The Mind of the State and Thinking About Sex

Brandon Wayne Dylan Munda

Warner Robins, Georgia

Bachelor of Science, Emory University, 2013
Master of Arts, University of Georgia, 2015

A Thesis presented to the Graduate Faculty
of the College of William and Mary in Candidacy for the Degree of
Master of Arts

Department of History

The College of William and Mary
August, 2016

APPROVAL PAGE

This Thesis is submitted in partial fulfillment of
the requirements for the degree of

Master of Arts

Brandon Wayne Dylan Munda

Approved by the Committee, May, 2016

Committee Chair
Associate Professor Nicholas Popper, History
The College of William & Mary

Visiting Assistant Professor Guillaume Aubert, History
The College of William & Mary

Associate Professor Leisa Meyer, History
The College of William & Mary

ABSTRACT

The Mind of the State

Throughout the War of the Spanish Succession, European powers vied for supremacy, both on the Continent and across the Atlantic. This paper examines the English intelligence apparatus during this conflict. In so doing, it shows the extent to which intelligence shaped state functions during the conflict, and how understandings of intelligence and information in general influenced state understandings of the international stage and their approaches to conflict.

ABSTRACT

Thinking About Sex

In the early 1720s, the British state launched a series of raids against molly houses – social spaces patronized by homosexual men – across the country. This paper explores discursive developments from the sixteenth to eighteenth centuries in an attempt to understand what allowed the British state to understand homosexual individuals and from what avenues they derived their authority. Ultimately, drawing upon Foucauldian analysis, the paper considers developments in intelligence as critical to state understandings of sex and sexuality during the period.

TABLE OF CONTENTS

ACKNOWLEDGEMENTS

This writer wishes to express his or her appreciation to Professor Nicholas Popper, under whose guidance this investigation was conducted, for his patience, guidance and criticism throughout the investigation. The author is also indebted to Professors Guillaume Aubert and Leisa Meyer for their guidance, advice, careful reading and criticism of the manuscript.

Intellectual Autobiography

Perhaps the best topics for an intellectual biography are the most obvious – where my interests began and how I pursued them. Unsurprisingly, unlike what seems to be the case for most students, growing up I never found history to be boring. At the same time however, it was not my favorite subject; that competitive position was held by science. After graduating high school, I enrolled at Emory University where my first step was to declare my major – in Chemistry. Like most first semesters at college, mine was full of general education requirements and general transitional angst, so it wasn't until my second semester that I was free to take my first history course. Intrigued by the title, "The Atlantic: Patriots and Pirates," I enrolled in an introductory survey course on Atlantic History taught by a graduate student named Wilson York. The entire concept of an Atlantic History was new to me, and I was almost instantly spellbound by the networked world that he presented. From that moment on, the Atlantic became central to my historical interest. It was only a few months into that second semester that I went to the registrar and declared a double major in History. From that point on, my undergraduate career was a mix of Chemistry, History and, continuing an interest of mine from elementary school, Theatre.

By the second semester of my junior year of undergrad, I had decided that I would pursue History after graduation, rather than Chemistry. It was at that time that I submitted my first proposal for a senior thesis – an attempt, combining both History and Chemistry to recreate some variant of Greek Fire. Unfortunately, the program specifics only allow certain joint-major theses, and I was informed that History and Chemistry is not one of them. Over my time at Emory, I had come to the conclusion that I would like to pursue my graduate studies studying some variant of intelligence in the Atlantic world, but I also felt that the Greek Fire project might have given me one last occasion to really work in a lab and put my Chemistry skills to work. When the project was denied then, I wasn't heartbroken, but I had been excited at the prospect

of spending my senior year trying to set fire to water based on Byzantine records. With that possibility quashed though, I submitted my second, more grounded proposal – concerning espionage in the Early Atlantic. Unlike the first, that proposal was deemed acceptable, so I spent my senior year mining through the seven volumes of the state papers of Oliver Cromwell's spymaster, John Thurloe. Given that Thurloe's state papers were readily accessible within Emory's special collections, it was the simplest project I was able to pursue within the short time frame of an undergraduate thesis. Following my discovery of the techniques of neo-diplomatic historians, I added diplomacy to my list of interests and approaches, and it was under the general umbrella of "intelligence and diplomacy in the early to mid Atlantic world" that I applied to graduate school. Ultimately, I graduated from Emory with a BS in Chemistry, along with my double major in History and accepted admission to the University of Georgia's MA in History program as family issues encouraged me to stay closer to home.

At UGA, I chose to continue to pursue my interest in the early modern world and intelligence. Freed from the confines of readily available resources though, I was no longer restricted to the state papers of John Thurloe. While I was able to tease out an Atlantic dimension to Cromwell's intelligence apparatus, Thurloe's apparatus was generally too insular to fully capture my interest. Subsequently, I began searching for a new chronological boundary for my research. Conversations with my advisor and other faculty members eventually led me to the War of the Spanish Succession. The criminally understudied conflict suited my interests in a number of ways. Its multinational dimensions gave me opportunities to employ my language skills, while its transcontinental theatres certainly met my standards for being sufficiently Atlantic. The conflict also had significant implications for European state formation, a subject which rapidly became the equal of the Atlantic world in my historical pursuits. Going through my coursework at UGA, I formulated my thesis as an exploration of the state formation

implications of the institutionalization of intelligence as part of a trans-Atlantic conflict in a world that was beginning to define “modern.”

When I came to the History department at the College of William and Mary, I knew that I wanted to study intelligence in the early modern period of Europe and in the Atlantic world. Inspired by my earlier research in my master’s program at the University of Georgia, I had thought that my trajectory would be to study the institutionalization of intelligence apparatuses during the War of the Spanish Succession with an eye toward the process of state formation. These interests guided my research at the University of Georgia. My first semester at William and Mary broadened my research perspectives. The Historian’s Craft course with Dr. Benes helped widen and strengthen my theoretical thinking. While I had encountered many of the names in the course (such as Marx, Braudel and Foucault) before, I had not fully appreciated the significance of prior theory to the practice of history. Dr. Benes’s course altered my thinking dramatically. By the time I completed the Historian’s Craft course, I was open to new theoretical possibilities, particularly from fields not necessarily within the disciplines of the Atlantic world or state formation. Most notably, my interest in the theoretical discussion of power and control (especially within a Foucauldian context) grew as a result of the course, and would influence my thinking in the spring semester.

My other fall courses cemented this thinking in important ways. The Global History and Microhistory course with Dr. Bishara continued my exposure to new ideas and methodologies. Perhaps more importantly though, Dr. Bishara encouraged me to really think about the stakes of my project, particularly through assignments like the creation of mock grant applications. His feedback helped me to fully realize that, while I knew coming into William and Mary what I wanted to study, my project was nowhere near fully formed. Following this realization, in my research paper for my course with Dr. Aubert, I strove to expand my analyses beyond mere topics of institutionalization to instead consider the question of state power, particularly

regarding state knowledge and state means of knowing. Through conversations with my advisor, Dr. Popper, and with Dr. Piker, I continued to refine this approach to examine the power dynamics created by systems of knowledge and the ways that these systems shape foreign policy and the ways in which states develop.

In the spring semester I continued my efforts to expand my academic thinking. By taking a course on West Africa and the Atlantic world with Dr. Chouin, I hoped to broaden my thinking on the state beyond European examples. In the end, this course exposed me not only to new models and ideologies of the state and power consolidation (both historical and historiographic) but also to alternative approaches to societal arrangement and power dynamics more generally. At the same time, my studies with Dr. Kitamura in his America and the World course reintroduced me to the field of Diplomatic history. While Diplomatic history was one of my original framing devices, the shifting focus to state formation gradually led to my neglecting the issue of diplomacy and international relations more generally in my research. Dr. Kitamura's course introduced me to approaches in diplomatic history I had not previously encountered. Despite the timeframe covered by the course, I ultimately felt that I had enough to learn by the approaches taken by scholars of America in the World to both states and diplomacies that I will be taking one of my comps fields under Dr. Kitamura.

The course I entered with the most trepidation was my history of sexuality course with Dr. Meyer. I had never taken a course on sexuality but, with encouragement from Dr. Popper, I chose once again to engage in new historical currents. Inspired by her syllabus which placed Foucault front and center, I determined to use the course as an opportunity to dive headfirst into historical theory of power. My research paper for Dr. Meyer's course is the most theoretical paper that I have written to date. Looking at state discursive understanding of molly houses on the eve of a series of raids in 1726, I've endeavoured to combine theories of surveillance and sexual power to glean some insight on the state's perception of sexuality during this period.

Influenced by these questions and insights from all of my courses, I am now looking ahead to pursuing my comprehensive exams this summer. My hope is that these readings will continue to build upon my academic expansion this past year and help me in my pursuit of understanding and refining my historical questions.

Chapter I: The Mind of the State

In Spring of 1711, Jérôme Phélypeaux, comte de Pontchartrain and Minister of the Navy, would have received a report from his undersecretary detailing intercepted communications from the British Admiralty. The dispatches contained plans to outfit and ship a sizable expedition from London to Gibraltar and from there on to Catalonia. The missives themselves would have hardly been surprising – the Peninsular Front of the War was most active in Catalonia, and the British played an active role in supplying and supporting that front. The timing of the fleet's movement matched that of previous missions to the Mediterranean; the winds most favored the southern voyage in the early part of the year. Between spies acting across Britannia and scout vessels based in Brest, the French had a strong grasp of the standard activities of the English military by this point in the War. Consequently, they would have been keenly aware of any unusual activity by the British. This fact was precisely what the British were counting on.

In Spring of 1711, William Legge and Henry St. John, the British Southern and Northern Secretaries of State respectively, were preparing to launch an invasion of Canada. Over a period of several months, with utmost secrecy, they had arranged supplies, men, and transports to sail for Quebec. The measures they took were extreme. Secret instructions, dead drops and inter-agency deception all played a role in the Secretaries' plan. Until the expeditionary fleet made land in New York, only four people in the entire kingdom were privy to the true purpose of the voyage. The motivation behind the Quebec Expedition is telling of British strategy at the time. By 1711, the British were already attempting to solidify their gains in the War of the Spanish Succession. It had become increasingly apparent that the Bourbons would claim the Spanish throne – the Allied forces had made no major advances on the Peninsular Front since the War's inception. Consequently, Felipe had, by this time, had more than a decade to consolidate and legitimize his rule in Spain. Thus, the British sought to maneuver themselves

into position to win the peace, if not the war. This thinking reflects the broader importance of the War of the Spanish Succession in the trajectory of both states and European empire.

The War of the Spanish Succession sits at a nexus of historiographic fault-lines. The War began in 1702 after diplomacy failed to guarantee an internationally amicable settlement to the Spanish Succession following the death of the incapable Spanish monarch Carlos II. Simultaneously, the English were driven to war in large part thanks to the official backing that Louis XIV gave to the Stuart pretenders in lieu of recognizing Anne after the death of William III. The War of the Spanish Succession then bears all the marks of the many convoluted dynastic struggles which shaped European politics in the early modern period. At the same time, the terms of the Treaty of Utrecht, which ended hostilities in 1713, demonstrate that more was at play than the fate of dynasts. From the *asiento* to the division of Spain's European holdings and British annexation of Gibraltar, Utrecht is overwhelmingly concerned with matters of global politics – strategic interests and maintenance of the status quo. Questions of state formation and dynastic conflict are generally understood to be reflections of similar processes of the struggle for control and power, both within and between separate polities. At its most simplistic, hostilities arose from a failure to resolve the matter of the Spanish succession (and to a lesser extent, following the death of Anne Stuart's last remaining child, the British Protestant succession as well). It was also largely prompted by real geopolitical concerns of French hegemonic power. Likewise, while many of the terms of the Treaty of Utrecht are indeed concerned with establishing a balance of power, the statute which would have most concerned contemporaries was that barring the French and Spanish Crowns from unifying as a direct result of the Bourbon succession. Thus, the War is situated in the estuary of the Baroque and modern.[1]

[1]Such as R. E. Bruin's *Performances of Peace: Utrecht 1713,* (Leiden, 2015), which examines the ways in which the Treaty was formulated, conceptualized, sold and popularized as in Trevor J. Dadson and J. H. Elliott's *Britain, Spain and the Treaty of Utrecht, 1713-2013,* (London: 2014). For the War as a whole, one of few English monographs is

For all that the War occupies a significant place in history, it is heavily neglected in modern monographs. Scholars have not neglected the significance of the Treaty of Utrecht in both a historical context and from the standpoint of political science, but existing work on the war as a whole is both markedly older and concerned more with the military conduct of the war itself and its impact on economic activities. This trajectory has continued in much of the Spanish language literature where there is a distinct effort to capture the particularly Spanish attributes of the War. There has been one noteworthy attempt to consider the broader implications of the War of the Spanish Succession in ways that approximate concerns of state formation, but the work by John Hattendorf was written prior to the historiographic internalization of state formation. Nonetheless, many of the themes which will be explored here through the lens of intelligence and in the context of the War of the Spanish Succession have been elaborated elsewhere. Thomas Ertman examines the ways in which international conflict shaped the development of states in the early modern period. M. J. Braddick and Sharon Kettering both chart many of the internal power negotiations required for states, at least England and France, to centralize and evolve from their medieval realizations in ways that, by comparison, will evidence the degree to which intelligence apparatuses were institutionalized by this period. This is not of course to say that this paper is solely, or indeed even primarily, concerned with the question of institutionalization. One more limb of government undergoing professionalization and bureaucratization throughout the seventeenth and eighteenth centuries would hardly be a novel story. However, by simultaneously establishing institutionalization, the

---

Henry Kamen's *The War of Succession in Spain, 1700-15* (London: 1969). For a new Spanish language monograph in this vein see: Joaqium Albareda i Salvadó, La Guerra de Sucesión de España (1700-1714), (Barcelona, 2010).
John B. Hattendorf, *England in the War of the Spanish Succession: A Study of English View and Conduct of Grand Strategy*. (New York, 1987).
Thomas Ertman *The Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe* (Cambridge, 1997) M. J. Braddick, *State Formation in Early Modern England, c. 1550-1700* (Cambridge, 2000).
Sharon Kettering, *Patrons, Brokers and Clients in Seventeenth-Century France* (New York, 1986).

hope is that this article will be able to demonstrate a more intimate relationship between intelligence and state formation.

By the same token, the War is a significant moment in imperial conflict. It was the first European War to have truly organized theatres in the New World, with both colonials and regulars seeing action dictated from imperial capitals. In this sense, it was a true trans-Atlantic conflict, reflecting the growing importance of imperial concerns and conceptions in the European geopolitical sphere. Nonetheless, Queen Anne's War was not an imperial war in the same sense as the French and Indian War. Thus, the War reflects a shift in Europe's trans-Atlantic sensibilities. Empire had increasingly been considered key to a country's power, but this war marked empire's emergence onto the stage of global European conflict – indeed, it could be argued to have marked the first global European conflict period.[2]

The War of the Spanish Succession can be seen to have important bearing on the issues of imperial conceptualization and consolidation, as well as state formation. There are many ways to examine these phenomena but few are as understudied or as capable of combining the two as intelligence and espionage.[3] Intelligence functioned as the information-collecting arm of the state. In this way, as polities began to function as states, as well as regard their rivals as such in kind, intelligence provided the means for these new entities to understand the world in which they existed and interacted. Indeed, just as zoologists theorize the *umwelt* –

[2] The connection between empire and state formation has long been acknowledged, particularly within the realm of the Atlantic world. Both *The Princeton Companion to Atlantic History* and *The Oxford Handbook of the Atlantic World* explicitly state the connection in their respective prefaces.

