

Washing Away the Sins of Debt: The Nineteenth-Century Eradication of the Debtors' Prison

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[T]he Bankrupt Law is a mass of folly and absurdity from beginning to end; that it violates every principle of common sense; that it is the occasion of the grossest injustice, and the most appalling fraud and perjuries; that as, a whole, it is a disgrace to a civilized community.

———Fane 1838a: 26¹

INTRODUCTION

Hobbes famously believed that government existed in order to deliver us from our supposed original “barbarism.” And yet the birth pangs of the Industrial Revolution, watched over by governments, were deemed “barbarous” by many who witnessed them, including important authors and theorists such as Karl Marx and John Stuart Mill. In particular, I will argue here, many nineteenth-century reformers believed that the very core of nascent capitalism—the legal relationship between creditor and debtor—had yet to rise beyond its supposed barbaric underpinnings.

Specifically, the explicit right of the creditor to seize and sequester the body of the debtor, and the corresponding implicit right of the debtor to flee his debts and thereby “swindle” the creditor out of his assets, allegedly created the same dark Hobbesian world that reasoned capitalist trade should eradicate. For example, one eyewitness to the indignities of the debtors' prisons explained, “Among the hideous effects produced on society, by

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¹ C. Fane, Esq., was a commissioner in the English bankruptcy courts, and despite this quote, a proponent of retaining imprisonment for debt.

arming the creditor with the power of locking up the debtor, is that of occasionally generating in their breasts, undying hostility one to another; of fostering the hateful passion of revenge.... *Both* [the creditor and the debtor], under the influence of the basest propensities of our nature, breathe destruction to one another..." (H. [anonymous] 1859: 54, my emphasis).² Or, as William Wordsworth put it more succinctly, "and thus [due to imprisonment for debt] does many a link which might have formed the chain of virtue [via capitalist exchange], become corroded with the rust of wickedness and vice" (1831: 25).³

The laws governing credit and debt were clearly not conducive to fostering a fully "civilized" society; thus, a massive campaign ensued, wherein both proponents and opponents of seizure for debt agreed that the system needed to be either substantially amended or abolished altogether. As these attitudes gradually spread and intensified, a vast, international reform effort managed to shutter all the debtors' prisons of Europe.⁴ Indeed, seen in the broad scope of historical time, they were shuttered quite quickly.⁵

Deep harmonies within this debate resonate across many decades and many countries, wherein one can readily discern that the central issues that I will outline here were virtually the same everywhere. Nevertheless, for the sake of simplicity, I will draw primarily, though not exclusively, from the abolition discussion in England, in order to show how pamphleteers on both sides of the debate viewed the reigning practice of imprisonment for debt as a "barbarous indulgence" (Fane 1838c: 16). Pamphleteering opponents and

² This stands in contrast to Hirschman's (1997) well-known argument that many early proselytizers of capitalism claimed that it actually restrained "natural passions."

³ Margot Finn (2003) has written a superb book related to this topic, as has Bruce Mann (2002). Duffy's (1985) and Lester's (1995) separate contributions are also essential reading, especially as they relate to the many intricate distinctions among different acts of the English Parliament as it gradually worked its way through nineteenth-century reforms of the law of creditor and debtor. Balleisen (2001), Graeber (2011), and Sandage (2005) all also productively tackle the history of the debtors' prison. Hautcoeur (2008) provides guidance on French reforms, but he complains about the general lack of scholarly interest in the debtors' prison inside France. Wennerlind (2011) provides an excellent depiction of the financial revolution that sets the stage for the later demise of the debtors' prison.

⁴ As will be shown, even the famed inventor of the Panopticon, Jeremy Bentham, got in on the act (Bentham 1843). Beyond him, specific leaders within the general prison reform movement were well-known adversaries of imprisonment for debt: De Tocqueville in France, Julius and Mittermaier in Germany, Olivecrona and King Oscar in Sweden, Bentham and Howard in England, and Ducpetiaux in Belgium. The list goes on, but they all formed a tight-knit circle of scholars and prison officials who believed that Europe was gradually leaving behind a benighted "ancient" age, and would deliver humanity and justice to a new era. See Nutz 2005, and Vanhulle 2010, for excellent articles on the transnational connections of the prison reform movement.

⁵ Eventually, societies did succeed in eradicating the debtors' prison and all this international agitation bore fruit. Due to federalism, the United States abolished it piecemeal, beginning in Kentucky as early as 1821. In Europe, France was apparently the first, with legislation in 1867. The northern German union followed in 1868, Austria and Belgium in 1871, Denmark in 1872, and Switzerland and Norway in 1874. England closed the doors of its debtors' prisons in 1869. Finland joined this clear international trend in 1895 (see *Nordisk Familjebok* 1905: 792–93).

proponents alike claimed that the laws were twisted inversions of the admirable aims and goals of the rest of the legal edifice of their civilized countries.⁶

Working through a sampling from many primary documents, I will argue that the debtors' prison and its legal infrastructure were seen as a form of internal barbarism inside the bounds of the nation-state.⁷ And just like barbarism in the colonies, it needed to be rooted out by a proselytizing mission, initially spurred by Christian "missionaries" who were agitating the state for change.⁸ With sensible reforms, many believed that diligent debtors would be able to step out of the jails and back into productive working life, without the creditor needing to seize them out of a fear that they could easily flee.

In this sense, eradicating the ancient practice can be best understood as a colonization of internal space—the alleged remnants of barbarism—by similar modernization tendencies that we have come to know so well in the colonies (Dirks 2001; Merry 2000; Stoler 2002; and for this story inside nation-states, see Elias 2000; Frykman and Löfgren 1996; and Herzfeld 1987; 2002). In other words, if nascent capitalism were to succeed, its advocates believed that it needed to be tamed into civility. The story of the shuttering of the debtors' prison, therefore, underscores the well-established claim that liberal, capitalist ideology relied upon the commensurate and simultaneous construction of a supposedly barbaric Other.⁹ But further, this Other was marked by his failure to responsibly grasp the meaning of his financial obligations, whether as creditor (by cruelly seizing bodies) or as debtor (by disdaining debts in various nefarious ways).¹⁰

⁶ Pamphleteers in England mostly hearkened from the legal profession (e.g., Fane was a judge in the bankruptcy court; Hicks was a prison warden), the merchant classes, imprisoned debtors, and finally from the emergent brand of "Christian economists" described by Hilton (1988). All of their views were wide-ranging, and the debate was hotly contested over many years. Nevertheless, the background context of that national conversation coalesced, I believe, around the civilizing mission that I outline here.

⁷ There is an immense amount of precise information about specific laws changing in specific years in specific countries. But here I will focus on the deep resonances across multiple discourses rather than on distinctions between them. So, for example, I will not dwell on differences between the English reform of 1823 and that of 1844, or compare the laws of Spain and Holland.

