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Jack's Back! In the Movies at Last!

By Peter Linebaugh

Peter Linebaugh, author of *The London Hanged*, was recently challenged by film-makers Anja Kirschner and David Panos over his 'romanticised' account of the development of class consciousness in the first phase of finance capitalism. Having watched their film, *The Last Days of Jack Sheppard*, concerned with the same historical moment and relation of finance and class violence, Linebaugh takes up the question of their diverging methodologies. Here he argues for a passionate engagement with history which projects forwards from the past

In August 1971 Richard Nixon devalued the dollar and suspended its convertibility to gold. The gold standard had been one of the pillars of the capitalist order according to Karl Polanyi, the others being the balance of power, the self-regulating market, and the liberal state. A few days later George Jackson, who had been imprisoned 11 years earlier for stealing \$70 from a gas station, was assassinated in San Quentin prison, a cold blooded murder which led directly to the seizure by the inmates of the maximum security penitentiary in Attica, New York. Notoriously, Governor David Rockefeller suppressed the uprising with the worst massacre since the Indian wars of the 19th century. 39 prisoners and four guards were killed making a total of 43 mortalities. (William Calley, the perpetrator of My Lai massacre of 1968 which killed 20 people was pardoned by Nixon earlier in the year.) Clearly, the liberal state was going the way of gold.

While there is not a direct causal relation between the rebellion of the incarcerated and the abandonment of gold, this kind of relationship was not unprecedented. The conjuncture between monetary disruption by the ruling class and defiance of the legal apparatus by the other class had parallels at the birth of finance capitalism in the period 1690-1725. By comparing the two situations perhaps we can learn something, and a movie may help us do this.

[IMAGE]

Image: Prisoners lined up after the riots at Attica Prison, 1971

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The gallows and money went together by a logic that is considered in a film by Anja Kirschner and David Panos called *The Last Days of Jack Sheppard*.ⁱ The film is sponsored by the Arts Council of England, the Scottish Arts Council, the Henry Moore Foundation, and commissioned by the Chisenhale Gallery in London and the Centre for Contemporary Art in Glasgow. As we shall see it is an art film in other senses than its sponsorship. Jack Sheppard was a carpenter and thief who frequently and famously escaped prison until he was hanged at the Tyburn gallows in London in November 1724. He was also the subject of the first chapter in my book, *The London Hanged*.

The film makers in a recent interview were asked, "In your notes to the script, you cite Christopher Hill and Peter Linebaugh - key figures in the "history from below" school - what influence did their work have on your approach to the Jack Sheppard story?"ⁱⁱ Their answer seems to require a response, because here's what they say,

[...] we wanted to pit Linebaugh's passionate, somewhat romanticized account of the emergent working class of the early 18th century against empiricist history, via a discussion of fiction and representation. Linebaugh in particular has some problems in terms of projecting certain ideas and ideals that weren't yet historically possible onto the periods he describes. However, he does deploy theory to create a class history that demonstrates certain potentials and possibilities. The empiricist historians we spoke to during our research were sniffy about Linebaugh's "committed" and passionate approach, but they also tended to have a somewhat reductive approach to history and lots of hidden baggage attached to their apparently "common sense" position. So the film staged a battle between these two positions. We rooted many of our scenarios in empirically verifiable facts (dates, places, actions, &c., are very accurate), but created a fantastical, speculative mythology that would raise the political questions through theatrical spectacle.

There seem to be three issues. What is romantic about my account? How do our shared themes, reality versus representation, differ? And what does it mean to say that some ideas and ideals aren't historically possible? Let us take each of these questions in turn before concluding with some remarks about financial crashes and defiance of law.

Romance; or a Blow-Job for a Piece of Ireland

The film makers call my historical treatment romantic. I am not quite sure how to take this - a compliment or a condescension - because of the ambivalence of the term. It revolves around two notions, either a) having to do with a love affair or b) expressing an imaginative ideal, but since b) slides into "having no basis in fact" and a) might mean just sex, I'm going to have to consider both.

"Something there is that doesn't love a wall", wrote the American poet. And indeed, who does not relish a prison escape? Hemingway said that all American literature goes back to Mark Twain's *Huckleberry Finn*. Maybe so. That book ends with a slightly wilted garland of freedom: the Irish boy running away with the former slave to join the Indians in Oklahoma while the romantic Tom Sawyer descants on the escapes of Casanova. Mark Twain was on to something, the same "something" as Robert Frost.