[3] The total corpus of scholarly writing on intelligence during this period is shockingly small. The only monograph seeking to offer a summary perspective on the evolution of intelligence as an institution during the early modern period is James Westfall Thompson and Saul K. Padover, *Secret Diplomacy; Espionage and Cryptography: 1500-1815*. (New York, 1965), the first version of which appeared in 1922. *Secret Diplomacy* does chart the transformations of the institution itself admirably, but does not seem to connect these transformations to bigger trends – a failing which can scarcely be faulted, considering most of this scholarship would not be written for at least fifty more years. In more recent times, Alan Marshall, *Intelligence and Espionage in the Reign of Charles II, 1660-1685* (Cambridge, 1994) has diligently reconstructed the intelligence apparatus that existed during the Restoration, but the period he examines is before the beginnings of centralized English empire and his exclusive Anglo-focus causes the book to miss some of the wider implications of the role of intelligence in the evolution of the state.

the way in which organisms which exist in the same environment actually live and act in very different worlds as a result of their different sensory inputs and processes – so too did the states of the early modern period exist in different conceptual spaces as a result of their intelligence systems. Consequently, by understanding the ways in which these institutions functioned, as well as their perceptions of their rival organisms, one is able to glimpse the world in which states such as Great Britain acted. Intelligence apparatuses were intended to capture and relay reality, but any reality is skewed by the means by which it is constructed. Therefore, to truly understand the perceived pressures to which states were responding at this time, one must grapple with the issue of intelligence.

This task is complicated by the concurrent evolution of these systems during the period. Intelligence networks had, of course, been extant since ancient times, but as the state changed in the early modern period so too did intelligence. Throughout the sixteenth and seventeenth centuries, intelligence apparatuses were dominated by individuals who, through diligence and committed effort, could assemble personal networks of patronage and coercion to collect information – which virtually fell apart when the person in charge died or left office.[4] However, as institutionalization increased throughout the process of state formation, European intelligence apparatuses became increasingly able to survive administrative transitions, and therefore continue on the work of gathering information. Likewise, as Europeans expanded overseas,

[4] This story of the role of networks of patronage and the rise and fall of institutional administrations (and therefore their administrative capabilities) mirrors that shown in works which examine other aspects of state formation. John Brewer, *The Sinews of Power*, (Cambridge, 1989) in particular considers the development of both the French and the English revenue-raising apparatuses at the close of the 17th century. Of particular interest in Brewer's account is the role of patronage, both as a source of efficiency and a trigger for corruption, which problematizes standard, almost Whiggish, notions of the story of institutionalization, as well as his attention to the role revenue building and trade controls were intimately connected to the process of state formation. Brewer argues that, as the need for revenue rose, the British found themselves implementing increased trade regulations and customs controls in order to get the customs duties they were owed. These developments in turn hastened the strengthening of state controlled institutions, contributing to Brewer's military-fiscal feedback loop. As will be elucidated below, intelligence, particularly counterintelligence, has some bearing on this particular aspect of Brewer's argument.

their governments needed the capability to monitor and coordinate intelligence across several continents, thus, as empire grew, so did intelligence.

These intelligence developments are strongly reflected in the British preparations for the Quebec Expedition. As will be examined in more detail below, the Quebec Expedition demonstrated a keen understanding of the workings of intelligence and therefore, of the Bourbon intelligence apparatus – at least as understood by Dartmouth and Bolingbroke. The preventative measures they took included advanced techniques such as compartmentalization and misinformation. In turn, such measures are illustrative of not only their own evolving intelligence apparatus, but also (almost by definition) that of the French and Spanish as well. Intelligence is a competitive business, and perceptions of self and of other are intricately interwoven, often working in a feedback loop. Consequently, these manifestations of English perceptions of the Bourbon intelligence system are reflective of the processes of state formation and imperial consolidation, particularly their connection to international rivalry.

The English intelligence apparatus during the War of the Spanish Succession was essentially divided into four major departments – the Admiralty, the Southern Secretariat, the Northern Secretariat and the Army. Unlike the other three divisions, Army intelligence was largely run independently of the others, and was in many ways little more than glorified scouting. The other three worked, not necessarily in conjunction, but in ways that were interwoven with one another. The network was further complicated by the various sources of information – both formal and informal, which fueled the apparatus. In the broadest possible terms, the three primary “agencies” of the English intelligence apparatus each controlled a distinct sphere. The Southern Secretariat, formally tasked with the task of Continental diplomacy, were the primary orchestrators of foreign intelligence. Their counterparts in the Northern Secretariat were theoretically responsible for matters of domestic surveillance and counter-intelligence. Lastly, the Admiralty functioned as the communication go-between and the agent for most actionable

intelligence of military import. As the English expanded their trans-Atlantic empire throughout the seventeenth century, this trio became a quartet with the addition of the Board of Trade. While never a full participant in the intelligence "in group" during the War of the Spanish Succession, the Board of Trade was, nonetheless, a vital arm for receiving and relaying intelligence and disseminating subsequent orders.

Communication between these agencies could be a messy affair. Theoretically, intelligence was shared within the Privy Council. Meetings of the Privy Council could take place anywhere from once per month to once per week, and could be seen as the most "institutionalized" means of coordination. The Privy Council offered the opportunity to have representative members of every important Crown body, and Queen Anne herself, in one location. Ideally then, this body would be equipped to guide grand strategy.[5] In many cases information was coordinated at the highest levels of command, with each department's Secretary personally writing to one another. Such direct communication was sometimes the hallmark of time sensitive information necessitating action between meetings of the Privy Council. More likely, those in charge of the English intelligence apparatus at this period were simply uncomfortable with the organizational structure of the Privy Council on the whole. There were of course occasions (such as preparations for the Quebec Expedition) which called for limits on the outflow of information. Such episodes were characterized by a growing professionalization and maturation of intelligence practices. These instances were by far the minority though. Instead, one gets the sense that, even as intelligence became more institutionalized, those men in charge of the apparatus itself were still operating within a patronage frame of mind. This fact is further illustrated by indirect communications between Secretaries. In virtually every instance in which intelligence was passed along indirectly, the go-between was someone familiar to both parties. Intelligence was (and indeed, largely still is) a

[5] For a broad sense on the ideals and failings of the Privy Council, see Kamen, esp. chapter 2.

personal profession. Consequently, these personal communications, both direct and indirect, and the priorities and motivations behind them, offer perhaps the clearest picture of intelligence within the surviving intelligence. Likewise, comparing their content and contours lends itself naturally to examining intelligence perspectives on all sides of the Atlantic.

In the final weeks of 1705, the French attacked the English settlement of St. Johns on Newfoundland.[6] The French ultimately failed to seize St. Johns, but sacked a number of outlying settlements and impugned the integrity of the English defensive situation on the island as a whole. The immediate intelligence response was telling. In the aftermath, Charles Hedges, Earl of Chester and Secretary of the Southern Department, licensed an investigation into the attack in order to "examine the soldiers now there, which lately returned from Newfoundland."[7] Debriefing soldiers following an attack is hardly a novel innovation. The course of questioning lends a glimpse into Hedges' priorities though. Four days later, Hedges sent an order to the recently knighted Lieutenant Sir John Gibson, directing him to investigate further into the "present state and condition" of English fortifications in Newfoundland and, more importantly, what they might know of the possibility of further attacks.[8] The answers Gibson obtained were doubtless unsettling. Not long after Hedges began the inquiry, he ordered the Board of Trade to establish what amounted to military rule on Newfoundland with authority to conscript militiamen and militia officers, designate Royal Naval use harbors as well as blanket powers "you shall think proper in this."[9] The defense of the New World was of considerable importance to the Chief of the Southern Department and, he assumed, to the French as well.

---

[6] Newfoundland, with its abundant fish reserves and strategic location to offer control of access from the Gulf of St. Lawrence was the frequent site of imperial contests between France and Britain. As a result of its importance, both sides repeatedly fortified their positions on the island. The presence of these fortifications themselves turned the island into a hotbed of hostilities, even during times of peace.

[7] Hedges, Charles. "Cockpit 24 January 1705/6." *Hedges State Papers.*

[8] Hedges, Charles. "Cockpitt[sic] 28 January 17056." *Hedges State Papers.*

[9] Hedges, Charles. "Cockpitt[sic] 5 March 1705/6." *Hedges State Papers*.

Of course, Hedges' concerns were ultimately borne out – Newfoundland would see a number of engagements throughout the rest of the War. In this way, it is easy to understand the intelligence fallout of the situation. Both the French and the English had a strategic interest in Newfoundland.[10] Following one particularly successful attack, St. Johns was left virtually unfortified, and therefore a tempting target to the French. Hedges, sensitive to the issue, sought professional opinions on the likelihood of a follow up attack. The measures which arose from these interrogations were eventually vindicated as Newfoundland continued to be a flashpoint of activity. In other cases, the results are more challenging to tease out.

Not long after the attack on St. Johns, Secretary Hedges turned his focus south, to the Caribbean. The tropical sea had seen action from the War's inception but, over the first few years, the English had established naval dominance. Consequently, the French naval strategy had switched primarily to small scale piracy and privateering to disrupt English shipping and communication routes. This strategy, while on a smaller scale than outright naval contestation, was nonetheless effective as indicated by a memorial Hedges received in Spring of 1706. The Governor of the Leeward Isles sent word "that for a want of guns sufficient to protect the harbors, the merchant ships have been insulted by French ships of war."[11] The Governor then laid out his plans, backed by the Board of Trade, for extending fortifications throughout the island chain. Hedges however, unimpressed, did little more than forward these plans to the Lord High Treasurer in order to gain his assessment as to whether such an expenditure was warranted. [12] The response was unfavorable. Several months later, the Board of Trade was petitioning for the same cannons once more.

---

[10] Newfoundland was not only the site of huge banks of fisheries, but also was strategically located to control access to the Hudson Bay and the Gulf of St. Lawrence. Consequently, it held both economic and military value for the North American colonial powers.

[11] Hedges, Charles. "Whitehall, 11 February 1705/6." *Hedges State Papers.*
At this time, the English colony of the Leeward Islands included such valuable possessions as Antigua and Nevis, as well as St. Kitts, which was populated by competing French and English colonists.

[12] *Ibid.*

By November of 1706 however, Hedges was beginning to change his tune. Previously, he had dismissed the appeals of the Board of Trade outright. Now, he was urgently writing orders to dispatch defensive armaments to the Leeward Islands, particularly Antigua and Nevis. [13] This policy turnabout is remarkable, especially when one considers that, in the intervening months between July and November, the Board of Trade had entirely stopped its requests for defensive armaments. Likewise, the royal government and Privy Council had received no (recorded) requests for aid from the Board of Trade or the Governor – the change cannot be easily attributed to the personal dynamics of monarchical rule. Instead, the motivator was one of intelligence.

While Hedges was initially unwilling to send cannons, he was less frugal with his intelligence assets. Sometime in late Spring or early Summer 1706, Hedges dispatched any number of agents to the Caribbean to investigate the possibility of French attack. In September, the reports from these assets started coming in and were immediately forwarded to the Secretary of War, Henry St. John Viscount of Bolingbroke. [14] While the contents of the reports themselves were not preserved, they were sufficiently alarming that Hedges contemplated deploying full regiments to the Caribbean. Further memorials did not alleviate these concerns. The final intelligence salvos came in the closing days of October, when one agent, Thomas Tudor, "employed in [Her Majesty's] publick service at Barbadoes" was captured by the French.[15] The following day an agent based on Antigua suggested that the Ordinance Official stationed in Barbados "may be ordered to go to Antegoa to view your fortifications of that island and report what ordnance stores he finds needful to be supplied for your defense thereof, and in particular for the fortification lately built there" in order to ensure the island's military

[13] Hedges, Charles. "Whitehall, 11 November, 1706." *Hedges State Papers.*
[14] Hedges, Charles. "Whitehall, 27 September 1706." *Hedges State Papers*.
[15] Hedges, Charles. "Whitehall, 28 October, 1706." *Hedges State Papers*.

preparedness.[16] In light of these reports, Hedges it would seem had little choice but to acknowledge the legitimacy of the Governor's concerns.

The Governor himself had been well aware of the situation for months. Small scale, local counterintelligence had long been a staple of New World colonies. Such measures were often based around the guiding principles of deterring piracy and a healthy distrust of foreigners. [17] From 1705 to 1706, such probing efforts by the French became increasingly common. As a result, some English colonial leaders passed such measures as the "Act for the Security of the Bays Townes[sic] and Sea Coasts of this Island from the Insults of Her Majesty's Enemys[sic] and to prevent the Enemys gaining Intelligence by the Running away of Boates." These acts did not simply organize naval patrols; they implemented virtual embargos on shipping in and around the islands with the aim of hampering the investigative efforts of foreign agents. [18] The intelligence collected from such efforts was not inconsiderable. Much as modern spy agencies might advise defensive actions in the wake of an uptake in "chatter", so too were local counterintelligences such as these able to sense when a threat loomed. In the absence of modern intelligence theory though, it was a far greater task to convey what exactly was learned through these measures and how the information was gained to contemporaries. Thus, Governor Johnson found himself in the unenviable position of being relatively sure of an oncoming threat, but lacking the means by which to clarify his concerns.

This point highlights perhaps the most significant element of this story, namely the difference in perspectives between the central authority in London, represented by Hedges, and

---

[16] Hedges, Charles. "Whitehall, 29 October, 1706." *Hedges State Papers*.

[17] The connection between intelligence and piracy may not be immediately clear. Particularly as officially sanctioned privateering declined, naval adventurers who sought a government paycheck would sell information on the state of local fortifications in their hunting grounds back to governmental officials in Paris or Madrid. It should be noted that English privateers also engaged in such activities, much to the chagrin of Spanish colonial governors. For more on this, see JV Ojeda, "Pirateria y Estrategia Defensiva en Yucatan durante el Siglo XVIII." Revista Complutense de Historia de América, núm. 20. 129-144. (Madrid, 1994.)

