Scale, Sentiment, Sociability

NICK VALVO

Scale has been an important, if sometimes unspoken, factor in recent thinking on the passage to modernity in Britain. In some of these accounts, a new achieved scale indicates that a kind of telos has been attained, a historical transition effected. I have in mind Linda Colley on British national identity, or some of the work on world systems, marketing activity, or the formation of the infrastructure state. James Vernon has explicitly sought to rehabilitate a narrative of modernization by grounding it in new patterns of sociability over longer distances. The anonymity produced by urbanization and emigration produces experiences that Vernon judges we can safely call “modern” without any undue whiggishness.¹

I am ambivalent about these historiographical developments. I find the ambition exciting, and the effort to link quantitative change to qualitative change desirable. But I think it is at least as important to make sure that the quantitative/qualitative linkage goes in both directions: we need also to address the qualitative character of the local scale being abandoned and really understand the material forces and cultural politics that motivated its repudiation. We need to ask what it was that contemporaries were scaling away from. When we attend to this, my wager is that we will find that our modernization narratives participate in a longstanding critique of the parish as a communal form, a critique with roots in the eighteenth century. The nineteenth-century historicism on which much of our social historiographical edifice is erected relies on categories drawn from anti-parochial cultural politics; in this piece, I will be discussing those associated with sentimentalism and evangelical religious movements. Many of the nineteenth-century social and historical categories we have used to describe passages to modernity — from Sir Henry Maine (“status to contract”) to Ferdinand Tönnies (“Gemeinschaft und Gesellschaft”) — tacitly blend prescription with description in ways that are important but not obvious.²

It is striking for scholars of literature that for both Maine and Tönnies, modernization is a process involving shifting patterns of affective investment. One could add to the list Thomas Carlyle, Sir Walter Scott, the Young Marx, or even Max Weber (in some readings) without changing the interpretation overmuch, except to note that some of these writers value the change in very different ways. John Mullan suggested years ago that sentimental fiction tried (and generally failed) “to make society on the page,” building it

² This effort is part of a larger project on the parish as an object of aesthetic and political theory, tentatively titled The Parish of Parnassus: Religion, Economics and Literature in the British
up from sentimental microfoundations in the manner of Adam Smith. In light of the argument I want to make about scale, sentiment looks instead more like a social solvent, a means for the divestment of affective energy from the local scale, with an eye to its reinvestment in the national or cosmopolitan.

It is worth acknowledging from the outset that I am equally dependent on these same narratives. This may well be unavoidable: almost all of our qualitative social history owes significant debts to Tönnies, debts which give my effort to describe the decline of the parochial communal form a kind of Ouroboros-like quality. The very historicism we use to approach and describe the phenomenon makes us participants in it. The only hope is a speculative move, in which the recognition of these implicit political commitments makes it possible to understand these representations as part of the phenomenon under discussion.

I want to approach these questions from a slightly oblique angle, introducing another related concept—liberalism—which I hope will help produce a vocabulary for thinking the cultural politics of communal form, and make recognizable the commitments of some nineteenth-century historicisms. In so doing, I am trying to reopen the question of liberalism’s place in the political-theological terrain of eighteenth-century Britain, and to call into question the Weberian metonymies that tie liberalism so immediately into categories we associate with Dissent. I hope instead to make visible the ways that liberalism responds to imperatives emerging from Anglicanism: namely, the problematic relationship between sentiment and sociability in Anglican parochial life.

Scale as a category can help us approach a number of persistent problems related to the arrival of liberalism. And trying to think about liberalism can in turn help us recognize what is interesting about the parochial scale. This reclassification of liberalism as a political-theological intervention against the parish prompts us rethink what eighteenth-century liberalism might have been and how its parts held together (if indeed they did).

A pair of linked problems will get us started. The first is what we might call the Jonathan Clark problem. One of Clark’s most striking concerns, which comes up in both English Society and The Language of Liberty, is the surprising lack of evidence for a continuous tradition of Lockean liberalism. The “classical” liberalism that has been imputed to The Two Treatises and the Letter Concerning Toleration is both strangely a half-step out of rhythm with the political moment of its own publication (per Laslett) and perhaps even further out of step with Locke’s other political writings and activities, which have come to appear in recent years more as theories of slavery than of liberty. Furthermore, this so-called classical liberal tradition appears to Clark (as it does to me) to have precious little salience in the political-theological conversations and debates of the British eighteenth century. These latter were mostly about oaths and oath-keeping, theorizing obedience.

