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UNIVERSITY OF CALIFORNIA,
IRVINE

The Site of the Crime: Trial Narratives, Forensic Reading, and the Novels of Samuel
Richardson

DISSERTATION

submitted in partial satisfaction of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

in English

by

Tara Leederman

Dissertation Committee:
Professor Jayne Elizabeth Lewis, Chair
Professor Virginia Silver
Professor Ann Jessie Van Sant

2023

DEDICATION

To my friends and family (who are much the same thing),

To my husband, for being my favorite person,

And to my son, in hopes you will someday be proud.

For what I never say:

*But hail thou goddess, sage and holy,
Hail divinest Melancholy,
Whose saintly visage is too bright
To hit the sense of human sight;
And therefore to our weaker view,
O'er-laid with black, staid Wisdom's hue.*

John Milton, *Il Penseroso*

And for what I should:

"There is more in you of good than you know.... Some courage and some wisdom, blended in measure. If more of us valued food and cheer and song above hoarded gold, it would be a merrier world."

J.R.R. Tolkien, *The Hobbit*

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ABSTRACT OF THE DISSERTATION

The Site of the Crime: Trial Narratives, Forensic Reading, and the Novels of Samuel

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by

Tara Leederman

Doctor of Philosophy in English

University of California, Irvine, 2023

Professor Jayne Elizabeth Lewis, Chair

This dissertation explores the development of medical forensics in the courtroom as centered around women’s bodies and expert testimony, and it offers a new lens for reading the eighteenth-century novel. It performs this examination through an analysis of trial records and the attendant print culture of England in the first half of the eighteenth century, in conversation with the forensic realism of Samuel Richardson’s 1740 *Pamela* and 1748 *Clarissa*, teasing out the emerging novel’s use and transformation of what I call the “forensic mode” of reading. Through intrinsic psychological motivations to prove and disprove, to construct and explore cases as presented through the body of the novel, both stories and trial narratives engage in training audiences to approach, process, reimagine, interpret, and demand a high evidentiary standard for historical, criminal, and personal accounts alike, within an immersive context of a print culture that increasingly emphasized and sensationalized crime. Though it reaches back into the seventeenth century for medical

context, treatises, and some criminal context (including accounts of matrons and midwives in witchcraft trials, on both the defense and prosecution's side of the bench), its central area of analysis and consideration are the years 1700 through 1750, with a focus on the evidence-gathering and testimonial properties of rape trials in dialogue with the attempted and actual rape of Richardson's protagonists.

Introduction

This dissertation will explore eighteenth-century gestures toward medical forensics as constructed by women's bodies and the evidence of midwives, and it offers a new crucible for reading the eighteenth-century novel. It will perform this examination through an analysis of the print culture of early modern England in the first half of the eighteenth century, as well as the forensic realism of Samuel Richardson's 1740 *Pamela* and 1748 *Clarissa*. Moreover, it will examine the emerging novel's use and transformation of what I call the "forensic mode" of reading, training audiences to approach, process, reimagine, interpret, and demand a high evidentiary standard for historical accounts, criminal accounts, and personal accounts alike, within an immersive context of a print culture that increasingly emphasized and sensationalized crime. Though it reaches back into the seventeenth-century for medical context, treatises, and some criminal context (including accounts of matrons and midwives in witchcraft trials, on both the defense and prosecution's side of the bench), its central area of analysis and consideration will be the years between 1700 and 1750, marking a watershed period in the development of forensic science and the nascence of a medico-legal system of jurisprudence in Great Britain, much earlier than has otherwise been examined or posited.

Evidence-gathering in the eighteenth century was not the exclusive province of a professional rank of lawyers and law enforcement officers, as it is today; in the 1700s, particularly the early decades of the century, the complainant's party was responsible for collecting and presenting evidence, and the skill with which they could accomplish that task and weave the evidence into a convincing narrative (as a prosecutor would optimally do today) could decide the outcome of a trial and, in the case of a rape conviction, could ultimately claim a man's life. The power and responsibility that rested on the shoulders of the complainant, in addition to

that on the shoulders of the jury and judge, was awesome, yet both groups seldom possessed the professional knowledge, resources, and expertise that prosecutors and investigators do today. Nevertheless, rape trials from the period do show that some complainants could collect and wield evidence with aplomb, weaving convincing narratives which are nevertheless riveting and horrifying to read, and which have provided much interest and titillation to those who purchased and consumed the Old Bailey assize records and trial pamphlets in the period.

My goal in this dissertation is to show that the work of complainants in evidence-gathering and the subsequent proliferation of trial materials, as well as other popular texts centered around crime, acted not only as an instrument of cultural change that developed jurisprudence into a fairer and more procedural system, but also trained readers and citizens in mental methodologies that enabled them to better collect, process, understand, and narrativize evidence, and the motivations for such reading were psychologically complicated. This forensic mode of reading, of making, building, and dissecting cases, and the psychological motivations beneath, coalesce into the basic framework that underpins many of the earliest novels. These novels quite often have crime and attempted crime at their very hearts, and present not an authoritarian account of objective happenings in the third-person omniscient mode, but a collection of subjective testimonies and evidence, and which implicitly or explicitly ask the reader to consider the case, *as* a body of evidence, and act as both reader and detective, rather than passive recipient of received analysis. This mode of writing trained the implicitly lay, middling-rank reader to view discourse legalistically and to develop an increasingly agreed-upon evidentiary standard, without which there can be no well-regulated public sphere with space for free speech, nor an evidence-based discourse, and without which there ultimately can be no democracy.

However, the psychological, psycho-social, and psychosexual motivations that underpin the development of this forensic mode of reading portray a darker and opposing undercurrent of suspicion, paranoia, voyeurism, morbid curiosity, motivated affirmation of previously held biases and beliefs, and a panoply of gender- and rank-based jealousies and envies. Providing the impetus for the development of such meticulous evidentiary reading is required, I believe, and goes hand-in-hand with the most powerful forensic narratives. In employing that forensic mode, the reader uncovers a deeper world of crime and its psychological realities within the so-called “news-novel matrix” of texts,¹ enabling the minutely detailed and highly interior exploration of narratives that were once just-so stories, the provenance of folk tale and fairy stories, more fully realizing their lived reality. This forensic mode and its motivations are also potentially exploitative, turning the body and even a human being’s interiority into a site of invasive speculation and explication, of paranoid reading and doubting, which can reverberate for centuries. All this is to say that the forensic mode so produced has both progressive and conservative undercurrents, helping to transform institutional justice and enabling potentially hostile and penetrative evidentiary dissection of the body and the very self.

Forensics

When Charles Norris set out to transform New York City’s law enforcement practices and coroner’s office in the 1920s and ‘30s, he sought to create what he called a “medico-legal” system. It is perhaps the best possible term to encapsulate the sea change in the way that law enforcement, the judicial system, and the public viewed and handled the evidentiary standard. This change occurred at surprisingly different rates; while arsenic could be detected in body tissues from 1775 onward, it took more than a century before some municipalities—such as New

¹ An apt term coined by Lennard Davis in *Factual Fictions*.

York City—reliably got convictions for arsenic poisoning, regardless of rank or circumstances. This is not due to a lacuna in the forensic science, but to the attitude of law enforcement. Without a procedure by which *all* suspicious deaths underwent mandatory autopsy, or systems of evidence preservation and collection, or a Medical Examiner’s office shielded from political pressure and other corrupting influences, there could be no reliable connection between the forensic potentialities of the science and decisions made by juries. “Forensics” is today an umbrella term for a diverse scientific² tool belt and the set of law enforcement procedures necessary to link that science to convictions or acquittals, based on a scientific utilization of the evidence to reconstruct and process the scene of the crime. The study currently includes everything from forensic entomology—specifically the way in which insects feed off and lay their eggs on dead bodies—to ballistics, which studies the effects of objects on bullets, and vice versa. The earliest forensic science was, however, entirely medical and toxicological in nature.

Historical accounts of the rise of medical forensics place its origins in early autopsies of dead bodies, which ultimately began to lead to convictions for murder in the late eighteenth century, and in the toxicological detection of arsenic by Scheele in 1775. The connection between the rise of forensics and its utility in a medico-legal system—in its ability to directly garner convictions or acquittals—unfortunately passes over forensic gestures made much earlier, in the seventeenth and eighteenth centuries. Many of these gestures centered not on dead bodies, but on the bodies, linens, and effluvia of living women and girls, studied as evidence represented by midwives and matrons, in the detection of pregnancies within the criminal justice system,

² Scientific and, historically, pseudoscientific as well, as in the case of such fields of forensic dentistry and the analysis of blood spatter evidence. Charles Norris’s toxicologist, Alexander Gettler, was a pioneer in the field of forensic toxicology and went out of his way to test, prove, and publish a great number of papers on the detection of toxic substances in the body and how to analyze their presence—or absence—with regards to criminal activity. See: Freimuth, H. C. “Alexander O. Gettler (1883-1968). A Reflection.” *The American Journal of Forensic Medicine and Pathology*, vol. 4, no. 4, 1983, pp. 303–05.

their examinations of rape victims, and their observations of accused witches. Their testimony potentially reorients our understanding of what Tom Keymer calls *Clarissa's* "forensic realism,"³ especially as it pertains to Richardson's tendency to construct a legal case based upon the evidence contained in and around women's bodies, and the accounts given about them. This discourse around women's bodies as legal subjects as well as objects carries through the period under study, undergoing numerous reorientations and transformations; the strident conversation regarding Pamela Andrews and the "truth" of her virtue, the status with regards to property so problematized by the marriageable and victimized heiress Clarissa Harlowe, both represent emblematic narratives motivating and teaching the forensic mode of reading, as well as the invasive and paranoid cultural conversation around rape and attempted rape which reduces the victim into a series of signs and symptoms, in a culturally reifying process of biased reaffirmation.

The development of something resembling what we would call "forensics" in the eighteenth century is a badly understood history, which itself must be constructed forensically, from traces and accounts of old trials, as well as from the psychology that remains in the narratives that survive. Testimony had long been the chief and highest standard of evidence, whether it be a witness's account, the character witness to a principle's reputation, authoritative or the increasing use of expert testimony (as in medical testimony from midwives, surgeons, and doctors), or the confession. Changes in the legal system, and changes to court norms, expectations, procedure, reporting, and requirements, all show a marked alteration in the status and uses of testimonial evidence, as well as limitations placed on its usability. Correspondingly, and perhaps inevitably, the admission of lawyers on both sides of the process and the advent of

³ Keymer, Tom. *Richardson's Clarissa and the Eighteenth-Century Reader*. Cambridge: Cambridge University Press, 1992.

the adversarial system saw both physical evidence, and expert witnesses to interpret it, take greater precedence in this period, and that system of interpretation and narrativizing gained further sophistication between 1700 and the end of the century. While most accounts of forensic history focus on the nineteenth century and its development of the science of forensics,⁴ the ideological underpinnings of forensics themselves, of what is factual and what imperatives attain with the establishment of a medico-legal “fact,” go largely unexamined, but they exist in large part in the cultural and judicial writings of the eighteenth century. That is not to say that forensics in this period were sophisticated by our reckoning, but they are more informed by the science of the period, particularly when considered alongside the uses of evidence a century earlier, as during the time of the Witchfinder General or the treason trials of the English Civil War.

The forensic in the eighteenth century may have been, and often was, as simple as the comparison of handwriting between two suspect letters, a coroner’s inquest regarding a body in a well, the careful examination of a young girl’s linens, or the expert testimony of a midwife or surgeon who treated the accused for venereal disease and describes the illness’s symptoms and morbidity, so the jury can consider those symptoms in relation to those experienced by a rape victim. What underlies these seemingly unsophisticated evidentiary considerations is a massive shift in thinking about what evidence *is*, and how cases and trials are to be constructed, governed, and decided. The uses of these evidentiary items and testimonies raise important cultural questions, which ultimately receive over the following century a series of systemic answers: What are the obligations of those who stand in judgement, and hold the accused’s life in their hands? What are the affordances of testimony, and what are its limitations? What are the

⁴ Consider Umberto Eco and Thomas Sebeok’s seminal collection *The Sign of Three: Dupin, Holmes, Peirce*. Bloomington: Indiana University Press, 1988. See also: Boltanski, Luc, and Catherine Porter. *Mysteries and Conspiracies: Detective Stories, Spy Novels and the Making of Modern Societies*. Translated by Catherine Porter, Polity, 2014.

obligations of the court, the press, and the citizenry with regard to finding evidence and constructing truth? What is a fact, and what is a factual account? And how do we know a factual account when we see one? These questions emerge and are grappled with not only in crime reportage, such as court recording and pamphlets, but also across the expanding and developing print media of the early eighteenth century: in news, journals, and crucially in the emerging English novel.

Frames of Analysis

In considering trials and other sorts of “real crime” cases, particularly those from the eighteenth century, and particularly with an eye toward sexual violence and attempting to understand the context and cultural changes taking place with respect to making cases for or against women, there are three frames of analysis that are vital to keep in mind, each of which possess analogues within literary form. The first is temporality: the speed with which forensic evidence was gathered, preserved, recorded, and analyzed. The issue of temporality and timeliness are vital to the quality of the evidence, whether it be testimonial (given the degradation of memory) or physical, as well as to the way the jury and law enforcement, to say nothing of the public, will read and analyze the evidence. It is additionally vital to examine the weight given to a timely medical examination in trials, as opposed to one that is untimely; the time between the crime and the trial, and the destruction or degradation of evidence as a result of the passage of time. We must also consider, when reading testimony, the way in which remembrances change over time and repetition, as well as the near-inevitable degradation of memories and details. Changes to expert opinion itself sometimes occurs over the course of these trials, often without explanation, while expertise as a concept was a new and emerging parameter

in this period. This consideration of timeliness applies equally to the recording of events and using those recordings as a kind of narrative evidence in epistolary novels as well.

This project pays a great deal of attention to constructions and shifts in authority in the making and breaking of cases. I examine who has medical authority to testify, and how much weight that is testimony given, especially when experience (both personal and professional) are thrown in the mix. The battle between surgeons/chirurgeons and midwives, male vs. female, and female authority over female bodies resulted in a struggle for authority in the courtroom, as well as the wider culture. A constant theme that appears in case history is the authority of parents, who know their children, but also demand obedience of them for sometimes selfish purposes, as well as parental authority in asserting that the child's health or demeanor changed significantly in response to a rape or other abuse. Here parents may be biological, of course, but they are also foster children, apprentices, young servants. Of particular note here are the historical and demographic changes occurring, populations moving from countryside to cityscape, from tight-knit communities to anonymous urban neighborhoods, and how these changes presage alterations in constructions of authority and expertise, from the rural community (parents, family, neighbors, and midwives) to professionals (doctors and investigatory professionals appended to the police or the court), all taking place over the eighteenth century, before there are agreed-upon (and effective) standard practices for the latter, and when the two kinds of voices are in clear conflict in trial records.

Lastly, it is vital to keep in mind changes in the type, and not just the quality, of the evidence, from testimony to the increasing use of physical evidence, as well as changes in the interpretation and importance of particular kinds of evidence. When researching the eighteenth century, as evidentiary standards developed, it is important to consider how the jury understand

the evidence presented to them, in what way medical experts take the time to educate them, and whether those experts simply gave their opinion about that evidence without taking the court through their reasoning or providing context for their analysis. What physical proofs of evidence come to court, and when? When does decision-making power move further to the jurors, and when are they trusted to make an informed decision based on the facts of the case? How much weight is testimony given versus physical artifacts, and in what sorts of cases is one type of evidence preferred over another? How does the jury come to understand the relevant expertise of an expert witness? What happens when expert witnesses come into conflict, and interpret the same evidence differently?

Rape in the Early Eighteenth Century

Eighteenth-century ballads, particularly as the century wore on, celebrated the free-wheeling sexuality of laboring women, especially in London, who freely sold their bodies in the back alleys of the Metropolis and lived with men outside the bonds of marriage.⁵ Words like “purse” or “ware” were often used to refer to their genitalia, while the genitalia of middling-rank women might be referred to as their “jewel” or “treasure”; all these words tended to frame women’s sexuality in economic terms, as a commodity that could be bought and sold, or hoarded and protected for its comparative value, depending on the woman and her attendant worth. While female purity and sexlessness were important in bourgeoisie representations of femininity, this commodity value may, as Anna Clark argues, have altered laboring women’s relationship to sex and rape, the latter being “just one of many experiences of sexual exploitation and male violence”

⁵ Clark, Anna. *Women's Silence, Men's Violence: Sexual Assault in England, 1770–1845*. New York: Pandora, 1987. Clark’s examination obviously focuses on the period almost directly following the years I cover in this dissertation, when court records were more complete and detailed, and it is therefore a useful source for considering attitudes that persisted from the period the preceded it, and their continuing effect on the legal system in England.

during a time period when many women of the laboring ranks found they needed to sell their bodies for their bread,⁶ and when women higher up the social scale nevertheless needed to barter upon their looks and sexual appeal, however veiled, to hope for a life of comfort and security.

For those working as servants, the streets of Georgian London must have seemed a terror, given the extent and perniciousness of the sexual economy and sexual exploitation of women; even if poorer women may have had more economic freedoms, the practices of procuresses, brothels, and libertines during this time conspire to paint a picture of extreme predation.

Richardson was firmly a member of the artisan rank, with a life of modest comforts, but he had the perceptive eye of an observer; in his 1728 *Familiar Letters*, Richardson details a brothel and its madam in “A Young Woman in Town to her Sister in the Country, recounting her narrow Escape from a Snare laid for her, on her first Arrival, by a wicked Procuress,”⁷ which readily prefigures Sinclair’s house and Hogarth’s 1731 *A Harlot’s Progress*, as well as the dangers that awaited young ladies of the country, looking for work as a maid in the city, who hailed from the laboring and servant ranks of society. For men, there was of course a great deal of Christian moral literature and guidebooks advocating for Puritanical self-rule and control, particularly for the middling sort, but libertine views deeply suffused the culture and influenced attitudes about women, women’s interiority, consent, and rape, and those ideas in turn encouraged the eighteenth-century literary figure of the rake, the so-called “heroic rapist” celebrated in Chevalier and libertine literature. As a consequence, popular culture itself “contained a misogynist, sexually violent streak which mirrored aristocratic libertinism,” which was far more compelling and, indeed, considered both more fun and popular than dry Christian moralizing in

⁶ Ibid, 23.

⁷ Richardson, Samuel. *Familiar Letters*. 1741. Eighteenth-Century Collections Online.

letter-writing guides and the like.⁸ Women and men lived in separate spaces and communicative universes, and experienced and defined rape entirely differently. It would not be unusual for men to take their attitudes about attempted rape and seduction from the heroic, picaresque and comic traditions, as well as from libertine drama, while literate women were far more likely to consume the work of the early century's women writers like Eliza Haywood, Mary Davys, and Jane Barker, for whom imprisonment, seduction, and attempted rape were matters of great emotional import—enough to be the entire matter of a work.⁹

Rape's definition—the accepted one, for the most part—was one which men constructed for themselves and from their own point of view. It operated chiefly to protect men rather than women, doing more to exclude circumstances and activities than it did to include, and it actively excused and validated men in the “taking” of women who did not appear or behave chastely or to have the protection of another male. There is much evidence indicating that women did not accept male figurations of consent and rape, including the work of authors like Haywood, for whom female feeling and interiority were a subject worthy of an entire narrative's examination. In the eighteenth century, libertine figurations of rape were worse still, centralized around the concept of petty theft and idle romps, as Lovelace's writing to Belford too readily reveals, but even more sober masculine minds based their conceptions around rape on the flawed idea that women's consent was figured around her relationship with the males in her life, and not around her own feelings, needs, desires, or indeed, her own free will.¹⁰ Such a paternalistic paradigm obviously excludes the possibility that wives could be raped by their husbands, and prostitutes, being devoid of male protection, could not be raped at all under this definition.

⁸ Clark, 23.

⁹ For more on this subject, see Margaret Ann Doody's *A Natural Passion: A Study of the Novels of Samuel Richardson*. Oxford: Clarendon Press, 1974. Pp. 14-34.

¹⁰ Clark, 33.

Clark's review of the northeast assizes, to which I am quite indebted, reveals that 43% of men accused of rape in the late eighteenth century chose victims who were walking alone across the fields or the moors, either traveling (necessary for migrant field laborers) or moving between work and home. This is an unusually large number for stranger rape in an open area; to put that number in a readily understandable context, between 2010 and 2017 in the United States, more than 80% of rapes were committed by someone known to the victim, and only 15% occurred in an open, public place.¹¹ This difference is most likely due to a few key differences in law and enforcement between early modern prosecutions of rape and those in the early twenty-first century: a lack of consent and a claim of rape by the victim no longer needs to be substantiated by a witness as a point of evidence to achieve a rape conviction, as forensic evidence in confluence with the victim's testimony are technically (though not always practically) enough to carry the prosecution's case. In the eighteenth century, however, a woman had the advantage that, culturally, jurors were not very willing to believe that a woman *wanted* or consented to having sex with a complete stranger in a field, so this high incidence of stranger rapes (some may have been committed by acquaintances or stalkers, of course) implies a sense within the masculine population that one could get away with it, and that men believed they simply had a right to the use of female laborers' bodies. Given the difficulty of bringing a case and the effect it had a woman's reputation, the men who raped women in fields were very likely right in their assessment.

Of the same assizes, 10% of the indicted rape cases were committed by masters, lodgers, and fellow servants in domestic spaces, though because of the power dynamics, these are likely to have been reported even less often than incidences of stranger rape. In the Old Bailey assizes in the same period (1770 to 1800), 18% of reported rapes concerned women who reported they

¹¹ According to statistics reported by the United States Department of Justice in January of 2017.

were raped by fellow workers or male fellows in service, and a further 20% were servants raped by their masters. Given the threat of penury and sex work in London after losing one's place in service, such reports made the greatly unequal power dynamic between master and servant no easier to bear. What is also clear in the Old Bailey records in earlier decades is that women seem more likely to report rape (and far more likely to get a conviction) when they suffered some other form of injury, or a great deal of obvious physical injury to their genitalia, which could be examined by a midwife or surgeon, and represented proof that the victim had not consented, as well as trace evidence for an increasingly eager pool of jurists looking for physical evidence and medical testimony.¹²

These women report similar things to what we see in the Old Bailey between 1700 and 1750, that the rapes “hurt” them terribly, that they continued ill in bed for some time after, and they remarked on the sheer violence of their attackers, all of which helps to externalize and communicate a sense of harm from the rape which male jurists, who did not universally believe rape itself a harm to women, could understand. It is worth remembering the physical strength of many laboring women, who would have spent their days carting large quantities of water at the very least, and the way several ballads valorized and celebrated women who fought off their attackers—one ballad even going so far as to describe, in “The Bloomsbury Milkmaid,” a Pamela-esque Valkyrie who fights off her would-be rapist, depicting him as a man so impressed by his conquering goddess that he marries her and makes her a rich woman, almost as though he were a pagan god testing a vassal and rewarding her for strength, tenacity, and chastity; in its fairytale logic, stories in this vein ignored the villainy of the rapist, turning rape into a kind of natural occurrence like a storm or fire, a visitation of a trial upon women, that the most virtuous could and would fight off and prevail against, and for which they might be rewarded—materially

¹² Clark, 28.

or by Providence. This matches Lovelace's conception of himself as a natural phenomenon, yet hollowed of its monstrous humanity, and turned cartoonish, an animated skit of a Satanic Mr. B tussling with an Artemisian Pamela.

Rather darkly, we are reminded by these assizes of the reasons why Richardson struggled with the Herculean task of making his heroines as pure and virtuous as possible; the attitudes of judges and prosecutors were underscored by bourgeois values and the double standards of an entrenched purity culture, in which a rape victim's honor and external beliefs about her internal virtue and character, regardless of how much she struggled or how wide was the gap in power and authority, would be forever tarnished, never again immaculate. Meanwhile it was thought equally possible that a rake—after living an unchaste and violent life, could repent on his deathbed and achieve Heaven. Women were not excluded from such beliefs, of course, and could themselves be more fervent believers and exploiters of their fellows, from reasons of envy, ignorance, rage, or terror, making sacrifices of other women to avoid harm to themselves or to affirm their own sacrifice had been unavoidable. The attitudes women had toward seeing another woman raped, or toward hearing an account of it in the Old Bailey in the eighteenth century, does reveal the fact that many women seemed more willing to interfere in a rape than men were, though many quailed at the idea of being served similarly by the rapists they observed, and hence declined to get involved.

Victims were more likely to tell female family members and mistresses, as opposed to male family members and masters, often for good reason, but women could also have conflicted and problematic responses to hearing about a rape. Some encouraged the victim to exact money rather than justice; others responded, as men did, by partially or fully blaming the victim, or asking if there was any former intimacy between the victim and her rapist. Some fatalistically

viewed violence and pain as necessary and inevitable experiences of womanhood, and inextricable from female sexuality. Most enforced a culture of shame, especially in London, and some—as in previous decades—acted as procuresses, assisting men in luring young girls to strange houses to be raped, many of whom thereafter became prostitutes. These victims were often in their early to mid-teens, and most were servant girls, some of them orphans or working far from their families. Prosecutions of these Hogarthian Sinclairs occurred rarely throughout the century, and they come across as particularly grotesque figures.

In her analysis of sexual violence in the long eighteenth century, Julie Gammon notes that many historians have turned their gaze towards the reasons prosecutrices would pursue justice for their rapes, considering the low incidence of success, particularly in the assizes beyond London and especially for young women in service. The costs of prosecution were prohibitive, and access to the legal system often required powerful male patronage, especially if one cherished any hope for success, or—if a victim was lucky—she might find the assistance of a well-placed gentlewoman willing to help her. The sexually abused servant Anne Bond, for instance, relied upon the assistance of a former employer, Mary Parsons, to pursue Colonel Charteris in 1730, which will be discussed further in Chapter 2. Gammon, as well as T.R. Forbes and Anthony Simpson, underscore the change in the eighteenth-century courtroom as forensic evidence became increasingly available and important, particularly in the development of rape and sodomy trials, when surgeons—whose profession was increasingly professionalizing and formalizing throughout the century—made ever more frequent appearances, giving evidence that violent penetration had taken place or that venereal disease had been transmitted.¹³

¹³ See Julie Gammon, "Researching Sexual Violence, 1660-1800: A Critical Analysis" in *Interpreting Sexual Violence, 1660-1800*. London: Pickering & Chatto, 2013. P. 18.

Testimony, particularly the titillating rape accounts of the victim, became less important in the courtroom and were steadily replaced, not only by scientific proofs and testimony by medical experts, but by the voice of the increasingly present defense counsel, whose importance and strengthening legal prevalence in England has been explored by John Langbein. Most vitally in her review, however, Gammon notes that our analysis and understanding of rape narratives in the eighteenth century has long been overshadowed by examinations of legal literature, and that there are no doubt unexplored or insufficiently analyzed areas of literature and historical text where better understandings of rape in the period may be found.¹⁴ It is just such an examination, placing nonfiction pamphlet and trial literature in conversation with the novels of Samuel Richardson, that this dissertation seeks to perform.

In her study of eighteenth-century rape law, Mary Block explores the eighteenth-century public's and jurists' conceptual conflation of the crime of rape with the "quasi-crime" of ravishment, and the difficulty this conflation presents to historians and other scholars attempting to gain an understanding of rape trials and their evidentiary requirements in the period. Legal authorities, those who took part in rape trials, and those who suffered and perpetrated rape did not live in a vacuum, but existed as consumers and producers of texts and discourse in a culture which "tolerated inordinate levels of male violence against women."¹⁵ Rape (and other crimes) were not adjudicated based strictly upon statutes that outlined the crime of rape and how it was to be proven, but rather by contemporary treatises that debated and concretized an extensive cultural context around rape and perceptions of women who accused men of the crime. These treatises, which were vital to jurists' adjudication of the crime, made conviction nearly

¹⁴ Ibid, 22.

¹⁵ See Mary Block, "'For the Repressing of the Most Wicked and Felonious Rapes and Ravishments of Women': Rape Law in England, 1660-1800" in *Interpreting Sexual Violence, 1660-1800*. London: Pickering & Chatto, 2013.

impossible.¹⁶ Rape was legally constituted as the “forcible violation or defilement of a female,” while ravishment was far more complex—a crime against the king's peace, the elopement or kidnapping of an heir or heiress, a trespass against an individual and family; unlike rape, it could happen to a male or female, and was less a physical crime to be proven with forensic medical evidence by surgeons. Rather, it was a financial crime, a property crime, a tremendous disruption to the social fabric, and did not require sexual violation at all to be proven or committed, even when a rape occurred at some point during the proceedings. However, treatises opining on these issues had the effect of conflating rape (even the rape of a small child) with consensual elopement, and conceptually elided the boundaries between the two crimes, introducing the idea of extreme violation into the concept of ravishment, and allowing the specter of consent, romance, and fancy to intrude upon cases of alleged rape, particularly in the minds of well-read jurists, for whom rape was exclusively understood to be a violent trespass upon a woman or girl.¹⁷ Many of the cases under examination in this dissertation feature the confusion of language, replacing the word “rape” with “ravishment,” even where it is entirely inappropriate.¹⁸

In keeping with this conflation, particularly the de facto evidentiary requirement of violence and its traces when considering cases of rape brought by prosecutrices, “legal experts made [the woman's] body the primary site of evidence for the crime,” and the examination thereof reveals a “cultural distrust of women and their claims of non-consensual sex.”¹⁹

¹⁶ Keep in mind again that the duty of bringing cases, of allowing indictments and arriving at verdicts, was shared among jurors (grand and petit), judges, and magistrates, which were drawn from a small pool of learned, literate men of the professional (high middling) and upper classes, those consisting of rich elites, the *nouveau riche*, and the aristocracy. Jurists took their duties seriously and read a great deal of trial literature, treatises, and pamphlets, and many took part in this print culture as well as in a widening and vital quasi-legal discourse. The intense debate between the so-called Canningites and Egyptians around the rape case of Elizabeth Canning is a perfect example.

¹⁷ Ibid, 26.

¹⁸ Examples include the 1723 case against John Dale, the 1725 case against Samuel Street, and the 1749 case against James Penoroy, all for rape of infants, in which the word “ravish” is wholly inappropriate and inapplicable, heavily reflecting the linguistic drift at play. These cases are discussed in greater detail in Chapter 1.

¹⁹ Block, 26.

Evidentiary requirements in legal treatises on rape called for examination and documentation of torn clothes, marks of abuse, damage to the genitals, and effusions of blood as proofs of the crime (usually related by a surgeon or midwife). A woman's behavior during the rape and thereafter was equally important; if a woman failed to make an immediate complaint, it should be taken as evidence of a malicious prosecution. If she failed to cry out during the crime—or if there was no evidence or reasonable inference she had cried out, according to juries' expectations—then it was deemed unlikely that a woman had been raped, even if she was considered to be of good fame or reputation.

Thus the assaulted female or child's body was at all times a living crime scene, proving and disproving the crime as it went, carrying the weight of cultural distrust and sinister beliefs as well as the burden of the event itself, and even if the prosecutrix met with all of these requirements, she was not guaranteed justice, nor was there much, if any, protection for her reputation should she do so, even—perhaps especially—in the event of success. Moreover, despite changes in the cultural and literary construction of femininity throughout the eighteenth century, wherein there was an increased and increasing softening the image of women from that of Satanic, lying connivers into angelic guardians of the home and hearth, legal texts were remarkably slow to catch up; while Richardson depicted Clarissa's innocent white hands sharing the bounty of her dairy,²⁰ his legalistic contemporaries depicted women who accused men of rape as harpies, liars, spiteful witches, sexual entrepreneurs looking for advantage, or at the very least *unchaste*. Had Clarissa come forward and made public accusations against Lovelace or attempted to use the legal system, she would have been met with steep and prejudicial evidentiary requirements which would have reconstructed her actions as evidence of her consent to elopement, ravishment, and rape. Richardson seems only too aware that the strongest way for

²⁰ Samuel Richardson, *Clarissa or, The History of a Young Lady*, p. 1730.

Clarissa to claim justice was spiritually, linguistically, and culturally, not simply within the world of his text, but via the spiritual change his novel might begin to manifest in the soul of his society.

Unfortunately, one piece of otherwise compelling evidence that sexual intercourse had occurred—pregnancy—was a disqualifying element and could result in the dismissal of a case by the Crown, the courts, and the magistrates. Ancient Greek theories of conception held that pregnancy could only result from consensual sex and female pleasure in the act; these ideas filtered into Roman law through the Justinian Code, and thus made it into British law via Medieval canonists. By the eighteenth century, this idea had been long solidified in legal doctrine and in cultural belief about female orgasm and conception. This belief goes a great way toward explaining Lovelace’s stated hopes after the rape that Clarissa is pregnant,²¹ as, according to beliefs about rape in his time, her pregnancy would retroactively recast the event and vindicate him, in essence “undoing” the crime after the fact.

However, as knowledge of reproductive function advanced—particularly in the seventeenth and eighteenth centuries—jurists disagreed on the scientific validity of this argument and its legal applicability, increasingly rejecting it as a reason to throw out an accusation alone, but medical authorities continued to debate it well into the eighteenth century, and it certainly had not left popular thought (and its specter has not yet left Western Anglophone thought even to this day). William Hawkins, for instance, in his *Treatise of the Pleas of the Crown*, noted that waiting for the products of a conception to appear required both the prosecutrix and the accused to wait an impractical period of time before the matter could be adjudicated, in addition to doubting the soundness of the philosophy altogether.²² Throughout the century, “the more legal authorities ignored or rejected the relationship between consent and conception, the more rigidly

²¹ *Clarissa*, 1320.

²² See William Hawkins, *A Treatise of the Pleas of the Crown*, 2 Vol. 1716-21, p. 22.

and incessantly medical jurists insisted on it,” a connection which persists into Farr’s seminal 1788 text on medical jurisprudence.²³ The increasing “insinuation” of doctors and their outdated philosophies into the courtroom and the consequent disappearance of midwives, who had so often supported the accusations of women and girls based on their practical experience and observations, oftentimes removed a crucial ally for the women and girls who accused men of rape.

Treatise writers, both jurists and medical jurists, frequently rendered rape trials and verdicts difficult to impossible, by continuously promulgating prejudicial ideas of femininity and high standards of evidence, such as the belief that both penetration and ejaculation were necessary for a conviction, which emerged in the late eighteenth century. This idea can be seen bandied about in rape trials through the middle of the century, as juries and judges increasingly fixated on dirty linens and seminal emissions as positive evidence, which caused them to further doubt rape accusations in cases where such linens and fluids were not preserved or provided by the prosecutrix and/or her family. This is an unfortunate but perhaps entirely predictable slippage of inductive thought when physical evidence is introduced to the case history and precedent; while forensic traces become unanswerable witnesses to the reality of an event, they also become increasingly expected and relied upon, in addition to—and then in place of—a critical weighing of testimonies, both expert and experiential, as well as probabilities and other crucial inferential logic. *Pamela* and *Clarissa* rather introduce and display a mode of approaching, weighing, gathering, putting together, and critically explicating a body of evidence, much of it textual and testimonial, *alongside* the body and other physical traces, and display that one cannot arrive at a full understanding of the truth without effectively absorbing, practicing, and deploying such a skill—as a reader of culture and a jurist in trials.

²³ See Samuel Farr, *Elements of Medical Jurisprudence*. London: T. Becket, 1788.

The Language and Literature of Rape

Modern analysts and historians often read and present rape as ahistorical, a unified experience of violence across the centuries united by the same feelings, motivations, and metaphors for pain used by modern victims of rape, though this is not and should not be entirely the case. Garthine Walker argues that rape in the early-modern period should be understood in its context to avoid further erasing it, and that victims' accounts should be understood within their historical environment. Walker's frame for understanding early modern sexual violence is fair, and indeed necessary to wider historical work in the period, and reveals a great deal not only about gender dynamics in the sixteenth and seventeenth centuries, but about the way in which those gender dynamics were understood by those who benefitted and those who suffered under that belief structure.²⁴ If one were reading about an ancient civilization with little connection to the modern day, it would indeed be solipsistic and unhelpful in the process of historical work to uncritically apply modern political and psychological frames of analysis to old accounts of rape. However, early eighteenth-century England is not an ancient, alien, or disconnected civilization; in its working out of jurisprudence and the application of laws and procedures can be found the very underpinnings of the modern British and American justice systems, as well as much of the cultural foundations of the very patriarchal structures with which we struggle to this day. Therefore, similarities to and revelations that may be assistive in an understanding of modern jurisprudence are to be expected, and we dismiss them at our peril. Historical work is never apolitical, nor can it escape the historian's own political context, as it insistently informs the analyst's interpretation, interest, and psychological referents.

²⁴ See Garthine Walker, "Rape, Acquittal and Culpability in Popular Crime Reports in England, c. 1670–c. 1750." *Past & Present*, no. 220, 2013, pp. 115–142.

In performing such an analysis, it is important to pay attention to sexual language, and to language in general, from the Early Modern period, particularly taking note of the cultural conception that men had lustful feelings which were expressions of natural male impulses for which they were not responsible, which made it easy for men to use this language to imply consent by framing instances of rape using the language typically associated with bawdy sexual acts, wherein responsibility for honor fell to women; in so doing, they removed rape from the realm of the unspeakable, away from its connection with male violence, and capitalized women's comparative lack of available language with which to describe rape and its effects on them. Such sexual language feminizes responsibility for sex and sin, and available discourses about sex from the period painted women as whores, irrevocably guilty of and responsible for most instances of sin in the world, and therefore the period's available sexual language was not appropriate for or equal to the task of discussing rape. Therefore, other forms of discourse and other semantic paradigms were necessary in rape reporting and prosecutions. Sexual language in the eighteenth century depicted women as passive, "suffering" men to have children "begat upon" their bodies. Even in situations where the woman was willing, the language already depicted women as the passive objects of the sex act, while men were its active participants; with such language at hand to conceptualize and contextualize the act, there was very little room to consider, talk about, and understand female consent for or even participation in sex acts, except when a woman was acting as a prostitute. Active and enthusiastic consenting female participation was so thoroughly coupled with whoredom that there could be little conversation about female consent in the courtroom without making such ill associations, and thereby prejudicing the jury.

It is easy to see in this arrangement of language and definition how "rape" becomes a useful concept for male interlocutors, a figment of terror, a violent act perpetrated by "other"

interloping men upon another man's female relatives, whose honor must be protected; outside this feared specter of rape as a crime committed by men against other men, it is defined and discussed such that it is essentially impossible. Women's participation in sex was passive and had nothing to do with consent—only submission. Penetration's very occurrence implied a woman's submission to the sex act; even if she had been forced to give that submission, she had still *given* it. In the eighteenth-century mind, submission implied female consent, which was not the same thing as male consent, which was active and participatory. In essence, merely describing rape in a trial or to a magistrate was virtually identical, in terms of language, to an account of sex between men and women.²⁵

This problem of language applied as well to child victims, though thankfully consent was not an appropriate question in trials dealing with the rape of "infants," or children under the age of ten. Sex was a secret world, secret knowledge, and when it was used by children to describe the sex act perpetrated against them, implicated and sexualized them, implying their own complicity in the act and removing their shield of innocence, again prejudicing the jury against them. The way allies, family members, women and even children got around this problem was through the language of violence and force, replacing the language of sex with the language of *harm*, bringing brutality and pain to the forefront in order to convince jurists that a harm had indeed been perpetrated. In the courtroom, women and children telling their stories almost entirely elide the sex act itself, focusing instead on acts and threats of violence—the *ways* in which they were forced, and not *what* they were forced to do. Midwives and other medical professions offering expert testimony on behalf of a raped child and their family often speak in the record about the hurt or the damage done, or a venereal disease that was contracted, to point to a harm that was not unwanted sex. This change results in a necessary shifting of the

²⁵ Walker, 121.

conversation in the courtroom away from female (or the victim's) behavior and chastity, and onto the male's (or perpetrator's), which worked to focus attention on the defendant's actions and demeanor, and thereby helped prevent the complainant from having only her own actions and demeanor placed exclusively on trial.

Other paradoxes of language and legality abounded; women, for instance, were required to show adequate proof that they had physically resisted, but there was also very little acceptable language for women's resistance and physical violence that did not lend itself to parody or make the woman appear less feminine, while simultaneously emasculating her attacker and garnering him concomitant sympathy among invariably male jurists and observers. This is because of a view of femininity that positively embraced the concept of female physical weakness, meaning that only "disorderly" and "dishonorable" women—barely women at all, like Jewkes or Sinclair, with boorish or demonic male strength and masculine qualities—resorted to physical violence, even when the woman's honor, safety, and even her life were at stake.

Women generally only emphasized their attempts to escape and resist when that physical endeavor produced corroborating witnesses to the rape, such as those who heard the woman's cries and rescued her; in such cases, male assailants often attempted to remove the sexual component of the act entirely, depicting the assault as a "chastisement" of the woman or a fight over commercial goods, in which the victim was a violent or ill-tempered wag attempting to cheat the man's business, or engage him in some other disorderly conduct; it is clear that these attempts were a way not only to excuse the assailant's actions, but to smear the woman as a figure unworthy of the operations of justice. What is particularly of value in these considerations is the way women's language about rape, and the concomitant silences and elisions, stage the body and its signs and symptoms as a site of evidence.

I am particularly interested in the way in which narratives of sexual violence were figured in terms of locked doors and claustrophobic private spaces, as men in accusations are often depicted as closing and locking doors before commencing a rape or some other form of sexual abuse, while women depict themselves as running and locking doors to place an impediment between themselves and their rapists.²⁶ The use of this language is practical, of course, as locked doors and the power to lock doors were among women's primary lines of defense against attackers, a recourse to private spaces to which many early modern women, particularly servants, did not have reliable access, and was very much a marker of rank and status in the eighteenth century. The language of locked doors and small, enclosed spaces invaded or enforced by men, is also a way by which the accusing woman or girl can convey the coercive resolve and power of the male who imposed on her, who indicated his malicious intent by either locking the door before abusing her (signifying the consciousness of guilt for wrongdoing on his part), or similarly signaling a desire to abuse by preventing her from locking a door and thereby nonviolently defending herself. In some sense, for the female subject, all the world appears to have been a claustrophobic space full of locking and locked doors, and men controlled the keys; as such, the safety of privacy and the liberty of escape were similarly delusive for many women.

Genitals were known as "secret" or "privy" parts, and while ideas of domestic privacy were still crystalizing in the seventeenth century, there is indeed a strong symbolic connection between the breach of the locked door and the breach of the privy parts, and a connection between use of the locked door and imprisonment, coercion, and sexual violence. We see this in the amatory fictions in the early half of the eighteenth century, as in the works of Eliza Haywood, as well as in both *Pamela* and *Clarissa*, and in the gothic fictions of Ann Radcliffe, in which the metaphor of locked doors, locked cupboards, and hidden or locked drawers figure heavily into a

²⁶ For Walker's discussion of seventeenth-century cases and metaphors of locked and closed doors, see Walker, 129.

heroine's limited ability to protect herself and her privacy, and therefore stand in for her exposure to imminent and sexualized danger; in all of these peculiarly female fictions (most of them written by women), the available landscape in which the action takes place is comparatively small and claustrophobic, confining the scene—and site—of examination, action, and danger to the woman's body and its immediate, claustrophobic environs. Female interlocutors in the court similarly understood the landscape in such a confined manner.

Conversely, men in these novels and men in the courtroom (invariably looking to defend themselves from a capital charge) depicted the open door, the open casement, the window glass, and the even the keyhole itself as an enticement, a honey trap intended to snap closed after the man has been invited to enter by a woman sitting salaciously on a bed; Lovelace regularly opines angrily against Clarissa's carefully closed and locked door, a symbol of her watchfulness, even while under his power—even after he has raped her—and it appears to entice him, to dare him as the heroic rapist to overcome and penetrate that barrier²⁷ (by plots and stratagems, in his case) in order to spend the night as her companion. What this language of course implies is that any open door and seemingly innocent action performed by a woman in a domestic space, one which a man could interpret as “inviting” or submissive, could then be taken as an invitation to sexual congress and any violence that may come along with it.

There is a great deal of confusion regarding the language and depictions of rape in the period, particularly in its (often literary) associations with love and inflamed, but inherently positive, passions. *Raptus*, having as it does a connection with rapture as well as rape, and ravishment, connote not only sexual violence and force, but also sexual enjoyment, the

²⁷ For more on penetration and boundary in *Clarissa*, see: Leo Braudy, “Penetration and Impenetrability in *Clarissa*.” *Literature Criticism from 1400 to 1800*, vol. 1, 1984, pp. 363–419.

abandonment of mores and consciousness, and a form of delirious, Bacchanalian pleasure.²⁸ Male sexual discourse already facilitated the narrative that coercion was a natural expression of male desire and even love, but female discourse also regularly depicted rapine and sexual violence as legitimate expressions, not of the desire to dominate, but of passionate—if brutal—love. That linguistic conflation continued not only into the eighteenth century, but into the modern day. Rape, stalking, home break-ins, and sexual violence were often situated, even by women, in terms of men's unrequited love, obsession, and desire, as one way in which women could comprehend the act of rape as an expression of a positive feeling—love—rather than an attempt to harm, dominate, or blot out a woman's contending will, bringing the rape act into confluence with the plots of Jacobean drama and Medieval romances.²⁹

Rape and attempted rape were a “favorite subject” of Restoration dramatists and even comedies, and subsequently of early novels and amatory fiction, where female resistance, or succumbing, to male aggression is commonplace in the eighteenth century.³⁰ The trope enjoyed an incredible prevalence in semi-fictional prose (in what Lennard Davis calls the news-novel matrix)—across broadsides, political pamphlets, crime narratives and erotica, but also possessed an astounding symbolic flexibility as a cipher and a trope. In the hands of Whig pamphleteers exploring and advocating for social contract theory, the image of the tyrant-rapist was useful for advocating the need to control or overthrow cruel and capricious monarchs. Tories, meanwhile, argued for the divine right of kings by depicting rebel rapists in the chaos of political tumult and civil war. Meanwhile, illustrating the fungibility of rape as symbolic currency, the authors of amatory fiction “used sexual violence to create narratives with strong political subtexts that

²⁸ Manasseh Dawes, a London barrister, wrote that rape was an expression of “artless sincerity” and “natural passion,” and blamed women for being raped, for exciting male violence through their “endearments.”