[18] Lesley, John, et al. "Representation of the Council, 28 June 1705." *Colonial State Papers*.

local authority in the New World. Both parties took appropriate intelligence steps from their positions. Johnson's counterintelligence measures were both a prudent defense and an effective warning system, while Hedges' deployment of agents was the most active step he could employ to gather formal intelligence. Yet, it is illuminating that he did not simply trust the warnings that were coming from Johnson and the Board of Trade, instead only relying upon the word of his own agents who, almost immediately upon arrival, raised the same concerns New World officials had. Intelligence, and particularly human intelligence, is necessarily an entangled business.[19] In a region such as the Lesser Antilles, where ships and individuals often interacted and moved across imperial boundaries, this entanglement was particularly apparent. Illicit trade was a considerable source of movement in the Caribbean. These entanglements emerge in the rapidity with which an issue, utterly opaque from the metropole in London, becomes immediately illuminated on the ground an ocean away. Where individuals (both subjects and colonial officials) flouted the authority of the metropole by trading with enemies of the Crown, entanglements grew, and intelligence complications grew with them. Intelligence needed to flow upward from the periphery to the metropole in order for a centralized apparatus to function. However, perceptions of importance differed between the core and the periphery. Subsequently, intelligence became yet another of the contested spheres of sovereignty and jurisdiction which characterized imperial formations.[20] Jurisdictional sovereignty, as defined as the preeminent legal authority to act in a given sphere, was critical for an intelligence apparatus to function as such. As with any empire, the sovereignty of the metropole is necessary for the entire polity to act as a whole, rather than autonomously. As this episode illustrates, there was more at stake in these contests than political power. While Hedges and Johnson's priorities

[19] Human intelligence in this case, as opposed to signals intelligence, image intelligence and measurement and signature intelligence. Naturally, human intelligence was the only truly viable source of intelligence available at this time, particularly as cartography (the only early modern discipline which could potentially fall outside the realm of human intelligence) was still fully developing.

[20] The importance of these contests is best highlighted in Lauren Benton's *A Search for Sovereignty,* (New York: 2006).

may have differed, their goal, English victory, was essentially the same. Consequently, both cooperation and contested authority were at play in colonial trans-Atlantic intelligence. However, the perspectives and priorities of both parties were filtered by what they could glean from their intelligence. Thus, the relationship between these members of the intelligence community was itself moderated by intelligence. The immediate solution to this web became decentralization. Decentralized intelligence was necessary in a world as large as that which the English faced, yet it was not immediately compatible with increasing bureaucratic institutionalization. [21]

These entanglements are further illuminated through comparison to counter-intelligence methods employed within Great Britain itself. Colonial acts and embargoes formed the primary bulwark of English deterrent counter-intelligence in the Caribbean, and customs and immigration controls were the primary defense back in Europe. These systems bear a number of superficial similarities, namely control over movement of goods and people in order to prevent the movement of information not controlled by the state. However, the Caribbean system had its origins in specific elements of New World entanglement while its sister system in Europe could trace many of its roots and methods back to Elizabethan Anti-Papist techniques. Consequently, it can hardly be surprising that on August 16 1706, Hedges wrote a dispatch to the Postmasters General detailing the case of two Neapolitan Lieutenants, Gastano Mungo and Jacobla Nolla, who sought to travel from London to Lisbon. They claimed to have been "banisht from their Native Country for their Loyalty to their king."[22] With the Spanish Succession (and thus the fate of the Crown of Naples) still undecided, there was certainly good reason to question the motives of Neapolitans. Naturally, anyone seeking to move through British ports

[21] The relationship between intelligence and jurisdiction as it applies to empire and state building will be looked at more, both explicitly and implicitly throughout this paper. However, a more focused, in depth and nuanced reading of the sources on intelligence in this light will by necessity have to wait for a larger project.
[22] Hedges, Charles. "Whitehall 16 Aug 1706." *Hedges State Papers*.

would claim loyalty to the Emperor and his brother. Furthermore, and perhaps most damningly, Mungo and Nolla stated outright that they were travelling to Lisbon in order to "attend his Catholick Majesty [of Portugal]."[23] Naturally, the British would see little harm in Portugal gaining two loyal followers; they were after all, allies. But their intentions confirmed what Hedges had no doubt already suspected – Mungo and Nolla were Catholics.

The War of the Spanish Succession was at least theoretically areligious. The English spymaster could not neglect to consider that all of the great Protestant powers of Western Europe were members of the anti-Bourbon coalition. The episode was understandably concerning for the English intelligence apparatus. Mungo and Nolla were two Neapolitan Catholics of questionable loyalty seeking to enter Portugal – where they could easily make their way to Bourbon Castile if they so wished. It speaks to the ways in which English intelligence understandings had evolved in the days since Walsingham, that Mungo and Nolla were granted their travel permits. Mungo and Nolla were not the only Catholics who required the dispensation of the Southern Secretary to leave British ports during the War. Indeed, there are enough such instances that it would seem as though being Catholic was sufficient to have your travel inspected by the British intelligence apparatus. Conversely, with Catholic allies, neither religion nor destination could be the sole justification for the actual denial of passage. With so many factors to consider, Elizabethan and Restoration methods of screening were insufficient.[24] Gone were the days in which security could be managed by maintaining surveillance of any and all high-profile Catholics and the places they gathered. The Portuguese and Habsburg alliances

[23] Hedges, Charles. "Whitehall 16 Aug 1706." *Hedges State Papers*.

[24] English discrimination against Catholics in matters of intelligence had continued for quite some time after the reign of Elizabeth herself. Indeed, as Marshall discusses throughout his book, religious screening in matters of intelligence was a regular part of the Stuart intelligence apparatus under Charles II who was imminently preoccupied with the threat "Papist plots." These threats led to regular surveillance of clubs and public houses where Catholics were known to frequent. Such practices naturally fell to the wayside upon the accession of James II under whose reign persecution of Catholics fell to a scandalously low level. By the time of the War of the Spanish Succession, two successive tolerant reigns had led to a state where religion, while certainly factored in to matters of intelligence, was no longer the overriding concern.

(and the cooperation they demanded) simply made such practices untenable. As a result, the English intelligence system found itself in an unenviable position. Many of its allies, and loyal subjects as well, were Catholic; the State Secretariats could not simply restrict the movement of Catholics into and out of the country. However, with a still vital undercurrent of Catholic dissent in the country, and all of her rivals Catholic themselves, British intelligence officials could not escape the fact that enemy agents were ultimately very likely to be Catholic. Managing travel under such complicated circumstances required a great deal of administrative control and bureaucratization. On October 19 1706, Hedges wrote to a Captain Swanton:

> Sir,
>
> I received yours of the 16th Inst: also a former letter from you relating to a passenger you brought from Tunis: But his relations, nor anybody else appearing here on his behalf, and the Archbishop of Canterbury knowing nothing [of] him. The Archbishop having his papers under consideration, I hope in a few days to let you hear further.[25]

That Swanton, employed in the English Royal Navy, reported to Secretary Hedges concerning his Tunisian passenger is evidence of this increasing centralization. At the start of the War, communications of this sort involved many parties, from the Northern to the Southern Secretariat, with involvement from the Privy Council, and input the Admiralty at many levels. By this time however, the Southern Secretariat was emerging as the dominant party in English intelligence. Consequently, Captain Swanton wrote directly to Secretary Hedges. Unfortunately, the results of the Archbishop's inquiry are not recorded, nor are any further exchanges with Captain Swanton. Nevertheless, this direct correspondence between Hedges and Swanton cannot be ignored. The Admiralty, England's wooden wall, had ceded control over entry into the British Isles to the Southern Secretariat.

[25] Hedges, Charles. "Whitehall, 19 October, 1706." *Hedges State Papers*.

The Admiralty was not the only agency which began to report to the Southern Secretariat for counter-intelligence at this time. The Commission for Customs followed suit, holding suspicious individuals and answering directly to the Southern Secretariat on matters of intelligence and security. On October 31, 1706, Hedges sent a letter to the Commissioners regarding a customs agent at Dover who "seized four French Seamen and a boat which brought over the Count de Soniansky from Calais."[26] The Count in question apparently had Queen Anne's personal "Pass for his coming over," and therefore was ordered to be released, along with the French sailors who brought him from Calais. The Count and his escort were to receive markedly different treatment however. The Count was to be given transport "on board some English ship" and otherwise permitted to go about his business with the royal blessing. Conversely, the French seamen were ordered to immediately depart English shores with "care taken… they… do not carry off any person whatsoever." The implications are clear. While Queen Anne had the royal prerogative to allow the passage of the Count into England (though it is entirely possible that her advisors may have found exercise of such prerogative questionable), those instructions did not inherently extend to the sailors who brought him there. For English counter-intelligence, this was just as well. The sailors who accompanied the "Count de Soniansky" could easily have two masters, and be working for French intelligence as well as the Queen's guest, and the Commission for Customs knew it.

It is worth noting that this control was not limited solely to individuals seeking entry to Britain – exit could just as easily be restricted. At the end of September 1707, Southern Secretary Charles Spencer, Earl of Sunderland, voiced trepidation about the expatriation of "a Roman-Catholick Priest and severall young women… to Ostende without passes… to enter

[26] Hedges, Charles. "Whitehall 31st October 1706." *Hedges State Papers*.
Despite a great deal of genealogical and archival digging, as well as the kind assistance of Dr. Jennifer Palmer at the University of Georgia and Dr. Guillaume Aubert at the College of William and Mary, the identity of this supposed Count de Soniansky could not be determined.

themselves in convents."[27] The group had been apprehended by a Lieutenant Colonel Douglas. Following their detention, Douglas followed what was increasingly emerging as intelligence protocol and informed Secretary Sunderland of their apprehension. Sunderland, had only recently been appointed to the office after prolonged agitation by the Whigs who had obtained political dominance some months before. Still green and unsure of how to proceed, he requested advice from the Attorney and Solicitor Generals on handling the situation. The group's passage was ultimately denied at the suggestion of the Solicitor General, but the result of the incident is not as important as what it suggests. A changing of the guard did not necessarily translate into a change of practice and needn't mean the loss of experience either. Sunderland understood that he was in unfamiliar waters, and therefore sought advice from those with prior experience, subsequently easing the transition.

Naval officers and customs officials were far from the only individuals who played a key role in Britain's internal intelligence networks. While they formed the main part of the deterrent counterintelligence network, active counterintelligence was orchestrated on a local level through a different sort of Crown agent – the mayor. In the middle of October 1706, Hedges sent an apparently long overdue response to a letter from the Mayor of Southampton. In August Hedges received a letter in which the Mayor informed him of the arrest of thirteen Irishmen. Upon their arrest, the Mayor of Southampton sent word, along with evidence and records of testimony, back to London where they were eventually read in council before the Queen. Upon review of the situation, Queen Anne and her Privy Council determined that "there was no evidence before you, or confession sufficient immediately to commit them to the county gaol."[28] Hedges' rather scolding letter points to one of the most important institutions in English counter-intelligence in the British Isles – mayorships.

---

[27] Spencer, Charles. "Whitehall, 30 Sept. 1707." *Sunderland Papers.*
[28] Hedges, Charles. "Whitehall, 19 Oct. 1706." *Hedges State Papers*.

To an increasing degree, mayors acted as intelligence intermediaries on a local level. By the middle of the War, mayors seem to have been the foundation of English detective counter intelligence outside the Capital. In this regard, the system bore strong similarities to those of Walsingham and Clarendon. In the Elizabethan and Restoration periods, English domestic intelligence as directed from the top was overwhelmingly concerned with the threat posed by internal dissidents. As the English state matured under William III and Anne, the English intelligence apparatus turned its attention abroad. Domestic threats still loomed under Queen Anne however, and mayors were the Crown's instrument in combatting it. Individuals deemed suspicious for whatever reason, be it religious confession, nationality, or even drunken tavern talk, could be held by mayors. After detaining such individuals, these mayors would then fulfill their royal obligation by sending reports to the Southern Secretariat.

On March 23 1708, Sunderland dispatched a very brief message to the Mayor of Hull, in which he upheld the Mayor's arrest of an unspecified number of "suspected persons" and recommended the Mayor proceed with prosecuting the arrested individuals "according to the statutes provided."[29] On matters of intelligence and security, it seems that Sunderland, and therefore the Southern Secretariat, had some direct authority and jurisdiction over the mayors. This authority is particularly apparent in cases of arrest and detainment.[30] Exchanges between mayors and the Southern Secretary had become commonplace under Hedges and were to become a fixture of intelligence during Sunderland's tenure. On April 5 1708, Sunderland answered a letter from the Mayor of Dover, who had carried out an arrest and sent the accompanying affidavit to the Secretary, conveying his appreciation and thanks.[31] Likewise, in

[29] Spencer, Charles. "Whitehall, 23 March, 1707/8." *Sunderland State Papers*.
[30] There is, unfortunately, a hole in the current historiography on early modern English mayors and their jurisdictional connections to the state and state formation. Consequently, the exact hierarchy of jurisdiction and authority cannot be determined. Given the relationship between the Southern Secretary and other bodies such as the Admiralty and the Commission for Commerce, such authority, whether formal or informal, would not be out of place.
[31] Spencer, Charles. "Whitehall 5th April, 1708." *Sunderland State Papers.*

September, Sunderland wrote the Mayor of Deale "concerning the Person who takes upon him the name of William Smith."[32] Sunderland determined that Smith was not a threat and that he should be released on the condition that "as soon as he arrives in town he… attend one of Her Majesty's Secretarys of State."[33]

To close his communique, Sunderland praised the Mayor's "care and zeal", a phrase which effectively became his valediction to mayors involved in counter-intelligence work. Reports from mayors about the detainment of suspicious individuals emerged as a staple of the counter-intelligence apparatus. State Secretaries could rely on mayors acting in this role to bring forward suspicious activity, whether it was ultimately deemed dangerous or not. Centralization was crucial in establishing a sophisticated intelligence network, one that could operate in a world of institutions. As local Crown officials who already had legitimacy, jurisdiction and authority, mayors were an obvious extension of the intelligence apparatus, so much so in fact as to be potentially deceptive. When mayors acted on their own initiative in this fashion, they were not operating pursuant to a policy of centralization and institutionalization. Instead, centralization and institutionalization were emergent properties of an operational reality contoured along the path of least resistance. Mayors were in a position to act, and the Southern Secretariat was in a position to process those actions.

Information did not flow uni-directionally between mayors and the Secretariat though; the Secretary often wrote to mayors with orders either to hold individuals until Crown agents could arrive to carry out arrests, or to interrogate potential informants. Sunderland frequently corresponded with the Lord Mayor of London, even to the point of sharing intelligence with him. In the midst of an ongoing naval campaign in October of 1708, Sunderland kept the Lord Mayor abreast of various received intelligence. Later that month, Sunderland dispatched two agents to

---

[32] Spencer, Charles. "Whitehall, 9th Sept 1708." *Sunderland State Papers.*
[33] *Ibid.*

Worcester, whose mayor had recently arrested Thomas Fitzgerald and John Gordon on his instructions.[34] Mayors were the cornerstone of counter-intelligence coordination between the center of government and the local. It took both parties acting in concert for the system to function. Indeed, it was this discursive process of report, acknowledgement and analysis which separated suspicion, information and intelligence. Mayors were not the only point of contact however. In some, often dramatic instances, local figures could be contacted to perform their civic duty.

On April 7 1708, Sunderland contacted the Treasurer of the famed Gray's Inn. The letter he sent was cryptic.

