Obscene Publics: Jesse Sharpless and Harriet Jacobs

Why be afraid to write useful truths for the good of society? Well, my dear benefactor, I will resist no longer: I'll write; my ingenuity will make up for my lack of a polished style—at least for thinking men, and I care little for fools. No, you'll be denied nothing by your dear Therese, you'll know all the secret places of her heart from her earliest days. Her soul will be completely revealed through the little adventures which have led her, despite herself, step by step, to the heights of sensual pleasure.

Jean-Baptiste de Boyer, Therese Philosophe, 1748

You may believe what I say; for I write only that whereof I know. I was twenty-one years in that cage of obscene birds.

Harriet Jacobs, Incidents in the Life of a Slave Girl, 1861

Publicity, Obscenity, Privacy

The central chapter of Harriet Jacobs's Incidents in the Life of a Slave Girl records the imprint that the liberal idealization of privacy leaves on the bodies of U.S. citizens and subjects. Entitled "A Loophole of Retreat," the chapter describes the nine-by-seven-by-three-foot garret in which Jacobs (Linda Brent) lived for seven years as a fugitive slave while pursuing freedom for herself and her children. As a "loophole" within the antebellum slave economy, this "retreat" provides Jacobs with "privacy" in each of the two senses of the term. It serves as a space of both privation and privilege. While Jacobs later writes that her "body still suffers from the effects of that long imprisonment, to say nothing of [her] soul," she also allows the garret to prefigure the "home made sacred by protecting laws" for which she longs throughout Incidents (144, 114). Confinement in the garret leaves its mark on Jacobs as surely as the slaveholder's whip, but it also holds out the promise of privacy.
as a source of personal autonomy unavailable to her in either a slaveholding or a capitalist economy. In one critic’s reading of *Incidents*, the garret becomes a metaphor for Jacobs’s difficulties in finding textual and architectural shelter in the antebellum United States, while another treats it as a metaphor for the ways in which “feminist agency” must work within and against systems of racial and sexual oppression. In either case, the military resonances of the phrase “loophole of retreat” alert the reader that the boundary between public and private is a battleground that transects Jacobs’s body. The garret becomes a strategic position in her struggle to publicize the structural asymmetries that both underlie and belie nineteenth-century liberalism as a political ideology.

Nowhere are the stakes in this battle over and between publicity and privacy higher than in Jacobs’s narration of her sexual relations. When she describes categorically nonsexual forms of racial exploitation, Jacobs draws on the publicist conventions of antebellum moral reform movements—including those of the abolitionist slave narrative. Testifying from her own experience, Jacobs opposes her firsthand knowledge of the physical brutality of master-slave relations to Southern, pro-slavery accounts of the “patriarchal institution.” When she moves to specifically sexual forms of exploitation, Jacobs’s faith in publicity wavers, and with good reason. She knows that any frank discussion of her sexual subjection threatens to alienate her largely Northern, white, middle-class, female audience—an audience for whom slave testimony is one thing, but sexual testimony quite another. “The experiences of this intelligent and much-injured woman,” writes Jacobs’s editor Lydia Maria Child, “belong to a class which some will call delicate subjects, and others indelicate” (4). Jacobs responds to this (in)delicate situation by shifting from the generic conventions of the slave narrative to those of the sentimental novel. Originally a literary form concerned with the construction, analysis, and regulation of bodily and intimate relations, the sentimental novel provides Jacobs with a means of publicizing sexual relations elsewhere coded as private and rendered opaque to political critique. Playing Clarissa to Flint’s Lovelace (Eliza to his Sanford), Jacobs places onstage and in-public incidents that both she and Child fear her audience will reject as obscene. *Incidents* thus becomes, in Lauren Berlant’s apt phrase, a “counterpornography of citizenship”—a form of political obscenity that breaks the “silences of sexual privacy in order to create national publics trained to think, and thus to think differently, about the corporeal conditions of citizenship.”

Still, Jacobs does not tell all. While she confesses to choosing a “white unmarried gentleman” (Mr. Sands) as a lover to protect her from Flint, she places offstage the details of that relationship and, in particular, its duration (54). This reserve may result from Jacobs’s negotiations with her audience’s sense of propriety, but it also reveals a deeper suspicion of publicity as a vehicle for (abolitionist) moral and political reform. Having spent a good portion of the first twenty years of her life fending off Flint’s invasions of her sexual privacy, Jacobs uses the same defensive tactics in relation to her reader. Like her audience, Jacobs expects to be treated chastely as a woman; unlike her audience, she experiences a series of legally sanctioned sexual violations as a slave. Caught between her status as woman and as slave (as a “delicate” and “indelicate” subject), Jacobs intentionally limits the publication of her sexual history in order to access the privileges of privacy enjoyed by her reader. “Young slave girls,” she writes, “hear such talk as should never meet youthful ears, or any ears” (52). As receiver and transmitter of obscene talk, Jacobs positions herself as both victim and pornographer. She remains torn between her belief that (sexual) privacy ought to be a right accessible to all and her realization that, without acts of publication like *Incidents*, privacy will remain a source of privation for sexually, racially, and economically exploited subjects like herself. “It would have been more pleasant to me,” she writes in her preface, “to have been silent about my own history.” Jacobs identifies and sympathizes with her audience’s desire not to hear her history, but she writes it nonetheless in order to publicize the “condition of two millions of women at the South, still in bondage, suffering what I suffered, and most of them far worse” (1).

