

Contents

Preface 7

PART ONE: VANISHINGS

- I *The Removal* 13
- II *Laws of Leaving* 19
- III *Fictions of the Return* 37
- IV *The Transient Image* 53

PART TWO: LESSENING

- V *Decreases of the Head* 77
- VI *Rules of Diminution* 83
- VII *Of Ignominies* 101
- VIII *Fictions of Persistence* 121

PART THREE: SURVIVALS

- IX *Returning to Riva* 147
- X *The Semblant Body* 159
- XI *The Recurrent Voice* 181
- XII *Some Ones Left* 203

Being It 225

Notes 239

Works Cited 285

Index 309

CHAPTER ONE

The Removal

“In some old magazine or newspaper,” one of Hawthorne’s unnamed narrators finds a “story, told as truth,” from which he draws the matter of a work. Published in 1835, Hawthorne’s tale concerns a man — “let us call him Wakefield” — who becomes the agent of “the strangest instance, on record, of marital delinquency; and, moreover, as remarkable a freak as may be found in the whole list of human oddities.” The action is simply stated:

The man, under pretence of going a journey, took lodgings in the next street to his own house, and there, unheard of by his wife or friends, and without the shadow of a reason for such self-banishment, dwelt upwards of twenty years. During that period, he beheld his home every day, and frequently the forlorn Mrs. Wakefield. And after so great a gap in his matrimonial felicity — when his death was reckoned certain, his estate settled, his name dismissed from memory, and his wife, long, long ago resigned to her autumnal widowhood — he entered the door one evening, quietly, as from a day’s absence, and became a loving spouse till death.¹

In the first decades of the nineteenth century, this “strangest instance . . . of marital delinquency” could scarcely have been imagined in the towns of the New World. Wakefield, conceived in Massachusetts, had to be a man of the European metropolis. Submerged in “the great mass of London life,” unseen in its crowded streets, he enjoys a newly urban opportunity: that of absenting himself “for a long time, from his wife” while remaining in secret proximity to

her.² The great city alone allows him to hold fast to the place of his vanishing, going missing without ever going far.

The years of Wakefield's "self-banishment" are almost entirely without incident. After "ten years or so" spent in the vicinity of his house, "without once crossing the threshold," "faithful to his wife, with all the affection of which his heart is capable, while he is slowly fading out of hers," Wakefield happens to encounter her "amid the throng of a London street." By this point, the narrator remarks, "she has the placid mien of settled widowhood."³ The scene is set before the reader's eyes: "Their hands touch; the pressure of the crowd forces her bosom against his shoulder; they stand, face to face, staring into each other's eyes." Whether the "sober widow" registers the identity of the man who brushes up against her is a question. She proceeds along her way to church.

Ten more years pass. Now,

Wakefield is taking his customary walk towards the dwelling which he still calls his own. It is a gusty night of autumn, with frequent showers, that patter down upon the pavement, and are gone, before a man can put up his umbrella. Pausing near the house, Wakefield discerns, through the parlor-windows of the second floor, the red glow, and the glimmer and fitful flash, of a comfortable fire. On the ceiling, appears a grotesque shadow of good Mrs. Wakefield. The cap, the nose and chin, and the broad waist, form an admirable caricature, which dances, moreover, with the up-flickering and down-sinking blaze, almost too merrily for the shade of an elderly widow.

Suddenly, "at this instant, a shower chances to fall." Wakefield is soon wet. An instance suffices for him to decide: "He ascends the steps — heavily! — for twenty years have stiffened his legs, since he came down." The door opens. Wakefield returns to his wife and home, but "we," the reader learns, "will not follow our friend across the threshold."⁴

Variouly ingenious men inhabit Hawthorne's tales. Many are talented lovers or scheming husbands whose ambitions remove them, knowingly or unknowingly, from the women to whom they

THE REMOVAL

are attached. Young Goodman Brown leaves his Faith at home in Salem, venturing into the woods with his demonic companion, to behold her again at the congregation of the wicked at which he least expected to find himself in her company. Aylmer, the “man of science” in “The Birth-Mark,” dedicates his art to excising the Crimson Hand imprinted on the face of his Georgina before glimpsing that the two are one and that his wife, rendered immaculate at last, must die. Unwitting Giovanni Guasconti, in “Rappaccini’s Daughter,” aims to cure his beloved Beatrice of her poisonous second nature, thus becoming the instrumental cause of her unexpected death. In mad pursuit of “the spiritualization of matter,” in the words of his beloved Annie, Owen Warland, “the artist of the beautiful,” succeeds only in assuring his lasting solitude, living to see the fruit of his labors crushed in the curious hand of Annie’s inarticulate child.