Casanova was also a favourite subject with the British sexologist, Havelock Ellis, whom he described as a 'almost intensely vital protoplasm.' His imaginative attentiveness to the psychical and bodily state of the female' caused him a serious problem when applied to the mistress of the Venetian Inquisitor who jailed him for profligacy, cheating at cards, and 'Contempt of Holy Religion'. He was imprisoned in the impregnable and notorious Leads, a Venetian prison whence no one had ever escaped. In 1756 he became the first to do so, combining endurance, audacity, and ingenuity. Escape artist was added to his reputation as lover and gamester. 'I am proud because I am nothing', he used to say, and Havelock Ellis explained that he never neglected his duty because he never had any. His *Histoire de ma Fuite* published in 1788, the year before the storming of the Bastille, was translated in more than 20 languages and went through 50 editions. The Casanova Question: Are prison escapes inherently romantic? If so, is this because marriage is basically a prison, or that prison is basically perverse?

Romance is not part of the film-maker's story. There is very little love interest. Apart from Edgworth Bess, who is presented strictly as inducement to commodity exchange, the women in Sheppard's life are excluded. Betty Blewskin wrote to Applebee's Original Weekly Journal at Sheppard's hanging,

I have been so deeply in Love with your late Friend John Sheppard that I have been quite distracted. His Escaping with such Dexterity as you have heard out of Newgate charm'd me, and if I could have found him during the little time of Liberty he enjoy'd I had certainly had him.

This letter perhaps was made up, though we will meet a real person named Blueskin presently. Other real life women praised him, even in court - Kate Cook, Kate Keys, Elizabeth Lyon, and you can read about them in the *Proceedings of the Old Bailey*, if not see them represented in this movie.

[IMAGE]

Image: Jack Sheppard in the Stone Room at Newgate, from the *Annals of Newgate*

The subjects missing or neglected in the film are first of all Jack Sheppard's actual escapes and second, putting them in the historical context of prison construction, confinement, the house of terror, enclosure, slavery, and the factory. I placed Jack Sheppard in the history of the era of piracy as social banditry on the high seas and in the era of the Waltham Blacks who were deer poachers resisting emparkment by Whig aristocrats, and tried to understand why Jack Sheppard in England, like Cartouche in France at the time, became popular heroes. Was criminality, in other words, a stage in the evolution of working class consciousness, as Frederick Engels averred, to be followed by less individualist forms such as the collectivism of unionism and working-class political parties? This question contains an idea, viz., that the working class goes through stages, which perhaps the film-makers find too idealistic, and hence romantic.

My agenda was not artistic, it was thrust upon revolutionaries during the 1960s. It was there to be read about in Malcolm X, Eldridge Cleaver, or George Jackson, for had they not been indicted of crimes and were they not revolutionaries? Had they not come to understand that just as there are social, economic and political causes to petty crimes so the petty criminal may become a world class revolutionary by proposing, advocating and organising the removal of those causes? In April 1970 Jackson wrote,

There are absolutely no vacuums for us to fill in the business world. We don't want to capitalize on people anyway. Capitalism is the enemy. It must be destroyed. There is no other recourse.... Each individual born in these Amerikan cities should be born with those things that are necessary to survival. Meaningful social roles, education, medical care, food, shelter, and understanding should be guaranteed at birth. They have been part of all civilized human societies - until this one. Why else do men allow other men to govern?

Was it romantic to be affected by this revolutionary spirit? How are knowledge, health, food, and shelter to be obtained?

[IMAGE]

Image: George Jackson

‘Force is the midwife of every old society which is pregnant with a new one’, wrote Karl Marx. Among the colossal world-wide expropriations taking place in Jack Sheppard’s time was the theft of state lands. Marx writes in *Das Kapital* that “The large grants of lands in Ireland to Lady Orkney, in 1695, is a public instance of the king’s affection and the lady’s influence...’ Lady Orkney was Elizabeth Villiers (1657-1733), the daughter of the governess of Queen Mary, as of William and Mary. The Irish were defeated at the battles of the Boyne (1690) and Aughrim (1691) and fighting there was the soldier George Hamilton whom the King rewarded by elevating him to the Count of Orkney and whom Betty married becoming Lady Orkney. She seems to have been romantically involved with the King. But was it romance?

Her endearing offices, or influence with the King, are supposed to have been obtained (Marx quotes a manuscript primary source) ‘*foeda labiorum ministeria*’. Literally this means ‘base services performed with the lips’. A blow job in other words, and in exchange she received the Irish lands of the deposed James II. The Latin, the euphemism, and the slang describe oral sexuality as if it were a crime. But what happened on the Irish lands? Was not that an obscenity? Who was expropriated? How did these huge transfers result in the recurrence of famine? These are violations compared to which a blow job is

trifling.

Yet the term is appropriate for other reasons, since blow described the action of wind which propelled the ships of global commerce as well as the inflation of speculative bubbles. In thief's talk to blow meant to make public, to detect a person in crime, to inform or snitch. Job might also mean a Guinea, or simply a theft, or a public service turned to private gain. It could mean either a small piece of work or a transaction for profit. Thus it can be applied to the poles of class antagonism, the proletarian who must do what s/he's told and the trader in stocks who buys from one to sell to another always for profit. As the shop-lifter said in *Moll Flanders* (1722), 'it was always reckoned a safe job when we heard of a new shop.' The spirit of the age is aptly summarised by the phrase howsomever unromantic or coarse some may find it.