> Sir,
>
> The Bearer of this is one who belongs to my office. I desire you will admit him into Mr. Texton's Chamber and Study, that he may look over his papers and give me an account what they are, there being great reason to believe there are amongst 'em several of a very dangerous consequence to Her Majesty's Government.[35]

The papers that Sunderland's agent found must have been compromising, because not long afterward, Sunderland had the Treasurer bar Texton's room at the Inn to keep him there while a more thorough investigation could be carried out. Just over two weeks later, Sunderland wrote back to the Treasurer, telling him to "take off the Seale of Mr. Texton's Chambers."[36] Only a few months later however, Sunderland seems to have reversed his decision and had Texton arrested. Perhaps Sunderland intentionally released to enable agents to follow his movements for a time, or maybe new evidence came to light. Regardless, this sort of coordination between the central and the local on counterintelligence demonstrates the close connection intelligence practices had with the state formation and empire building project. While state formation was

---

[34] Spencer, Charles. "Whitehall, 25th October 1708." *Sunderland State Papers.*
[35] Spencer, Charles. "Whitehall 7th April 1708." *Sunderland State Papers.*
[36] Spencer, Charles. "Whitehall, 24th Aril 1708." *Sunderland State Papers.*

certainly more than an inexorable progress toward centralization and institutionalization, these processes were undoubtedly a significant aspect of the project as a whole. Moreover, the degree of cooperation between royal administrators in London and locals (both officials and business-owners) strengthened the state's claims to a monopoly over information, and in turn increased the state's claims of legitimacy as a whole. Counterintelligence-driven centralization was not limited just to information however, it also encompassed control over movement, including trade and customs, a matter of critical importance to the British state, both pragmatically and structurally. [37]

These developments signify the centrality of intelligence to the state. For their part, the British seemed to recognize this importance, at least on some level. Ultimately, intelligence and national security could not be set aside in favor of personal connection. The developments of intelligence understanding and counterintelligence practices reflect this. Each of these elements and developments played a role in the events of January 8, 1708. Some time that evening, Sunderland was informed that a prisoner had escaped. In response, he immediately sent instructions to the Postmasters General, who executed his orders to "close all the ports." A midnight manhunt and countrywide lockdown shortly followed; a dramatic recourse, but it seems that on some occasions, dramatic measures were justified. When deterrent measures failed, reactive measures were necessary, and the Southern Secretariat's control over emigration in matters of counter-intelligence fit the bill. Two days later, the escaped prisoner Baud was

[37] John Brewer explicitly connects revenue collection and centralization of political power under the state. In the British context, these developments were bound to the advent of customs controls. Throughout the War of the Spanish Succession, the British, particularly when the Whigs were in control, endeavoured to carry out full-scale maritime trade. The desire is understandable. Trade was the monetary lifeblood of the English polity, and the revenue it generated was required to prosecute the war (it also certainly could not have helped that, by and large, the Whigs were more invested in mercantile interests than were their Tory counterparts.) Thus, trade restrictions ultimately ran contrary to Whig goals. At the same time however, trade restrictions were introduced at the behest of counterintelligence. Intelligence was not necessarily subjected to the whims of party politics. Additionally, through its role in the establishment of trade restrictions and customs controls, the British intelligence apparatus is directly linked with the traditional revenue driven military-fiscal model of state formation.

captured by a man employed by the Mayor of Gravesend named Mr. Thomas, who was given a two hundred pound reward for his services.[38] The subsequent investigation revealed that Baud was in the service of a Savoyard faction which conspired to bring Savoy to the French side in the War.[39] The inquiry might have ceased there had it not been for the involvement of one John Read. Read, a dissident and sometime informant for the State Secretariat, was convicted of horse theft in the fall of 1707, and sentenced to hang. Subsequent interrogation revealed that Read was apparently a regular contact of Baud's.[40] Read was also the target of the plot of Billert, who endeavoured to have Read freed by fabricating a pardon, first in the name of the Lord Mayor of London, and subsequently in the name of Queen Anne herself. The plot was uncovered by the agents whom Billert attempted to swindle, Thomas Harrison and Gilbert Abrahall.

Each agent testified before council on January 19, 1708. Harrison, an agent of the Sheriff of Middlesex, described being approached by Billert, who claimed the Lord Mayor's authority in requesting a respite for Read's execution.[41] In the proud tradition of bureaucracy, an uncertain Harrison took Billert's request up the chain, and travelled with Billert to Tyburne. Abrahall, who in some capacity worked under Sunderland and was stationed at Tyburne got wind of these developments. Upon encountering Billert, he reported the incident, which led to Billert's arrest and the inquiry before the Council, demonstrating the system at work.[42] Billert's plan helped to confirm what would be known today as a leak. The same route which Billert had planned to use to extract Read was being used to transmit state papers to the French. The leak

---

[38] Spencer, Charles. "Whitehall, 10th Jan, 1707/8." *Sunderland State Papers*.
[39] Smollent, Tobias. *The History of England.* Gutenberg.
For the court intrigue at Savoy, see: Kamen. In essence, the Savoyard government was divided between a dominant faction which wished to stay loyal to the Anglo-Austrian coalition in order to curtail Bourbon power, and a second, smaller faction which aimed to enter into France's good graces as a means of maintaining long-term Savoyard independence. Baud was in the employ of a minister who was in the latter faction.
[40] Spencer, Charles. "Whitehall, 12th January. 1707/8." *Sunderland State Papers.*
[41] Spencer, Charles. "The Information of Thomas Harrison." *Sunderland State Papers*.
[42]Spencer, Charles. 'The Information of Gilbert Abrahall." *Sunderland State Papers.*

was eventually traced to a clerk in the Northern Office who was smuggling papers in exchange for payment. This revelation led in turn to a full investigation by the Privy Council, and the ultimate dismissal of Robert Harley, the future Earl of Oxford and Mortimer, from the post of Northern Secretary. Harley was one of Queen Anne's favorites and allied with the ruling Whig leadership.[43] Nonetheless, these political connections were insufficient to save Harley from political fallout. While his dismissal was doubtless the result of a combination of other factors, the inquest surrounding Billert cannot be ignored as a contributing factor. Intelligence was a key part of Harley's job, and he failed – abysmally, allowing a foreign asset to infiltrate his administration as undersecretary. The importance of intelligence, and by extension, national security, was simply too much to be ignored by right of royal favoritism or party allegiance. While it would push the limits of the sources and analytical framework to claim this episode as an example of British intelligence functioning as a meritocracy, the political repercussions reveal just how serious matters of intelligence and national security were.

The incident does illustrate why intelligence was no trivial concern for the British. Even though Billert was a Savoyard, he was still a foreign asset who had successfully penetrated the upper levels of British administration. Making matters worse Billert was aligned with elements opposed to Prince Eugene's foreign policy. The Billert case was precisely the sort of scenario the defensively minded Whigs feared and, to a modern eye, perhaps legitimizes their counter-intelligence initiatives. While Billert was the highest profile agent to be captured over the course of the war, he was certainly not the only one. The British knew that their enemies (and apparently at least one erstwhile ally) were probing for weaknesses, and their counterintelligence methods, both in Britain and in the Caribbean, were designed to leave no

[43] He was at this time, of course, still just Harley. His elevation to the nobility would not occur for three more years, when he switched political allegiance and was restored to royal good graces.

opening. The lessons that they learned from this strategy were invaluable and would shape their coming actions, most notably the Quebec Expedition.

The attempted invasion of Quebec was the last major British offensive operation in the War. While it was being planned, all sides in the conflict were furtively beginning peace negotiations. With the Quebec Expedition, the British government hoped to secure last-minute territorial gains which they could then leverage at official negotiations. Shortly after its failure, the British began to formally seek peace terms.[44] Less than a year later, hostilities all but ceased, and the Treaty of Utrecht was signed in Spring, 1713. In spite of its failure to accomplish its aims, the Quebec Expedition can be interpreted as the culmination of developments of the British intelligence practices throughout the War of the Spanish Succession. As Bolingbroke's letter suggests, the preparations involved "utmost… secrecy" – and the British intelligence apparatus attempted everything they could to ensure this secrecy. The invasion required both intelligence and counterintelligence techniques, as well as an understanding of trans-Atlantic realities. Indeed, as the invasion plans took shape, aspects of trans-Atlantic coordination which were disadvantageous when the War opened, were instead incorporated as assets.

The exact origins of the Quebec Expedition are difficult to trace, but the true planning of the 1711 mission began no later than October of 1710. It is clear that Queen Anne had long desired an offensive action against the French in North America, but her council had advised against such an endeavour.[45] With the Tory victory in the 1710 general elections, Queen Anne

[44] Informal peace talks had of course been underway prior to the expedition, but while these talks were taking place, the British were hardly alone in the scramble to make last minute gains. Hattendorf, *England in the War of the Spanish* Succession, p 225-227.

[45] As the War on the Continent had ground down, and the Allied forces encountered setbacks, particularly in Catalonia, the British government began to pay more attention to those areas in which they presumed would be post-War gains, for instance, Gibraltar, which already began receiving significant attention in terms of future development by 1710. The New World, where Britain had encountered some success, had caught the attention of adventurer-investors (individuals who advocated and offered to partially finance endeavours like the Quebec

at last had the opportunity for aggression. The Tories were by and large more aggressively-minded than their Whig counterparts, particularly regarding matters of empire. With both sides already attempting to sound out preliminary peace terms, Anne and the Tories were in an excellent position to make eleventh hour gains which would, by pragmatic necessity, be confirmed in the peace. In October of 1710, William Legge, the Earl of Dartmouth and Sunderland's successor to the Southern Secretariat, wrote to the Board of Ordnance requisitioning a large number of tents for use in the Quebec Expedition. With knowledge of the invasion heavily sequestered and compartmentalized though, he was not able to provide any explanation for the request.[46] In response, the Board of Ordnance summarily rejected the request, questioning the purpose of the tents. Dartmouth responded that "the tents which you were ordered to send to the five regiments… are intended for their use."[47] The supply of the tents in question would continue to be a logistical issue for the Quebec expedition until March of 1711. But in every exchange, whether with the Northern or Southern Office, the Board of Ordnance seems to have simply discounted the requests, in one case simply saying "we have not sent the requested tents."[48] It is probable that the Board of Ordnance failed to acquiesce to the State Secretariats' requests because the Secretaries were consistently vague in their correspondences about the reasons for the requisition. This was not a case of administrative breakdown or politics though; the Quebec Expedition was, for all intents and purposes, a black op. Over several months, Queen Anne, the Southern Secretaries and select military officers exercised extreme discretion, compartmentalizing information and employing both misdirection and misinformation to limit knowledge of the planned Expedition. The invasion itself

---

Expedition) throughout the War. Unfortunately, the available Privy Council documents do not record Anne's motivation for backing the Expedition; all that is clear is that she did so, and very strongly.

[46] Legge, William. "Whitehall 16 October 1710." *Darmouth State Papers.*

[47] Legge, William. "Whitehall, November 3 1710." *Dartmouth Naval Papers.*

[48] St. John, Henry. "February 23, 1710/11." *St. John Naval Papers.*

necessitated ships, men, and supplies, all of which needed to be procured while maintaining utmost secrecy.

Instructions written on behalf of Queen Anne by Bolingbroke make this aspect of the venture explicit. The packet, addressed to Robert Hunter, Governor of New York, states that to ensure "that these Our good intentions may not in any wise be Divulged, but effectually be put in Execution, we have communicated the same [plan] only to… William Lord Dartmouth and Henry Bolingbroke."[49] This measure highlights a number of revealing aspects of the expedition. To be able to plan a large military expedition, such as a trans-Atlantic invasion, with only two individuals knowing the purpose of the preparations, would require a high degree of administrative efficiency and centralization. Beyond that however, keeping such an expedition secret would require even greater centralization. Dartmouth and Bolingbroke were clearly concerned about the possibility that the French might discover the operation's design before it could begin. For the expedition to have any real chance of success without taking up tremendous resources, it would have to remain a secret.[50] This was an administrative challenge that was, at its heart, an intelligence problem. The British intelligence apparatus was required to function both in intelligence gathering, to discern what the French may or may not know, and in counter-intelligence, keeping the matter under wraps as best they could – all without the British intelligence community at large knowing what was taking place.

To that end, the instructions to Governor Hunter of New York were to be carried to him by Captain Cockburn, Commander of the Saphire[sic], the lead ship in the convoy. While Governor Hunter's instructions were explicit on the purpose of the venture, he naturally would

[49] Stuart, Anne I. "Instructions for our Trusty and Well-Beloved Robert Hunter." *St. John Naval Papers.*

[50] Dartmouth and St John were particularly preoccupied by the French fleet at Brest, which, with proper warning, could readily intercept the small squadron which would depart for Quebec. Conversely, to send any more than the minimum of ships would cause the French to move to intercept the squadron anyway, even without knowledge of the expedition's purpose. This conundrum was at the heart of the Secretariats' dealings with the Admiralty in the lead up to the Quebec Expedition.

not receive them until the squadron reached North America. Captain Cockburn's instructions, by contrast, contained no definite information. Instead, they informed him that, upon landing in North America, he was to immediately defer to the command of Governor Hunter.[51] Additionally, the instructions commanded him to keep the packet intended for Governor Hunter on his person at all times, and to:

> Take care to have a weight constantly fastened to the said Packet, and that in case you are in the utmost hazard of being taken by the Enemy, you do immediately throw the said Packet over board in such a manner as that it may sink and that there be no possibility of its falling into the Enemy's hands.[52]

Should Cockburn or the Saphire be taken and Cockburn's instructions lost, Isaac Cook, Captain of the Leopard, the second ship of the squadron, had received a copy of the instructions intended for Governor Hunter. Cook was bound by his initial instructions solely to follow the orders of Cockburn and to keep his backup copy sealed. Should ill befall Cockburn's instructions, Cook was then to deliver his copy of the plans to Governor Hunter in Cockburn's stead. In the convoluted fashion typical of intelligence however, if Cockburn were to die, with his instructions still intact, his first officer was to take charge instead, with Cook remaining in the subordinate role. These instructions, while palpably cloak and dagger, demonstrate the gravity with which those in the know viewed the secrecy of the mission. It also illustrates the complex chain of command that went into planning the Quebec Expedition. Governor Hunter would know the exact details of the expedition as soon as the commander of the Saphire presented them to him. In the meantime, Cockburn knew nothing of the details of their expedition, while Cook knew even less. The system was designed to ensure that as few individuals as possible knew the details of the expedition, all hinging on the belief that when the squadron arrived in New York, everything would be made clear.

---

[51] Stuart, Anne I. "Instructions for our Trust and Well-Beloved Captain John Cockburn." *St John Naval Papers.*
[52] *Ibid.*

Given the lag time in communication though, the Expedition faced the challenge of preserving secrecy while getting the colonial militias into a state of combat readiness. Informing the Governor of New York of the purpose of the endeavour ahead of time would have certainly risked the French discerning the objective and therefore both fortifying Quebec and attempting to intercept the squadron. However, landing in an unprepared Manhattan would have resulted in long-term logistical delays which would likewise have allowed the French time to invoke countermeasures. The State Secretaries' solution to this problem was misdirection. On February 3, Dartmouth wrote to Governor Hunter voicing concerns that the French might "make some attempt on that place [of New York]."[53] Dartmouth's recommendation was that Governor Hunter call together and begin drilling the militia to be ready to repel a French attack.[54]

These instructions had manifold effects. Firstly, they ensured that, when the Quebec Expedition reached New York, they would, in theory, find a militia fully prepared for combat, thereby solving the initial problem of a lack of troops. This solution had the added benefit of potentially misdirecting the French about the preparations in the New World. Should the French succeed in intercepting documents, they would, in theory, misunderstand the intentions, just as Governor Hunter would. In this way, this sort of misdirection turned the trans-Atlantic communication delay from a hindrance into a boon. Such instructions accomplished the British aim of preparing the colonial militia for action, while at the same time delaying the French response to the colonial build-up – so long as the invasion fleet could sail before the Quebecois government could inform Paris of British activities.

