Trade, and War* (Baltimore: Johns Hopkins University Press, 2000), 77.

⁵⁷ Stein and Stein, 60–63.

⁵⁸ Novak, *Daniel Defoe: Master of Fictions* (Oxford: Oxford University Press, 2001), 146.

⁵⁹ The disagreements among historians on this point are summarized by Adrian J. Pearce, *British Trade with Spanish America, 1763–1808* (Liverpool: Liverpool University Press, 2007), 7–8.

⁶⁰ Pearce, 21.

were contraband goods hidden on ships ostensibly reserved for the slave trade and British sailors disguised as Africans to help with unloading, but bribes were also paid out to Spanish officials on both sides of the Atlantic who might smooth the way.⁶¹

Colonel Jack recognizes that the illicit trade was not confined to the activities of the South Sea Company and its accomplices. Individual smugglers and smuggling operations, mostly headquartered in Jamaica, played a significant role in the interimperial economic linkages between Spain and Britain. In the Central American context, such adventures were helped along in Defoe's day by a desire on the part of Spanish colonists to find an outlet for their indigo crops; and a preferred method for establishing contact with other European traders outside legitimate channels of trade was an *arribada maliciosa*, which Jack experiences when he is blown off course and forced to land in Cuba. As was in fact the case, official oversight on such incidents often took a long time to convey from colonial capitals, thus providing ample time for trade prohibitions to be ignored.⁶² By trading directly in Havana and Vera Cruz, and eventually carrying British wool there, Jack circumvents the convoluted if legitimate trade channels, gets around Spanish tariffs and middlemen, and helps bend the trade restrictions that were widely ignored and only sporadically enforced in the Atlantic at the time.

Novak has argued that Jack's activities need to be read as a sign of Defoe's sense that legitimate trade networks should have been respected and that "economic individualism" was a destructive force.⁶³ This reading casts Jack's final ascendancy as a kind of failure and thus a problematic turn in the narrative's formal design. Such a view comports well with Defoe's earlier harsh indictment of the illicit trade in the *Mercator* in 1714. Yet, as is also clear in a more precise description of the historical situation, after the Treaty of Utrecht in 1713 the legitimate interimperial trade situation created a block for commerce and was run through if not defined by deception and shady dealings. Robinson Crusoe voices a complaint along these lines when he tells his "fellow-

⁶¹ George H. Nelson, "Contraband Trade under the Asiento, 1730–1739," *American Historical Review* 51, no. 1 (1945): 58–59.

⁶² Murdo J. MacLeod, *Spanish Central America: A Socioeconomic History, 1520–1720* (Berkeley: University of California Press, 1973), 348–73.

⁶³ Novak, "Colonel Jack's 'Thieving Roguing' Trade to Mexico and Defoe's Attack on Economic Individualism," *Huntington Library Quarterly* 24, no. 4 (1961): 349–53. See also Faller, 181–82.

planters” in “the *Brasilis*” about the important business of “buying *Negroes*” in Guinea: that trade “had been carried on by the Assiento’s, or Permission of the Kings of *Spain* and *Portugal*, and engross’d in the Publick, so that few *Negroes* were brought, and those excessive dear.”⁶⁴ By 1719, then, Defoe’s writing had come to express an overt scepticism about the merits of the legitimate trade agreements guaranteed by the Spanish monarch. In such cases, the standard of “mercantile morality” might be overlooked because above-board circum-Atlantic trading did not present a clear path for British merchants.

The end of Jack’s story can be better historicized in a context where negotiations, evasions, and informal agreements enabled trade to take place despite rules. The novel attests to this very fact as Jack’s interimperial smuggling presents a series of perilous entanglements for the hero to work through. The dramatic action and affective focus of Jack’s adventures in the Spanish colonies can be found in the uncertain dealings that bring the narrative to a close. Jack’s trade with the Spanish certainly gains him great profit, but it brings with it a return of the brutal punishments he has worked hard to evade as both punisher and punished. Existing evidence suggests that breaking trade restrictions only infrequently met with harsh punishment on the Spanish side when Spanish colonists were caught in the act.⁶⁵ While it remains unclear how Spanish officials dealt with British smugglers, in Defoe’s novel some serious and frightening punishments are definitely part of what Jack expects to follow from his illicit trade. From the moment his ship is captured off the coast of Havana and made to wait for directions from the viceroy in Mexico, Jack fears the worst. Namely, that he would be kept as a “Prisoner for Life,” put to work in a mine in Peru, or, what was “ten Thousand times worse, the Inquisition” (242). All told, Jack’s time in Spanish America is shadowed by the likelihood that he might become a victim of the “all the manners of Violence” the Spanish inflict on foreigners forced to land in their dominions (242).

The Black Legend and reports of Inquisition punishments had long prepared Defoe’s readers to fear Jack’s falling into the

⁶⁴ Defoe, *Robinson Crusoe*, ed. Evan Davis (1719; Peterborough: Broadview Press, 2010), 78–79. For a useful note on Crusoe’s Brasil trade that accounts for the novel’s mid-seventeenth-century setting, see Patrick Tonks, “Robinson Crusoe’s Brazilian Expedition and *The Trans-Atlantic Slave Trade Database*,” *Digital Defoe* 2, no. 1 (2010): 85–88.