As a courtesan and a courtier Betty Villiers negotiated sex, power, and money at Cliveden, Buckinghamshire, a location which stinks down the ages: this is where she entertained George I and George II in the 1720s; upper class English right wingers and fascist sympathisers met there during the 1930s to be named 'the Cliveden Set' by Claud Cockburn; and in 1960 Christine Keeler, the Defense Minister Profumo, the Soviet military attaché, Lord Mountbatten, and the President of Pakistan, Ayub Khan, cavorted poolside.

[IMAGE]

Image: Theodor Russell, portrait of Elizabeth Villiers, 1640

The sex was unromantic, it was economic. Bernard Mandeville invented two concepts essential to economics - the invisible hand and in the division of labor. 'The practice of whoring has become so universal', observed Bernard Mandeville in *A Modest Defence of Publick Stews* published the year of Sheppard's escapes and hanging, 1724. He advocated public brothels partly to reduce sexually transmitted diseases, partly as a matter of industrial discipline since 'Whoring of itself disposes the Mind to such a sort of Indolence as is quite inconsistent with Industry' which is the main support of a trading nation. Prostitutes would be less tempted to criminality or infanticide. Public whore houses would reduce private whoring which undermined marriages as he explained in *The Fable of the Bees* which was also published that year:

there is a Necessity of sacrificing one part of Womankind to preserve the other, and prevent a Filthiness of a more heinous Nature... Chastity may be supported by Incontinence, and the best of Virtues want the Assistance of the worst of Vices.

Mandeville connected crime to macro economics by means of the law of unintended consequences.

A Highwayman having met with a considerable Booty, gives a poor common Harlot, he fancies, Ten Pounds to New Rig her from Top to Toe... She must have Shoes and Stockings, Gloves, the Stay and Mantua-maker, the Sempstress, the Linen-draper, all must get something by her, and a hundred different Tradesmen dependent on those she laid her Money out with, may touch part of it before a Month is at an End.

Earlier he wrote,

Their Crimes conspired to make âem Great;
And Vertue, who from Politiks
Had learn'd a Thousand cunning Tricks,
Was, by their happy Influence,
Made Friends with Vice: And ever since
The Worst of all the Multitude
Did something for the common Good.

We might just as well re-write the last two lines as,

The best in all the elite
Did everything to make workers crawl to eat.

Whether or not I was persuasive in putting Jack Sheppard in his working class context, readers of *The London Hanged* can judge for themselves. That attempt, in itself, is not romantic in either sense a) love or b) ideal. Certainly the working class of the world has accumulated greater knowledge since 1724. George Jackson in 1970 called for âmeaningful social roles, education, medical care, food, shelter, and understanding.' He assumed what Sheppard actuated, namely, that personal liberty which William Blackstone, the leading Anglo legal theorist of the 18th century, defined as âthe power of locomotion, of changing situation, or removing one's person to whatsoever place one's own inclination may direct.' Precisely Sheppard's accomplishment, over and over again.

Engels' hypothesis was a beginning. We can be even more specific in understanding crime and capitalism. The criminality of financial capitalism is that of the gaming table. The criminality of merchant capitalism is either that of global commerce or the domestic market, and piracy corresponded to the former and highway robbery to the latter. The criminality of manufactures is that of the worker, constantly 'stealing' time or 'wasting' from his boss. The criminality of reproduction is prostitution. For the woman to sell herself is a sin and a crime, but for the man it is a sin and a crime not to sell himself! Mary Astell, the feminist, asked, 'If all Men are born free, how is it that all Women are born Slaves?'

Reality or Representation: Banking and the Bloomsbury Battle of the Beaux

The film makers propose 'a discussion of fiction and representation.' Their film opens with the words from *Robinson Crusoe* (1719), 'It is as reasonable to represent one kind of imprisonment by another, as it is to represent any thing that really exists by that which exists not', posing the two themes representation and imprisonment. Notwithstanding the title of the film, its emphasis is upon critics, painters, authors, not Jack Sheppard. The opening image is darkness and a bust of Defoe. The darkness, the claustrophobia, remains a powerful and abiding part of the mood of the film. Sheets of paper are blown by a wind. 'The Last Days of Jack Sheppard' is really about Daniel Defoe, Sheppard's biographer. The scene at the gallows frames the film, not of Jack hanging, but Jack handing over his 'Last Words' to his publisher John Applebee. The deed is secondary to its representation. The presentation is postmodern in self-consciousness and rococo in its ornament.