The tension between Jacobs’s desire for sexual privacy and her need to publicize her sexual history remains unresolved. In contrast to many domestic anti-slavery narratives, *Incidents* concludes with the nonrealization of Jacobs’s desire for a secure space of privacy. “The dream of my life is not yet realized,” she writes, “I do not sit with my children in a home of my own” (201). Lacking a home as a resource for personal autonomy, Jacobs opts to address to the public the story of her not yet private life. As such, the narrative non-resolution of *Incidents* results from Jacobs’s biographical and historical circumstances. But it also reflects a more general contradiction between moral and obscene publication within the sentimental sub-genre. David Reynolds refers to as “immoral reform”: “This overlapping… was nowhere more clearly visible than in the fierce wars that raged between the reformers and the popular newspaper editors, who regularly charged each other with obscenity and false sensationalism.” In his attempt to synthesize this opposition, Reynolds suggests that the “immoral-reform apologia” typical of the sub-genre operate for both groups as little more than marketing devices. A pornographic novel published a year before *Incidents*, for example, also contains a preface justifying descriptions of the “worst horrors of Slave Trading” as “calling attention to the Crimes of the Slave Trade.” By collapsing the distinction between moral and immoral reform (between *Incidents in the Life of a Slave Girl* and *Revelations of a Slave Trader*), Reynolds both pinpoints a central anxiety within narratives like *Incidents*, and serves
as a modern example of the sort of prurient reader Jacobs and Child fear. Wary of such readers (those for whom Incidents's sexual descriptions may elicit sensations that diverge from any abolitionist intent), Jacobs heeds warnings against publicity like the one offered by her Northern patron, Mr Durham. After listening to Jacobs's story, Durham advises her to be cautious with its publication: "Your straightforward answers do you credit, but don't answer everyone so openly. It might give some heartless people a pretext for treating you with contempt" (160). Even at age ten, Jacobs seems aware of this double bind. Worried about her grandmother's response, she resists publicizing Flint's sexual suggestions: "I was very young, and felt shame-faced about telling her such impure things, especially as I knew her to be very strict on such subjects" (29).

Yet obscene publication remains a necessary evil for Jacobs, as it does for other antebellum reformers committed to the public critique of privatized relations. It is the immoral means to the moral end of shifting the boundary between public virtue and private vice. In an argument parallel to my own, Carla Kaplan has noted that Jacobs's vexed relation to her audience mirrors her ambivalent assessment of liberal social contract theory: "Not only do [contracts] represent power, or at least the possibility of it, but they also represent an ideal of equal and equalizing social relations." My argument expands on this ambivalence: Jacobs's reliance on the generic conventions of sentimentalism leads her simultaneously to uphold and to challenge the norms of decency that were transforming the structure of the public sphere within which the terms of the social contract are negotiated. As both an advocate and a critic of this liberal transformation, Jacobs speaks obscenely in order to shift and to stabilize the boundary between publicity and privacy. Obscenity, to modify Walter Kendrick's well-known description of pornography, thus names both an argument and a thing within the nineteenth-century culture of sentimental reform. For Jacobs, as for her audience, that argument concerns the location of sexuality within the mutually constitutive relation between public and private life. My contribution to that (ongoing) argument leads through an investigation of contemporary changes in the legal category of obscenity before returning to Jacobs's sentimental use of that category in Incidents. I follow this path for two reasons. First, the juxtaposition of the legal deployment of obscenity by the state and the sentimental redeployment of obscenity by reformers like Jacobs and Child foregrounds their shared contribution to the liberal construction of the public sphere as a space constituted by its exclusion of either sexual acts or sexual politics. Second, the same juxtaposition also indicates potential dissonances between state and civil authority as the locus of moral and political judgment shifts from the nation's courtrooms to those private spaces that are ideally, though never fully opaque to the critical gaze of the public at large.