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and coexistence with religious minorities: to be sure, all issues that could well have been theorized in Lockean terms, but appear on the whole not to have been. Contract theory might have been a productive way of thinking oaths and obedience and “distinguishing exactly” the boundary between civil and religious life is an approach to religious diversity we now recognize (even as its profound limitations are everywhere apparent). But this is not the approach we generally see in the period; at least, not until Locke had been dead for over a century. The problem, then, is to account for the century-long hibernation of the liberal political tradition. Or maybe, the problem is to determine if there can even be said to be such a tradition.

The second problem we might name for Boyd Hilton. Since Weber, we have associated the arrival of a “spirit of Capitalism” with Calvinist Protestantism. Weber defines this “spirit” somewhat loosely and gesturally, with reference to a long set of quotations from Benjamin Franklin, mostly about credit, discipline, and the maintenance of reputation, quotations which are presumed to speak for themselves. But Hilton suggests (at least in England) a different set of theological commitments and motivations for the first generation of actually-existing liberals than Weber would lead us to expect. If Hilton is correct, the bearers of political liberalism were evangelicals in the mold of Wilberforce and the Clapham Sect: most of these people are Anglicans, some quite high church. In contrast to Weberian readings of capitalism’s compatibility with Calvinist doctrine, this evangelical liberalism was a kind of accelerationism, in which the humiliations and abasements dispensed by the freed hand of the market redound to the future holiness of the nation through a kind of market-based moral pedagogy incompatible with Calvinist views of “election” or “calling.” It is not Calvin or even Luther that these people look back to, but the Wesleys or Lady Huntingdon’s Connexion—evangelical movements within the Established Church. There’s no elect in this vision, but there are very strong senses of the assurance of salvation available in life, what John Wesley would have called “the fruits of faith.” Indeed, the “powerful feeling of light-hearted assurance” which Weber sees as an emotional crutch that his highly-schematized Calvinism has overcome, is for these people the primary register of religious experience.

There were more Arminians than Calvinists among their number but, in any case, Hilton suggests that the sort of soteriological distinctions about predestination that Weber sees as central had come to appear less salient (even irrelevant!) by 1815. Evangelicalism in Hilton’s definition is a “religion of the heart” that disarticulates and cuts across familiar boundaries of religious affiliation and political theology in ways that can be a bit bewildering. Some of these men and women were Anglicans, some Dissenters. Some high

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8 The library reveals that political theorists have anticipated my little joke, which is of course a reference to the disappointing “actually existing socialism” of the twentieth-century East bloc. Cf. Barry Hindess, “Political theory and ‘actually existing liberalism’,” *Critical Review of International Social and Political Philosophy* 11, no. 3 (September, 2008), pp. 347-352, especially the discussion of nineteenth century liberal imperialism on p. 349.
church, some low. Wesley, for example, had been a full-throated passive obedience Tory, right up to the brink of Jacobitism, even as many of his followers had inclined towards whiggishness and a few towards radicalism. The various late-eighteenth-century schisms reflect this: Selina Hastings, Countess of Huntingdon, was finally forced out of the Church of England in 1779; the Methodists held on until shortly after John Wesley’s death in 1791. These schisms effectively produced high-church dissenters—not many, but some. These people, or their descendants, would in the 1840s found the Free Church of England, who style themselves non-Church-of-England Anglicans (complete with their own Bishops, the Thirty-Nine Articles, and the Book of Common Prayer).