²⁹ Walker, 131.

³⁰ See Anne Greenfield, *Interpreting Sexual Violence, 1660-1800*. London: Pickering & Chatto, 2013.

grappled with the complex question of whether resistance to legitimate authority can ever be virtuous,” as Richardson quite pointedly explores in both *Pamela* and *Clarissa*.³¹ Seventeenth- and eighteenth-century texts are so obsessed with rape, not simply because of its salaciousness, but because of the period’s obsession with chastity, which figured rape as a crime against men, a theft of surety, and a “fissure” in the social order, which became ever more dire as a woman’s importance (in relation to men and property) increased. Rapes of chaste wives and daughters posed such a cultural and symbolic threat to the very structure of social order that depicting it in art and in prose could imbue a scene with intense gravity, seriousness, and even mythic significance. There was additionally a strong sense of rape’s symbolic precedence in the very literary canon so venerated by eighteenth-century writers, who therefore appropriated the trope for all manner of political and artistic allegory.

Women characters who resisted or were the victims of sexual assault, like Pamela and Clarissa, were depicted by Richardson as scrupulously virtuous and chaste because, in actuality, their real contemporaries were often seen as untrustworthy and sluttish; likewise, killing the character who was the victim of rape not only reinforced this chastity and virtue, but resolved the problem of the character’s irredeemable and unconscionable future in a culture where there was no legitimate road ahead for the victims of rape. Narratives about rape such as *Clarissa*, as well as its spiritual ancestors (such as *Love in Excess*, or depictions of *The Rape of Lucrece* in literature and art) especially focused so much on the feelings of male characters—friends of the rapist, Clarissa’s family members, and Lovelace himself—because rape in the eighteenth century was felt to be very much a crime perpetrated by men against other men; the extent to which Richardson focused on his female victims, their humanity and their interiority, and their relationships *to each other*, must then be viewed as incredibly progressive and unusual.

³¹ Ibid.

While the literary and symbolic uses of rape were many and various, which reflects its flexibility as a trope that could ably explore the ideological conflicts at work in the period, its legal (and cultural) definition was incredibly narrow and far less flexible than it is today, encompassing a far smaller possible set of potential victims and perpetrators. While the twenty-first-century definition of rape in Western countries, where the definition agrees and features fewer ambiguities, primarily views rape as a violent act against a woman, the eighteenth century viewed it not as an act of violence (violence during a rape could be prosecuted as generic assault separately), but as theft and attempted theft—of property, of inheritance, of the family’s right to choose and position via the well-placed marriage of their female offspring, of the family’s honor, of the societal and monetary value of the woman’s chastity. Where the woman or girl was not seen to have chastity any longer, either because of profession, accusation of looseness, or even the vague sense that she might have consented, the crime of rape could not be said to have occurred, and marriage could expunge it entirely post facto, turning illegal theft into legal ownership.

Indeed, many archival studies of rape prosecutions in the eighteenth century reveal that, while the majority were brought by servants, they were the least likely to get a conviction—it was far too easy to cast doubt on their motives, honesty, and chastity.³² This is not to say that there were not tremendous ambiguities and contradictions working themselves out through the prose of this era. Richardson argues in *Pamela* that the loss of Pamela’s chastity would be a theft, not from her parents, but from Pamela herself, despite her low social standing; in *Clarissa*, he painstakingly portrays, over the course of hundreds of thousands of words, how the violence of the act itself disorders and destroys the victim, and how difficult it then becomes for that victim to understand and piece together her own “case,” as if examining it from outside; in both

³² Ibid, 18.

instances, he helps to build a language whereby the harms of rape, outside brutality and violence, can be better understood and discussed. In his consistent obsession with his heroines' interiority and psychology, Richardson explores their particular cases and provides a mode of both reading and writing which helps to make possible imaginative sympathy with victims of attempted and accomplished rape, rather than just the perpetrators of these acts.

The *Proceedings* publication of the Old Bailey was on its own one source of rape narratives and a definition of rape that the literate public, particularly those obsessed with crime and the legal system, avidly consumed, and therefore undoubtedly fed into popular attitudes about sexual violence and sexual politics between men and women. In the process, it unquestionably functioned in the discourse to establish standards of evidence and prosecution that stabilized over the century, resulting in a form of the rape trial by the late eighteenth century that focused more on physical traces, and less on first-hand testimonial and character witnesses, as forms of evidence. Had they been the only voice in this conversation, the *Proceedings* would have increasingly made of the woman and child's body nothing *but* a site of a crime, a location and source of physical evidence and traces, to be transcribed and analyzed, like a foreign place or a strange locale, littered with alien emissions. What is plain from the Old Bailey's trials is a hunger to hear and grapple with women's narratives of sexual violence, its harms and its effects on the inner world of women, if such a thing could be imagined, as well as a lack of language with which to express and understand it—a job for which the novel was uniquely suited.³³

³³ For a fuller context and history of the *Proceedings* publication, rape, conviction statistics, and procedure in the eighteenth-century Old Bailey, see Appendix 1: Rape and the Old Bailey.

Rape and the Novel

Frances Ferguson only too aptly writes that “rape victims are violated first by the actual, physical act of rape and then by a legal system that does not take them at their word but demands further proof.”³⁴ This claim is evident from the Old Bailey records, where a conviction for rape is by far the exception rather than the rule, as I will show in Chapter 1, and where the physical evidence is often on the side of the accuser, attested to by midwives and surgeons alike, and yet acquittal follows thin testimony from the accused and sometimes other testimony questioning the credibility or character of the victim and prosecutrix. In a he-said, she-said situation, he-said is always weighed more heavily, and juries err on the side of a man’s innocence even to the point of absurdity.³⁵ This paranoia over false allegations trivializes women’s testimony and, I would further argue, even women’s stories themselves (whether they be by or about girls and women), especially wherever a female speaks for herself from the first person; because of fear of the lying woman, women’s stories *must* be accounted false even when they are true.

In Ferguson’s figuration, the ascendancy of physical evidence does not have a straightforward progressive relationship with rape convictions, but rather functions in the eighteenth century as a means to better discount and dismiss out of hand female testimony regarding rape, both experiential and expert, bringing in male surgeons and other medical members of the emerging professional class, to contest or muddy the testimony of midwives who had seen evidence of rape firsthand. In establishing the ascendancy of physical evidence—evidence in “action,” as Ferguson calls it, “commentators on the law were inevitably restricting the capacity of the law to deal with crimes like rape in which the evidence of actions necessarily involved considerable verbal supplementation.” The rape of an adult is a crime with a non-

³⁴ See Frances Ferguson, “Rape and the Rise of the Novel.” *Representations*, vol. 20, no. 4, 1987, p. 88.

³⁵ *Ibid*, 89.

criminal corollary in consensual sex. Unlike most violent crimes, which generally only require proof that the action occurred and who did it (it is generally preposterous, for example, to suggest that someone wanted to be beaten or murdered), rape is a crime that concerns stories, narratives, one person's understanding of events set against another's, and the only way to establish the difference between intents was through a discussion of mental states.³⁶ A woman's body was thus "converted into evidence, having become the text that bespeaks not only her intention not to have consented but also the perpetrator's intention to have overridden that refusal to consent,"³⁷ a practice that, like the legal process itself, has the potential to revictimize, to objectify and reduce a woman's story to mere set-dressing in a voyeuristic grotesquery, where only entertainment, rather than justice, could be attained.

Saxon law offered the accuser the opportunity to retrieve her rapist from the death sentence by marrying him, and Jewish law made rape and marriage synonymous in terms of consent, so that the rapist would owe the woman's bride price to her father after committing the act, and at that point victim and rapist could simply marry to erase the problem. Consent in the eighteenth century was not understood in terms of the positive-negative matrix to be read out of the woman's words and actions before the act of sex commenced, but something that could be attained after the fact, through marriage, which legally "recast" rape as consensual, "so that marriage is a misunderstanding corrected, *or rape rightly understood*."³⁸ This is incredibly similar to Dworkin's figuration of sex and marriage between men and women under the structures of patriarchal domination, as explored chiefly in *Intercourse*.³⁹

³⁶ Ibid, 90.

³⁷ Ibid, 91.

³⁸ Ibid, 92.

³⁹ Dworkin, Andrea. *Intercourse*.

In this paradigm of reading the novel, *Pamela* uses the act of attempted rape and the instability of the idea of consent as a form of internal epistemology. That Pamela can marry Mr. B “bespeaks her ability to reread Mr. B's attempted rape as seduction,” but it also, I would argue, works to recast her resistance as a conditional “no,” as opposed to an unconditional hard “no,” as was common in conceptions of female resistance to sex and consent in the eighteenth century. This is not Pamela using her virtue as an instrument in a marriage campaign; Pamela remarks on her master’s good looks and his seeming virtue before he makes any attempts on her,⁴⁰ and continually allows for his moments of true virtue even when he is “trying” her at the Lincolnshire estate. What she objects to is not sex with him outright, nor even really her own attraction to him—though his actions do make him horrifying to her. What she rejects is being assaulted, being pressured into sex outside of marriage, being a kept mistress, or anything else that would mar her reputation or respect for herself, or that would destroy her ability to earn a livelihood or harm her parents’ remaining community honor and reputations. That she resists Mr. B in extremis, even when he is actively forcing her and no longer even pretending to ask her consent, and even when she owns to being attracted to him,⁴¹ is a proof of her virtue and her knowledge that she will be the one ruined if he achieves his end, whether by assent, coercion, or outright force. B is the one who is tried, and *found virtuous*, for he is not willing to actually harm her, even when few in his proximity in Lincolnshire would have blamed him for doing so, as the text takes pains to show.

⁴⁰ *Pamela*, 18.

⁴¹ *Ibid*, 196. “To be sure, he is a handsome fine Gentleman!—What pity his Heart is not as good as his Appearance! Why can’t I hate him?” Pamela here does not forbear from hating him because she secretly wants him to rape her or because she is trying to trick him into marrying her. It is a Christian transgression, a sin, to hate, and Pamela is written to be a virtuous Christian heroine, here shown resisting hatred even against someone who is imprisoning and persecuting her, even though she feels, in her righteous indignation, that perhaps she should. This is proof of a natural, rather than forced or affected, virtue under an ideology of Christian moralism.

Andrea Dworkin writes in *Intercourse* that animal, masculine sex by domination is “the natural enemy of sex with any dimension of human longing or human meaning,” for any desire for intimacy beyond that of the hard, cold “sensual using”⁴² of brutish intercourse; what Clarissa knows, and Lovelace does not, is that he can only know her through true intimacy with her consent, and that there is no way to pry or force that knowledge from her through the grotesque simulacrum of rape. In her reading of *Clarissa* and in contention with similar ideas, Ferguson additionally makes a compelling case regarding consent, rape as an epistemological tool (and its failures as such), and knowledge of mental states, one’s own and otherwise, represented in the “turning inward” toward psychological states that *Clarissa* represents. Pamela, by contrast, “turns outward” from the claustrophobic, proto-gothic spaces of small closets, attic rooms, and gloomy walled gardens to wider society in its latter half, and thus reconciles with society.

In this figuration, Lovelace’s epistemology is anti-inductive, anti-forensic; he will discover his motivations for the crime in the committing of the crime itself, and possibly render it not a crime in so doing. It is the solipsistic tyrant’s right, in his own mind, to state what is true of events, to recast them at his whim. Lovelace views impersonation, stratagem, and plots as a mode by which true intentions and internal reality may be brought forth, as a way of establishing what is the truth; in impersonating a husband, he may discover if he wants to be one and create in Clarissa the wife he wishes her to be, if those are the intentions he finds in himself. For Lovelace, there can be no ruin for Clarissa unless it is broadcast—when she accuses him of ruining her, he denies it by claiming that no one needs to know about it, and he claims continuously to Belford that he can be *made* honest. In short, Lovelace and Clarissa’s competing discourses in the novel is a mediation on the power of stories, of fiction, to illuminate and bring forth the truth, enabled through the contending narratives of the rape story.

⁴² Dworkin, *Intercourse*, 58.

In her article “Lovelace LTD,” Sandra Macpherson begins to make the argument she will advance and revise in her later monograph, *Harm’s Way*, but the article’s particular interest in and focus on Lovelace in the article is of special interest for this study. Macpherson calls *Clarissa* a paradoxically feminist and progressive “anti-contractual polemic,” wherein what she calls consensualist jurisprudence and contract law determines not whether a woman “consents to her own violation of domination,” but rather that, in contending with the twin issues of consent and intent when reviewing (or demanding) integrally unjust contacts which perpetuate inequities, jurists inadvertently encourage the idea that “there are some harms for which no one can be held accountable.”⁴³ Macpherson here links *Clarissa* and Richardson’s public campaigning with the historical shift in English jurisprudence from an intentionalist, individualist, contract-based paradigm, wherein individual state of mind and intent were paramount, and liability was limited to proven frauds and elisions to contract, to a consequentialist framework foregrounding absolute liability and responsibility for harms proceeding from one’s actions, regardless of intent or state of mind, and links this shift to cases of absolute liability in the twentieth century. Richardson challenges the idea that a person can consent to be harmed, and the concept that, to a willing party, no harm can be done. Macpherson notes the ways in which Richardson highlights how consent can be manufactured, defrauded with false evidence, and admission to a harmful state can be outright made to appear voluntary by fraudulent means, and writes that the first half of *Clarissa* is a dramatization of the flaws in this model of contract law.

Contract theory, as idealized in the eighteenth century, held that every individual is a sovereign actor in possession of the knowledge of what is best for themselves, who can be adequately informed before assuming risks, and to whom nothing is owed beyond what is stipulated by contract; this ideal also held that the less interference in these private matters of

⁴³ Sandra Macpherson, "Lovelace, Ltd." *ELH*, vol. 65 no. 1, 1998, pp. 99-121, p. 101.

contract from government could be accomplished and maintained, the better. Richardson proposes, via *Clarissa's* publicizing of what was done to her, that a turn to the public sphere and the idea of a social contract and shared obligation, of absolute responsibility, is the only way to make people free, and that it is the act of upholding and committing to reforms that protects the community and best protects the individual, making such paradigms as traffic safety laws conceptually and paradigmatically possible in the nineteenth century. This paradigm of legal theory prevents the tendency to search into the intentionality of actors, regarding accidents or otherwise, or to search for lapses in judgment, negligence, or a momentary loss of absolute watchfulness in the victim in order to absolve blame on the part of the perpetrator. Naturally it has still taken centuries to chisel these ideas away from the concept of rape, as victims' state of mind and dress and actions continue to be called into question and interrogated to help absolve the blame of the perpetrator or dissolve the act into a consensual one altogether, because rape—unlike other crimes—has a consensual corollary in action only altered by the existence of consent, and therefore contract theory and intent are always at question.

The careful reader will note, of course, that Ferguson and Macpherson's theories regarding rape and the novel, and where it regards *Clarissa* in particular, are at odds. On the one hand, Ferguson sees the rape story as a crucible for the creation of the psychological novel as a means by which one may explore interiority, intent, and states of mind, as well as the epistemological possibilities of fiction and apparent falsity. On the other hand, Macpherson contends that the rape story, and *Clarissa* especially, dramatizes the problems with the contractualist paradigm of the social contract and jurisprudence. She goes further in her monograph *Harm's Way*, forming a theory of the novel whereby changes throughout the eighteenth century and the formation of strict liability laws cause changes to the novel form over

the same period, generating novels with a shared “‘tragic’ logic of responsibility, one that conceives of persons as causes of harms that go against their best intentions but for which they are nonetheless accountable.”⁴⁴ In other words, Macpherson’s understanding of the formation of the novel through rape narrative contends that its tragic logic of responsibility renders interiority and psychological states immaterial to the harms that one causes. I contend separately that Richardson’s work instead makes it possible for eighteenth-century readers to understand the actual harms of attempted and actuated rape on the psychological level, by imagining and believably depicting Pamela and Clarissa’s psychological states during their period of entrapment and non-consent, a narrative that is otherwise missing from narratives about rape across the news-novel matrix, and which was sorely needed.

I glean this understanding of the matter partially in agreement with Susan Staves, who comes to the insightful idea that one of the differences between Lovelace’s story and Clarissa’s—indeed, almost a division in genre, if not certainly in tone—is the stark contrast between Clarissa’s tragic figuring of the harm done to her, and Lovelace’s comic figuring of the obscuration or invisibility of harm under consent—even post facto consent—and the comic amends made by marriage.⁴⁵ To take this idea further, I believe the conflict between these two genres in the body of Richardson’s text, representing the conflict between Lovelace and Clarissa, ends with Clarissa essentially winning out and declaring what is to be the genre of the story—*her* story—and triumphing over Lovelace’s attempts to silence and subsume that narrative and its interpretations, which would have ended with his absorbing and erasing her (and the rape) through marriage. Lovelace’s wild and necrophilic imaginings from the third edition of *Clarissa*

⁴⁴ See Sandra Macpherson, *Harm's Way: Tragic Responsibility and the Novel Form*. Baltimore: Johns Hopkins University Press, 2010, p. 4.

⁴⁵ See Susan Staves, "Fielding and the Comedy of Attempted Rape." *History, Gender, and Eighteenth-Century English Literature*. Ed. Beth Fowkes Tobin. University of Georgia Press, 1994, pp. 86-112.

(as discussed by Terry Castle) virtually guarantee that Clarissa's life beyond any agreed cohabitation or marriage with Lovelace would have been tragic, torturous, and very short.⁴⁶

Jonathan Grossman has argued that readers and authors immersed themselves in a trial-oriented culture, and that nineteenth-century novels were structured according to the storytelling styles of the courts in the 1800s.⁴⁷ Grossman's examination is largely confined to the nineteenth century, predominantly the Victorian novel. However, at the foundation of his analysis is the transition, which we can see taking place over the eighteenth century, from magisterial justice focused mainly on public spectacles of punishment, to a jury-based system of close reading and analysis of evidence that closely tracks with the private exercise of forensic reading so important to the detective fiction of the nineteenth century, and which I believed to have its underpinnings in works like *Clarissa* and eighteenth-century trial narratives. Under the model he presents, the novel and the law courts produce two epistemological systems producing justice and truth counterbalancing and in conversation one another, one humanistic and the other moralistic (or retributive), forming a more complete cultural picture, creating and tapping into "a broadly felt and established Victorian sense of narrative and justice." This analysis is vital when considering eighteenth-century trial narratives and the formation of forensic modes of reading, particularly as Victorian detective literature represents a distinct evolution within the same conceptual family as the "forensic" narratives under examination in my study.

Nicole Wright has recently argued that, while many classic novels certainly do have a humanitarian and liberal strain, such as *Clarissa* and *Pamela*, which has been emphasized in histories of the novel and the development of liberal democratic anglophone society and the

⁴⁶ See Terry Castle, *The Female Thermometer: Eighteenth-Century Culture and the Invention of the Uncanny*. Oxford, 1995.

⁴⁷ See Jonathan Grossman, *The Art of Alibi: English Law Courts and the Novel*. Johns Hopkins University Press, 2002.

modern individual, there is also a second strain of conservative novel-writing within the widely read canon that operates chiefly to defend privilege, hierarchies, and unjust status quos. Of note, she traces how these novelists use the language of humanistic novels and the rhetoric of liberalism to cast society's privileged as victims and as its most vulnerable citizens. Both strains of plot and characterization, she notes, express "antipathy toward the legal system," while at the same time foregrounding conflicts that are related to legal disputes; while humanitarian novels will focus on the brokenness of such institutions and often possess a reformist strain, conservative novels present privileged individuals who can "repair" the wrongs of these systems by being good and upright themselves, and rewarding the subordinates who know and stay in their places. In performing this analysis, she works to present a new frame for evaluating the legitimacy of legal institutions and explore "how foundational principles of societal obligation took hold in the eighteenth century and became entrenched."⁴⁸ While both Wright and I agree that Richardson's novels under study here are humanitarian and liberal in nature, Wright's paradigm of reading novels presents a dual frame by which to measure the liberality and treatment of his wronged subjects—and those in privilege—in his novels, and thereby offer a parallax view that particularly treats with the novels' relationship to illegality, justice, and trial narratives.

Jesse Molesworth, in his groundbreaking study of probability and novel plot, pushes back against the common strain in eighteenth-century scholarly thought regarding the apparently shared project of the Enlightenment's "craving for actuality" in the novel form—the desire to tease out truth from its confusion with the ideal—and the emerging novel form.⁴⁹ He notes that

⁴⁸ See Nicole Mansfield Wright, *Defending Privilege: Rights, Status, and Legal Peril in the British Novel*. Johns Hopkins University Press, 2020.

⁴⁹ See Jesse Molesworth, *Chance and the Eighteenth-Century Novel: Realism, Probability, Magic*. Cambridge University Press, 2010.

much research that conforms with this view focuses on the mimetic quality of the novel in the areas of character and setting (“the verisimilitude of the physical world”) while entirely ignoring plot. He calls for more studies like his own, which view the novel as “seeking to heal the rift between magical and secular worldviews,” in an attempt to accomplish a radical “re-enchantment of the world.” For him, plot exists (as is very evident in Richardson’s work) as a series of delays, detours, deferrals, and interruptions that frustrate the narrative’s ultimate goal and so provides the pleasure of plotting (and reading) the novel itself.⁵⁰ He notes that satisfying plot narratives are never probable or mimetic, never similar to the way in which events would transpire in real life, especially their endings; narratives that attempt such a thing, as in *Roxana* and *Amelia*, tempt scathing criticism, as both novels have done.⁵¹ Novels promote the idea that events occur and matters progress due to narrative causes, mystifying more than enlightening, teleological thinking being at the very heart of superstitious thought,⁵² which is the “application of literary rules of configuration to reality.”⁵³ He calls the plot a well-concealed “alibi” for the author, covering up the mechanics of magical teleological thought with finely crafted verisimilitude; I would certainly agree that there is a real sense in which Richardson is the true culprit in his novels, the committer of crimes, the murderer of Clarissa, crafting a long and rich alibi to make Clarissa’s death appear natural, probable, even inevitable. Molesworth’s study invokes the work of Paul J. Hunter, who argues that the novel asks the reader to consider various problems of evidence, to consider how one can build a case and come to a conclusion regarding

⁵⁰ Ibid, 2-6.

⁵¹ Defoe and Fielding being the authors on whom Molesworth chiefly focuses, as their novels have the best claim to being called “Enlightened.”

⁵² Ibid, 7.

⁵³ See Peter J Rabinowitz, *Before Reading: Narrative Conventions and the Politics of Interpretation*. Columbus: Ohio State University Press, 1998.

various problems, such as the problem of the plague (in his example),⁵⁴ the problem of what to do in case one's employer attempts an assault or imprisonment (as in *Pamela*), or perhaps the problem of how and who to judge based on first impressions (as in *Pride and Prejudice*). Molesworth rejects these contentions, however, in his focus on the novel's superstitious, teleological tendencies of plotting. I would argue that the novel does indeed prompt a particularly meticulous, often teleological—even paranoid—mode of reading that, while it prompts the reader to consider issues of evidence and forgeries, what can and cannot be believed, it does so not to reveal what reality is, but (at its best) to make otherwise unbelievable narratives appear probable, believable, to the audience. Used as a progressive tool, therefore, it can make possible sympathy with the invisible or voiceless and expand the range of that which is thought probable in the first place.

Jorge Luis Borges calls magic “the crown and nightmare of the law of cause and effect, not its contradiction.”⁵⁵ As displayed by Borges, there is much similarity between narrative thought, superstitious thought, and forensic thought, wherein there are not only clear and ominous connections between a gun and a corpse, but between a corpse and a waxen image, between a wooden baby doll and a subsequent pregnancy, between thirteen people around a table and the later death of the first man who rises, where every episode in a plot is premonition of things to come, satisfyingly matching all causes with their effects. The stronger the plot, the stronger its superstitious elements, and the less “Enlightened” and truly probable it becomes. Molesworth notably links the way in which, in psychological studies, test subjects rely most on a sense of literary probability, of the power of narrative, when asked to make logical judgments

⁵⁴ See J. Paul Hunter, *Before Novels: The Cultural Contexts of Eighteenth-Century English Fiction*. New York: W.W. Norton, 1990.

⁵⁵ See Jorge Luis Borges and Eliot Weinberger. "Narrative Art and Magic." *Selected Non-Fictions*. New York: Penguin Books, 2000. Pp. 80-81.

over the actual probability of events; in essence, they make a judgement regarding what would make the best story, not what is mathematically likely. For him, “realism is, at bottom, a mechanism for the fictionalization of the reader and that fictionality is the principle by which a materialist or secular cosmos re-enchants itself.”⁵⁶

This contention is particularly useful when considering what looks like an intrusion from the world of fairytale into Richardson’s texts, the marriage of the verisimilitude of character and setting with the plot movements and logic of fairytale, as if to reconcile them to one another. This tendency will be particularly useful to my argument in Chapter 3, but I wish to take Molesworth’s conception of the probable as more mystifying than enlightening in a slightly different direction in Chapter 2, wherein I wish to remind that the range of the probable is something that the reader brings to the text as well, which must be actively combated or used to the author’s advantage, and which is highly psychologically motivated for largely conservative purposes, which often run counter to the needs of justice.

Lennard Davis argues that trial narratives and pamphlets helped shape the English novel. In terms of the beginnings of any literary form and creating a methodology by which to establish a “beginning” in terms of causality, Davis writes that when we are attempting to do this, what we are really doing is “asking what are the limits of novelistic discourse, and attempting to see those limits at [the] historical moment of establishment.” Under his model, the problem of intentionality or causality is not solved, but is instead magnified and brought into focus, so that it is the main thrust and driver of analysis. Both works of art and other forms in the discourse attempt to work through or find solutions to ongoing changes in power dynamics, and help to form strategies and ideological solutions in response to systems of power in the domestic microcosm and even on the level of individual psychology, where those systems are reified,

⁵⁶ Molesworth, 7-9.

grappling with problems of domestic labor, alterations and disruptions to the family, relationships to the law and justice (and the inability to access it), and old models of community, household, aristocratic masters and appended servants, all of which we can very much see in the discourses of trial narrative and Richardson's novels.

Of *Pamela* and *Clarissa*, Davis writes that Richardson's true innovation was the spontaneous style of his particular kind of epistolary narrative, wherein the space between events and their recording is heavily foreshortened and made urgent. For Davis, this novel-writing style, while it continues to contain the authorial disavowal of authorship in favor of "editorship," represents a rupture in the "news/novel" matrix so important to the formation of novels in this time period—and, I would argue, aligns Richardson's novels most closely with trial records and pamphlets. Richardson purports to have written in this urgent, to-the-moment style to make the events of his novels feel more probable,⁵⁷ but in having his narrators constantly point to when and where they are writing, to how short the interval has been since the events have occurred, and to the physical products and implements of their writing, implies, encourages and creates—I would argue—a more active mode of reading that is forensic in nature.

My particular focus on rape and abuse narratives in the news-novel matrix, particularly in published trial records, pamphlets, and newspapers, in concert with Richardson's first two novels, is a purposeful focus on the novel as an emerging potentiator of the abject, of the forensic, and of the testimonial. *Pamela* and *Clarissa*'s particular appeal, as what Ian Watt calls "feminine language," is in their details; rather than being boring or humdrum, their sense of the quotidian provides not just the studied sense of verisimilitude, nor even just the feminine pleasure in diary writing to keep account of life's little details, but also adds to the way in which the minute and

⁵⁷ Richardson writes that his novels create a "new species of writing" that might encourage "a course of reading different from the pomp and parade of romance writing, and dismissing the improbable and marvelous, with which novels generally abound." Richardson, *Selected Letters*, 41.

particular memorandized account of a series of crimes and their consequences. These novels, more satisfying even than pamphlet rape narratives or simple newspaper reports of crimes, transform the reader from a passive receptacle of instruction into a detective, a jurist, who must search into and weigh the body of evidence to discover what happened, what is true, and *who* is telling that truth, to search into that person's identity, culpability, morality, intentions, and the interiority of their lived experiences before they have been processed or recontextualized with new events. Because of its cultural baggage and its changing, special evidentiary problems in the eighteenth century, rape is an excellent occasion for such a narrative, as murder will become in the nineteenth.

Moreover, Richardson's two texts under examination each point to themselves as a corpus of evidence, as physical things, epistles written by hands connected to bodies, and forensic objects to be studied, compared against one another, with dates and accounts and the particular differing styles of writers, which itself may be explicated. While letters of this kind and their reading/explication/detection by other characters are a strong feature within the narrative of Haywood's *Love in Excess*, and while Defoe's *Journal of the Plague Year* is a single contiguous diary of similar nature, Richardson's novels are themselves carefully arranged collections of contending letters and correspondences, bodies of evidence unto themselves, with a great deal of corroboration, minute detailing of dates and accounts, forged writers and hands, detected forgeries, and competing takes on events. They make possible new modes of storytelling with new subjects, true, but they also help to prefigure and create a new kind of highly motivated forensic reader.

Looking Forward

In Chapter 1 of this thesis, I will focus directly on cases from the Old Bailey and discuss those records as a form of emerging literature in their own right, as well as a legal discourse altering eighteenth-century ideas around rape, abuses, evidence, and the trial. This chapter's examination utilizes the cases of "infant" (in this period, children under the age of ten) sexual abuse and, to a lesser degree, the rape of teenagers, in order to tease out changing conceptions of consent, complicity, and the uses of testimonial and trace evidence. I will close this chapter with a discussion of consent as it manifests in the novel, where the alterations taking shape in the courtroom find psychological exploration, particularly in the highly psychological novels of Richardson, who takes the same subject matter and demographics for his protagonists in *Pamela* and *Clarissa*, which places the cases and the emerging form of the novel into direct conversation with one another.

In Chapter 2, I will explore more particularly the topic of the female servant, as a sociological history, as a figure in the household, and as a character in the legal conversations around power, abuse, consent, sexual coercion, and rape. There I will explore cases of male masters abusing their servants, as in the case of Lord Charteris, as well as the phenomenon of young apprentices and servant girls undergoing extreme abuses at the hands of their mistresses and other women of the middling ranks, much reviled in the pamphlet literature. I will place Richardson's *Pamela*, which directly treats with the coercion and control of a servant girl for her master's sexual gratification, in greater context with these materials, as well as discuss the management of Pamela's body, her texts, and her freedom by the women in Mr. B's employ.

The persecution and use of the female body as a site of evidence gathering and reading would not be complete without consideration of the mother and crone figures. In Chapter 3, I

will proceed from female children and teenagers to their intersections with their older counterparts, as well as advance into a deeper reading of the literary texts and their psychological dreamworlds. Here I will explore the figure of the midwife and the historical and linguistic figure of the witch, as well as what forensic forms of reading the witch trial—and even accusations of witchcraft—make possible. I will then move to extended readings of *Pamela* and, more particularly, *Clarissa*, to uncover the uses of this forensic mode of reading and the way in which Richardson teaches his readers, and even his characters, to use it. In so doing, I will employ a feminist critical lens to explore the motivations underpinning this forensic reading, in the interplays between the novels' female characters, the distortions of the family under the paradigm of the trial, the curious role of fairytales and envy, and the reversals of tyranny, oppressed and oppressor, that occur under the logic of witchcraft accusation, as well as the way in which Richardson's characters manage, in the end, to unwind the situation.

Chapter 1: Jurisprudence and Dirty Linens

Introduction

I focus chiefly in this chapter on cases involving individuals who were legally (or, in some cases, culturally) called “infants” in the eighteenth century, particularly cases featuring the rape of individuals between babyhood and adolescence. The case history reveals that this period’s understanding of childhood, the mental capacities of children, and their ability to conceptualize violence and testify on their own behalf, was in flux between the late seventeenth and early half of the eighteenth century. It is easy to assume that Early Modern people changed their view on the capacities of children to understand and testify based entirely on convenience and immediate social needs, whether it be to convict a troublesome woman or save a possibly guilty man from the scaffold. However, there appears to be a strongly correlated relationship between the decline of children testifying in witch trials, the decline of witch trials overall, and the court’s increasingly limited allowance for children to testify on their own behalf in rape trials. In all cases, there is an increased emphasis on the need for physical evidence, and we see in this period the increased appearance (and then disappearance) of the midwife, followed by the surgeon, the doctor, the chirurgeon, and the apothecary as medical experts presented to testify regarding the physical trace evidence and the behavior of children who may have been raped, turning the child’s body into a site of ongoing investigation instead of a font of narrative to be explicated, denied, or accepted in the courtroom.¹ These courtroom narratives became increasingly longer and saw greater circulation in the first half of the eighteenth century; as the

¹ There is a persistent narrative dimension to the persuasiveness of circumstantial evidence, particularly when taken together with jurors’ understanding of what is probable. Circumstantial evidence, and children’s narratives, are so ineffective at garnering convictions in this period that we can point over and over at the strength of physical evidence and expert testimony as lynchpins in trials regarding child rape, chiefly because such rapes were felt to be improbable by the jurors, and because they were disincentivized from convicting. For more on the narrative dimension of circumstantial evidence, see: Alexander Welsh, *Strong Representations: Narrative and Circumstantial Evidence in England*. Johns Hopkins University Press, 1992.

case history shows, most convictions for rape (and other abuses, such as beating and imprisonment) were attained in cases of young people, especially the under-tens (infants) and young teenagers, many of them servants, fosters, and apprentices. In their midst appeared *Pamela* in 1740, claiming to be a history in letters of a real fifteen-year-old servant, whose age, terror, ability to reason, and comparative lack of power—as well as her believably rendered psychology—were constantly highlighted, rather than that of the avaricious Mr. B, and it is vital that *Pamela* have an opportunity be read in this legal and social context. Too often, Pamela herself is read—even by modern audiences and critics—as though she were an adult, under the false belief that teenagers were not a conceptual category in the past and that she would therefore think and been treated like a full adult; it is part of my project to prove that this is very much not the case.

The focus on sexual crimes against children in this chapter is due to the fact that these trials did not overtly require a psychological examination of the victim's consent or resistance (though it is often featured regardless). Rape was and is a strange crime, because unlike other crimes of violence, it possesses a corresponding legal and desirable corollary for which the rape can be conveniently mistaken. There was not, at least in the eighteenth century, the conception of a “desirable killing” which was consensual and legal in lieu of punishment for murder. Valuables could not really be stolen by consent, and property crime cases seldom introduced the idea that such valuable objects were simply given away consensually—the jury seldom believed that owners wanted to part with their valuables without receiving something in kind. Cases of bad communication in payments for goods and services certainly occurred, but the psychology of consent and complicity seldom entered into those conversations, most often because there was no motivation to do so. Men especially who suffered violence and theft were not often pilloried for

allowing it to happen—unless, of course, they themselves were raped. Adult women and teenagers therefore had the difficult task of proving rape in front of a male jury motivated to see that rape as its legal corollary, consensual sex, and prove that a harm had been committed.

Sexual congress with children under ten was, however, illegal in all circumstances during this period, and consent was therefore not ideally up for discussion or debate. A child could not consent, and therefore the court's decision hinged on whether sexual congress had occurred or not. Sexual assault, however, is also strange in that, unlike other forms of physical violence, its traces are sometimes difficult to read; at times they are hidden, and were difficult for the eighteenth-century courtroom to discuss, especially with children present. Children did not receive sexual education and often did not understand what had happened to them, and therefore lacked a vocabulary to describe the event itself. In cases where a child had been molested or violated with a comparatively light touch, there could be little to no evidence at all, despite the occurrence of an act that was both illegal and obscene. The comparative lack of wrangling over consent results in a more uncluttered view into the period's uses of evidence, its construction of cases, and its perspectives and allowances regarding witness and expert testimony. As the prosecution ideally needed only to prove that the event itself occurred, and the establishment in this case is both physical *and* debatable—unlike murder, the event of which is mostly incontrovertible if a body was at hand—then cases of child rape offer opportunities for the eighteenth century to refine the courtroom's uses, admission, and interpretations of physical evidence, in concert with changes to the use of that evidence and interpretation of expert and experiential testimony.

On Venereal Disease

Venereal disease is an important feature of the early eighteenth-century courtroom as an early indicator of sexual congress and contact between bodies, one which clearly denoted contact, filthiness, and harm beyond the sexual act itself. Dirty linens and blood-soaked sheets, which were much preferred in rape cases as an accessory to medical testimony, if not a stand-in for it, acted as directly observable traces of the body's actions and its shameful secretions, as well as the marks left on bodies during and after the crime, acting as signs of harm through disease and injury. These were spectacular objects which the jury, the judge, the attorneys (if they were present), and the trial's onlookers could directly examine and discuss, about which they could make conjecture and pass their own judgment, and which were open to manipulation and abuse due to their persuasive power. Meanwhile, medical testimony required the interpretation, mediation, and expertise of one or more recognized expert, and that testimony relied on the way the court's most powerful agents felt about those experts and what they had to say, leading to a great deal of motivated acceptance or dismissal. Because the mere fact that coitus took place and the connection between the accused and the victim could be drawn via similar incidences of the same symptoms, medical testimony regarding venereal disease was often a linchpin element in early eighteenth-century rape cases, especially where children were involved. This is due not only to its usefulness as physical evidence, nor to its prevalence in London during the century (making education about VD's symptoms unnecessary for the literate male jury), but because of its galvanizing effect on the moral conscience. Transmitted venereal disease provided a clear "harm" done to the body of the victim, where sex without consent was not always viewed as an overtly or integrally harmful act (seen rather as an act of theft), and conveyed the idea of

contagion, contamination, and moral corruption that endangered and blackened the figure of the male defendant, rather than the female complainant.

In seventeenth-century cases and stories, ideas of venereal contagion, domestic invasion and corruption attach in highly motivated and archetypical ways to nurses (nursemaids), as they do to prostitutes. Both are described as “wicked,” “filthie [sic],” and “lewd,” where nurses are blamed for infecting and killing children and entire families with venereal disease through lactation, or for having allowed the infant to starve and deceiving the family.² Here infection moves backward from the expected pattern—from child to mother, wife to husband (when in fact the most likely infection pattern, given those who wound up infected, was the husband infecting the wife, mother infecting the child). This scapegoating tendency has links to the Calvinists’ and medical community’s joint campaign against wet-nursing, as they believed nurses would morally corrupt the child and supplant the mother, and therefore they promoted maternal breastfeeding, a campaign that reflects deep status anxiety among the Protestant middling set regarding the perceived corruption of the lower ranks than it did concern for child welfare, and the pox provided a convenient excuse for such campaigners to drive the point home.

However, the clear inversion of infection pattern reveals an almost purposeful, practically conscious scapegoating action, an act of mental and symbolic gymnastics whereby the nurse is handily blamed as the source of invasion and contagion. Notably, this is an act which keeps the family structure intact in a disastrous moment, enabling it to survive rather than disintegrate. This scapegoating, while phenomenally wrong and unjust, is therefore psychologically and materially necessary; it abstains from blaming either mother or father for the mammoth and psychologically ruinous act of killing their own child (and doubtlessly dooming future children

² See Swift’s advice to Nursemaids in his *Directions to Servants*, which is quite short, but contains satirical advice to the nurse to get pregnant while nursing, kill the child, and hence be ready for the next job when the baby dies, suggesting that this was a problem that the middle class at least *imagined* to be rife and entirely possible.

to infection in the process), revealing the epistemological usefulness of venereal disease in the eighteenth-century mind, as outlined by Noelle Gallagher. As we will see in the case literature explored later in this chapter, the evidence of venereal disease became incredibly common in the courtroom, and it was among the first oft-used instances of medico-legal evidence provision in the prosecution of felonies in British law.

Shortly before he was appointed surgeon to Maria Teresa of Spain, Nicholas de Blegny wrote his theory of venereal disease, particularly “the pox,” in his 1677 pamphlet on the subject.³ His perspectives are interestingly chemical in nature; he describes it as a “Venomous Salt” created by the mixture and corruption of semen from many men, mingled together and contained, and allowed to “ferment” in the wombs of prostitutes. He believed that this admixture then tends to “thicken and corrupt” the nerves and skin, making the skin “gnawed and dry,” before rotting the cartilage and bones. In this description, de Blégny accurately describes the externalized activities of a ferment, wherein the chemical properties of salt and acid, as well as the properties of a controlled biological rot, are combined. Here the bodies of women are described as vessels—inert jars or urns—not for the growth of children, but as a collection and fermentation space for various humors, wherein bodily fluids can mix, accrue, froth, engage in controlled rot, become corrupted, and issue forth as a new substance. The prostitute and the nurse become, in essence, the great pickling crocks, where all manner of biological transformations may take place, rather than acting as the magical and mysterious source of new human life.

In the case of the pox, for de Blégny, the ferment has moved to corruption—i.e. the process has gone wrong, and the biological work product has become poisonous and foul. Kevin Siena performs a fascinating explication on the theory of humoral heat and the differences between male and female heat, revealing how discussions of heat were central to early modern

³ See Nicolas de Blégny, *L'Art de guérir les maladies vénériennes*. Paris, 1677.

medical conversations regarding venereal disease. He traces how writers such as de Blégnny wrote about the womb, a space rendered capable of carrying, mixing, fermenting, and corrupting the seed of various men, and how certain actions that increased heat—including and especially frequent sexual excitation—was crucial to the fermentation and corruption of the admixture, agitating “the venereal poison.” The process of corruption, or putrefaction, required heat and moisture, and “venereologists held that the sexual act itself heated women’s bodies to dangerous, even pathological levels.”⁴ Thus women of cold, melancholic or phlegmatic constitutions, who seemed dull, slow, lazy, or apathetic, were regarded as safer for domestic harmony—though they too would become “hotter” after taking a lover, which could and would agitate the pox.

What undergirds this humoral theory is the idea the idea that the pox was integral to women and produced by their bodies, as a natural consequence of engaging in sex too often, changing their bodies from their natural, safer constitution—cold, less infectious, and less likely to ferment and corrupt admixtures of male seed—into a dangerously hot environment, their own traveling tropics, brewing up a potent poison for intrepid and unknowing male explorers. This idea is quite similar to the perceived danger of hot exotic locales, so common to writing about the New World in the Early Modern period, which is here transposed onto the body of the apparently overheated, oversexed woman, and bestowed upon her the power to create and transmit a deadly disease with her own body. This idea was not foreign, and was in fact longstanding, as menstrual fluid—seen as a kind of excrement—had long been viewed in medieval Europe as unclean and poisonous, a belief which justified rules against menstruating women entering the church, touching sacred objects, or even singing in a choir.⁵ Reminders

⁴ Kevin P. Siena, “Pollution, Promiscuity, and the Pox: English Venereology and the Early Modern Medical Discourse on Social and Sexual Danger.” *Journal of the History of Sexuality*, vol. 8, no. 4, 1998, p. 563.

⁵ In 680, Timothy of Alexandria declared that menstruating women would not be allowed to receive communion, nor receive baptism or visit a church building at Easter. In 690, Theodore of Canterbury disallowed menstruating

from this putrefaction theory persisted well into the mid-eighteenth century, particularly in the linguistic life of venereal disease, and its connections to the corruption of the female and her corrupting influence on those around her. While medical examinations of venereal disease had the dressing of popular and forward-looking seventeenth-century iatrochemistry, that usage largely masked and reframed old humoral ideas, and led to no changes in treatment for syphilis, which largely continued to include the application of mercury and moral treatises against the evils of prostitution.

Tracking the changes in bacterial infections like syphilis or gonorrhea over time—particularly over centuries—is incredibly difficult, as bacteria and viruses can quickly mutate when transmitted quickly and repeatedly throughout a population, causing different symptoms at differing intervals. These mutations and different reactions means that the same disease experienced by two people can be mistakenly attributed to other illnesses and maladies of the time, or mixed up with comorbid conditions. As Noelle Gallagher helpfully traces, early modern manifestations of gonorrhea could cause symptoms such as “an abnormal discharge from the penis, rectum, or vagina,” an instance of symptomatic infection which is often commented upon in the Old Bailey and attendant literature, as well as burning upon urination, soreness, and bleeding (also commonly complained of).⁶ The trouble with early modern gonorrhea was not so much how the bacteria actually manifested, but the way earnest physicians and court observers conceptualized of venereal disease, its phases, and how medical professionals made necessary, but sometimes mistaken, forensic distinctions, shaded unhelpfully by putrefaction theory.

women from entering a church or receiving communion, and he declared mothers ritually unclean for forty days after giving birth. Beliefs about ritual uncleanliness in menstruating and postpartum women continued into the Middle Ages and were solidified in Church Law, laid out by the *Decretum Gratiani* in 1140, which was official Church Law from 1234 until 1916.