⁸ Neild (1808) stands as one of the exemplars of this tradition, but countless reformers discuss the role of Christianity in the reform movement. In doing so, they endlessly cited Matthew 6:12: "And forgive us our debts, as we also have forgiven our debtors." Boyd Hilton's (1988) work lays the groundwork for much of this argument about "Christian Economics," though his text only turns to the issue of insolvency as a beneficial Job-ian moral test for the capitalist, and does not probe the debate surrounding the debtors' prison itself.

⁹ Herzfeld (1987) provides a particularly incisive contribution to the social construction of this divide between barbarian and civilized, and how it has been operationalized in decades of anthropological writings. Povinelli (2002) offers a sustained and fascinating critique of how liberalism manages to cope, or not, whenever it encounters radical difference, or in the nineteenth-century terminology, "barbarism." Darian-Smith and Fitzpatrick (1999) tackle the same divide and probe its long-standing implications for the global legal order; see also Fitzpatrick 1992. Finally, for a compelling argument on new bankruptcy reforms and the birth of liberal ideology, see Joseph 2006.

¹⁰ Mill's redefinition of liberty during this era as not only an inalienable right, but also a core responsibility of the civilized is crucial here (see, e.g., Mill 2004a: 84; also Berkowitz 1998); in this regard, his statements on debtors' prison reforms can be made to harmonize with his statements

Given this rhetorical divide between barbarism and civilization, it should be no surprise that opponents and proponents of the debtors' prison both described it in the idiom of ritual. If modernist reformers convinced themselves that they could gradually reduce ritual life in favor of rational life, in the debtors' prison they discovered a special ritual sanctuary that oddly sealed people off from the humming and calculating capitalism growing outside of the penal walls. Time and again, we find that the debtors' prison was referred to as a shrine or sanctuary where people could take "momentary shelter from the storms of life, within its peaceful haven" (Dixon 1850: 102). Intuitively, if someone had clearly failed at market relations, it made sense to banish him from them; as such, this was a ritual space specifically designed to be set apart from the standard bustle and regulation of daily economic life. Far less intuitively, opponents and proponents both noted that this temple had the dangerous capacity to forgive the sin of unpaid debt, so long as the initiate was willing to undergo a period of punishment and repentance. Given this, critics and proponents alike believed that the debtors' prison actually took neophytes and transformed them into listless non-capitalists, uninterested and incapable of working and planning for their own future.

Like many other rituals studied by the budding armchair anthropologists of the day, these rituals were deemed a "survival of barbarism" (anonymous 1829: 32). Or, as Mill averred, the debtors' prison and its grounding logic (along with debt peonage) stood as "the barbarous expedients of a rude age, repugnant to justice as well as to humanity" (Mill 2004b: 828–29). The distinct ritual life housed and honed inside the debtors' prison—sometimes mind-numbingly legalistic, sometimes extravagantly festive—threateningly stood as an outright inversion of the rigors of capitalist life outside.¹¹ As will be shown, inside what Finn calls the "unreformed" debtors' prison, one could find eternal and legally enforced leisure, debauchery, and even a sort of plenty.

Such ritual spaces that trained people in non-bourgeois values and inverted the reality of everyday legal and market life needed to be eradicated. And so, within a mere two generations or so, the debtors' prison went from being an integral and essential regulatory mechanism in credit and debt relations to being seen as a barbarous relic of a different era, unfit for civilized countries. In what follows, I will trace three central discourses that were

on self-governance in the colonies (see Mill 2004a: 14). I thank the anonymous reviewers of this article for pointing out this crucial aspect of the barbarian/civilized divide, as discussed in this article.

¹¹ Since Van Gennep (1960), anthropology has a long tradition of probing rituals that create bounded spaces or times intentionally separate from everyday life (e.g., Bakhtin 1968; Engelke 2007; Keane 1997; Kaplan 1995; Ortner 1978; Turner 1967; Robbins 2004; Valeri 2000). Korobkin (2003) is a legal scholar who insightfully and fruitfully turns to the anthropological theory of ritual in order to provide a more sweeping history of insolvency regulation and remediation.

consistently relied upon to root out this supposed barbarism at the very heart of capitalist states.

Firstly, the application of scientific techniques to governmental practice was becoming standard across many fields, and the laws of credit and debt were no different. Reformers of all stripes insisted that causes needed to be discovered. For too long, policies had merely attempted to circumscribe the surface-level effects of social life; now policies had to get to the “root” of a problem, to see what was producing it. With regard to the debtors’ prison, this was seen as a potentially simple new insistence that lawyers, prison officials, judges, sheriffs, and creditors should all begin to distinguish between malfeasance and misfortune. Some debtors deserved their just due in prison, while others suffered there irrationally at the hands of a barbaric system of injustice. Only a new dedication to scientific jurisprudence could carefully segregate these two inappropriately conjoined populations (see Stoler 1995).

Secondly, a fascinating dialectic between credit and debt emerges in this historical battle. Consistently, indebtedness is seen as a form of weakness and credit as a form of power.¹² If noted by reformers, then this weakness was something to be pitied; if noticed by proponents of imprisonment, then it required reform via disciplinary practice. But there is more. The dialectic appears to be one that pits credit as the vehicle of an expanding capitalism whereas debt is the standard-bearer of a gradually disappearing “economic traditionalism” (see Weber 1958). Thus, both sides of the debate saw debtors as trapped by a decadent present, while creditors had their eyes keenly on a profitable future. Carefully planning for the future and denying oneself present pleasures was deemed the height of civilized behavior, and economic traditionalism supposedly brushed off such worries of tomorrow. Thus, society had to put in place new systems—either based on carrots or sticks—that would transform debtors from present-oriented spenders into future-oriented savers.

Finally, a supposedly Christian drive toward elevating the soul of the individual to the status of pricelessness took center stage. If the soul was priceless, then it became abhorrent to treat its vessel, the body, as a mere thing that could be seized as collateral like a piece of cheap property. Such conflation of money and the body, as I will show, came to be associated with “barbarism,” whereas a civilized society insisted upon a stark bifurcation of money-value and body-value. Simmel summed up this trend long ago by claiming that because the soul was proclaimed “to be the vehicle of God’s grace, it became incommensurable with all worldly measures and has remained so” (Simmel 1978: 362).¹³ It

¹² I have treated this issue extensively elsewhere (see Peebles 2010).