It is a confusing picture, but that is the point. Methodism and its evangelical cousins are incoherent in terms of the Whig/Tory or Arminian/Calvinist distinctions, but not only did this not appear to eighteenth-century evangelicals to be much of an obstacle, it might be better described as a key source of their success. It would be an exaggeration to say that these evangelicals were uninterested in doctrine, but it was certainly not their emphasis. It took Whitefield and Wesley almost a decade of cooperation to realize that they agreed on basically none of the traditional questions of political theology; this suggests to me that their priorities lay elsewhere. What in fact unified the Methodists, and many of the evangelicals in their wake, was anti-parochialism. I suggest that this is behind most or all of the distinctive features of the Methodist Awakening: the circuits of itinerant lay ministers preaching in fields and barns, the parallel community organizations of bands and select bands, love feasts and revival meetings, and the transnational networks linking British and American Methodists to Continental pietists; parallels might be found in Lady Huntingdon’s Connexion’s 120 chapels (Church of England chapels!) and links to Maritime Canada and eventually Sierra Leone. What I’ve nicknamed the Boyd Hilton problem, then, questions the link between British political theology in its traditional form—the competing claims of Parliament, Crown, and the Episcopate—and the modernization narrative that long accompanied it.

If Whig historiography drew a direct line from seventeenth-century low-church Parliamentarians to achieved nineteenth-century liberalism, Hilton’s account positions the Evangelical revival and the growing cultural influence of such groups from the 1770s as a deus ex machina, a sudden plot twist entirely unaccounted for in Act I. Neither Wesley nor Selina Hastings had any interest in Locke. A hypothesis, then: what connects the apparent discontinuity of the liberal tradition to the doctrinal incoherence of the Evangelicals central to actually-existing liberalism is the specific vision of the state from which liberalism sought emancipation—or, to make my connection to our chosen theme all the more explicit, its scale.

The Anglican parish was many things at once. It was the basic cell of both church and state, its officers responsible for making provision for both the spiritual care and social welfare of their charges. It was a theater for the patronage activities of prominent men and women, and a venue for the artists, clergymen, and intellectuals they supported. Its

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11 There are 20 congregations of this group in the United Kingdom today; John Fenwick, The Free Church of England: Introduction to an Anglican Tradition (London: T&T Clark, 2004).
outlines, within which neighbors knew each other at least by sight and reputation, were roughly congruent with the bounds of networks of informal credit and mutuality, making parishes key milieux for everyday economic activity in a society where cash payment was more the exception than the norm. What was distinctive was the way that they all overlapped in an expressive unity: the parish was a social space in which several modes of social relations—spiritual, economic, political, affective—dissolved into one another. This mode of communal life emerged by accretion under the Tudors, survived the Civil War and the Restoration under increasing strain, and began to fade out in the late eighteenth and early nineteenth centuries. The 1866 statutory split between civil and ecclesiastical parishes was likely just a formal acknowledgment of a state of affairs that had been the case for decades.

These credit networks were governed and organized by a discourse of creditworthiness, a kind of semi-systematic gossip by means of which neighbors refereed which of their neighbors deserved access to credit and social support, on the basis of a set of criteria far broader than any perceived likelihood of repayment: “respectability,” moral uprightness, industriousness, appropriate religiosity, sexual discretion, sobriety, friendliness, political compatibility, and so on. Such moral, affective and political criteria were often given more weight than what we might anachronistically think of as strictly financial criteria. We are far from the world of the FICO score, here: “creditworthiness” wasn’t a probabilistic judgment of likelihood of repayment. In fact, it wasn’t really about repayment at all. An eighteenth-century household that could successfully perform these qualities could likely sustain very high levels of debt, levels that now seem totally implausible. A good reputation, in short, was a very real asset.

For many Britons, access to such credit was the primary form of wealth. The social historical literature suggests that while a laborer working 300 days per year could earn in the range of £13 to £16, the cost to support a family of four would have been closer to £18 or £20. This is a considerable deficit, much of which was almost certainly forgiven as desperate debt. Craig Muldrew’s work on King’s Lynn suggests that the £1 3s contributed by the average rate-payer to the parish welfare system each year was dwarfed by

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12 Deborah Valenze, *The Social Life of Money in the English Past* (Cambridge: Cambridge University Press, 2006), p. 147. There are of course exceptions and outliers. Halifax, for interesting historical reasons, had grown by the time of Defoe to be a large single parish consisting of a number of large towns and villages inhabited by over one hundred thousand people—effectively a large city governed as a single parish. The parish had received important privileges during the Tudor period, which I suspect disincentivized subdivision even as the area gained population over the succeeding centuries.