⁶ See Noelle Gallagher, *Itch, Clap, Pox: Venereal Disease in the Eighteenth-Century Imagination*. New Haven: Yale University Press, 2018.

Gonorrhea, or the clap, was often seen as the first phase of a larger venereal disease, developing into a “confirmed pox” if not properly and quickly treated—i.e. into syphilis. This may have been because gonorrhea was widespread and possessed so many attributable symptoms—the prevalence of gonorrhea symptoms in court documents seems to imply that the disease was indeed quite widespread by the 1700s—but also because syphilis was (and still is) highly variable among individuals, transmissible even by the asymptomatic, and seemed to strike, disappear, and reappear (sometimes with terrible and fatal implications) with apparent randomness.

Syphilis especially was an infection that defied the eighteenth-century medical observer’s capacity to trace signs and symptoms, and particularly mystified the moral lens through which venereal disease was typically viewed. Gonorrhea, by contrast, was much easier to trace, had a reliable list of symptoms and a comparably reliable incubation period, responded even to eighteenth-century treatment, and both could and would go away on its own in many patients after a period of weeks or months, making it in many ways the Platonic idea of VD in the period. It is not clear how much more effective the modern human immune system has become at fighting gonorrhea, but the Old Bailey reports do indeed indicate that individuals experienced relief after seeing physicians, apothecaries, and midwives, and that their infections eventually passed⁷ (though some may have settled in joints or in cardiovascular tissue, as modern gonorrhea can do if left untreated). Both infections—syphilis and gonorrhea—could be passed on from

⁷ Many Old Bailey reports indicate sufferers sought “physick” from surgeons, midwives, and chirurgeons, looking for “Cure,” and many felt better afterwards and were considered no longer contagious. As this is consistent across the decades, it indicates that “clap” was considered curable. By contrast, syphilis—the pox—was treated but known to recur, though confusion around the disease is clear in the text. For instance, in a 1721 case, the suspect states that he would “not lie with any Body [in a brothel] for fear of a Clap, for he would sooner lose his Nose than take Physick,” indicating the belief in the connection between gonorrhea and syphilis, and the belief that clap could be treated but, once it progressed to syphilis (the stage at which one would lose a nose) it could not be physicked. See: *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 8.0, 26 July 2023), March 1721, trial of [Name redacted; trial for the rape of Sussanah Gilman] (t17210301-58).

infected mothers to newborns, but of the two, generally only syphilis could cause the developmental disorders and other lifelong problems associated in the eighteenth century with the “venereal taint,” though a newborn with gonorrhea could certainly die or contract meningitis and brain damage as a result of that infection.

Gallagher provides a means to frame venereal disease as a cipher with which one might better understand eighteenth-century British culture, as an “elusive affliction” that constructs a “particularly useful metaphor for reconsidering social boundaries that also seemed changeable and ambiguous in the eighteenth century.”⁸ Eighteenth-century commentators, court observers, and medical professionals all viewed venereal disease as worryingly and consistently present; while in the seventeenth century, syphilis was comparatively new, frightening, and mysterious, historians consider it likely that syphilis was epidemic by the 1700s,⁹ and since gonorrhea was widely considered to be part of the same venereal infection as syphilis, as were many childhood disorders and other “distempers” not related to venereal disease but alike in symptoms,¹⁰ it is small wonder that “the venereal taint” felt so widespread and nearly impossible to avoid. Since infection could be disastrous, physically, socially, and even legally, venereal disease was often referred to with oblique language, through obfuscatory references that comprised a metaphorical

⁸ Gallagher, 5.

⁹ An excavation of skeletons in a 2012 study of the St. Thomas’s Hospital cemetery in London reveals that 13% of the seventeenth-century bodies showed signs in the bone tissue of advanced syphilitic infection, indicating the hospital was treating a large number of people affected by the pox in the seventeenth century. Kevin Siena and Simon Szretor, in “The Pox in Boswell’s London: An Estimate of the Extent of Syphilis Infection in the Metropolis in the 1770s,” published in 2021 in *The Economic History Review*, estimate that the infection rate in London was about 1 in 5 adults by the 1770s.

¹⁰ Syphilis is related to a small suite of other bacteriological diseases common in rural children in Medieval and Early Modern Europe, such as bejel and yaws, which absolutely existed and were commented upon in Europe before the discovery of the New World, separate and apart from any debate about the origin of syphilis itself.

language of their own which served to perpetuate prejudices and confirm highly motivated interpretations of events and actions which served to uphold a sexual and social status quo.¹¹

Venereal disease could be used for such purposes not simply because it existed and had physical effects on human bodies and reputations, but because of its effects on the language, on court literature, on standards of evidence, and because of the ways in which it could be used imaginatively—especially and increasingly through fiction—and therefore through metaphorical exaggerations, implications, and unproven but often indelible cultural associations. This use is especially prominent over the eighteenth century, where, despite the near-universal loathing and fear of venereal disease and the stigma associated with it (as seen in diaries, letters, and doctor’s notes), prominent literary works present a contradictory and even alarming image of venereal disease as humorous or as a sign of male sexual courage, all indications of the cavalier attitude to venereal infection and victimization made popular particularly in libertine literature. Literary works in the eighteenth century often exonerated women from the sin of spreading venereal disease; rather than being the vessels of humoral pickling, these works presented women as passive victims of enterprising male sexual adventurism, while defeminizing prostitutes who do spread infection entirely, choosing instead to depict them as monstrous or demonic—or, being pickling jars for humoral secretions, as mere inert things.¹² All of this is to trouble the relationship between what disease *was* and how it was understood, two discourses between which there is a great deal of daylight as well as productive tension. In that tension we may catch a glimpse additionally of the ways in which these metaphors aided, abetted, grew, and at times

¹¹ Gallagher and Siena both discuss the use of venereal disease as a metaphor in order to control, demonize, and make dubious changes in medical authority, as well as further encode and underscore prejudicial ideologies in the culture.

¹² Gallagher, 7.

thwarted early attempts at forensic diagnosis and accounting, as well as its uses in the justice system.

Using the word “syphilis” for venereal disease is in some ways to impose our own understanding of the word syphilis, and its modern symptoms and experiences, backwards onto the eighteenth century’s understanding and experience of what the pox or ‘The French Disease’ was, which included many conditions, including syphilis, gonorrhea, and “a host of other urethral and genital complaints.”¹³ This rhetorical insistence is a helpful reminder that every period’s conception of disease is not simply a one-to-one signifier back to a disease by the same name in an earlier era, but an indication of an entire conceptual category, and while some underlying medical and biological reality links eighteenth-century and modern syphilis, they are neither physically, nor culturally and linguistically, the same disease. Syphilis in the eighteenth century was a useful rhetorical toolset both in literature and in the courtroom—it was evidence in the Early Modern mind of contagion from the New World, the dangers of miscegenation, the dangers of intimacy and the proximity to sex workers, and it was a wonderfully plastic conceptual disease; with a long latency period and nebulous and highly variable effects, it could make martyrs and demons alike, providing compelling evidence against child rapists and striking down profligate men dooming their own wives to lifelong sickness and disfiguring disease.

However, doctors, then as now, were (or attempted to be) men of science, making observations in their practices, and while it is true that doctors of the time believed certain symptoms of gonorrhea were an early phase of syphilis, there is little evidence to suggest that “The French Disease” included such a large swath of venereal diseases and complaints as to make its connection with modern syphilis impossible, nor that using terms like syphilis or

¹³ Siena, Kevin. “Pollution, Promiscuity, and the Pox: English Venereology and the Early Modern Medical Discourse on Social and Sexual Danger.” *Journal of the History of Sexuality*, vol. 8, no. 4, 1998, p. 556

gonorrhoea is a useless exercise while attempting to track instances and uses of these diseases as they appear in the Old Bailey and other court literature. To do so would be to render these terms largely useless and, likewise, to believe that the doctors (and midwives, who possessed a great deal of practical experience in these matters) in the period were void of observational powers, which they were not. Testimony about venereal disease and its symptoms given by surgeons, surgeons, doctors, and especially midwives in the Old Bailey are remarkably consistent, and while the mix-up (or mistaken temporal connection) between gonorrhoea and syphilis is at times present, it is not so pronounced as to remove cultural distinctions between these diseases from the eighteenth-century context. It is useful rather to understand the larger social and linguistic context around these terms and the prejudicial shading of venereal disease in the courtroom in the period, which far outstrips our own.



Figure 1-1: Van der Straet, Jan. *Hyacum et Leus Venerea*. Antwerp. (c. 1580-1605.) Here Stradanus (Van der Straet) depicts the invention and use of Guaiacum as a treatment for syphilis.

There did appear to be an interesting idea in the seventeenth century that the pox could be cured by sending an individual to the West Indies, ostensibly from whence it came, or by procuring a cure from Hispaniola,¹⁴ where it was may have been observed either that persons from the Indies could and did recover more ably from the pox, or that people from the British Isles did better in warmer climes when fighting off certain diseases. Thus while treatises like the 1673 *Profulacticon: Or Some Considerations of a Notable Expedient to root out the French Pox from the English Nation* reveal in language Early Modern xenophobic and misogynistic considerations of how to cure venereal disease through the transportation and banishment of English prostitutes, these conceptions also reveal valuable patterns in scientific, medical, and forensic observations regarding early epidemiological tracking of disease and curation. There is a tendency in medical histories to chart patterns of thought and cultural conceptions of disease entirely descriptively, with their own internal logic and observational standards, but there are seldom any imaginative or empathetic attempts to understand the utility and origin of such conclusions from the observable world.

¹⁴ The use of Guaiacum, a flowering plant from Hispaniola, became (like the later sarsaparilla, a Native American medicinal plant) the primary treatment for syphilis (with mercury used only in extremis, due to its side effects), and was believed to work because of the conception that God had provisioned a cure for the disease in its place of origin. Guaiacum possesses mild stimulant properties, and is useful in a sore throat, and there exists today a derivative drug used as an expectorant. It is currently classified as an antioxidant. Given these properties, doctors may have quite easily observed that guaiacum had the power to make patients feel better, if nothing else.



Figure 1-2: William Hogarth, *A Harlot's Progress*, 1732. Plate 5.

At Moll's uncomfortable and chaotic deathbed in *A Harlot's Progress*, as seen above, the madness and futility of the scene is punctuated by the two arguing doctors, disputing over their favored cures—bleeding or cupping—while Moll, so like the Virgin Mary here, wrapped as in a shroud of virginal white,¹⁵ wastes away and leaves her little boy in evident danger beside the fire, foreshadowing the curse her disease may well have brought down upon him, beside that of her twinned poverty and sin. The doctors are depictions of real people, Drs. Jean Misaubin and Richard Rock, the latter of whom has haunted Hogarth's prints before, selling his pills for

¹⁵ One wonders if Richardson consciously gestured to this scene when he wrote of Clarissa on her deathbed, who made a similar figure in her "virgin white."

venereal disease in Covent Garden in *The Four Times of the Day (Morning)*. Receipts, bottles, and curatives spill to the floor like so much trash; none of them have worked. Expenses for treatment have plundered Moll's remaining resources and dwindling time, just as her landlady now plunders her chest for valuables, and Moll has not now even a bed to die in. Her linen, never again to be worn by its owner, reaches down, literally disembodied, from the ceiling like the arms of spirits to carry her into the world of Death, suggesting that the end is eminent.

What Hogarth's print reveals is the startling usefulness and slipperiness of venereal disease in the eighteenth-century cultural imagination. Syphilis has so punished and wasted Moll that it has rendered her virginal again, scouring her flesh and excess from her bones, wrapping her in white. Note that the spirits reach down to her from *above*, as if to lift her to heaven. The doctors, members of the professional set, are quacks more focused on triumphing over and arguing with one another than they are on helping her.¹⁶ If her life and her prospects have been utterly wasted upon her arrival in London, to bring about her end at a scant twenty-three years, her death is put to great purpose; while the room is a scene of waste, filth, and disorder, Moll herself practically illuminates the corner where she resides, without a mark on her face or any damage to the perfect profile of her nose; only the curatives themselves, and the identities of her doctors, suggest her symptoms and disorder. In this and the following print (where he and the coffin are at the very heart of the scene), Moll's small son innocently plays beside his mother's decaying body, in the shadow of death, without discretion or fear, and without anyone looking out for him; he is one more child added to the incredible rosters of London's orphaned and indigent children, ever vulnerable to the depredations of the Metropolis.

¹⁶ For more on this subject and Hogarth's treatment of Drs. Misaubin and Rock, see: F. Foster, "William Hogarth and the Doctors." *Bulletin of the Medical Library Association*, vol. 32, no. 3, 1944, pp. 356-68.

The Age of Consent

The Age of Consent is a thorny topic in relation to eighteenth-century law and rape cases. It is unclear in terms of the law itself, as in the minds of jurists and other legal actors and writers, and clearly exists outside these uses in a nebulous linguistic and cultural space, which was very much unstable during the period under examination, and when they were deemed capable or useful in testimony in the courtroom has more to do with the needs of the powerful than any understanding of children's mental capacity. The discussion of children and teenagers in the Old Bailey records of rape reveal this confusion. A young, unmarried woman was called in many cases "infant," while a male under the age of twenty-one might be called an infant, indicating "infancy" at times refers to legal minority. Meanwhile, English law regarding the age of consent refers to "infants" under the age of ten. Therefore, conceivably, a girl could consent to nothing *but* sexual contact without the consent of her parents until they married her to someone, or she reached the age of majority.¹⁷ Such a duplicity of terms and concepts quite obviously exists to protect men from accusations of depredation and convictions for the rape of very young people, despite the very obvious power differentials and too-plain contemporary perception of young women as incapable of having controlling rights over their own lives and bodies.

Blackstone's Commentaries contend that it is necessary that the facts be known in order to preserve the innocent and punish the guilty, but also that the facts of rape are indecent to discuss outside the court of law; in relation to the establishment of fact, Blackstone also dedicates a great deal of his Commentaries to the discussion of witness credibility. The complainant should "be of good fame," and the court should consider "if she presently discovered the offense, and made search for the offender; if the party accused fled for it, these and the like are concurring circumstances, which give greater probability of her evidence."

¹⁷ See T. E. James, "The Age of Majority." *The American Journal of Legal History*, vol. 4, no. 1, 1960, pp. 22–33.

Concealing the evidence for a time (despite the fact that modern psychologists believe, with good evidence, that this is a normal response to rape in adults and children¹⁸) or being in a public place and making no outcry, “carry a strong, but not conclusive, presumption that her testimony is false or feigned.” In the case of a child rape, the child should be heard in court to give information (even if they cannot be sworn), “it being found by experience that infants of very tender years gives the clearest and truest testimony,” but a conviction “should not be grounded singly on the unsupported accusation of an infant under years of discretion.”¹⁹ The case history suggests that very few cases of rape of any kind were convicted based on the word of the complainant alone, but instead include the testimony of medical experts.

Rape did not, and does not, attract the attention it deserves from those who study social and legal history.²⁰ As is evident in the historical record and the development of legal procedure and jurisprudence during the early eighteenth century especially, there was no legislation in this period directly affecting rape law per se, but the enforcement, understanding and application of rape law, and especially evidentiary procedure in rape cases, changed a great deal, and it changed “through case law, not through statute.” This change also has much to do with the change in interpretations of general legal standards, including “the competency of witnesses, the level of force applied and the resistance offered, and the precise intent of the aggressor.”²¹ While some of the work of this project is to describe and track the changes in evidentiary standards and the construction of forensic cases as it affects modes of reading, both legally and culturally, the

¹⁸ See: Ann Wolbert Burgess and Lynda Lytle Holmstrom. “Rape Typology and the Coping Behavior of Rape Victims.” *The Rape Crisis Intervention Handbook*, Springer US, pp. 27–42. See also: Brown, Amy L, et al. “Psychological Consequences of Sexual Victimization Resulting from Force, Incapacitation, or Verbal Coercion.” *Violence Against Women*, vol. 15, no. 8, 2009, pp. 898–919.

¹⁹ Blackstone, *Commentaries*, 213.

²⁰ A sentiment echoed by Antony Simpson in his discussion of the topic. See Antony Simpson, “Vulnerability and the Age of Female Consent: Legal Innovation and Its Effect on Prosecutions for Rape in Eighteenth-Century London.” *Sexual Underworlds of the Enlightenment*, University of North Carolina Press, 1988.

²¹ *Ibid.*

changes in consent and the competency of witnesses correlate to alterations in case law and interpretations of other legal standards, all of which were coalescing in this period.²²

Especially important to this examination is the *de facto*, if not *de jure*, reduction of the age of consent to ten years of age, from the former use of twelve. The age of consent was only considered in the eighteenth century to protect infants under ten, but the historical record certainly shows that eleven and twelve-year-olds were also generally considered infants in the late seventeenth and early eighteenth centuries, and their trials had an easier road to conviction than those of older teenagers. This is because the First Statute of Westminster, which was the foundation of statutes applied to rape cases under Common Law, stated that the age of consent was agreed to be twelve, which corresponded with the legal age at which a girl could be married all the way back to Talmudic law, and therefore accords with commonly understood cultural interpretations of the Common Law doctrine on a girl's marriageability and sexual maturity. The Second Statute of Westminster—which changed the misdemeanor into a felony, and back into a capital crime—created a great deal of confusion by amending the First Statute to make the violation of a girl under twelve a misdemeanor if she consented to the act, and a felony only if she were under the age of ten. The intent, if not the effect, was not to weaken penalties for rapists, but to strengthen punishment of those accused of abduction—marrying a girl without her parents' consent. The confusion caused by this change to rape cases was more injurious than any gains there may have been in cases of confirmed ravishment, as it provided a mental and legal loophole in trials where the jury was hesitant to convict and take a man's life.

²² This change was not, it should be noted, a linear one. Between the 1770s and 1820s, the definition of what constituted carnal knowledge became stricter and more favorable to the defense, and therefore harder to prove. It may be said that the rise of libertinage and the brazen behavior of many rapists of genteel or middle-class birth most likely forced a greater sense of caution amongst the jurors, as did the development of the adversarial system, where lawyers on both sides argued the law and its interpretations--and higher-class libertines generally had the funds to pay such lawyers that would develop challenging narratives.

The two crimes—elopement (ravishing) and rape—were legally delinked in 1557, but the confusion around the age of consent, the age of discretion, and who was capable of consenting remained, to be puzzled through by the courts, who established an increasingly internally consistent history of precedent to address the problems left by the statute, but jurors’ understanding of this legacy became further and further tenuous, partially because it was counter-intuitive to Common Law, and partially because the precedent became increasingly arcane. John Langbein argues²³ that there was a belief—substantiated by a trial as late as 1678, where a man accused of raping an eight-year-old was acquitted—that it was impossible to rape a child under nine years old, but while there is indeed a 1678 case where the argument was used, against the advice of the judge to dismiss the argument out of hand, there is no evidence that this argument was used or accepted in any case in the eighteenth century, which means the belief had effectively died away and/or become legally untenable. A 1576 Act changed the violation of female children from a misdemeanor into a capital felony, but in so doing, it changed the age of consent from twelve to ten, and in so doing created a new type of legal offense, applied based on age, that did not require proof of force: felony for the unlawful and carnal knowledge of children.

Once the burden of proving force was effectively gone—by statute, as there was still significant confusion in the application of the law—focus could move from proving force to proving the sexual act had taken place. There was no longer a consensual alternative that invalidated the evidence that sex had taken place, meaning that the bodies of young girls became the unwitting sites of a crime, containing the traces that magistrates, midwives, surgeons, family members, and members of the court all steadily began to learn how to read for use in the construction and argument of a legal case. The inconsistent part of this new age of consent was

²³ See John H. Langbein, “Shaping the Eighteenth-Century Criminal Trial: A View from the Ryder Sources.” *The University of Chicago Law Review*, vol. 50, no. 1, 1983, pp. 1–136.

that it was different from what was still understood under Common Law, where a girl of twelve was considered to have the age of discretion, where she was legally (and theoretically) able to make decisions about marriage and becoming sexually active. However, the 1576 Act did not replace or repeal the earlier statutes—it only amended and in some ways clarified them, which means that the protections afforded to girls between the ages of ten and twelve (or aged eleven and twelve—this distinction was also applied unevenly) were still present, and any carnal knowledge of girls in this age group, with consent, was considered a misdemeanor. Its de facto effect was to place the age of sexual discretion two years earlier than a girl’s marriageable age, and thereby create an ambiguous gray space and an ideological inconsistency, wherein a young girl could consent to sexual congress but not to the contract that would legally sanction it, a distinction which did not serve to protect girls of any age from abuse, as it decoupled contractual understanding from sexual understanding when it could not decouple the biological and cultural consequences of sex themselves.

There are a number of clear problems with this inconsistency. Firstly, the remedy afforded to the community or the family of demanding a rapist marry his victim was not available when the victim was not of marriageable age. Secondly, the concept of an age of discretion in Common Law was tied directly to a girl’s perceived ability to understand the consequences and make decisions about becoming sexually active or engaging in the binding contract of marriage, and the two matters were deeply intertwined in pre-modern and early modern English culture; to change this and to create such an inconsistency was to imply that a girl’s discretion was not important to her consent, and served to tie the perceivable harms of rape exclusively to violence or hurt, as opposed to a lack of understanding or power, both of which are necessary for actual consent. There is no evidence that Early Modern people believed a girl

should have been engaging in sexual activity with a man outside of marriage, or at least without the intent to marry, and they appeared to believe that sex was one of the requirements of married life that a girl under twelve could not fully understand or consent to through contract. The inconsistency, therefore, appears to exist to protect the adult perpetrators, not young girls, and made a cultural distinction between those who were considered *clearly* children—clearly prepubescent—and those who could have been considered adolescent, at least to a clever defendant and to the male gaze. However, considering the fact that development was often delayed for girls of this time period when compared to modern timelines of development, especially for children of the serving and laboring ranks, and the menses were not likely to start until a girl had reached about fourteen, this distinction is even more suspect; before the twentieth century, lower-status girls before the age of fourteen were likely to still appear quite childlike, and were often not yet reproductively mature, especially in the Metropolis.²⁴

The age of consent was raised precipitously in the late nineteenth century, first to thirteen in 1875, and then to sixteen ten years later, and much attention has been paid to this change, but little has been paid to the effective change that occurred in the eighteenth century, wherein jurists came to understand the age of female consent to be ten, ignoring the First Statute altogether, and the age of male consent to be fourteen.²⁵ This almost universally accepted norm in the courtroom explains the seeming simplicity in the application of the law in the Old Bailey *Proceedings*, which does not at all conform with the actual complexity of the law and accrued precedent that existed at the time. There was indeed some doubt in the period as to whether *any* later Act could

²⁴ For more on the history of adolescence, see John and Virginia Demos, “Adolescence in Historical Perspective.” *Journal of Marriage and Family*, vol. 31, no. 4, 1969, pp. 632–38, and Carles Feixa, “Past and Present of Adolescence in Society: The ‘Teen Brain’ Debate in Perspective.” *Neuroscience and Biobehavioral Reviews*, vol. 35, no. 8, 2011, pp. 1634–43.

²⁵ A difference that is staggering and can only be understood in terms of a rape culture determined to protect men from the consequences of a harsh capital punishment should they be convicted, rather than protect young women below the admitted age of discretion.

invalidate the Common Law so profoundly, or lower the age of consent without lowering the age of discretion—Sir Matthew Hale, for instance, in *The History of the Pleas of the Crown*, felt that any carnal knowledge of a girl under twelve was rape, regardless of arguments about consent, and that all subsequent legislation must be read as following the Common Law on this point and should be considered inadequate or invalid where they appear to conflict.²⁶

Such a view squares with later precedent-based rulings and jurisprudence regarding fundamental rights and protections, and the inability of subsequent laws to curtail or invalidate them. Blackstone, writing descriptively instead of prescriptively here, notes that the recent history of the law's application had been to extend the protections of consent law only to children under ten, and that descriptive statement was generally accepted in the court—without qualifying or dealing with the consequences or injustice of the issue—well into the nineteenth century.²⁷ There were no eighteenth-century challenges to the law around age of consent—its ambiguity was not a matter defendants or their lawyers felt it advantageous to discuss in open court—nor was the First Statute ever dragged out by a canny or clever prosecutorial lawyer, at least insofar as the record shows. There was a general failure to charge defendants with the misdemeanor when the victim was between ten and twelve, even though the question of consent would no longer be at hand; defendants were almost always charged with the felony, even in cases where girls were eleven or twelve (and described as infants in the record), which carried with it a low chance of conviction. Contrary to Hale, I argue that this inconsistency is not due to the prosecuting family or magistrate's desire to acquit the defendant, but was rather due to a sincerely held cultural belief that a girl who could not marry or enter into any other contract was

²⁶ Hale, Matthew, et al. *Historia Placitorum Coronae: The History of the Pleas of the Crown; Published from the Original Manuscripts by Sollom Emlyn; with Additional Notes and References to Modern Cases Concerning the Pleas of the Crown by George Wilson*. New ed. and an abridgment of the statutes relating to felonies continued to the present time, with notes and references by Thomas Dogherty. T. Payne, 1800.

²⁷ Simpson, 187.

likewise not old enough to engage in or consent to sexual activity, and hence that the felony appeared to be the only possible and acceptable charge against the man involved. After all, the Common Law age of discretion had not changed—a girl still could not marry until twelve, and indeed the age at which girls entered into apprenticeships, service, and marriage also rose over the eighteenth century, meaning that the misdemeanor charge must have appeared woefully inadequate to prosecuting families. Girls who *did* enter into service or into apprenticeships, or even into marriage, at young ages (generally between twelve and fifteen) were still considered incredibly vulnerable and under the protection of the households they entered, and those girls who could often maintained strong and continually protective bonds with their original families; for those who could not, and even for those who could, the master’s family largely took on the social and ethical role and responsibilities of a foster family.

Juries, magistrates, and judges likely ignored the statutory obligation to prosecute the misdemeanor due to ignorance and confusion, rather than a purposeful desire to protect the defendant—though I would point out that such confusion and the overall application of rape statutes conspired to take the form of concern for the well-being of the accused, not the victim, as well as highlighting the paranoid delusion regarding malicious rape prosecutions.²⁸ This concern for the defendant and willful ignorance of the statutes was, however, largely innocent and a product of the culture combined with legislative and judicial confusion, which would only be fixed by a vigorous reading of other decisions and precedent, or strong debate over the issue. If not malicious, it indicates an indifference that amounts to complicity when compounded over so many decades, especially when one considers how many of the jurors were experienced and returned again and again to try cases, and therefore had admitted fascinations and interest in

²⁸ Which is even today a familiar and inappropriate worry, and is in itself a kneejerk patriarchal response to any perceived rise in sexual abuse accusations and prosecutions.

other areas of the law.²⁹ Were there high turnover in juror pools, and every rape case could be reasonably expected to have been a juror's first and only chance to hear evidence and decide in such a trial, and jurors were Everyman citizens with little to no interest in the law, then confusion and ignorance regarding the statutes would to some degree be understandable, at least until the adversarial system reliably introduced lawyers into the courtroom on both sides of the case—at which point, any ignorance of the statutes becomes increasingly hard to believe, as it would be in the lawyers' interest to educate the jury about the letter of the law, just as it is today.³⁰

Simpson provides excellent graphs showing the number and percentages of rape trials and convictions during the period under his review, which has some overlap with the statistics culled and provided by this project, but they reveal as well the actual start point of his study, as columns begin in the 1730s and end in the 1820s, and thereby Simpson misses the spike in convictions for the rape of infants and in overall rape cases in the 1720s—the backlash against which quite likely constitutes the comparative dearth seen in the 1730s. While in the late seventeenth and early eighteenth centuries it was at least possible to see a defendant indicted for multiple offenses, such as misdemeanor attempted assault and felony carnal knowledge, the court stopped allowing such mixed indictments after the 1740s. Defendants could, under the laws of double jeopardy at the time, be tried for the misdemeanor after being acquitted of the felony, even when it concerned the same criminal activity, but this occurrence was vanishingly rare, and conviction even rarer—likely because “the crimes of rape and its attempt were so defined in law as to be mutually exclusive.”³¹ Where the original indictment was for the misdemeanor and

²⁹ See Appendix 1: Rape and the Old Bailey.

³⁰ I equally find it hard to believe that any eighteenth-century field was unmarred and unmolested by its own share of merciless pedants, who could have certainly helped to shed light on this situation. However, the lack of pedants in the *Sessions* papers is at least due in large part to the rule that those accused of felonies (other than treason) had no right and seldom money to provision a lawyer to defend them during this period, until the establishment of the adversarial system over the second half of the century, and the subsequent encoding of the right to counsel in 1836.

³¹ Simpson, 191.

hence non-capital crime, however, the conviction rate was far higher, as the jury's concern for the defendant (and to some degree, their over-sympathetic concern for themselves in a like situation or in the overblown imagined circumstance of a malicious prosecution) was then much ameliorated.³²

Child sexual assault was an important feature of most rape cases in the eighteenth century, especially the successfully prosecuted ones; there is every indication that the actual number of child rapes and molestations was severely underreported and under-prosecuted, and that the sexual abuse of children (or at least the prosecution for such)—unlike the rape of teenagers and older women—was largely a Metropolitan phenomenon. This was likely due to the “defloration mania” which was a preoccupation of the English, or at least London, in the eighteenth and nineteenth centuries. The interest in pedophilic sex acts had its adherents and its purveyors in the sexual marketplaces of the capital; providing customers with virgins and maidenheads at a premium, as well as occasionally access to children, was an acknowledged activity of eighteenth-century brothels, but establishments catering to pedophilia particularly likely did not appear until the nineteenth century. The early popularity of deflowering and pedophilic sex was most often due to beliefs and desires more pragmatic than sexual deviance, however, and concerns the prevalence and high risks of venereal disease in London especially. The 1777 *Morning Chronicle*, a London newspaper, explains that there was a widely held belief among the masses (peoples with “weak understandings,” as the paper puts it) that sex with a child will cure the afflicted of venereal disease, and calls the purveyors of such knowledge “quacks” and “infernal wretches”—implying in part that some of those peddling such cures may have billed themselves as miracle men, apothecaries, healers, etc. Some of these quacks, as in the case of the real subject of the

³² This too-energetic sympathy between male jury and the accused, and their inability to imaginatively sympathize with the complainant, whether adult or child, is one strong reason why making rape a capital crime ran counter to the needs of justice.

Morning Chronicle's piece, were educated members of the clergy spreading false and dangerous ideas.

There is every indication that the belief originated far earlier and that it was incredibly widespread. Many of the cases reviewed by this project have found that a large proportion of child rape victims contracted venereal disease—in many trials, it is this fact that helps convict the perpetrator. Between 1740 and 1746, the Lock Hospital reported treating more than fifty children for venereal diseases, indicating that many more children were abused in this way than are represented in the Old Bailey trials. As the newspaper piece implies, and as cases later in the century prove, this widespread belief was known and understood by the jury as a superstitious and damaging idea, which nevertheless helped the court and the reading public of London to understand this scourge of child rape as an act at times driven by an inhumane and desperate belief, rather than sexual deviancy. The *Morning Chronicle* bemoans that many such “have been tempted to a crime which their nature shudders at,” preferring to view the rapists of young children as weak, misinformed, and idiotic rather than evil, which is in some ways an enlightened point of view—it contains within its theory a potential remedy, which is education and the sharpening of the mind—but also seems quite preoccupied with acting as an apologist for men who rape children for any reason, preferring their own health over that of their victims'. The newspapers think of these sufferers from venereal disease as being quite possibly “unfortunate people [who] have committed so melancholy an act, who, in other respects, were honest, industrious people and good members of society.”

The newspaper and later apothecaries testifying about the practice choose to blame those who spread the idea, especially those with authority and learning, for the destruction of the small children so harmed. While the instinct at the heart of this view is laudable—it is after all better to

understand rather than demonize the accused—it shows again the willingness and even the urge of eighteenth-century English society to protect, defend, and direct concern to the accused, rather than the victims, of rape; more to the point, it takes up the perspective of the perpetrators only too willingly, continuously casting men, even sufferers from VD who are the perpetrators of child rape, as the main characters of cultural rape narrative, whose motives and internal lives and lack of education must be understood and commiserated. The view also unfairly privileges the public's need to explain the rape of children as a symptom of ignorance and mistaken belief, rather than direct critical attention toward the underlying but dire concern: that adult men felt curing their own venereal disease was worth the deflowering, infection, injuring, and oftentimes violent rape of children, many of whom took weeks or months to recover in any way, and whose fates thereafter are unknown but in some cases easy to guess at, and likely quite bleak. Given the wide publication of such trials in the Old Bailey *Proceedings* and the newspapers, to say nothing of ballads and pamphlets, the persistence of the belief and ignorance of its effects on children over a period of a hundred years beggars all belief and credibility; a man with venereal disease in London during this period had the means by which to learn that small children at least would suffer and become infected, even if he could not or would not disprove the notion to himself that he would be cured.

The Child's Body

Statistics

While some studies of crime in the eighteenth century, including Simpson's, attempt to capture the phenomenon of the rape of women and children and visualize it with tables, many were inappropriate or dissatisfying for the purposes of this dissertation. Simpson comes closest,

but unfortunately his table begins with the 1730s and is, at best, confusing, cluttered, and unhelpful in visualizing the problem. Therefore, it became necessary to use the Old Bailey documentation to create charts, and thereby give the problem of child rape and the lack of convictions, to say nothing of the severe underreporting, appropriate charts for use in this dissertation, which are featured below.

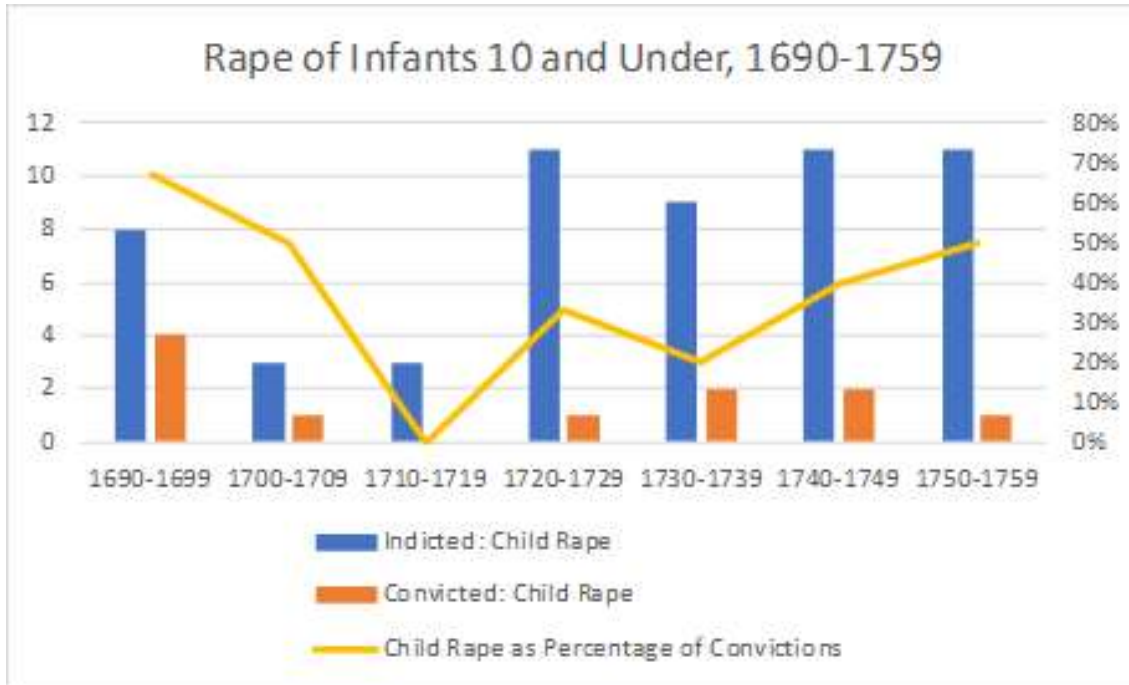


Figure 1-3: Conviction Rate for the Rape of Infants Ten and Under, 1690-1759.

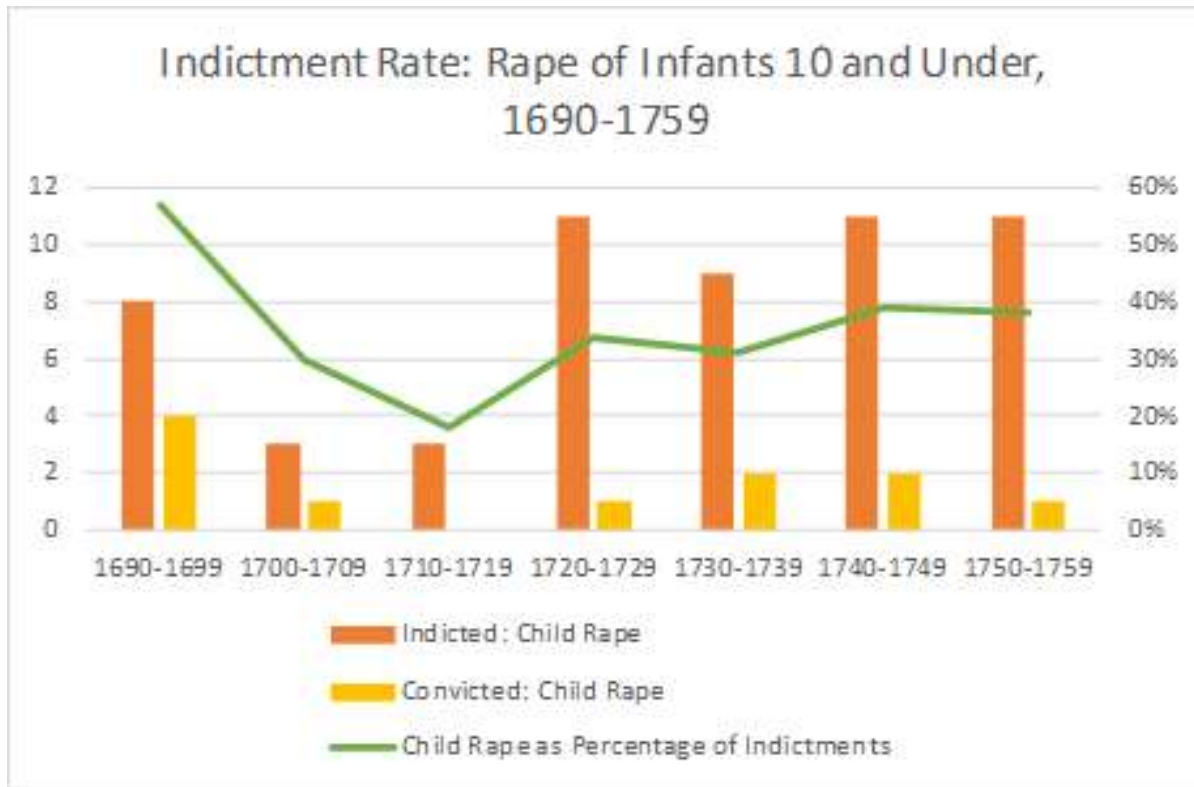


Figure 1-4: Indictment Rate for the Rape of Infants Ten and Under, 1690-1759.

The Rape of Children Under Ten, 1688-1750

The rape of children perhaps most perfectly captures the horror of rape as a Platonic ideal, particularly as viewed by adult patriarchal society. As discussed, it does not require messy examinations of consent or frame of mind, but simply proof—to the satisfaction of the court—that the act of coitus took place and that the accused is the culprit, and it is therefore much more akin to other crimes than rape writ large. Consequently, I believe, Blackstone commits a great deal of his commentary on rape to the rape of children between the ages of babyhood and ten. He says that, per “statute 18 Elizabeth... it is made felony without benefit of clergy, as is also the abominable wickedness of carnally knowing or abusing any woman child under the age of ten years; in which case the consent or non-consent is immaterial, as by reason of her tender years

she is incapable of judgement and discretion.”³³ Blackstone does clarify that earlier statutes protected “infants” between the ages of ten and twelve in similar ways, and juries appear to see rape of an eleven or twelve-year-old in a similar light to that of a child ten or younger, resulting in similar conviction rates. The language “an infant under the age of ten years” or similar appears in several cases in which there is a conviction, making the distinction between violent rape against a woman capable of consent (which was harder to prove because of questions of consent and the extent to which women were believed) and the much easier case of rape on the body of a child unable to consent, in which case it was enough to prove that coitus had occurred. The cases which reached report and trial, and those that ultimately reached a guilty verdict, have numerous similarities, the examination of which will be the subject of this section.

Rape of children under ten, particularly children from the lower rungs of society, compose the great majority of cases in the Old Bailey records in this time period, and an even greater majority of the convictions, and there is a notable change in the quantity of details recorded in these cases (and then published and promulgated), which I will show in the case record. This increasing interest in the details, particularly in rape trials as well as in many other crime types besides (murder and abuse getting similar treatment), may be examined in the Old Bailey case history throughout the century, from the quick summaries prevalent in the 1690s and 1710s, to the details and quotations provided in the 1720s, to the full deposition records that begin to appear in the *Proceedings* in the 1730s. By the 1790s, entire testimony transcripts, with dialogue recorded in the moment as received by the court reporter, are *de rigueur* in rape cases. Rape of children most likely did not in fact compose the majority of all actual rapes in London, nor in Great Britain, during this same period, even with the defloration mania. In order to best understand the Old Bailey record, these indictments and convictions must be viewed in the

³³ Blackstone, William. *Commentaries*, Book IV, p. 212.

context of the standard of harm and force that appears to have been necessary in the prosecution of these cases, as opposed to the de jure standard one would suppose from an examination of the law and the commentaries.

The passage of venereal disease comes up frequently, especially in cases where children are involved, as is harm to the genitals and other signs of violence or force. In the 1690 case against George Hutton, charged with “Rape committed on the Body of Elizabeth Marriott a Virgin, under the Age of Ten Years,” the girl’s mother as well as “a Midwife and Chirurgeon” all testified to the girl’s state, “that she was in a very bad Condition and much hurt, and that they concluded it to be the force of some Man that had violently penetrated her Body.” Elizabeth Marriott is allowed to testify to the facts of the case, that the prisoner “took her in his Lap behind the Stable-door, and there first with his Fingers, and afterwards his, &c. very much abused her.” Notice, first, the censorship and discretion of the court recorder (as exemplified by the use of “&c.” in place of any word for genitals), who allows for only so much vulgar detail in the public record.³⁴ The mother, midwife, and chirurgeon’s testimony are all presented here in summary; dissimilarities between their accounts and other useful details are not available in the record. In a 1690s case, the brevity of this sort of record is typical,³⁵ though it takes the time to educate the reader, as its purpose is to stage the trial for the reading audience: “it plainly appearing she had been Ravished, he was found guilty, the Law of the Land making it death, whether with or

³⁴ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 8.0, 26 July 2023), December 1690, trial of George Hutton (t16901210-5).

³⁵ This extreme lack of detail may be seen in cases as late as 1711, in the case of Ignatius Decasta, found guilty for “an Assault of Alice Johnson, an Infant, of 6 Years of Age.” The case record is composed of two simple sentences, declaring that the case “being clearly prov’d” (by what means, history will never know), the defendant was found guilty and thereafter hanged. The Decasta case is a striking reminder of the lack of uniformity and standard in early Old Bailey records, and a lesson that the trends one may observe over the long history of the Old Bailey record has, nevertheless, their exceptions. Moreover, it might be concluded from the Decasta case that there were some trials for child rape that were so self-evidently horrifying and uncomplicated that no great record of their proceedings was deemed necessary. In many cases, the disgust and the sense of delicacy and horror on the part of the court reporter is strong. See: *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 8.0, 26 July 2023), January 1711, trial of Ignatius Decasta (t17110112-27).

without her consent, to carnally know a female Infant under the Age of 10 Years.”³⁶ The record deems it important to defend itself for the death of the perpetrator at the hands of the state, and the complainants deem it necessary to underscore the idea that the attack was “violent,” that it was abusive and done with “the force of some Man,” and that it produced “much hurt.” The rape therefore rises to a clear standard of harm and a level of violence, beyond the fact of coitus between a man and a small child itself, that is readily acceptable to the jury,³⁷ and requires little pondering or agonizing. The medical experts all being in agreement, which is little commented upon in the record but clearly important to the conviction, helped the case immensely.

How easy it was to garner a conviction depended in large part, as it does today, on how willing the jury was to overlook evidence to save the life of the defendant, and therefore counted on how sympathetic he could be and how robust a defense he could proffer. In the 1696 case against Jacob Whitlock, a Dutchman accused of raping “Mary Cheney an infant, under the Age of Ten years,” the recording is incredibly brief³⁸ and there is very little testimony on the side of

³⁶ Note the improper use of “ravished” instead of “raped.”

³⁷ According to the Old Bailey archive, jurors in this period were selected according to unknown criteria, other than that they were always male, owned property, and were geographically representative for trials held in London and in Middlesex. Different jury pools were summoned for the grand jury and for trial juries. Defendants (not lawyers) had the right to reject jurors, but seldom challenged them, and prosecutors and defense lawyers had little role in the selection of jurors for their cases. This meant that the potential biases of the jury pool were seldom examined, and the possible effect of this unevenness and lack of method on cases is unknown, before the Juries Act in 1825 standardized selection criteria and procedures. The jurors’ names are not listed on the proceedings for each trial, but are listed separately in the lists for the day, and therefore must be cross-referenced for each trial; little about them is listed other than their names and provenance. Research by J.M. Beattie in *Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terror* shows that jurors were drawn from the literate middling ranks of society, composed largely of merchants, gentlemen, and professionals. Without women on the jury, and considering that defendants in these rape cases also typically came from the “broad middling ranks of society” (Beattie), means that the jurors almost always had more in common with the accused than the complainant. There were no female jurors until 1919, when the Sex Disqualification Act was passed—likely in response to both the suffrage movement and the stark population imbalance created by World War I.