Wakefield, for his part, embarks on a project that, “without the shadow of a reason,” remains singularly unreadable, being, so to speak, markedly indeterminate. “He had contrived,” the narrator explains, “or rather he had happened, to dis sever himself from the world — to vanish — to give up his place and privileges with living men, without being admitted among the dead.”⁵

This “contrivance” sets the scene for a tale of unprecedented blankness in which the only event that may be said to occur is a nonoccurrence: the unexpected and unregistered meeting of man and wife. “The twenty years of Wakefield’s vagary” become those of a nineteenth-century *Odyssey*, which is too brief to constitute an epic, yet long enough to be emptied of all significant events.⁶ Odysseus spent two decades journeying with his men from Ithaca to the siege of Ilium and back again before recovering his devoted Penelope, Telemachus, and his island kingdom. Wakefield leaves his wife’s hearth alone, unbidden and to travel nowhere, and along his way, he encounters neither foes nor friends. He lives out his years away in solitude. Odysseus, when in duress, once claimed for himself the name of *Outis*, or No One, a pun or nickname, to outwit a monstrous host. His act of self-renaming and self-un naming became one of the deeds

that he would recount to those he later met. Wakefield, in stubborn silence and the absence of any interlocutors, makes himself into a No One of a different kind. He is an undistinguished *Outis* who has no adventures, being denied even the “great negative adventure” that Henry James would grant John Marcher in “The Beast in the Jungle.” “Forlorn” and “good Mrs. Wakefield,” identifiable by the “grotesque shadow” of her “admirable caricature,” is a childless Penelope who neither weaves by day nor unweaves by night. Far from any court, she waits for a while, untroubled by suitors, before surmising, in the absence of any news, that her erstwhile spouse will not return.

Hawthorne’s narrator presents his tale, in conclusion, as “food for thought,” of which a “portion” alone suffices to “lend its wisdom to a moral”: “Amid the seeming confusion of our mysterious world, individuals are so nicely adjusted to a system, and systems to one another, and to a whole, that, by stepping aside for a moment, a man exposes himself to a fearful risk of losing his place forever. Like Wakefield he may become, as it were, the Outcast of the Universe.”⁸

“A man” might do so, but the one named Wakefield does not. His disappearance is only transient. Like the archaic Greek hero, he leaves and he returns; however indeterminate, his vanishing, delimited because concluded, thus becomes the subject of a complete narrative. The specter of the “Outcast of the Universe” is at once summoned and safely set aside.

Other scenarios, however, are also imaginable. Were Wakefield to “dissever himself” without doing so solely in relation to his spouse, his deed would amount to something other than an act of strange “marital delinquency.” Were he to “absent himself,” moreover, not for twenty years, but for some unmeasured duration, setting forth “under pretence of going a journey” without returning, his tale would not be that of any voyage. His departure would mark the inception of a dissection without orient or end. The possibilities are as numerous as the wiles of Odysseus or the reasons for the “little joke” that Wakefield, according to his censoriously attentive narrator, plays “at his wife’s expense” in the tale that bears his name. The

THE REMOVAL

only certainty is that “amid the seeming confusion of our mysterious world,” the event of absenting and self-absenting is one of uncovering. The removal clears a space. Vanishing gives way to visitation, and where there was an “I,” some No One inexorably appears. In what ways, to what effects, and with what consequences are questions to which every community responds in terms and practices at once legal and literary, mythological, ritual, and imagistic.

Index

- AARON, 207, 208, 217.
Abrahams, Roger D., 235.
Absence: in the aftermath of war, 22;
forms of, 7–8; legal treatment of, 8, 19–27,
30–31, 34–35, 77–78; and presumption of
death, 24, 26–34; and remarriage, 27–29;
time as means for delimiting, 35. *See*
also Law; Missing persons; Remarriage;
Vanishing. *Verschollenheit*.
Achilles, 184, 185.
Ackrill, J. L., 166.
Actaeon, sacrifices to, 60.
Aeschylus, *Agamemnon*, 55–57, 61.
Aetius, 165.
Agamemnon, 40, 55.
Agunah (“anchored”), 24–25.
Akiva, Rabbi, 39.
Al-Shanfarā, 124–25; *Lamiyya*
(Poem Rhyming in L), 125.
Andrássy, Gyula, 73.
Antigone, 164.
Apuleius, *Metamorphoses*, 182–84, 198–201.
Arabic poetry, 124–26.
Aristarchus, 161.
Aristotle: on ancestral principles of
Athenians, 89; on the dead body,
165–67, 171, 172; form and matter,
165–66; interpreters of, 168, 172;
On Interpretation, 9; *Politics*, 84, 87;
and Thomas Aquinas, 170.
Artemis, 60.
Arthur, knights of, 121–22.
Athenagoras, 62, 248 n.39.
Atimia (dishonor), 89.
Attainder, 93, 98.
Aubert, David, 188, 276 n.28.
Augustine, 189.
Austin, J. L., 113.
Ayrault, Pierre, 72.
BA’AL PEOR, 208.
Bachet, Claude-Gaspar, 232–34.
Balberg, Mira, 176–77.
Baldus, 92.
Balzac, Honoré de: *Colonel Chabert*, 41–44,
45, 48, 51, 243 n.10; “negotiation,” 41,
42–43, 49.
Bandit poets (*ṣa’ālik*), 124–26.
Banishment, 46, 92, 93, 95–96; of Arabic
ṣa’ālik, 124–25; in Icelandic code for
outlawry, 123. *See also* Exclusion.
Barbarians, 84, 86.
Barthes, Roland, 244 n.47.
Bartolus, 92.
Barton de Montbas, Jean, 73.
Bauer, Felice, 50.
Bécaille, Oliver (fictional character), 45.
See also Zola, Émile.
Beccaria, Cesare, 95.
Benjamin, Walter, 234–35.
Benveniste, Émile, 57–59, 85, 248 n.26.
Bettini, Maurizio, 57, 62, 66.
Beyerle, Dieter, 40.
Bible, 204–207. *See also* Hebrew bible.
Bigamy, 28, 46. *See also* Remarriage.
Blackstone, William, 93.
Blanchot, Maurice, *The Space of Literature*,
177–79.