¹³ Hartman (1997) provides a sustained and important discussion of the intermingling of bodies and money. Zelizer’s work (e.g., 2005) can also be turned to for some very illuminating cases of the potential bleeding between these categories, and the frequent desire to keep them separate. Guyer (2004; 2010), Maurer (e.g., 2005; 2007; 2010), and Zaloom (2006) have all probed the related discourse concerning the segregation of quantity from quality, so often tied up, as Maurer specifically

therefore became abhorrent to treat man as a commodity (which Simmel argues had previously been the practice), and “a later stage [in history] further severs the value of man from the value of money” (ibid.: 367). That “later stage,” so far as this paper is concerned, commences with the widespread and rapid abolition of imprisonment for debt.

Though Foucault oddly neglected the rapid demise of the debtors’ prison in *Discipline and Punish* (1977), the story of its pan-national institutional collapse nonetheless fits nicely with his famous model.¹⁴ The rhetoric and action that led to the demise of the debtors’ prison turns upon the three emergent trends discussed here: A categorizing spirit, a disciplining of the body, and an expanded surveillance over the circulation of people and things. Parties on all sides of the debate converged in their belief that citizens within national spaces had to be transformed into a new cadre of disciplined economic actors who could turn to a newly rationalized and more efficient governmental apparatus for adjudicating credit and debt relations. Proponents and opponents of the debtors’ prison both asked governments to step into this void of failed adjudication in order to better aid its citizens in meeting their obligations to their fellow citizens and in responsibly planning for their own futures. Within the ambit of its power, reformers expected the state—in Hobbesian fashion—to banish the supposed barbarity that remained at the core of exchange relations.

MALFEASANCE VERSUS MISFORTUNE

As mentioned above, all parties in this debate hoped that a new scientific and categorizing spirit could rationally categorize economic behavior in new ways. The state and its reformers sought to find the “true” reasons for debt delinquency and then treat the cause, rather than rely on an unscientific catchall law from a previous era. As Field put it, “The duty of society is not only to resent and punish the crimes committed, but also to carefully to seek out their causes, and, so far as it is in human power, to remove them...” (1848: 91). In the past, all debtors were treated *de facto* the same—as quasi criminals, locked up in a custodial prison even if they were not seen as guilty of anything other than bad luck. As one resident of Whitecross debtors’ prison expounded, “Some of the greatest scoundrels have been discharged, and others whose misfortunes have proceeded from the most venial errors, have got a remand” (H. [anonymous] 1859: 45).¹⁵

points out, with the mutual intertwining of bodies and money. See also Graeber’s discussion of the body/soul divide and its relationship to money (2011: 243ff).

¹⁴ Foucault’s text, which charts the rise of the modern penitentiary system, fails to mention anywhere within it the rapid simultaneous collapse of the debtors’ prison complex. See Finn 2003; and Joseph 2006. See also Garland (1990) for a deep study and helpful critique of *Discipline and Punish*.

¹⁵ Since the debtors’ prison is all about money, a misunderstanding could arise here. He writes the word, “venial,” and not “venal.” The former is defined by the *Oxford English Dictionary* (2013)

But a reformist spirit began to insist that there was a grand and necessary divide between honest and dishonest debtors, and that it was the state's task to objectively delineate the two, rather than allowing private creditors to keep subjectively treating them in an identical fashion. As the governor of the Whitecross put it, "I divide debtors into only two classes, honest and fraudulent.... it is monstrous that the same sentence should await the guilty and the guiltless" (Hicks 1858: 19–20). One anonymous pamphleteer spoke of the ignorant way in which multiple categories of human action bled into each other under the unscientific approach of the reigning legal system: "Should the same punishment await the industrious and the unfortunate—the young and innocent, the defenceless widow, the blind, the ingenious, as the gamester, and swindler? ... He who would maintain it must be either ignorant or heartless. Yet the law of Arrest subjects all to the same insulting useless and cruel degradation" (anonymous 1837: 15). Reformers such as these now demanded that malfeasance and misfortune be treated as the potential proximate cause of bankruptcy, and that judges seek out the true reason for insolvency rather than criminalize the lack of money *per se*.¹⁶

Before these reforms, the law turned on no other data point than the lack of payment, regardless of the reason for it. Even Fane, one of the more vociferous proponents of imprisonment, complained, "By the law, as it at present stands, insolvency is assumed to be a crime!" (1838a: 27). And the lobbyists for the creditor class of this era were quick to point out why; in practice, they explained, it was virtually impossible to empirically study the etiology of debt. One partisan of the debtors' prison, J. H. Elliott, explained, "A man's moral conduct is not easily ascertained; his pecuniary embarrassments can only be learned by a scrutinizing and inquisitorial investigation, which is too severe for many to submit to, or to be enforced" (1838: 22). Mill complicated matters further by stating that the line between negligence and fraudulence was highly fraught: "If a man has been a spendthrift, or a gambler, with property on which his creditors had prior claim, shall he pass scot-free because the mischief is consummated and the money gone? Is there any very material difference in point of morality between this conduct, and those other kinds of dishonesty which go by the names of fraud and embezzlement?" (2004b: 830). And anyway, empirically speaking, debtors had made off with resources originally owned by someone else, and therefore, they asserted, it was no giant leap to assume that "by far the greater part of all insolvencies arise from notorious

as, "Worthy or admitting of pardon, forgiveness, or remission; not grave or heinous; pardonable, light," as well as, "Of an error or fault: That may be excused or overlooked; of a light, unimportant, or trivial nature; excusable."

¹⁶ On the point that the debtors' prison incarnated a general system that criminalized poverty, see Johnson 1823.

misconduct” (Elliott, cited by Mill 2004b: 830). Elliott concludes that the loss of someone else’s money should be seen “as *prima facie* evidence of something wrong” (ibid.: 831).¹⁷

Fane and others suggested that misguided laws that treated all inability to pay as *prima facie* evidence of criminality resulted in countless people becoming fraudulent only *because of* those laws. One lawyer from Spain, when queried by a committee of London merchants about bankruptcy law in his country, stated, “I am of the opinion, that punishment being very severe, as in Spain, opens the door to fraud, the original report of the failure being framed to avoid criminal results” (Committee of Merchants 1851: 31). Both he (an opponent) and Fane (a proponent) agreed that hefty punishments for non-fraudulent bankruptcies created the conditions to legally transform honest people into dishonest people (Fane 1838b: 40–42). They both asserted that, in this manner, the existence of the debtors’ prison effectively worked as a ritualistic space of personal transformation, virtually cajoling people to turn themselves into criminals.

Hoping to eliminate such perverse outcomes, people such as Beccaria and Bentham, and countless reformers in their wake, believed that the nefarious intent or hapless misfortune of a debtor could be rooted out with some simple efforts on the part of judges and juries: “It should be possible to distinguish fraud from grievous culpability, the grievous from the mitigated culpability, and this last from perfect innocence” (Beccaria 1995: 90). With such fine-grained assessments of how people became insolvent, punishment could then finally be meted out that scientifically matched the offense. To be clear, reformers were stating that *all* cases of insolvency should go through this process, not just those of people deemed *prima facie* innocent.