³⁸ Rape trial records in the 1690s are all rather brief, being the length of a short paragraph, typically between 100 and 300 words. A particularly brief one is under 100 words, giving only the barest particulars, such as the name of the defendant and complainant, whether the complainant is a child under ten years (sometimes refraining from giving his or her actual age beyond that fact), and stating the complaint in legalistic terms. The highlights of the case may be a short summary of a midwife or a mother’s testimony, and—often without qualification as to why—a declaration of the jury’s verdict. This brevity is particularly pronounced when the verdict is Not Guilty, and it stands

the complainant. A midwife “found that she had been very much abused, and had got a great Clap, which the Prisoner had given her,” but there is no surgeon or chirurgeon or other midwives, or even the testimony of the mother, to corroborate this testimony, nor is it ever proven that the defendant *has* gonorrhoea by a medical expert who has examined him. It is, however, the absolute lack of defense on the part of the defendant and his status as a foreigner that condemns him, as he alleges “he could not speak English, thereupon an Interpreter was sworn, who said, That the Prisoner did own that he did throw the Child upon the Bed, but that he did nothing else.”

Whitlock is a Dutchman who cannot speak for himself or use his own words to persuade, and his defense is flimsy, his narrative unbelievable and unequal to the charge; the jurymen, likely assisted more by xenophobia than concern for the child, who are less a jury of his peers than in other cases, appear to have an easier time convicting him with less evidence than they would in a similar case where an Englishman was the accused, as we will see in other such cases.³⁹

By contrast is the case against Thomas Mercer in 1694, tried for rape “upon one Bridget Gerrard, an Infant, aged 8 years and a half.” This case is far more detailed, including the different accounts from medical professionals and other witnesses. In this case, there is a clear split between the testimonies made by women—a midwife, the mother, and several female neighbors of the child—and the testimony of “Mr. Barnard, an eminent Surgeon, [who] was sent for by the Court to search the child.” The unfortunate facet of this medical expert’s testimony is that the rape was said to occur “on the 7th of July last,” while the trial itself took place in the August session, meaning that a full month has elapsed since the rape when the surgeon makes his examination—and yet, his testimony is given far more weight than that of the midwife who

in sharp contrast with cases in the 1720s and 1730s, when the Old Bailey records of rape trials grow in length, sometimes by a magnitude of ten.

³⁹ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 8.0, 26 July 2023), October 1696, trial of Jacob Whitlock (t16961014-10).

examined the child very soon after the incident, and who may, for good reason, know more about “those natural Symptoms that are incident to Women.” The midwife testifies that “the Child was found upon search in a very sad condition, and much abused, which she said must be done by a Man,” and her testimony is corroborated by the observations of several female neighbors who did “all concur, both Midwife and Women, that the Child was abused by a Man.”

This particular jury appears to have been dissatisfied with the testimony of a midwife and diverse female neighbors, as the recorder notes that “there was no Testimony of a Surgeon in the case when first search’*t*,” and this is the reason why Mr. Barnard was called to examine the child at such a late date. Mr. Barnard—examining a victim a full month after the rape, after the genitals had time to heal, testified that “her Body was not enter’d, but it was approached so far as that the Child had got a Clap,” resulting in the perpetrator’s acquittal of felony rape and conviction for the lesser charge of assault and sent to the pillory.⁴⁰ It is unclear what might have happened to the case had the victim not contracted venereal disease, but the idea that she was raped only enough to have gotten gonorrhoea, without being penetrated, is absurd. The Mercer case precipitates a change in the way mothers have their children examined before going to trial; many cases thereafter include the early examination of the victim by both midwives *and* surgeons, despite the heretofore generally accepted level of expertise in the matter that a midwife would have had. It was far too easy for a surgeon to come onto the scene late and, without challenge, give testimonial evidence that would topple a case.

In this decade and in the early years of the eighteenth century, the lack of care with regard to the parsing and recording of medical testimony from doctors and midwives results in a chaotic case history, from which it must have been difficult for legal and medical professionals to have

⁴⁰ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 8.0, 26 July 2023), August 1694, trial of Thomas Mercer (t16940830-9).

garnered an understanding of any forensic standard of proof, or a clear idea of legal and forensic precedent. The case against Regale Steward in 1704 provides perhaps the best example of this chaos at work: he is indicted for the rape of two sisters, one aged ten years, the other “an Infant, of the age of 4 Years.” The rapes are said to have taken place in February (the youngest) and in March (the oldest), while the case is being heard in April. The court “called divers [sic] Midwives and Doctors who had viewed their Bodies, who believed that there might be some force, but how knew not.” The actual details of these different testimonies—when the midwives examined the children, for instance, or what kind of evidence of force⁴¹ the medical professionals observed—are not included, and what is evident instead is the confusion of the jury and the lack of agreement on a standard of force or violence amongst the witnesses. During the trial itself, the same midwives and doctors were sent out to examine the bodies of the children and, strikingly, “found that the Eldest had not lost her Virginitie.” Why this had not been observed in the experts’ original examinations is also unclear and goes unchallenged in the text. Instead, the record divulges that there were “divers [sic] other matters alledged [sic], which seemed to be Impossibilities, and it being look’d upon to be only Malice.” What these “matters” were, and why they were deemed impossibilities or the products of malice, constitute details that are also not included for the public audience to consider. The case record does far more to obfuscate than to illuminate, asking the public in essence to trust the judgment of the court and the recorder who heard the actual case that day, to take it on faith that this case and its evidence were products of malice and chaos. What comes across instead is the recorder’s own confusion and lack of care.⁴²

⁴¹ “Force” is a tricky word in these accounts, and usually corresponds to harm that has physically manifested on the body of a victim, whether it be injury to the genitalia or bruising and contusions around the thighs and arms. Where more violence has been used, and where violence can be shown both to and beyond the genitalia, the rape is easier to prove.

⁴² *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 8.0, 26 July 2023), April 1704, trial of Regale Stewart (t17040426-33).

One clue as to the source of the jury's discomfort emerges in the defendant's case, where there is finally one operative detail: that the defendant "had been the Father of 22 Children by his Wife" and they "could not believe him to be guilty of such an Offense." In other words, the jury could not accept the idea that the father of so many children would or even *could* abuse a four-year-old and ten-year-old girl in this way, underscoring the very real fact that there was horror, in the minds of middling-rank jurors, attendant on the idea of a man so like themselves raping and abusing young children in this period. Children were not small adults or sexual objects across society by any stretch of the imagination, and the higher frequency of convictions (and the gruesome sentence that followed) for child rape exemplify the existence of that horror. The practices of the courtroom and the explication of medical testimony sadly operate more to ameliorate that horror by dispersing and dismissing, rather than punishing, such accusations.

This chaos of evidence and testimonies, as well as the combat waged between surgeons and midwives (and the larger community of women alongside them, such as mothers and neighbors, who had more weight and standing in these cases in the seventeenth century) may be clearly seen in the 1723 case against Edward Fox, "indicted for assaulting and carnally knowing Susannah Mitchell, an Infant of 10 years of Age." This 1723 record is far more detailed than in earlier cases, including the dueling medical evidence provided by midwife and surgeons, implying an interest in the subject matter on the part of the medical, legal, and casual reading communities. This increasing interest, and the detail it extracts from cases in the record, constitutes a trend over the period under examination. Edward Fox himself is an apprentice, while his victim is the young maid of a woman lodging in the same house. Susannah's mistress paid attention to her in a motherly manner, "perceiving the Girl's Linnen not as it ought to be[,] examin'd the Girl what ailed her," before searching the victim along with a friend she had

acquainted with the matter, “and found [Susannah] had been very much abused and damaged, was very sore and raw, and had a Running upon her.” This language is far more detailed and explicit than “those natural Symptoms incident to women” or the “very sad condition” found in the record in previous decades, and more closely matches actionable and comparable medical evidence. The case reminds the legal and medical community that there is forensic value in the linen of the victim, especially from around the time of the crime, and is brave enough to specifically detail that “sad condition” as soreness and rawness, which comes far closer to establishing an evidentiary standard, one that sets precedent and can provide a procedure to other medical professionals when searching for evidence to provide in a similar case.

As in the Mercer case, the surgeons give nonsensical evidence, both agreeing that the “Girl had been very much injured, and that there was a great Inflammation of the Parts, but did not believe the Girl was infected, yet were of Opinion, That Endeavours had been used to force her: and one of them did believe the Girl’s Body had been a little Way entered, but the other said he did not.” It is entirely unclear where else these surgeons believe the inflammation came from, nor what endeavors had been used to force her, nor what she had been forced to do that was not copulation. They are successful, not in clarifying the case nor in providing an evidentiary standard, but in muddying the waters enough to gain an acquittal for the accused, the jury deferring to the expertise of the surgeons rather than that of the midwife and other women testifying in the case.⁴³ Indeed, there is a tendency in these cases (particularly where children are involved) for the male surgeons’ interpretations of evidence to favor the accused, while the midwives’ interpretation favors the complainants, and this dynamic emerges over and over.

⁴³ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 8.0, 26 July 2023), January 1723, trial of Edward Fox (t17230116-39).

What is perhaps most striking in the trial of Edward Fox is the unsatisfactory nature of the narrative provided by the surgeons—they are not called upon to give an alternative medical theory of how Susannah Mitchells came by so much damage nor how Fox may have occasioned it without raping her, and the jury found that unsatisfactory narrative compelling enough to acquit, highlighting their own motivated logic in the case. The instance implies that this jury at least required only a doubt, and not a reasonable one, to spare the life of a male apprentice even in the case of child rape. In terms of youth, servants, and horror, the blade cuts both ways; most apprentices in the early eighteenth century began in adolescence—as early as twelve, and on average fourteen in their first year. Many apprentices were children of servant or tradesman, so it was highly likely that defendant and victim were of the same rank. Male apprentices often began earning journeyman wages around the age of twenty, meaning that the odds of Edward Fox being a teenager are high. Though he is here being tried as an adult (as young men over the age of about fourteen typically were), it is easy to see that, despite ample evidence that an assault of some kind occurred, the jury was unwilling to convict Fox of even the misdemeanor charge, likely owing to his youth, and perhaps to disbelief that he could act as violently as the women in the case testified. Notably, Susannah herself attested that Fox threatened to “cut her Tongue out,” and in other cases, claims and evidence of that kind of violence and force usually operate to the defendant’s disadvantage; here, the attestation appears to produce disbelief, and precipitates Fox’s acquittal.

One of the most demonstratively evidentiary and careful cases to emerge from this period is the case of John Cannon in 1733, accused of raping Mary Faucet, “an infant of 9 Years of Age.” The record is florid and long, giving a detailed account of the catechistic question and answer of the courtroom, and there can be no question that interest in the full record of the Old Bailey

Proceedings, which are at this time being published and purchased by the public, is very high, and concern with the vulgarity of the details contained therein is diminishing. For instance, Mary Mason, a midwife called to examine the child after the event, is asked (and the question recorded), “Has her body been enter’d?” Her response, also plainly recorded without shame, is that, “Yes, she was torn as much as a Child could be.” This case record in particular takes pains to give all the gruesome details, revealing the court’s attention to the victim’s linen in its questions to several deponents. The child’s linen is described as “bloody,” and in “a stiff, sad condition,” as “very nasty,” and, when pushed for details, a midwife attests that “it was greenish and whitish” and that she believed it was, in part, the result the “Emission of a Man’s Seed,” about which the court asks for further analysis, in unstinting terms, from several medical witnesses. Moreover, female medical experts are (temporarily) back in this case, and given ample time, room, and respect to testify—no surgeons at all were called to give corroborating evidence. Mary Sutherland, a “nurse at the Hospital,” attests to the examination and findings of a doctor, Mr. Fern, who examined the child to find she “has a soul Glect,⁴⁴ and is ulcerated in the privy Parts,” and attests that, “There’s an Ulcer in the Inside of the Lips of her Body. Nothing has been done to her yet, becau’e ‘tis the Doctor’s opinion she can’t be cur’d without a Salivation,” implying that Mary Faucet was believed to have syphilis by her doctors.⁴⁵

The examination of the victim itself is uncompromising, and the level of detail is merciless; the court asks the child if she perceived “any Thing wet?” to which Mary replies that “it was wet; and when he had wetted me he got off, and he said, if I told my Mother he’d say it was Lies, and make me be whipp’d.... And he serv’d me so 3 Days when [the other Journeymen]

⁴⁴ Likely “gleet,” a morbid or fetid discharge from a wound or sore, or in some cases from the urethra, often associated with gonorrhea.

⁴⁵ Syphilis was typically treated with “salivation,” brought on by the application of mercury, as a cream, a vapor treatment, or an injection. The ulcerations noted in the deposition may have been chancres associated with early syphilis, and their bursting and oozing was likely the source of the “Glect,” or gleet.

went to Breakfast and Dinner.” The court pays a great deal of attention to the occurrence of “wetness” and what becomes of it, asking several deponents about their opinion on whether there was an emission of semen, and paying a great deal of attention to both the girl’s linen and state of health, and to the defendant’s. Unusually for these cases, the court asks whether “the Prisoner [was] search’d to see if he had any soul Distemper upon him?” and were told that, “The Surgeon did not care to do it, for fear he should be oblig’d to attend the Trial.” The defendant himself asks the mother of the child “did you not wash my Linen? And did you discern any Thing?” The mother responded that “ever after [the incidents], when his Linen came to be wash’d, the Forepart of it always look’d as it if had been dipp’d in Water and wash’d out before it came to me,” at which point the court sent for the linen, deposed to be “green and yellow,” so they could examine it.⁴⁶ The court even takes the mother to task for not bringing the defendant and the girl’s linens in ahead of time, strongly implying that there was some expectation of the court examining physical evidence like linen in these kinds of cases, though there was not yet a procedure for admitting evidence to the record, nor a proper way to gather and handle it.⁴⁷

Over the 1730s, midwives do begin to disappear from rape cases, supplanted almost entirely by surgeons. The 1739 case against John Adamson, for the rape of Catherine Walgrave, “of the Age of 3 Years and 10 Months,” features two surgeons testifying for the prosecution. The case itself is, on its surface, fairly simple: the victim is too young to give any evidence

⁴⁶ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 8.0, 26 July 2023), January 1723, trial of Edward Fox (t17230116-39).

⁴⁷ According to Blackstone and his twentieth-century editor, the doctrine of evidence was developing and evolving right during this time period, as the record reveals through the changes in depositions, cross-examinations, and the court calling for the physical evidence of the linens, to some confusion on the part of the deponents. “All through the 1700’s this expansion proceeded, though slowly. On the other hand, the already existing material began now to be treated in doctrinal form. The first treatise on the law of evidence was that of Chief Baron Gilbert... in 1726” (Blackstone 367). The most notable contribution was the “best evidence” doctrine, which “dominated the law for nearly a century,” but was unfortunately rather simple and narrow, and mostly established best practices with regard to cross-examination, leading questions, and gave rules for confessions. “Evidence” in this case is most closely aligned with testimony. Clearly physical, medical, and therefore forensic evidence is also increasingly under examination at this time, though admittedly through the testimony of experts who could interpret that evidence for the court and offer a narrative (often differently, and without a scientific standard).

(secondhand or otherwise) regarding the felonious action, and there is no testimony discussing the circumstances, motive, or personality of the accused. John Adamson is the apprentice of Thomas Walgrave, Catherine's father, and the little girl therefore has a comparatively powerful advocate from the domestic household where both she and the defendant live, and in the courtroom⁴⁸; after taking her to a surgeon and having her examined for "a Swelling in the Groin," Walgrave tells the court that he "suspected the Prisoner" and "taxed him with abusing the Child." It is at this point that Thomas Walgrave tells the court that he obtained the confession of John Adamson, who "fell down to his knees" and owned "he had abused her Three times for Satisfaction in his own lustful Way," though Walgrave did not have the accused sign that confession, not believing it to be necessary. As head of his household and business, patriarch of the entire affair, Walgrave behaves almost as a miniature magistrate—interrogating, leading his own inquest, gathering confessions, and attesting to them with accepted authority in court.

Though the confession is undoubtedly very important to the comparative brevity of this case's record (for the 1730s), the prosecution does not rely on it entirely. The depositions of numerous witnesses are recorded as part of the trial, including primarily the testimony of John Hayes, a surgeon. Though the last known rape in this case occurred on the third of October in 1738, the swelling was presumably not discovered until about a month later, as Hayes examined the little girl on the eleventh of November, and discovered "a Bubo⁴⁹ on one Side of the Groin,

⁴⁸ In most cases of child rape from this time period, the children's mothers give evidence regarding the victims' physical condition, and act as their advocate for justice. Seeing a father take up that position in this case is therefore rather unusual.

⁴⁹ A bubo is a swelling of the lymph nodes, and is associated with bubonic plague and tuberculosis, as well as chlamydia, syphilis, chancroid, and gonorrhea. In plague, they were typically seen on the neck or under the arm, but they can also occur in the groin area, particularly in incidents of venereal disease. A bubo resembles a large blister, and it can be very painful to adults—to say nothing of a three-year-old child. Due to eighteenth-century medical attitudes about purging and bloodletting, it is unlikely Catherine's surgeon would have allowed the bubo to remain intact, and he would have likely attempted to drain it; doing so could make the area a site of renewed and invigorated infection, particularly for a child likely still learning to toilet and wash independently.

and an Inflammation [sic] on the other” and discovered her very “ulcerated and lacerated.”⁵⁰ This description and the time elapsed implies the presence of syphilis or gonorrhea, the surgeon calling it the “Foul Distemper,” though the presence of continued ulceration and laceration might imply that the child—who is indeed very young—may have either been raped again more recently, or damaged so badly in the original instances of abuse that a grievous injury occurred, became infected, and created a fistula or infected ulcer in the genitals; such an infection may have occurred coincident with venereal disease, or been mistaken for the same.

What is striking in this case is the comparative unimportance of the confession in the settlement of the case; the focus of the courtroom is on physical evidence, and much of the record is dedicated to the gritty details of a three-year-old child’s venereal disease and physical condition. The first surgeon not only describes these details directly, but the record neither limits nor censors them, implying that the courtroom, the middling-rank jurors, and the reading public now possess a certain level of comfort with medical evidence. Also key in this case is the speed and aggression with which Catherine’s father acts, both in securing a confession (with witnesses) from the accused, and taking the child to a surgeon and obtaining a second opinion from another doctor in the process, as well as gathering witnesses who knew that the accused had been treated twice for the same disease detected on Catherine. Thomas Walgrave arguably evinces a great deal of legal literacy, and he is therefore able to act as an effective advocate for his daughter’s case in a time before dedicated investigators and evidence-gathering police units, which would not come into existence properly until the mid-Victorian era. A few decades earlier, the fact that there was a confession in this case would have no doubt limited the trial, and the record, to a very straightforward performance on the part of the prosecution. In 1739, a witnessed confession

⁵⁰ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 8.0, 26 July 2023), January 1739, trial of John Adamson (t17390117-11).

is secondary to what has become a florid and detailed series of medical data points, delivered by medical experts and confirmed by family members. The defense has not here marshaled their own experts to deflect, muddy, or reinterpret the evidence, but as other cases show, this analytic battle so typical of more modern courtrooms was already taking place in the early 1700s.

By 1749, cases for the rape of the child in the Old Bailey records has become less a straightforward record, and evolved almost entirely into a body of testimony and other material, and taken on the qualities of narrative so effective in courtrooms, becoming instead a kind of drama complete with dueling dialogue and principle actors. In the 1749 case of James Penoroy, convicted of the rape of nine-year-old Mary Batty, the court recorder has taken great pains to bring the reader and the historian alike into the courtroom, preserving exact conversational exchanges between the court and the witness box in great detail. The trial begins with Mary's mother, Sarah Batty, and includes visceral and extended runs of question and answer. The record does not state merely that the mother believed the child's parts to be disordered, but charts her suspicions, from those are more innocent—as she looked “upon the disorder to the be the scalding of her water,” thinking that Mary might have been burned in the bath—to those that are becoming increasingly dire, as when she saw “something ran from her,” after which Sarah examined a cloth the child had applied the night before, and hence brought with her to court. The female neighbor and midwife returns in this case, referenced first in Sarah Batty's testimony. She tells the court that the midwife examined the child and told Sarah that “she feared the child has been abused by a man, for she had the foul disease.” The mother here speaks on behalf of the suspects, her male loggers, thinking she “could trust [her] life with either”—a detail troublesome to the prosecution and unnecessary in the record of a case where the final verdict is guilt, but entirely necessary to the drama and suspense of a courtroom drama.

Though the midwife has returned to the story, she does not consider herself as the only expertise required for proper medical care or evidentiary expertise; Mary Maclemara, Sarah's neighbor and a midwife, encourages her to take the child to "a proper Doctor," to have the child examined. Accordingly, Sarah takes her daughter to Dr. Wathen, "a Man-midwife and Doctor," who comes quickly to the same conclusion as the original midwife, that Mary must have been abused by a man. Sarah details here that "the child still denied that ever a man had meddled with her, because, as she told me afterwards, he had threaten'd her life if she did tell." The mother is allowed to go on quite a bit in her opening testimony, initially without interruption or cross-examination, which is unusual for this particular case; moreover, she acts as a kind of narrative frame, giving the particulars of the case, introducing the court (and the readers) to the case and to the child, and giving necessary emotional context. She is called again and again, asked questions by the jurors to clarify and give further context to the testimonies of other witnesses and experts, acting as a narrative throughline and authoritative interpretive voice. This act of returning gives a much clearer view into the workings of a mid-eighteenth-century courtroom, the free-wheeling nature of question and answer, and the liberty and trust enjoyed by jurors to examine and test the witnesses. The more passive role of the modern jury, receiving competing narratives as crafted by the prosecution and defense, is not yet fully formed.⁵¹

When Mary Maclemara, the midwife, is called to testify, she and the record are unstinting in the extent of their provided medical detail and the depth of Maclemara's own experience with the workings and complaints of female bodies. She is cross-examined at length on the possibility of heat and strains, and on what Maclemara has seen of this matter in previous cases. It is clear the jury respects her expertise (even at the late date of 1749) as it touches women's bodies and

⁵¹ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 8.0, 26 July 2023), April 1749, trial of James Penoroy (t17490411-22).

venereal disease. More scandalously, the jury or the defense—it is unclear which—begins to examine the possibility that the child’s fifteen-year-old brother might have been the real culprit, as he would “frequently lie along with this girl” and, due to the quick thinking of Sarah, is “now in court ready to be searched, if required,” a steely-eyed answer from a mother whose son has been so suddenly accused of forceful incest, and thought to be ridden with venereal disease.

After this strange and abrupt interlude, the court returns its attention quickly to Maclemara—still on the stand—and the question of the physical evidence. Linen is chief among non-bodily evidence in rapes of this period, in the forms of underthings and bed fittings, and the way in which its state must be preserved is under early consideration by experts, such as midwives and surgeons. Here, the court’s recording of said evidence is given by Mary Maclemara, who describes and is questioned on the stiffness and color of fluids on the linen. The court asks particularly if there was any green⁵² on the linen, a detail which is evocative of earlier cases, revealing an instance of the court’s institutional memory with regards to appropriate evidence. The court then works diligently to corroborate Mary’s opinion as it questions a surgeon’s apprentice who attended the victim most often, and who therefore had more experience than his brother (with whom he was apprenticing) on the child’s “distemper.” It is important to note the ways in which an individual’s authority and experience are continually established here: the court looks for experience with the case as well as the sorts of situations important to the medical evidence at hand, asking Jonathan Wathen if he has “attended any in the foul disease?” to which he replies that he has attended many. The connection between the linens and the court’s current line of questioning quickly becomes clear, as Wathen testifies that he and

⁵² Though the eighteenth-century jurors would not know this, their attention to the color green was very astute, as green discharge is unusual and indicative of bacterial infection—and not just from venereal disease. Vaginal tears can heal comparatively quickly, but genital trauma (particularly in small children) can heal badly or incompletely; green discharge is a telltale symptom of infection due to improper or incomplete healing to the area.

his brother “examined the clothes [linen] that had received the matter that came from her; and from its quantity, colour, and malignity, is it really the foul disease in both our opinions.” The detail is even more unstinting than in former decades, and the court does not flinch in apprehending it: Wathen testifies that, after treating the child for venereal disease (or an infection), he finds that the “running upon her” is white, which they “apprehend a very good colour.” This testimony is not unprompted; the court specifically asks Wathen for these details as a follow-up to the child’s recovery. They go on to ask for her most recent medical report, taken the previous Monday, about which Wathen explains that “the external lips of the womb are extended beyond their natural dimensions; the internal parts were very much inflamed, which, I believe was from the acrimony of the matter. I saw the running proceeding from the womb,” and explains that he believes this occurred by “carnal copulation with a man.” The court asks Wathen’s opinion in depth regarding the possibilities of how a child’s genitals may come to look this way, and how venereal disease can be communicated, forcing the apprentice to explicate the precise ways in which, in his experience, that transmission of disease matches with the legal definition of the crime (penetration, with or without emission).⁵³

The court then swears in Mary Batty, a practice that accords with Blackstone’s recommendation that the victim should be sworn in the cases of child rape, or questioned if he or she cannot be sworn, it being judged in Blackstone’s experience that “infants of very tender years gives the clearest and truest testimony,” though he contends that a conviction for child rape

⁵³ The eighteenth-century understanding of how venereal disease is communicated is quite advanced, if one reads this case closely—more advanced than suggested by either Gallagher or Siena in their discussions of Early Modern VD. As an apprentice, Jonathan Wathen already had enough experience to know that VD can be communicated without emission, particularly if the genitals have a sore or chancre, or if there is any “running” from the head of the penis. He also appears to have a great deal of experience with inspecting the female genitalia, with treating venereal disease, and with inspecting bodies—even and including children beyond Mary Batty—for cases of rape and suspected abuse. He speaks about this case in court as particularly egregious, with great confidence as to how the disease and genital damage came about. Given he is an apprentice and already has so much experience, his testimony suggests the incredible prevalence of rape and child rape in 1740s London, far beyond what exists in the trial records.

“should not be grounded singly on the unsupported accusation of an infant under years of discretion.”⁵⁴ It is important to the success of this case that Mary gives information only after her mother has contextualized the matter and framed the narrative, and after medical professionals with experience of the situation speak before her, so that she can be questioned closely to provide necessary clarifications, without appearing to carry the case on her testimony alone. This heavily suggests that it is the evidence and expert analysis therefore that bear the burden of proof, not experiential testimony by witnesses, and the close examination of the medical facts of the case—as opposed to circumstances and opportunity—strengthen that interpretation.

The court, insofar as the record shows, is notably gentle with Mary, drawing upon previous case history to ask the girl if she “felt any thing wet then?” when the accused laid her down on his bed, and it otherwise allows her to provide the circumstances of the case in her own words. They do follow up on the prisoner’s threats of violence, having told Mary he would make her parents “half murder” her—in other words, implying that he would lie enough about the situation to make her parents angry with her, using Mary’s own fear and shame against her. The premise of harm and the use of intimidation tactics, in addition to rape, is important here: Mary talks of the fact that she could not cry out because he held his hand to her mouth, and she was “almost strangled,” and therefore afraid to tell what happened afterwards. The cross-examination of Mary Batty, plainly by the defense, is strange and comparatively unfocused, lancing between the layout of the house, how often the child kept to her bed after the incident, turning to Sarah Batty for clarifications on how much the accused owed the family for “victuals, drink, &c.”⁵⁵ The defense does not push on the child or accuse her of anything, nor does it ask about her

⁵⁴ Blackstone, 213.

⁵⁵ It should be noted that the prisoner’s defense, given abruptly by the accused himself, is that the prosecution is malicious, that he knows nothing of the matter, and that the whole situation is impossible because he “never had a pint of beer at that time.” He is not, in other words, a model defendant.

brother, during cross-examination, having some idea that badgering a child in front of the jury would not garner sympathy for the defendant. Instead, they call a former boarder of the Battys' home, who provides the entire backbone of their argument that the child's accusation of the prisoner was a ruse invented by her parents to save their fifteen-year-old son, whom the defense contends raped the child instead. The witness, Mrs. Bletsoe, says herself that she inspected the child and, though having no medical knowledge, testifies that the parts did not look inflamed to her.

At this point, the court calls the defense's bluff and decides to perform an examination of its own, asking if there is an unconnected surgeon in the courtroom, and charges him to inspect the child. Barring the fact that 1.) It has now been some time since the rape, 2.) The surgeon has been listening to the case and is therefore not an untainted expert observer, and 3.) Outrageously, Dr. Guy obligingly examines the child and returns the same verdict delivered by his fellows: that the child is still damaged, and that she has sustained an infection, after having been "ravished by somebody." He differs in his opinion that the case is venereal, weakening the connection between the prisoner's womanizing (that he is "addicted to women" as the prosecution attests), but in fact strengthens the idea that the child has come to ongoing harm brought on by forceful penetration, by violence so egregious that Mary testified it felt as though the defendant had placed "his double fist" inside of her. This additional surgeon is examined and cross-examined regarding his experience at the hospital, his knowledge of inflammation in the parts of children, and what may have caused that kind of damage, all of which is included in fine detail within the court transcript. After Dr. Guy—who was, we must remember, a surgeon present at trial by happenstance and selected almost at whim, in a wildly dramatic and risky stunt pulled off by the

prosecution⁵⁶—the record shows no interest in documenting the testimonies provided by the defense about the prisoner’s “former character,” communicating only that five persons gave such testimony; the value of that evidence is, by this point, fairly moot. Penoroy is found guilty and sentenced to death, quite plainly on the intense strength of a great deal of forensic and expert evidence collected by a panoply of medical professionals, not to mention fantastic forensic drama, a fact that the trial record painstakingly outlines and preserves.⁵⁷

In many ways, child rape in this period is among the best and worst possible cases for a discussion of forensics, and the ways in which detective and forensic narrative is consumed and interpreted by the audience—both in and out of the courtroom. With any conversation of consent mostly out of the way, it is the medical facts regarding whether or not intercourse occurred, and often whether or not harm was done, that are at issue, highlighting the capacity of eighteenth-century readers to examine and interpret bodies for signs of abuse and crime. At the same time, the rape of children plainly presents a particularly curious problem for the courtroom and for forensics. The children often do not understand, or are thought not to understand, the act of sexual intercourse, and this belief runs the risk of undermining their testimony; by the 1730s and ‘40s, this idea is circumvented by a new questioning praxis which emerges in the court literature, as well as the preferential use of medical experts. The child’s body is a crime scene, and a thorough, timely examination of that scene, by an expert with both credibility and experience, is key to success. An interpretive history of abused bodies is plainly building up over this time period, and that history (as well as judicious public consumption of court documents and

⁵⁶ One wonders if he may have been planted for just such a stunt, brilliant though it may be. There are good reasons that strict measures around expert witness lists and the timely collection of forensic evidence come about over the eighteenth and twentieth centuries’ history of jurisprudence, to avoid just such a ridiculous and theatrical gesture.

⁵⁷ For anyone interested in the development of forensic evidence in such trials, I highly recommend a review of this case. *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 8.0, 26 July 2023), April 1749, trial of James Penoroy (t17490411-22).

pamphlets) helps to construct a forensic vocabulary for the experts who examine the bodies of witnesses, and the attorneys, judges, and jurors who question them.

Teenaged Victims

The actual use of the term “infant” throughout the Old Bailey and newspaper records is quite different from the definition nominally provided by Blackstone. The record provides language that calls girls as old as eighteen, in varying circumstances, “infants.” In some cases, the word “infant” is used interchangeably with spinster (also used in some cases for very young girls) and appears to act in some ways as a legal pseudonym for virgin, rather than the legal definition of a child ten and under incapable of consent. A text that is key in any understanding of this linguistic drift is the 1725 case of Samuel Street, tried twice and ultimately convicted for an assault on the body of Elizabeth Harvison, called in the Old Bailey a “Spinster, aged 17 years.” Her mother deposed that “this Child of mine” was “a Dwarf, and an Idiot” who had such trouble with her limbs and their usage that she had to “be carried like an Infant,” here using the term to imply a person with a lack of independent agency. Elizabeth was apparently left for a time with Samuel Street while her mother was at an alehouse; when the girl was undressed to be put to bed, her mother found her “ruin’d, bloody, in a frightful Condition, and, by all Circumstances, [she] had been ravish’d,”⁵⁸ and later found to have “the Foul Disease.” The depositions in this record, like those in many 1720s, are quite detailed, though mostly related via summaries, and very few actual quotes are provided. Those quotes that do make it into the recording are striking, such as the words of Elizabeth Saxby (landlady), who claims that Street, “leaning his Head over [Elizabeth Harvison’s] Neck, said, I did not hurt you, my Dear, did I?” Saxby refers to Elizabeth as a child, just as the mother does, claiming that “the Child cried, and told me that the Man had

⁵⁸ Note again the now farcical use of the word ravished, acting most likely as a delicate replacement for the word rape, which the recorder might find distasteful in such a case. The tension between unflinching provision of detail and the need to turn away for the sake of decency is ever present in these records, perhaps understandably.

hurt her,” using language similar to that used in cases concerning the rape of children under ten. This slippage is likely due to Elizabeth’s size—the court does not argue with her mother’s contention that she suffered from a form of dwarfism—and from some sort of intellectual deficit brought on by mental disorder or disability, causing the court to see her as an infantile subject.⁵⁹

This case makes use of a midwife, who deposed that “upon searching the Child, she found that a Man had entered her Body about three inches, &c.” This use of “&c” is common where the medical details of a midwife’s or a surgeon’s testimony was considered too indelicate for the recording (and for public consumption); this sort of detail was appropriate, as Blackstone contended, for the ears of the courtroom, but should travel no farther, and his recommendation is generally followed in the 1720s. In this case, part of the midwife’s deposition is related in quotes, conveying its most striking feature: that Anne Hains (said midwife) saw Elizabeth before *and* after the rape, for reason that “I was called to see her, she being indeed a sort of strange Sight,” implying that Hains came to see Elizabeth because she was a medical anomaly or curiosity, perhaps someone to study in order to advance the midwife’s medical knowledge. Anne Hains deposed that “one of ‘em took up her Coats to let me see. I saw nothing that ail’d her at that time, which was about half an Hour before the Prisoner carried her out.” One wishes for some sort of commentary in the recording about the suspicious and strange nature of these circumstances; that a rape victim underwent a forced and invasive genital examination via midwife only a half an hour before she was raped, that she was accompanied by multiple individuals other than her mother, and that she was treated as a medical oddity. What the strangeness of the circumstances helps to establish, however, is the closest thing to an “airtight” case in terms of the specific before and after condition of the victim’s body.

⁵⁹ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 8.0, 26 July 2023), August 1725, trial of Samuel Street (t17250827-14).

A second midwife, Frances Lepine, gives her simple testimony that she “search’d the Child two Days after the Injury. I believe a Man had made use of her; but I saw no Signs of the French Disease, nor did the Parts appear to be torn or swell’d.” A third, Christiana Bolton, testifies that she examined “the Child” two weeks after the “Hurt was received,” and, two weeks later, sees evidence of an attempt, but not penetration; two days later, however, she perceived that “the Passage appeared to be made much wider; and I found a Running upon her.” Such “Running” could refer to syphilis, gonorrhea or chlamydia,⁶⁰ while the “French Disease” typically referred to syphilis,⁶¹ and such symptoms (running/discharge, swellings, and lacerations) are some of the most common in recorded depositions from the parents of raped children and from their midwives and surgeons who testify, likely because such evidence is easy for the audience to understand, making the *Proceedings* more satisfying to read and consume; it is unclear whether such details were added chiefly for public consumption, but that their inclusion becomes more common and extensive over the period under review is undeniable.

Similarly, the deposed watchman and a companion of the perpetrator both testify to the state of the defendant’s apron (used for work) and his shirt on the day of the crime. “He is a Plaisterer by Trade,” the watchman says, work which would turn an apron bright white and dusty, “and the Apron that he usually works in, was then lying upon the Table, and I saw it was all bloody.... And I perceived his Shirt was bloody too.” Men’s shirts of the day extended to the thighs or even the knees, covering their genitals, and often acted as night clothes for working people with few linens; if Street was hasty and quickly re-covered himself after the act, or simply pushed his shirt out of the way ineffectively, it is unsurprising that blood from his deflowered

⁶⁰ “A Running” is likely short for a “running of the reins,” which refers specifically to discharge due to gonorrhea, but could also refer to a weeping sore, as would occur in syphilis, or could refer to abnormal discharge generally.

⁶¹ The first symptoms of primary syphilis can manifest between three and thirty days after exposure, and consist of a chancre—a skin lesion at the point of contact. Early symptoms of chlamydia and gonorrhea include discharge in both men and women.

victim smeared onto the shirt. The way the apron became soiled is less clear, and the document does not puzzle over it or attempt to solve the mystery; tradesmen's aprons in the period were triangular pieces without attached ties which buttoned at the chest and were tied around the middle with a simple and separate sash, so Street might have simply untied his sash and left it affixed by button during the rape, simply pushing it to the side to complete his aim. This is not the only case with a bloodied apron found on the defendant after a rape, and it may have resulted from positioning during the haste of the act, or from the apron being used in attempts to clean up afterward.

Street appears directly after the act to his friend Brignal, shirt and apron bloodied, and immediately admits to what he had done, to the response, "What a Stomach you must have... to meddle with that Idiot," to which Street can only say that "The Devil bewitcht me."⁶² Both the mother and the watchman depose that Street admitted that he had "ruined" Elizabeth, and he was very sorry for it. His behavior indeed is erratic and ill-considered—maddened or manic, in a sense—and he makes no attempt to conceal his actions or defend himself, leaving the evidence and his confession to speak for themselves. Considering the evidence of the bloody clothes and his confession, the number of depositions and expert witnesses brought to bear by the prosecution is astonishing; it suggests to some extent that the question of the victim's understanding of sex and ability to consent or give evidence in her own case were very much in doubt, and that the prosecution believed that the jury would have difficulty convicting. The repeated use of the word "Child" and the use of the word "Infant" underscores this predominant sense of their anxiety.

⁶² Street's exclamation here that he has been bewitched, possessed by a demonic spirit or the will of the Devil, is in no way unique—it appears consistently in cases of men abusing girls and women, as will be discussed in greater detail in Chapter 3.

That anxiety is, ultimately, quite justified. Cox, a Surgeon testifying for the defense, deposes that he “search’d the Prisoner very strictly in Newgate, on the 17th Day after the Fact was committed, and I found not the least Sign of his having had such a Distemper upon him.” A doctor with an empirical understanding of syphilis could answer that there are often latent and asymptomatic periods in the course of the disease. Moreover, modern medical knowledge holds that coincident diseases with high fevers, such as malaria or Brucella—both common in the eighteenth century—could greatly suppress spirochete activity and reproduction. However, the jury here problematically fixated on venereal disease to link the accused and complainant, requiring a direct and incontrovertible connection between the distemper of a perpetrator and the disease contracted by a victim, and this obsessive overreliance causes them to ignore the blood evidence and confession entirely. The surgeon here allows that “there may be a Possibility of it, in a very slight Infection,” saying that the perpetrator might have been under care before the act and had been almost cured when he assaulted Elizabeth. The jury appeared to find this too shaky a ground on which to hang Street, and “acquitted him of the Felony,” only to immediately demand that he be tried for the misdemeanor charge of “assaulting, with an Intent to ravish, and (against her Will) carnally know Elizabeth Harvison” at the next session. Consequently, Elizabeth Harvison is explicitly identified as “an Infant, of the Age of 17 Years” in the next indictment. She still does not testify; all the evidence of the previous trial stands, and Street was found guilty, ordered to pay a fine of “20 Marks, and suffer 6 Months Imprisonment,” which is a more extreme punishment than in other instances of the same misdemeanor; in another case, the perpetrator paid half that amount and served no jail time.

It would be entirely fair, on a quick reading, to interpret Elizabeth Harvison as a special case—not viewed by the court (and the reading public that would then consume the *Proceedings*)

as an infant because of her tender age, but because she was small and possessed limited mental capacity. However, the proclivity of the court to call individuals in their mid-to-late teens “infants” in the 1720s and later only increases over time after the Harvison case. In the 1725 case of Robert Lander, he “was indicted for assaulting, ravishing, and, against her Will, carnally knowing Amy Joels, Spinster, an Infant of 16 Years of Age.” This case, which resulted in a guilty verdict, was nevertheless for the misdemeanor charge (as if Amy Joels were between ten and twelve and unable to consent, which was not discussed) rather than the felony, and the perpetrator was fined “ten marks” in the end. There was no physical evidence presented in the case, nor testimony referring to physical evidence; two girls in the service of the household, the complainant and another servant, Ann Tunstall, both deposed on Lander’s behavior, and no amount of character witnesses dissuaded the jury from the fine. The lack of midwives and surgeons giving clear evidence of forcible penetration (and the passage of any venereal disease, if possible)—rather than basic outrage at the crime—appears to have made the greatest difference between misdemeanor and felony and the jury’s decision around punishment.⁶³ What is plain, however, is the court’s belief that Amy Joels, a sixteen-year-old servant in the defendant’s household, was in the position of a much younger child where it concerned her ability to consent, her understanding of sexual congress, and her power to protect herself. What this case reveals, and which will be important to remember for Chapter 2, is that, practically speaking, a teenaged servant had largely the same power to consent at twelve as she did at sixteen—which was none whatsoever. Moreover, legal minds in the period who served on juries could, and at times did, understand this to be the case.

⁶³ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 8.0, 26 July 2023), August 1725, trial of Robert Lander (t17250827-84).

Consent and the Novel

The eighteenth-century cultural ideal of female chastity, and the expectation that women resist sexual overtures to preserve their virtue, blurred the line between rape and consensual sex, as men at all levels of society seemed to expect female resistance as part of courtship, wooing, and negotiating sexual intercourse. The available scripts between men and women at the time provided little room for a healthy consensual negotiation between adults; instead, the will of women was something to be (at best) persuaded, generally overcome, and (at worst) entirely sublimated, by force if necessary. It was the *level* of force appropriate for use in this act that became an area of debate, not whether a woman's will was to be overcome at all.⁶⁴ The construction of masculinity in sexual matters during this period required men to be aggressors, while the feminine script required women to be chaste defenders; a woman who readily consented was seen as licentious or abandoned. This understanding of the script of female consent provisions a particularly difficult quandary in Richardson's trial narratives and in the pamphlet literature examining rape in the time period; if a chaste woman was expected to resist sex as part of the script of seduction, then such resistance provides evidentiary proof of her virtue. To try her thus is therefore to prove she is chaste, at the same time as potentially ripping that chastity away. Thus "rapes of seduction," violent rapes, and forced marriages all existed along what Katie Barclay calls the same "explanatory continuum"⁶⁵ of rape narratives and trials of feminine virtue.

The "rape of seduction" was a rape or a debauching of a woman's mind, and it was considered a crime against the seduced maid's parents, making it similar to the crime of

⁶⁴ For more on the subject, see: Katie Barclay, "From Rape to Marriage: Questions of Consent in Eighteenth-Century Britain," in *Interpreting Sexual Violence, 1660-1800*. London: Pickering & Chatto, 2013, p. 35. See also Katherine Binhammer, "The Seduction Narrative in Britain, 1747-1800." *The Review of English Studies*, vol. 62, no. 253, 2011, pp. 144-146.

⁶⁵ Barclay, 36.

ravishment (so often mentioned in the case history), and we can see these ideas quite readily at work in *Pamela* and *Clarissa*, particularly in the early portions of both texts. Pamela's parents see in Mr. B's first moves in Bedfordshire the beginnings of the script of master-servant "seduction," and warn Pamela against temptation. Pamela's father writes that, "Temptations are sore things; but yet without them, we know not our selves, nor what we are able to do," rendering into Pamela's hands the trial narrative and the conclusions extracted from the trying of her own virtue; rather than giving them as proof to a man, Pamela may use these temptations, and her conquest over them, to better know herself, her virtue, and her own capabilities, and therefore make it part of her own personal spiritual journey and growth.⁶⁶ Wisely, Pamela's father worries that her shame and embarrassment of her poverty, surrounded as she is by plenty and riches, as well as the temptation of a handsome gentlemen and his gifts, will lead her to forget herself, and that, because she is "very young... the Devil may put it into [Mr. B's] Head to use some Stratagem, of which great Men are full, to decoy" her.⁶⁷ The Andrews parents conceptualize the seduction of their daughter as a confluence of dark forces, of Pamela's youth and poverty combined with the whisperings of the Devil within the mind of her master, to contrive a diabolical web, a plot, that will entrap her.

In *Clarissa*, the titular heroine begins her epistolary discourse with Lovelace under a pall of hesitancy and caution, but feels herself obligated to do so, for her family's peace and then as a means to secure her own security and liberty from imprisonment and persecution. Indeed, the correspondence itself is figured as a kind of seduction, an intimate, private intercourse, a bond between Clarissa and Lovelace that becomes secret, intense, disordered, and finally broken off entirely over the course of the novel, as a signifier of their increasingly disordered relationship. It

⁶⁶ Richardson, *Pamela*, 27.