INDEX

- Body of Christ, 169; and corpse, 161, 163, 167, 172; dimensive quantity of, 171; early Greek terms for, 161–62; semblant, 167, 178, 179; as *sōma*, 161, 162, 163, 164; and soul, 166, 170–71, 207; and terms for likeness, 163–64; of the undead, 191. *See also* Cadaver; Corpses.
- Boethius, *De interpretatione*, 168.
- Bologna, infamous images in, 70, 73.
- Bolton, Henry Carrington, 225–27, 228, 229.
- Book of Monsters, The (Liber monstrorum)*, 83–84.
- Book of Numbers, 139–40, 141, 175, 207–208.
- Borgmann, Brigitte, 90–92.
- Botticelli, Sandro, 69.
- Boutades, 61–63, 248 n.39.
- Brain death, 174.
- Bremmer, Jan N., 185.
- Breton, André, 178.
- Brod, Max, 50.
- Brückner, Wolfgang, 71–72.
- Brydon, Spencer (fictional character), 193–98.
- Buckland, W. W., 80, 88.
- Burial sites, in the Talmud, 204–205.
- CADAVER, 8, 43, 159, 163–64, 170, 181; “cadaverous resemblance” (Blanchot), 177–79; distinguished from corpse, 160–62, 177; Greeks on, 165–66; as narrator, 200–201. *See also* Corpses.
- Callistratus, 66.
- Capitis deminutio* (decreases of the head): *capitis deminutio maxima*, 88–89; as “change of status,” 79, 81, 252 n.17; Cicero’s example of, 79; and civil death in the United States, 99; defined, 79, 80, 252 n.9; in France, 93; Gaius on, 80; in Roman law, 79–82. *See also* Civil death; Diminution.
- Carriere, Jeanne Louise, 21.
- Castagno, Andrea del (Andrea of the Hanged Men), 69.
- Catachresis, 167.
- Censure, 103–104, 118. *See also* Ignominy.
- Census: in Britain, 219, 221; in the Hebrew bible, 207–211; and nonpersons, 211, 218–19; in Tsarist Russia, 211–15, 221. *See also* Counting of persons.
- Cestui Que Vie Act, 29.
- Chabert, Gaston, 79.
- Chabert, Hyacinthe (fictional character), 42–44. *See also* Balzac, Honoré de.
- Chadwick, N. K., 190.
- Chaereas and Callirhoe*, 173.
- Chamisso, Adelbert von: as itinerant botanist, 135; *The Marvellous History of Peter Schlemihl*, 126–32, 134–38; on “Schlemihl,” 138; “the solid,” 130–32, 134.
- Chantraine, Pierre, 56, 57.
- Charles d’Anjou, 70.
- Chaucer, Geoffrey, 160.
- Chichikov, Pavel Ivanovich (fictional character), 211–18.
- Children. *See* Children’s counting games; Wordsworth, William: “We Are Seven.”
- Children’s counting games, 225–31, 233–37, 282 n.7; cheating in, 230–31.
- Chin, Gabriel L., 99.
- “Choosing up,” 229–30. *See also* “Counting out.”
- Chrétien de Troyes, 121; *Cligès*, 173; *Lancelot*, 122; *Perceval*, 121–22; *Yvain*, 122.
- Cicero, 79, 165; *On Duties*, 85–86.
- Circe, 121, 184–85.
- Citizenship: and defamation, 70–71; diminution of, 80, 81, 90; rights of, 94, 99, 100. *See also* Census.
- Civic degradation, 88–89, 97, 98.
- Civil death (*mors civilis*), 91–98; in the United States, 98–99.
- Civil disabilities, 99.
- Civil inattention, 112–13.
- Civil law, 8, 19–22, 30, 32, 33–34, 81, 87–88. *See also* Civil death; Common law; Law.
- Clement III, Pope, 27.
- Clytemnestra, 40, 55, 121.
- Code of Hammurabi, 23.
- “Collective representations” of death, 174, 175, 176.
- Common law, 28–29, 30, 32–34, 100.
- Comptines*, 228, 234.
- Confiscation, 89, 90, 93, 95.
- Corngold, Stanley, 245 n.51.
- Corpses: ancient Greeks on, 164–68; before burial, 159, 175–77, 179, 181–84, 190–91, 198–99; distinguished from cadavers, 160–62, 177; impurity of, 175–77; link to similarity, 162, 163–64; as nonpersons, 159, 167–69, 171, 172, 177–78, 203; soul and, 165; terms for,