The next quotation in the film is a paraphrase from Lichtenberg's choice comments on the English painter and engraver, William Hogarth, noting that 'since the universe has become the subject of the stock and picture trades, many people have grown blind to the direct rays of nature, yet see quite satisfactorily when they are reflected from a sheet of paper.' The emphasis on representation and on paper give to this film its postmodern style. Furthermore, it contributes to our understanding of financial crisis and its relation to class violence. Money 'represented' the whole world of commodities.

Then two men, an Englishman and a Frenchman, emerge from the darkness, in period costume with long wigs and rouged lips, to comment on William Hogarth's print of a wheel or carousel, the symbol of both fortune and revolutions. Fortune or chance seemed to govern the 'investing public' during 1720 in both France and England when fortunes were won and lost as the speculative bubble burst. 'All that is solid melts into air', they quote Marx. But is that true?

The bourgeoisie ... has left remaining no other nexus between man and man than naked self-interest, than callous 'cash payment' ... for exploitation, veiled by religious and political illusions, it has substituted naked, shameless, direct, brutal exploitation ... Constant revolutionizing of production, uninterrupted disturbance of all social conditions, everlasting uncertainty and agitation distinguish the bourgeois epoch from all earlier ones ... All that is solid melts into air, all that is holy is profaned, and man is at last compelled to face with sober senses, his real conditions of life, and his relations with his kind.

True, as Marx writes, political and religious illusions were cast aside to reveal 'callous cash payment'. What the film does is to remind us that cash too was a veil. The strongest part of the film is the theme of the Bubble if we see it broadly as 'representation'. Daniel Defoe represents the 'bourgeois individualism' of the era in novels. The problem of authorship is dealt with by the Copyright Act (1709). An art market for engraved prints is created. The 'news' papers daily announce the price of commodities and such. Each of these undergoes important changes during Sheppard's life. The film is documentary in the sense that the composition of their shots draws on documents of the time, William Hogarth in the 18th century, Harrison Ainsworth in the 19th century.

[IMAGE]

Image: South Sea Bubble playing card, 1721

In France it was the Mississippi Bubble, and in England the South Sea Bubble. They were betting on exploitation of land and sea, namely the Mississippi Valley through North America, and the Caribbean Sea into South America. These were to become the ecology for the plantation; these were to become the landscape of exploitation of the trans-Atlantic slaves. For a moment in 1720, the mightiest nations of the western hemisphere rested their finances upon this dream. Huge amounts of value were accumulated, then lost, by princes and princesses, lords and ladies, merchants and bankers.

Two figures are missing. One is John Law, and the other is Jonathan Wild, both innovators of their time, like J.M. Keynes and Al Capone.

John Law helped create paper money totally exclusive of metals for a few years in France; otherwise many monetary instruments had been circulating as credit, stock, bonds, funds since the 1690s, and all made out of paper. This paper, however, is qualitatively different from books, engravings and newspapers. Blood is never far from it. As a medium of exchange, money innocuously made possible the exchange of products from China to the Caribbean. Hence, commodities will be called 'goods' as if virtue were the sole purpose of trade. The bourgeois writers of the time, Addison and Steele, took

that stance, indeed, they comfortably created that tone of clever complaisance that has reassured the 'investing public' right to *The New Yorker*.

This is the period of the financial revolution: insurance, banks, coins, the national debt, the system of protection, the modern tax system, the international credit system. It gave rise to joint-stock companies, to projectors, to lotteries and tontines, as well as to speculators and financiers, the brokers and jobbers, the gamblers and sharpers. The fiscal system played an important role in the expropriation of the masses, and the capitalisation of wealth. In 1701 Defoe wrote *The Villainy of Stock-Jobbers Detected*, 'These people can ... fiddle men out of their Money, by the strange unheard Engines of Interest, Discounts, Transfers, Tallies, Debentures, Shades, Projects, and the Devil and all the Figures and hard Names.' While the word million (derived from French) was part of English since the 14th century, the name of the person possessing a million, a millionaire, is a coinage of this era. The word billion comes into English in 1690 with John Locke who explains, 'distinct names conduce to our well reckoning'. Semantic obfuscation assists our calculations of surplus value. Caffentzis has revealed the necessary relation in Locke's philosophy between such nomenclature and violence.

The economy does not consist only of flows of money and product; force mediates them and labour precedes them. Yet the time of the Bubbles was a time of immense slaughter and an array of mischiefs which have permanently augmented human inquietude - world wars, trans-Atlantic slavery, expropriation of Ireland, devastation of India, enclosures in England, and throughout the period, the hangings - the hangings of the pirates, the hangings of the poachers, the hangings of the coiners and clippers, the throttlings at Tyburn.

Money is the root of evil because on one pole of exchange it encourages avarice as little pellets or sheets of acquisition, and on the other pole because it commands labour. What was the point of this violence if not, as Shelley said, to force one person to work for another?