---

[53] Legge, William. "February 3 1710/11." *Dartmouth Naval Papers.*

[54] The possibility of a French attack in Continental North America was not entirely outlandish. By this time, the Carolina-Florida frontier had witnessed several attacks back and forth, while New England and New York both had suffered from attacks by Amerindians with backing from the French. However, there is a complete absence of any actual recorded intelligence concerning the possibility of a French attack from Quebec, only instructions referencing the possibility. Consequently, one may reasonably assume that those in the know in the British government did not actually believe that any sort of French invasionary action was imminent.

Misdirection was the rule in preparations for the Quebec Expedition, and Governor Hunter was not its only target. The Board of Ordnance, the Council for Transports and even the Admiralty itself were all misled by communications for the State Secretariats. That same February 3, Dartmouth asked the Lords of the Admiralty if they could "spare some men of Warr for convoying Two Thousand Men from Ireland to Lisbon."[55] Dartmouth had no intention of sending troops from Ireland to Lisbon; the troops bound for Lisbon already had their convoy taken care of, and were due to depart not from Ireland, but from Plymouth. Instead, these Men-of-War were intended to convoy the Expeditionary squadron into Atlantic waters before rejoining the Mediterranean fleet, once the Leopard and Saphire were safely out of the reach of the French fleet at Brest. The Admiralty initially raised objections, but Dartmouth eventually played the "Her Majesty's will" card, and the Admiralty relented.[56] The invocation of Queen Anne was a powerful tool, but one which Dartmouth and Bolingbroke seemed reluctant to use; it is possible they feared that, should the French learn of Queen Anne's personal interest in seemingly standard matters, they could grow suspicious.

In instances where specific misdirections were not called for though, oblique language was the order of the day. There were two general instances in which vague references to the Quebec Expedition were used, rather than any real sort of misdirection. The first were small, or regular requests, which ultimately required no real justification, such as dispatches for intelligence reports, or requisitions for small quantities of arms.[57] In these cases, requests were made without further detail and were, in virtually every case, carried out without further questioning. In the second instance were requests or requisitions which were somewhat

[55] Legge, William. "Whitehall Feb. 3 1710/11." *Dartmouth Naval Papers.*
[56] Legge, William. "Whitehall, February 14 170/11." *Dartmouth State Papers.*
[57] Such as that which took place in February, when Dartmouth wrote to the Board of Ordnance requisitioning 400 pistols, where he offered no explanation, only sending the requisition. A few days later however, when requesting muskets and broadswords, he stated that they were required for an "endeavour which has… Her Majesty's blessing."

outlandish, and which required some explanation. On these occasions however, the requests could not be handled by misdirection. A Colonel Dudley with the Board of Ordnance received from Bolingbroke one such request on February 10. In the dispatch, Bolingbroke requested, among other things, 5000 spades, 6000 shovels, 3000 "pick axes of all kinds" and 300 wheelbarrows.[58] A request of this magnitude would have necessitated some sort of explanation. However, for regular movements of troops, such as those to Lisbon or Barcelona, requisitions were not handled by the Secretaries of State. Consequently, the request could not be masked as for another purpose; Bolingbroke was forced to refer simply to an "expedition," while hiding behind Queen Anne's instructions.[59] Meanwhile, in a request to the Secretary at War, Dartmouth offered up only "foreign service" as his explanation for ordering eight regiments be dispatched "immediately for Spithead."[60] Given the primacy of the Southern Secretariat, Dartmouth, in effect, pulled rank.

This sort of internal secrecy was not without its drawbacks. Having to repeat orders, and following up on these orders with the Queen's authority, was already a waste of logistical time and diplomatic resources. In some cases though, without full details of the purpose of the mission, individuals did not comply with requests, even with the Queen's anomalous support. Most notable was the case of a military engineer named De Bauss. In February, Bolingbroke wrote to the Earl of Orrery, commander of the forces deployed to the Netherlands. In characteristic vague fashion, he informed Orrery that "the Queen has a service extreamly at heart which will from the Nature of it require a very good Ingenier."[61] He proceeded to request that Orrery attempt to prevail upon an officer "in Harton's Walloon regiment… called de Bauss." Unfortunately for Bolingbroke, one month later, de Bauss declined the offer as he did not wish to

[58] St John, Henry. "Whitehall 10th Febry, 1710/11." *St John Naval Papers.*
[59] *Ibid.*
[60] Legge, William. "Whitehall, 13th March 1710/11." *Dartmouth Naval Papers.*
[61] St John, Henry. "Whitehall, 20th Febry 1710.[11]" *St John Naval Papers.*

volunteer to embark upon a mysterious mission. Bolingbroke was shocked. "I can hardly believe his circumstances to be so good as to incline him to refuse going… upon a service, where the Queen will employ him."[62] Jurisdictionally however the matter was complicated. In his military role, De Bauss was an asset in the employ of the British. But, as a member of the Walloon regiment, he was not explicitly a British subject. Consequently, he was well within his rights to refuse the request. Bolingbroke, operating from the increasingly bureaucratized world of state intelligence was unsure of how to immediately proceed. Ultimately, the best he could muster was a pale facsimile of patronage in the form of personal exhortation. He implored Orrery to offer any deal within reason to de Bauss to convince him to come along on the expedition. On March 27 though, Bolingbroke was forced to begrudgingly accept that de Bauss would not join the expedition. He blamed Orrery for this failure, chastising him for "naming the West Indies to him [de Bauss]," in spite of the fact that "the troops now embarking should not be designed for that part of the World."[63] Bolingbroke ultimately suspected that de Bauss refused to join the expedition out of trepidation about travel to the West Indies. In the end though, the Duke of Orrery was giving de Bauss the best information he felt he had. The ability of subordinates to act independently in a meaningful fashion was limited in the face of such secrecy and misdirection.

Misdirection continued even to the eve of the expedition itself. As the fleet prepared to sail, Bolingbroke addressed the Lords of Admiralty to answer questions about the purpose of the venture. In his message, Bolingbroke claimed that "Her Majesty, having some months since received advice that the French intended an expedition to North America… Her Majesty has pleased to direct what assistance and support could be afforded."[64] The story offered was in line with the letter sent to Governor Hunter in February. The cover story had to be maintained.

---

[62] St John, Henry. "Whitehall, 13th March 1710[11]." *St John Naval Papers.*
[63] St John, Henry. "Whitehall, March 27th 1711." *St John Naval Papers.*
[64] St John, Henry. "Whitehall 2nd April, 1711." *St John Naval Papers.*

Indeed, with the expedition due to depart, preserving secrecy was even more important, for it was too late to learn in time if the French suddenly discovered the expedition's purpose. In fact, given the attention that the preparations would have inevitably roused from the French by this time, it is likely that Dartmouth and Bolingbroke anticipated that the French establishment would in some way learn what the document contained. Were that the case, they would have transitioned from misdirection to misinformation.

Misdirection is the process of attempting to divert attention from one point to another, such as the Dartmouth's insistence that the men of war he requisitioned were destined to convoy ships from Ireland to Portugal. Misinformation on the other hand is the deliberate communication of faulty information with the intention that it be learned and acted upon by the enemy. The difference is critical. The obfuscations and outright lies told by Dartmouth and Bolingbroke to the rest of the administration were intended to cover their tracks should the French manage to obtain intelligence. Misinformation implies an expectation that the information will reach an enemy, and on January 29, Bolingbroke and Dartmouth did just that. Instructions to Admiral Walker, written once again by Bolingbroke on behalf of Queen Anne, stated:

> For the better concealing these our intentions of sending Land Forces to North America, We have directed only three months provisions to be shiped for our said Land Forces, being the usual quantity allowed for shipping Land Forces into the Mediterranean. We therefore hereby direct you to contract for three months provisions for 5000 men… and that the same be sent to [elsewhere.][65]

The intended plan then was to requisition standard quantities of supplies at several stations, each of which would be picked up along the journey, to ensure that the Expedition would be adequately supplied. The choice not to simply obscure the number of supplies ordered is

[65] Stuart, Anne I. "Instructions January 29 1711." *St John Naval Papers.*

enlightening. Other requisitions for supplies elsewhere, and at other points in time, were not obfuscated in any real fashion. The implication is that Dartmouth and Bolingbroke expected the French to get word of such a large supply request, and opted to mask the request as intended for a deployment of troops to the Mediterranean. Given ongoing conflict between the Emperor and France in Italy and in Catalonia, the ploy was a reasonable one.

The utilization of intentional misinformation is significant for the development of an intelligence apparatus. On a basic level, it requires a high level of centralization to choose a story and subsequently disseminate it. This process was, of course, easier when fewer than five people knew that the story being disseminated was misinformation. More importantly though, misinformation necessitates an understanding of intelligence practices. One must understand that the enemy is also engaging in intelligence practices for the idea of misinformation to even make sense. Beyond that, one must have an idea of what sort of information the enemy is able to discern, and therefore, what their understanding of one's operations are. In practice, this required the British to first know that the French had an operating intelligence apparatus, and second that said apparatus was successful enough to penetrate British counter-intelligence. Dartmouth and Bolingbroke needed to understand that the French almost certainly knew the size of routine supply shipments, and that they could use the French knowledge to their own advantage. Misinformation then necessitated an understanding of the capabilities of intelligence apparatuses, both their own and their opponents'.

The British understood that the French were using Brest in order to scout their fleet movements. Likewise, they knew that the Bourbons had more than a vague idea of how the British conducted their war, most likely through agents acting as Billert did; British attempts to disguise their transport and supply plans as standard shipments attest to that. Therefore, even as the posture of the British changed with the ruling party from defensive to offensive, the

intelligence lessons that the Whigs learned remained demonstrably in place. Thus, as the Tories planned their grand imperial venture, they were able to incorporate Whig intelligence developments in a meaningful way. They had, in effect, truly moved beyond the problem Marshall describes of incoming administrations having to relearn the lessons of their forbearers, and across party lines at that. Such cross-party continuity clearly demonstrates that intelligence was truly becoming institutionalized.

Of course, all the intelligence in the world could not save the Quebec Expedition from the tragedy which awaited it. On August 18, the fleet's enemy was not the French, or internal betrayal, or even poor coordination; it was the bluffs and bed of the Gulf of St. Lawrence, and against such a foe, the British intelligence apparatus had no remedy. The expedition failed, and British offensive operations in the War of the Spanish Succession virtually ceased. When the Treaty of Utrecht was signed, the British lost the War, and Phillip Bourbon became King of Spain. However, in many ways, the British came out ahead in the Treaty. They gained Gibraltar and Menorca, as well as Nova Scotia, and with the *asiento*, their trading rights in the Spanish New World were secured. The British emerged from the War in a powerful strategic position, poised to dominate the rest of the 18th century.

Perhaps more significantly though, this episode demonstrates the important ways in which intelligence arbitrated state thought and action. The Tories came into power and sought to fulfill their imperial ambitious by means of a grand colonial expedition on the eve of peace talks, but intelligence understandings shaped the way they formulated their venture. Knowing that the French were watching them, Dartmouth and Bolingbroke could not simply gather a few transport ships, put together plans and launch a trans-Atlantic invasion. Instead, they found themselves having to put together an expedition along lines which nobody, friend or foe, would recognize as out of the ordinary. This necessity limited the resources available to them, and dictated the timetable of their actions. The British knew that the Bourbons were watching them,

but, in classic *Spy vs Spy* fashion, the British were watching them as well. Further convoluting matters, in the cases presented here, the British were watching the French watch them, and understood what they were doing at that. Neither Whig nor Tory could neglect intelligence. It was a common lens through which both state and empire building projects were viewed. The Whigs wished to maintain full-scale maritime trade and the Tories to expand England's overseas holdings. Both of these projects (important aspects of state and empire formation) were directly influenced by understandings of intelligence. Intelligence in turn was something that, while certainly not above politics, was just as certainly not subordinated to it. How could it be? Politicians worked to shape the world to their will, but that world was itself produced by intelligence. As all sides in European geopolitical power plays jockeyed for advantage, a little knowledge could be a powerful thing. By the same token, awareness that one's foes have information about oneself would be incredibly unnerving. The state building project was, at its core, an issue of control and order. Being able to control and catalog information was, by necessity, a tremendous part of that.[66] Allowing a rival to gain information then was in direct opposition to the state building project. Therefore, maturing states quite naturally desired to be the only ones watching.[67] In a world in which all sides are watching, individual powers could do little more than attempt to obscure their own activities while continuing to try to gain information on their rivals.

[66] Jacob Soll, *The Information Master*. (Ann Arbor, Mich. 2009).

[67] Theoretical connections between state power and control of information have of course been discussed before, most famously by Michel Foucault in *Discipline and Punish*. Unilateral intelligence gathering is little more than surveillance by another name, and Foucault has much to say on the effects of surveillance on internalization and normalization. However, there remains room for further study on the ways in which multilateral intelligence influences power, particularly within the context of state formation and empire building.

Chapter II: Thinking about Sex

On November 14, 1726, City of London police, in conjunction with state officials, raided a private London home. This raid, which had seemingly been planned far in advance, was but the opening salvo in a series of raids which took place across the country. As a result of this raid, approximately forty individuals were arrested. Most were charged with any of a medley of misdemeanors and were ultimately released. Some however were charged with more serious crimes, including prostitution and sodomy. While the home raided was indeed a private domicile, it had been operating for some time prior as a public molly house. The owner of the operation, a woman named Mother Clap, had had prior encounters with the police before, but had always escaped any major repercussions. Now, she faced public shaming and outrage, and a trial which today would have been on the cover of every tabloid.

In the opening decades of the eighteenth century, London experienced something of a boom in gay culture. Increasing trans-Atlantic trade catalyzed transformations in social culture which led to the rise of coffeehouses and gentlemen's clubs among other new establishments. It was in the wake of these developments that the first molly houses were created. Publicly identified and written about as early as 1698, molly houses were establishments intended to cater to a queer audience. Molly houses could take a number of forms, from gentlemen's clubs with a specific clientele to analogues of drag clubs. By the early 1720s, London was host to quite a few molly houses. Unfortunately for those who frequented them, this heyday could not last. Beginning in the Fall of 1726, British authorities raided molly houses across the country, including the famous Mother Clap's, arresting owners, employees and patrons, and closing the businesses.