The Democratic Origins of Obscenity

The legal understanding of obscenity that informs narratives like Incidents emerges only at the beginning of the nineteenth century. Prior to the democratic revolutions of the late eighteenth century, obscenity tended to be grouped with blasphemy and sedition as crimes of libel against the church and state. Therese Philosophe, for example, was banned—along with other works of Enlightenment philosophy—as a political tract attacking the clergy. Only after the revolutions did libel for obscenity take on its modern significance as a nonpolitical crime concerned with offenses against public morality and decency. As the victims of obscenity became more speculative, attempts on the part of the state to prosecute obscene-libel began to focus away from the actual representation of political and religious figures within texts, and toward the hypothetical effects that such representations would have on the public outside of those texts. One structural explanation for this historical shift traces its cause to contemporary legal and economic transformations in the relations among publicity, privacy, and state authority. The revolutionary disestablishment of religion and constitutional guarantee of free speech in secular republics like France and the United States combined with the capitalist expansion of print technology to produce a seemingly anarchic public sphere. Under this new regime, the task of regulating publication fell not to the state, but to the market. As Lynn Hunt, Beverly Brown, and Walter Kendrick have all argued, obscenity and pornography surfaced at this moment as categories that enabled the modern state to respond to this loss of authority. Figures like the French jurist who coined the term "pornography" in 1806 grappled, Hunt explains, with "the problem of print in modern society; books should not be suppressed just because religious and political authorities do not like them but because they offend some basic shared sense of the social order." Relinking secular market relations and public morality, the first federal anti-obscenity statute in the United States appeared in the Customs Act of 1842, sandwiched between regulations concerning tariff duties and the meaning of the term "ton." What is new about this modern redeployment of the category of the obscene is not that it relies upon a distinction between public and private spheres. As indicated by the Latin etymology of the term (obscena, or "not for stage"), the category of the obscene is structurally necessary to any (ancient or modern) political regime founded upon an antithesis between public and private life. What is new about the category is that it relies on the idea of public morality or decency as the means of regulating the relationship between the terms of that antithesis. In doing so, it renders the boundary between public and private simultaneously foundational and debatable.
The modern category of obscenity thus contains a paradox since, to modify Kendrick's argument once again, it names both a thing

and an argument. Obscenity names a thing because the republican ideal of a democratic public space for moral and political debate requires an antithetical private space as a resource enabling equal participation in public. This structural requirement of a boundary separating public and private is an historical constant. Obscenity names an argument because the location of that boundary is determinable only through critical debate in the public arena. Since the outcome of that debate varies over time, the ideological content or "thing-ness" of obscenity is historically contingent. Anti-obscenity polemicists ranging from Anthony Comstock to Edwin Meese tend to resolve this paradox in favor of an understanding of obscenity as inhering in an object or act. Anti-censorship advocates ranging from Comstock's nemesis, Victoria Woodhull, to Susie Bright ("Susie Sexpert") resolve the same paradox by assuming that judgments of obscenity are subjective contributions to an ongoing struggle over the objective parameters of public debate.

Nearly thirty years prior to the Customs Act of 1842, the first successful conviction for obscene-libel in the United States illustrates the tension between these anti-obscenity and anti-censorship positions. Tried in the Pennsylvania Supreme Court in 1815, the case of Commonwealth v. Sharpless involved the prosecution of six "evil-disposed persons" charged with exhibiting "for money . . . a certain lewd, wicked, scandalous, infamous and obscene painting, representing a man in an obscene, impudent and indecent posture with a woman." The defendants plead guilty to this charge: they did own and exhibit the painting. But their attorney then moves to arrest judgment for three reasons. First, temporal courts in Pennsylvania lack any statutory authority or common law precedent to establish jurisdiction over the alleged crime. While the defendants may be punishable in English ecclesiastical courts, they deserve only extra-legal censure—what Sharpless's attorney refers to as the "frowns of society"—in a state regulated by temporal courts (92-93). Second, the indictment does not specify that the painting was exhibited in public, even though "publicity is the essence of the crime" in this case. Indictments for "open and gross lewdness," the defense reminds the court, cannot be supported by evidence of a "private act of lewdness, which an individual saw without the knowledge of the parties" (93-94). Third, the indictment fails to describe the painting with sufficient detail to determine whether or not its content is obscene. "In every public exhibition," the defense reminds the court, "there are pictures which are viewed with pleasure and approbation, by many respectable and pure-minded persons . . . while others, more fastidious, consider them improper to be exhibited to the public eye" (94-97).

The defense's three anti-censorship arguments revolve around the structural requirements of any democratic political regime. The first draws on the constitutional disestablishment clause to divest the state of any authority over moral judgment, public or private. The second draws on liberalism's understanding of the right to privacy to establish a space of bodily and intimate relations unsupervised by the state. The third draws on republicanism's understanding of the right to publicity to establish a space of public debate similarly free from state intervention. In response, the prosecution begins by establishing jurisdiction through the straightforward counter-assertion that the court is the moral custodian of the public: "It is necessarily invested with the power to punish, not only open violations of decency and morality, but also whatever secretly tends to undermine the principles of society" (97). Since this necessity applies not only to manifestly public offenses, but also to those "secret" crimes whose "effect is to injure the public," the defense's second argument concerning the right to privacy is moot. The fact that the painting was exhibited for money and, indeed, the fact that it was exhibited at all is sufficient proof that the offense was public (97-98). As to the final objection that the painting is not adequately described in the indictment, the prosecution simply accepts the characterization of it as "obscene," adding that "the courts are not to be polluted by obscene and indecent language" (98).