⁶⁷ *Ibid.*

is Anna who points this out and phrases it best as she seeks to check (and, to some extent, tease) her friend, when she says that “Lovelace has prevailed upon you to correspond with him privately. I know he has nothing to boast of from what you have written: but is not his inducing you to receive his letters, and to answer them, a great point gained?”⁶⁸ While Anna is a fairly progressive interlocutor and perhaps the most empathetic toward Clarissa, being ever a member of her party, even Anna sees in this secret correspondence a sublimation of Clarissa’s will that is emblematic, to her at least, of the script of seduction, whereby the man makes continual conquests by overcoming the woman’s scruples, resistance, and watchfulness, interjecting himself between her and her family. “By your insisting that he should keep the correspondence private, it appears there is one secret which you do not wish the world should know: and he is master of that secret,” Anna says, both warning and teasing her friend that, in “allowing” her scruples to be overcome this way, she is giving Lovelace an entryway into her private closet, as it were, and granting him power over her by engaging in these steps of the script—in this case, allotting him the power of blackmail, as well as power over her mind through the persuasiveness of his pen, giving way to the erotics of correspondence and persuasion. “He is indeed himself,” Anna goes on, “as I may say, that secret! What an intimacy does this beget for the lover!” There is a spiritual dimension to this script; Lovelace “is himself” a secret between Clarissa and her family, “distancing to the parent,” present in her private room where she is confined and thought alone, and present in her mind when she is otherwise cut off from other human correspondence, a snake behind the garden walls.

Further complicating the blurring of lines between ravishment, rape, and seduction, eighteenth-century writers, from female amatory writers like Eliza Haywood to libertine authors (particularly Rochester and especially de Sade) generically viewed seduction and falling in love

⁶⁸ Richardson, *Clarissa*, 40.

itself as a form of violence; practically speaking, a woman would be expected to submit to her husband and sublimate her will, and scripts of seduction were more a form of contest than a search for true consent. Moreover, the male, as part of the eighteenth-century contract of masculinity, was expected to dominate and overcome her will as part of the seduction, in order to properly prepare her for a life of marriage, where she would lose both her agency and her identity and become part of her husband's corporate and sexual identity instead. The cult of sensibility also introduced the ideal of “emotional coverture,” whereby a woman was expected to mold her inner self—her desires and her mind—to the desires and will of her husband.⁶⁹ There was little refuge remaining to the woman at this point, except perhaps spiritual in her innermost closet, in intimate one-on-one conversation with the divine, once she was expected to mold her will to her male relatives (her brothers and father) and then to her husband. These ideas are powerful in eighteenth-century thought, but they are not an unquestionable dogma, and Richardson actively challenges them. On a fundamental basis, we see Richardson writing Clarissa as consistently and insistently pushing back on emotional and corporate coverture in the text, particularly when she rejects Lovelace’s attempts to sublimate her identity, take final possession of her, and rewrite his crime post facto by making her his wife. Even in her most disordered writing to Lovelace, Clarissa calls herself “Clarissa Harlowe,” and declares that she “never will be Lovelace — let my uncle take it as he pleases,”⁷⁰ and yet, quite constantly, Lovelace refers to her in latter parts of the text as “my Clarissa Lovelace” and “Mrs. Lovelace,” insisting more and more on this tyrannical imposition of his will over reality, just as any possibility of marrying her becomes increasingly remote.⁷¹

⁶⁹ Barclay, 36.

⁷⁰ *Clarissa*, 1015.

⁷¹ *Ibid*, pp. 1018, 1077, 1084, 1086, 1087, 1093, 1120, 1188, 1243, 1433, 1491 (twice), 1628 (twice), 1753 (posthumously).

While women through the seventeenth and eighteenth centuries were increasingly considered to have the right to grant or withhold consent to sexual activity, this right to consent was “offset by their loss of personal identity once they married... reinforcing the sexual status quo.”⁷² Since courtship was viewed as the beginning of this process, the mental and sexual preparation to mold a woman to a man’s will, even a woman who had been courted extensively could be seen in the eighteenth century as already tainted, as if she had been joined to her suitor in coition even when there was no suggestion that such actions had physically taken place; this tainting, particularly once a proposal was granted, undergirded the great prevalence of women and their families making suit for breach of promise, as contemporaries believed it would be difficult for a woman to find another suitor and marriage after a great deal of courtship had taken place, and particularly after the line of a proposal had been passed. The Harlowes’ prejudice against Clarissa once she has left the family home, no doubt due to her absconding (in their minds willingly) with an “enemy” of the family and thereby betraying them, and her refusal to marry Solmes for their benefit, all conspire together as the only viable explanation for the Harlowes’ failure to make a complaint to Lord M immediately and pursue Lovelace legally for kidnapping (ravishing) an heiress and, worse, arguably committing (or attempting to commit) a rape upon her mind before attempting her body.

In a period when the debate around parental consent to marriage and parental imposition of a forced marriage upon a woman were fiercely debated, the concept of the rape of a woman’s mind is oft repeated. If a woman’s inherently licentious body could at last consent to a rape, her mind—closer to the divine—could be raped through submission to a marriage without affection. Defoe called this kind of marriage a “a Rape upon her Mind; her Soul, her brightest Faculties,

⁷² See J. Rudolph, "Rape and Resistance: Women and Consent in Seventeenth-Century English Legal and Political Thought," *Journal of British Studies*, vol. 39, 2000, pp. 157-184.

her Will,”⁷³ and we can see this belief undergirding both Pamela and Clarissa’s views of marriage. A woman’s silence—her silence in the face of her parents’ disposition that she was to wed a man, her failure to cry out during a rape—was taken to mean consent. Active affirmative consent was not the expectation for any sort of sexual contact; sighing, blushes, resistance “easily” overcome, all signaled consent, which was then confirmed by any signals of pleasure or a subsequent pregnancy.

Only active and affirmative resistance, and overt rejection of marriage, could hope to signal non-consent, except where the inability to consent was present, as examined in the rest of this chapter. As an ideal woman was always expected to resist in courtship and to defer to her parents’ wishes, women found themselves in a Catch-22, as to fail to resist in courtship was considered unfeminine and unchaste, unvirtuous, as was active resistance to parental will; in this contradiction, the girl or woman’s agency and true wishes were easily elided and ignored. Both of Richardson’s novels under consideration here deal deeply in consent, power, authority, imprisonment, and coercion, giving Richardson an ample field in which to explore the (inadequately explored) psychosexual, cultural, and legal issue of women’s consent in the period. Consent or the lack thereof, particularly in the eighteenth century, is an important evidentiary question inscribed upon and read out of the body, body functions, and behaviors of a woman or girl; from courtship to the courtroom, questions of female consent and her body as site of evidence inculcate an increasingly forensic mode of reading which fail to capture and understand female interiority before, during, and after imprisonment and rape or attempted rape. It is this void of understanding that Richardson’s texts help to fill, while encouraging and teaching forensic reading of experience itself.

⁷³ See Daniel Defoe, *A Treatise Concerning the Use and Abuse of the Marriage Bed*. London: T. Warner, 1727. Pp.198.

Pamela's letters operate as a steadily accruing armor girding her loins, in themselves a body of evidence, an alternative plot, in contention with that of Mr. B. Pamela's fits are actualizing the eighteenth-century belief that the woman's body will inscribe itself with the woman's unwillingness, allowing her to escape B's attempts on every plane, even mentally, in Richardson's construction, causing her body to convulse violently to prevent the rape and expel the unwanted seed of the violent assailant.⁷⁴ That readers within *Pamela* corroborate the fits and do not challenge that they occurred bolsters them as evidence of Pamela's unwillingness, though Mrs. Jewkes nastily conjectures that they are false before she witnesses them herself.⁷⁵ In a period where discussion of rape is simultaneously everywhere and nowhere, where appropriate language to understand it as a crime perpetrated against an individual with a soul and her own free will, Richardson uses the traces of the body, corroborated by other textual accounts, to in turn first convince his readers that what Mr. B is attempting *is a rape*, and not a ravishment or a seduction, which—chiefly—even B himself seems to misunderstand until he reads Pamela's account of the matter. It is to *this* viewpoint that B is ultimately converted, and that constitutes Pamela's ultimate persuasive triumph over him; he is convinced that Pamela is separate from himself and his desires, a being with dignity and free will, who can give or withhold consent, and that he himself had been treacherously overextending his authority to the point of abuse. In Richardson's society, B's conversion, and the fact that it does not require Pamela's death but rather enables harmony between their souls and their subsequent marriage, is in itself miraculous.

⁷⁴ This image is first proffered, on a more spiritual dimension, by Robert Erickson. See: Erickson, Robert A. *Mother Midnight: Birth, Sex, and Fate in Eighteenth-Century Fiction (Defoe, Richardson, and Sterne)*. New York: AMS Press, 1986. Pp. 96-97.

⁷⁵ During the last attempt on Pamela, Jewkes conjures Mr. B to be steady in his attempt, despite "a fit or two," suggesting that she believes they are actually happening, based on the evidence in her observation (*Pamela* 204). By contrast, before this scene (having only heard about these fits from Mr. B), she bets that Pamela will "mimick a fit, ten to one" (183).

In this sense, *Pamela* is less a comedy or even a fairytale, and more a form of Christian fable enlivened with the verisimilitude of a real human being at its center.

One of the chief mistakes made by the reader of *Pamela*, in the eighteenth century and twenty-first century alike, is to read the novel as an actual trial or proof of Pamela's virtue—to do to her, in essence, what Mr. B does. What I have attempted to show in this chapter is the way in which young children and other dependents were treated in the courtroom, how their bodies and bodily signs were put on trial; what a canny reader might notice in these narratives is a particularly telling elision, which is a near-total lack of focus upon the accused. Similarly, in dialogue from critical circles to the literature classroom, little emphasis has been placed on Mr. B's psychology, motivations, or violence, nor on the history of motivated reading that so mars the centuries-long reception of *Pamela* as a narrative, from its contemporary satires forward. If we are to take seriously eighteenth-century readers' ability to see Pamela as a near-powerless dependent, as a very young person just learning about her place in the world with few resources with which to navigate it, then her treatment as a locus of examination regarding her "true" motivations, hidden desire for Mr. B, whether she "wants it" or not, should start to come into the light as wholly inappropriate. It is with these matters, and how they touch upon the servant as a dependent subject and site of crime, that we will treat in Chapter 2.

Chapter 2: Servant Epistolary and Documentary Evidence

Introduction

Moreso even than Clarissa and *Clarissa, Pamela* in many ways constitutes the body of Pamela's life and mind for the reader, but more importantly, the text itself insistently points to itself as a replacement or a dummy version of Pamela herself. She is at times interchangeable with her letters, their matter equated with the material of her body, their privacy and penetration representative of the violations of Pamela's own privacy and the sanctity of her body. In the course of making a similar point (albeit for different purposes than mine), Lennard Davis examines the scene in which Mr. B threatens to strip Pamela in search of her packet of letters, which she has sewn into her garments. Here, Pamela as heroine "becomes replaced by Pamela-the-linguistic-simulacrum," wherein Richardson equates Mr. B's "penetration" of Pamela's discourse with the forceful ownership of her maidenhead. That Pamela is made so obviously a manifestation of her physical letters underscores this relationship between her physical body and the body of her work for Richardson's readership. Davis goes on to use this examination to discuss the way in which *Pamela* and *Clarissa* establish a primacy of typographical reality, but I would like to use Davis's framework and this moment in *Pamela* to argue in another direction entirely: that Richardson is promoting through *Pamela* an evidentiary form of reading which equates the typographical and the bodily within the same teleological system of signs that enable the trial narrative and make it unique.¹

¹ See Lennard Davis, *Factual Fictions*, 185. Later in the same chapter, Davis writes that Richardson places the audience in the position of the voyeur, peeping into the private closet and examining stolen letters, to lend further eroticization to the text, but goes on to discuss this in terms of the news/novel matrix and the various meta-texts created by readers (and by critics and Richardson himself) around the novels. This archontic tendency around Richardson's novels and their contemporary audience lends credence to their evidentiary nature, as readers sought to generate more textual evidence around their responses to the novels, causing their textual body to proliferate.

Pamela's body—her private spaces, both epistolary and physical—is there to be penetrated by her readership for the *purpose* of making a case, winning an argument, to enable the facts to be extracted and pored over, for accounts to be compared, examined, and rejected or accepted as truth. From the publication of *Pamela*, the integument of her letters has already been breached, contaminated, tampered with, her private discourse laid bare, her garments stripped, and in searching for the “real” truth of her story, her readers and satirists continue this process without mercy. This reading is further enabled by Richardson's disavowal of authorship; as her editor, rather than her author, Richardson makes himself the midwife of Pamela's story,¹ the manager of her body of text, reminds the audience that he himself has pierced, sorted through, edited, censored, elaborated, and verified the particulars of her letters. In so doing, he heightens and reifies the erotic content of the story. Mr. B elevates Pamela to the aristocracy, but Richardson elevates her to textual immortality, each of them making the invisible servant girl “real” in differing cultural senses, and casting narrative illumination back on the lived realities of the girls so common in failed prosecutions for rape in this period.

Service and Possession

According to Michael McKeon's construction, *Pamela* and its plot-reverse-plot structure, the battle of plots between servant and master, may be read as the conflict between an aristocratic ideology and a progressive one, wherein the progressive ideology is ascendant. B's aristocratic ideology takes its most obvious written form when he attempts to subdue, undermine, and overcome Pamela's plot, and thereby her will and the ideology she represents, a repudiation of the ancient Medieval master-serf ideology Mr. B strives instinctively, almost mechanistically,

¹ For a more extensive reading of Richardson as “midwife” of Pamela's story, see Robert A. Erickson, *Mother Midnight: Birth, Sex, and Fate in Eighteenth-Century Fiction (Defoe, Richardson, and Sterne)*. New York: AMS Press, 1986.

to maintain and uphold. As McKeon writes, though “the rape of Pamela can appear to be Mr. B.’s irreducible and obsessive desire, his real view seems to be that it is a distastefully crude expedient for enacting the venerable aristocratic plot that is his genuine ambition,” which he nearly enacts in his most overt attempt to rape her, wherein he “reveals that his dominant motives are not strictly sexual but political, and that he takes power to consist in the ability to make others accept one’s version of events as authoritative.”² To make McKeon’s construction more explicit, in asserting that her will and her wants are reason in and of themselves to reject Mr. B’s advances, and his articles—which he attempts to coerce her into accepting through imprisonment and threat of rape—Pamela resolutely refutes Mr. B’s right to assert his own version of events, and thereby rejects the foundational tenets of his aristocratic authority, as well as the paradigm that contains it. In writing her version of events and insisting that they are the authority, even ultimately extracting this concession from Mr. B himself, Pamela’s true triumph is the ascendance of her story and experiences over Mr. B’s plots, the importance of her stated will to the author, and the progressive ideology this emphasis represents. If a servant’s lived experience and lack of power is a “story” that magistrates and jurists in this period fail to fully grasp, Richardson is helping to fill a knowledge void in a way that is most fitting to the power of the emerging novel form.

As his examination of the novel ends in 1740, *Pamela* is rightly enough a kind of progressive destination for McKeon’s argument, a useful tool by which he may assert what the English novel *is* by the mid-eighteenth century, and what that says about 1740s English society. In focusing on the battle between the conservative, aristocratic ideology of the masters and the progressive ideology of individuality, contract, human rights and self-possession embodied in

² See Michael McKeon, *Origins of the English Novel, 1600-1740*. Baltimore: Johns Hopkins University Press, 1987, p. 359.

Pamela's narrative, McKeon leaves aside a great deal of the domestic context and material conditions servants and apprentices faced, matter which is very much present in *Pamela*—sometimes by inference and reference, rather than directly explored in minute detail—and which would have been understood in the novel's context as it was read in the 1740s. My goal is to keep McKeon's basic construction in mind, as well as his fascinating examination of status inconsistency, while troubling and expounding upon the foundation of his argument. It is my contention that Richardson is making a much more fulsome critique of the ecology of aristocratic servant-keeping ideology and domination in *Pamela*, and this may be best understood when zooming out from the conflict between Pamela and Mr. B to consider the novel's larger cast of characters, and Pamela's own history upon entering the stage of the novel's action. In so doing, I hope to highlight the elements that so motivate a very particular form of minute, meticulous, forensic reading on the part of the audience, and how that reading can become malicious, suspicious, even paranoid, motivating inherently conservative impulses.

For an understanding of the material conditions of eighteenth-century service, this chapter relies for context on the writings of William Blackstone and John Locke, as well as Carolyn Steedman's historical work on servants. Steedman's argument is organized around the concept of possession, exploring the ways in which the eighteenth century conceived of the capacity to labor, who owned it, and how this worked out at the level of the private household contract, as well as the magistrate's bench.³ Similarly, William Blackstone wrote that the relationship of convenience between employer and servant was not one of simple dependency, but one in which the capacities of the servant were purchased by the employer, making the servant a kind of "automata" or "prosthesis" for the employer, acting out their potential labor—

³ See Carolyn Steedman, *Labours Lost: Domestic Service and the Making of Modern England*. New York: Cambridge University Press, 2009.

labor here expressed in term of capital, resources, and assets, which included manpower.⁴ Under such a thought paradigm about the labor and capacities of servants and to whom those capacities belonged, it is not a stretch of the imagination to appreciate why a servant's other capacities—such as the capacity to provide aesthetic and sexual pleasure—may have also seemed to be owned or ownable by the employer. Certainly, a servant's bodily autonomy and any right to safety, mental health, or bodily contiguity were not always respected under this arrangement, as employers in this period “ordered their servants about, denigrated, sneered and laughed at them; in a violent society they exercised physical violence towards them.”⁵ As a means of contrast and to excuse the abuses and potential for abuse under this paradigm of labor and ownership, writers and thinkers exercised extreme apologetics, using the existence of slavery as a handy juxtaposition to highlight how lucky their own servants were. The figure of the chattel slave, and the institution of slavery broadly, could be used to illustrate how even the lowest-born individual in England was lucky in their position, having long ago escaped vassalage, now supposedly in full possession of themselves and their labor to negotiate and take work at will.

While John Locke wrote that all men were born free and had in their own bodies full and entire ownership and property, he did not make such an argument about women, and certainly not servant women; though Mary Astell did coopt his language to argue that women had property in themselves, she also opined that, “if all Men are born free, how is it that all Women are born slaves?”⁶ Still lower than the figure of the servant woman was the foundling girl, friendless and reliant on the charity of others, with no independence or bargaining power to claim possession over her own labor, even with the philosophical backing of a Mary Astell—if she could access or read her work at all. While Pamela is not a foundling or friendless—she

⁴ Ibid, 19.

⁵ Ibid, 20.

⁶ Astell, Mary. “Some Reflections upon Marriage.” 1706.

writes consistently to her poor laboring parents—she was taken into the Bs’ household at twelve years old as an apprentice to Lady B, and must be understood as a kind of foster, as the lowest and least empowered kind of servant girl, and as the body servant of Lady B. If Pamela’s plot is the triumph of a servant over a master, it is not simply *any* servant, but foundationally a servant of the lowliest kind. This is why *Pamela*’s appeal is best understood, in some ways, according to fairytale logic; Cinderella-like, Pamela ascends from the ashes of the kitchen fire to the mistress’s solar over the course of the story, and yet contained within the progressive fable is the same conservative Cinderella logic, of true nobility hidden within the servant, waiting to be revealed. In *Cinderella*, this nobility is material; she is in truth the daughter of an aristocrat, demeaned into servanthood and treated as a scullery maid, but her nobility cannot be hidden away; it is evident in her impossibly small and delicate feet, in her grace and lightness like a bird, in her ability to walk upon glass, in her beauty and humility, in her willingness to forgive. What is progressive in *Pamela* is that, while Pamela’s father was at one time a man of the middling sort, her “true nobility” is of the mind, acquired by education, and is not a feature of the blood. Where she is beautiful and graceful, it is beauty born to the lower ranks; where she is refined and articulate, she reveals that these skills are something she was taught, that *could* be taught to anyone.

In the seventeenth century and into the early eighteenth century, service was most often defined as a casual or domestic relationship between women, rather than as a wage relationship or, indeed, even as a legal, contractual relationship.⁷ This framing continued well past the point when it could have been argued to be true, and allowed writings on economic philosophy to elide servants, and therefore the great majority of female wage workers in the late eighteenth and nineteenth centuries, from conversations around labor. That elision allowed the crucial labor of

⁷ Steedman, *Labours Lost*, 26.

domestic servants to disappear into private homes, defined as personal, informal relationships between middling or rich/noble women and the domestic workers they employed. This erasure and disappearance mirror the general devaluation of domestic labor across Anglophone and many Western societies, reducing it to informal, unimportant, unremunerative, boring, and preferably invisible women's work done for emotional and unexamined reasons, tucked out of sight during conversations about the more “important” kinds of labor, of the kind which generated raw materials, products, and the intellectual output that enables greater productivity and profits.

The large family of servants, as seen at Mr. B’s two estates, was a minority among servant-keeping households in eighteenth-century Britain, and the *nouveau riche*⁸ across Britain were only just beginning to establish the standards of service, marshal armies of domestic servants, and set down the standard of the internal hierarchical “family” organizations of those servants, a complex culture of servant-keeping and management that middle-rank families would later strive to emulate in the nineteenth century. Instead, most eighteenth-century domestic employers hewed closer to older forms of servant-keeping that had long dominated the culture of domestic service in England. Most households large enough to need and afford help “were most likely to rely on one, or at most two, domestics, and a number of bought-in cleaners, scrubbers and washers.”⁹ We can see in the literature, in the juggernaut that was *Pamela* as well as in the wider discourse around servant-keeping, however, an increasing need to take control of the capacities and the bodies of domestic servants, to enclose servants within a moral universe, with an uncorrupted master or mistress at the helm, providing both protection and moral instruction to the entire household through the structure of the domestic space itself and its hierarchies to assist.

⁸ Those who, like the Harlowes, made their riches via commerce or property acquisition, and from whom Richardson firmly disambiguated Pamela (and even the naturally noble-minded Clarissa, despite her origins.

⁹ Ibid, 38.

As we can see on display in *Pamela*, this intellectual and cultural move is partially a direct response to eighteenth-century libertinage and the image of the aristocratic libertine wastrel, who similarly needed to be reformed and enclosed in the domestic universe, which was in turn increasingly defined by the middling sort and their values during the class's eighteenth-century formation, concretization, and rise to cultural ascendance.

Further undergirding the uncertainty and instability of servants' contracts, position, and rights was the inaccessibility and whims of the magistrates, who did not and could not make legal precedent and often did not fully understand the law, its precedents, and past enforcement practices, nor why it would or would not be enforced in particular situations.¹⁰ This dynamic reflects a lack of professionalism and standardized training among magistrates in the eighteenth century, leading to decision-making based more on the inclinations, biases, inclination toward the status quo, native knowledge, and the whims of powerful people in the role, rather than a fully professionalized system with a high benchmark of required knowledge, institutionally controlled by the profession in the form of a guild and guild-mandated examinations. As Anne Bond's case highlights, access to a magistrate—and the right to be believed—was made far easier for a servant girl by the assistance of an employer or former employer, someone from the middling or upper orders. Even with such help, however, the magistrate had a great deal of leeway over whether or not to pursue a case; if a master had abused a servant in the area, the magistrate's status and position virtually guaranteed that he was more likely to know (and sympathize with) the perpetrator than the victim.

Magistrates neither followed nor made precedent because their fellows were not guaranteed to read, engage with, or feel bound by their decisions; while vigorous legal discussions certainly existed in public, particularly through pamphlet literature, bringing class-

¹⁰ Ibid, 33.

based concerns into contact with the legal system—as the cases of Colonel Charteris and Elizabeth Canning readily show—these discussions could easily be ignored and disregarded by magistrates all over the country, who were in no way beholden to the particularities of other such cases, but could utilize their features as a rhetorical or evidentiary resource if so desired or needed. There were no regular reporters in the courtroom, as the *Old Bailey Proceedings* too-readily shows, and there was no standard for their work product nor exactly what they were meant to record, but individual judges made their own notes, which might become fodder for later printed case reports, which in turned help inform readers and shame precedent.¹¹ Notably, there was an increasingly large and informed readership for such material, as well as an increasingly vibrant and informed discourse across the century in coffeehouses and publications, where standards of evidence, the veracity and types of testimony, and the exigencies of the law were regularly debated, and where the further professionalization and development of the legal profession took place.

For such a casual and badly regulated (and badly documented) labor relationship between employers and employees, service was widely experienced, and was for many Britons an expected, difficult, but temporary part of life, as high school is today. Even imperfectly enumerated, Steedman estimates that service must have been “the most widely and consistently experienced extra-familial relationship,” comprising “one person in eleven... perhaps one in five in the Metropolis.”¹² It is estimated that possibly as much as forty percent of the population during this century may have been servants at some point before marriage.¹³ Before this period, most young people in early modern England were servants for an interval, however brief, in their

¹¹ Ibid, 110.

¹² Ibid, 36.

¹³ See J. Jean Hecht et al, *The Domestic Servant Class in Eighteenth-Century England*. London: Routledge and Kegan Paul, 1956.

adolescence, as part of “life-cycle service,” from the feudal model of domestic work which established it as a phase of life through which young people passed, and which continued to be the case for rural adolescents born of laboring parents in the eighteenth century. Clearly, learning to serve others was an important part of becoming an adult in Early Modern society, and as an activity unto itself, service was a form of social education.

Domestic service, like apprenticeship, was therefore a very common stage in the early-modern period, a role through which a large segment of the population could pass on its way to adulthood, closely tied to the limited choices afforded to adolescents and other unmarried young people in the urban and rural laboring ranks; in many ways, it *defined* adolescence, and this is why many servants could not and would not be seen as full adults in the same way as a married man or woman, even if they were no longer strictly infants in the legal sense. Service was the most common landing ground for foundlings, especially girls, and for children taken off terminally indigent, extremely ill, or mentally unwell parents, particularly after landing in the workhouse. Sending these workhouse and foundling children out into private households as apprentices and servants was seen as a blessing, as a way of protecting them; the workhouse and other large institutions were rife with communicable diseases, as well as the presupposed “bad habits” of adult *paupers*, malingers, and prostitutes. In a private household, poor or abandoned children could receive the Godly education and protection of the emerging middle and professional ranks, and thus learn the skills and receive the moral education to take their place in society.

Throughout the century, servants are variously constructed as objects of instruction, along a course running parallel to the eighteenth-century child. The servant was a vessel to be filled, an object to be taught by the right-thinking master or mistress, a child or teenager from a

mean and ignorant provenance fated to be the automata or prostheses of their betters; meanwhile the servant-keepers were reading anxiously about “the servant problem,” a complex popular conversation taking place in public among servant-keeping people from the eighteenth century onward, and a topic of frequent satire, burlesques, and anxiety across the nonfiction matrix of printed material. In the eighteenth century, “the servant problem” manifested as a general anxiety at the loss of vassalage and the emergence of a certain image of the servant, especially the servant girl—in the minds of servant-keepers, at least—as a contracting, negotiating, independent being with her own voice and demands for rights, rather than a figure of silence, emptiness and deference. This is the anxiety very much playing out within the narrative of, and in the conversation around, Richardson’s *Pamela*.

There were several factors at play which made the vast majority of domestic servants incredibly vulnerable to violence, coercion, abuse, and sexual exploitation, all entirely without oversight, with little reportage, and few instances of consequences. The prevailing age and sex of the vast majority of servants was preteen and teenaged girls, as well as very young adult women made them extremely vulnerable; additionally, there was a broad tendency that any servant girl on average would be the lone servant, or one of two domestic servants, in a household; lastly, these servant girls could often read or write the material of a primer, bible verses and the like, but they were not culturally and legally literate in the manner of their masters. Meanwhile, their betters often lacked full knowledge of law and precedent, and often felt no professional duty to pursue or adhere to it, while there was a general allegiance of magistrates and jurists to their own servant-keeping fellows.

That Richardson spends so much time highlighting this problem at all, and that he gives such impassioned voice to the largely silenced young girls in service—liminal, slippery, and

ever-changing as it was—and that he spends so much time on the delicate domestic politics and psychosexual tensions of master-servant relations, was to go generally against the grain of the elite discourses around servant labor in his day. In *Pamela*, he is less using this relationship as a cipher to understand society and more highlighting a social problem existing in the shadows of everyday eighteenth-century domestic life, a problem heretofore so banal as to go without deep examination, and that was either the source of much joking or occasional spectacle and horror, always from the servant-keepers' perspective, throughout the century. Tellingly, in a knowing response, Haywood's *Syrena Tricky* presents a more accurate representation of a woman trying to make her way in her contemporary London, focused not on emotional bonds but on her own material conditions—she has to work, make a living, and have enough money to eat. She is a young woman of great powers and training to deceive, but not, ultimately, much like the servant girls of the country—most of whom were very young, not all of whom were fully literate—and were what they appeared to be. *Syrena* is an excellent cipher for Haywood herself and her struggle to regain authorial prominence and protect her livelihood, and she reveals the motivated enviousness and suspicious guardedness that may be inspired in the reading of *Pamela*, as well as the difficulty, even for a woman like Haywood, to sympathize imaginatively with a servant girl or crow for her fictive success.

The difficulties in representing women in domestic service merit little surprise; not only was servants' labor concealed in the household as part of domestic work and the very architecture of eighteenth-century country houses, but servants themselves were associated with the earthy, the invisible, the chthonic world of death and decay, the unspoken, the mortal—in other words, with the dark and nebulous “away” into which unpleasant things are thrown and buried, never to be thought of again, and best not to be mentioned, lest they associated with their

originators. In the large Palladian-styled country houses of the eighteenth-century elite, the aristocracy and newly rich merchants and traders of the era surrounded themselves with the light and airy, the heavenly and ethereal, making Greek temples of their estates devoted to the ancient gods and virtues, and placed themselves at their center. Servants, meanwhile, lived and worked in the house's liminal spaces: underground kitchens, long tunnels, secret passageways, behind hidden doors and shielded behind curtains, disguised behind screens, their claustrophobic existence concealed by illusions of space. While these homes were often devoted aesthetically to Enlightenment values and the discovery of knowledge, they were often the last to receive such novelties as plumbing; the greater your army of servants, the easier it was to utilize them for the fetching and carrying of water, sometimes well into the twentieth century.¹⁴

In these and smaller households, where the higher born regularly eliminated into pots and stools, servants were part and parcel of toilet infrastructure, acting as conduits for waste, as piping that moved waste from place to place and removed its traces from sight. This is much related to the servant's relationship—particularly the young female servant's relationship—to the abject, to waste, and her proximity to corruption, rot, and death. It is notable and worth remembering that a “great part of the servant's labor involved the disposal of household waste.... The emptying of chamber pots, the carrying of buckets and pails to a necessary house, a cesspit... to a water closet or slop-sink.”¹⁵ In consequence, servants were associated with those places where waste, death and decay were hidden or processed away, with the abjection and, I

¹⁴ For more on this topic, see: Virginia Smith, *Clean: A History of Personal Hygiene and Purity*. Oxford University Press, 2008, and Lucy Worsley, *If Walls Could Talk: An Intimate History of the Home*. New York: Bloomsbury, 2012.

¹⁵ Steedman, 101. For context, the slop-sink or sluice-sink, a piece of household infrastructure much forgotten today, was a processing center for household waste into the twentieth century. In the nineteenth century, it became de rigeur for large country households to add flushes to these sinks, so that flushing toilets and plumbing need not be added to the rest of the country house and risk its structure or appointments. It was in fact deemed far less dangerous to these houses, their paints, rugs, tapestries, state beds, and other priceless artifacts, to use chamber pots, copper bathtubs before the fire, and basins for washing instead of piped-in fixtures.

believe, the simultaneous erotics of waste, and important pieces of their stories took place and disappeared in those zones where middling and elite interest and attention could little bear to tread, glimpsed only via the incomplete, perverse peak-hole fascination with the abject, the uncanny boundaries present in the erotic energies of death, decay, and difference. Necessary houses were where “maidservants deposited the corpses of their bastard babes (low literature made this a particularly well-known social fact) and where criminals concealed decaying bodies and their swag,” ideas that appeared in lurid tales, jokes in bad taste, urban legends, and across the popular imagination of the eighteenth and early nineteenth centuries.¹⁶ In other words, the 1740s were very much primed for a servant’s story, particularly for one exploring the issues of self-ownership, the claustrophobic spaces where a servant may be imprisoned by power and by work, a master’s rights versus a servant’s rights, and the issue of forbidden master-servant erotics, as found in *Pamela*. In Richardson’s novel, however, waste and death assume hidden and sublimated forms, hiding behind beauty; we never hear of Pamela Andrews and her white hands emptying the slop buckets or the piss pots. As a body servant, Pamela deals instead with the master and mistress’s most intimate items—their clothes and their linens, and the secrets of the household, embodied in her letters. She herself becomes one of those dark secrets for a time.

Literature and nonfiction regarding servants verged on an obsession in the mid-eighteenth century; pamphlet literature and periodicals abounded with it particularly,¹⁷ but *Pamela*—a story apparently from the perspective of a servant—dominated her time. *Pamela* as a book apparently broadcasts the dirty laundry of the mysterious “B—” family through the publication of a tale-

¹⁶ Ibid, 101.

¹⁷ For example, Defoe’s *Behavior of Servants* (1724) and *Everybody’s Business Is Nobody’s Business* are burgeoning with complaints about servant wages and behavior. In 1711, the *Spectator* No. 88 complained bitterly of male servants’ taking of Board Wages. Consider also Swift’s *Directions to Servants*, which he was writing in 1731 (though it was not published until after his death in the 1740s), and which highlights the absurdity of Britain’s hierarchical society as expressed in the servant-keeping household. After *Pamela* would come of course Fielding’s *Joseph Andrews*, *Shamela*, and *The Intriguing Chambermaid*, and Townley’s riot-inducing comedy *High Life Below Stairs* in 1759.

telling and unfaithful young servant, particularly so long as it was believed that Pamela herself was real and that Richardson was merely an editor of her story. In so doing, the book violates the boundaries of that domestic space and the deeply felt old feudal pact between masters and servants, and is scandalous and transgressive for that reason alone, putting the servant-keepers on notice. According to Adam Smith, Adam Ferguson, and John Miller, who wrote histories of English society in the 1760s and '70s, the history of the world and of civilization itself is a history of servants and masters, and that all families were servants once. If servitude and vassalage were the most common historical state, and in servitude, slavery and vassalage the Bible located virtue and Godliness, then most English people could trace their lineage to some servant or vassal, and English virtue could trace its lineage to vassalage. These philosophical, historical, and religious parallels may have carried with them the uncomfortable implication for the masters that it was the servants who were, in the Christian sense especially, the most pure, innocent, humble, and virtuous, and not themselves. As a psycho-social coping mechanism, many servant stories of this period thus dwelt on the false paranoid archetype of the servant as cunning, sly, or impertinent (consider Mr. B's constant and unfair, almost kneejerk accusations of Pamela), or on their ignorance and foolishness, the comedy occasioned by their meanness, their lack of knowledge and education, their misunderstanding of the English language or the way the larger world worked; subsequently, their masters were simply the straight man in a comedy duet, long-suffering avatars for the reader in various slips of fiction, in jokes and anecdotes and short essays throughout the period.¹⁸ Thus did the masters assure through their control of the press that they themselves were the virtuous ones, the main characters of every story. Imagine then, in that context, the fantastic transgression of a *Pamela*.

¹⁸ Steedman, 221-222.

The uneasy sense of religious cognitive dissonance could not be assuaged by jokes and anecdotes, however, and it emerged often, particularly in crime literature, in unexpected ways. The best-known story of servant-as-victim first appeared in the 1730s, before *Pamela* but likely during Richardson's period of writing the novel, and it was remembered well into the 1810s, when the *Newgate Calendar* reprinted the notice of the execution as part of a collection of *Interesting Memoirs of Notorious Characters*. Mother Elizabeth and daughter Mary Branch (also known as Betty Branch) stood trial in March of 1740 at Trenton Assizes, for the murder of their domestic servant—better termed foster child, as shall be discussed later—thirteen-year-old Jane Buttersworth. The pair were known for committing violence against their servants, and they had such a terrible reputation that no servant would willingly contract as a domestic in their home. According to the *Newgate Calendar*, Elizabeth and Mary sent Jane on an errand, and became angry at how long she had taken; upon her return, they purportedly beat her for seven hours, pouring salt into her wounds, and evinced the sadistic pleasure and control in torture they had apparently perfected by practicing on animals and servants alike for years beforehand, until young Jane succumbed and died from her wounds. They buried her secretly, but their reputation was such that the body was exhumed—a truly extreme and shocking move committed against the body of a child for forensic purposes for the time—and examined by a surgeon. Pamphlet trial reports specifically discussed these abuses in terms of slavery; Mrs. Branch had always had trouble keeping staff, describing servants as her “vassals or slaves”; given the way she got away with her treatment of them, forcing young girls to sleep outside, stripping and beating them, it is hardly surprising she felt empowered to treat them as she would chattel slaves. Along similar lines, the trial reports describe Elizabeth in such terms as “cruel,” “depraved,” and even “insane,” working to utterly demonize and dehumanize her. Indeed, her sadistic torture of animals,

children, and various powerless underlings, and her ability to torment a thirteen-year-old girl under her care for seven hours, would likely earn Elizabeth Branch the popular appellation of a sociopath in today's psychological parlance.¹⁹

In reports of violence against servants and apprentices, such as those found in pamphlets recording the murders committed against domestics in the households of Elizabeth Brownrigg, the Branches, and the Metyards, the children were typically the offspring of the poor and placed by the parish into what were, in essence, fosterage arrangements where the incentive given to the foster parent was a live-in domestic servant or another source of labor—both commercial and domestic, as needed—without much, if any, oversight by the parish. In the eighteenth century, the abuses suffered by children in such informal relationships between preteens and adults were increasingly discussed, as in a letter from Thomas Coltman to the Derbyshire County Recorder Office in 1787. He wrote that, “There is scarcely any human precaution to prevent many of the evils” of such foster arrangements and so-called apprenticeships, whereby such cases of abuse were too often “aggravated by cruelties almost incredible and too horrible to relate.”²⁰ These were the most obvious and lurid abuses of domestic servants that, triage-style, eighteenth-century societal discourse focused its attention upon. These stories circulated widely, and in most of them, it was not properly contracted adult spinsters in their late teens or twenties who were beaten and murdered, but rather teenaged girls around Pamela’s age with whom employers shared a sort of familial, educational and fostering relationship.²¹ Notably numerous charities and other organizations founded in the eighteenth century sought, through this period and into the nineteenth century, to systematize and institute checks and balances with a more formalized

¹⁹ See Andrew Knapp and William Baldwin, eds. *The New Newgate Calendar: Being Interesting Memoirs of Notorious Characters*. Vol. 2. London: J. Robins and Co, 1810, pp. 40–44.

²⁰ Coltman, Thomas. Derbyshire County Recorder Office, Record D239, 1787.

²¹ Steedman, 227.

fosterage system, which still—quite notably—essentially sold female children to mistresses as domestic servants, based on an ideal of service and the apparently upstanding morals of the middling ranks, who would enfold the children into the “safety”—and sovereign privacy—of the emerging middle-class home.

Where domestic servants did have bargaining power and showed preference for and against specific tasks and working environments, it was quite clear that a good job in service did not feature the care of small children, particularly babies, who made the waste-removal and laundering tasks of the domestic servant nearly unbearable. In a materialist examination of diaper clouts in the eighteenth century, there is evidence that the work for laundry maids and young girls acting as one of two (or the only) maid in a household became far more difficult, as the plentiful cotton-weave from the New World replaced linen clouts and rags. Linen stains readily respond to a soak in lye or stale urine, and it is therefore amenable to the task of acting as a baby’s diaper or other necessities held close to the skin; cotton, by contrast, requires the physical labor of rubbing, scrubbing, and boiling to budge such stains and soiling.²² Commentators and writers of servant-keeping and domestic advice wrote prolifically and prosaically on the subject of servant girls’ apparently irrational dislike of changing diapers, attributing this preference to superstitions and folk belief, taking refuge in other servant girls as an unreasonable race apart, but said very little about the laundry work that went along with the changing of clouts. They misunderstand and say nothing of the physical labor of scrubbing clouts in boiling water, the smell and heat, or the labor occasioned by the amount of clothing everyone, even small children, wore in the time period, where babies were swaddled in many layers of cotton clouts and

²² Ibid, 237.

swaddling, also common in the period, that may be held close to a baby or toddler's body and could easily become soiled before toilet training.²³

It is somewhat beyond our modern imagination to accurately and fully understand the extent of this unpleasantness, in high summer when everything and everyone smelled, when hot and uncomfortable babies cried incessantly in close houses near the banks of the sewage-clouded Thames in crowded London, where clean water in great (or any) quantities might be difficult to come by and would invariably have had to be hauled in buckets from floor to floor, and when the constant boiling of the kettle and scrubbing of soiled cotton seemed endless and thankless. These tasks would have been performed for small children not one's own and for masters and mistresses who could well have considered their domestics as lazy, superstitious, idiotic, ungrateful, and as little better than a vassal or slave, deserving of humiliation, stripping, binding, starving, and physical and sexual abuse. It was in the high summer of 1762 when fifteen-year-old servant Elizabeth Morton twisted the neck of a toddler so forcefully that the child bled from the nose and ears, and was then discovered to have strangled a baby in the same household a few months earlier under the direction of a mysterious gentleman "clad in black," who came to her bed at night and instructed her, Satan-like, to kill two of her master's children.²⁴ She could give no accounting for her motives, and was, even in the haze of shock around her crime and execution (the execution of a sixteen-year-old girl being nearly as shocking then as it would be today), believed to be insane or an idiot, instead of merely driven to the edge of bearing by hot and smelly work, and the ever-present specter of hopelessness, as a teenager with no possession over her own labor or destiny.

²³ Ibid, 238.

²⁴ See *The Derby Mercury* for March and April 1763.

Servants and Bodily Pollution

Pamela by turns showcases, undermines, problematizes, and plays with the erotic and sometimes violent tensions between masters and servants in the eighteenth century, which, as Kristina Straub argues, emerges from a long and emotionally fraught shared history between masters and servants, replete with complex and, at times, ambivalent or downright contradictory relationships that transgressed societal boundaries, intimacies full of power, abuses, affection, love, resentment, jealousies, envy, and hatred.²⁵ What is specific to servant-master relations in the eighteenth century “is the emergence of a social consciousness of those tensions, expressed in a literature that tries to make sense of, and even to resolve them, as part of a larger, shared ‘social’ problem.” Straub attempts to develop a more complete reading of the family, the individual, and the public and private spheres, troubling and teasing out such hints in works on the novel by McKeon, Tadmor, and Armstrong, by making a more thorough analysis of the figure and role of the domestic servant. Nancy Armstrong quite famously called *Pamela* the first modern individual; Straub’s mission in her argument is to ask the question of how the contemporary discussion around *Pamela* and its ideas of problematic servant sexuality contributed to how she was written.

In the context of this chapter, I would like to build upon some of this work for another purpose. Straub’s focus is entirely upon the erotic tensions between master and servant, and how popular texts in this period at times highlighted, discussed, or virulently debated these tensions, and all this works in the service of the development of and consciousness regarding Britain’s emerging and changing capitalist class system. Here, I would like to instead examine how the context of these tensions, experienced so widely across British society in the eighteenth century

²⁵ See Kristina Straub, *Domestic Affairs: Intimacy, Eroticism, and Violence Between Servants and Masters in Eighteenth-Century Britain*. Baltimore: Johns Hopkins University Press, 2009.

in servant-keeping households, and so often fostering or employing pre-adolescent and teenaged girls before marriage to assist with domestic tasks, contribute to the way in which *Pamela* and other servant stories, especially in trial and pamphlet literature, would have been read and understood by its contemporaries, and what emotions and motivations it would invoke. It is not the labor conditions or class consciousness I would like to consider—McKeon and Straub have performed such an examination—but the psychosexual reality of the domestic space, and the way in which that psychosexual reality motivates particular modes of forensic reading. It is the psychosocial that is so important to Richardson’s novels, and which requires explication to better understand the compelling pull and impact of a book like *Pamela*. It is this social history of this reality that Straub most effectively contextualizes, and her work is therefore of great use to my argument here and provides some necessary contextualization.