Despite their dramatic growth during the period, molly houses were certainly not advertising as such, at least not in the open. The public at large was made aware of their existence through expose pieces which simultaneously sensationalized and preserved the

anonymity of molly houses. Consequently, the raid of November 14, 1726 was the result of a significant surveillance and intelligence gathering operation on the part of the London Police and the British intelligence apparatus at large. Just as social culture transformed dramatically in the wake of trans-Atlantic expansion, so too did the British intelligence apparatus. English intelligence had operated at its most Baroque under Elizabeth's spymaster, Francis Walsingham, but had become increasingly professionalized in the subsequent century. As the English state took on a recognizably modern shape going into the eighteenth century, intelligence emerged as essential to state functioning in light of international competition and surveillance and domestic intelligence became a matter of state authority. Throughout the seventeenth century however, surveillance was almost exclusively limited to religious minorities and foreign nationals; sexuality was simply not a concern of the English intelligence apparatus, in spite of laws prohibiting sodomy being on the books since the mid-sixteenth century. At some point between the Restoration and the Hanoverian Succession then, sexuality became subject to the authority of British intelligence.

Consequently, this historical study is organized as an archaeology of discourse. With understandings of and authority over sexuality changing, it is clear that a new state discourse of sexuality was developing by the turn of the eighteenth century. This archaeology is organized around a theme of power, specifically, how was state authority over individuals structured and organized, and how were these individuals understood by the state. To that end, this study will make heavy use not only of primary sources surrounding English intelligence such as the state papers of Chester and Bolingbroke and contemporary accounts of molly houses from contemporary publications as The London Spye, but also from theoretical contributions in secondary literature from authors such as Michel Foucault and Margot Canaday.

The secondary literature on early modern intelligence is shockingly underdeveloped. While many books during this period, particularly on the Atlantic World, contain brief, even throw

away, references to spies, few scholars have tackled intelligence during the period. As would be expected from a topic of limited study, there is a decidedly limited depth of historiography concerning intelligence in early modern Europe and the Atlantic. There is one monograph, James Westfall Thompson's Secret Diplomacy: Espionage and Cryptography 1500-1815 , which seeks to provide a comprehensive view of intelligence within the period. Unfortunately, with its first printing in 1937, the book is rather dated and, by virtue of its scope, is more of a survey text, providing little in the way of applicable methodology. More recently, within the last twenty years, Alan Marshall at Bath Spa University has made a career of exploring intelligence in an Early Modern European context and penned a monograph on the subject. His book, Intelligence and Espionage in the Reign of Charles II, 1660-1685, provides the fullest model for a methodology of early modern intelligence that a modern scholar can find. Unfortunately, the work itself has a number of flaws, and ultimately tends to rely upon stereotypes of the early modern world for its analysis. As a result, Intelligence and Espionage serves more as a philological tour rather than an effective theoretical consideration of intelligence. Consequently, aside from those studies whose contribution is merely to confirm that espionage was indeed happening, Westfall Thompson and Marshall are the two scholars with whom any intended plunge into early modern intelligence must contend, and even these sources do not provide much in the way of guidance or substance.

In contrast to intelligence, the secondary literature on homosexuality, even in the early modern period, is far more developed. Scholars have conducted studies on both the "origins" of modern homosexuality in the early modern period and on early modern antecedents to modern queer persons. Randolph Trumbach (particularly in his afterward on Molly houses) considers the social and legal place of queer persons, the "third gender" of enlightenment England. One of his major conclusions is that the invention of the third gender took place outside of juridical space, as statutes such as anti-sodomy laws were hardly enforced with the full vigor and

strength of executive authority. This conclusion is echoed more generally in other works on the topic, including the essays within Queer People: Negotiations and Expressions of Homosexuality. The authors of the volume's essays have some disagreement over the purpose of sexuality studies, but the authors general agree that the long eighteenth century was a time of societal negotiation of homosexual culture. These negotiations took place within families, public spaces and of course, the state.

The primary source base for this project then incorporates a range of perspectives. Much of the material on surveillance will come from the reign of Queen Anne (1702-1714) as documents relating to British domestic intelligence under the Hanoverians have yet to be digitized, and subsequently are only available at Kew. However, these documents will be more than sufficient to chart the expansion of the British state's intelligence apparatus into the social sphere. Likewise, intelligence documents are of course the best source for understanding the formation of intelligence itself. Meanwhile, sources published for the wider public, including local publications such as The London Spy, offer glimpses into the popular understanding of Molly houses and gay culture in general. In general, I will use these sources to provide theoretical sounding points for the role and evolution of state surveillance with regard to sexuality, rather than attempt to revise or overturn the more dedicated studies of the shape and development of sexuality as understood by individuals.

It is my belief at this stage that the English state's conceptualization of the importance and scope of surveillance shifted markedly during the Post-Restoration era. Intelligence under Charles II and his brother James II was an affair ultimately linked with the maintenance of power in the face of a religiously divided kingdom. As England's international involvement increased however, the state apparatus grew to encompass new powers and jurisdictions. Much of this growth was a direct response to changing social spaces. The consumption of tobacco, tea and coffee presented a challenge to imperial governments in not only Britain but also France, Spain

and Portugal. The imperial nature of these goods meant that their consumption was inherently part of a larger culture of imperial power. Subsequently, state interests expanded into emerging social spaces such as coffeehouses and gentleman's clubs. This shift necessitated an expansion of state intelligence to include such social spaces.

Molly houses of course were social spaces as well. Significantly, their presence was tolerated for much of the early modern period in spite of laws prohibiting sodomy and official declarations of enforcement of virtue on behalf of both Queen Anne and Queen Mary. These declarations amounted to little. Even the sodomy laws, which prescribed death by hanging for any found guilty, were often enforced with little more than fines or admonishments, while trials took place only after reports from fellow citizens, rather than state led witch hunts. My preliminary hypothesis then is that the British state perceived and processed Molly houses as illicit spaces, rather than locales in which illicit activity was taking place. That is to say that raid of November 14, 1726 was understood and legitimized through the intelligence apparatus's emergent authority over social spaces rather than through atrophied jurisdiction over sexuality. If power is to be understood, at least partially, as a Foucauldian process of discourse and construction, then authority (and not just authority to arrest or punish but also to observe) must be a product of preexisting discourse. Juridical power is critically distinct from this discursive, "constructive" understanding of power.

In this sense, Molly house patrons were criminals by virtue of preexisting statutes, but they were not automatically delinquents. Delinquency requires a "'positive' knowledge." This knowledge is the sine qua non of state authority over the person; it "define[s] the act 'scientifically' qua offence and above all the individual qua delinquent." Knowledge is required to marginalize a person rather than criminalize an act. Marginalization necessitates differentiation. Differentiation requires knowledge of the subject as other, and on November 14, 1726, this othering was the result of the patronage of a specific social space – the Molly house.

The question then is not what led the British state in the 1720s to enforce laws and moral stipulations which had existed for decades and centuries, but rather what developments allowed the state to enforce and perceive sexuality in the first place, or indeed to render the personalized-self intelligible to the state whatsoever. The answer, I contend, is the British intelligence apparatus and trajectories of domestic surveillance in the wake of state formation and imperial creation.

Sexuality had long been understood in terms of the sexual act of sodomy. Over time though, the juridical authority of the state with regard to sexuality waned, and by 1726, the relationship between the state and sexuality had shifted markedly since the sixteenth century. With sexuality no longer defined exclusively in terms of a sexual act, a new means of state understanding of sexuality must have taken its place. My purpose in this study then is to attempt to reconstruct state discursive understandings of sexuality and the various power relations upon which these understandings were built. State knowledge (like any knowledge) must be produced, and by and large state knowledge comes from state intelligence apparatuses. Over the same period that juridical authority over sexual acts declined, the English surveillance apparatus was undergoing a remarkable shift in how it proceeded individuals. From the Elizabethan to the Hanoverian period, the English intelligence system transitioned from juridical enforcement of individual identity to a collective treatment of individuals based on a variety of delinquintizing factors.

These factors derived both from traditional trajectories of surveillance and from emergent trends of state power. With the rise of trans-Atlantic empire and the trade that came with it, states became increasingly invested in patterns of consumption and controlling imperial spaces. Surveillance of such spaces grew in kind as the public sphere became ever more significant to empowered discourse. Molly houses, which arose in much the same period as coffeehouses and gentleman's clubs, were no exception to these new patterns of consumption.

The result was that new understandings and empowerment of spaces played a crucial role in nascent state understanding of sexuality. Ultimately, the state entered into a discursive relationship with the molly house as a consumptive space, situated at a nexus of traditional approaches to sexuality and new trajectories of power.

The question of appropriate terminology for sexually non-normative individuals in the early modern period has proven challenging for scholars in the past. Modern identitarian terms such as “gay” and “homosexual” are not necessarily applicable when speaking of eighteenth century sexualities. Given this study’s reliance upon state perspectives, the term “molly,” while potentially problematic as a wholesale descriptor of sexually non-normative individuals is appropriate when used in an external perspective. Conversely, when addressing the matter of sexuality from the perspective of historical observer, I will adopt a term coined by Richard Trumbach, the “third gender.” This conception as he has outlined it captures the various cultural dimensions of performance and perception which feed into sexuality in ways beyond mere sexual act or object choice.

Definitions of the state are notoriously difficult to provide. Margot Canaday references John R. Commons (himself quoting William Novak) in defining the state as “what officials do.” In so doing, she strikes down Wendy Brown’s definition of the state as “a significantly unbounded terrain of power and techniques, an ensemble of discourses, rules, and practices, cohabiting in limited, tension-ridden, often contradictory relation with one another.” Canady argues that this definition, while robust, is insufficiently tangible for historical examination. While her definition suits her methodological approach of examining the actions of state officials and their creation of a homophobic American policy, it is ultimately too narrow to capture the subtler, cultural effects which are at play in the creation of state-wide categories of knowledge – including sexuality. For the purposes of this study then, the “state” may be understood as the network of discursive relations between individuals with a shared subjecthood. The individuals

who comprise this network are of course not just subjects, but are also themselves state officials, and members of institutions.

The state acts (to the extent that It can) through the creation of jurisdictions. Jurisdiction here refers to a particular arena (such as inheritance or trade duties) in which the government's ability to legislate is seen as legitimate by the governed. Legitimacy in turn is that abstract quality which represents a broad acceptance of the state's right to a given jurisdiction. These seemingly circular definitions evidence the inherent feedback loop of the state. Without jurisdiction, there is nothing for subjects to legitimize, and it takes legitimacy to establish a jurisdiction. This loop is resolved by authority. Whereas jurisdiction applies exclusively to the legal realm of the juridical, authority is a broader form of power relation between the state and individuals, a power with regards specifically to the realm of discursive power.

While Foucault would contend that power is not yield, it merely exists, power certainly has its perks. Individual and societal norms are shaped by a pattern of discourse to which the state simultaneously contributes and is shaped by. For the state in particular, this power takes the form of "positive knowledge" – the knowledge which creates categories and groups, a process which in turn constitutes norms, thereby shaping the internalized lives of those about whom the knowledge was created. This power is innately classificatory and is therefore the basis for othering and the creation of delinquency. Delinquency in turn plays a significant role in the production of state ideas of sexuality in the period leading up to 1726.

The final piece of this puzzle is the space itself. Many of the spaces discussed in this paper are businesses, but spaces are hardly limited to such establishments. Indeed, a space may be understood as any location with a specific purpose whose purpose is understood in some capacity by those who use it. Spaces may be divided into either public or private, a distinction best demarcated by the expectation of privacy by those who utilized them. Thus, a business is a public space while most homes are private, however some homes (or specific

areas of some homes) may instead be considered public spaces. While both types of spaces are subject in some capacity to state discursive authority, this authority is most powerful over public spaces.

In 1533, the English Parliament under the direction of Henry VIII passed "An Acte for the Punishment of the Vice of Buggerie." Commonly known as the Buggery Act, the 1533 legislation declared "buggery" to be an "adjudged Felony… And that offenders… shall suffer such pains of death and losses and penalties of their goods chattels debts lands tenements and hereditaments as felons do." Owing to various parliamentary procedures, the act was repealed and reinstated several times over the next few decades until it was made permanent in 1563 under Elizabeth II. This act transferred authority of sexual misconduct from the church to the state, and was in many ways part of the broader series of Anglican reforms intended to strengthen the authority of the monarchy.

The Buggery Act defined sexuality in terms of sexual act. In contrast to modern, Western conceptions, sexuality then was not a matter of auto-constituted identity on the basis of choice of sexual object. Instead, one's actions (specifically sexual actions) made one subject to the juridical authority of the state and, upon conviction, an individual was transformed into a bugger by virtue of their conviction. Sexuality as popularly understood and defined then was inherently under the purview of the state, and particularly the state's juridical authority.

Despite initial fervor for these statutes though, by the end of the Elizabethan period, state prosecution for sodomy began to decline. Gradually, state officials began to prosecute only at the insistence of local persons, rather than on prosecutorial initiative. Over the course of the seventeenth century, individuals began to charge neighbors with sodomy with little-to-no evidence, in an evolution bearing considerable similarities to the witch trials which were growing in frequency elsewhere. Simultaneously, hangings under the jurisdiction of the Buggery Act fell off markedly; throughout the seventeenth century, perhaps a dozen or so hangings occurred.

Instead, when the rare sodomy trial advanced to conviction, those found guilty were more often than not levied mild fines. It is unclear whether this decline represents a dwindling state interest in sexuality or a growing awareness on the part of state officials that these charges were increasingly brought up on vindictive bases. Regardless of the reason, the result was a decline in the juridical authority of the state over sexuality over the seventeenth century.

It was during this period that the first molly houses were established. In light of the wave of coffeehouses and gentlemen's clubs which sprang up not just in London but throughout England, molly houses are hardly unique; they were just one subset of many increasingly popular establishments which provided social spaces for a male clientele. Molly houses were brought to public awareness in a major way in 1698 as part of the publication, The London Spy. Framed as an expose of the London underground, the author of the text, Ned Ward, discussed not just molly houses but brothels and all manner of criminal dens. A few years later, the author published a follow-up pamphlet, 1709's Satyrical Reflections on Clubs. Once again, the author covered topics relating to the London underground, including molly houses. While far from the most sympathetic language, Ward does spell out, in no uncertain terms, what a molly house is. At the beginning of a short chapter on molly houses he writes that "there are a particular Gang of Sodomitical Wretches, in this Town, who call themselves the Mollies… they rather fancy themselves Women, imitating all the little Vanities that Custom has reconcil'd to the Female Sex." While Ward chooses not to disclose the identity of the molly house (or possibly houses) he knows, it is clear that, to anyone who cared to look, molly houses were public knowledge.

During the reign of Elizabeth I, English intelligence was structured along religious lines. With the monarchy under constant existential threat from Spain (and the Catholic world more broadly), religion became the primary lens by which the state perceived itself and its enemies. As a result, the Elizabethan intelligence apparatus under the direction of Sir Francis Walsingham devoted itself to rooting out Catholics as enemies of the state. This strategy was

repeatedly justified in the face of Spanish threats to overthrow the Protestant monarchy with help from the Catholic faithful in both Ireland and England. The famed Gunpowder Plot of 1605 further reinforced these discriminatory surveillance practices. The Elizabethan and early-Stuart intelligence apparatuses monitored Catholics and crypto-Catholics in the name of national security. As anti-Catholic statutes passed through Parliament and became law, the English intelligence apparatus found itself functioning as the investigative wing of an anti-Catholic juridical establishment. England was at war with Catholicism, and in spite of Elizabeth's efforts to maintain otherwise, this war meant that Catholics were enemies of the state.