the more than £24 per annum expended through debt forgiveness, rent abatements, and similar intercessions. Creditworthiness was first of all a discourse of affiliation: it marked the exterior boundaries of communities and structured the hierarchical relationships within them. The extension of credit was a gesture that carved out its own future: it indicated an expectation of eventual repayment but also of an intervening period of interdependence and, hopefully, amity. It was also a gesture that indicated a shared past—a phatic transaction that strengthened ties among people who knew one another already. Credit relationships overlay the links of amity and kinship that tied households to their neighbors; a combination of cultural norms and the Elizabethan welfare state anchored them to their home parish.

To be clear, I am not saying at all that the parish provided a desirable or egalitarian politics. Its system was one of patronage. Credit was socially integrative, for good and ill: it indicated inclusion and support, but also served as a disciplinary mechanism for a kind of parochial governmentality. We might think of the discourse of creditworthiness as a kind of soft contractarianism, soft in the sense that it combined Keith Wrightson’s “two concepts of order” (one plebeian, malleable and accommodating, the other rule-based and enforced from above) into one. But in an all-but-cashless economy, it made economic life possible.

Just as eighteenth-century diasporas of Jews, Armenians, and Huguenots made possible ocean-spanning networks of financial correspondence, parochial communities similarly assigned the relationships of neighborhood double duty as local financial infrastructure. “Neighborhood” in the early modern usage was a state of being, not a place; people might aim to “live in good neighborhood” with surrounding households. But we need to be guided by the full Christian understanding of the neighbor, and acknowledge the complexity, ambivalence and discipline of the love which we are enjoined to maintain for that neighbor, as a foundational political-theological concept in eighteenth-century Britain.

14 Muldrew, Economy of Obligation, p. 309.
16 This appears to have been as true of urban parishes as rural. Jeremy Boulton’s work on early modern Southwark finds a very low rate of emigration beyond individual parishes, even in densely populated areas where those parishes are spatially tiny and thus proximate. Jeremy Boulton, Neighbourhood and Society: A London Suburb in the Seventeenth Century (Cambridge: Cambridge University Press, 2005), p. 227.
Contracts are to be enforceable, but only so far as is compatible with the continuity of cohabitation within the community. Ruptures and fallings out, of course, were more than possible; lawsuits which could result in imprisonment, flights to debt sanctuary, and emigrations to the colonies often resulted. The point to be insisted on is that the financial relationship is only one dimension of a more complex relationship: it was in situations where the relationship was already strained that defaults, litigation, arrests, etc. resulted. Muldrew reports a court complaint in which the first request for an outstanding debt came sixteen years after it was due.19

The parish, as an affective/spiritual/economic/cultural milieu, therefore impinged on individual autonomy in a number of crucial ways. It muddled instrumental and affective relationships, as Naomi Tadmor has demonstrated so evocatively in her *Family and Friends in Eighteenth-century England*. Tadmor notes that contemporaries used “friend” in a way that leans more towards sources of support than it does towards affective intimacy. “Family,” in contrast, suggested a far more elective, volitional relationship in the period than the senses of all-but-inviolable bond it has adopted on our side of the post-sentimental cult of domesticity.20 Her readings of the diary of Thomas Turner (a grocer in East Hoathly, Sussex) are illuminating. His conception of friendship (ideally mutual) centered on relationships of support among kin and non-kin alike. Turner’s friends rarely reached this standard and he was usually dissatisfied with them: in fact, Turner’s designations of people as “friends” most often came in the context of their having disappointed him! One such moment came with his realization that his mother never intended to pay him for goods she had purchased from his shop over several years: “[My] affairs are so connected with my Friends,” he wrote, “that I know not how to Extricate my self out of my trouble.”21 The new eighteenth-century sentimental theories of friendship, in contrast, struggled against this notion to create a space for affect and affinity distinct from interest. Parochial sociability and status hierarchies—in which *friend* bled into *patron*—made this project an uphill climb.22