John Law combined vision, recklessness, charm, a 'almost remarkable player at tennis', mathematical brilliance. Joseph Schumpeter considered him to be 'in the front rank of monetary theorists of all times.' His modern biographer writes that in the personality of John Law 'lay the spirit of a man of our times.' He was born in Scotland in 1671, three hundred years before Nixon cancelled convertibility. His father was a goldsmith at a time when goldsmithing was becoming banking, supplying credit to Scots cattle drovers and thus 'the Roast Beef of olde England.' Etymologically 'bank' is simply the counter-top where money is reckoned or told out. It might as well be green felt as marble, the action was the same, and the master at both was John Law. He mastered odds, explaining why 'seven to four or ten, was two to one at Hazard, seven to eight, six to five, and so on in all the other Chances of the Dice.' Banking and gambling were closely related enterprises dependent alike on risk assessment, probability theory, credulity, and credit. Thomas Bowles published a pack of playing cards in 1720 satirising the South Sea Bubble, marriage market, and the coach as status symbol. Deuce of spades, for example, said

A set of Jobbers rather Knaves than Fools,
Meet and contrive to Cheat their Principals,
Says one, in e'ery Trade there's some Deceit
To Bit the Biter is not Fraud but Deceit

John Law divorced money from metal, producing a paper money system in France from 1719 and 1720. He also introduced a debt-management policy with substituted shares from public debt.

[IMAGE]

Image: Casimir Balthazar, portrait of John Law, 1843

Two books were published concerning John Law in Sheppard's era which may help us develop the relation between Sheppard and Law, or money and escape. In 1721 was published *The Memoirs, Life and Character of the Great Mr. Law*. The other was certain *Love-Letters of a Nobleman* published in 1723. Together they tell an important story.

While his countryman, William Paterson, was establishing the Bank of England in 1694, John Law was living it up, as a rake, a gallant, blade, sharper, or that 'bundle of vanity composed of ignorance, pride, folly and debauchery' as Mary Astell, a contemporary feminist, defined the 'beau'. On 9 April 'Beau' Law killed 'Beau' Wilson, 'the mirror of the town', in a duel in Bloomsbury Square. Now this man was very rich - possessing an abundance of horses, clothes, servants, coaches - but no one knew where his money came from, he had no estates nor stocks, though his credit was good with the most considerable bankers.

Was he the lover of the masked Betty Villiers, the King's favorite courtesan, hired to rid her of discovery to an inquisitive lover? 'Beau' Wilson's *Love-Letters* were published in 1723 implicating him in a homosexual relation with an anonymous but great nobleman. This nobleman paid him huge amounts of money and required that 'Beau' Wilson appear as a transvestite. Wilson was indebted to Villiers. John Law appears to have been hired to follow Wilson during his nocturnal commissions. Was Law hired by this nobleman to duel 'Beau' Wilson? While we may never know the full complexity of these intrigues (it was an open secret that the King preferred sex with boys), we do know that John Law was brought to trial in April 1694 at the Old Bailey, found guilty of murder, and sentenced to be hanged, two days prior to the founding of the Bank of England.

Although the Earl of Warristoun, the Secretary of State for Scotland, claimed 'the jury against him [Law] was bought', the Lord Chief Justice was against him, the Archbishop argued against a pardon, and the King was intent on the gallows. Yet thanks to the pillow talk in the palace, Law escaped. His escape was effected by drugging his guards with opiates, filing off his fetters, and climbing over a two storey wall with no other damage than a sprained ankle. Defoe summarised,

The case is plain, you must put on a sword, kill a beau or two, get into Newgate, be condemned to be hanged, break prison if you can - *remember that by the way* - get over to some strange country, turn stock-jobber, set up a Mississippi stock, bubble a nation, and you may soon be a great man.

That very month, the ship *Falconberg* embarked from London for the Gold Coast to take on six hundred people to be sold as slaves across the Atlantic in Barbados. The others condemned to be hanged with Beau Law were Richard Smith for raping a 15 year old girl, James and Jane Pattison for coining false money, and Susannah Crittenden for clipping five half crowns, ten shillings, and twenty six pences. They hanged for money, and the finest brains of the ruling class, John Locke and Isaac Newton, organised the logic and its execution. Violence was present at the birth of the Bank.

Surely, *The Last Days of Jack Sheppard* needs a sequel, *The Early Days of Jack Law*. Two escape artists, two beaux, two gamblers: Shepherd minds the flock, Law fleeces it. The second person omitted from *The Last Days of Jack Sheppard* was Jonathan Wild.