⁶⁵ MacLeod, 349.

“Hands of the Spaniards” (257). *Colonel Jack* pushes this matter further by exposing the absurd rigidity of Spain’s enforcement of trade restrictions. Jack has to work hard to overcome what he calls the “true Spanish stiffness to the Letter of the Law” and convince the *Corregidor* and the governor of Havana not to hold the people who will bring his ransom payment for ransom themselves (245). To achieve this he explains, “if a Man was a Prisoner at Algiers, they would allow him to write to his Friends to pay his Ransom, and would admit the Person that brought it to come and go free, as a publick Person, and if they did not, no Treaty could be carry’d on for the Ransom of a Slave, nor the Conditions be perform’d when they were agreed upon” (243). “Tho’ this was so reasonable a Request, that it could not be withstood, in point of Argument,” Jack finds, “yet the Spaniard shrunk his Head into his Shoulders, and said, they had not Power sufficient to act in such a Case” (243). Jack turns to bribery with costly fabric to enhance the allure of the legal analogy he has already laid on the table. The carefully specified cloth gift that Jack gives the governor of Havana over and above his ransom leaves the man stupefied. As Jack describes it, on receiving the gift the governor “walked a hundred Turns and more in the Room” and was only able to communicate his acceptance of such an offering by throwing his hat over it (247). As Jack explains, the bribe, cast as a gift, turns the governor into “quite another Man”; and, as the governor himself attests, the possession of these goods constitutes a dramatic change in status. “It was a Present,” he tells Jack, “fit to be given to a Viceroy of Mexico, rather than to a meer Governour of a Fort” (247).

While the history of interimperial trade confirms Defoe’s sensitivity to commercial affairs, these minute negotiations of law are indicative of a strategy employed throughout the novel. By supplicating before local authorities and representing himself in a favourable light, Jack convinces them to advocate on his behalf at the viceregal level. The letter of the law (in this case, Spanish law) gives way to a shared understanding and subsequent negotiation of legal power. Recall that in London this strategy of negotiation structures the manner in which Moll, while imprisoned in Newgate, has her pardon on the condition of transportation secured by a minister who presents her case to one of the King’s deputies. In Virginia, as Jack pretends to advocate on the behalf of slaves made to believe they would be executed for misbehaviour, the softening of law’s deadly force

re-emerges as a non-violent means of plantation management. In the case of Jack's furtive and even unwitting participation in the Jacobite revolt at Preston, an intermediary advocate, conscripted by Jack's wife, likewise secures a pardon.

These analogous moments correspond to the circulation of "assumptions about the similarities in the constitution of power" that Benton describes in her analysis of the "politics of legal pluralism" fomented by early modern colonialism.⁶⁶ Defoe's novel focuses on the mechanisms of specific legal systems such as the plantation, the colony, the metropolis, the nation, the empire, and even the zone of international contact. Even more importantly, this fiction illuminates the work of a wide-ranging and influential legal regime built on a shared understanding of legal processes that is not reducible to the technicalities of those processes themselves but beholden to on-the-ground patterns of interpretation and enforcement. Jack's success at smuggling is especially illuminating in this regard as it reflects the collective resistance to trade restrictions enacted through the collaboration of Spanish colonists, including officials authorized to enforce those restrictions, and British smugglers. The *Corregidore* and his associates eventually succumb to Jack's combination of legal analogies and bribes that provides both the motive and the method of extracting him from legal trouble. A positive report to the viceroy at Mexico eventually secures freedom for Jack and his ship on the grounds of a jurisdictional technicality—all agree to the claim that he had not landed in Cuba, even though he was forced to do so. The viceroy even suggests that he might choose to appeal to the King of Spain for the return of his confiscated goods. Jack's status changes from that of a punishable criminal (and possibly a heretic) to that of an unlawfully detained foreigner who could plead for the restitution of his lost property.

The viceroy's recommendation of an appeal to the King's colonial overseers realizes the overlay of a legally circumscribed field of human activity and the circuits of trade and the circulation of commodities. This linkage is hardly surprising since so much of the European inter-jurisdictional legal conflicts in the early modern Atlantic world were motivated by trade disputes—between empires and colonies as well as the pirates, smugglers, and privateers who worked the interstices of that world. In *Colonel Jack*, however, the association of commodities with Jack's

⁶⁶ Benton, 24.

shifting status provided Defoe with a means to illustrate how understandings of law could likewise circulate. Jack's first major transformation in the narrative, from field hand to overseer, and from victim of the lash to an administrator of its power, coincides with the narrative's metamorphosis from criminal biography to missionary fantasy. Defoe renders these changes as an exchange of hard-to-come-by commodities. Given "every thing necessary" (127) for his work in correcting plantation labour, Jack receives "plain but good sorts of Cloths ready made, being of good Broad Cloth, about 11s. a Yard in England" (127). With these clothes come other accouterments of a gentleman's attire: "three good Shirts, two Pair of Shoes, Stockings and Gloves, a Hat, six Neck-cloths," and everything else he could want (127).