INDEX

- 269–70 n.7; and terms for body, 160, 161, 163; theological view of, 169–71. *See also* Body; Cadaver; Mortuary practices.
- Corral Talciani, Hernán, 32.
- Counting of persons, 203–204; in the Hebrew bible, 207–211; in Wordsworth's "We Are Seven," 219–23. *See also* Census; Children's counting games.
- "Counting out": Bachet's problem, 232–33, 234; cheating in, 230–32; children's games and rhymes, 225–31, 233–35, 282 n.7; by Flavius Josephus, 231–32; language and, 233–34; and the relations between persons and non-persons, 236–38.
- Cynics, 164–65.
- Cyrene (Libya), inscriptions from, 58–60.
- DAMOUR, JACQUES (fictional character), 45–46. *See also* Zola, Émile.
- David, King, 208–10.
- Davis, Natalie Zemon, 243 n.9.
- Dayak peoples, 174.
- "Dead person" fallacy, 168–69, 172.
- Death: brain death, 174; civil, 91–98; claimed by hunter Gracchus, 150; determination of, 173–74; in Indonesian societies, 174–75; and nonpersons, 168, 172, 177, 178, 212, 214–15; in philosophy and theology, 168–71; as possibility that might have been, 197; presumption of, 24, 26–34; time of, 33–34; as "voice-robbing," 185–86; in Wordsworth's "We Are Seven," 223. *See also* Cadaver; Corpses; Mortuary practices.
- Death Act (New Jersey), 29–30.
- "Declaration of absence," 31, 33, 37.
- Declaration of the Rights of Man and of the Citizen (France), 96.
- "Decreases of the head." *See* *Capitis deminutio*; Diminution.
- Defamatory letters (*Schmähbrieft*), 69. *See also* Images of shame.
- Delphi, oracle at, 60.
- Demante, Antoine-Marie, 97–98.
- Democracy, in Athens, 89.
- Democritus, 165, 271 n.27.
- Demolombe, Charles, *Treatise on Absence*, 20, 21.
- Demons, 204–207.
- Deportatio*, 90, 91–92, 93. *See also* Banishment; Exile.
- Descriptions of the missing, 53–55.
- Deutsch, Christina, 28.
- Devotio publica*, 103–104. *See also* *Devotio*.
- Devotio*, 90. *See also* *Devotio publica*.
- "Dimensive quantity," 171.
- Diminution: by age and gender, 86; in Athens, 89; civic degradation, 97; of ex-convicts, 99; and the fashioning of nonpersons, 8, 78–79, 100; of foreigners and slaves, 84–88; of Gracchus, 150; in France, 93; in Iceland, 123–24; by loss of nationality, 96–97; by natal alienation, 86; of Peter Schlemihl, 137, 143; in Rome, 66, 89–90; in Saxon England, 92–93. *See also* *Capitis deminutio*; Civil death.
- Diogenes, 165.
- Disappearance in water, 24–25, 38–40, 44, 46.
- Divorce, 24, 29.
- Dolls, 62, 71, 73, 250n73.
- Domat, Jean, on civil death, 93.
- Doubles: for absent persons, 77–78; *alter ego* in James's "The Jolly Corner," 194, 197, 198; cadavers as, 127, 178; "doubles of the dead," 58; shadows, 130; statues as, 58, 60–61, 63.
- Drawing lots, 229, 231, 234.
- Drowning, presumption of, 24–25.
- EDGERTON, SAMUEL Y., 67, 68.
- Eikones, 57, 58. *See also* Kolossoi.
- Eleazar, Rabbi, 177, 209, 210.
- Elpenor, 121, 184–85.
- Émigrés, 96.
- Enslavement, 80–81, 90. *See also* Slaves.
- Entombment alive, 45, 173.
- Epicureans, 164.
- Epigraphy, 58–59.
- Esch, Deborah, 197.
- Estates: of legally absent, 31–32; of missing persons, 21, 25–26, 31, 34–35; murder for, 199; of presumed dead, 13, 29–30, 35; in Tsarist Russia, 211.
- Euripides, 64; *Iphigenia in Aulis*, 84.
- Eustathius*, 64.
- Exclusion, 89–90, 109–110, 123, 125, 156. *See also* Banishment; Outlaw sagas.
- Excommunication, 71, 92.