It was the literary and artistic figure of the urban servant, depicted across popular art, texts and literature of the early eighteenth century, that solidified for the ranks of servant-keeping households a sense of overall moral decay and greedy opportunism, which they associated with the working poor and the lower artisan ranks, as well as servants and their families. This degenerate servant figure, far from the devoted and loyal domestic bonded to the master by deep ties of dependency, god-fearing obedience, and affection, was instead depicted as strictly transactional and ephemeral in nature, bonded to the master and mistress by immediate temporal needs and by want of money.²⁶ This sense of moral degeneracy extended to critics’ view of society itself, as seen in conduct literature, satire, and advice pamphlets throughout the century, wherein “the servant problem” is something emblematic, a symptom of the expansion of individual consumption in the emerging marketplace, now flush with goods from the empire. This symptom in turn was often tied with the increased personal fixation on the ever-expanding

²⁶ Ibid, 7.

availability of British luxuries, among the overspending employers and their servants, who were themselves avid consumers. One need look no further than the increasing demands over the century, which ultimately became a sort of de facto right, for servants to receive their own tea or coffee allowances.²⁷

The imagery in conduct literature and pamphlets used to convey critics' overwhelming sense of moral disgust over this sense of societal decay and degeneracy is characteristically perverse and often grotesque, rife with servants polluting or infecting their spheres of work with bodily fluids and other filth, likening the spitting of cooks into a family's dinner with unwanted contact between the unlike or even alien bodies of servant and mistress. This pollution, the intrusion of inter-class contact into intimate family life and its spaces, of self-interestedness and cool business-mindedness into the ancient bonds of servants and masters, threatens in turn to contaminate the familial sphere. This disgust is extremely evident, particularly in the fascination with servants' bodily secretions; Fielding gives the satirical—not to mention odiously descriptive—instruction to servants drawing beer to use their mouths for the purpose, and then to “withdraw the spigot from your mouth, well wetted with spittle, which being of a slimy consistence will make it stick faster in the fauset.” Of the dressing of small birds, he advises cooks that, when undertaking “the dressing small birds, requiring a world of cookery and clutter, and a second or third spit, which by the way is absolutely needless,” as one spit was “strong enough to turn a sirloin of beef.”²⁸ In case the reader were not disgusted enough now at the bodily secretions and imagined filthiness of their servants and their habits, many of whom would not be reading Fielding and hence repudiate his words, he instructs that “you are not to wash

²⁷ For more on the history of tea, the British market, and individual consumption, see Alan and Iris Macfarlane, *The Empire of Tea: The Remarkable History of the Plant That Took over the World*. 2003.

²⁸ See Jonathan Swift, *Directions to Servants*. Illustrated by Joseph Low, Pantheon Books, 1731. In his typical incisive form, Swift's entrée into the debates on the servant problem exhibits an almost alarming willingness to punch down for a satirist of his talents.

your hands till you have gone to the necessary house, and spitted your meat, trussed your fowl, picked your salad.”

Critics viewed generosity and gratitude between master and servants as impossible, mutually exclusive with a servant’s practicality and the incentives of profit motive, a servant’s presumed maneuvering for advantage, for better wages, gaining leverage to negotiate better terms with other employers, and constant movement between households, replacing the memorialized affective and impractical bonds between master and servant, which Georgian masters looked back on with such nostalgia, as on an imagined Golden Age. Defoe particularly speaks at length on the matter, discussing “the horrible degeneracy” and the ruination of young servants, especially those who come into their masters’ households as “lodgers,” and so become “debauched,” and he writes in evident disgust of the “gaiety, fine Cloaths, Laces, Hoops, &c. of the Maid-Servants, nay, even to Patches and Paint” of the young menial female servants of the town, likening them to thieves and whores, and calls London a “Paradise for Servants.” All of this is, for him, linked to the lack of “Subordination”—not just servants failing to *act* subordinate, but the loss to him of proper hierarchy and mutually shared feelings of a master’s right to make decisions and give orders, or to decide proper wages. For Defoe, the rise in wages and the presentation of fine clothes and gifts to servants by masters and mistresses to oblige or beautify them “exalts [a servant] in his own Opinion, and, in a Word, ruins him; for Pride and a good Servant are as inconsistent, as Darkness with Light.”²⁹ In Defoe and Swift’s heavily conservative complaints, we can see that paranoid, disgust-riddled, and fiercely protective rhetoric of the

²⁹ See Daniel Defoe, *The Great Law of Subordination Consider’d: Or, the Insolence and Unsufferable Behaviour of Servants in England Duly Enquir’d into. In Ten Familiar Letters. As Also a Proposal, Containing Such Heads or Constitutions, as Wou’d Effectually Answer This Great End, and Bring Servants of Every Class to a Just Regulation*. London: sold by S. Harding; W. Lewis; T. Worrall; A. Bettesworth; W. Meadows; and T. Edlin, 1724. Defoe complained conservatively about the behavior and lack of proper subordination of servants, as well as the drunkenness of the newly gin-swilling nation, in a large number of printed documents and to an almost embarrassingly extensive degree.

insecure middling and professional kind, jealously protecting their slippery status and looking fearfully and resentfully askance at any perceived slight from the serving and laboring sort, into whom all envious and paranoid imaginings may be repositied; *they* are here the debauched ones, who want too many luxuries, who have a wrong-headed sense of their place, who have too much English liberty for their own good, while the emerging middling sort is good, virtuous, innocent, and moral, deserving of luxuries and deference.

Given the reality that servants' work was then a largely hidden, informal arrangement between families and servants, devoid of oversight and protections for the domestic laborer, and given a servant tended to be an adolescent girl of a lower status than her employer, the disgust and visceral reactiveness of the literature reflects a tendency in reactionary politics to respond with extreme and often emotional dire warnings of the collapse of society in the face of even small changes, lest they persist or expand. The domestic servant kind, treated in some ways more like a caste than a rank or class, was employed and expected to move polluting fluids and other signs of decay and filth away from the bodies of their employers. Considering the amount of literature highlighting that pollution while discussing other issues dear to an uncertain or overwhelmed master or mistress's mind (such as wages), rising disgust over forced contact in small urban spaces or the accidental consumption of a disgruntled, disloyal, and self-interested servant's spittle is hardly surprising, with no emotional bonds of affection, deference, loyalty, and awe to prevent such contact without constant surveillance. Swift particularly provides, in his satirical instructions, the sense that servants are another species entirely, with no sense of empathy, discretion, or boundaries, who wallow in the abject, who have no sense of a border between themselves and the rest of the world; they are endless sources of filth and seepage,

encroachment, slippage from one allowance to the next, always looking to pollute, triumph, and drag down their masters through subaltern contamination.

Much of the literature focusing on the servant problem fixated as much on their greed and filthiness as on their troublesome sexuality, though it must be noted that both adolescent and adult servants, in contrast with their employers, had no allowable and very few safe outlets for sexual desire whatsoever, and the conduct literature seeks less to solve and more to confound this problem, primarily through sheer misunderstanding. Where literature was aimed at the masters, such as Swift's satire, maids and sexuality are almost constantly intertwined; Swift can barely treat on the subject without mentioning sex. In his instructions to the footman, he imagines him "struggling with the maid for a kiss"; when instructing the chambermaid, he tells her "Your usual lover, as I take it, is the coachman; but, if you are under twenty, and tolerably handsome, perhaps a footman may cast his eyes on you. Get your favourite footman to help you in making your lady's bed," and, it is assumed, have a lovely roll there to get the neighborhood talking. His instructions to the waiting-maid are, I am quite sure, *meant* to be funny; when one considers how they must have prejudiced the reading of *Pamela*, it is hardly any wonder that Fielding and Haywood found the idea of a serving girl being unwilling to receive the violent attentions of her master absurd.

If you are in a great family, and my lady's woman, my lord may probably like you, although you are not half so handsome as his own lady. In this case take care to get as much out of him as you can; and never allow him the smallest liberty, not the squeezing of your hand, unless he puts a guinea into it; so by degrees make him pay accordingly for every new attempt, doubling upon him in proportion to the concessions you allow, and always struggling, and threatening to cry out, or tell your lady, although you receive his money: five guineas for handling your breast is a cheap pennyworth, although you seem to resist with all your might; but never allow him the last favour under a hundred guineas, or a settlement of twenty pounds a year for life.³⁰

³⁰ See Jonathan Swift, *Directions to Servants*, 163-164.

Fielding perfectly encapsulates the assumptions Mr. B has in his pursuit of Pamela, and the assumptions of Fielding and Haywood in their versions of *Pamela*. Mr. B assumed that Pamela is positioning herself for advantage, trying to get whatever she can out of her master, feigning fright, and her lack of desire is either a nonissue or impossible; he believes that what she wants must be money, and what she has to offer in return is her body, for whatever form of labor will get her the best deal. There is no allowance in this form of thinking that serving girls—again, most of them preteens, teenagers, and very young, many of them having grown up in the household, some with nowhere to go—might not want to be constantly fondled, abused, and treated like prostitutes by their masters or the male servants. While servants and masters were dependent on one another in many ventures and experiences—the household and the family within—the pattern of courtship and the view of servants’ sexuality modeled in novels and conduct literature have much to do with the servant-keepers’ experience, preferences, societally-constructed delusions, and cultural or psychosexual projections, and little to do with how sexuality must have been experienced by their servants, in a world where servants and masters might figuratively and literally live right on top of one another—of cramped sleeping arrangements, of makeshift cots before the kitchen fire and illicit intervals behind pantry doors.

In all his writing on the subject, Defoe codified and sought to resolve what the middling sort felt to be an ongoing and newly emergent contradiction between the seeming profit motive of servants and the needs of the masters’ households, seeking in his instructional literature to define a moral domestic universe that would align the interests of master and servant once again, now under the emerging middle-class order (as opposed to the old feudal order), as part of what Michael McKeon calls “one of the most important ideological ‘projects’ of the eighteenth-

century novel, the leveraging of family to guarantee the social contract.”³¹ That family model, as argued by McKeon and famously by Foucault, became a model, in the household and the novel alike, of the ideal social order, as well as a way of instituting the discipline of that order as to best understand and remedy its own enemies and weaknesses. Depictions of servants in the developing novel, in plays, and in conduct and polemical literature on the servant problem all “create a semiotics of servants' sexuality” featuring both their mobility (perceived to be increasingly social as well as economic) in an increasingly commercial culture, as well as their “affective role” within the family structure, as quasi-children of the family, as caretakers of babies, as semi-siblings and apprentices and learners. Servants occupied an oxymoronic and intellectually contradictory role in such depictions, considered to be simultaneously problematically sexual and economically independent while they were also depicted as inherently chaotic family members, whose need for their masters' moral instruction often foundered on the rocks of their own rampant sexuality. The most popular representations of servants throughout the century were hypersexual predators and victims—sometimes both at the same time, as in the case of Pamela's satirical sisters, Shamela and Syrena—with contemporaries seeing them as trapped along the continuum between teachable child and uncontrollably sexual quasi-adult.³²

Despite the efforts of writers like Sarah Trimmer, whose literary servants were absurdly undersexed and naïve, much of the contemporaneous literature for masters and for servants depicts servants as congenitally oversexed; far from being considered in any way normal for possessing sexual desire at all, or being portrayed in the psychologically ambiguous way of a Pamela, they are portrayed instead as abnormal in their extreme inclination toward sexual

³¹ See Straub, 10. Also see McKeon, *Origins of the English Novel, 1600-1740*. Baltimore: Johns Hopkins University Press, 1987.

³² Straub, 12.

temptations, as another kind entirely from the servant-keepers. As a result of this tendency in the literature, domestics were both held to an extreme standard of chastity (one indiscretion could see them out on their ear with little to no prospects), while simultaneously their sex drives were seen as abnormal, unusually warm, and therefore the mere presence of servants, especially the female domestic, threatened to ensnare any man within their conceivable range.³³ This is, indeed, a paranoia that borders on the superstitious, a neurosis about the sexuality of servants that in some ways mirrors the neurosis around a witch's power, whose ability to curse and bewitch was in turn connected to the witch's very presence and the malignant strength of her envy, her vengefulness, and malign desires that prevailed particularly in seventeenth-century village thought. In both cases, those who claim to be bewitched find themselves in a position (before said bewitchment or cursing) of feeling guilty, of being privileged or better off than their neighbor or subordinate, of mistreating someone culturally deserving of assistance, and the accusation is a way of shifting blame and assuaging guilt. Such a high-pressure cultural and affective situation, bearing in mind the young ages and the physical, financial, and social vulnerability of pubescent and teenaged servants especially—who must have borne the brunt of the negative effects of this ideology—forms the foundations for a powder keg of potential sexual and physical abuse, as well as ample modes by which the masters and society itself can respectably blame their underlings and victims.

Being then the sources of the very desire felt by their male masters and the cause, actively malignant or not, of the sexual tensions and disruptions in households, marriages and families, the teenaged female domestic servant, so vulnerable and without legal or physical protections, could be safely resented, abused, and discarded, could carry off the sins of the household upon and within her body, could resolve tensions by taking the blame for her master's

³³ Ibid, 35.

lusts and her mistress's resentments and ill temper. If she was a source of trouble, she could also resolve it; if she brought filth into the masters' minds and households, she could remove it. This function was, after all, the role of the servant caste to begin with, to remove pollution and filth from the bodies of the servant-keepers; therefore, in acting as a scapegoat, the serving girl could fulfill this role spiritually, morally, as well as physically. In this way, she acts in the role of white witch and malign sorceress, as a *pharmakos*, removing infection and introducing ideas into the permeable minds or spiritual space of the masters.

Avoiding the fate of physical ruin was entirely the servant's responsibility, impossible or otherwise. Writers in the period who were more understanding of and realistic about servants' plights, such as Eliza Haywood, communicated to servants that were walking targets, being so much under the master's command, that they were "obliged to attend him at any Hours, and at any Place he is pleased to call you, [and he] will lay you under Difficulties to avoid his Importunities, which it must be confessed are not easy to surmount."³⁴ There are, of course, all the inherent contradictions present in her advice that trouble cultural conceptions of female sexuality, in addition to the more concrete understandings of servants as simultaneously passive and active, children and whores, aware and unaware of their effects on the masters, possessing and not possessing adequate agency, or the desire to use it. The servant maid is simultaneously an innocent victim, unable by definition to defend, protect, or educate herself properly—while on the other hand she is a sexual opportunist looking to gain advantage, leverage, power, inappropriate elevation, and (of course) riches, by accusing and threatening her master. This condemnation also rises to the spiritual, almost superstitious level; it is her financial self-interest,

³⁴ See Eliza Haywood, *A Present for a Servant Maid, or, The Sure Means of Gaining Love and Esteem... to Which Are Added Directions for Going to Market, Also, for Dressing Any Common Dish, Whether Flesh, Fish, or Fowl, with Some Rules for Washing, &c: the Whole Calculated for Making Both the Mistress and the Maid Happy*. 1743, pp. 45-47.

her dearth of familial feeling, and lack of proper loyalty, all revealed by her condemnation and accusation of her master, that must have led to her master's inappropriate feelings toward her. Therefore, the very act of accusation excuses the act of the man so accused; the act of accusation is epistemological in nature, revealing what the servant *is*, revealing that the servant was always this not-servant, inherently deformed and other, and it was that otherness that ensnared and befouled the master before the sexual act ever occurred. This nearly impossible act of ideological gymnastics nevertheless underpinned the psychosocial realities not only of servants and masters in the household and the way in which both read contemporary texts, but also conversations with magistrates, legal pamphlets, and jury trials—including the claims and accusations that never made it to trial.

In respect to apprentices, Defoe writes that they be “taken into [the master's] House, [and] ought, as far as it respects their Souls, to be reckon'd as Children; for as we take them from the Tuition of their Parents, if we act not the Parent to them as well as the Master, we may teach them their Trade, but we breed them up for the Devil.”³⁵ Here, Defoe does not only mean that servants and apprentices should be simply treated as children and empty vessels—in other words, given that most servants were adolescents and young people, that teenagers be seen as children still in need of the instruction and protection of parents—but they should be treated as children of the household in need of the instruction and protection of the master acting as a foster or adoptive parent, and so long as they do not reveal themselves as disloyal and without gratitude, they should be supposed to have the empty, negative innocence of the child. This point is important in the history of childhood and adolescence as well as servants and apprentices, given that, by the late seventeenth century, apprenticeships—like serving posts—had become more a

³⁵ Defoe, *The Family Instructor in Three Parts*, 238.

means of providing relief for the poor than training new artisans in their craft, particularly in the cases of female apprentices.³⁶

This is how the murdered young servant Ann Naylor came to be in the household of the Metyards—to be “apprenticed” as a haberdasher—and how the cruelly beaten Mary Clifford came to be in the household of Elizabeth Brownrigg, again to be “apprenticed” and thereby learn the trade of domestic service under her care.³⁷ In many cases, poor children and adolescents living in orphan hospitals and workhouses were apprenticed as menial servants and laborers with little hope of economic or social advancement beyond that attained by their poor or deceased parents, some of whom had been prostitutes and fallen servants trapped in institutions like Bridewell. This means that, over this time period, linguistic distinctions between servant and apprentice are virtually indistinguishable in the cases of orphaned or indigent young girls especially, for whom apprenticeship is generally just domestic service in the home of a foster parent. Regardless of the terminology used, many of these young girls found themselves in these placements, with little recourse for help, change, or a new placement, as a convenient means for parishes to dispense with inconvenient dependent children, allowing what are essentially foster families to use their apprentice children for whatever purpose they felt to be most profitable to themselves.

These parish apprentices let out by charity organizations, many of whom were female children whose room and board in private homes was essentially just compensation for forced domestic work, statistically stayed thereafter in domestic work—having learned it their only trade—until and unless they left for marriage or, often because of some abuse, found themselves

³⁶ See Joan Lane, *Apprenticeship in England, 1600-1914*.

³⁷ I use quotes here because there is little evidence these children were anything more than domestic servants farmed out to receive care in exchange for free labor; in a sense, they were little better than child slaves, and some were treated little better than that as well.

unemployable in a private home. At this point, they were forced to take to the streets and the dregs of Georgian society, where there was little work but small bits of washing or mending; many of them, entirely for want of food and shelter, found themselves forced into prostitution and young motherhood.³⁸ This dynamic further muddied the conceptual waters between servant and dependent child family member, but because they were also servants in a nominally contractual relationship, these children could still, when convenient, been seen as family outsiders, as autonomous, dangerous, and enterprising. Similarly, adult female servants especially could be painted with the same brush, treated as teachable, naïve children or even empty vessels, waiting to be filled up with morality and knowledge by their godly employers.

Forensic Reading and the Servant

Pamela obviously marks a major moment in the rhetorical history of writing that played with and treated on these erotic contradictions, but I additionally argue that much is made possible by the form of the epistolary novel itself, in which her fully realized psychological presence and the sense that she is giving a sincere, in-the-moment testimony. The consistent details and enumeration of fears and harms underscore Pamela's contradictory roles as a child—both in age and as an affective child of Mr. B's household, given her close companionable relationship with his late mother—and as a pedagogical subject not dissimilar from an adopted foundling or foster child, raised up by her mistress's care and teaching, before passing into B's control and command as a sort of foster sister entrusted to him by his mother's bequest. Pamela did not learn the skills of a domestic servant from B's mother or simple god-fearing lessons meant to keep her in her place in society; instead, she was taught to possess the skills and carriage of a young lady of the household, and she is dressed in like manner. Considering this familial connection, which added a vague intimation of a kind of incestuousness, and Pamela's

³⁸ Straub, 21.

now liminal status position, created by his mother's conduct, Mr. B's attraction to her is further fraught by the complex power dynamics between them, an increasingly forbidding and expanding understanding of childhood imposed by a changing culture, and Pamela's confusing status and age signifiers, all of which add to the sophisticated eroticism of the text, at the same time as each added complication further problematizes how the relationship is to be read and interpreted.

These problems, typically one or two at a time, arise in the contemporary historical depictions and discourse regarding the servant problem, servants, their agency and potential for victimization. I found particularly useful for my analysis the trial of Elizabeth Canning in the early 1750s, whose disappearance “occasioned pamphlet and periodical debates over her innocence or guilt that give us a popular, cultural terrain for mapping out the perceived strengths and weaknesses of Richardson's powerful argument for taking a young servant girl's moral agency seriously.”³⁹ I am far more interested in the debate around Elizabeth Canning's claims, the ways in which it mirrors incredulous readings of *Pamela* (especially those which developed into satirical takes, such as *Anti-Pamela* and *Shamela*) and the quite particular mode of reading occasioned in each case, suggesting a connection beyond that of the status of the purported victim. The Egyptians and Canningites committed scores of pages to poring over the details of the case and Canning's claims, fighting over their plausibility, over the quality of the evidence, and differing in their analyses of the crime scene and the probability of various testimonies. A century before the popularity of detection fiction saw armchair reader-detectives examining both real and fictive evidence and guessing at the culprit of a crime—even going so far as to advise the police in some cases—the Canning case motivates (through its shocking and scandalous circumstances, as well as the identity of the victim) and makes possible (though the relative

³⁹ Straub, 13.

powerlessness and objectification of the same victim) a public debate heavily laden with forensic reading. That *Pamela* does similar speaks to the fact that the novel presents itself as a sheaf of evidence, the documents of a case, to be similarly pored over with a forensic eye.

Richardson claimed that Pamela was based off a real person, a young lady he had met many years before the novel's publication while on a rural tour, during which he purportedly met the original Mr. B and his wife; this claim squares with the same anecdote he told to Aaron Hill, who recorded that Richardson discovered the original Pamela was the daughter of respectable people, laborers driven down the social scale by the ruin and failure of their school.⁴⁰

Richardson's Pamela is cast in a high place from the beginning of the story; she is at her lady's pillow weeping as Lady B passes, and Lady's B's request that her son remember her poor Pamela are among the noblewoman's last words. Mr. B promises henceforth to be a friend to Pamela, giving her charge of his linen—not only the most intimate objects to touch his person and their innermost layer of clothing, but this is additionally the sort of duty that a female family member has traditionally seen to in English households, such as a wife or sister. For her mourning and wages, Mr. B gives Pamela the contents of his mother's pockets—also intimate objects, held close to a woman's body and transferred between dresses—a right traditionally given to a lady's closest servant. Mr. B's claims on Pamela's intimacy and his encroachment also appear in this very first letter, as in a postscript Pamela describes him taking the letter off her and reading it, commenting upon the care his mother had taken in her learning, her "pretty Hand" and tolerable spelling, her delight in reading, and allows her access to his mother's library.⁴¹

⁴⁰ For more on *Pamela*'s original sources, see Thomas Keymer and Peter Sabor, *Pamela in the Marketplace: Literary Controversy and Print Culture in Eighteenth-Century Britain and Ireland*. Cambridge University Press, 2005.

⁴¹ Richardson, *Pamela; Or, Virtue Rewarded*. Oxford: Oxford University Press. 1741; 2001.

Mr. B's encroachment continues in Letters 6 and 7, quite cunningly; from giving Pamela his mother's clothing in front of Mrs. Jervis, which is still a lavish gift but much more appropriate, he proceeds to call her up later to his mother's old room, where they are quite alone, to give her much more extravagant hand-me-downs. In this mix of presents here he includes silk stockings, which Pamela greets with confusion and consternation, these being intimate wear, and Mr. B coyly asks if she thinks he does not know whether young ladies wear shoes and stockings—as if he has seen many stocking-clad ladies' legs in the past. Pamela then has little choice but to accept the gifts as if they are given merely in a spirit of generosity, Mr. B's comments being too oblique to push back upon. In Letter 11, Pamela describes Mr. B kissing her in the summer house and her resistance to him; upon realizing he's pushed her too far, despite having her shut into the building with him, Mr. B attempts to give her some gold, asks her to keep the matter secret and hide her crying in the garden, and claims he will forgive her for taking so much umbrage with his "testing" her. In his behavior, it is easy to detect a man experimenting and pushing his limits with another person, steadily obliging her to him, luring her into a game of secrets, presents, and temptations, while he himself—possibly too young and inexperienced to do what a Lovelace might, or simply gifted with better nature—refuses to outright force himself on her from the outset, despite his opportunities, and plainly wants her to consent in some fashion, even if that consent is coerced. In so doing, B is following the script of seduction, of "consensual" ravishment and coerced consent, of heroic masculine sexual adventurism, which is at this time most available to him, and which is his legacy as a young rake.

Pamela, for her part, finds that her lady's elevation of her has put her in a particularly difficult position; having grown out of her "Russet" and good "Honest Dress" her parents kitted her out with when she left to take up service at twelve, she now has no wardrobe beyond that of a

gentlewoman's clothes given to her by her former mistress. Without clothing appropriate to her station, and no one to escort her nor appropriate transportation for a gentlewoman, she now fears that she will meet trouble while traveling to her parents should she try to leave service, which is a reasonable fear in the context of her status inconsistency and the danger of the roads. Doing the next thing her parents ask her to do—and sensibly asking to share Mrs. Jervis's bed at night for protection—Pamela tells Mrs. Jervis everything and seeks her advice, being urged to stay and rely on Mr. B's shame to assure that the matter will go no further. Pamela therefore finds herself trapped, not in Mr. B's web of lies and obligation (for she has escaped that), but rather in a web of propriety spun by her own elevation above her station, by the threats and threads that suspend her between ranks, between gentlewoman and servant, between respectable and honest, in a sort of No-Man's Land where anything is possible and too much (and yet nothing) is permitted.

To attempt to intellectually reconcile this contradiction and provide a model, conduct literature sought to sever servants from their affective and economic relationships, making them perpetual children dependent on their masters' households, alienating them from their families, their own rank in society, and the economy and much of society itself, and in this isolation and abjection we can more clearly get a sense of Pamela's plight. Such a model additionally runs afoul of the idea that servants are pedagogical subjects, as it not only removes them from adult economic activity, but from intellectual activity as well; if the charity foster is receiving an education, it is an education regarding her proper "place" in society, of the subjected morality and deferential disposition required of that place, and the isolation, mental emptiness, and continuous dependence expected of her. This can be seen even in the early conduct literature, where authors insist that servants' bodies should ideally be "more fatigu'd and exercis'd, but their

Minds less perplex'd.”⁴² Much emphasis is placed on the ease from cares and strenuous mental work, and that ease from mental work is perceived as the servants’ “reward” for their backbreaking physical labors; for instance, Eliza Haywood congratulates servants that they are “entirely free from all Incumbrances, all Distraction of Mind, and have only to do your Duty quietly,” while masters and mistresses must continuously work to maintain and “support the Rank they have been accustomed to hold.”⁴³

It is clear from the conduct literature and treatises on the state of society, that eighteenth-century servant-keeping households believed young people born to the working poor, who were most likely to become servants, were the least likely to receive from their religious and social education a proper sense of their obligations, and that they would therefore fall short in household industry. As such, molding servants to be industrious, deferential, submissive, and lacking in too much intellectual curiosity became the focus for the philanthropic and charitable organizations who put out domestic servants as foster child apprentices in increasingly greater numbers between the early eighteenth and late nineteenth centuries. Women, apprentices, and servants “stood at the boundary of the literacy/non-literacy divide, and as such were a particular source of anxiety to the eighteenth-century ruling elite, which was acutely aware of the ideology-forming powers of the printed word.”⁴⁴ While it is difficult to know exactly how many or the myriad ways in which they came by the knowledge, it “seems safe to say that in early eighteenth-century England some servants and some women, and some apprentices, could read”⁴⁵ and there is a great deal of material to which they gravitated, that appears to be written for their

⁴² William Fleetwood, *The Relative Duties of Parents and Children, Husbands and Wives, Masters and Servants*. 1705.

⁴³ Eliza Haywood in 1743.

⁴⁴ See Judith Frank, *Common Ground: Eighteenth-Century Fiction and the Poor*. Stanford: Stanford University Press, 2002, p. 77.

⁴⁵ Straub, 30.

consumption, both in terms of the loftiest conduct literature and the most salacious entertainment. *Pamela* in particular was read widely, read aloud in communities and in homes, as a communal form of reading seldom seen today.⁴⁶ Certainly the large number of conduct books addressed to servants in the second person during this period reflects that there was a viable market for such literature to fill out a servant's time (and occupy their mind with “right-thinking” conduct), it is difficult to know how many domestic servants actually read these texts and how important they were in their lives⁴⁷; it is quite likely that the market for these texts begins not with servants spending their small salaries at the booksellers for conduct books, but with their masters and mistresses, as well as the philanthropic organizations sending them out, purchasing these books for the consumption of their wards and servants. The work of Sarah Trimmer in the second half of the century instead suggests “some of the subversive potential of servants reading romances... [which] are none too flattering to the landed gentry.”⁴⁸

The project of education over the century was ultimately to ensure that servants could share, as much as their employers did, in what was, after all, the age of education, with its conduct books, charity schools, and “complete” instructions on how to be anything from a scullery maid to Lord Chesterfield’s heir. Richardson’s original conduct books, filled with exemplary letters, in which we can see nascent *Pamela*-like characters seeking advice, were intended for girls of *Pamela*’s rank. Literacy was viewed in this period as a capacity which could simultaneously bridge and sustain the gap between masters and servants, instructing both sides of the servant-master divide how best to carry out and uphold their roles in relation to one another.

⁴⁶ *Pamela* was a multimedia event widely read and experienced across England, occasioning a fad for “*Pamela*” bonnets and hats, as well as printed fans with Richardson’s words, as well as other themed memorabilia. See Thomas Keymer and Peter Sabor. *Pamela in the Marketplace: Literary Controversy and Print Culture in Eighteenth-Century Britain and Ireland*. Cambridge University Press, 2005.

⁴⁷ Straub, 7.

⁴⁸ *Ibid*, 31-32.

This is, in a sense, a reaction against and a recuperation of *Pamela*—by the end of the century, writing “is approved as a means by which domestics can be both happier and more useful.” However, quite unlike their employers' children, who were expected to better themselves by this education and eventually gain independence from their parents and parents' households by learning and growing their way out of subservience, it was not for domestics to write their way into an improvement of their lot. Instead, they were merely meant to improve their conduct *as* servants, to more closely align themselves with the role that was expected of them and the idealism that grew alongside it, while ultimately contenting themselves with their prescribed role. *Pamela*, the fairytale of the servant who almost literally writes herself into a higher status, *is* a fairytale strictly because of this impossibility, even if Richardson purports to have met a real Pamela in the countryside, and its simultaneous forbidden erotics and interplay of psychological motivations contending throughout the text, as well as outside and around it.

No one in the eighteenth century, of course, was deluded into believing that adult servants were actually children; from around their mid-teens, female servants were typically expected to function as responsible adults, including caring for small babies and traveling alone between employment sites.⁴⁹ They were perhaps not viewed entirely as full adults with the full range of responsibilities of their employers, but this is due to the fact that a female domestic servant's “adulthood” was perceived to be meaningfully different from the adulthood of her master or mistress, or from the adulthood of a married woman. In other words, the range of a servant's responsibilities and independence were circumscribed even into her physical and biological adulthood, partially on the back of the fosterage system that brought them into service in the first place, and they would not escape this circumscribed role until entry into marriage, at which point young laboring women would be subsumed under their husband's legal identity.

⁴⁹ *Ibid*, 33.

Pamela's control and agency over her own identity is a power given to her via the pen and the liberty of her education, and is both an advertisement and a warning about what such an education can deliver; while certainly teaching servants to read and write would not elevate them to the aristocracy, Richardson illustrates how such an elevation could give them a sense of their own worth, what is owed to them, and what is (and is not) the property of the masters. As courtroom stories became increasingly prevalent in societal discourse, the ability to speak and account for oneself, to be an author of one's own case, was a means of dispelling a servant's integral blameworthiness, and hence change what the female servant was imagined to be.

The Servant's Plot

Servants represented about sixty percent of the population between ages fifteen and twenty-four,"⁵⁰ acting as servants or apprentices during their adolescence and young adulthood. Servants seeing themselves as belonging to a developmental dependent class of people, and parents and institutions systemically placing children into servant and apprenticeship positions whereby they would be dependents in a household, in a position similar to that of the family's children, carries with it the implication that members of the servant super-group better correlate to the demographics of an age group than a laboring rank, and that age group was not considered wholly and completely adult, nor ready to have their own establishments and families. Moreover, not being considered ready for their own establishments or families suggests they were not ready to engage in sexual activity, marry, become mistresses, or risk having children, as they could not take care of children while being dependents themselves.

⁵⁰ Kussmaul, Ann. *Servants in Husbandry in Early-Modern England*. Cambridge: Cambridge University Press, 2011, p. 4.

Key to this age group is the beginning of its range; while there certainly were many twelve and thirteen-year-old servants (many of the servants discussed in this chapter were thirteen and fourteen, a particularly vulnerable age for a servant), it was entirely possible not to enter into a serving situation until the mid-teenaged years, and therefore fifteen constitutes a typical age for the beginning of a servant's developmental time in that state of life. Having just entered it, he or she could not be expected to be ready to leave so quickly, nor yet to have the wherewithal to bear and care for their own household and children, agree to be a kept mistress, work independently from parents or a master/mistress, or to marry. A teenaged female servant would have been relying on her master to protect her and facilitate her learning and moral growth during a crucial developmental phase, to prevent her from curtailing her own options in adult life and enter into that scene of life without a compromised moral character, and with the skills she needed—domestic or commercial—in order to do so. Therefore, the master's role, both active and passive, was in some part parental and pedagogical, benign and moralistic; the master's duty, to their charge as well as to society, was to avoid destroying the servant or apprentice's chances of exiting that fragile stage of their life without any ethical or socially approved options to earn her bread and set up her own establishment.

This obligation is not the utterly paternalistic and condescending duty outlined for Victorian servant-keepers, particularly the middling-ranks, nor is it the clean transactional relationship of services performed and wages paid; pamphlet literature, conduct books, and novels in the eighteenth century all outline clear moral obligations on the master's part that go beyond restricting cruelty and paying wages on time. Servants were in a dependent position and yet their employers deeply depended upon them, upon a servant's knowledge of their likes and dislikes, their particularities, the proper running of a pantry or a kitchen or the household itself,

how to keep difficult and intricate clothing pieces in good order, how to groom and see to the needs of horses and other household animals, how to keep and protect game or maintain a large kitchen garden; in that dependency was a gnawing, nebulous, and nevertheless permeating sense of the servant's threat through their familiarity, through a power the master perceived them to have; in this way, the servant, particularly the female servant, is in many ways similar to the midwife or the witch—she is both powerless and powerful, a figure of pity, motivating malicious and guilty thoughts and a desire to shift blame, creating paranoid fantasies. What the law offered was a means by which to define, disambiguate, and settle their conceptual contradictions.

Frances Dolan describes and explicates upon the way in which social and aesthetic orders reinforce one another, and discusses the connection between the two domestic dependents, servants and wives, and the ways in which they were thought to conspire together in literature, on the stage, and correspondingly in society. She also discusses the way in which the master is figured, as “both authoritative and threatened” with subordinates who are “recognized as agents through their violent resistance to their master's authority” in the three subordinate murder plots she explores.⁵¹ Just as members of all ranks and social orders were “subjects,” so too did the category of servant transcend and cross many social orders, even capturing aristocrats at court, and many historians argue that servants could not and did not, in the early modern period at least, understand themselves as a single contiguous proletariat laboring class. I would argue instead that the servant and the apprentice are merely an earlier model for the teenager and young adult, a model which was at times nurturing and at others wholly exploitative and dangerous and, not wholly unlike today, depictions of this group of people written by those with power over them are at times dehumanizing, othering, and rife with unacknowledged envy and threat. Thomas

⁵¹ See Frances Dolan, *Dangerous Familiars: Representations of Domestic Crime in England, 1550-1700*. Ithaca: Cornell University Press, 1994, p. 60.

Keymer and Peter Sabor have written in detail of the conservative backlash against *Pamela* in the novels' satires and detractors, but they do not dwell on Fielding's absolute incredulity in the idea that Pamela could be an innocent serving girl and not a scheming vixen tricking and scamming the contemptible, violent, and stupid Mr. Booby. In writing his satire the way he did, Fielding reveals the field of probabilities that, at the time, felt most plausible to him. As a magistrate and graduate of Eton, Fielding (at the time of *Shamela's* writing) plainly felt that probability rested heavily on the side of Pamela being a scheming, opportunistic hussy, more akin to a prostitute than a virtuous gentlewoman, and renders the novel's love match absurd and disgraceful.⁵²

The Case of Colonel Charteris and Anne Bond

Francis Charteris was despised in London as a rake and dismissed from the military four times, for reasons ranging from cheating at cards to accepting bribes, and he amassed an enormous sum of money despite his dismissals and reputation. His trial, for the capital crime of raping servant girl Anne Bond, took place in the Old Bailey in 1730. It was a massive media event, occasioning a large quantity of pamphlet and broadside material, and was much discussed in the coffeehouses and drawing rooms of the era, ultimately becoming one of the most well-known criminal cases of the century.⁵³ Because of all this chatter and publicity, the image of Colonel Charteris became embedded in the popular consciousness as "the very epitome of the sexual beast; that variety of rake who specializes in victimization of the helpless and achieves

⁵² See Eliza Haywood, Henry Fielding, and Catherine Ingrassia (ed). *Anti-Pamela, or, Feign'd Innocence Detected / Eliza Haywood. Shamela; An Apology for the Life of Mrs. Shamela Andrews / Henry Fielding*. Broadview Press, 2004.

⁵³ Cruickshank, Dan. *The Secret History of Georgian London: How the Wages of Sin Shaped the Capital*. Random House, 2009. Pp. 311-320.

gratification through violence and the abuse of power.”⁵⁴ The Charteris case was a triumph for the criminal justice system and appeared to affirm the idea that it could hold the rich and powerful accountable for heinous acts just as it could those lower down the social ladder—a contention somewhat undercut by Charteris’s eventual pardoning, in a country where rape convictions almost invariably ended in hanging.⁵⁵ More important, however, is the image Charteris left behind on the popular psyche, as well as the country’s understanding and idealization of the justice system. Plainly, the pamphlet literature reveals that it was considered desirable by the general public that men like Charteris—rapist rakes with great power and money—could be held accountable, and that poor, virtuous servant girls could seek and attain justice against them, even if this was seldom the reality of the situation.

According to Horace Walpole in 1780, Hogarth used Charteris’s likeness and that of his procuress (“Mother Needham,” or Moll Harvey) for his rake and bawd in *The Harlot's Progress*, in the years directly preceding Charteris’s death in 1732. His image and story were often used as an example of privilege, vice, and venality by both Swift and Pope, and spoken of critically even by the king and queen. Among the lower ranks, he was held in wide infamy and generally

⁵⁴ Antony E. Simpson. “Popular Perceptions of Rape as a Capital Crime in Eighteenth-Century England: The Press and the Trial of Francis Charteris in the Old Bailey, February 1730.” *Law and History Review*, vol. 22, no. 1. The History Cooperative. 29 Nov. 2004. Simpson notes that famous cases such as that of Charteris do have an important place in archival historical research, if only taken beside more everyday sorts of cases—not as a reflection of typical practice, but as a reflection of the era’s psyche. His contention is underscored by the great number of Old Bailey compilations published in the late eighteenth century, and even well into the nineteenth century, that invariably featured Charteris.

⁵⁵ Rape was considered a capital offense, a felony without benefit of clergy. Like many other non-homicide felonies, such as larceny and even pick-pocketing, the use of capital punishment for the offense of rape presented more problems for complainants and convictions than it solved. In the 1650s, for instance, it was argued that “the prospect of an offender being executed discouraged victims from prosecuting... [and] encouraged jurors to acquit and the judges and authorities to pardon a large number of those who were convicted,” which all served to embolden other offenders. The fact that “indiscriminate use of the death penalty led some offenders to kill their victims in order to remove the only witnesses who could convict them” encouraged perpetrators of theft and highway robbery to murder as well, and undoubtedly led to the murder of young women whose homicides were never solved, as their accusations had the power to kill their rapists. Moreover, the fact that rape was a capital offense raised its evidentiary standard in the minds of male jurists, who hesitated to hang their male brethren when the case appeared in any way ambiguous, and therefore cultivated an almost intellectually dishonest skepticism for victims’ testimony. See J. M. Beattie, *Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terror*. London: Oxford University Press, 2001.

despised, as evidenced by the mob's treatment of him when he was released from Newgate Prison six weeks after his sentencing, according to *The Life of Don Francisco*, at which time he was beaten severely.⁵⁶ At his funeral, dead cats were thrown into his grave, and the people of Edinburgh chased away the priests saying the service, having judged Charteris unworthy of receiving it. By the time Anne Bond was working as a domestic servant for Charteris, he was already "well known for a long career that had encompassed the routine entrapment and rape of servants."⁵⁷ Once Anne discovered that "Colonel Harvey," the man whom she believed to have hired her, was in fact Colonel Charteris, she asked to leave, having already in her mind a clear impression of the just reputation her employer had earned. We can see the control Charteris evinced over his servants in their subsequent treatment of Anne Bond; they denied her permission to leave, and the servants then conspired to keep her from escaping, on Charteris's orders.⁵⁸

The following morning, Charteris confronted, attacked and raped her, though the servants in the next room (again under his orders) would later testify that they heard no signs of a struggle, and no one came to her aid during the assault. Anne informed Charteris of her intention to prosecute him, at which point he had her horse-whipped and turned out of doors as a thief, without her belongings. Anne turned to a gentlewoman, Mary Parsons, who was likely her

⁵⁶ *The Life of Don Francisco. Containing the Whole Series of the Most Remarkable and Unprecedented Actions from his Birth to the Time of his Receiving his Sentence of Death for a Rape.* London, 1730. (Pamphlet.)

⁵⁷ Simpson, Antony E. "Popular Perceptions of Rape as a Capital Crime in Eighteenth-Century England: The Press and the Trial of Francis Charteris in the Old Bailey, February 1730." *Law and History Review*, vol. 22, no. 1, 2004, pp. 27–70.

⁵⁸ It is difficult to entirely explain the conspiracy between Charteris and his servants, aside from the appearance that they were accustomed to catering to his wants and deferring to his near-absolute power in the household, as an excuse for following his orders. However, they do appear to have been extremely loyal to him, or at least to see themselves as only answerable to Charteris, and not to the law or kingdom at large. Consider this entry from *The Grub-Street Journal* for 5 March 1730: "Last Thursday night the officers of William Morrice, Esq; High Bailiff of the liberty of Westminster, went to sieze the goods and chattels of Francis Chartres, Esq; at his house in great George-street, Hanover-square, on his having been convicted of Felony at the Old Baily, but were dny'd admittance by the servants, who made a vigorous defence; one of them, a Woman, fired a Pistol from a window, and wounded a Beadle in the breast."

former employer,⁵⁹ and Parsons helped bring about the misdemeanor charge in a Middlesex court for the finable (but imminently survivable) charge of attempted rape—the type of accusation likely to bring about a civil settlement of a sum to be paid to Anne, which was not an uncommon tactic at the time. Once the case went before the Grand Jury, however, the charge was elevated to the capital crime of rape. Charteris appeared in court fresh from the continent, allured by his enemies and by his own confidence that he might be able to pay off his accuser, a thing he had done “a number of times before, under similar circumstances.” Simpson provides the historical context (as have numerous other historians) that this technique “was a standard one at the time, and one which should be regarded as a traditional means of offering reparation for an injury, and not necessarily as a corrupt practice.” Therefore, it can be inferred that Anne’s desire to settle matters in civil court with a payment, and not to carry the prosecution so far as the capital crime, also did not carry corrupt or usurious intent; she appears to have wanted to punish Charteris, but not originally to see him hanged—or she thought that outcome extremely unlikely, and that she would be hazarding her time and reputation for nothing. This was a reasonable belief—until the Grand Jury took it upon themselves to charge Charteris with the capital crime.

It is unclear what changed when the Grand Jury indicted him for rape; Charteris made an offer to pay her the great sum of 300£, but his efforts came to nothing, and the trial moved forward. As was common, the defense took the general tack of trying to impugn Bond’s intentions, her motives, and her virtue as a woman and a servant, and she was accused of complying with the sexual act, of being a prostitute, and then stealing from and attempting to extort Colonel Charteris—the last charge being particularly laughable, given the fact that Anne rebuffed Charteris’s offer to pay her what amounted to between sixty and eighty years’ worth of

⁵⁹ This is Simpson’s contention. Though nothing in the record explicitly supports or denies this theory, the relationship between Anne Bond and Mary Parsons, otherwise an unlikely one, makes Simpson’s supposition likely.

her typical wage. The trial had the somewhat unique property of offering no real way for the defendant to “prove” anything contrary to his already widely promulgated and well-known reputation; he was infamous for sexual violence, and did not bother bringing his own character witnesses to challenge that understanding, which was unusual for the time—most defendants in rape trials throughout the period bring character witnesses who testify in the record to the prisoner’s sobriety, steadiness, character, and Christianity.

By contrast, the complainant’s character witnesses easily constructed a narrative around Anne Bond, portraying her as everything the eighteenth-century readership might want from a servant girl: god-fearing and virtuous, a good worker, obedient to her former employers, a steady employee, sexually chaste, and otherwise immaculate but humble. Meanwhile, the jury’s previously held conception of Colonel Charteris, as well as the contempt that came with it, made them far more willing to believe a black-and-white representation which divided rapist and victim between clearly delineated and binary halves. In this way, the trial and its pamphlet literature are more passion play than mere recording of court proceedings, something like a *Pamela* or a *Clarissa*: a documentary format hiding a fable of the good—the virtuous, poor, and innocent—struggling with and ultimately triumphing over evil.