The larger community’s stake in moral evaluation could be similarly stifling. Think of the sacrament of communion, which turned the parish church into a kind of panopticon. Contemporary practice held that communion was to be accepted only by those who felt comfortable with their spiritual state. This made those weeks when the sacrament was administered—typically three or four times annually—difficult tests.23 Parishioners would, through the decision to take communion or no, make an all-too public claim about

their moral state. Their neighbors were watching, “staring all about them” as John Wesley complained to an unnamed correspondent from Truro, Cornwall, in 1757. This informal supervision was supplemented by a more formal apparatus. The Clarendon code required parochial officials to keep track of who communicated and who did not; communion was also compulsory for various office holders. This mandatory keeping of records formalized a practice that some individual parishes had evidently already implemented through the use of communion tokens (sold for a few pence).

Both Evangelical Christianity and sentimentalism rebelled against this sense of communal moral judgment. Sentimentalism looked to ground morality in the individualized sensible body of the subject, while evangelicals looked to the Holy Spirit, Who “itself beareth witness with our spirit, that we are the children of God” (a testimony experienced by the individual in an affective register). Both wrested individual autonomy over moral self-representations from their community; both retheorized feeling as an individual quality, against neighborhood. I want to insist on this individual quality, even when it had another as its object or was intersubjectively communicable through the novelistic sublime of looks and tears; especially when this embodied sensibility or testimony of the Holy Spirit made possible new patterns of affinity that countered that of the parish (as we see in recent work on sensibility and interspecies affective communication or in the Methodist innovation of the band).

The Methodist “band meeting,” so redolent now of group therapy, narrativizes spiritual development as a kind of personal project, pursued together with a group of intimates. In the privacy of their regular band meetings, each converted Methodist would be asked several strikingly intimate questions in turn.

1. What known sin have you committed since our last meeting?
2. What temptations have you met with?
3. How were you delivered?
4. What have you thought, said, or done, of which you doubt whether it be a sin or not?

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24 John Wesley, Letters of John Wesley, John Telford, ed. (London: Epworth, 1931), s.v. September 20, 1757. Wesley’s letters and journals contain at least a half dozen examples of complaints about people “staring about them” during church services or religious meetings. I suspect this is more significant than a mere pet peeve.

25 We have surviving parochial token books, recording the purchasers of tokens, from many parishes, including some very old and intact sets from St. Saviour Parish, Southwark, reaching back into the sixteenth century. I am not aware of any older. These have been digitized by Alan Nelson and William Ingram. “The Token Books of St Saviour Southwark,” available at http://tokenbooks.lsa.umich.edu.

26 Romans 8:16, KJV. This is the only scriptural text on which John Wesley composed two sermons.

27 The question of sensibility as facilitating an embodied rhetoric of advocacy has been raised recently by Tobias Menely in The Animal Claim: Sensibility and the Creaturely Voice (Chicago: University of Chicago Press, 2015). I find the argument provocative and worthwhile, but still see it as operating within the scope of John Mullan’s research agenda in Sentiment and Sociability. Menely proposes sensibility as making possible a kind of “creaturely” community grounded in the mutual legibility of human and animal suffering.
5. Have you nothing you desire to keep secret?\(^{28}\)

This was not an auricular confession to a priest, but neither was it the culture of neighborly credit. Contrary to the gossip associated with creditworthiness, the bands placed a striking emphasis on confidentiality. Methodists, meeting to testify to each other the secret state of their souls, were seeking the fellowship, solidarity and emotional intimacy of neighborliness without the forms of judgment that the discourse of creditworthiness implied. They were disarticulating neighborliness, looking for new modes of affiliation that uncoupled moral responsibility from its local determinations.