INDEX

- Ex-convicts, 99, 100.
Execution in effigy, 71–73, 250 n.73.
Exile, 81, 90. *See also* Banishment; *Deportatio*.
Exorcism, 205, 206, 207.
Exsecratus, 89–90.
Eyeless statues, 56–57, 73.
- FABLES, TALMUD, 38–39.
Farinacci, Prospero, 72.
Ferguson, Frances, 221.
Fictions of disappearance, 35–36, 37; Kafka's
Der Verschollene, 49–52. *See also* Return.
Finley, M. I., 86.
Fino di Tedaldo, 70.
First Chronicles, 208, 209.
Fitzpatrick, Antonia, 171.
Flaubert, Gustave, 45, 152.
Florence, infamous images in,
68, 69, 70–71, 73.
Forbidding of water and fire, 90, 92.
Forced labor, 90, 97.
Foreigners, 8, 84–85, 94, 208.
Form of corporeality (*forma corporealitas*), 172.
Fraenkel, Eduard, 57.
Francis, 92.
Freedberg, David, 69, 70.
Freeman Jalet, Frances T., 34.
Fulkerson, Laure, 65, 249 n.44.
Fustel de Coulanges, Numa Denis, 86.
- GADARA, 204.
Gaius, 80, 87.
Gamaliel, Rabbi, 38–39.
Georgics, 161.
Gerasa, 204.
Gergasa, 204.
Ghosts and specters, 181–82; in Apuleius's
Metamorphoses, 182–84; *The Ghost of Jean*
Gobi, 188; of Henry James, 193–98; in
Homer, 184–85; in Old Norse mythology,
189–92; in Shakespeare, 181; spirit of Gui,
186–89. *See also* Demons.
Giotto, 70.
Gisli Surrson (fictional character), 123–24.
Glam (fictional character), 190–92.
Glossators, 91.
Gobi, Jean, *Treatise on the Ghost of Gui*,
186–89, 276 n.28.
- Goethe, Johann Wolfgang von, 127, 235;
Faust, 134.
Goffman, Erving, 108–110, 113, 136; *Behavior*
in Public Places, 111–12; *The Presentation*
of Self in Everyday Life, 110–11.
Gogol, Nikolai: *Dead Souls*, 211–18, 221;
Overcoat, 243 n.10.
Goldstein, Kenneth S., 229–31.
Gottfried of Strasbourg, 123.
Gracchus the hunter (fictional character),
147–57.
Grágás, 123.
Greenidge, A. H. J., 66.
Gregor, Walter, 227, 228, 229.
Gregory IX, Pope, “On Second Marriages,”
27.
Grettir Asmundarson (fictional character),
190–92.
Guardianship, 20, 31, 97; in Roman law, 25.
Guerre, Martin, 40–41, 243 n.9.
Guinevere, 122.
Gulliver, Captain Lemuel (fictional
character), 101–103, 114–19.
- HANDBILLS, 54.
“Hanging Poems” (*Mu’allaqāt*), 124–25.
Harvard Medical School, 173–74.
Häüy, Abbé, *Elementary Treatise of Physics*, 131.
Hawthorne, Nathaniel: *The Scarlet Letter*,
104–106; “A Virtuoso Collection,” 132–33;
“Wakefield,” 13–16, 50.
Hebrew bible: Book of Numbers, 139–40,
141, 175, 207–208; census in, 207–11; David,
208–209; Exodus, 210; First Chronicles,
208–209; Second Samuel, 208, 209.
Heidegger, Martin, 178.
Heine, Heinrich, 138, 141–43.
Helen, disappearance of, 55–57, 61, 65.
Henry II, 93.
Heraclitus, 164, 203.
Herodotus, 58, 159–60.
Heroes and villains, 121–23.
Hertz, Robert, 174–75.
Hesiod, 185.
Higgs, Edward, 54.
Hitzig, Julius Eduard, 126, 131, 141, 265 n.42.
Hoffmann, E. T. A., “A New Year’s Eve
Adventure,” 132.

INDEX

- Homecoming, 41, 45, 49, 51. *See also* Odysseus; Return.
- Homer, 121; terms used for “body,” 161–62. *See also Iliad; Odyssey.*
- Homonymy, 167, 172, 177, 179, 200.
- Homo sacer*, 90.
- Hord (fictional character), 124.
- Hübener, Rudolf, 26.
- Hyginus, 64.
- Hymes, Dell, 260 n.63.
- IBN EZRA, ABRAHAM, *TACHBULA*, 233, 234.
- Icelandic literature, 123–24.
- Ignominy, 103–107, 119, 121–22; of Peter Schlemihl, 138, 142; of poets, 142.
- Iliad*, 64, 184.
- Images: Blanchot’s use of the term, 177–78; and execution in effigy, 71–73; of the missing, 61–66; painting and modeling, 61–63; of shame, 66–71. *See also Kolossoi.*
- Imago*, 61, 65–66, 162–63.
- Infamy, 66–71, 93, 104, 121–23, 140–41.
- “Infinite names” (Aristotle), 9.
- Insurrection, 89.
- Isidore of Seville, 161.
- Islamic law, absence in, 19–20, 25–26.
- “It,” 227–29, 234, 235, 236–37.
- Itzkowitz, Howard, 99.
- JAMES, HENRY: “The Beast in the Jungle,” 16; “The Jolly Corner,” 193–98, 200.
- Jeremias, Joachim, 206.
- Jesus, 204–205, 206, 207.
- Joab, 209.
- John XXII, Pope, 71.
- Josephus, Flavius, *The Jewish War*, 231–33, 234.
- Jousse, Daniel, 94.
- Judaism: corpse in, 175–76; sacred history, 208–209. *See also* Hebrew bible; Talmud.
- Justinian: *Digest*, 80; *Institutes*, 88.
- KAFKA, BRUNO, 245 n.50.
- Kafka, Franz: accounts of the hunter Gracchus, 147–56; as *gracchus*, 156; legal studies of, 50, 245–46 n.53; manuscript page of “Hunter Gracchus” fragments, 155; *Oktavhefte*, 147–49; *Der Verschollene*, 49–52, 245 nn.50–51, 246 n.57.
- Kahn, Charles A., 164.
- Kenner, Hugh, 102.
- Kant, Immanuel, 191.
- Kimhi, David, 209–10.
- Koch, Antonius, 27–28.
- Kolossoi*, 56–61, 65, 73, 247 n.14, 248 n.26.
- Korai*, 56–57.
- Krasnopolski, Horaz, 245 n.50, 245–46 n.53.
- Kuhn, Adalbert, 262 n.1.
- LALLY-TOLLENDAL, TROPHIME GÉRARD DE, 96.
- Lancelot, 122.
- Laodamia and Protesilaus, 64–66.
- Laqueur, Thomas W., 271 n.26.
- Law: ancient Icelandic, 123; Anglo-Saxon, 28, 32–33, 92; Assyrian code, 23; civil, 8, 19–22, 32, 33–34, 87–88, 94; Code of Hammurabi, 23; common, 28–29, 30, 32–34, 100; “declaration of absence,” 31, 33, 37; in fiction, 42–43; French, 30–32, 72, 96–97; Germanic, 26, 32–33, 34; Islamic, 19–20, 25–26; Italian, 27; Jewish, 23–25, 37–38, 176–77; medieval Christian, 26, 27–28; natural, 87; of peoples, 87, 94; presumption of death, 24, 26–34; property, 22; Roman, 21–22, 25, 66, 79–82, 87; “Syro-Roman Law-Book,” 22–23; United States, 29–30, 33, 34.
- Lay sanction, 90.
- Legal interdiction, 97, 98.
- Legal personhood, 34, 42, 50. *See also* Nonpersons.
- Le Goff, Jacques, 189.
- Lessening, 8, 78–82, 87, 88–89, 100, 137. *See also Capitis deminutio; Diminution.*
- Levites, 208.
- Levy, Ernest, 21, 22.
- Lévy-Bruhl, Henri, 84.
- Likeness: of person and dead person, 167, 171, 172, 177–79, 184; and terms for bodies, 162–64.
- Liverpool Mercury*, 54.
- Living dead, 190–92. *See also* Ghosts and specters.
- Logic, and the notion of “dead person,” 168–69.