In other words, people began to make the radical demand that debtors should not be locked up for ages prior to their culpability being proven. As Bentham pointed out, under the existing system, “The door is shut against evidence, and presumptions made without grounds are substituted to it” (1843: 176). Further, debtors often did not know for which debts they were being incarcerated, since creditors were not obliged to come forth immediately. Any creditor in England, even a fraudulent one, could easily obtain a writ stating that a sheriff must apprehend a debtor who “lurks, wanders, and runs about in your county” (Farley 1788: 63). One author tells the story that there is “A gentleman in Newgate [prison], who was arrested by the wicked contrivance of a villain that he might live in infamy with the gentleman’s wife” (ibid.: 22). Evidence, such as it was, was heard *ex parte*, a sort of evidence ordinarily

¹⁷ Incidentally, after an impressive search through the archival evidence, Mann (2002: 223) finds that, at least in the American case, much of this common rhetoric concerning a scourge of fraudulent debtors was “essentially groundless.” But the frequent claims still persuaded people, and thus led to social action, which is critical for the story being told here.

enjoined in British courts.¹⁸ Sham witnesses and sham creditors named “John Doe” and “Richard Roe” appeared in the record all too commonly (e.g., *ibid.*: 52). In a word, the debtors’ prison apparatus stood as the inverse of the standard legal infrastructure. As one famous leader begged to know, “Can a more wretched state of man be conceived? Nay, more, does even the fraudulent debtor merit this perpetual, undefined punishment, in all the wantonness of its tyranny?” (Neild 1808: 24). All this, reformers asserted, needed to change, by bringing the hallmarks of science into the picture—objectivity, transparency, and etiology. The personal power of imprisonment based on these sorts of slim claims needed to be taken over by an impartial judge, who could weigh the evidence, presume innocence, and better sanction the proceedings with the prestige of the state.

Without such reforms, the system was ripe for abuse. Not least, people on all sides of the debate noted that authentically fraudulent debtors seemed to be far less likely to do time in jail than did honest ones. Because fraudulent debtors could easily set themselves up as traders and enjoy certain protections of the bankruptcy statutes, Neild explained, “The honest debtor may be starved before he can have the benefit of its [of one of the latest bankruptcy bills] provisions; while the fraudulent debtor finds in it the very probable, if not certain prospect of his liberation” (1808: 31). As a consequence, honest debtors “constitute by far the greater number of those who fill our prisons—with a considerable proportion of poets, authors, mathematicians, and men of science, who are the instructors, the amusers, and the pioneers of *civilized* society.... The gamblers, spendthrifts and profligates, constitute only a small proportion, and from all that is known are not much improved by this method of annoying them” (anonymous 1837: 14, my emphasis). In the prison, the honest debtors would become ritually contaminated by the spendthrifts and gamblers, and reenter society worse than they had gone in: “The great flux and reflux of men continually going in and out of prison, is like a stinking water, that poisons the wholesome rivers of the kingdom” (Farley 1788: 133–34).

If, by turning to these new scientific means, fraudulence were proved, then all universally agreed that the body of the debtor should be punished in any number of ways. Beccaria recommended that they “be punished with the same penalties which attach to the counterfeiter, because counterfeiting a metal coin, which is a token of the obligations citizens owe to each other, is no greater crime than counterfeiting the obligations themselves” (1995: 89). A lawyer in Berlin announced his preference for the death penalty, while the Finns remained committed to pillory in the market square with an iron collar. The Antwerpians had abolished branding, but were still quick to lock up the

¹⁸ “*Ex parte*” evidence is evidence heard in secret with the accused not allowed—and often not even notified—to respond in kind.

fraudulent debtor.¹⁹ Negligence was not as egregious as fraudulence, but one could still land in jail in countless countries if such behavior were proven. For example, in Sweden one could get a sentence of two years and hard labor for “carelessness” with other people’s money (Committee of Merchants 1851). All of these beliefs turned on the idea that fraudulent debtors were criminals; as such, they should not be tried in civil courts, but in criminal ones, and their punishments should be the same as for any other form of criminality.

Lacking this dividing line between malfeasance and misfortune, the system that undergirded the debtors’ prison was deemed a vile and aberrant space within the heart of the state, achieving goals that were precisely the opposite of its stated intention. One author likened it to a cultural system that takes in multifarious categories of people, churns them through its system, and then christens them with an untrue, but no less real, legal status: “It involves the honest and dishonest, the truthful and the habitually false, the accidentally unfortunate and the pre-determined cheat, in the meshes of the same net, returning all ‘tarred with the same brush’—rogues all in fact” (H. [anonymous] 1859: 4). Approaching credit and debt relations with a new scientific epistemology would allow for these categories to stop blending into unjust hybrids; people would be assessed for their “true” status as either knave, or victim. Reformers agitated against the mystified and barbarous understanding of money as itself an index of moral standing and upright behavior, and hoped to build a homogenous national space dedicated to empirical evidence and fair treatment to all, regardless of monetary wealth. The temple would be razed in favor of the laboratory.

ECONOMIC TRADITIONALISM VERSUS CAPITALISM

This new drive to discover empirical evidence that could scientifically distinguish malfeasance from misfortune rested on a moral distinction: Had a debtor behaved in an “upstanding” manner with the money, or not? Via this question, a sustained rhetoric connecting loose money with loose morals came to the fore in the debate over the demise of the debtors’ prison. Getting to the heart of a debtor’s behavior hinged on the emergent distinction—newly vital within political economic debates—between a supposedly “spend-thrift and decadent” economic traditionalism and a “parsimonious and hard-working” capitalism.²⁰

¹⁹ The ancient practice of branding the debtor should almost surely be seen as the prehistory of the credit rating agency. By way of this technique, the person is marked as not credit-worthy, for all to see. Korobkin (2003: 2135) asserts that, in torturing the physical body of the debtor, “the creditor on behalf of the society enacts a kind of remembering, marking the transgression by the maiming of the debtor’s physical body.”

²⁰ As emblemized so vividly by people such as J. H. Elliott (cited below) and Adam Smith, political economy of the day relied on this divide intimately, believing that parsimony stood as the core behavior necessary to a capitalist, and thus, a daily form of behavior that everyone

Honest debtors, it was claimed, thought about tomorrow. They had simply suffered through unforeseeable events, such as a nationwide financial panic. Dishonest debtors—often called “swindlers,” “rogues,” or “knaves”—were seen to appropriate economic value unto themselves merely for “luxuries” or daily enjoyments at the tavern. Attempting to get one debtor thrown in jail, a lawyer argued before an insolvency judge, “Mr. Yearlar, an officer of the court, proved that the defendant was in the habit of getting drunk nearly every night” (H. [anonymous] 1859: 71). If suspected of leisure, the house of confinement beckoned. In short, a dominant strain of discourse saw a direct and harmonious linkage between a lack of control over one’s body and a lack of control over one’s wallet.