After the Restoration of Charles II to the English throne though, there was a marked shift in intelligence practices. While anti-Catholic sentiment in England remained high, and the Anglican Church remained the official church of England, Charles II and his brother, the eventual James II, spent much of their lives in Catholic France after the Parliamentarian victory in the English Civil War. Perhaps as a result of this period of exile, both Charles II and James II were notably softer in their religious rhetoric. Nonetheless, religion remained one of the primary categories of surveillance. The resultant apparatus was fascinating from the perspective of classificatory power. The tolerant positions of the Restoration Stuarts ensured that the juridical power of the English state in matters of religion was ambivalent at best. At the same time however, religion remained one of the most divisive and inflammatory issues of the day. Consequently, religion persisted as a category of surveillance, but not as a category of criminality.

In place of the Elizabethan model, a classificatory system in line with Foucauldian conceptualizations of delinquency emerged. With Parliament and the Monarchy split over the question of religion, the English intelligence apparatus found new ways to apply the category of religion to surveillance. As Marshall notes, the state's intelligence wing continued to view Catholics as the group most likely to pose an internal threat – a fact assured by continued

remembrance of the Gunpowder Plot. Unlike the earlier period however, the Restoration intelligence apparatus was not surveilling for Catholicism as the endgame. Instead, Catholicism was seen as a potential hallmark of treasonous potential. Catholic institutions were monitored and groups meeting in secret comprised in part or total of Catholics were arrested for plotting against the government. Religion then was no longer an act to be punished. Instead, religion a collective label which signaled that an individual was out of step with expectations. Catholics then were not necessarily criminals, but were certainly not trustworthy. "The delinquent… is not only the author of his facts, but is linked to his offence by a whole bundle of complex threads… [a] strange manifestation of an overall phenomenon of criminality." Juridical power then began to give way to something more abstracted, rooted not in specific actions, but in suspicions drawn from evidence collected on the basis of collective identity.

It was this sense of a collective identity which allowed state operators to regard Catholics as a single group, despite attitudes toward religion which regarded Catholicism (and other religious creeds) as sets of rites, not necessarily sources of individual identity. After the Glorious Revolution and the successful Protestant succession to Anne, official English relations with religion continued to evolve. Perhaps because of their devout personal Protestantism, the last of the pre-Hanoverian monarchs encountered far less opposition to their more tolerant religious policies. This renewed tolerance combined with a changing geopolitical landscape to produce another major transition in the relationship between English surveillance and religion. During the War of the Spanish Succession, England found itself fighting a war as part of a coalition comprised of both Protestants and Catholics in order to install a Catholic claimant on the Spanish throne. Consequently, religion became less inherently effective as a category of analysis. The combination of domestic tolerance and international ambivalence meant that religion could no longer be relied upon as the surest identifier of risk.

Religion did not vanish as a category of surveillance though. The State Secretariats continued to receive intelligence reports on Catholics, particularly on matters of immigration. On August 16 1706, Charles Hedges, Secretary of State for the Southern Department wrote a missive to the Postmasters General. In his message, he told the Postmasters General of two Neapolitan lieutenants, Gastano Mungo and Jacobla Nolla who intended to travel from London to Lisbon in order to "attend his Catholick Majesty [of Portugal]." In spite of the long-standing alliance between England and Portugal, Catholicism was sufficient basis for circumspection by the English intelligence apparatus. Nevertheless, the distinction between suspicion and action is crucial, particularly in the realm of discursive othering, and Mungo and Nolla were allowed to go on their way. This sort of Catholic screening persisted at local levels of surveillance as well. State intelligence operators received numerous reports from mayors of individuals being detained for suspicious activity, with the common factor in most cases being an individual's Catholicism. As these reports indicate, a changing landscape did not mean that religion was entirely forgotten. It had however moved beyond the collective basis of the Restoration period. Catholicism still marked one as a delinquent, but cases were considered on an individual basis, and at the highest levels of intelligence. In this sense, the English intelligence apparatus may be considered to have moved entirely beyond juridical considerations of identity. Catholics were discovered, remanded and reported, but they were also considered, examined and released. Being Catholic was not a crime, but mayors who detained Catholics were commended for their "care and zeal" nonetheless.

This seeming paradox in conjunction with the individual nature of these cases underlies a subtle but significant point for the consideration of evolving state power with regard to sexuality. These individuals were not held for the crime of Catholicism, but neither were they detained on the basis of concerns about specific plots as was the case during the Restoration era. Instead, they were remanded solely because of an ascribed identity. Criminality was no

longer an issue. Identity, divorced from evidence of dissent, had emerged as a target for state authority. Juridical authority had lapsed, but in its absence, the English intelligence apparatus discovered that its passing needn't be mourned.

One means of understanding and defining sexuality in early modern Britain is on the basis of choice of sexual object. It is this definition which would be perhaps most recognizable to modern observers of the eighteenth century. Laura Doan describes this approach as genealogical. In so doing, she argues that those who pursue a genealogical approach to sexuality believe that sexuality can be defined in terms of an individual's choice of sexual object across all stages of time. As such, those who practice genealogical sexual history seek to discover historical antecedents to modern historical identities, an approach with which Doan takes umbrage. This genealogical approach differs markedly from such works as Lesbians in Early Modern Spain. Velasco's explicit contention that "lesbian" is an appropriate appellate for the women she describes is a different beast altogether than the sort of sexual object antecedents described by Doan. Velasco's argument is centered around self-referential identity and indeed, could stand even if her lesbians did not engage in sexual activity whatsoever. Her methodology then highlights a problem in the genealogical, sexual object definition. Sexual object is only one potential part of an individual's sexuality as understood on a personal, identitarian level. This argument is of course a significant part of Foucault's History of Sexuality. Sexuality as understood by Foucault and Velasco is a product of societal conditions and the discourse of a particular moment, which is influenced not only by choice of sexual object but also by a maelstrom of constructs surrounding that choice and its internalization.

It is this definition of sexuality as a function of societal and cultural discourse which is most relevant to this consideration. Randolph Trumbach, one of the more prolific scholars on sexuality in early modern Britain presents a depiction of sexuality which, if not entirely divorced from sexual preference, is certainly distinct from modern conceptions of sexuality. Rather than

excavating a gay antecedent past in eighteenth century Britain, Trumbach (as noted above) instead sees a “third gender” which developed through a combination of sexual object and act, social conditions and juxtaposition with normative heterosexuality. Trumbach takes a note from Foucault in contending that eighteenth century British sexuality was as much a product of cultural norms and understandings as it was of sexual action. Sexual identity then was constituted by individuals and society as a whole. “Society” of course is not a monolithic historical actor. Much like the state, society is a web of discursive relationships comprised of individuals, as well as the state itself, but simultaneously independent from and exerting power on both. This power comes from constructive, positive knowledge in the Foucauldian sense. Consequently, the creation of societal norms of sexuality requires some sort societal understanding of sexuality.

Sexuality had of course been understood by society broadly in terms of a sexual act – namely, sodomy. In this vein then, the anti-sodomy statutes of Henry VIII provided the basis for early modern British understandings of non-normative sexuality. It was the act of sodomy which marked one as outside the norm, and it was the act of sodomy which made one subject to the authority of the state. Significantly from a discursive perspective though, these statutes singled out sodomy as different from other sexual acts by virtue of its criminality. As a result, those who practiced sodomy were differentiated from the broader public body. This differentiation then formed the foundation for an enduring divide between the normative heterosexual and the “third gender” which persisted even as juridical authority over sexuality declined. Thus, sexual object choice entered into the discourse as a normative term but was also tied explicitly to criminality in the public consciousness.

As juridical authority declined then, the act of sodomy itself became disassociated sexual identity. This process was exacerbated as sodomy laws were increasingly invoked by individuals outside the law in order to fulfill petty local disputes. As discussed above, these

cases were prosecuted only reluctantly by local magistrates who, in lieu of the proscribed penalty of capital punishment, extracted only mild fines from the accused. These cases even as they softened juridical authority of sexuality as sexual act, deepened societal understandings of third-gendered individuals as criminals. The resulting trivialization of sodomy in the eyes of the law and the state meant that third gendered-individuals could not be understood simply as sodomites. Instead, they required a new category to be understood by the state, one that would come from new perceptions of sexuality organized around the molly house.

It was in this discursive environment that "molly" emerged in popular imagination. Mollies were understood by outsiders purely in terms of difference – to the extent that they were understood at all. In contrast to Trumbach's conceptualization of the third gender, the molly was a contemporary formulation. Molly houses were, within the popular imagination at least, first and foremost a sexualized space. This fact is borne out both in Ned Ward's 1709 book and in the London Times following the raids themselves. The molly house was considered to be a brothel for sodomites, a place where men could go to solicit sexual acts from other men. It is significant that these allegations focused not on the sodomical aspects of the molly house however, but rather on prostitution. Insofar then as molly house sexuality was criminalized in the popular imagination, it was not with regard to sodomy (and therefore sexual act and object) but prostitution, and by extension, sexual promiscuity. Brothels, while subject to laws against prostitution and periodic crusades of morality, were generally tolerated. Despite their occasional demonization, brothels were long-standing, traditional spaces, and thus their societal place differed markedly from that of molly houses. The 1726 raids were a remarkable interference in sexual spaces, unlike any other state action brothels. The criminalization of molly houses was not then the same juridical Sword of Damocles which hung over heterosexual brothels.

Where the molly house was not explicitly criminalized along demarcations of sexuality however, it was labeled as deviant. These allegations of deviance were far more common, and

arguably more damning as well. Deviance is of course a term which implies both a discursive norm and an awareness that this norm is being violated. Naturally, allegations of deviance were leveled against popular, normative, London brothels as well. It is difficult to determine whether the deviances of molly houses and normative brothels were conceptualized in in similar or different terms by the accusers. Were mollies deviant as a result of their paying for sexual services, or for the type of sexual service they obtained, or some combination thereof? And if the answer is a combination, what were the ratios? Fortunately, the answer to this question is not as important to this study as the existence of the question itself. Molly houses were regarded in some degree as deviant on a wider societal level. This deviance in turn is differentiated from criminality. Instead, it suggests the emergence of the sort of "othering" required for the development of delinquency. Molly house frequenters were not necessarily criminals but were associated with criminality in a way that cultural commentators processed as deviance.

For all that they were demonized, brothels were traditional spaces. Without going into the history of the English brothel in depth, they were by no means a new invention. Molly houses were not unique in offering sexual services, nor were their means of offering these services novel. As Norton illustrates, the sexual side of molly houses were run by madams, and similar individuals were enlisted as prostitutes. Discretion was a critical in keeping a clientele, but at the same time, molly houses were known in the community at large, at least to some extent, as evidenced by Ned Ward's publications. My invocation of this analysis is not intended to imply that molly houses were in no way remarkable introductions. Instead, I seek to illustrate that eighteenth-century Britons already possessed at least one frame through which they could view molly houses. Indeed, viewed as sexual spaces, the molly house was a fairly mundane entry to the British discourse.

Of course, molly houses functioned as more than just same-sex brothels. Indeed, there were a range of molly houses throughout London, each offering a unique blend of the sexual and the social. In these spaces, men were free to perform sex and gender as the pleased, and such seemingly modern phenomena as drag and transvestitism were not uncommon; many molly house frequenters were known (at least per rules of the establishment) solely by feminine names and personas. Nonetheless, the actual form of social interaction seems to have been unremarkable by eighteenth-century British standards. While the performative roles and identities of individuals were non-normative, their (non-sexual) actions were anything but. Individuals drank, gossiped and discussed politics. In effect, while molly houses were perceived by outsiders as brothels, to those who frequented them, they were little different from your everyday coffeehouse or gentlemen's club. The coffeehouse, gentlemen's club and tavern were spaces undergoing a transition during the early eighteenth century. The introduction of colonial goods (including coffee) led to a reconfiguration of these spaces. In using molly houses not just as sexual spaces, but also as spaces for communication and socialization, mollies made molly houses into social spaces as well, which in turn made molly houses party to this same reconfiguration.

Molly houses then were something of a blend between gentlemen's clubs and brothels, both in function and in conception. That such a space could come into being is significant. Brothels had historically been (and indeed, are today) spaces of discretion with aspirations of privacy. Gentlemen's clubs on the other hand were public, social spaces. By being both a brothel and a public, social space, molly houses were subject to two discursive traditions. Each of these perspectives informed the position of the molly house within the public consciousness. The blend of the social and the sexual was more than the sum of its parts however. By socializing within the confines of a taboo, deviant space, mollies rendered their socializing itself deviant within the public imagination. In an age where social space was tied to standing and

identity, the otherizing of mollies' social spaces was more significant than that of their sexual spaces. The otherizing of the social space led to the otherizing of mollies' identities.

Beyond the "contamination" of mollies' social space with sexuality, the blend of the social and sexual in molly houses had another significant implication – it opened the possibility of state surveillance. By and large, sexual spaces were not subjected to state level surveillance. Over the course of Anne's reign (and to a lesser extent, William and Mary's) the British intelligence apparatus increasingly relied upon the surveillance of public spaces as a source of intelligence.

Intelligence, in terms of state collected information, is inherently powered. Knowledge, and the classifications that come with it, are a significant part of state discursive power. State authority in any arena requires some amount of legitimacy to avoid the necessity of excessive coercive force. The definitions of these arenas are in turn defined by state knowledge and classification of power. As a result, different modes of intelligence and information classification lead to divergent understandings of state power – such was the case for France and England in the seventeenth century. With the decline of juridical understandings over the seventeenth century, sexuality was reconstructed by the English state along new contours of knowing. Consequently, the exact nature of intelligence is of interest to this study. Definitions based around potential actionability of intelligence, or state relevance of the information have been considered both historically and contemporarily, and all have their potential benefits and drawbacks.

If one considers the discursive dimensions of the state however, one may arrive at another definition of intelligence: that of any information processed by the state which plays a role in classificatory power. This definition is very similar to Foucault's conception of positive knowledge, but differs in one key aspect; the active participation of state agents. The state may not be simply what officials do, but what officials do shapes the understanding and actions of the state. This definition while robust is potentially unsatisfying; intelligence simply becomes

positive knowledge with a Foucauldian spin. Eventually, the question of defining intelligence will need a more focused study. For the time being though, however unsatisfying, a Foucauldian definition of intelligence captures an integral part of the story – the role of state knowing in the constitution and subsequent othering of non-normative sexuality.

The rise of the trans-Atlantic trade in the seventeenth century led to mass importation of colonial goods, including coffee, chocolate and tobacco. These goods were empowered in a multilayered fashion. On the most basic level, trans-Atlantic goods had a high monetary value. Throughout the seventeenth and into the eighteenth centuries, European states engaged in increasingly costly warfare with ever higher stakes, and with higher stakes came innovation. The so-called "military revolution" led to new military technologies in arms, drilling and training. These advancements however meant that, throughout the period, the costs of warfare rose dramatically. In turn, state financial systems had to innovate in kind in order to keep up. John Brewer has referred to the resulting institutional framework as the military-fiscal state. One of the ways in which the military-fiscal state kept up with the spiraling costs of warfare was through the introduction and control of tariffs. Trade controls were not uncommon during the medieval and early modern periods, but as Brewer has demonstrated, they advanced dramatically from the 1660s onward. Tariffs were no longer abstracted measures; they were framed and calculated so as to match the needs of the state. In turn, tariffs were powerful reminders of the growing reach and authority of the state. When trans-Atlantic goods were placed under tariff control, they began to intrinsically carry the mark of state power.