Jonathan Wild negotiated the relation between brute force and the commodity. He was a receiver of stolen goods, or a fence, and at the same time was the finder of 'lost property'. He organised London thieves, and he was a thief-taker. He supplied evidence at the Old Bailey and supplied victims to the gallows, £40 was the reward, blood money. He provided a 'service' to the victims of pick-pockets or thieves and he provided 'justice' as the municipal rulers understood it. He thus helped produce the climate of fear among the Have Nots. It has been an effective form of policing, accomplishing the urban trituration of class solidarity. But Sheppard eluded him. Jack Sheppard defied both organised law and organised crime. Jonathan Wild was the subject of a ballad which described the chaos of escape and which expresses that dissolution of legitimacy which reduced crime and law alike into force:

Ye Gallants of Newgate, whose Fingers are nice,

In diving in Pockets, or cogging of Dice.

Ye Sharpers so rich, who can buy off the Noose,

Ye honest poor Rogues, who die in your Shoes,
Attend and draw near,
Good news ye shall hear,
How Jonathan's Throat was cut from Ear to Ear;
How Blueskin's sharp Penknife hath set you at Ease,
And every Man round me may rob, if he please.

When to the Old Bailey this Blueskin was led,
He held up his Hand, his Indictment was read,
Loud rattled his Chains, near him Jonathan stood,
For full Forty Pounds was the Price of his Blood.
Then hopeless of Life,
He drew his Penknife,
And made a sad Widow of Jonathan's Wife.
But Forty Pounds paid her, her Grief shall appease,
And every Man round me may rob, if he please.

Some say there are Courtiers of highest Renown,
Who steal the King's Gold, and leave him but a Crown;
Some say there are Peers, and some Parliament Men,
Who meet once a Year to rob Courtiers again:
Let them all take their Swing,
To pillage the King,
And get a Blue Ribbon instead of a String.
Now Blueskin's sharp Penknife hath set you at Ease,
And every Man round me may rob, if he please.

Knives of old, to hide Guilt by their cunning Inventions,
Called Briberies Grants, and plan Robberies Pensions;
Physicians and Lawyers (who take their Degrees
To be Learned Rogues) called their Pilfering Fees;
Since this happy Day,
Now every Man may
Rob (as safe as in Office) upon the Highway.
For Blueskin's sharp Penknife hath set you at Ease,
And every Man round me may rob, if he please.

In fact, Blueskin's attempt on Wild's life failed, but it caused enough consternation so that Sheppard could make his best escape that day.

[IMAGE]

Image: Gallows ticket celebrating the execution of Jonathan Wild, 1725

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After the unprecedented success of *The Beggar's Opera* (1728) the town wits said of the playwright, John Gay, and his producer, John Rich, that it made Rich Gay and Gay Rich. We might just as well say - no, we can say with even more justice! - that neither beggars nor opera, but the ruling class itself in its combination of money and power made Law wild and Wild law!

Wildness' means risky, reckless, and violent. Certainly this was true of John Law, the high roller, the convicted murderer, the arrogant mathematician. There is also a touch of the indigenous in the connotation of 'wildness' and certainly at that time, the indigenous of America, Ireland, African, and England were becoming cosmopolitan, as the international labour of finance capitalism.

Law means either explicit rules or force. Here is the semantic ambiguity which reflects the Marxist or ideological ambivalence. Are we talking legislation and judges' opinions? Or, are we talking the police and weapons of war. During this period, 1690-1720, the two were conjoined in the procedures of

gangsterism or at the gallows, famously by Jonathan Wild.

The film makers emphasise paper representations, novels, engravings, playing cards, and this should not be dismissed as arty, postmodern cleverness, because it also leads to the central mystery, the holy fetish, sordid lucre. The film does not explore how money obtained its power. Backing such money was the violence of the state. That month three vessels left Bristol and three departed London for slaving voyages and almost 2,000 people embarked in Africa to be sold in the South Seas as slaves. It was a very good year for the slavers; 85 vessels left British ports to carry 23,573 people while the year before 40 vessels departed Britain to embark 9,911, and going back to the Bubble year, 1720, 50 voyages set out carrying 12,399 people with 18% mortality. The 'postmodern' emphasis on representation, with the increasingly obscure monetary instruments of the era, helps us to understand the 'pre-modern' avarice, violence, and slavery which certainly underlay finance capitalism.

Impossible Ideals, Impossible Histories

'Linebaugh in particular has some problems in terms of projecting certain ideas and ideals that weren't yet historically possible onto the periods he describes.' It is dangerous for the historian to be as confident as the artists in asserting what is historically possible and what is not. History changes as we learn more about our past, and what was once a romantic ideal has a way of becoming empirical facts, but it takes some digging to establish them. That is the historical labor. I am not interested in projecting back but in bringing forward, forward to Sheppard, and forward from Sheppard.