Mill’s favorite pamphleteer on the topic of credit law reform, Mr. J. H. Elliott, provides the most transparent announcement of this attitude: “If we place creditors in one lot, and debtors in another, justice and mercy will characterize the former, as often as fraud and improvidence will characterise the alter.... Creditors, as a body, are a superior class of men; those who are able to give credit are usually better men, possessing a higher morale, more intelligence, habits of far distant calculation, than the debtor who cannot pay; he is the converse of all this...” (Elliott 1838: 23).

Given this alleged ethical distinction between creditors and debtors, what was Elliott’s formula for reform? To turn debtors into capitalists: “Severe as it may seem, they must learn to live in the daily and hourly habit of enduring labour, and of abstaining from the instant enjoyment of its fruits. The master virtues for them, and for all mankind are industry, providence, and self-dependence” (ibid.: 24). Mill approvingly quotes Elliott when he compares bankrupts to children at school who have no care for the morrow and are surprised when they discover that they have no more money left. The body and mind of the debtor needed to be cajoled into thinking—like the noble creditor—about tomorrow. According to the proponents of retaining imprisonment for debt, the *fear* of the prison was the technology most ideally suited to enforcing this moralistic regime. If one could just dread tomorrow’s prison sentence, then one would easily deny oneself the pleasures of today.

The problem, however, was that the debtors’ prison itself gradually came to be seen as a ritualistic space that cultivated precisely this “indolence” and pleasure-seeking: “Who has not heard of Queen’s Bench prison? ... Is there a lounger in Pall-mall, a saunterer in Regent-street, who has not had a friend

should aspire to (e.g., Hirschman 1997). Marx discusses this upstanding parsimonious behavior as a foundational myth of political economy in his chapter on “primitive accumulation” (1990). For similar debates from a different sphere of political economic debate, see Peebles (2008) on how individual hoarding practices were similarly labeled barbaric and benighted. For a benchmark anthropological study that calls into question this supposed non-saving behavior on the part of non-capitalists, see Gudeman and Rivera 1990.

there at one time of his life or another? Has not everyone known men prefer it to Rome, Baden-Baden, or Vienna?" (Dixon 1850: 102).²¹ Perhaps even more astonishingly, one author cited Defoe, who pointed out as far back as 1722 that the King's Bench²² had better outdoor facilities, while the Fleet had better indoor ones (see [Image 1](#), depicting the outdoor space of the King's Bench in use). For this reason, "Some of those gentlemen that are in for vast sums, and probably for life, choose the one for their summer, the other for their winter habitation; and indeed both are but the show and name of prisons" (ibid.: 114–15).²³ Many writers of the day who shared this perspective saw the debtors' prison as a space outside of quotidian time, and for them the terms "shrine" or "sanctuary" stood as far more apt monikers than "prison" or "jail."

To keep the dangers of inveterate debtors at bay, the debtors' prison was designed to be segregated from commercial life, and inside, leisure reigned by decree; some prisoners who tried to maintain their good work habits failed nonetheless, given the tempting surroundings and poor moral fiber of their compatriots (Dixon 1850: 283). More than one author referred to it as a strict regime of "enforced leisure" (e.g., H. [anonymous] 1859). Another writer called it a "sanctuary of the unfortunate" (anonymous 1823: 4), while yet another describes the all-night parties in the prison bar (Hicks 1858: 12–13).²⁴ In the bar, prisoners revealed themselves to be "apparently insensible to the effects of that high and gloomy wall which surrounds and shuts them from the world: this is their world, and their ideas seem scarcely ever to soar beyond it. It is not here you see the pensive brow, the lengthened countenance, and the dejected gait" (anonymous 1823: 12). By day, prisoners played squash and gambled, prior to singing and carousing at night. In short, "You will almost forget that you are suffering imprisonment, but find yourself involved in a bustling and active life, and may regale at pleasure" (ibid.: 10).

By the nineteenth century, English commentators remarked that there were even "wealthy beggars" inside the debtors' prisons (Dixon 1850: 121). Another report insisted, "Indeed the most extensive tavern can hardly ever shew a better assortment of the good things of this life . . . and the absolute gourmand be excited to regale. There is nothing of insolvency in the appearance of this department of the establishment, indeed so much the reverse, that the epicure stranger would consider it the paradise of feasting" (anonymous 1823: 9). This luxury extended beyond drink and food, and we find that, at

²¹ To be clear, Baden-Baden is one of the most famously luxurious spa towns in all of Europe.

²² The King's Bench and the Queen's Bench were the same prison. It was only a question of who was regent at the time.

²³ By another legalistic trick that was much criticized, people who could afford good legal counsel only had to make a writ of Habeas Corpus in order to get remanded to the finer debtors' prisons.

²⁴ The King's Bench, incidentally, contained multiple bars, restaurants, and coffee houses.



IMAGE 1. Enforced leisure at the King's Bench, with people playing squash and strolling in their Sunday finest, all while behind the barbed wired wall to the left.

least at the King's Bench, "Many of the cells of these detenués are beautifully fitted up; carpets, books, pictures, and luxuries of every kind may be seen in them according to the taste and opulence of the inmate. There are men here who make up their minds to consider themselves at home" (Dixon 1850: 118). Thus, in many instances, a life of mandated ease was complemented by a life of relative plenty—two conditions that were far from operative for the vast majority of citizens outside the prison.²⁵

And all this decadence was couched in the terms of ritual. One dispatch from inside Whitecross prison reads as if it were taken straight from the anthropological record, complete with ritual elders, initial debasement of the neophyte, and subsequent social rebirth:

At his entrance among the infected herd of confined debtors, the neophyte is naturally cast down and dispirited. With his liberty he has lost his self-respect. The sudden change from locomotion at will to narrow limits, terminating in bolts and bars unnerves him. He looks about with a vacant stare, and fancies he reads a reproach in every eye. He is thoroughly abased. But these effects are of very short duration. He is suddenly startled

²⁵ Here it can be helpful to turn to Day, Papataxiarchis, and Stewart (1999), Sahlins (1972), and Woodburn (1982). Perhaps debtors found the inside of the jail a space of relative abundance because they had reduced the relatively more extravagant needs that they typically sought to satisfy outside the prison walls. Not desiring much translated into a higher degree of contentedness.

by the sound of boisterous merriment.... All sense of shame, all dignity of manhood is crushed out of him.... All are prompt to lend their zealous aid in forwarding, in shaping, and in accomplishing the education of our neophyte (H. [anonymous] 1859: 5–6).