In rendering a verdict for the prosecution, the judges in Sharpless support and elaborate on these three anti-obscenity arguments. In addition to agreeing with the prosecution that "actions of public decency were always indictable as tending to the corruption of public morals," Justice Tilghman's majority opinion establishes jurisdiction by citing an English common law precedent for Sharpless in the case of Sir Charles Sedley. Tried in 1663, Sedley was charged for appearing drunk and naked on a balcony above Covent Garden where he preached blasphemy and excreted on a plebeian crowd below. As Peter Stallybrass and Allon White point out, Sedley's actions transgressed the norms of decency that were beginning to carve out a space of unofficial public debate located between the court on the one hand, and the street or tavern on the other. Like Sharpless's attorney, the defense in Sedley disputes the Crown's right to police that space (to render it official), arguing that moral crimes fall under the jurisdiction of ecclesiastical, not temporal courts. For Justice Tilghman, the significance of Sedley lies in the Crown's response that offenses against "public morality" are prosecutable in temporal courts. "What tends to corrupt society," Tilghman writes, "was held to be a breach of the peace and punishable by indictment. The courts are the guardians of public morals, and therefore, have jurisdiction in such cases" (100-101). In Sedley, the phrase "public morals" allows the Crown to wrest authority from the ecclesiastical courts. In Sharpless, the same phrase enables the democratic state to regain authority in the absence of those courts.

Having established jurisdiction, Tilghman's opinion turns to the defense's second argument that its clients are not indictable because the painting was
never exhibited in public. Here again, the phrase “public morals” works in the prosecution’s favor since the subversion of those morals can result from either public or private causes. Dismissing the structural distinction between public and private acts, Tilghman argues that “the law is not to be evaded by an artifice of that kind.” To illustrate the importance of his point, Tilghman conjures a fantasy familiar to any reader of eighteenth-century pornography—public subversion effected through private means: “[i]f the privacy of the room was a protection, all the youths of the city might be corrupted, by taking them, one by one, into a chamber, and there inflaming their passions by the exhibition of lascivious pictures. In the eye of the law, this would be a publication, and a most pernicious one” (101). As attractive as this fantasy may be to some, it allows Tilghman to argue that virtually any act is public, any “exhibition” a “publication.” An ideological opposition between law and society thus supersedes the structural distinction between public and private spheres. By concentrating on the social effect of “lascivious pictures,” Tilghman authorizes the “eye of the law” not only to regulate both public and private morality, but also to collapse any distinction between the two. While this line of reasoning is moderated by Tilghman’s subsequent assertion that Sharpless made his exhibition public by charging money for it, Justice Yeates’s concurring opinion foregoes even this modification. The liberal distinction between the market economy and the conjugal home is as suspect as that between publicity and privacy “No man,” Yeates writes, “is permitted to corrupt the morals of the people; secret poison cannot be thus disseminated” (101, 104). In the face of such a threat, all rights to privacy vanish for the simple reason that the law recognizes no private sphere (economic or domestic) within which such rights could be safely exercised.

Rights to publicity suffer a similar fate in the judges’ assess to the prosecution’s third argument. The defense assumes that opinions concerning the obscenity of any given object are subjective, and therefore adjudicatable only through public debate. This assumption leads to the provocative insight that the terms with which the indictment refers to the painting (“lewd, wicked, scandalous, infamous and obscene”) are “descriptive of desires and qualities belonging to animated beings, and are incorrectly applied to an inanimate object” (96). The indictment, in other words, fails to recognize that the obscene thing to which it refers is also a site of argumentation. To judge the painting properly, the court ought to exhibit it before the scrutiny of what the defense refers to as the “public eye.” Tilghman and Yeates evince little interest in this republican defense of the public sphere as a space of moral and political debate free from state supervision. Confronted with the uncanny possibility that a future courtroom may resemble those “chambers” within which the “youth of the city might be corrupted,” they are quick to protect what Tilghman refers to as the “chastity of our records” ...

As a legal precedent, Sharpless provides an understanding of obscenity-libel as a nonpolitical offense against public or, in later cases, community morality. In doing so, it equips the democratic state with three weapons in the struggle to define and police the relation between publicity and privacy: an expansive jurisdiction, a justification for violating privacy rights, an ability to avoid public debate. By substituting the “eye of the law” for the “public eye,” the judges position the state as the moral guardian of what Yeates refers to as “our eyes and ears” (103). The interpellative effect of this “our” is potentially infinite. It refers to the “eyes and ears” of the judges, the population of the courtroom, the reader of the judicial record, and anyone identified with the state. Each of these overlapping audiences may have different senses, but they share a common sensibility. Like the category of the “American fair” in The Coquette, the concept of “public morality” in Sharpless weds individual sensation to a uniform (and nonheteronomous) sentimental code. The fact that Sharpless’s painting never appears in court reveals the institutional power behind this act of interpellation. Because the painting is neither displayed nor fully described, the court’s role in positing a common sensibility that it then defends remains unchallenged. Unlike the “public eye” whose unity emerges only in and through debate, the “eye of the law” asserts its coherence by eliminating the occasion of that debate. The public may wage a war on the category of obscenity, but the state defines which acts and objects are obscene. By locating Sharpless’s painting offshore, the court positions it as the structuring absence in the case. In the “eye of the law,” the painting serves as an obscene point of focus for a “public eye” whose moral vision necessarily coincides with that of the democratic state.