The social bandit is given the picaresque biography or the subject matter can dictate the form of presentation. As we become aware of this, the form becomes as important a subject as the material was to begin with. This is an important stage in research, and the historian learns to describe the evidence and interpretations in an historiographical introduction before returning to the subject, which is the bandit not the picaresque. There is an interplay between evidence and story. The means has replaced the material, form over content, the signifier over the signified, the documents over the story. What has happened in this film is that the traditional relation is inverted and the story becomes the document. Money however seems to confound them both for the mere numismatics seem utterly irrelevant to the huge amount of violence.

Lawrence Summers, the director of President Obama's National Economic Council, World Banker, Harvard Pres, Treasury man, Economics Prof., used to end his lectures saying, 'Things will happen in well-organized efforts without direction, controls, plans. That's the consensus among economists. That's Hayek's legacy.' F.A. Hayek is the principle free market theorist of the 20th century. He taught rulers like Margaret Thatcher, Ronald Reagan, and Pinochet, as well as advisors such as Ronald Coase, Milton Friedman, and Larry Summers. David Rockefeller also was one of his students. In 1966

Hayek lectured the British Academy on Bernard Mandeville, 'a Master Mind'. Hayek finds in Mandeville 'an awareness of the spontaneous order which the market produces.' 'A most beautiful superstructure may be raised upon a rotten and despicable foundation.' Society was the result of human action but not human design. The price system signals information. All the state must do is maintain rule of law! Mandeville 'for the first time developed all the classical paradigmata of the spontaneous growth of orderly social structures: of law and morals, of language, the market, and of money, and also the growth of technological knowledge.'

Hayek or Mandeville *assume* the justice of class society (Hayek actually found the expression 'social justice' to be meaningless). Equality is completely out of the question. Mandeville never addresses incorrigible habits of 'the free-born Briton.' Indeed he helps to turn the word 'level', a democratic political party opposing the dictatorship of Cromwell and the invasion of Ireland, into a scarecrow word designed to frighten just as communism has been used to frighten commoners. Writing about envy Mandeville says,

The rude and unpolish'd Multitude [...] murmur at Providence, and loudly complain that the good Things of this World are chiefly enjoy'd by those who do not deserve them. The grosser Sort of them it often affects so violently, that if they were not with-held by the Fear of the Laws, they would go directly and beat those their Envy is levell'd at....

Or, again, 'it is undeniable that Servants in general are daily encroaching upon Masters and Mistresses, and endeavouring to be more upon the Level with them' above the 'the Original meanness which the Publick Welfare requires it should always remain in.'

Bernard Mandeville attempted to relate crime and economics. Thomas Parker, (1666-1732), former Lord Chancellor, was a Whig grandee, acquisitive of land, with a 'craving nature,' but a generous patron of Mandeville. He played his cards well during the Bubble becoming Earl of Macclesfield. He was impeached by Parliament for selling offices, and had himself bilked the public treasury of at least £60,000. Mandeville was sponsored by the man in the Whig regime who more than any other revamped the national magistracy into the Whig machine of private proprietors. Law is necessary to the economy, *ipso facto* Whig revenues depend on Whig magistracy, or 'Officers', Mandeville brutally wrote, 'That squeeze a Living out of Tears.' If crime disappeared so would law which would only, in Mandeville's logic, up unemployment.

The Fable of the Bee began as a poem in 1705 and after several addenda (a prose commentary, an essay, a vindication) attained its final form in 1724. Mandeville defends corruption on the grounds that it makes a country rich and powerful. The rich may game each other (Betty Villiers + King Billy), and perforce must game the poor, but under no circumstances may the poor be permitted to game the rich. For a nation to be rich and great it requires a large population that 'must be poor, ignorant, and almost wholly destitute of what we call the Comforts of Life.' 'Ignorance, Folly and Credulity of the floating insipid Multitude' utterly necessary to the Body Politick because 'the Basis that supports all, [is] the multitude of Working Poor.' Such is the labour theory of value.

Mandeville's reasoning can be applied to the enclosure movement which constructs both the proletariat (human beings) and constant capital (land). The first is taking the land, the second is obtaining unemployed country people. 'Would you render a Society of Men strong and powerful, you must touch their Passions. Divide the Land, 'tho' there is never so much to spare, and their Possessions will make them Covetous.' There's the land. 'Ignorance is, to a Proverb, counted to be the Mother of Devotion, and it is certain that we shall find Innocence and Honesty nowhere more general than among the most illiterate, the poor silly Country People.' And there's the proletariat.

Of course he observed the energies of the proletariat and of course he exposed the hypocrisies of the rulers: how else to manipulate the 'vices'? Justice for instance,

Check'd but the Desp'rate and the Poor;
That, urged by mere Necessity,
Were tied up to the wretched [gallows] Tree
For Crimes, which not deserv'd that Fate,
But to secure the Rich, and Great.