The most important part of Jack's costume change from "Slave" to a "Gentleman" (127) is something Jack does not really want or need. Finishing the description of his dress, Jack explains, "I had a Horse given me, and a long Horse-whip, like what we call in England a Hunting-whip"; "the Horse ... was to ride up and down all over the Plantation ... and the Horse-whip was given to me to correct and lash the slaves and Servants, when they proved Negligent or Quarrelsome, or in short where guilty of any Offence" (127). Like the logic of clemency, the English hunting-whip Jack is repurposed and exported to Virginia. The whip, a sign of gentlemanliness and manufactured luxury in the Old World context, takes on a more unseemly practical application in plantation life as a tool for beating people into submission. Jack restricts the whip's meaning by introducing a different but equally elaborate item of European manufacture in its place, the progressive scenes of convict transportation he stages to accomplish his work as overseer. If the acquisition of manufactured commodities very obviously symbolizes the possession of economic power, in *Colonel Jack* that process also indicates a kind of moral power founded on leniency in the enforcement of laws—a leniency that Defoe represents as the binding force capable of making the Atlantic a socially knowable and navigable space bound together by laws but not absolutely defined by them. In this regard, earlier commentators such as Darwin and Hale were not wrong in seeing in Defoe's narrative an aversion to tyranny—a prime example of which appears in the violent coercion of the plantation system. Yet in light of

what I have argued, it would seem that what they saw as overly pedestrian digressions and tangents into Atlantic circuits of trade are also a key component of such an agenda—an agenda born of the exigencies of an expanding world in which law, not unlike fiction itself, needed to bend and flex in response to the movement of persons and the encounter of cultures.

When set in a legal context, Defoe's criminal narratives and eighteenth-century criminal literature more generally have been referred to English law and its attendant social phenomena in isolation from the larger geopolitical framework in which they developed. Special attention has not unduly been paid to the culture of execution and the social controls organized around what Bender has identified as "the penitentiary idea."⁶⁷ Attention to other mechanisms of law—pardons, Royal mercy, and intermediary advocates—that Defoe chose to fictionalize can productively extend this important work. If Defoe's text seems to promote kinder and gentler means of enforcing power structures, such a proposal needs to be taken as part of the wider interimperial, geopolitical context in which it was formulated. Faller recognized that, despite its reckless plotting, the novel is bound together by "parallelisms ... analogies" and "a chain of formal homologies."⁶⁸ John O'Brien has refined this point by adding that "the interconnection of the Jacobite rebellion, transportation, and this logic of pardon" provide a foundation for the story's occasion, its plot, and even its syntax.⁶⁹ I want to insist on the importance of the generic and physical geographies. By telescoping outward from domestic to colonial and eventually to international affairs, Jack's story reveals how much the negotiation of laws (in crime, commerce, treason, and servitude) could be seen as a matter of national distinction displayed on a transnational stage.

My intention here is not finally to solve the riddle of *Colonel Jack* but to ask a different kind of question altogether about the historical importance of the narrative's manipulation of genre. For at that level, the legal logic of clemency is refracted through the prism of adventure, and obedience to family, master, nation,

⁶⁷ Bender, 5.

⁶⁸ Faller, 171, 180.

⁶⁹ John O'Brien, "Union Jack: Amnesia and the Law in Daniel Defoe's *Colonel Jack*," *Eighteenth-Century Studies* 32, no. 1 (1998): 72.

and God gives way to financial tallying and a fantasy of wealth accumulated by luck, illicit means, and personal influence. The novel is one of multiple intentions and ideologies, some we can pin on Defoe and some inherent in the literary means he used to traverse the Atlantic context I have outlined above. We know that as a poet Defoe early on showed he could push the limits of genre to rhetorical advantage.⁷⁰ In this regard, it is perhaps not so surprising to find that *Colonel Jack* has something like a poetic structure based on linked, extended similes and resembling the mixed-form poetry of the eighteenth century, which Suvir Kaul examines as “the expression and *sublimation* of the ideological contradictions of national aspiration.”⁷¹ As I have shown, this process of sublimation can be more complex than has heretofore been allowed with regard to the early novel, wherein the ideal of coherence has prevented the kind of analysis I have undertaken. Brought out from beneath the shadow of Defoe’s more famous fictions, *Colonel Jack* illustrates why received notions of formal unity and ideology should not be taken for granted—especially so long as ongoing recovery projects bring other neglected literary works into critical light and questions of aesthetic value are redesigned.



Gabriel Cervantes is a postdoctoral fellow in English at Vanderbilt University. His first book, currently in progress, examines the criminal literature and legal pluralism of the early eighteenth-century Anglo-Atlantic.

⁷⁰ For a recent account of Defoe’s career as a poet, see Andreas Mueller, *A Critical Study of Daniel Defoe’s Verse: Recovering the Neglected Corpus of His Poetic Work* (Lampeter: Edwin Mellen Press, 2010).

⁷¹ Suvir Kaul, *Poems of Nation, Anthems of Empire: English Verse in the Long Eighteenth Century* (Charlottesville: University of Virginia Press, 2000), 17.