Methodism, we could argue, was a form of counter-neighborhood. David Hempton notes that Methodists were regularly accused of hypocritical pretensions to moral righteousness. “Methodism,” he writes, “was thus perceived to be new, disruptive and divisive, whether in families, villages, parishes or the state. As a result, apart from the customary element of hooliganism, most anti-Methodist rioters saw themselves as acting in defence of traditional values and community solidarity.”\(^{29}\) Hempton is of course correct that contemporaries expressed all of these fears, but I think that the anti-parochial dimension should be given priority. Some of the anti-Methodist pamphlets reflect a sense of Methodism as just another version of Dissent, which is certainly inaccurate in the decades following the Great Awakening; Jonathan Clark is quite correctly emphatic about Methodist leaders’ great care in forestalling seditious activity.\(^{30}\) The authority threatened by Methodism was not that of the King, Parliament or the Bishops, but rather that diffuse network of witnesses and gossips, creditors and debtors, parochial officials, tradesmen and JPs whose relationships structured the parochial discourse of creditworthiness. Hempton’s scholarship bears out this interpretation, even if he thinks about it in different terms:

Methodists ran into legal difficulties in English localities in the 1740s and 1750s because they were sufficiently unpopular with sufficient numbers of people to make them vulnerable. The mechanism by which vulnerability was translated into active hostility, with all its legal consequences, was good old-fashioned rumour mongering. There was no shortage of material.\(^{31}\)

This “material” included rumors about Methodists’ deviant sexual practices, misappropriation or mismanagement of funds collected for church purposes, antinomianism, witchcraft, mysticism, etc. More plausible concerns focused on their unashamedly enthusiastic theology and role in perceived breakdowns of social and familial solidarity. That is to say, in broad outlines, that the Methodists were criticized with reference to many of the themes common in the discourse of creditworthiness: excessive religiosity, financial ethics, and sexual respectability.


\(^{29}\) Hempton, *Religion of the People*, p. 151.

\(^{30}\) Quoted in Clark, *English Society*, p. 297.

\(^{31}\) Hempton, *Religion of the People*, p. 150.
Sentimentalism was similar. I have argued elsewhere that the mid-century arrival of an ethical expectation that the affective and instrumental dimensions of social relations be kept separate is a critique of the parish.\(^3\) This focus on disinterest enters the sentimental tradition with Frances Hutcheson’s discussion of true benevolence in *An Inquiry into the Original of our Ideas of Beauty and Virtue* (1739), and is a characteristic theme of sentimental fiction from Richardson onward; the pamelist and anti-pamelist positions can more or less be delineated in these terms.\(^3\) I would go so far as to suggest that almost all aspects of eighteenth-century culture we recognize as “sentimental” are united by this disavowal of instrumentality. To be sentimental is to distinguish marriage for love from marriage for material advantage, to keep a domestic animal that neither works nor yields food, to think about childhood and play in terms borrowed from Jean-Jacques Rousseau, or to adopt the cult of domestic femininity as self-sacrifice. Sentimentalism was a perspective from which the “benevolence of the butcher, brewer, and baker” could be cleanly and sharply contrasted with their “regard to their own interest,” in the words of Hutcheson’s student Adam Smith.\(^3\) It should be easy to see, then, how sentimentalism is in tension with parochial cultures of neighborliness. From the perspective of sentimental disinterest, the whole gamut of parochial relationships can be indicted as worldly and self-serving for the way they combine affect and self-interest. In parochial discourse, the stranger had been suspect, perhaps dangerous; sentimentalism revalues the stranger, inclining instead towards the cosmopolitan.\(^3\) Disinterested moral action is unrepresentable within the parish context: the affairs of the neighbor are in some sense too intimately known or bound up with one’s own to allow him or her to be the subject or object of true benevolence or true love. Sentimental narratives therefore proliferate with strangers whose very alienation becomes in this new aesthetic the condition of possibility for authentic feeling.

Henry Brooke’s long, digressive sentimental novel *The Fool of Quality* (5 vols., 1765-70) would not be ill-described as a series of strangers sharing stories, stories that serve as stimulus and substrate for the sentimental hero’s warm responses and generous acts—all crucially deterritorialized from the parish. The moral goodness of Brooke’s naïve hero Harry, an estranged younger son of a nobleman, is first recognized in childhood by a character known as “The Stranger,” an old gentleman and adoptive father figure (eventually revealed to be his estranged uncle) who encourages Harry’s generosity, instructs him