INDEX

- Lommel, Michael, 131.
London Association for the Prevention
of Premature Burial, 173.
Louis XI, 69.
Louis the Bavarian, 71.
Lucius III, Pope, 27.
Lucretius, 165.
Luke (gospel), 205–206.
Lykke, Kai, 72.
- MALATESTA, SIGISMONDO PANDOLFO,
71.
Malthus, Thomas, *Essay on the Principle
of Population*, 219.
Mann, Thomas, 130.
Mark (gospel), 204–207.
Mark, King, 122.
Marmion, Simon, 188, 276 n.28.
Marriage: bigamy, 28, 46; and civil death,
97, 98; dissolution of, 24, 26, 27–28,
28–29; in Hawthorne’s “Wakefield,” 13–16;
marital delinquency, 22–24. *See also*
Remarriage.
Matthew (gospel), 206.
Maupassant, Guy de, “The Return,” 44.
McCawley, James D., 113.
Medea, 121.
Meier of Rijmenam, 71, 250 n.73.
Meir, Rabbi, 39.
Memory sanctions, 106.
Menelaus, 55–57, 61, 65, 73.
Metonymy, 62, 163.
Mishnah, 37–38, 176.
Missing persons, 7–8; descriptions of, 53–55;
disappearance in water, 24–25, 38–40, 44,
46; in myth and literature, 35–36, 50–52,
222, 215; possessions of, 21, 25–26, 31, 34–35;
punishment of, using images, 66–71.
See also Absence; Nonpersons; Return;
Vanishing.
Moab, daughters of, 139, 208.
Modeling portraits, 61–63.
Monks, legal status of, 91–92, 93.
Monsters, 103.
Montaigne, Michel de, 41, 243 n.9.
Mors civilis (civil death), 91–99.
Mortuary practices, 159–60, 172, 178–79, 184;
ancient Greek, 164; burial sites, 204–205;
Indonesian, 174–75. *See also* Cadaver;
Corpses; Death.
Moses, 139, 207, 208, 210, 217.
Muyart de Vouglans, Pierre-François, 94.
Mycerinus, King, 58.
- NABOKOV, VLADIMIR, 218.
Nahmanides, 209–210.
Names: of the Gadarene in the New Testa-
ment, 205–206, 207; ignominious, 103–104,
121–23; namelessness, 134, 136–37, 207, 223;
nomen omen, 123.
Napoleonic Code of 1804, 30–32, 33.
Nationality: loss of, 96–97; natal alienation,
86.
Natural law, 87.
Natural science, 135–36, 137.
Nero, 121.
Newspapers, notices of missing persons,
53–54.
New Testament, 204–207.
Nietzsche, Friedrich, *Human, All Too Human*,
133.
Nonius Marcellus, 103–106.
Nonman (Aristotle), 9, 168.
Nonpersons: Aristotle’s “nonman,” 9, 168;
through banishment in Iceland, 123;
corpses as, 159, 167–69, 171, 172, 177–78, 203;
and “counting out,” 236–37; “dead souls”
as, 211, 212, 214–15, 217; definitions of, 9–10;
encountered in censuses, 211, 218–19; Goff-
man on, 110–11, 112–13; Gulliver as, 114;
hunter Gracchus as, 150, 156; “it,” 234, 236–
37; in James’s “The Jolly Corner,” 198; by
lessening, 8, 78–82, 87, 88–89, 100, 137; slaves
as, 87–88; “unpersons” in Orwell’s *Nineteen
Eighty-Four*, 106–107; varieties of, 7–9, 10,
78–79.
“No One,” as Gracchus’s reader, 154–56.
Numbers, 236–37. *See also* Book of Numbers;
Counting of persons; “Counting out.”
- ODYSSEUS, 40, 49, 119, 156, 184–85; dog of, 137.
Odyssey, 15–16, 40, 49, 52.
Oldak, Lauren, 99.
Old Norse literature and mythology, 123–24,
189–90.
“One Potato, Two Potato,” 226, 230, 236.