This is an education in living for the present—in lifting the veil from the ideology of work (see Day, Papataxiarchis, and Stewart 1999). Prisoners, once tempted by this life of ease and plenty, will rarely manage to rediscover the supposed pleasures of commercial life again. Instead, “After a short term of imprisonment on the indolent system, men, who by nature are full of energy, become listless, taking interest in trifles, and restoring to modes of killing time to which they would not descend when at liberty” (Hicks 1858: 15).

But it is worse, for this ritualistic life of ease and plenty not only teaches them to walk away from the future and instead indulge in today’s trifles, it actually debases them and turns them into mere shadows of civilized humanity. To wit, “He becomes careless in his language, in his attire, in his gestures, and his every day voluntary actions.... and as the heart is abundantly wicked, its native wickedness, freed from the reins of caution and decorum, has ample room to expand in all its rank luxuriance” (H. [anonymous] 1859: 13). Innocent people subjected to this training and luxury supposedly lost their ability to plan for the future. One prisoner, for example, was sent a guinea once a week by his charitable friends, only to spend it that very first evening on an extravagant meal, without a care for how he might procure the next six nights of food (Dixon 1850: 110–11). Loose money, loose morals.

Fascinatingly, the prison did have an active commercial life of buying and selling, but only with hard cash. Since anyone confined there had already proven themselves incapable of paying back their debts, credit was (somewhat obviously) not relied upon as a medium of exchange. But credit was further dead on arrival because profligacy was apparently one of the paramount social values of the prison, according to the reform literature surveyed here. Prisoners shared freely with one another (anonymous 1823: 12), failed to respect property (H. [anonymous] 1859: 35), and when they did manage to get their hands on money, they often squandered it on beer and food before the day was up (anonymous 1837: 15). These are all the classic hallmarks of the supposed barbaric economic traditionalist and his lackadaisical approach to his own economy. Without credit lashing anyone to the future, the debtors’ prison was, by definition, a space that enforced a timeless orientation toward the present.

But reformers sought to eradicate this educational facility, which was perversely dedicated to living in the present. The governor of Whitecross, in one of his reform tracts put it bluntly: “I desire also to prevent a prison from being used as a sanctuary where fraudulent debtors can defy upright creditors and live in luxurious indolence” (Hicks 1858: 30–31). Like countless other reformers, he proposed that prisoners’ work be allowed and even remunerated inside the prison. Work provides the only “honest road to freedom” out of the

“condemned idleness” of the jail (*ibid.*: 21, 24). The transformation to degeneracy facilitated by the debtors’ prison must be broken by a new commitment to bring previously banished future-planning into the confines of the prison.

In demanding this radical reform, the governor implies, perhaps unconsciously, that life inside the debtors’ prison resembles nothing so much as the Garden of Eden, for he wrote, “Scripture says, ‘In the sweat of man’s face shall he eat bread;’ why should imprisoned debtors be compelled to form the exceptions to the rule of the Omnipotent? Why should man issue a counter mandate, ‘Thou shalt not work,’ and thus clash with the Divine command?” (*ibid.*: 29).²⁶ This verse comes from Genesis 3:19—the author was citing the new stricture pronounced by God that humankind must forever and anon suffer a life of toil, directly after discovering that Eve had eaten the forbidden fruit. The governor of Whitecross has acknowledged here that the debtors’ prison stood as a space apart, an inversion of the life of toil and trouble that characterized the burgeoning industrial city outside its confines. Lest this sound like a stretch, Bentham also criticized the debtors’ prison for providing a “paradise” to the swindler (1843: 177). Civilizing Man could never allow this antediluvian “survival of barbarism” to remain (anonymous 1829: 32). The ideology of work and future-orientation had to penetrate the prison too—into its “peaceful haven.”

MONEY AND FREEDOM

Bolstering their arguments that an internal barbarism had to be eradicated from within the nation-state, reformers also homed in on the manner in which the debtors’ prison implied that human life and its “God-given” soul could have a price tag. Following a well-known trope, that anything given by God cannot, by definition, have a price, they reasoned, “It is most iniquitous to authorize the creditor to make the debtor expiate his default of goods or money, by taking his flesh and blood, his body and bones. The maxim: ‘If you cannot pay in purse, you shall in person,’ is unworthy of the enlightening age in which we live.... You take an invaluable jewel, for a worthless pebble. You take the precious immortal soul, and carry it to your place of torment, in satisfaction of perishable goods; things called into existence by the hand of art, but yesterday, and which may cease to be, to-morrow” (H. [anonymous] 1859: 62–63). According to this logic, only barbarians are unenlightened enough to place a money value on human life, whereas civilized people raised it to the level of

²⁶ In most countries, prison officials were specifically enjoined from dictating debtors’ daily activities, since the prison was *de jure* designed as merely a custodial holding pen so that debtors—whose guilt was still unproven—could not flee their debts. Thus, for example, in Scotland, “We have a hall where they can meet and read, and they are also allowed to play at draughts and chess.... Outside we have a little square where they play at 9 pins” (quoted in Haythornthwaite 1993: 30).

the sacred.²⁷ But reformers voices were beginning to be heard, and, “Happily the influence of our holy religion is felt by those who administer the law. Its truths control both opinion and practice. The magistrates of our land are increasingly sensible of the inestimable value of the human soul” (Field 1848: 86–88).

The practical solution, according to both sides of the debate, was to carefully acknowledge the segregation of monetary-value and human-value, goods from man. A monetary dispute involved *things* that were worth money—goods and chattel and land—and not human bodies. Thus, legislation needed to establish that the “laws should be directed against the property and not the person, excepting in the case of fraud, or intended departure from England” (anonymous 1837: 18). “Let property be balanced against property; let not bodily pain and mental suffering be inflicted, as the penalty of misfortune.... Take his property in satisfaction of the property he has acquired from you and dissipated; but bring not his crown to the dust—riot not in his life-blood” (H. [anonymous] 1859: 38–39). Turning to more ritualistic imagery, this same pamphleteer poetically inveighed, “The Juggernaut [*sic*] of the law, alike insensible to pity or remorse, drives his blood-stained car over your prostrate and butchered liberty. Another victim has been passed through the fire to Moloch, to whom as with the ensanguined idol of old, innocence is only an additional cause for prey” (ibid.: 9).