The Liberal Origins of Obscenity

The classical liberal response to an anti-obscenity decision like Sharpless tends to maintain and strengthen the structural antithesis between publicity and privacy. Jacobs’s allusion to her “loophole of retreat” echoes this re-
sponse if one hears it as reconstructing that antithesis as an opposition between the state and the market on the one hand, and the bourgeois home on the other. For those capable of accessing the privileges of domestic privacy, such "retreats" provide spaces of moral freedom conceived in Isaiah Berlin's terms as a negative freedom from political surveillance and economic control.20 Because the term political here refers equally to state and civil forms of power, this liberal response conflicts with the republican defense of the public sphere as an arena of politically significant moral debate free from state censorship. As in the defense's second argument, the promise of moral freedom is preserved, but only within a depoliticized private sphere (Sharpless's "chamber," for example) rendered opaque to both the "public eye" and the "eye of the law." As Jürgen Habermas argues, this strategic recoding of (im)moral dissent as politically insignificant was (and is) reactionary: "The right to the free expression of opinion was no longer called on to protect the public's rational-critical debate against the reach of the police but to protect the nonconformists from the grip of the public itself."21 This exchange of the positive liberty to participate in public debate for the negative liberty to withdraw from that debate results in an ambivalent assessment of decisions like Sharpless. Classical liberalism opposes the state's deployment of obscenity as a legal category to abridge privacy rights, while it simultaneously redeployes obscenity as an ideological category to place (im)moral acts and objects off the public stage. Though committed to protecting privacy and publicity rights as legal entitlements guarded by the state, this liberalism allows the category of obscenity to curtail public debate concerning the (im)moral foundations of the public order. Viewed from this perspective, the problem with Sharpless lies in its tendency to blur the opposition between public and private life, not in its re-duction of the likelihood of meaningful moral and political debate in public. While Habermas's republicanism counters this liberal reaction by holding to an ideal of unrestricted public debate, recent social histories have tended to reinscribe the liberal opposition between (public) politics and (private) mo-rality. In her two contributions to an important collection of essays on the "invention of pornography," for example, Lynn Hunt charts and uncritically repeats liberalism's narrow definition of political (as opposed to moral) criticism by contrasting the "political pornography" of eighteenth-century writ-ers like the Marquis de Sade to the "modern, apolitical genre of porn."22 Where the former uses sexual description as a means of attacking the church and state, the latter isolates and focuses on sexuality as an end in itself. Other contributors in the volume agree with this historical generalization. According to Randolph Trumbach, John Cleland's Memoirs of a Woman of Pleasure inaugurates the "modern pornographic genre" because "its purpose does not seem, in any marked way, to have been political."23 As in contemporary obscenity law, these generic arguments overlook the disciplinary tactics of a regime intent on policing the boundaries that divide public from private life by legitimating the "moral" censorship of indecent publications, while also protecting all forms of "political" speech. As Cleland's own protagonist notes, this very distinction has both political effects and moral implications. "The greatest men," Fanny Hill writes in her prefatory remarks, "those of the first and most leading taste, will not scruple adorning their private clos-ets with nudities, though, in compliance with vulgar prejudices, they may not think them decent decorations of the staircase or saloon."24 Hunt else-where acknowledges that the post-revolutionary transition in the ideological justification of censorship militated against pornography which "continued to test social and moral taboos without targeting political figures," but she also insists on the generic argument that "politics occupies a tiny place" in those writings.25 For republicanism, the same acts and objects liberalism codes as obscene remain politically significant precisely for moral reasons. Those acts and objects remain significant in both a broad sense due to the structural challenge they pose to the existing boundary between publicity and privacy, and in a narrow sense due to the ideological challenge they pose to the moral judg-ments invoked by the state in order to police that boundary. Read from this perspective genre-based histories like those in The Invention of Pornogra-phy repeat liberalism's use of the category of the obscene to establish the political insignificance of what Hunt calls "social and moral taboos." The effects of this complicity reappear in Hunt's suggestive but cursory allusions to the contemporary origins of the pornographic and the sentimental novel. Both genres evolve out of the sensationalist psychology of the early eight-eenth century, both concern the publication of bodily and intimate experi-ence, and both draw on a republican model of the literary public sphere as an unrestricted space of moral and political debate. Yet, Hunt notes these parallels only to reaffirm the eventual separation between the two genres.26 While this analysis accurately locates the construction and disavowel of the pornographic at the ideological core of nineteenth-century sentimentalism, it ignores the two genres' structural affinity. For republican pornographers like Sade, this oversight is critical. In an essay lauding Richardson and Fielding, Sade highlights the genres' shared commitment to a principle of public disclosure: "The profound study of man's heart—Nature's veritable labyrinth—allone must inspire the novelist. . . . Therefore we must know them all, we must employ every passion and vice, if we wish to labor in this field."27 By leaving little or nothing offstage, Sade pursues the republican logic of sentimental publication to a conclusion liberalism labels pornog-raphic and polices as obscene.