The numerous contemporary pamphlets, many presenting and focusing on different issues and evidence, all go into great and exacting detail, making small inferences and suggestions, as if to present a sort of ongoing mystery (a true crime narrative in many recognizable ways), as well as to titillate the audience. One of the texts takes a detour to focus on Charteris’s insistence on buying Anne Bond a quantity of Holland linen, noting to her that she should have “a clean shift every day,” despite Bond’s assertion that she already had plenty of linen. This detail—a recurrent motif in rape trials, pamphlets, and in *Pamela*, where Pamela’s

relationship to her writing and her linen consistently draws her into an evidentiary framework that is reminiscent of the courtroom—is included but not commented upon, as if to suggest the ill intent of such a gift, to invoke the sully and examination of linens so common in rape trial narratives up to this point. Charteris then purportedly insisted she keep a fine snuff box for him, a clear attempt to leverage a threat of prosecution for stealing against her in the future, should she complain of being abused or raped. His servants later acted in concert with him, very much like Mrs. Jewkes, to get Bond into the same bedroom with Charteris overnight by insisting she sleep on the truckle bed⁶⁰ while Charteris was ill. When he tried to get her into his own bed and Bond refused, he sent her down to sleep on the cold hearth before the banked kitchen fire, for she would have no other bed but his in consequence of refusing him.⁶¹

The pamphlets enumerate Charteris’s escalation from here, from manipulation and inference to bribery. We can clearly see the correlations to Mr. B’s early attempts to bribe Pamela and Pamela’s own fictional character here in Bond’s responses: “she refus’d, alleging, that she had nothing but her reputation to depend upon. He then promis’d her fine clothes, and offer’d her a purse of gold, and told her, he would give her a house and get her a husband; but this deponent obstinately persisting in her denial, and persevering in her resolution of *preserving her Virtue* and unblemish’d reputation.”⁶² Again, Charteris escalates (as B would as well) to enclosure and imprisonment, calling Bond’s insistence on her virtue nothing more than her “vanity,” which he is currently indulging (by not raping her), and then orders the servants to lock the doors and keep her from leaving the house. Ominously but unsurprisingly, they apparently complied.

⁶⁰ A Tudor-style trundle bed common in homes from the sixteenth to the eighteenth centuries.

⁶¹ *The Tryal of Colonel Francis Chartres: For a Rape Committed by Him on the Body of Mrs. Anne Bond, His Servant-Maid, ... At the Sessions Held at Justice-Hall in the Old Bailey, on Thursday the 26th of February, 1729-30.* Printed for A. Moore; and sold by the booksellers, pamphlet-sellers and hawkers, 1730. (Italics added by me.)

⁶² *Ibid.*

After several days, the “fatal” incident occurred.⁶³ Charteris summoned Anne Bond to his room, and, after locking the door and with very little ceremony, proceeded to rape her upon his couch, stuffing a night cap into her mouth in an act that is almost anticlimactic in its crude banality. Seemingly intent upon placing the audience inside the courtroom, the pamphlet literature is unstinting in its depiction of Bond’s testimony here, even where it is humiliating (humiliation being something Richardson notably refuses to do to his heroines). Upon being asked whether she knows what carnal knowledge is, Bond awkwardly says she does not, and must describe what was done to her—the lifting of her skirts, whether Charteris unbuttoned his breeches, and what she experienced, to which she almost humorously replies: “*A great deal of wet.*” Richardson seems to have taken from this incident that even having his heroines awake during physical attempts (and successes) upon their bodies, forcing them to depict the bodily reality of what is happening to them, is demeaning in and of itself, that the crime of rape is not simply one of violence, but of humiliation and degradation, forcing the victim to appear small and desecrated, as the body itself becomes a site of crime and of the collection (and examination) of evidence.⁶⁴

Upon being severely horsewhipped and turned out of doors for the theft of the snuff box, as cleverly set up ahead of time by Charteris, Anne Bond went immediately to Mary Parsons,

⁶³ One must wonder why the pamphlet literature uses this word, but Richardson does so as well. Is it fatal because the punishment for the crime is capital? Is it fatal because of the murder of the woman’s reputation or her ability to seek a normal life? Crucially, it is fatal because the event disambiguates the shape of all the events that have come to pass—it is and always was a rape, and not a seduction, a ravishing, or a harmless romp.

⁶⁴ There is a narrow set of crimes in which the body becomes a site of evidentiary examination and gathering: physical abuses (battery and assault), murder, and rape. Examination of the harms of physical abuses tended, according to the case history, to be much less invasive; witness testimony of the crime, perhaps a showcase of bruises or lacerations in the courtroom, or a surgeon testifying to the same, were typically all that was required. In the case of murder, which rests on the other end of the spectrum, the body is both cause of the trial—the former receptacle of human soul, citizenship, dignity—and object, a landscape of evidence gathering. However, its present state of deadness is proof of harm and suspicious in and of itself, and any evidence of violence entirely prejudicial to the defendant. Rape transforms the body into a site of invasive evidence gathering, but contrary to cases of physical abuse or murder, the male jurists attendant on trials often had trouble seeing forced sex itself as a harm, and of course the carnal act itself was harder to prove medically, without subjecting oneself to invasive medical examinations and the exposure of humiliating details, such as bodily secretions and the contraction of VD.

who later testified at the trial on Bond's behalf. Her evidence regards not only Bond's words, but her physical state directly afterwards, after Bond "unpin'd her Cloaths, and shewed [Parsons] the Marks of his violence and inhuman Treatment." They then showed the same to Mr. Biss, a gentleman, who also testified that he had seen the victim's back, neck, and arms, and could testify to the severe horsewhipping and Charteris's unrepentant responses ("She shall have none") when confronted for the return of Bond's clothing.⁶⁵

The evidence Charteris presented quickly fell apart, showcasing the forensic and investigative capabilities of the age; there was a man who stated that he had seen Anne Bond in bed with Charteris and who obviously perjured himself on the stand, sputtering that he had a mind to sleep with her himself, while witnesses who claimed to hear nothing disintegrated on cross-examination. There are letters showing consent later revealed as pitiable forgeries. The jury convicted Charteris after fifteen minutes, and though he was later pardoned—through massive feats of bribery, even and especially bribing his victim⁶⁶—the sums he paid to have his estates returned, the cost of the bribes, as well as the great cost to his health effected by Newgate, were in their way a punishment in kind. Charteris died, likely of illness and weakness brought about by his six-week stay in prison, in 1732. His trial created a market, a kind of microeconomy in its own right: lawyers, suborned witnesses, and publishers all benefitted grandly from it, some long after his death.

⁶⁵ *Ibid.* For more, see *Some Authentick Memoirs of the Life of Colonel Ch-----S, Rape-Master-General of Great Britain. By an Impartial Hand.* printed, and sold by the booksellers of London and Westminster; and at the several pamphlet-shops, 1730; *The Life of Don Francisco. Containing the Whole Series of the Most Remarkable and Unprecedented Actions from his Birth to the Time of his Receiving his Sentence of Death for a Rape.* London, 1730; *Some Authentick Memoirs of the Life of Colonel Ch-----S, Rape-Master-General of Great Britain. By an Impartial Hand.* Printed, and sold by the booksellers of London and Westminster; and at the several pamphlet-shops, 1730; and *Col. Don Francisco's Letter of Advice to All His Beloved Brethren, the Votaries of Venus.* Printed for, and sold by the booksellers of London and Westminster, 1730. See also the official Old Bailey record: *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 8.0, 02 August 2023), February 1730, trial of Francis Charteris (t17300228-69).

⁶⁶ Anne Bond spoke on Colonel Charteris's behalf, attempting to get him a reprieve, on account—it was believed—of a promise from Charteris to provide her with a lifetime annuity in exchange. *The British Journal*, 7 and 21 March, 11 and 18 April 1730.

Though the state benefitted from the case financially, it benefitted still more symbolically, in upholding the moral framework of the status quo and the ideal of its legal system by pursuing and convicting a known criminal aristocrat, though the lateness of his prosecution—given how many years he had reportedly been operating with impunity—and the pardoning he later received did undercut that symbolic value. How the public discussed the case, during the trial and for years thereafter, reveals an archive of Charteris’s published appearances that underscores the reading public’s fascination with trials detailing libertinage and sexual violence. Charteris’s case appears in *The Bloody Register* in 1764, *The Tyburn Chronicle* in 1768, *The Malefactor's Register* in 1779, and in *The Old Bailey Chronicle* in 1788, as well as in records of trials and pamphlets throughout the 1730s and ‘40s—to say nothing of the popular ballad he inspired (“On Colonel Francisco: Rape-Master General of Great Britain”) and the three plays, at least one of which appeared on the London stage in the 1730s.



Figure 2-1: William Hogarth, *A Harlot's Progress*, 1732. Plate I. Viewers of the series in 1731 and '32 would have recognized the leering man in the background as Colonel Charteris, and might have recognized his procuress Elizabeth Needham in the foreground as the bawd.

Despite all this publicity and popularity, one can argue that the middling set had no great interest in seeing most aristocratic rapists charged and hanged for their crimes, particularly for the sexual exploitation of servants—and this is borne out to an extent, in the low conviction rates for rapists across the board, the kinds of rapes that tended to get convictions, and the practice of dismissing servants without reference for complaining of sexual abuse in a household. This does not mean that the middling-rank audience audience—those so interested in the case of Francis Charteris—were not *idealistically*, rather than materially, interested in seeing a man like

Charteris punished and in believing that the justice system could work, regardless of the defendant and accuser's relative financial means and social status. Charteris's public conviction is a sacrifice on the altar of an ideal, all to help maintain and simultaneously deny the existence of a reality wherein noble and privileged men were never held to account for such crimes. Even Charteris, was ultimately no exception.

The reading public's relationship with Francis Charteris, redolent with both fascination and repugnance, with admiration and distancing disgust, is not unlike the magnetic fascination *Clarissa's* Lovelace could inspire in eighteenth-century (and, indeed, twenty-first century) readers, and the contemporary material's usage of Anne as a cipher—whore, paragon, manipulator, innocent—bear watermarks that are evocative of the public debate around and the satires inspired by *Pamela*. Quite unlike both Lovelace and Mr. B, however, Charteris is remarkable for breaking all the rules of his own kind, for failing to keep up the style and veneer of gentility which was part of the unspoken social contract of the aristocracy, and so he was not only reviled by his fellows, but resented and perceived as dangerous to the whole enterprise of aristocratic separateness and privilege. While some embezzlement or gambling among the nobility was acceptable, Charteris was a notorious—and notably *successful*—cheat at cards, who gained fabulous sums from both men and women of his social status. He loaned money, again to his equals, at usurious and extravagant rates, sometimes as much as 100%. He took pleasure in and had a tendency for cheating lower-rank people out of sums of money that were small to him, but ruinous for them, a failure of *noblesse oblige* in matter, spirit, and style, and he had utter contempt for the duel. He was well known for these vices, and in so doing, he rejected the virtues long associated with the aristocracy (generosity, bravery, and honor chief among them) that had long served as justifications for the power, prestige, and privileges of the British aristocracy. It is

notable that not even Lovelace has the temerity to reject most of these principles; he is a villain while, and even *because*, he is acting as an aristocrat, and has many of the stylings, graces, and courage of the nobility. Mr. B, meanwhile, is young and blessed with better instincts, and needs only a strong correction to behave with a more generous spirit, as if his innate aristocratic nature needs only proper instruction.

Important to perceptions of Charteris, as well as to his later pardon, was his connection with the corrupt administration of his friend Sir Robert Walpole. Both of these individuals “came to be associated with those of a new breed of upper-class men: rich, urban, and upwardly mobile, rather than landed, rural, and traditional.”⁶⁷ This connection is particularly noteworthy when one considers that, while Charteris was called “Rape-Master General,” Walpole was known as “Skreen-Master General” for his practice of “screening” or protecting corrupt financiers. John Arbuthnot's *Epitaph on Don Francisco* connects Charteris with the corruption of Walpole's government, damningly stating that Charteris, “Having, Without Trust of public Money, Bribe, Worth, Service, Trade, or Profession, Acquired, or rather created, A Ministerial Estate.”⁶⁸ Charteris's fall, evident from the epitaph and the treatment of his funeral and grave, was satisfying across the social spectrum; he acted as a proxy to Walpole for the aristocracy, who longed to bring the latter down, and therefore his fall reinforced the social values that made the privileges of their rank possible; meanwhile, the lower and middling ranks had the satisfaction of seeing a known rake destroyed across the world of print, and finally humiliated and sickened in prison, never to regain his health even after his pardon.

It is far more telling, however, that Charteris's conviction is the only guilty verdict for the rape of a woman in the Old Bailey's trial records in 1730; these records include the acquittal of a

⁶⁷ Simpson. “Popular Perceptions of Rape as a Capital Crime in Eighteenth-Century England.”

⁶⁸ John Arbuthnot, “An Epitaph on Don Francisco.” *The London Magazine*. April, 1732. Lines 15-19.

man accused of threatening, beating, choking, and raping an eighteen-year-old girl in a lane, despite evidence given by a man who heard shrieking in that same lane at the time of the rape.⁶⁹ In that very year, Alexander Reytown, accused of raping a servant, stopped her mouth and nearly put her eye out while assaulting her, after which she was seen by a surgeon who was never called to speak at the trial. Reytown was acquitted on the evidence given by other members of the household that they “heard no Noise, neither struggling, nor calling,” despite the victim's testimony that she was gagged.⁷⁰ This context reveals that the hope of justice for servant girls prosecuting publicly for rape was little more than the fable of Colonel Charteris’s trial: a passion play, and a compelling one at that, where reason, justice, and forensic evidence willingly and easily shredded the feeble excuses and lies of rakish aristocratic servant-keepers who abused their maids. In the 1730s, while England congratulated itself over the conviction of Don Francisco, many servant girls—as well as other girls and women of every rank—were abused, raped, and even murdered, and many such cases never made it to trial. This was the context of the decade during which *Pamela* was conceptualized and written.

Elizabeth Canning and the Servant as Site of Evidence

The case of Elizabeth Canning occurred in the 1750s, about a decade after the publication of *Pamela*, but the issues discussed and the intensity with which they were pursued highlight the social context and the psychosexual reality, as well as the forensic, legal, and social dialogues that swirled around conversations sparked by Richardson’s text, and it is therefore an illuminating companion in our examination. Elizabeth Canning was an eighteen-year-old

⁶⁹ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 8.0, 26 July 2023), October 1730, trial of John Collier (t17301014-36).

⁷⁰ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 8.0, 02 August 2023), December 1730, trial of Alexander Reytown (t17301204-23).

maidservant, of a purportedly honest and shy demeanor, who served in the household of London publican John Wintlebury, and lived nearby in the home of carpenter Edward Lyon. She disappeared on her journey home from visiting her aunt and uncle on January 1st of 1753, and was neither seen nor heard from by worried family and friends for a month.

Canning reappeared late at night on the 29th of January at her mother's house, and despite the hour, her mother's house was soon full of friends and worried neighbors, many of whom described her physical condition as "deplorable." She was filthy with dirt, wearing only her underclothes and a bedcoat, and a dirty rag had been tied around her head as a makeshift bandage for a wounded ear. She claimed to have been attacked by two men on her journey back to her lodgings on the night of her disappearance, then stripped, robbed, and beaten unconscious. When she regained consciousness, she walked to a house for help, where the old woman in residence asked Canning, upon seeing her desperate state, if she "would go their way" and become a prostitute. When Canning rebuffed the offer, the old woman slapped her, stripped Canning's corset, and drove her upstairs to a loft, where she remained imprisoned with only bread and water for a month. Canning escaped at last by prying the boards away from the loft window and making her way home by foot, attempting the five-hour journey despite being now half-starved, half-naked, and injured. This ordeal so badly affected her that her family summoned an apothecary, who observed she was weak, with a faint pulse and hardly able to speak, that she was vomiting up everything, including the medicine he administered, and that she might die if she were moved. The subsequent trial and the pamphlets and theories that flew back and forth, the camps of male supporters discussing which of the women involved were believable, all reveal a great deal about the way in which women, their testimony, and any justice they sought could

become ciphers for the beliefs, aims, and ambitions of male commentators in eighteenth-century Britain.

Among the modern scholars who discuss the case of Elizabeth Canning, Judith Moore's examination⁷¹ is among the most methodical and generous, and her theories neither veer wildly into the left field nor rely on the interpretations of the feuding men who made Canning's case their hobby horse in the 1750s. Moore's is primarily a feminist reading that attempts to weigh both late-twentieth-century understandings of probability and the medical realities of Canning's condition when she reappeared in late January 1753. Contemporary artist Allan Ramsay found the case to be both "stupid" and "improbable," quite unlike the events of *Tom Jones* (a jab presumably meant to point to some perceived hypocrisy on the part of Henry Fielding; one might be better off invoking *Shamela* for that purpose). Fielding himself cautioned that disbelieving the case based on perceived improbability, "is much more absurd, who declares that he will believe no such Fact or any Evidence whatever" than those who believe a story without evidence through rashness.⁷²

In essence, Fielding pleads for readers of Canning's case to adopt a default position of belief, or at the very least, a temporary suspension of disbelief in order to consider the evidence, to take on a dispassionate open-mindedness in the face of Canning's story and the evidence that supports it, and by extension to other stories and other potential victims of her age, sex, and status. As is plain from the larger case history, women and girls in the eighteenth century were often disbelieved when they claimed sexual and other physical violence against them, and the very corpus of what was "probable" was constructed on a shaky foundation, consisting of which stories had been believed and disbelieved, interpreted and misinterpreted, before the most recent

⁷¹ See Judith Moore, *The Appearance of Truth: The Story of Elizabeth Canning and Eighteenth-Century Narrative*. Newark: University of Delaware Press, 1994.

⁷² Henry Fielding, *A Clear State of the Case of Elizabeth Canning*. London: A Millar, 1753, p. 19.

case before the readers' or jurists' eyes. Finding a woman's story improbable and dismissing it speaks not only to what one believes in the moment, but also to one's capacity to believe women's accounts of their own experiences, and to a culture's capacity to absorb and deal appropriately with such stories. The public fascination with Canning's case and the existence of both Canningites (those who believed her) and the Egyptians (those who did not)⁷³ speaks to a deep divide in eighteenth-century English culture with regards to women's stories about abduction, rape, prostitution (forced and otherwise), and violence, the culture's inability to agree on the basic facts, and who was and was not an authority on those facts. What was (and still is) deemed "probable" has less to do with verisimilitude or even one's own experience, and far more to do with narratives, who tells them, and what is useful to the purposes of those in authority to write and interpret narrative.

Though Fielding quite possibly meant well in his defense of Canning, his intrusion into the public conversation around the case and his continuation of old grudges and vendettas through Canning's trial actively undermined her ability to tell her own story, to be the arbiter of the facts of her life. On the other side of the debate, voices like Allan Ramsay's—in the name of probability⁷⁴—were allowed to spin entire theories without a shred of evidence, testimonial or physical. For instance, generalizing (with his apparently vast knowledge of "young servant-

⁷³ Squires and Wells were both referred to as "Gypsy women" by their neighbors, and Wells was said to have been "versed in the ancient Egyptian Cunning"; even Gascoyne, a judge and leader of the anti-Canning contingent, was called in Canningite pamphlets "the King of the Gipsies," revealing that much of the outrage on Canning's behalf was motivated more by race than any desire to see justice for an abused servant girl. The Canningites riled up a great deal of anti-gypsy sentiment in Canning's defense, and those who were on Gascoyne's, Wells's and the Squireses' side were subsequently known as "Egyptians."

⁷⁴ The idea of what events were "probable" was extremely important to the emergence of the novel, as well as its relationship to the court trial and legal pamphlet literature (and all along texts in Lennard's "news-novel matrix"). For more on probability in the seventeenth and eighteenth centuries, see: Barbara J. Shapiro, *Probability and Certainty in Seventeenth-Century England: a Study of the Relationships Between Natural Science, Religion, History, Law, and Literature*. Princeton, N.J.: Princeton University Press, 1983; Ian Hacking, *The Emergence of Probability: a Philosophical Study of Early Ideas About Probability, Induction and Statistical Inference*. Cambridge: Cambridge University Press, 2006; and Jesse Molesworth, *Chance and the Eighteenth-Century Novel: Realism, Probability, Magic*. Cambridge: Cambridge University Press, 2010.

maids of eighteen”) about Canning’s age, sex and occupation, Ramsay finds it much more likely that Canning disappeared, sold all of her clothing, used it to “defray the expenses” of a miscarriage or hasty birth, or other such “distemper,” and that the money could easily have been spent on a “christening, a wet nurse, or a coffin.”⁷⁵ As we have seen over and over again in trial narratives, even children’s stories of rape do not often fall within the range of the probable for the male members of the jury, and Elizabeth Canning’s story falls victim to the same tendencies of reading. The interlocutors arguing over her case are really arguing about what story may be allowed to be deemed probable, which narrative is the most likely and satisfying. With matters of gender, race, and status all in the offing on both sides, conservative motivations abound in both directions, all running against the needs of social and legal justice.

Certainly, we may engage in this conversation with Ramsay even now on the possibility that any number of narratives may have taken place, but he presents no evidence other than that it was seemingly more probable to him that Canning absconded than that she was abducted. We might say to Ramsay that the damage to Canning’s health and reputation from traveling without gown and stays, to say nothing of the exposure to the elements in January late in the evening, were most likely sufficient to persuade her in the act that such an idea was inadvisable, but doing so is beside the point. No matter how probable or improbable Ramsay’s theory, there is no affirmative evidence for it in the record, and the stories he spins amount to notable accusations against Canning’s character that in turn require some standard of evidence. No child, no midwife, no record of a coffin, no evidence of a secret christening, no subaltern adoption, no cloak-and-dagger burial, were ever found. The house where Canning was kept, the attic where she was confined and described so exactly, and the apothecary and witnesses’ testimonies regarding her

⁷⁵ See Allan Ramsay, *The Investigator: Containing the Following Tracts: I. On Ridicule. II. On Elizabeth Canning. III. On Naturalization. IV. On Taste, A Millar in the Strand.* 1762.

condition, all existed contemporarily as she described them, and they are in the record; moreover, they are far more consistent with a beating and imprisonment than they are with pregnancy. The battle between the Canningites and the Egyptians is not merely a battle of the sexes, of misogyny and classist bigotry clashing in an old vendetta among legal scholars picking favorite narratives. It rests at the very heart of the eighteenth century's evidentiary and forensic epistemological shift.

Print images of the time depict Canning as both “innocent child” and “cunning whore,” underscoring the depth of ambiguity in the English mind over the servant problem and female domestics therein, and the time at which childhood wanes and drops its forbidding barricades to sexual advances, particularly among differing ranks and their power dynamics. The ambiguity in *Pamela* is irreducibly ambiguous, akin to, though in some ways more complex than, that of Nabokov's *Lolita*. Does B have all the power simply because he is economically, socially, politically, and indeed physically stronger than Pamela? Or does Pamela's sexual agency and allure, the ambiguity of her own signifiers, her articulateness and tendency to naturally confuse B's capacity to read the situation—to “bewitch” his own cultural literacy and befuddle his own proper ability to correctly interpret signs and symptoms—give Pamela an outsized power in the situation? And does she, in her adolescent emergence from sexual ignorance and her lower-status, natively rural naïveté, not know the extent of her own power? Is there something inherently “witch-like” in a young woman who is simultaneously child and adult (a teenager), who is simultaneously upper and lower rank (the middle class only beginning in this period to take conceptual shape), who is both family and not-family to Mr. B, both servant and gentlewoman? Crucially, can either Pamela or B accurately “read” the situation, and what do their accounts of each other's power mean in the overarching debate about the servant problem, servants' agency, and the violence perpetuated by and against them? In pointing squarely to the physical presence

of Pamela's testimony as a collection of objects, memoranda compiled in the moment instead of disembodied narrative, Richardson is encouraging his readers to more effectively evaluate their relevant status *as evidence*, and thereby view the conditions of the case in the context of potential injustices and abuses of power, even where it exists alongside coexisting energies of fairytale and romance.



Figure 2-2: *Newgate Calendar*, 1776. Block print image of Elizabeth Brownrigg whipping the stripped and scarred Mary Clifford after having fastened her to a hook on the kitchen rafters, printed in the *Newgate Calendar* during the Brownrigg trial in 1767.

The Canning trial was not alone in capturing the public imagination and summoning these specters of conflict, power, and violence. The trial and hanging of Elizabeth Brownrigg, who tortured and murdered her servant girl and whose case was much debated and reviled long past the end of the eighteenth century, highlights the nightmare of mistress's abusing their servant girls and fosters, and is, like the Charteris trial, a prime case of othering and sacrificial

scapegoating upholding the system of poor relief and servant-keeping, in which violence and near-enslavement were rife.⁷⁶ The eighteenth-century reader of pamphlets and periodicals particularly despised a monstrous mistress, and the public eagerly took part not only in condemning sadistic torture-murdering mistresses like Brownrigg, the Branches, and the Metyards, but clamored thereafter to watch these women undergo both public execution and even dissection, inflicting upon their naked bodies more of the same mutilation, humiliation, and mortification the mistresses inflicted upon their teenaged serving girls and apprentices.

In so fully reducing and dehumanizing these monstrous women, in looking into their viscera and seeing them finally as dead meat and inert bloody stumps, eighteenth-century “readers” of the servant problem were rejecting them in every conceivable way, denying that they were inherently a part of themselves, or indeed indicative of a wider problem that needed solving. There was no forensic examination of a society’s own lack of curiosity or follow-through, of its callousness or presumptions, in the case of poor people’s children and their fates. When these mistresses were dissected and buried, there was little discussion of the issues raised even in their own trial reports and attendant literature: why, for instance, when Anne Naylor ran into the street begging for help, was she forced to return to the home of the Metyards, if not because it was most convenient? Why were the Metyards entrusted with girls from five different workhouses, according to the *Newgate Calendar*, and why did those institutions never follow up to check on the girls' care and wellbeing, if not because they simply wanted to be rid of them and lacked the resources to do better for their charges? Why was Anne Naylor, notably of a fragile constitution and incapable of doing the required work, sent out to act as a domestic servant or apprentice to a milliner in the first place, if not as an excuse for farming her out as free labor? Most concerningly and disturbingly, given the ease with which Anne Naylor was killed, her body

⁷⁶ Straub, *Domestic Affairs*, 14.

concealed and chopped into pieces, does the pamphlet literature not ask the most crucial of all questions: how many more Anne Naylor had fallen through the cracks and been killed in like fashion, their murders undiscovered, their murderers unpunished, if not because no one wanted to know the answer? And what, given the fact that the Metyards' dissections failed to act as a deterrent for Elizabeth Brownrigg or any later murderous mistresses, could actually be done to prevent it?

This is, to me, the *real* servant problem of the eighteenth century, its disturbing shadow. It is hard to know how many young girls were lain waste in such arrangements; how many were beaten or tortured, how many others encroached upon, harassed, and sexually assaulted, and how many were forced into prostitution to feed themselves and their illegitimate children. In the literature of the time, these matters are humorous or small matter to be commented upon. For Swift and for Fielding in his first novel, the threat of pregnancy for a servant is a useful bit of leverage for a girl, a way to get advantage, to catch a husband, to be set up for life, and a trifling factoid. While moralistically deploring the drunken state of England and admitting that London has become a “purgatory for wives,” where women cry murder and people shrug, believe some man is beating his wife, and go back about their business, Defoe still commits most of his pages and most of his outrage to blaming the insubordination and high wages of servants for the problems of the capital. The nonfiction news materials treating on the Branches, Brownriggs and Metyards depict the women who abuse their servants as quasi-witches, inhuman, distended and metamorphic, *not-like-us*, and consign them to the waste bin and the necessary house with the ephemeral bum fodder that depicted their crimes. In what critics agree was a rapidly changing nation, describing those changes with both humorous and nearly apocalyptic language, and while the numbers of the laboring poor in the city swelled year over year, as ancient bonds between

people and their communities seemed to be breaking down, the problem of status inconsistency fueled jealousies, paranoid delusions, and abject imaginings among the contending and ever-changing middling sort, from artisans to the *nouveau riche*. What was owed to the poor and the young, to those without power, and how to best empathize with them, is seldom considered in all this dialogue. That Pamela is such a fully realized individual with an interior life and that Richardson treats her seriously as a subject—seriously and with credulity—highlights the novel’s emerging power to breathe life into the testimonial, to imagine voice for the voiceless, in a way that might be heard by the emerging middle class.

The Cases of Jervis and Jewkes

Michael McKeon writes that the social importance of the rise of the novel in the eighteenth century relies on “its ability to mediate—to represent as well as contain—the revolutionary clash between status and class orientations and the attendant crisis of status inconsistency,” as well as to mediate between and attempt to resolve questions posited by progressive and conservative ideologies in the face of this inconsistency. Particularly important to his reading of the novel is the rise of the middle class and its emerging consciousness, including residual adulation and idolatry for the nobility, as well as the contradictory impulse to “imitate and become absorbed within the aristocracy, and to criticize and supplant not only aristocracy but status orientation itself” which defines the nature of the emerging middle class.⁷⁷ Central to this argument—indeed, I would argue, at its very heart—is McKeon’s reading of *Pamela*. In Richardson’s novel, McKeon finds both progressive and conservative tendencies, as well as attempts on Richardson’s part to reconcile these positions to one another, to restabilize

⁷⁷ McKeon, Michael. *Origins of the English Novel, 1600-1740*. Baltimore: Johns Hopkins University Press, 1987, pp. 172-174.

even as the text destabilizes. A crucial point in his argument is his discussion of the conversation Pamela overhears among some guests of Mr. B's, who wonder whether she is better bred than they knew, in order to explain her merit, beauty, and aristocratic carriage—her “true nobility”—which for them must originate with the genealogical nobility. McKeon explains this moment in terms of Richardson demystifying the romance trope of hidden nobility. Being both a fairytale and highly pragmatic, Pamela (and Richardson) explains her merit and her power as consciousness gifted to her by others, by Lady B and then her son, as skills that can be taught—though not faked—and which are not elements of the blood.⁷⁸

In Pamela, two “plots” are in contention with one another. B's is an aristocratic plot; highlighted there are his aristocratic honor, his desire for Pamela and need to define the terms of their relationship, and indeed define the very story they are in. Pamela's is the far more novel servant's plot, which is dominant because her voice is dominant, while her power beyond the page is miniscule; here her virtue and merit, her consciousness of being imprisoned rather than seduced, and her definition of her plight *as* a plight and not as happiness, are all on display. McKeon figures the ultimate attempted rape scene at the Lincolnshire estate is the moment during which B's aristocratic plot and Pamela's servant plot meet in conceptual “middle,” though I see it more as a moment of crisis, a confrontation between mutually exclusive worldviews, during which resolution *must* come about, violently or otherwise. Pamela has been gifted with the clothing, skills and carriage of her lady, transforming her in the process into a servant for whom there is no place, a gentlewoman by merit if not by rank; in this scene, Mr. B transforms himself into a servant by dressing himself as a servant, and pins Pamela down while declaring that he has her under his power. It is here where B reveals “that his dominant motives are not strictly sexual but political, and that he takes power to consist in the ability to make others accept

⁷⁸ Ibid, 370.

one's version of events as authoritative," while also, paradoxically, "he compounds the offer to clothe her in the jewels of gentility by assuming the leveling disguise of a servant girl, as if by raising her he could simultaneously lower himself to her status, so as somehow to meet her in the middle."⁷⁹

For McKeon, this imagery, this rise of Pamela figured in her being offered the jewels of the aristocracy (the assimilation into the nobility) and the coming down of Mr. B into the raiment of a servant while debasing his aristocratic armor (the criticism, degradation, and destruction of the aristocracy) represents essentially in small their ultimate meeting of the minds, actualizing and representing the ascendancy of the values of an emerging middle class. In other words, this attempted rape scene is to McKeon what the rape and Clarissa's escape are to Terry Castle—a moment upon which the novel chiasmatically turns, where the plot of the would-be (or actual) rapist fails or ends, and the plot of the heroine achieves ascendancy. Therefore it is only through learning to let go of his vestigial, corrupt aristocratic honor and accept Pamela's terms that Mr. B can truly reform himself into a moral, conceptually middle-class husband who values his wife for herself, and not for her ability to serve him or further his genealogical line.⁸⁰

McKeon's explication of these moments, and his discussion of Mr. B's aristocratic plot versus Pamela's plot, and their opposed definitions of terms such as honor and virtue, hints at and often elides the importance of the figures around them, particularly individuals who occupy the status spaces between Pamela—particularly in her sub-servant position at Lincolnshire, where she has lost her place and conceives herself as less than the employed menials in Mr. B's employ—and Mr. B, however "middle class" some of his beliefs may seem. I speak here of Mrs. Jervis, Mrs. Jewkes, Mr. B's steward and butler, "corrupted" John, Reverend Williams, the

⁷⁹ Ibid, 359 and 372.

⁸⁰ Ibid, 366-368.

various servants of both estates, and the other members of the gentry who live in the nearby impoverished village in which Parson Williams teaches. Richardson is not merely depicting a middle-class cosmology wherein Pamela and Mr. B, like two reagents, mix and bring forth, as if from a strange philosophical alchemy, a coherent middle-class ideology of virtuous marriage. Richardson is writing about the communities, the “families,” that Mr. B fashions and makes possible and those which exist around him and enable his behavior, which are simply experimental microcosms of his contemporary England, reenacting its status instabilities, power dynamics, politics of loyalty and treason, and available abuses as well as generousities, writing in small what the country enacts at large, all within the claustrophobic domestic sphere of unseen privacy—on the stage of the closet and the letter. It is these small, claustrophobic space that make the text particularly female, familiar, minute, and domestic, motivating an almost voyeuristic form of forensic reading that is akin to looking through a keyhole into a closet, or prying open the drawer of a writing desk.

Both Pamela and Mrs. Jervis reveal middle-class contradictory impulses—that is, the instinct to simultaneously emulate/assimilate into the aristocracy, while constantly seeking to critique and reform it, even to displace it within a new, stable status matrix of merit or virtue. This contradictory trend in their reading of Mr. B’s actions and, crucially, what would be the best thing to do about it and how they should be reacting, place both Pamela and Mrs. Jervis not only in conflict with one another, but places Pamela in stasis when she has early opportunities to act. Her parents counsel her to follow Mrs. Jervis’s advice, as the housekeeper is a sensible “gentlewoman” (so called frequently in the text), but Mrs. Jervis often undermines Pamela’s plans to get away from Mr. B, and even throws her in his path and further complicates their relationship. “Power and Riches never want Advocates!” Pamela writes to her parents, speaking

of Mrs. Jervis, in the context of hearing from Jonathan that Mr. B responded with some verbal violence to Mrs. Jervis's pleading on her behalf, that "by God [he] would have her [Pamela]!" This comes after a scene that was very much Mrs. Jervis's to plot, to write, arrange, and enact, rather than Pamela's or Mr. B's. Pamela, insistent on her initial readings and impression of Mrs. Jervis, softens in her own writing the impact this scene has had on her ability to escape the house—though it has had a very real effect and hardened Mr. B in his resolve—by considering Mrs. Jervis in terms of her social and financial reliance on Mr. B. Though Mrs. Jervis is better off than Pamela objectively, any fall from her current position would be much harder for her subjectively, accentuating the instability of their relative statuses. It is this instability from which the erotics of the novel are, after all, derived, but far less has been said about the way in which the position of other servants and their perspectives on the matter accentuate and clarify Pamela's own position, as well as highlighting the bravery and difficulty of her resistance. Pamela says of Mrs. Jervis, eschewing her often merciless moral tone, "poor Gentlewoman! She cannot live without him. And he has been good to her."⁸¹ She could very well say the same thing about herself here; though Pamela has her parents to return to, she is conscious that she will be a burden to them, and she is doing everything she can to defray that eventuality and promise them she will earn her keep.

During the changeling incident, wherein Pamela changes into her poor rural costume for Mrs. Jervis and delights in her fellow servants not knowing her, it is Mrs. Jervis who concocts and advances the plot by desiring to send Pamela to their master without the girl revealing herself, in a sort of reverse Cinderella. We can see her carefully arranging this scene, this tiny play, before sending her actress upon the stage. Mr. B has at first a fairly innocent interpretation of the young lady he saw speaking to Mrs. Jervis, and—given the two attempts he has made on

⁸¹ *Pamela*, 59.

Pamela thus far and Pamela's feelings on the matter—a woman seeking to diffuse the sexual tension and protect her young charge would have given a plain answer or dissembled to protect Pamela rather than play games. Amused, however, at Mr. B asking if the “tight prim Lass” he saw was a local farmer's daughter, Mrs. Jervis smiles and offers to introduce them, as, she feels, the girl “out-does our *Pamela*.” She then orders Pamela to enter and let Mr. B find her out, arranging the girl and the scene meticulously by having her walk in with straw hat in hand, just so; appalled, Pamela asks Mrs. Jervis “how could you serve me so?” The use of the word “serve” here is particularly telling, placing Mrs. Jervis in the position not only as writer or stage-manager of the scene, but as a kind of madame or brothel-keeper, a chef serving up a morsel to a hungry diner, with tidbits artfully arrayed on a plate.⁸²

Terry Castle reads extensively into the masquerade and carnivalesque in the sequel to *Pamela* in *Masquerade and Civilization*, wherein, with a sort of relief, Richardson finally sends his heroine to an actual London Midnight Masque while visibly pregnant, where she dresses, appropriately and as a callback to the first novel, in the prim dress of a Quaker.⁸³ However, to send Pamela to an actual masquerade is only, I argue, to call attention to the deeply carnivalesque nature of the first novel—to the ways in which Richardson creates an extended domestic masque. The changeling scene is itself a masquerade in small, confined to the close and claustrophobic spaces of the intimate and domestic. The art of *Pamela* is to give the same sort of drama, tension, and masquerade to a girl hiding in a closet listening to ladies in conversation or kitting herself out in rural dress as one might imbibe from the most grandiose masquerade ball in *Roxana*, where the heroine appears as an exotic harem dancer at the height of her powers. As in a

⁸² *Ibid*, 56.

⁸³ To read further regarding the uses of eighteenth-century masquerade in the novel, see Terry Castle, *Masquerade and Civilization: The Carnivalesque in Eighteenth-Century English Culture and Fiction*. Stanford University Press, 1986.

masquerade (or a masquerade scene), Pamela's costume change further destabilizes her perceived and legible status, and further represents the right Pamela assumes in recasting herself and choosing her place, even after she has been elevated by her betters.

When Pamela appears before Mr. B, he takes her "about the Neck," implying a threat of violence in his passion. Violence is ever implied in the destabilized world of the masquerade, where rules and boundaries are suspended in a liminal space of play, and where women particularly are both more liberated and far more exposed to the dangers of liberty-taking and the pushing, or crossing, of boundaries. Castle documents the expressions of this boundary-pushing throughout the century in the novel—the "carnival blows" of "playfully violent attacks" administered by faux swords and fans, or crude gesticulations, grabs and squeezes that would otherwise never be permitted, but matters could get further out of hand; as late as 1774, the *Gentleman's Magazine* for April of 1774 notes that a masquerade in Haymarket got so very out of hand that it proved impervious to "the very instruments of harmony" themselves, and even rendered the use of such attempts to regulate unsafe.

Here Pamela finds herself similarly in a destabilized realm without safety; though she is in the dress of her rightful place, reminding her Master who she is and therefore what he owes to her, he declares Pamela's own identity "Impossible," for she is so "neat, so clean, so pretty," a "Child" with whom he could be "innocently free," though he could not do the same with her doppelganger, her dominant or real self. Mr. B's assertion is both integrally right and utterly topsy-turvy. In her new suit of clothes, Pamela is more obviously his social inferior than she is in his mother's castoffs—but this is a masquerade, and Pamela cannot simply become the twelve-year-old rural child to whom she wishes to return pretends to be, all by putting on her clothes. She is playing make-believe, in the way of a common teenager, trying on new ways of being,

experimenting with who she might become, and engaging with her past through the use of costume change and wardrobe rearrangement. Mr. B points out with his actions that her new suit is (to him) ridiculous; moreover, in the world of sexual tensions, of the adult carnivalesque and the erotic, it is also potentially dangerous. She has unwittingly created a space where, in his view, he may do what he wants with her. This seemingly playful masquerade moment gives Mr. B—who is plainly aware that he is standing in front of Pamela now, and not a farmer’s daughter—a chance to take further liberties with her, and to interpret her actions as a sort of flirtation, thus reading against Pamela’s intended bodily “text” of her new suit, which she had employed to remind him—and herself, as well as everyone else—of her low birth. Instead, her clothing serves only to accentuate the disharmony between her beauty and her mean birth, of the undeserved gift cast upon the seeming unworthy, which in itself questions the rightness of the aristocratic model of apportioning resources and status.

Mrs. Jervis also appears to privately encourage the improper relationship between master and servant, in somewhat manipulative counsel with both of them. Pamela writes that she does not know when she will get away, as Mrs. Jervis shows the waistcoat Pamela has been embroidering to Mr. B, who then uses it as a pretense to keep her at the Bedfordshire estate longer than she intended. “There is some private Talk carry’d on betwixt him and Mrs. Jervis, that she don’t tell me of,” Pamela writes, then reminds herself not to be suspicious of Mrs. Jervis, as it would be very “base” if she did. However, she clearly believes Mrs. Jervis to be in collusion with Mr. B, as she thereafter provides reasons why she would, and indeed, *must* be. “She has been at me again to ask to stay, and humble myself,”⁸⁴ Pamela writes, showing how Mrs. Jervis backs up Mr. B’s wishes and tries to bring them to fruition, and even speaks quite favorably of him in a long speech, wherein she responds to Pamela’s worries about her own safety with a very

⁸⁴ *Pamela*, 40.

different description of Mr. B: “My Master is a fine Gentleman; he has a great deal of Wit and Sense, and is admir’d, as I know, by half a dozen Ladies, who would think themselves happy in his Addresses,” and she doubts that most women and girls would act as Pamela would in response to his advances, believing they would see opportunity where Pamela is terrified and repelled.⁸⁵ Here Mrs. Jervis is very much the Devil’s handmaiden, as it were, not simply helping him because B is twisting her arm; though B is coercive and commanding with Mrs. Jervis after his attempt on Pamela in Mrs. Jervis’s room, he is not coercive early on. It is absolutely the case that Mrs. Jervis would have little choice but to do as she is told when directly ordered, though that is most certainly the case, where her livelihood is concerned. She is, however, also showing herself to be a convinced romantic and sympathetic to her master’s plight, to be of his party at some of the worst and most inexplicable moments.

“He has a noble Estate; and yet I believe he loves my good Maiden, tho’ his Servant, better than all the Ladies in the Land; and he has try’d to overcome it, because he knows you are so much his Inferior,” Mrs. Jervis tells Pamela, revealing the extent to which she has been in his confidences, how much the comparatively young Mr. B has revealed to her about his state of mind and heart, and the extent to which she can read him.⁸⁶ For, while Pamela is a skeptical reader of B.—rightly and necessarily enough—Mrs. Jervis learns early what the reader must learn for sure quite late in the novel, as a sympathetic reader of Mr. B, giving small glimpses into his true motivations and the struggle between the better and worse angels of his disposition. In so doing, Richardson teaches his readers to sift through the evidence of Pamela’s letters for contending lines of truth and possibility, for threads of evidence in an emerging case with different lines of testimony and battling perspectives. He is also pointing to the ways in which

⁸⁵ *Ibid*, 41.

⁸⁶ *Ibid*.

these evidentiary lines can be weighted and “rigged,” based on what is emphasized, what is present (and what is not), and what it is possible to know or suspect—and the ways in which the deck is stacked against a young servant like Pamela, where even her allies worship the men of the nobility who have the power to abuse her.

If Mrs. Jewkes later appeals constantly to Mr. B’s worst instincts and the most venial portion of his nature, Mrs. Jervis appeals to what she believes to be his best nature—the part of him that loves and prefers Pamela, that sees the girl’s virtue and worthiness, despite her status inferiority to him. Mrs. Jervis and Mrs. Jewkes are both the managers of Pamela’s physical body, being her physical protector and jailer respectively, and they play remarkably similar roles in controlling, delimiting, and guiding Mr. B’s reading of the implied (and invisible to us) text that is Pamela’s body, in opposition to the text of her letters (which *is* visible to us). Pamela models two different forms of reading as she interprets them, and they represent two different routes in life for Pamela to take, being two sides of the same coin themselves. Many critics have noted the similarity in their names, in Richardson’s language play, and the way in which their surnames seem to invoke one another. Both Jervis and Jewkes are recognizably English and derived from Old French, from the masculine names Gervase and Judicael (the Breton saint) respectively. Gervase notably means “spear,” reminding the reader that Jervis is the point of the spear, the implement of her master’s prodding and will, a woman turned this way and that at his urging, regardless of what she herself may want or believe. Judicael, meanwhile, means “generous lord,” summoning Mrs. Jewkes’s consistent praising and loyalty to her master, which would be framed in a conservative romance as a point of real virtue. In Richardson’s progressive text, however, the amoral and undiscerning loyalty of Mrs. Jewkes to her master, her willingness to indulge him in sin and venial desires, is a vice that twists and makes ugly a woman who is described in the

novel by people other than Pamela, including servants who have worked with her for some time, as “good company.”⁸⁷

Jewkes and Jervis represent for Pamela two very different pragmatic and highly probable futures. Jervis is a fallen gentlewoman, like the Andrews family themselves, existing in a no-man’s land between nobility and penury as Mr. B’s housekeeper and confidante. Considering Pamela’s own no-man’s land between Lady B’s tutelage, the seeming gentlewoman she has become, and her family’s state, it would not be impossible for her to leave her employment to Mr. B and become a companion to some other lady, acting as a female body servant for many more years, until becoming old enough and experienced enough to act as housekeeper. On the other side of this fateful coin is Mrs. Jewkes, who hides her real purpose behind the seemingly respectable role of loyal housekeeper, which is to satisfy her master’s desires, even if it requires her to break the law, treating him as sovereign who alone must answer for his actions and those of his servants (his hands) to the king, the country, and to God—not unlike the servants of Colonel Charteris. Pamela captures this quickly in her early observations of Mrs. Jewkes, writing that, “I find I am got into the Hands of a wicked Procuress, and if I was not safe with good Mrs. Jervis, and where every body lov’d me, what a dreadful Prospect have I now before me, in the Hands of a Woman that seems to delight in Filthiness!”⁸⁸

There is, however, a kind of honesty in what Mrs. Jewkes represents regarding her master and the life he has been living. It is clear from the households and their setups in *Pamela* that Lady B had the Bedfordshire seat for her estate, while Mr. B chiefly resided at Lincolnshire and accustomed the servants and his environs to his cater to his desires. The people of the town love

⁸⁷ Consider Nan’s comment to Pamela that Mrs. Jewkes is “main good Company, Madam; no wonder you miss her” (153), and even Pamela calling her “good Mrs. Jewkes” much later in the novel after the woman finally enables her to escape from Lady Davers—after Pamela is no longer her prisoner, of course (*Pamela* 380).