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\(^3\) David Simpson, *Romanticism and the Question of the Stranger.* Simpson considers the ambivalent figure of the stranger in a later period, giving the stranger a national framing. De Quin spice’s encounter with the Malay in *Confessions of an English Opium Eater* is on the far side of the scalar transition under discussion. On sentimental cosmopolitanism, see Markman Ellis, *The Politics of Sensibility: Race, Gender and Commerce in the Sentimental Novel* (Cambridge: Cambridge University Press, 1996). [Editor’s Note: See also the papers in *The Workshop*, number 3, “Hospitality” (June 2015).]
in morality, and cultivates his sensibility.\textsuperscript{36} After Harry comes to inherit, he spends more than an entire volume of the novel in a debt prison paying the releases of prisoners on the condition that they tell him their stories of suffering and personal reform. Like many other sentimental novels, then, Brooke’s novel channels philanthropy and moral action away from the parochial culture of neighborliness and towards sentiment, in the process evacuating them of self-interest.\textsuperscript{37}

A favorite illustration for the rise of “contract” as a concept in English legal thought is the comparison between Justice Blackstone and Sir Henry Sumner Maine. The two jurists and legal historians, conveniently separated by almost exactly a century, are a world apart on contract. Apparently unproblematic to his understanding of jurisprudence, contract is barely a presence in Blackstone’s \textit{Commentaries on the Laws of England} (4 vols., 1765-1769). Its most sustained treatment consists of about three thousand words of matter-of-fact discussion, dedicated to the demonstration that contracts can, under some circumstances, be a legitimate way of transferring titles in real property.\textsuperscript{38} A century later, in 1861, Maine sees contract as the unique master concept governing not only English law, but the entire legal history of the West. This is perhaps the apotheosis of Victorian liberalism.

Maine’s \textit{Ancient Law: Its Connection to the Early History of Society, and Its Relation to Modern Ideas} may be a less familiar text for dix-huitièmistes, and so I will quote its most famous passage at length.

Starting, as from one terminus of history, from a condition of society in which all the relations of Persons are summed up in the relations of Family, we seem to have steadily moved towards a phase of social order in which all these relations arise from the free agreement of Individuals. In Western Europe the progress achieved in this direction has been considerable. Thus the status of the Slave has disappeared—it has been superseded by the contractual relation of the servant to his master. The status of the Female under Tutelage, if the tutelage be understood of persons other than her husband, has also ceased to exist; from her coming of age to her marriage all the relations she may form are relations of contract. So too the status of the Son under Power has no true place in law of modern European societies. If any civil obligation binds together the Parent and the child of full age, it is one to which only contract gives its legal validity. The apparent exceptions are exceptions of that stamp which illustrate the rule. The child before years of discretion, the orphan under guardianship, the


\textsuperscript{37} I don’t want to make too much of this, but a later edition of Brooke’s novel was (severely) abridged and introduced by none other than John Wesley: Henry Brooke, \textit{The History of Henry, Earl of Moreland}, 2 vols. John Wesley, ed. (London, 1781).

\textsuperscript{38} Citation to the Liberty Fund facsimile of Sir William Blackstone, \textit{Commentaries on the Laws of England in Four Books} (Philadelphia: J.B. Lippincott Co., 1893), Book II, Ch. 30: “Of Title by Gift, Grant, and Contract.”
adjudged lunatic, have all their capacities and incapacities regulated by the Law of Persons. But why? The reason is differently expressed in the conventional language of different systems, but in substance it is stated to the same effect by all. The great majority of Jurists are constant to the principle that the classes of persons just mentioned are subject to extrinsic control on the single ground that they do not possess the faculty of forming a judgment on their own interests; in other words, that they are wanting in the first essential of an engagement by Contract.

The word Status may be usefully employed to construct a formula expressing the law of progress thus indicated, which, whatever be its value, seems to me to be sufficiently ascertained. All the forms of Status taken notice of in the Law of Persons were derived from, and to some extent are still coloured by, the powers and privileges anciently residing in the Family. If then we employ Status, agreeably with the usage of the best writers, to signify these personal conditions only, and avoid applying the term to such conditions as are the immediate or remote result of agreement, we may say that the movement of the progressive societies has hitherto been a movement from Status to Contract.39

Let us leave aside the eyebrow-raising claim (in 1861!) that “the status of the slave has disappeared” in order to think about what contract means to Maine. Contract is a way of thinking human relationships as volitional or consensual, so long as the participants are competent to choose. What counts to him as competence is measured by a deceptively simple yardstick: judgment of self-interest. The relationships that he is trying to discuss in these terms include those of adult children to their parents, servants to masters, unmarried women with, apparently, anyone else. In this sense it contrasts with “status,” which Maine wants to use to represent a whole bundle of social relations, at the heart of which is kinship. Kinship for Maine is expressed in then-modern terms as a given and inviolable bond, and yet at the same time understood to be a residual form, characteristic of the past, in the midst of being overtaken by a superior liberal contractarian account in which we are all free to elect our affinities.