Quotes such as these reveal that the debtors’ prison was viewed as a monstrous assemblage that allowed the body to be contaminated with money-value. Indeed, it actually provided a peculiar and socially sanctioned space for continuing to evaluate bodies on a monetary scale. All too often, apparently, people happily traded money and bodies back and forth, agreeing to lose their freedom rather than acknowledge a monetary debt. Because imprisoned debtors were protected from any further seizures, even if they carried “the very means of payment in the current coin of the realm on his person,” debtors quickly discovered that they could stay in the prison rather than meet payment (Fane 1838a: 28).²⁸ Suddenly safe from additional losses and banished from normal commercial life, “The prisons afford harbour to many men ... who would rather spend their small remains of property there, than give it the creditor who has been his ruin” (Farley 1788: 149–50).²⁹ One reforming governor found, “A great many

²⁷ On this common rhetoric, see Pietz (1997), Nietzsche (1956), and Simmel (1978). Franzen gives us a very specific example from Middle Ages Sweden concerning the relationship between body parts and monetary values: One man who had committed a crime could choose between paying a fine of 40 marks or “losing his nose” (1998: 182).

²⁸ Due to an ancient English law that only allowed creditors to seize either the person or his “goods and chattel,” debtors could actually carry ready money into English prisons, for money was not considered to reside within these two categories. Indeed, one author reports that a prisoner was robbed of 1200 sovereigns of gold while in The Fleet prison (Fane 1838c: 28).

²⁹ Margot Finn (2003) has detailed this in exquisite form.

[prisoners] ... lying there without an object in life, except to indulge in a lazy inanity." He managed to get rid of many, but "some, however, successfully resisted the pressure put upon them, and still present the strange anomaly of men who prefer captivity to liberty, boasting, as they do, of being "their own gaolers"" (H. [anonymous] 1859: 32–33).

The problem that these authors are addressing is a fascinating one. Citizens were supposed to relish their priceless liberty as a foundational and inalienable right. But the history of the debtors' prison reveals that many preferred an entirely different form of liberty—liberty from monetary relations. For example, Hardouin complains that the reforms must create measures to cope with people who have "apathy or indifference for liberty" and therefore opt to stay in prison indefinitely (1874: 484). Contrary to the aims of the institution, debtors "have found the King's bench, and its rules, a happy and welcome asylum, where persecution ends. To such men a calm and quiet retirement is a blessing—they seek it—they seek a noiseless privacy, where they may commune with their own thoughts, and be in themselves the world which they have left" (anonymous 1823: 1). Another author explained, "Some of the detenués are smoking long pipes with the resigned and settled air of Orientals; *they* have apparently ceased to struggle with their fate.... Several of these persons have been locked up here five, six, or seven years.... Some of them have now no other homes, and wish for none. Others of the motley group are lounging jauntily about with a reckless and devil-may-care manner (Dixon 1850: 277).³⁰

Finding that prisoners had taken on supposedly foreign traits, not least by descending into opium use, reformers discovered a legally demarcated zone of reprieve from standard capitalist life. They were clearly befuddled and flummoxed by such brazen refusals to submit to the rigors of future-oriented capitalism, and its promises of bodily freedom. They failed to grasp how some people might prefer freedom *from* the market over freedom *in* the market.

But the prison's enshrined and protected borders from market life frustrated reformers for yet another reason. As has been shown, the prison had a capacity to protect debtors from paying their debts while locked up. But it also provided a series of dense legal rituals that allowed debtors to "wash" themselves of their debts. In many instances, one could go into a prison for a specific period and perform specific legal rituals instead of paying off the debt. As one inside report from Whitecross put it,

The fact is, that just then the furnace at the Insolvent Court was in full blast, turning out, monthly, again on the community, its scores of spick-and-span new characters that had been *purified by the fire*, and thus renovated were rendered again fit to re-enter the world

³⁰ Seven years was not the outside limit of how long one could stay in a debtors' prison. One prisoner with a debt "which he vowed he would never pay" stayed for thirty-eight years (anonymous 1823: 16).

of trade and commerce, from which they had for a time been banished.... I had yet to learn that Whitecross Street was the vestibule to Portugal Street [the location of the Insolvent Debtors' Court], and that its principal mission was to afford the needy debtor the means of escape from the grasp of his hostile creditor (H. [anonymous] 1859: 19).³¹

The debtors' prison banished people from commercial life. Once inside, should they decide that living a life outside of capitalism was appealing, they could stay forever inside the bounds of the prison and become its ritual elders; should they decide that they would like to return to it, the system allowed them to be cleansed of their debts and reenter commercial life as a new soul, afresh.³²

This ritual complex, with its high priests (lawyers), elders (inveterate debtors), neophytes (newly imprisoned debtors) and temples (the prisons), was seen to threaten capitalism itself. Credit, as Elliott and Mill both insisted, was "the life of commerce." But the debtors' prison created and sustained a world where people could brazenly abuse credit by manipulating the status of their bodies, either by way of cleansing or confinement. This foundational bleeding between two categories that supposedly should be kept separate then succeeded in inverting societal values and goals, by "turning it [the law] from its mission of protecting the rights of person and property, into that of invading, harassing, and destroying them!" (H. [anonymous] 1859: 4).

CONCLUSION

With capitalism growing at an ever-faster clip during the Industrial Revolution, more and more people became enmeshed in debt relations. With debt seemingly everywhere, the prison's ritualistic capacity to nullify the power of monetary obligations and endorse the present-orientation of economic traditionalism was far more dangerous than it had been in the past. One author suggested that the number of debtors had grown so large "that a wall should be built round the borough of Southwark, [the southern half of London, where the King's Bench Prison could be found] because it might be then possible to find a room for every single debtor" (Farley 1788: 39). For their earlier history, the debtors' prisons had primarily housed only the poorest and the wealthiest members of society, excluding the broad middle classes.³³ But

³¹ Other rituals attended to the process of whitewashing, and not all of them revolved around legal arcana. Upon a successful petition through the Insolvent Debtors' Court, we are informed that the newly cleansed debtor "is shouldered by half a dozen, and carried around the yard, whist the whole body of the prisoners follow, cheering lustily, until they reach the first gate" (H. [anonymous] 1859: 45).

³² To be sure, some prisoners could not get out and did not stay by choice, especially prior to specific reforms of the nineteenth century that facilitated "whitewashing." But the evidence shows that a significant number of people, both poor and wealthy, actively chose to stay rather than meet their debts and seek release, so we must also probe this phenomenon.

³³ Another notorious zone of banishment for insolvency beckoned for the very poorest members of society: the workhouse, wherein the attempt to "civilize" the lower classes via new forms of

once its function as a space free from the rigors of bourgeois capitalism had been democratized beyond these two groups, the debtors' prison's power became more of a threat to the system, and it had to be removed.