The legal and historical reception of writers like Sade attests to the power of this post-revolutionary transformation of the term "political obscenity" into an oxymoron. From Walt Whitman's Leaves of Grass to Bill T. Jones's
"Last Supper at Uncle Tom's Cabin/The Promised Land," the categories of obscenity and pornography work to erase the political significance of radical reimaginings of the relation between sensation and citizenship, between bodies and publication. Writing a half century after Sade, Jacobs is fully aware that her abolitionist sentiments are similarly vulnerable to the political invisibility that accompanies the charge of obscenity. When she threatens to publish the "secret memoirs" of Congress, Jacobs intentionally draws on the generic conventions of pre-revolutionary political pornography. Just as eighteenth-century writers like Thomas Paine and Mary Wollstonecraft exploited descriptions of the British court's moral corruption, Jacobs threatens to tarnish the moral reputation of the modern nation-state by revealing the private vices of public representatives such as her ex-lover Congressman Sands. When she publishes the private conversations that she overhears in her garret retreat, Jacobs updates those conventions to include civil relations. "Southerners," she writes, "have the habit of stopping and talking in the streets, and I heard many conversations not intended to meet my ears" (117). While these Southerners assume the privileges of privacy even in public, Jacobs responds by reporting within an abolitionist public sphere what she hears from her "loophole of retreat." From the perspective of Southern slaveholding culture, Jacobs's disclosures are obscene in a structural sense since they cross the official boundary between publicity and privacy upon which the moral code (and political institutions) of that culture depends.

Obscene Sentiments

Were Incidents obscene only in this structural sense, its critique would be limited to the moral code and political institutions of Southern chattel slavery. But Incidents is also obscene in an ideological sense more familiar and threatening to its Northern audience. Just as the painting in Sharpless remains offstage due to the hypothetical effect of its alleged sexual content, explicit descriptions of sexual relations form the structuring absence of Incidents. I have already suggested that Jacobs's reticence in describing her sexual experience can be read either as evidence of her vexed engagement with her Northern audience or as a means of accessing the privileges of privacy theoretically enjoyed by that audience. In relation to both Flint and the abolitionist public sphere, Jacobs's struggle to control the circulation of her letters parallels her struggle to control her sexual relations. But neither of these readings accounts for the reappearance of the conventions of modern anti-obscenity discourse elsewhere in Incidents. In a chapter that investigates the contaminating effects of slavery on Northern society, for example, Jacobs tells the story of Luke, a slave owned by a "degraded wreck of manhood" who stripped and whipped his servant, forcing him to submit to the "strangest freaks of despotism." Despite her resolution a paragraph earlier that "knowledge should be increased," Jacobs concludes with a vivid nondescription of Luke's fate. "Some of these freaks," she writes, "were of a nature too filthy to be repeated. When I fled from the house of bondage, I left poor Luke still chained to the bedside of this cruel and disgusting wretch" (192). Luke's experience of sexual enslavement mirrors Jacobs's own, as does the rhetorical strategy Jacobs employs when she publicizes that experience. Echoing the prurient circumlocutions of anti-obscenity tracts and legal prosecutions (as well as anti-sodomy discourse), Jacobs grants her audience what Eve Sedgwick refers to as the "privilege of unknowing." Incidents provides its readers with sexual knowledge, even as it assures them that their eyes and ears remain chaste.

Jacobs may fear that a full description of Luke's experience would alienate her audience, or she may intend her conspicuous silence to spare him any unwanted publicity. But the effect of her circumlocution is to position sexuality as a field of knowledge both central to the liberal public sphere and invisible within it. Such knowledge is central because sexuality names the type (or types) of bodily and intimate relations that provide the content of liberal privacy; it is invisible because the stability of the boundary between the publicizable and the private requires that those relations remain off the public stage. Sexuality consequently becomes, in Michel Foucault's terms, not an "intractable element within power relations," but a "point of support" or "linchpin" in the liberal attempt to transform the relation between publicity and privacy into an opposition that pits one against the other. Foucault's analysis is, in this sense, an important corrective to liberal theorists of obscenity who simply assume that sexuality inevitably marks the boundary between public and private. In The New Politics of Pornography, for example, Donald Downs writes that "the search for boundaries may incline individuals to grasp at absolutes and certitude in the face of complexity and uncertainty. Sexual issues are prime candidates for this talismanic quest because sex is central to personality, mysteriously powerful, and inherently complex." Downs draws up short of an older and more extreme liberal argument that, as Harry Clor puts it, "a people devoted exclusively to the satisfaction of sensual appetites is not, strictly speaking, a citizen body at all. It is a collection of private individuals, each concerned with private gratification." Despite their differences, both writers locate sexuality at the heart of liberal subjectivity. Like the generic category "sex life," sexuality names something all citizens share in common as long as no one begins to publicize the uncommon practices that enable their "private gratification[s]."