INDEX

- “On Second Marriages” (papal decree), 27.
- Oring, Elliott, 231.
- Ortalli, Gherardo, 67, 68.
- Orwell, George, 136; “How the Poor Die,” 107–108, 110; *Nineteen Eighty-Four*, 106–107.
- Outcasts in literature, 121–25; Hawthorne’s “A Virtuoso Collection,” 132–33; Schlemihl, 130, 134, 138, 141–42. *See also* Schlemihl, Peter.
- Outlawry, 89, 91, 93, 122–25, 192, 263 n.8–10.
- Outlaw sagas, 123–24, 190.
- Ovid, *Heroides*, 63–66, 73, 249 n.44.
- PAINTING: defaming, 66–71; as effigies, 73; origin of, 61–62.
- Palude family of Reggio nell’Emilia, 68.
- Papinian, 159.
- Pasiteles, 62.
- Pasley, Malcolm, 151.
- Patroklos, 184, 185.
- Patterson, Orlando, 86.
- Paul (apostle), 170.
- Paulus, Julius, 80, 88.
- Pausanias, 60.
- Péju, Pierre, 137.
- Penelope (wife of Odysseus), 15–16, 40, 119.
- Perceval, 121–22.
- Persona*, 77; legal, 90. *See also* Persons and nonpersons.
- Persons and nonpersons, 77–82. *See also* Nonpersons.
- Pesch, Rudolf, 204.
- Phinehas, 139–40, 141, 208.
- Pieri, Georges, 103.
- Pillius of Medicina, 91.
- Pirandello, Luigi, *The Late Mattia Pascal*, 47–49, 51, 133–34.
- Pirates, 85.
- Pittura infamante*, 66–71.
- Pius II, Pope, 71.
- Plagues and epidemics, 25, 208, 209.
- Planiol, Marcel, 19, 30.
- Plato, 56, 164; *Phaedo*, 164; *Republic*, 271 n.24.
- Plautus, 22.
- Play, 229, 230, 234–37. *See also* Children’s counting games.
- Pliny the Elder, 61–63, 73, 163, 248 n.39.
- Plurality of forms, 171–72.
- Plutarch, 185.
- Poe, Edgar Allan, 244–45 n.47; “Fall of the House of Usher,” 45, 173.
- Poetry: Arabic odes, 124–26; Greek and Indian, 121; and ignominy in Heine, 142; medieval, 121–23.
- Polo de Beaulieu, Marie Anne, 187.
- Polybius, 162–63.
- Polyphemus, 156.
- Pople, Charlotte, 53–54.
- Pople, Frederick, 53.
- Portraits: of the deceased, 162–63; modeling, 61–63.
- Postliminium*, 22.
- Pothos*, 56, 57.
- Preisker, Herbert, 206.
- Premature burial, 45, 173.
- Prime matter (*materia prima*), 170–71.
- Prince of Orange, 69.
- Prisoners, 46, 87.
- Private detectives, 53.
- Property law, 22.
- Protagoras, 102.
- Protesilaus, 64–66.
- Prynne, Hester (fictional character), 104–106. *See also* Hawthorne, Nathaniel.
- Purgatory, 189.
- QAŞĪDA (ARABIC ODE), 125.
- RABBINIC LAW OF REMAINS, 175–76.
- Rav Nachman bar Yitzhak, 209.
- Registry of missing persons, 53.
- Reign of Terror (France), 96.
- Remarriage: after absence of spouse, 28, 32; in fiction of return, 42, 43, 46, 47, 48; papal decree, 27; in the Talmud, 37–38, 39.
- Res* (things), 88, 253 n.22.
- Resemblance. *See* Likeness.
- Resurrection, 169–70, 175.
- Return: in fables of the Talmud, 38–40; in fiction, 49; of Martin Guerre, 40–41, 243 n.9; of missing married men, 40–48; in Pirandello’s *The Late Mattia Pascal*, 47–49; in Zola’s fiction, 45–46. *See also* Odysseus.
- Reuß, Roland, 154.
- Revenants, 190, 191–92, 197.
- Richir, François, *Treatise of Civil Death*, 94–95.

INDEX

- Riesenfeld, Conrad Ernst, 50.
Rights, loss of, 66, 68, 79–82, 87, 89–90, 100, 123, 252 n.17. *See also Capitis deminutio*;
Civil death; Diminution.
Riva, 148–50, 152, 157.
Rodríguez Pinto, María Sara, 32.
Rolando, Antonio di (Cicogna), 70.
Rols, Bertrande de, 40.
Roman law, 21–22, 25, 66; *capitis deminutio*, 79–82; categories of, 87.
Romano, Paolo, 71.
Rossmann, Karl (fictional character), 49–52.
See also Kafka, *Der Verschollene*.