If reformers believed that there was a distinct correlation between loose money and loose morals, then they needed to eradicate any special zones that enshrined such non-bourgeois behavior. They needed to recommend new ways to instill a capitalist ethos that could combat the pernicious power of economic traditionalism. The intriguing concept of "The Rules" that surrounded debtors' prisons in many countries lays the groundwork for this. Physically outside the prison, The Rules stood as an extension of the prison itself, but without the extreme constraints of bars and bolts. For example, [Image 2](#) shows "The Rules of the Kings Bench prison in London," with the prison itself slightly left of center. Prisoners with special privileges to inhabit The Rules were free to reenter civic life inside The Rules, in the hopes that they might better pay off their debts, at less cost to the state to boot.³⁴ But economic traditionalism was still clearly policed inside The Rules, for public houses inside them remained forbidden ground.³⁵

One American reformer, in critiquing the debtors' prison, hinted that The Rules could serve as an adequate replacement for the prison itself. He explained that many American states have "denounced the practice [of imprisonment for debt] as sanguinary, and as a foul blot upon our national character. In many parts of New England, the prison bounds are extended to the limits of the township or county in which the prison is located. The Legislative Council of Michigan have [*sic*] extended the gaol limits to the bounds of the county" (Johnson 1823: 15). With The Rules, we see prison surveillance spilling out beyond its traditional walls, without the need of imprisonment itself. Once this form of surveillance had proven its capacities, it was perhaps but a small step to imagine that the walls themselves were unnecessary. The only remaining way to escape such surveillance was to disappear into exile abroad—to become, in a word, "socially dead" to the community, only to be reborn with a clean slate in a new community.³⁶

bodily discipline was far more transparent than anything afoot in the debate over the debtors' prison. Describing the workhouse's demise, which occurred during these same years, is outside the scope of this paper, but in tandem, both reform efforts reveal two related nineteenth-century trends: (1) the gradual attempt to decriminalize poverty, and (2) aiming to do so by "civilizing" the lower classes.

³⁴ People with enough money could rent out rooms inside The Rules, thereby freeing up space inside the prison proper for additional debtors.

³⁵ Similarly, day-passes to leave the prison and even its Rules were common in many countries, and were dubbed "liberty tickets" in England (Dixon 1850: 114–15).

³⁶ Mann writes, "The lists of Virginia debtors compiled for British creditors after the Revolution to assist them in collecting pre-war debts under the terms of the peace treaty recorded that debtor after debtor had 'gone to Kentucke' or, even more tellingly, was 'presumed gone to Kentucke,' as

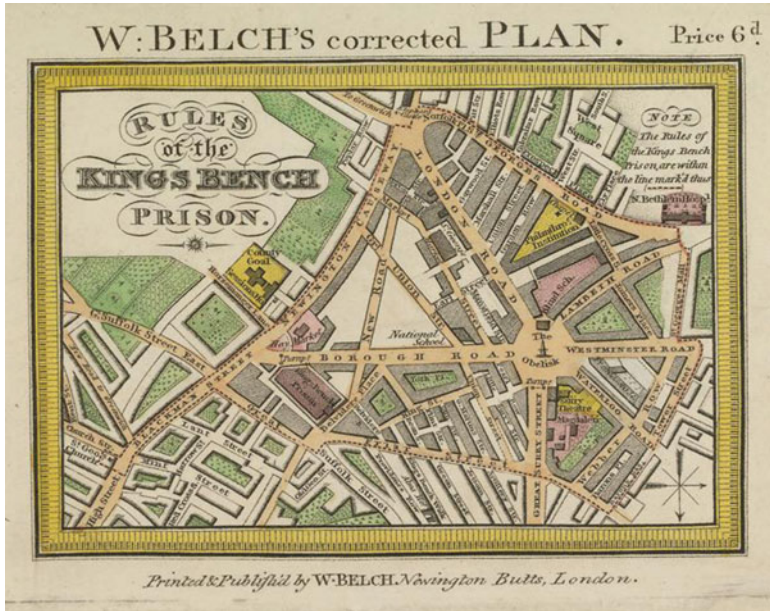


IMAGE 2. The “Rules” of the King’s Bench in 1830, with the prison in the middle-left section of the map, and the Rules marked by the dotted line.

Thus, much in line with Foucault’s arguments in *Discipline and Punish*, the evolution from debtors’ prison to The Rules to state borders suggests that the nation-state replaced the immuring function of the debtors’ prison.³⁷ That is to say, the nation-state served to replace the debtors’ prison by itself becoming a zone of custodial surveillance—both by eradicating ritualistic zones that cleansed or harbored the indebted, and by improving border management to ensure that citizens could no longer easily flee their debts by decamping abroad. In so doing, it held adequately at bay the menacing threat of internal barbarism that supposedly trained people to hold disdain for their debts or taught them to seize bodies as collateral. In his testimony before the U.S. Senate, Colonel Johnson provides an ironic and unintentional synopsis of

though the mere fact of a debtor’s absence created a presumption of flight across the mountains ... ‘the Debtors will be gone to Kentucke very soon and good bye to all their Debts due here.’ By uprooting their families and moving to distant places, they were trying to create the fresh start in life that would have been theirs had there been a bankruptcy law in force [in Revolutionary America] to discharge their debts. Since there was not, they substituted distance for discharge” (2002: 128–29).

³⁷ In many countries today, people filing for bankruptcy must forfeit their passports, precisely in order to eliminate the creditors’ fear that the debtor represents a flight risk.

much of this battle between internal barbarism and national civilization. As he closed his fiery speech against the barbarity of the debtors' prison, he reached deep into the mythical construction of America itself, in order to conclude, "For this love of liberty, a principle inherent in man, the savage still adheres to his wandering life, and spurns the proposition for civilization, because, in his view, prisons mark its bounds" (1823: 20). Foucault could not have agreed more.

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Abstract: This article seeks to come to terms with the extraordinarily swift demise of the debtors' prison in multiple countries during the nineteenth century. While focusing primarily on the reform debate in England, I argue that the debtors' prison quickly came to be seen as a barbaric aberration within the expanding commercial life of the nineteenth century. By turning to a copious pamphletic literature from the era of its demise, I show how pamphleteers and eye-witnesses described the debtors' prison in the idiom of ritual; it was seen as a dangerous sanctuary that radically inverted all capitalistic economic practices and moral values of the world outside its walls. Reformers claimed that, inside these shrines of debt, citizens were ritually guided and transformed from active members of society into "knaves" or "idlers," or both. As such, the debtors' prison needed to be eradicated. To do so, reformers mobilized at least three critical discourses, all of which sought to mark the debtors' prison as a zone of barbarism that threatened the civility of the state and its citizenry. By focusing on the debtors' prison as a powerful and transformative ritual zone, the article provides a counterintuitive history of this institution that was so crucial to the regulation of credit and debt relations for centuries. In so doing, the article contributes to a broader literature on the spatiality of debt.