Since the publication of specific sexual practices is the source of both Jacobs's authenticity as a testifying slave and her inauthenticity as a sentimental heroine, Incidents maintains a contradictory assessment of this lib-
eral deployment of sexuality. As a sentimental heroine (a "delicate subject"), Jacobs shares with her audience a normative equation of sexuality with privacy as the basis of liberal subjectivity. As a testifying slave (an "indelicate subject"), her experience as Flint's sexual property betrays that equation. The significance of this betrayal emerges in Jacobs's second encounter with Luke. When the two meet again in the North, Luke tells her that he escaped after stealing his master's money by placing it in the pockets of an old pair of pants, and then asking for the pants. “You see,” he concludes, “I didn’t steal it; dey gub it to me.” Luke’s faulty reasoning mirrors his imperfect grammar by evincing for both Jacobs and her audience the corruption of the “moral sense” occasioned by the economics of slavery.36 Like the Fugitive Slave Law, which provides the title for the chapter, Luke’s presence in the North reveals that such corruption may cross the Mason-Dixon line. But while Luke purifies the North by continuing his flight into Canada, Jacobs remains south of the border. Her subsequent “confession” that she “agrees with poor, ignorant, much-abused Luke, in thinking he had a right to the money” thus positions her alongside him as both a victim and a potential contaminant. Jacobs’s Northern education may have left her “somewhat enlightened,” at least to a point where she agrees with her audience in condemning Luke’s disrespect for private property (193). The problem with slavery, she assures them earlier, is that “a slave, being property, can hold no property” (6). Yet Jacobs’s “confession” also reveals that she differs from her audience in remaining tainted by her experience of enslavement. The sexual nature of that enslavement only intensifies this problem since it associates Jacobs with the conventional figure of the libidinous and seductive mulatta slave. Just as Luke’s experiences of sodomy bar him from access to “true manhood,” Jacobs’s enslavement threatens to undercut the claims to “true womanhood” that mediate her relation to her Northern audience.37

One corrective to this widening gap between Jacobs and her audience appears within Incidents when Flint proposes to make her into a “lady” by giving her a “home of her own” (53). Quick to recognize the trap laid beneath Flint’s adherence to sentimental conventions, Jacobs rejects his offer of sexual privacy with a republican demand for more publicity. Like the “remote plantations” where the “secrets of slavery are concealed like those of the Inquisition,” Flint’s home promises Jacobs privacy only as a means of shielding his sexual violence from any public scrutiny (39). Here and elsewhere in Incidents, publication provides a defense against private abuses of power, both sexual and economic.38 A second corrective appears in Child’s introduction. After acknowledging potential objections to Incidents’s indecent subject matter, Child justifies her publication of it: “I do this for the sake of my sisters in bondage who are suffering wrongs so foul, that our ears are too delicate to listen to them” (4). In her attempt to bridge the gap between her “sisters” like Jacobs and the delicate “ears” of Jacobs’s audience, Child ap-

plies the publicist conventions of antebellum moral reform movements to the sentimental novel. She publishes the narrative in order to persuade “conscientious and reflecting women at the North to a sense of their duty in the exertion of moral influence on the question of Slavery” (4). By justifying Incidents’s obscenity through its hypothetical effect on public morality, Child employs and inverts the logic of anti-obscenity verdicts like Sharpless. And while this justification may be persuasive to an abolitionist audience accustomed to the conventions of the slave narrative, it is also reversible since a less sympathetic (or more “delicate”) audience might hypothesize that Incidents’s descriptions of (sexual) immorality will effect a subversion of public morality. Alert to this threat, Jacobs meets Child’s offer of sexual publication with liberal tactics that ensure her privacy.

These two antithetical responses to Flint and Child indicate Jacobs’s implication within sentimentalism’s ambivalent assessment of the norms of decency that structure the liberal public sphere. And it is no coincidence that this ambivalence reaches a climax in Incidents’s most sexually explicit and rhetorically complicated chapter, “A Perilous Passage in the Slave Girl’s Life.” In that chapter, Jacobs explains that she chose with “deliberate calculation” to frustrate Flint’s advances by becoming Sands’s mistress (54). Flint responds to news of the pregnancy that effectively publicizes that relationship by acting exactly as Jacobs had planned. The fact of Jacobs’s sexual relation with another man deprives Flint of access to her and to her grandmother’s home—at least for the moment. “He stood,” she writes, “and looked at me with dumb amazement, and left the house without a word” (56). Aware that this strategic use and publication of her sexual activities may offend her audience’s sense of decency, Jacobs begins by aligning herself with them: “It pains me to tell you of it; but I have promised to tell you the truth, and I will do it honestly, let it cost me what it may” (53–54). She then counters that reaction with a structural analysis of the economic and legal privilege assumed by the liberal equation of sexuality with privacy. “O virtuous reader!” Jacobs admonishes, “You never knew what it is like to be a slave; to be entirely unprotected by law or custom; to have the laws reduce you to the condition of a chattel, entirely subject to the will of another” (55). Jacobs overestimates the security of Northern homes, but her point is to link moral judgments to the unequal social and political structures that inform them. “The slave woman,” she concludes, “ought not to be judged by the same standards as others” (56).39