SADE, MARQUIS DE, 96.
Saga of Gisli, 123–24.
Saga of Grettir the Strong, 124, 190–92.
Saga of Hord, 124.
Sarto, Andrea del, 69.
Satan, 208–209.
Savigny, Karl Friedrich von, 79.
Scheppelle, Kim, 98.
Scheurl, Adolf von, 79.
Schlemihl, Peter (fictional character), 126–37, 264 n.22; as luckless botanist, 135, 137–38; meaning of name, 138–43; as Number Twelve in Schlemihlium, 136–37.
Schmitt, Jean-Claude, 189.
Scholasticism, 172.
Schulenberg, Johann, 72–73.
Scottish Presumption of Death Act, 34.
Scotus, Duns, 171–72.
Second Samuel, 208, 209.
Serfs, as “dead souls,” 211–18.
Servitus poenae (forced labor), 90.
Shadow: in folklore, 130; of Mattia Pascal, 133–34; of Peter Schlemihl, 128–34, 137, 143.
Shakespeare, William, 160, 181.
Shelumiel (Zimri), 139–43.
Simeonites, 139–40, 143.
Simonin, Anne, 96, 97, 98.
Sin, 105, 140, 189, 208, 209.
Slaves, 8, 80, 81, 84–89, 90, 91, 100.
See also Serfs.
Snell, Bruno, 161–62.
Societas, 93–94.
Socrates, 56, 164.
Solon, 89.

Sōma (body), 161, 162, 163, 164, 166.
Sophocles, 185.
Soul: body and, 166, 171–72, 207; counting of, in Russian census, 211; “dead souls,” 211–18, 221; after death, 165, 170, 184–85; Greek and Roman representations, 185–86; of Gui, 186–89; ransom for, in Hebrew bible, 210.
Speech acts, 113–14.
Spieler, Miranda, 97.
Spikher, Erasmus (fictional character), 132.
Starobinski, Jean, 206.
Statues. *See* *Kolosoi*.
Steiner, Deborah, 55, 56, 59, 62.
Stoichita, Victor, 63.
Stone, D., 34.
Suárez, Francisco, 171.
Suffrage, 99.
Sulla, 168.
Swift, Jonathan, *Gulliver’s Travels*, 101–103, 114–19.
“Syro-Roman Law-Book,” 22–23.

TA’ABBATTA SHARRAN, 124.
Tag (children’s game), 228.
Taillandier, Alphonse-Honoré, 97.
Talmud, 37–39, 139–42; Berakhot, 210; on burial sites, 204–205; Sanhedrin, 140; Yebamoth, 37–38; Yoma, 209.
Tarquinius, Sextus, 121.
Taxation, 210, 211–12, 221.
Testart, Alain, 85.
Thelyphron (fictional character), 182–84, 198–201.
Theognis, 185.
Thersites, 121.
Thomas, Yan, 87.
Thomas Aquinas, 170–71.
Tilh, Arnaut de, 243 n.9.
Tosefta, 176–77.
Travel, 15, 26, 46, 102. *See also* *Odyssey*; Return; Swift, Jonathan, *Gulliver’s Travels*.
Travers, Andrew, 112.
Treason, 69, 96–97, 98, 100.
Tristan and Yseut, 122–23, 143.
Tyan, Émile, 25.

INDEX

- UHLFELDT, COUNT CORFITZ, 72.
Uniform Definition of Death Act
 (United States), 174.
United States: civil death in, 98–99; determination of death, 173–74; diminution of rights, 99; as location for missing, 50, 51–52; “wanted posters,” 53.
United States Society for the Prevention of Premature Burial, 173.
‘Urwa ibn al-Ward, 124.
- VANISHING, 17, 20, 35; at sea, 39, 44, 46.
 See also Absence; Missing persons.
Varano, Rodolfo da, 68.
Vedder, Ulrike, 51.
Vernant, Jean-Pierre, 60–61.
Verschollenheit, 22, 50, 245 n.51. *See also*
 Absence; Kafka, Franz, *Der Verschollene*;
 Missing Persons.
- WAKEFIELD (fictional character), 13–16.
Walburga (wife of Antonius Koch), 27–28.
“Wanted” posters and circulars, 53.
War, 22, 25, 87; enemies in, 85; in Israel,
 207, 208, 231–32; Trojan, 55, 64.
Ward, Thomas M., 171.
Weber, Sam, 245 n.51.
Weithase, Franz, 93.
Wieruszowski, Helene, 70.
Wilamowitz-Möllendorf, Ulrich, 59, 248 n.26.
William de la Mare, 170.
Wills, 80, 91. *See also* Estates.
Witches, 182.
Wordsworth, William, “We Are Seven,”
 219–23.
- YARON, REUVEN, 23–24.
Yitzhak, Rabbi, 209.
Yoḥanan, Rabbi, 140, 142.
- ZIEGLER, PETRUS, OF MAINBURG, 27–28.
Zimri (Shelumiel), 139–43.
Zola, Émile: “The Death of Olivier Bécaille,”
 45, 47–48, 51, 173; “Jacques Damour,”
 45–46, 48, 51.