Trans-Atlantic goods like tobacco and coffee were not just any trade good however; they were imperial goods, which meant that the power they represented was of heightened interest to the state. The discursive creation of this power is important to trace. Empire is an inherently expansive and classificatory project. Control of those goods which were the result of empire then was of paramount interest to the state. The power investment required to gain control of

these goods, as well as the trade routes along which they reached Europe, ensured that they remained of a matter of state importance in one of the many feedback loops which organized early modern Europe. This power investment, combined with the early cost of these goods meant that they became a status symbol. Consequently, individuals of all ranks became interested in the consumption of these goods, particularly in public. As these goods became racialized according to the contours of empire, the consumption of trans-Atlantic goods became all the more important in European imperial power formations. Ultimately, this empowerment led to the creation of a variety of state controls designed to restrict and monitor control of these goods. These controls were intimately connected with the spaces in which they were intended to be consumed. It may be helpful then to briefly consider some of these goods and their various connotations and means of control in order to understand the various ways in which the British state interpreted and controlled imperial power.

Marcy Norton has written an excellent work examining these patterns of consumption and control across Western Europe. She focuses primarily on chocolate and tobacco (and to a much lesser extent, coffee), each of which had a distinct history. Both chocolate and tobacco had a deep history of consumption by Amerindians which colored European perceptions of these goods from the outset. Each had traditional, ceremonial purposes which lent their consumption additional weight, at least on the American side of the Atlantic. Sailors returned from America with chewing and smoking tobacco, igniting debates about the medical and spiritual impact of tobacco consumption. Proponents argued for the positive humoric impact of smoking and chewing tobacco. Medical opponents cited coughing and the aesthetic unseemliness of chewing as evidence for its deleterious health benefits, while religious critics noted the demonic connotations of smoking. Meanwhile chocolate, with its heavy, spicy flavor, inspired a number of sensuous connotations. The British state attempted to control these goods through a number of measures, including passport controls and class-based consumption laws.

James II went so far as to issue a public proclamation decrying the evils of tobacco consumption. Ultimately, these measures only served to augment the mystique surrounding these goods, increasing their cultural power.

The prolonged period of conflict, culminating in the War of the Spanish Succession, led to increasing surveillance of public spaces. Prior to the Glorious Revolution, most of the spaces monitored were private domiciles and churches. With the decline of religion as the surest means of detecting potential threats however, the state turned to new avenues, specifically public spaces like taverns and gentlemen's clubs. As commoners consumed colonial goods in public spaces with increasing frequency, Anne's intelligence apparatus stepped up its surveillance of these spaces. This surveillance took two different forms. In one instance, State Secretaries at the very top directed agents across the country to monitor specific locations and report back with any information collected. The other, more frequent, version was the exact opposite. State agents, working on their own initiative, surveilled these spaces and then sent word to London on any suspicious behavior.

Much of this surveillance resulted in reports from local agents of individuals who were detained on accusation of "treasonous words." Initial reports of these instances rarely contained specifics on what these words were. Indeed, in many cases (particularly those where arrests were made based on personal initiative) resulted in the immediate release of the arrested person as happened when on June 6, 1711, Dartmouth received a letter from the Mayor of Portsmouth. The Mayor had detained a man named Thomas Fitzgerald for "some words spoken." Upon review of the case however, Dartmouth and the Attorney General that "there [was] not sufficient ground for prosecution." In other instances, the state secretariat arranged a full trial, usually resulting in a guilty verdict for the accused. Such was the case in February 1711 when, after the testimony of two witnesses, Dr. Samuel Richards of Davonshire was found guilty of dangerous slander by virtue of "opproprious words reflecting on the present

parliament" spoken two weeks prior at the "Sign of the Green Dragon." More often than not though, reports of treasonous words seem to have resulted in no significant state action. Lack of action however does not mean that state power was not felt in these cases. Indeed, even in the case of Thomas Fitzgerald, while he was release with one hand, he was simultaneously berated for being "very indecent & disrespectful" with the other. In turn, Dartmouth commanded the Mayer of Portsmouth to "give him a severe Reprimand and admonish him to be cautious for the future." Even if one was found innocent of wrongdoing, surveillance could condemn without the force of the law.

A tension existed then between the frequency of these reports and their efficacy as understood by the state secretariats. Time after time, agents who acted on their own initiative were instructed to free those they had detained, but were not asked to curtail their activities, as these activities advanced state interest without expending state resources. Indeed, more often than not, they were praised. Such was the case when, on April 3, 1708, then-Southern Secretary the Earl of Sunderland commanded an agent to release an individual held on suspicions of treason. The man was released, but the agent who seized him was commended for his "care and zeal," in spite of the release. The state secretaries knew that the information supplied in most of these cases was frivolous. Nonetheless, they recognized that surveillance had a value extending beyond obtaining intelligence. During Queen Anne's reign, the British intelligence apparatus expanded dramatically to include immigration controls, tavern surveillance and religious observation. While these occasions were sometimes resolved quietly, as was the case with Mungo and Nolla, they often involved state muscle-flexing. On November 5, 1712, Bolingbroke, the Southern Secretary, informed the Lord Mayor of London that he had "receiv'd information of some riotous proceedings last night at the three Sun Tavern." In response to this intelligence, Bolingbroke commanded the Lord Mayor to go "with the Sheriffs [to] examine the Master of the said Tavern and such others as you think proper." This instance

is remarkable. In spite of having no names or charges prepared, the state still acted to ensure that its presence was felt by the owner of the Three Sun. Meanwhile, on October 22, just a few weeks prior, Bolingbroke sent a fascinating letter to an agent identified only as Mr. Baron Scrope. In the letter, the Secretary informs Scrope of "a Draught which has been put into my hands of a presentation to a Vacant Church in North Britain." In giving Scrope this draft, Bolingbroke instructed him to "take the trouble of perusing it, and making such Corrections, as you shall judge proper therein." These corrections would then be passed on to the original writer of the draft, presumably as more than just suggestions. Religion may not have been a crime as such by this point, but it was certainly a matter of active concern for the state, and as such, was monitored. The wide net of this system of surveillance created, if not panopticon, then certainly a perception of it.

State surveillance of spaces grew such that it was clearly felt by the end of the war. In a well-circulated 1712 printing entitled Certain Information of a Certain Discourse That Happen'd at a Certain Gentlemans House, in a Certain County, Thomas Burnet wrote a hypothetical dialogue between two individuals on current affairs. The dialogue touches on topics from colonial trade to royal affairs, but Burnet's conversants spend some time discussing the state of domestic surveillance in Britain. He states, through the voice of his tale's narrator, that

> I have observed, within this Two Years, so great a Swarm of Informers in this Nation, that there has been scarce any Coffee-House either in the Town or Country, that has had some of this Honourable Profession… waiting to catch at any thing, that may be said concerning Publick Affairs, that by repeating it to those, whose Hirelings they are, they might deserve their Pay.

Clearly, Burnet at least was aware of the growing extent of tavern surveillance by Anne's government. Not only did he recognize the extent of informants, but he also placed the blame squarely on state intelligence handlers, rather than on mercenary informants. For its part,

Anne's government was aware of Burnet, and its action swift. On January 24 1713, Bolingbroke, sent word to the Attorney General to "prosecute Mr. Thomas Burnet for writing a Pamphlet… as far as the Law will allow." A short time later, Burnet was on trial, and many "witnesses" to some of his previous conversations were brought in for testimony. No punishment came of the trial, but the statement was clear – the government would not have its right to surveillance questioned, or even understood if it could help it.

The effect of this surveillance with regard to the classificatory power of the British state cannot be overstated. By not only placing eyes and ears in public spaces but also actively affirming their right to do so, the state strengthened its role in the process of othering. Just as it had during the Elizabethan days of anti-Catholic fervor, the late Stuart British Monarchy positioned itself as the arbiter of knowledge and therefore of legitimate activity. Dissent and "treasonous words" are difficult to define; this fact was the foundation of Burnet's complaint. By criminalizing and demonizing such a vague concept, the British state (more likely than not, unknowingly) granted itself powers of selective enforcement. Selective enforcement is of course a powerful tool; it allows a state to declare who and what is and is not illegal, arbitrarily and at will. Such power is not on its own the normalizing power of "panopticon" however. Indeed, panopticon can only be established by an awareness of being watched, and the scopophobia that results. Of course, Burnet's treatise establishes this awareness, at least to some extent. In turn, this awareness of being watched is a testament to the normalizing force of British surveillance during Anne's reign. When one has only a vague idea where the line between scandal and treason is (or if such a line even exists), and one knows that the state's eyes and ears may be anywhere, the only safe course of action is to toe the line. Whether they knew it or not, the agents of the British intelligence apparatus had established some capacity for normative surveillance.

Hints of selective surveillance had of course developed earlier, in the state's haphazard prosecution of sodomy charges. As the work of Trumbach and others has indicated, sodomy charges were pursued only reluctantly by state officials, and these cases bear all the hallmarks of witch trials. State officials seem to have been aware that these cases were brought up not in earnest, but in the name of petty disputes. Despite this knowledge, some of these cases went to trial nonetheless. As noted above, most of those individuals who were found guilty escaped with only minor fines. While the state then was not interested in policing sexuality as an act, there was the side effect of othering the sexual act of sodomy, and the resultant association of sodomy with criminality. This association is different from the juridical criminalization of sodomy which had existed as long as anti-sodomy statutes were on the books. This association exists within the cultural imagination, and is significant to establishing the legitimacy of delinquency. Even minor, nominal fines are sufficient to establish delinquent othering within the popular imagination. While the British government had tired of prosecuting sexuality then, it had nevertheless been tied, at least to some extent, with criminality; this association seems to have outlived the decline of the juridical.

As British panoptic, othering power was strengthened during Queen Anne's reign, the means of surveillance served to strengthen and legitimize the state's right to surveil. The role of mayors and other local agents as local representatives of the British intelligence apparatus ensured that surveillance was not understood simply as the imposition of Crown from London. Likewise, the state's reliance upon 'good citizens' created an apparatus that could not be readily identified. This connection extended to the owners and operators of the very spaces which the British state was learning to surveil. Indeed, this connection and the authority that comes with it would have been a prerequisite for the events which transpired in April of 1708. Writing to the Treasurer of London's Gray's Inn, Southern Secretary Earl of Sunderland informed him that a state agent would be coming back to investigate the papers of a man who was staying at the

Inn. Evidence from this search eventually led to the arrest of the man in question. State authority over spaces was becoming not only legitimized, but internalized.

Surveillance of spaces then was rapidly becoming a significant tool of the British state in maintaining internal security and detecting potential treason and dissent. While it is difficult, perhaps impossible, to determine to what extent this space surveillance predated or postdated the rapid increase in the importation of colonial goods, it is apparent that state authority over spaces evolved as a result of both. Control over spaces manifested in surveillance of these spaces. Despite the significance of imported colonial goods in this process, it was notably different from control over customs. Customs controls, a staple in the theoretical development of state formation since the time of Brewer, is a centralized form of authority. State customs officials enforce state regulations while in direct contact with state officials in London. Indeed, the inherently centralized nature of such power is the reason for its traditional role in the narrative of state formation. Control of spaces however operated in an entirely different capacity. Surveillance of spaces relied on a structure that, while still centralized, was not quite as official as that of customs controls. More significantly, the power dynamics at play in surveillance of spaces are subtler than those involved customs controls. The enforcement of customs was an inherently juridical process – specific policies and procedures were ordered and enacted. By contrast, space surveillance did not act on any specific code. The assumption was that the activities of those in public spaces were of inherent interest to the state. As the consumption of colonial goods became an increasingly central part of public spaces, state interest in these places increased. Consequently, the English state chose to divert resources to monitoring such spaces. Informed by traditions of religious surveillance under the Elizabethan and early Stuart states, the state inherently suspected dissent amongst the surveilled. Consequently, when the state began to surveil these spaces, intelligence agents were looking for dissent and “treasonous words.” In turning its eyes toward spaces then, the British state

simultaneously empowered and othered these spaces. As a result, with molly house sexuality defined by patronizing molly houses, it was understood not in terms of an act or choice of sexual object, but in terms of space. In turn then, with the definition of sexuality changing, the means of control changed with it, and British authority over spaces was defined by its history of intelligence and surveillance.

The raid and arrest on Mother Clap's Molly House in 1726 represents a historical problem, in that very few patrons were arrested for sodomy or prostitution. Consequently, over the period from the 1580s to 1726, the English state underwent a reconfiguration in understanding and enforcing power upon sexuality. This reconfiguration coincided with (and was in part caused by) an atrophy of juridical state power with regard to sexuality as an act as sodomy laws and morality declarations were increasingly unenforced. As the state moved away from a juridical approach to sexuality, it instead adopted an delinquent approach to non-normative sexualities and genders. This transition requires a Foucauldian "positive knowledge" which in turn mandates state information, intelligence and therefore surveillance of sexuality. The English intelligence apparatus had itself moved away from juridical power on matters of religion to a selectively-enforced, delinquent power from the Elizabethan era to the War of the Spanish Succession. As a result, the state was prepared to process sexuality as an spatially constructed, delinquent identity and not just an act in 1726. Sexuality as an identity was still an amorphous target at this time though, and as a result, the English intelligence apparatus had to process sexuality through a previous lens. Sexuality had moved beyond an act, but was not understood in its modern sense of identity based around choice of sexual object. Instead, it encompassed a range of sexual behaviors and gender performances which had their origins, both in reality and in the public imagination, in Molly houses. Thus, from a state perspective, sexuality was something inherently tied to a space. Since truly beginning her Atlantic empire, England had imported growing numbers of exotic goods, including coffee, chocolate and

tobacco. As these goods were incorporated into English society, they were imagined and reimagined, at each stage becoming increasingly subject to state power. As consumption of these goods moved into public spaces like gentlemen's clubs, taverns and coffeehouses, state surveillance of these public spaces amplified and became increasingly pivotal. The result was a situation in which consumption of these empowered, colonial goods made the consumer subject to state authority. State surveillance of spaces led to an increased authority over spaces and the individuals who patronized them which, when paired with growing adeptness on personal surveillance of religion, gave the state greater power over discretionary delinquency. Consequently, as sexuality was defined in terms of patronage of an establishment (that is, a Molly house), the exertion of state authority on the space (as in the raid of 1726) led to state authority over the individuals in the space itself. As a result, just as consumption of tobacco, chocolate or coffee placed one in a discourse of power with the state, by mollying, members of Trumbach's "third gender" became one end of a power diode with the English state. In entering this power relationship with the third gender, the state joined its experience handling Catholics on an individual identitarian basis with commodifying power as part of exotic good importation. The result was that, in 1726, patrons of Mother Clap's Molly House, while arrested for variety of charges, were all subject to the same understandings of state power, based not on act, but on personal delinquency.