What Incidents gives its audience with one hand, it takes away with the other. Like the justices in Sharpless, Jacobs asserts a common moral sense. But she also insists that any criticism of her sexual relations come from one who shares her uncommon sensibility. “I know I did wrong,” she writes, “No one can feel it more sensibly than I do” (55). This claim positions her as a sentimental heroine by linking moral judgment to bodily sensation, while it
also modifies sentimental conventions by allowing the idiosyncratic nature of those sensations to justify that heroine’s sexual calculations. Jacobs’s foregrounding of her difference from her audience thus works to her advantage since it enables her to expand the boundaries of the liberal public sphere by blurring the generic distinction between the sentimental and the obscene. But it also contains liabilities. One troubling response to Incidents is represented by the wife of Jacobs’s early patron, Mr. Durham. When her husband repeats Jacobs’s history to her, Mrs. Durham reacts with what Jacobs refers to as the “delicate silence of womanly sympathy” (162). This response both fulfills Jacobs’s desire for sexual privacy, and constructs an unspoken link between herself and Mrs. Durham as “women.” But it also relocates any discussion of Jacobs’s sexual enslavement beyond the liberal norms of decency that constitute the objective parameters of public debate. A second, more damning response is represented by Jacobs’s grandmother who reacts to the news of her pregnancy by uttering the greatest of all sentimental curses (“You are a disgrace to your dead mother”), and then banishing Jacobs from her home (56–57). Deprived of both access to the public sphere by her alliance with Mrs. Durham and domestic security by her confession to her grandmother, Jacobs turns to an anonymous friend of her mother, who advises her to reapproach her grandmother. Like Mrs. Durham, Jacobs’s grandmother reacts this time by “listen[ing] in silence” and, unlike Mrs. Durham, responding with overt compassion: “She laid her old hand gently on my head, and murmured, ‘Poor child! Poor child!’” (57).

The two opposed responses of Jacobs’s grandmother highlight the dilemma Jacobs shares with other radical sentimental writers of the antebellum period. Her sexual testimony enables her to avoid the home Flint offers as a “retreat” from slavery, while it also threatens to deprive her of the home that later provides a “loophole” in her battle against slavery. By positing her grandmother’s second reaction as a model for the reader, Incidents attempts to avoid the literal and metaphorical homelessness produced by this double bind. Jacobs assumes that the social privilege enjoyed by her readers will lead them to a liberal understanding of sexuality as marking a stable opposition between publicity and privacy. And she recognizes that the conventions of the sentimental novel contribute to that understanding by distinguishing between publicizable and obscene sentiments, between sentimentality and sexuality. In response, Jacobs both critiques and redeploy the category of the obscene to shift that locus from the state to the domestic sphere. And while both react against the republican principle of publication, only the latter figures sexual silence and domestic privacy as privileged forms of citizenship.

Sexual Subjects

At various points a forger, a cross-dressed sailor in blackface, and a married woman returning to her husband, Jacobs is nothing if not a master of disguise (137, 112–13, 156). It would be a mistake, however, to read her simply as a trickster figure uncommitted to any of the masks she wears. As Karen Halttunen has argued, a dialectic between strategic publication and personal authenticity is central to nineteenth-century sentimental culture. And Jacobs’s implication within that culture is indicated by her simultaneous critique and deployment of anti-obscenity discourse. Committed in principle to the uncensored publication of bodily and intimate sensations as the means of linking publicity and privacy, sentimentalism betrays that commitment in practice when it secures the opposition between sentimentality and sexuality central to the liberal transformation of the public sphere. By locating sexuality as the (private) thing excluded from any (public) argument, sentimentalism works in conjunction with legal arguments that resolve the paradox of obscenity at the heart of the liberal separation of public and private space. And it worked. Faced with emergent cultures committed to sexual education and critique, thirty states had enacted an anti-obscenity statute by 1900. All fifty had enacted one by 1970. As a cultural analogue to political liberalism, sentimentalism supports such statutes by positing an imaginary point of identification for a public whose anarchic sensibilities otherwise threaten to diverge. Where legal prosecutions like Sharpless deploy the category of the obscene to shift the locus of moral and political authority from the public sphere to the state, sentimental narratives like Incidents redeploy the category to shift that locus from the state to the domestic sphere. And while both react against the republican principle of publication, only the latter figures sexual silence and domestic privacy as privileged forms of citizenship.

This ideological alliance between liberalism and sentimentalism locates obscenity as the liberal discourse of sexuality not in a repressive, but in a productive sense. Obscenity produces a privileged site of liberal subject formation by naming sexuality as the content of private life. But the same
alliance also masks a structural contradiction within the liberal equation of sexuality with privacy. As Foucault observes and Jacobs demonstrates, the era of modern anti-obscenity discourse is characterized not by sexual silence, but by an incitement to sexual speech. This incitement is central to both liberalism and sentimentalism because the category of the obscene can serve as a means of regulating the structural antithesis between public and private only if the ideological content of that category remains malleable. Campaigns to exclude sexuality from the public sphere never end because their point is not to stabilize the boundary between public and private, but to mobilize the discourse of sexuality (and the sexualized body that discourse constructs) in order to gain control over it. Sexuality, in other words, becomes useful either to the state (Sharpless) or to associations within civil society (Incidents) only if it refers to a (private) thing that is also a (public) argument, only if it names both a ground and a site of public debate. As a thing, sexuality thus transforms the distinction between publicizable and obscene sentiments into an opposition which sexuality, as an argument, destabilizes. Sentimentalism’s structural investment in the publication of bodily and intimate relations ensures the continuation of that argument, even as it threatens to collapse the ideological distinction between sentimentality and sexuality upon which that argument depends. Sentimentalism may investigate sexual silences and, as in Incidents, may open critical debate concerning privatized forms of violence rendered invisible within the liberal public sphere. But it also assures its audience that, in the end, the ideological foundations and objective parameters of that debate will remain structurally obscene.