In literature the era is called the Augustan Age, named after the ruler of the Roman Empire when satire and irony were the only permitted forms of literary opposition. This did not prevent class analysis; it prevented class advocacy or agitation. In 1971 there was plenty of class agitation - always by definition 'from below' - but no literary class analysis. Writing *In Cold Blood* the year Malcolm X was assassinated (1965), we would not accept Truman Capote as our historian of crime, or accept Norman Mailer's *The Executioner's Song* (1980) as the voice of the prisoner movement. They are the Defoe's in the era of George Jackson. And the law of the 1960s needs its social historian writing from below of the defendants whose names are attached to the great cases - *Escobedo* (1964), *Miranda* (1966), *Gideon* (1963), *Sherbert* (1963), *Griswold* (1965).

[IMAGE]

Image: My Lai massacre, 1968

We go back to the past as a fountain of experience to relieve our dessicated, parched present. It doesn't mean we have to take it all. Here for instance, writing under the pseudonym Cato (the Roman tyrannicide), is John Trenchard, boiling with rage in November 1720 as the Bubble burst, expressing the homicidal hostility institutionalised at Tyburn:

These monsters, therefore, stand single in the creation. They are stock-jobbers; they have served a whole people as Satan served Job; and so far the Devil is injured, by any analogy that you can make between him and them.

Well; but monsters as they are, what would you do with them? The answer is short and at hand, hang them; for, whatever they deserve, I would have no new torture invented, nor any new death devised. In this, I think, I show moderation; let them only be hanged, but hanged speedily.

while at the same time he calls for something resembling reparations:

As to their wealth, as it is the manifest plunder of the people, let it be restored to the people, and let the publick be their heirs; the only method by which the publick is ever like to get millions by them, or indeed anything.

The invention of 'law-and-order', the co-dependency of crime and punishment, and the worship of the self-generating effects of the market/society developed in a period of terrifying violence and resistance. In the first quarter of the 18th century there were some 18 insurrections on slave ships. The slaves rose up in 1721 aboard the *Robert* of Bristol sailing to Sierre Leone and Jamaica; the slaves rose up in 1723 on the *Ruby* sailing from London for Gambia and Charleston.

Before Rockefeller killed him, L.D. Barkley spoke for Attica. He was 21 years old, from Rochester, N.Y., and spoke for 1,200 prisoners, 'We are men! We are not beasts, and we do not intend to be beaten, or driven as such... What has happened here is but the sound before the fury of those who are oppressed.' He called for abolition of prisons and transport to a non-imperialist country. I don't know that he alluded to Macbeth though the speech certainly applies to the prisoner's experience of the institutional boredom,

To-morrow, and to-morrow, and to-morrow,

Creeps in this petty pace from day to day

and the depressing negation of both history and life,

... it is a tale

Told by an idiot, full of sound and fury,

Signifying nothing.

This is what L.D. Barkley turned upside down. He told a story with revolutionary spirit giving voice to a fury which signified - yes, *signified!* - a future, Black Power, the victory of the Vietnamese in the NLF, the beginnings of the Irish civil rights movement (Bloody Sunday was January 1972), the development of the American Indian Movement, a world without enclosure or empire.

[IMAGE]

Image: Prison riot in Attica, 1971

This was a revolutionary challenge to the judicial, legal, and penological system of the state at the moment when the state's venerable responsibility in providing sound currency was also challenged. Money and law together screened the violence that is the essence, or health, of the state. Thenceforth neither could appear historically inevitable nor unquestionably legitimate. The Attica revolt revealed their contingency. Law was not eternal: imperialism was not inevitable: racism was not unchanging. I was in England in 1971 using these contingencies to 'discover', once again, Jack Sheppard. Yes, in 1971 the 'Pentagon Papers' exposed the lie of war and E.P. Thompson's 'The Moral Economy' exposed the lie of money.

What followed 1971 was the installation of a repressive apparatus under the slogan of 'law-and-order'. This hideous formulation denies the multiplicity of social orders and gags the discussion of alternative forms of social life. It links the inherent violence and insecurity of capitalism to the universal, law, which, for many people, expresses the simple command of mutuality - do as you would be done by - though in actuality 'law-and-order' devised more devious capital punishments, built a continent of prisons, and impoverished the country with the law of beggar thy neighbor.

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i Editor's note: For Benedict Seymour's reflections on Panos and Kirschner's film see, 'Notes on The Last Days of Jack Sheppard: Capital Crimes and Paper Claims', *Mute* Vol 2 #13, September 2009, available at http://www.metamute.org/en/content/notes_on_the_last_days_of_jack_sheppard_capital_crimes_and_paper_claims

ii Neil Gray, 'The Last Days of Jack Sheppard, Interview with Anja Kirschner and David Panos', Variant Issue 36, 2009, <http://www.variant.org.uk/36texts/LastDays.html>