But think back to Thomas Turner: short of arresting his own mother—not, for any number of reasons, a realistic option—what was he to do? Certainly, civil law considers him, as her adult child, to be related to her only by the contract she has apparently breached, but the culture of neighborliness saw things differently. Who would willingly do business with a grocer so bloodthirsty that he had his own mother arrested for debt? It sounds like a satire of a stockjobber from a City comedy. But in any case, “self interest” is absolutely useless as a guide here; Turner has no remedy but to mope in his diary. How would Henry Maine understand this? Is the East Hoathly, Sussex of 1750 an ancien régime grounded on status or a realized liberal state grounded on contract?

I want to propose that the parish is a kind of symptom for Maine’s project, which irreducibly muddles the kind of legible self-interest he wants to make the condition of possi-

bility for contract. Maine’s continuum is structured by a vision of voluntarism and interest derived from two key forms of eighteenth-century anti-parish discourse: sentimentality and Evangelicalism. He diachronizes what had been, in the eighteenth century, synchronic distinctions, and thus an achieved liberalism, for Maine, involves the invocation of a historicism that consigns the parochial communal form to an ever-receding past, irreparably disrupted by more elective modes of affinity.

Maine values this positively, and indeed, his description of a Victorian England on the verge of conquering distinctions based on status or person looks all but utopian in retrospect. Others, including Thomas Carlyle, are either less sanguine or more Romantic: in his 1841 essay “Past and Present,” which gave us the term “Cash Nexus,” he almost precisely anticipates Maine’s historical argument. Unlike Maine, Carlyle fears that “all human dues and reciprocities have been fully changed into one great due of cash payment.” For Carlyle, little could be worse. I want to make sure to emphasize that the stark differences in how they value the results do not prevent the two historians from understanding the qualitative changes in human social life in near identical terms.

It is interesting in this connection that Maine’s thinking is shaped by his work as a bureaucrat in India, and particularly the encounter with Hindu systems of caste. Lockean contractarianism, likewise, has always seemed a better fit as a theory for an imperial politics: it makes more sense for cross-cultural exchanges of furs for edge-tools in the woods of Michigan, or for theorizing the power of a Carolina tobacco planter over his slaves and servants than as an account of, let us say, agricultural labor relations in Yorkshire. Perhaps it would be helpful, then, to consider liberalism as at once an imperial and anti-parochial politics: as the reimportation of a colonial politics back to the metropole with the aim of displacing the parish. Its key theorists, then, are men like Maine or Sir William Jones, both shaped intellectually by encounters with India; or Locke, theorist of slavery and author of The Fundamental Constitutions of Carolina. This argument would intersect with recent work by scholars like Joseph Massad, who describes a liberalism formed through the European encounter with Islam, or Domenico Losurdo, whose “counter-history” of liberalism convincingly identifies the central figure of American liberalism as Calhoun rather than Jefferson.

What Blackstone acknowledged, but Locke and Maine rejected, was custom, indubitably one of the most important concepts in early modern British political thought. Custom grounded political legitimacy in a deeply emplaced traditionalism, which the entire project of reasoning from a state of nature sought to jettison root and branch. That emplaced dimension was a durable impediment to a de novo political philosophy; perhaps there is a reason that it was an Englishman who wrote Utopia. But custom also captures the way that political life takes place inside continuous time, embedded in a community that is already present, made up of households you already know and who already know you.

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40 It is no accident that Maine’s other major work is a set of six legal historical lectures given at Oxford and published as Village-Communities in East and West (London, John Murray, 1871). The lectures compare and contrast Indian and European modes of village life.