⁸⁸ *Pamela*, 108.

him; his servants speak well of him, and Mrs. Jewkes—unlike Mrs. Jervis, his mother’s former housekeeper—is ready and willing to act as his jailer, his muscle, and his procuress, as the case may be. Mrs. Jewkes is, in fact, so ready for this kind of work that one cannot help but wonder if she has done it before; she is certainly unshocked by his asks and fully anticipates many of Pamela’s possible moves, keeping well ahead of her at least half of the time. Jewkes is certainly no Sinclair, but it would not be unjust to think of her as a housekeeper on the bawdier and more authoritarian end of the spectrum. Richardson has created in *Pamela*’s Lincolnshire estate a psychological experiment, examining what the household of a blossoming proto-Charteris might look like. He extends the action a great deal, uses the opportunity to explore the actions and the interplay between the servants, to explore the sorts of power a master may evince over a servant girl, and invites the reader to weigh the evidence. There are many moments when Mr. B could have taken still further advantage of Pamela, used greater violence or more coercion, called upon the assistance of servants—some of whom, particularly Mrs. Jewkes, having already offered to provide greater help. In repeatedly pushing the envelope in this way, all while offering up for the audience’s consideration the testimonial objects of Pamela’s corpus of letters, Richardson invites and encourages the reader to sift through and weigh the evidence in a landscape of domestic crimes in a confined, private space where B is a little *de facto* king over his own universe.

Envy and Waste

Pamela and *Clarissa* are not only narratives in which young virtuous women are assailed by the machinations of a male rake or libertine with more social, economic, and political power than themselves, but they are also close anatomies of female relationships, examining the way in which women within eighteenth-century patriarchy suppress, ruin, and waste one another. In

performing this examination, and to provide a bridge between this material and that of the following chapter, I wish to use as inspiration—while also writing against—a controversial essay by Judith Wilt published in 1977, wherein she explicates *Clarissa* and posits that, for Richardson, women are the enemy of women. Writing as she was at the height of the second wave of the Feminist Movement, I posit that Wilt was very much describing a real phenomenon, as real then and in the eighteenth century as it is today, and which Richardson believably explores in both novels as an inextricable part of the attempted ruination of his female protagonists, which is the attempt by other women to use men to waste—or trash—the titular woman of the novel.

I use the word *waste* here with intention, as it invokes the term “trashing.” Wilt’s essay regarding the rape of Clarissa, not by Lovelace, but by the women around her, comes during a time when the Women’s Movement was beginning to air what Jo Freeman calls its “dirty linen”—due in part to an “epidemic” of trashing Movement women like herself. In her 1978 article for *Ms. Magazine*, Freeman writes of trashing that it “involves a violation of one’s integrity, a declaration of one’s worthlessness, and an impugning of one’s motives. In effect, what is attacked is not one’s actions, or one’s ideas, but one’s self,” and that it “amounts to psychological rape.” “Trashing” can take the form of willfully misunderstanding or misinterpreting another woman’s words or actions, or denying her experience of reality, “done to disparage and destroy.” Freeman describes this experience as one of bewilderment, of operating suddenly in a society with rules one does not understand, of consistently having one’s own perception of reality denied while being continuously ostracized and punished for succeeding or standing out in any way—for summoning the feeling of envy in others. Before leaving the Movement, Freeman describes her experience of being so ostracized and ignored, and that it led her to question her own existence, wondering if she were “a figment of [her] own imagination.”

Freeman's personal analysis moves from this dirty linen to her crucial point, asking why this experience had affected her so deeply; she concludes that it was because of her trust in women and because the Movement "seduced [her] by its sweet promise of sisterhood." In other words, Freeman made herself vulnerable to the internalization of what Movement women did to her because of the very dependence and sympathy implicit in women's common subjugation and suffering under patriarchy, and therefore her need for sympathetic companionship and meaning through common struggle. Wilt similarly notes of Clarissa that, "Never really trusting men, Clarissa has constantly sought the protection of women" and that, "What she knows of men she knows from the start." What she instead learns between the beginning of the novel and its climax/chiasmus point of the rape is that the betrayal she had been dreading has been happening all along, that it is the nature of the world in its fallen state, and has always been present in the women around her—and that there may be no escape from it, not into a marriage of the minds with the man Clarissa prefers above all of his sex,⁸⁹ and not even to some retreat among sympathetic sisters.

Anselma Dell'Olio writes in this vein that she knew "women had always been divided against one another, self-destructive and filled with impotent rage" and that, if a woman accomplished something that other Movement women secretly felt they could do, or if a woman was "assertive, hav[ing] what is generally described as a 'forceful personality'," then she would find herself purged and isolated, her character assassinated and integrity undermined⁹⁰ as part of what Freeman calls a "disease of self-destructiveness." Freeman believes that this tendency—to waste or trash women similar to oneself due to impotent and sublimated rage—is not a conflict

⁸⁹ *Clarissa*, 1021: Clarissa states that Lovelace had poorly rewarded her for having a "preference of you to all your sex."

⁹⁰ See Anselma Dell'Olio, *Divisiveness and Self-Destruction in the Women's Movement: A Letter of Resignation*. 1970.

between individuals but a “social disease,” an instinct used as a “powerful tool of social control.” Freeman and Dworkin both detail the way in which this tendency, even and especially when it masquerades in the guise of radical progressive social movements, possesses a great deal of sublimated traditionalist beliefs about femininity and gender roles, and that it is inherently *conservative* in nature. Freeman writes that, in the Movement and in society itself, women are socialized to be either helpers or the helped, and that they are expected to fulfill one of these two roles at different times in their life; to transcend these roles and to achieve, despite the intense scrutiny performed by feminism into women’s socialization, is to imply that all women are not equal because they are not the same, and to engender resentment and spark the sublimated rage of those who have been hurt and oppressed by patriarchy but cannot strike at the powerful, so they strike at one another.

The change in *Clarissa* from its long, nightmarish second act comes about when Clarissa turns from innocence to experience, in the broader sense, but more specifically because she has come to be educated by her experience without becoming like Lovelace himself. In other words, her worldly education does not come at the price of her true virtue. Clarissa becomes the spinner of plots, the great transmogrifier, turning Lovelace’s plots on their head and using his logic against him; she bribes Mabel, dresses in a servant’s clothes, lies with gesticulations and omissions but chooses not to defraud and forge evidence as Lovelace might, and finds a truly kind older woman to intervene and a society of women in whose house she can die. In so doing, she disproves Lovelace’s diabolical paradigm wherein the world is made up of nothing more than a beastly cabal of ruined women and libertines, where the innocent are empty vessels without positive virtue, to be bribed, seduced and corrupted at his whim. Lovelace’s luciferian landscape—so aptly understood by Wilt as a world in which Clarissa finds “the heart of her sex

gray with servility, vanity, cowardice, and selfishness, and, at the end, black with active envy, pride, malice, and lust,”⁹¹ described by Clarissa herself as a place where she discovers “blacker hearts of my own sex than I thought there were in the world,”⁹² at last gives way to its opposite; no longer the plot of the rape, as is Castle’s figuration, the novel becomes the plot of the escape, wherein Clarissa progressively escapes each imprisonment in which she had been previously confined—starting with debtor’s jail and ending with the mortal coil itself, as which point she may at last return to her celestial Father, while her physical body returns to her birthplace and the bosom of her family. Typically for Castle, of course, she chiasmatically turns her own argument on its head in its final movements, questioning and troubling Clarissa’s role as the story’s ultimate plotter, and undermining the very idea that the triumph of *Clarissa* is the triumph of the plot of escape. She writes that “it is [Clarissa’s] very flight from Lovelace that makes possible her final entrapment by Richardson. For he is now free to do with her what he has ‘plotted’ all along.”

It is in the space between these two heavily linguistic analyses that a third, strongly sociological and political analysis rests, and deserves teasing out. If Clarissa plots her own death and embellishes its meaning as she artfully designs her casket and writes her final letters, Richardson gives her death and the story that leads to it another life. It is the trial, not only of Clarissa’s inward virtue (for that is Lovelace’s construction), Lovelace’s guilt or the possibility thereof, or of the men and women around them—though it is the trial of each of these—but also the trial of a society that wastes masculine and feminine virtue, and makes gray with cowardice and servility, or black with malice and envy, the hearts of otherwise virtuous and potentially honorable people. As such, it is the longest trial narrative, the largest packet of collected

⁹¹ Wilt, 27.

⁹² *Clarissa*, 1158.

“evidence” in service of a “case,” published in the eighteenth century. Along with *Pamela*, *Clarissa*’s publication and resonance imply that it is in the trial narrative that mid-eighteenth-century British readers could best understand themselves, English virtue, and their own society.

One might argue that Richardson is himself embarking on a trial of womanliness itself, within men *and* women, and thereby point the finger back at Richardson’s own misogyny and distrust of women, but I believe this would be a misreading. While there is certainly a great deal of obvious and sublimated misogyny in both novels, it is too much to argue that an eighteenth-century reader would have authentically seen Lovelace’s “womanliness” as the true villain of the novel or his undoing. Few novelistic characters in the period are as thoroughly and fully realized as complete individuals, particularly over so many pages of epistolary examination, and the novel intensely explores Lovelace’s powers of reason and argument, his wit, his bravery, his stratagems, his history, and his virtues. The novel does not, in the main, present him as a “womanly” antagonist for *Clarissa*; he is an aristocratic male libertine who uses his considerable masculine courage, intelligence and resources to assail a young woman with less power than himself, instead of using those advantages to the benefit and betterment of his family or society. He is, in the truest definition of the word, a wastrel—a *waste*, a man who wastes his own resources, perception, and natural gifts, who acts as the willing implement, not just of Sinclair, but of a grotesque, patriarchal, and even what Castle calls “necrophilic,” drive to ruin and waste the lives of the women in Sinclair’s house, while keeping the libertine men around him mired in sin. This is a drive in the logic of the Richardsonian novel which has society for its basis, a drive which transcends Lovelace’s, B’s, Mrs. Jewkes’s, or Sinclair’s personalities or personal intentionality; it is, in point of fact, systemic and mechanical, turning Lovelace into an automaton or tool, and grinding people under its wheels as it moves.

It is in the days after the rape, as the horror of what he's done sinks in, companioned only by the total lack of satisfaction, closure, and control over Clarissa that accompanies it, when Lovelace stewes on the gradual realization that he has been used by Sinclair and her girls as a device—a “machine”⁹³—to transform Clarissa from accomplished and virtuous young lady into a prostitute, and drag her down the social order. A devilish master of disguises, “name-father” and imperial master, above even the monarchs,⁹⁴ to innumerable fine ladies and upstanding gentlemen, all crafted from the matter of prostitutes and libertines, Lovelace has now been conscripted as an implement, a mere *wand*, to make devilish pacts and transformations, and so swell the ranks of Sinclair's coven, as he has done in the past. Before the events of the novel, he has practically filled Sinclair's house with the wastage of his former conquests and the refuse from his transformative powers. Lovelace is an implement encouraged, driven on, and ultimately used by Sinclair and the women of her house. Sinclair's brothel has had Clarissa's conversion as their aim all along, because their profession is not just the pleasuring of powerful men but also to break and refashion women in their own image; Sally and Sinclair boast to Lovelace that, left to their own devices, they could have Clarissa broken in after a few scant days.⁹⁵ Moreover, they do this specifically for the perverse protection of Sinclair's reputation as a procuress, manager, creator, and curator of such sexual assets as the Clarissa they wish to fashion.⁹⁶

⁹³ *Clarissa*, 962: “I am a machine at last, and no free agent.”

⁹⁴ *Ibid*, 640: “Knowest thou not, that I am a great name-father? Preferment I bestow, both military and civil. I give estates, and take them away at my pleasure. Quality too I create. And by a still more valuable prerogative, I degrade by virtue of my own imperial will, without any other act of forfeiture than my own convenience. What a poor thing is a monarch to me!”

⁹⁵ *Ibid*, 1028: “Mrs. Sinclair wishes she had never seen the face of so skittish a lady; and she and Sally are extremely pressing with me, to leave the perverse beauty to their breaking, as they call it, for four or five days.” For more on *Clarissa* and the history of prostitution in the eighteenth century, see Laura Rosenthal's excellent chapter on the novel in *Infamous Commerce: Prostitution in Eighteenth-Century British Literature and Culture*. Cornell University Press, 2015.

⁹⁶ Wilt, 27.

This “ardent” pleasure Sinclair and her ladies appear to take in breaking women such as Clarissa is supported by a letter of Lovelace’s, in which he tells Belford disconsolately that the women are “continually boasting of the many perverse creatures whom they have obliged to draw in their traces.”⁹⁷ Belford follows this up later, showing off his intimate understanding of the way in which houses like Sinclair’s work, by noting Sally and Polly’s forbearance from inflicting upon Clarissa, during her imprisonment for debts, a parade of strange men, or their “spirit-breakers, and humbling-drones, (fellows not allowed to carry stings,) to *trace* and force her back to their detested house; and, when there, into all their measures.”⁹⁸ A modern, cosmopolitan reader may be expected to read out of this statement the clear inference that the women are attempting to “break” Clarissa as one might break a horse for riding, with all the double entendre that this implies, but the eighteenth-century reader would also know that traces are not simply an implement for the control of a horse, but to do so *for the purposes of labor*. Traces are specifically utilized to control the horse at the hips, enabling control of the animal while hitched to a wagon, a carriage, a plow, or another piece of farm equipment or transportation apparatus.

Therefore, the women do not simply delight in breaking Clarissa, but, businesslike, operate mechanistically to accustom her to work and control, to become in essence a part of a laboring mechanism or apparatus herself, as a horse or pony might become part of the apparatus of the plow. To carry the farming and husbandry metaphor further, we can see that Sinclair’s business does indeed obligate her not only to have a care for the satisfaction of her clients, but to create the implements of that satisfaction, and therefore to use what implements are at her disposal—including Lovelace himself—as tools in the fashioning of her creations. Sinclair does

⁹⁷ *Clarissa*, 1067.

⁹⁸ *Ibid*, 1212. Emphasis mine.

not want Clarissa “tried”—she wants her entirely overcome, her proud and virtuous mien ruined and torn down, and to have Clarissa transformed into an asset for her business. Sinclair’s house curries to rich men, and Clarissa would be quite a coup for Sinclair’s reputation and for future patronage, not only because of her beauty and conversation, but because of her former position and status as a paragon. Lovelace is not simply an automaton to carry out the trial and destruction of Clarissa, but Sinclair’s tool, both axe and whittling knife, to create out of Clarissa, and out of other women, the physical assets of Sinclair’s business. They begin as the raw materials of Sinclair’s finished products, which, treelike, must be cut down and torn apart before they can be refined into the products that Sinclair, in her turn, sells, and which men like Lovelace proceed to purchase. Therefore ruination, the wasting of other women, is not just a malign psycho-social process of control or a means of managing envy, but a system of producing a certain kind of women to do a certain kind of work, and to not, thereby, stand out. Beyond managing envy, it is also a way of preventing it from spreading further by blaming, destroying, and transforming the source.

This explication may carry still further. Sinclair is not simply Clarissa’s foil or mirror image, her foe or rival or the other side of a coin; like the two women facing one another at the center of Hogarth’s first print in *A Harlot’s Progress*, they are also the same woman separated by possibility, action, and time. As maiden and crone, like the young female accuser and the old witch, they are two archetypes frozen by print, which only serves to hide the reality that, as living and breathing people, these women are not opposed; they are the same. In capturing and ruining Moll, Hogarth’s procuress is “procreating” by beginning the transformation of Moll into a potential future version of herself, a dark adoptive mother taking up an apprentice foster. She is duplicating, budding, making more of herself through an ersatz sexual and gestational processing,

wherein men are penetrative implements planting the seeds of the prostitute and then of the procuress, narrowing the possibilities of youth and fixing Moll's identity in a single stream of being, determining her forever as "Harlot." Notably, this depiction of the other—of Moll and Sinclair—as groomers procreating artificially is part of a paranoid and dehumanizing mode of viewing women and other marginalized groups that itself goes back centuries, and is very much akin to the figuration of witches, who victimize or convert beautiful and virtuous young women and are thought to destroy them, especially if they make them like themselves.

Hogarth's print serves only as further solidification, even as it brings Moll into visible being; as such, we may read *Clarissa* and *Pamela* as progressive and anti-Hogarthian, set against the *Harlot's Progress* narrative by refusing to give unto Richardson's procuresses the ultimate power to tear down, refashion, and "set" the heroines' identities. Hogarth's progress narrative implies a Christian dystopia, a pessimistic sense of inevitability in the act of converting to sin, of the fall itself from a state of grace, an inevitability of each action along the line of a fall leading inexorably to the next. The procuress awaits Moll the moment she alights in London; there is no one present in the picture who might lead Moll in another direction, act as a protector, a model, or a friend. Hogarth's perspective is strangely like Lovelace's; the harlot's slide is predetermined, the circumstances weighed against her, and her fall is an inevitable slide down the greased pole of society, heavy with symbolism and signs, making of her a sacrifice to example, with no signposts for escape. Moll's "progress" is the story of a product fated to be waste, a girl who was always a corpse, the very picture of Kristeva's abject. What Richardson proposes instead is a more optimistic vision, replete with myriad roads out of a situation, as well as still others that should, by implication, have been available—and in a better world, could be.

Clarissa is not “breeding life,” but is a bride, a child, and a mother of Death⁹⁹; it is only in becoming a static symbol, paused forever as a beautiful teenager and innocent maiden, decorated by the symbols upon her coffin, that she can escape becoming a Sinclair. As a Christian heroine, Clarissa figures a form of Christian virtue and innocence obtained through passivity (which I do not mean here in a negative sense), symbolized by her rejection of mundane courts (in preference of the Law, in the permanent sense of God’s law), in her rejection of debts, and her rejection of sustenance, consigning herself to abjection if she will not be readmitted to her father’s house, making real the curse he has set upon her. This passivity and abjectness may be seen, and receives excellent exploration in all its forms, in both *Clarissa* and *Pamela*. In *Pamela*, Providence protects Pamela by rendering her physically powerless; when Mr. B dresses as Nan and attempts to rape her, she faints away into a “deplorable State of Death,” for which she writes that she must “bless God, who, by disabling me in my Faculties, enabled me to preserve my Innocence; and when all my Strength would have signified nothing, magnify’d himself in my Weakness!”¹⁰⁰

This is, to me, a profoundly interesting construction of strength, wherein Pamela conceives of her escape from the situation as an escape from her physicality during the moment of crisis, seeing God’s strength not as a sudden empowerment of her body, enabling her to throw her master and Mrs. Jewkes off and escape the house, but rather God rendering her insensate, dead without having to die, gone long enough to save and transform Mr. B from ravening predator into a quiet man sitting beside her bed in his coat and slippers. The miracle herein that overcomes them both is one that renders them pacified and powerless. This change is not simply a construction of Pamela’s, if her recording of Mr. B’s actions and words is to be believed; Mr. B

⁹⁹ For a longer discussion of whether or not Clarissa is pregnant, see Chapter 3.

¹⁰⁰ *Pamela*, 204-205.

tells her later that “I saw you change” during her fainting fit, revealing that a physical change, a transformation, came over Pamela that alarmed him enough to quit his attempt; intelligently, when Jewkes boldly tells him he should attempt Pamela once again, he sends her away from both himself and Pamela, as if he senses (and acts upon, which Lovelace does not) the fact that she, so like procuress and brothel madame Sinclair, will only continue to urge him on to further crisis and disaster.

It is not difficult to trace in these moments of passivity the tragic turns that Richardson discovers and rewrites in *Clarissa*. Mr. B’s distancing himself from Jewkes at the crucial moment bespeaks a wisdom and ability to recognize off-roads from disaster, the discernment to take hold of moments of salvation that Lovelace lacks, despite the latter’s wit and intelligence. Clarissa’s successful escape with her virtue is another such moment. When Pamela sees “Lucifer” at the gate in the form of the bull and the ravens, taunting Pamela in her heightened state of terror, she turns back into the house three times, as if undergoing the temptation of Christ in the Garden of Gethsemane. She successfully receives and reads the signs that she is safer trusting her innocence and virtue to God than throwing herself willingly, without money or resources, into the world outside, where greater dangers await, and where—without much training as a maidservant and only bastard training as a half-gentlewomen, half-lady’s maid, her only recourse would be to sell her body.¹⁰¹ Clarissa, before her first escape, has so far been able to rely on Lovelace’s desire to seduce rather than rape her, his need to pile stratagem on top of stratagem and keep the game constantly afoot, and his consistently sublimated affection for her, to assure her safety from outright rape; her escape creates the crisis whereby Sinclair, for the good of her house’s reputation, must see her destroyed. Note that this is a tragic turn in the novel’s plot and a

¹⁰¹ Rosenthal convincingly gestures at this idea in *Infamous Commerce*, though she predominantly confines her examination to *Clarissa*.

peculiarity in Christian morality, not a means by which to blame Clarissa for her own rape; moreover, Richardson further redeems the ideal of escape from Perdition when Clarissa absconds from Sinclair's house a second time after her rape, never to return.

To trash or waste a person and their talents is to excise them from society, to isolate them and to remove from them their potential to make contributions to their family or society, to prevent them from using their gifts to better their own lot or the lots of others, to silence them—in effect, to render unto them a form of social death, or, in Clarissa's case, actual death. Rather than submit to the quaggy loss of boundaries implied by the abjection of prostitution, the corpse-like state of giving up one's body to the purposes of other life, other people, Clarissa draws in the boundaries of her physical body, cleaving tighter and tighter to her bones,¹⁰² to her “lovely skeleton.” Clarissa ultimately rejects the idea that she can be used and discarded, rejects her own abjection, rejects the concept that she can *be* waste at all, evincing a kind of control over her own body, bodily secretions, and even her own linen that is quasi-miraculous, disembodied and saintlike. Even when she is surrounded by filth in jail, Belford describes “her linen beyond imagination clean,” and Sally and Polly remark that “Miss looks well and clean in anything” when she refuses to write to her lodgings for clean linen.¹⁰³ Similarly, Pamela loses her place and her wages; then, not even suffered to return to her parents to make her own way in life, she is imprisoned and loses the ability to communicate with the outside world, and she too begins to retract into herself, refuses to eat, grows smaller and smaller—enough that Mrs. Jewkes remarks that she is “beauty to the bone.” In shrinking down so much, she is able to slip out of her imprisonment—and there, at the still waters of the Lincolnshire fish pond, Pamela considers its sloped banks and an easy “slide into Oblivion,” its seeping lack of real boundaries, the way it

¹⁰² Note Clarissa's invocation of Psalm 102, “my bones cleave to my skin,” on pp. 1416-1417.

¹⁰³ *Clarissa*, 1216 and 1210.

seems to reach out to her and pull her in with its “wet banks” and “the Damps arising from so large a piece of water,” doing harm to her before she can even make her decision, as the borders between herself and the quaggy site of death begin to vanish. It is not long before she views the pond with a kind of horror, with “Terror,” and finds that even leaving its slope is painful and difficult¹⁰⁴—she has already begun to disappear. In turning away from her immediate abjection, she notably hides beside the storehouses, beside the estate’s useful supplies, seeing in herself the potential to at least be a useful, if humble object, rather than a discarded and dissolved piece of trash.¹⁰⁵

Richardson’s heroines find themselves silenced, blinded to the outside world, and their bodies assailed by a man—and by their fellow women, by an older version of themselves as seen through a mirror darkly. Sinclair and Jewkes seek, through their malignant envy and impotent rage, to drag down the celebrated, the virtuous, the educated, the articulate, the accomplished, and—crucially—the young and beautiful women of talent at the heart of these novels. Like the Evil Queen in Snow White’s story, they turn themselves into hags to bring low any woman who reminds them of what they do not or no longer have, using the trust society places in them to manage other women’s bodies—the specter of sisterhood—to destroy them. Their descriptions chart their relationships to this quaggy abjection and wasting extremely well; Mrs. Jewkes has a “flat and crooked nose,” its defining lines of cartilage now beaten into mush by some injury; she has a “dead, spiteful, grey, goggling Eye” to match her one fierce flaming familiar-like eye, pairing it with that of a corpse; Pamela describes the color of her face as having been “pickled a Month in Saltpetre,” meaning that she looks less *alive* and sanguine than she does preserved, like

¹⁰⁴ *Pamela*, 174.

¹⁰⁵ For more on trash in the eighteenth century, see Sophie Gee, *Making Waste: Leftovers and the Eighteenth-Century Imagination*. Princeton University Press, 2010. For more on prostitution and abjection in *Clarissa*, see Laura Rosenthal, *Infamous Commerce: Prostitution in Eighteenth-Century British Literature and Culture*. Cornell University Press, 2015.

a cut of meat that ought, by all rights, to be rotten.¹⁰⁶ We can see, however, in Pamela's description of her, the misapprehensions, fears, and youthful disgust of ageing combining to make Mrs. Jewkes's picture one that is part description of the character, and part reflection of Pamela's psychology. Like the "brown nodding horrors" of trees her frightened mind sees on their approach to the Lincolnshire estate, it is plain that Pamela's view of Mrs. Jewkes is prejudiced by her own youth and prettiness, as well as the woman's treatment of her. Mrs. Jewkes is laid waste by circumstance, certainly; she has experienced an accident, which likely broke her nose and detached her eyeball. Her arms, thick as they are, are notably strong, and her plumpness and red face are quite likely viewed as merry or jolly by the servants who believe her to be good company. In her view of the woman and in her own inscription of the narrative, Pamela herself consigns Mrs. Jewkes to the waste pile of age and ugliness, where older women before her—witches, old queens, and stepmothers among them, no longer useful for viewing and sexual exploitation—have long been exiled. In this way, Mrs. Jewkes's similarity to an old witch in Pamela's fairytale is only too apt. That she then acts as Mr. B's procuress is a reflection of the only use and place she has left to herself.

For her part, Clarissa is kinder by far. Of Sinclair, she comments on her manner and on her "odd winking eye," and how studied her respectfulness seems to be; ultimately, Clarissa notes that people "cannot help their looks," hinting at Sinclair's ugliness without saying it, and likely being as Christian as she can about the matter.¹⁰⁷ It is Belford who gives the most exuberant and emblematic description of Sinclair, as if the whole novel has contrived to hold off until this moment. Her misfortune has increased her flesh, rather than reduced it, as Belford—now quite used to Clarissa's deathbed and the latter's shrinking body—had expected. Sinclair,

¹⁰⁶ *Pamela*, 114.

¹⁰⁷ *Clarissa*, 580.

still alive, has bloated like a corpse, the boundaries between herself and the teaming world of life already dissolving, leaving her a “huge quaggy carcass,” a dead body oozing with the stinking juices of decomposition. Her hair has lost its shape, becoming “matted” and “griesly,” and the various parts of her face are described, in a perverse blason, bit by bit, even though they are vanishing into one another and splitting each other apart. It is here, in this abject state, that Sinclair asks Belford if Clarissa is alive so she can beg her forgiveness, and learns that she is not; cursing vehemently, Sinclair knows that she will never be forgiven, that she “may be nothing after this,” once she leaves this world, and tells her girls that this—her grotesque image of age and bloat, and her suffering—will be their curse as well. They too are melting and losing their distinction, their vaunted looks and ability to deceive with false and affected quality, “squalid, loose in attire, sluggish-haired,” all appearing to be “haggard well-worn strumpets.”¹⁰⁸

Naturally, Belford (and Richardson through him) is making a moralistic example with this description; in linguistically laying waste to these women, describing them to Lovelace through his own eyes, transformed as they are by Clarissa’s death and his admiration for her, he is trying to recover Lovelace from his old ways, and save him from a similar fate as that of Sinclair. More to the point, he is repositing in these women his own deep feelings of shame and guilt for Clarissa’s rape and death; as Lovelace points out, the truest happy ending for everyone involved would have been Belford acting as Prince Charming, as “knight errant,” and rescuing Clarissa from Lovelace (here “the giant”) and from “the enchanted castle” once Belford knew what Lovelace intended for her.¹⁰⁹ Belford, to his credit, does not respond to this, nor languish in guilt or indulge himself by writing endlessly of his repentance. He spends the rest of the novel in action—fulfilling Clarissa’s will, writing to the various principles named within it, trying to keep

¹⁰⁸ *Ibid.*, 1632.

¹⁰⁹ *Ibid.*, 1694.

Morden and Lovelace apart. His repentance and reformation lie in his deeds, and not in the indulgence of dissecting his shame for others. It is really in the psychological landscape of his description of Sinclair and her women, and the deaths of his fellows, that we can see the threat of abjection, guilt at his own wasted time and what will come of it, around the edges of Belford's letters.

Beyond Belford's reformation and his assistance to Clarissa, Richardson gives clear but nuanced implications throughout his novels of women's power to help one another. Clarissa's ultimate lesson is not that *all* women's hearts are gray and black with servility and envy—and even the grayness or blackness of a heart may be overcome. If women have the power to “serve” up one another to men in order to save or elevate themselves, they also possess the power of refusing to leave and isolate them inside the box of their ruinous fates. The novel of *Clarissa* does not simply concern the relationship imposed on Clarissa by Lovelace, but the one freely chosen between herself and Anna Howe. Throughout the novel, Anna—despite her age, the strictures of her mother, her own and generally felt opinions of Clarissa's family, and her inability to see into Clarissa's situation beyond letters—remains *with* her friend in a crucial sense, staying in her camp and on her side, speaking up for her, researching and correcting the manipulations that twist Clarissa's view of the outside world, searching into her friend's psychology, and striving to check her pride where appropriate.¹¹⁰ What happens to Clarissa so affects her that Anna swears off marriage and men, with their *encroachments*, until the very end of the novel. She remains Clarissa's audience and an avid, often strident and very honest, reading community of one, parsing with Clarissa the evidence of the labyrinth Lovelace has constructed for her. In her dying days, Clarissa notes that she does not want to see Anna, lest she lose her

¹¹⁰ Particularly of note is Anna's offer to join Clarissa in London after a private escape from Harlowe Place, to engage in “knight-errantry” for her, to help her to find suitable lodgings, and to be her “companion in affliction” (*Clarissa* 335).

complacency on the approach of death. Upon seeing Clarissa's face in her coffee, Anna heartbreakingly kisses her and tries to revive her, and asks upon seeing her young and wasted corpse, "is this all of my CLARISSA'S story?" In the disappointment of the silence left when Clarissa "answered her not," Anna seems to realize that their correspondence is over forever, and she will never receive another reply.¹¹¹ This is, to me, the most tragic moment in the entire novel—that Anna misses her friend's death and seeing her alive, and indeed never sees her once during the entire action of the story because of the limitations placed on them both and the cruel, tragic logic of the narrative. In a world where Anna Howe had more power and mobility, and was not constantly prevented by her mother and by her sex, it is possible she could have physically saved her friend from both the Harlowe family and from Lovelace, and that the girls might—as they mutually wished—have lived out their lives together as unmarried women. What Richardson reveals here is how his own society robs these young women, both possessed of good sense, true virtue, and strong intelligence, of the agency and power that would enable them to help themselves and one another.

Similarly, Mrs. Jervis presents to the reader the potentialities of a woman with some power to save Pamela, which at times she very much uses, at others fails to use, and at still others actively throws away in favor of doing Pamela harm, though apparently without malign intention. There can be no plot without detours and interruptions, and those detours are best when they appear probable and psychologically natural; therefore Mrs. Jervis's psychology acts in service of the necessities of the plot, without making every bad decision Pamela's fault. In these moments, Richardson insistently gestures to potential off-ramps, to roads not traveled in the plot, which supports both attentive, forensic reading and his moral project, instructing the reader in both directions. Morally, these moments serve to reveal the effect another woman can have on

¹¹¹ *Clarissa*, 1648.

the fate of a young girl in a terrible situation. Mrs. Jervis is very much in line with Wilt's image of a woman whose heart is gray with servility and cowardice, but unlike Clarissa's female family members, who are much purer and refined versions of this kind of woman, Mrs. Jervis—like many of her flesh-and-blood compatriots—is complex, revealing moments of hesitance, servility, cowardice, fear, weakness, and subjection, alongside very real moments of integrity, strength and outright courage. The best example of this courage reveals itself in the closet scene, wherein Mr. B has hidden himself in her room, where Pamela is sleeping. In this scene, B gives Mrs. Jervis the direct order to leave the room—but she refuses. “No, said Mrs. Jervis, I will not stir, my dear Lamb; I will not leave you. I wonder at you, Sir, said she, and kindly threw herself upon my Coat, clasping me round the Waist, you shall not hurt this Innocent, said she; for I will lose my Life in her Defence.”¹¹² Note that in real peril and threatened by her employer, who is a hale young man with great power over her, Mrs. Jervis reassures Pamela, holds onto her, and places her own body in the way of B's attempt on the girl's virginity, and thereby invites his wrath; at the moment she is tried, she is heroic. In effect, she refuses to isolate the girl, when it would be entirely understandable if she did as Mr. B asked, which was simply to leave the room in peace, unmolested. Pamela underscores this in a letter to her parents, reflecting that she does not know what would have become of her if Mrs. Jervis had not stayed with her, that she “should have been lost but for her.”¹¹³

It is also easy to see, in the saga of Pamela's plans to depart from Mr. B's Bedfordshire estate, that her abduction to the Lincolnshire estate could not have taken place had Mrs. Jervis kept to her declared plan (made just after the closet scene) of leaving her place and setting out with Pamela. This plan is constantly delayed, altered, weakened, and ultimately retracted, all

¹¹² *Pamela*, 63.

¹¹³ *Ibid*, 64.

through the steady manipulations and ameliorations of Mr. B, which are notably *allowed* by Mrs. Jervis, who shows herself consistently able to reread and soften her memory of the situation (which horrified her at the time) in order to keep her place and, crucially, to not think badly of herself in the process—to protect her ego and self-image. Pamela shows the greatest resistance to thinking ill of the woman, and the moments when she suspects Mrs. Jervis of doing her any ill or mischief are, as we have explore, among the most painful parts of her time at Bedfordshire. Through Mrs. Jervis, however, and the many times she asks Pamela to stay longer—to embroider a waistcoat, to wait to set out with her, to beg Mr. B’s pardon and ask to stay on—Richardson reveals how a fellow woman’s complacency, self-deception, and even little acts of servile collusion with a venial man all serve to accomplish still greater harms than just envious malignity alone, because Pamela is loath to suspect or fail to comply with her requests—unlike those of a Mrs. Jewkes or even Mr. B.

It is Pamela’s psychological realness that makes the text so compelling, along with the perceptible sense of authenticity and complexity in the characters of the people around her, along with the way Pamela paints those characters and the very scenery with a psychological brush. If she is the maiden in a fairytale, she is also presented as a flesh-and-blood girl of the time, a servant one might meet, or could imagine meeting; while she is virtuous, she has foibles and fears attendant on her age and sex; where she is perceptive, she is additionally fretful and often mistaken, and not always a good judge of character. Her story reveals both the power and the seams of fairytales—that old hags and witches may only appear to be such to the eyes of terrified young people, and that a person who may be mistaken in her perceptions may still be quite worthy of credulity, of being believed. What Richardson has done is bring the scandal, titillation, and minuteness of the trial narrative, with its sheafs of evidence, into contact with the world of

fairytale, prompting a meticulousness of reading and a host of intrinsic psychological motivations, imprinting on the cultural mind through a thorough education in fairytale narrative, and bring it all to bear in order to prompt the reader to be on Pamela's side, to believe her story. It is important to remember that her story—the story of a young servant who is imprisoned and nearly assaulted, who is more virtuous than her employer, an aristocrat—was one the public, and the powerful especially, had shown itself to be least likely to believe or act upon. While she certainly had her defenders and fans across the reading public—her story prompted a veritable cult of virtue well into the nineteenth century, and young women invariably read the novel in the nursery or just after leaving it, while many donned Pamela hats and bonnets¹¹⁴—the rash of satires and incredulous readers, particularly Fielding and Haywood, taught Richardson valuable lessons that would inform both numerous rewrites of *Pamela* (thirteen in Richardson's lifetime, one published posthumously), and most particularly, the way in which he wrote *Clarissa*. It is his masterful work of forensic writing, use of trial narrative, his manipulation of the fairytale and the imago of the witch, to which I turn in my final chapter.

¹¹⁴ For more on girls' culture, see Lynne Vallone, *Disciplines of Virtue: Girls' Culture in the Eighteenth and Nineteenth Centuries*. Yale University Press, 1995.

Chapter 3: In the Hands of Cunning Women

Introduction

In 1735, a handful of years before the publication of *Pamela* and taking place during Richardson's drafting of the novel, the entire paradigm of anti-witchcraft legislation was turned entirely on its head. The 1735 Witchcraft Act reversed those acts that had come before it; whereas the 1562 Act had made it a capital offense for anyone to "use, practice [sic], or exercise any Witchcraft, Enchantment, Charm, or Sorcery, whereby any person shall happen to be killed or destroyed,"¹ and King James I's addition in the 1604 Act made it punishable by death without benefit of clergy to summon or commune with familiar spirits (thought to be integral to making a pact with Satan). As it was illegal for the newspapers to report on the debates of Parliament until 1772, there is not a detailed account of the debates on this matter, but the Act appears to have had few dissenters, and several amendments were suggested in both the House of Commons and the House of Lords. Far from simply overturning its predecessor, the 1735 Act was intended "for punishing such persons as pretend to exercise or use any kind of witchcraft, sorcery, inchantment [sic], or conjuration." Ten years later, the authorities in Tring, Hertfordshire, emphasized the seriousness of this new paradigm by prosecuting for murder members of the mob who had participated in the ducking of a suspected witch, Ruth Osborne, and her husband, both septuagenarians, and thereby killed the elderly woman by drowning.² While witch belief still clearly persisted in the populace, the evidentiary problems it presented—and the cultural, heavily

¹ This was in fact a merciful improvement on the Act passed by Elizabeth's father, Henry VIII, which made it a capital offense to perform witchcraft or sorcery, without the proviso of proven harm to another individual.

² Notably it was a coroner's inquest that determined Ruth Osborne's death came about as a direct result of her ducking as a witch, having found mud in her lungs from the pond in question, Marlston-Mere. The body was examined by "Mr. Foster, a surgeon; and the coroner's inquest being summoned on the occasion... found no wound, either internal or external... and it was his opinion she was suffocated with water and mud." See *Knapp and Baldwin's Newgate Calendar*, 1825, ii. 117.

gendered and misogynistic modes by which the people sought to obtain that evidence—was an assault on the slowly reforming and heavily professionalizing judiciary sphere.

As I will show in this chapter, witch trials, witch belief, and trials for rape suffer from similar logical and forensic pitfalls in the Early Modern period; as narratives, they reveal particular motivated forms of thinking prone to disfavoring women, women's testimony, and its interactions with the use of women's bodies as sites of evidence and crime, and which Richardson aptly reveals, plays with, utilizes, and troubles in *Pamela* and *Clarissa*. Witch belief shares features in common with novel plot, as in Molesworth and Borges's figurations; it is a case of mistaken causation, confusing symbolic connections for real connections, or coincident events for cause and effect, and making leaps of logic between belief in the existence of one religious precept or ideal—spirits, for instance, or the Devil—and the following supposition, that because spirits and the Devil are thought to be real, human beings who can summon or deal with those entities must also be real.³ Witch belief also markedly provides for a more satisfying narrative that powerfully fictionalizes subjects as heroes, victims, or villains within a cosmic battle, and it is therefore necessary to the enchantment of the world, particularly where other narratives fail to do so; given the enduring nature of Satanic conspiracy and witch belief in North American Christian communities, and their continuing similarity to blood libel, I am inclined to believe (in concurrence with Norman Cohn) that witch belief answers intense psycho-social needs, to which the novel could never provide a replacement through its re-enchantment. However, in the seventeenth century, jurists increasingly showed marked discomfort with witch belief as the field of probability shifted and the epistemological issues summoned by witch trials emerged and ran counter to the continuing professionalization of the court.

³ See Victoria Silver, "'Wonders of the Invisible World': The Trial of the Lowestoft Witches." *Sir Thomas Browne: The World Proposed*. Oxford UP, 2008.

In the 1662 witch trials of Bury St. Edmund's, the judge Francis Hutchinson tellingly made a separation between the two matters in question, asking the jury to consider "whether or no these children were bewitched? Secondly, whether the prisoners at the bar were guilty of it?"⁴ In 1718, Hutchinson would return to the trial, taking up the defense of the women accused as witches, and noting that the accusations of witchcraft were a way for a party in the wrong to turn the tables on their victims, stating that the women were not only wronged by the accusations, but had legitimate harms to complain of beforehand.⁵ Witch accusation is a handy mode by which one might lay waste to the reputation of a woman, to locate the site of a crime within her body, mind, words, and behaviors; to call her a slattern, to question her sexual reputation, or even to find evidence of attraction or affection for a man who raped or abused her, is yet another. In his statement, Hutchinson has struck at the heart, not of witch belief itself, but witch accusation; in a society where witch belief exists, it can be used for secondary and highly prejudicial purposes, in order to switch the place between victim and wrongdoer and displace blame from powerful to powerless. In many cases, it appears, such use becomes witch belief's primary purpose, at least in the legal sphere.

Much is made of Pamela's effect on Mr. B and Clarissa's effect on the world around her, as well as on the novel that bears her name. Pamela is, for Mr. B, a "little witch," and her "witchiness" is directly connected to the effect she has on her master, who—being at least six years older than her, and likely ten—should be able to control himself and his own desires, and therefore must be bewitched to be attracted to his mother's favorite servant, who is far below him on the social ladder. Like her predecessors in witchcraft accusation, Pamela is subjected to perpetual examinations, interrogations, imprisonment, threats, and stripping. In clear resistance,

⁴ See Matthew Hale, *A Tryal of Witches*, 1664. (1838 reprinting), p. 20.

⁵ See Francis Hutchinson, *An Historical Essay Concerning Witchcraft*. London: Printed for R. Knaplock, 1720.

she goes on hunger strikes, pleads to be sent home to her parents, attempts to escape, even contemplates suicide—notably by a kind of self-imposed ducking in a pond, whereby her death will prove her innocence from both witchcraft accusation and imputations for immodesty and looseness. In the eighteenth century, as today, Richardson’s critics and community of readers constantly pry into her actions and words for evidence of her secret desire for and manipulation of Mr. B. Henry Fielding’s *Shamela* figures her as a prevaricating little hussy boasting about her protestations over her “virtue” (or “vartue,” as Fielding writes it) and her clever manipulation of “Mr. Booby,” who—according to Fielding—must be an idiot not so see that he is being played by his servant like a harp. In so doing, he leverages and weaponizes his own conservative understanding of the probable to undermine Richardson’s attempt to expand the field of probable and satisfying narrative.

Eliza Haywood’s *Anti-Pamela* decouples its satire quite a bit from the actual character of Pamela, satirizing the idea of the character (and social mobility) rather than Pamela herself, again leveraging a more conservative sense of probability against the novel’s narrative. Syrena Tricky (literally a tricky siren, her name invoking as well “serenity”—quietude of the conscience) parades through a number of schemes, taking advantage of her own training across ranks, presenting herself by turns as a widow, a gentlewoman, a female libertine, and even a mistress, in order to marry advantageously, though she is always foiled by people with sharp eyes for telling bits of evidence.⁶ While Syrena is not Pamela per se, Haywood’s satire is really about Pamela’s intentions, about what Haywood believes Pamela *really* wants, and about what she believes is more probable for a young servant to want—which is upward mobility, riches, high station. Implicit in this reading is the more teleological and deterministic idea, the paranoid fantasy (or,

⁶ Haywood herself does not seem to have been unaware of the dangers awaiting servant maids in certain houses, however. In her 1743 conduct manual, *A Present for a Servant Maid*, she warns that girls ought to be careful of “Houses which appear well by Day, that it would be little safe for a modest Maid to sleep in at Night.”

conversely, perhaps *power fantasy*), that Pamela somehow causes all the events of the novel that shares her name, that she manipulates Mr. B and the world around her, and in so doing, reveals the absurdity of both projects. In other words, Haywood argues that Pamela really is a slattern and saucy, as B calls her, and, for the purposes of plot, a kind of witch. How else could she cause her own abduction, imprisonment, rough treatment by Mrs. Jewkes, and three attempted rapes, all to bring about her own fairytale ending?⁷

Richardson seems to have taken from the debates around *Pamela* the idea—not unfounded—that he must do a great deal of work to prove both the innocence and positive virtue of his female main character in order for her to be believed. He is aware that Clarissa’s conduct and her character are on trial, not just by Lovelace, but by the reader, who have revealed a voracious hunger for all the evidence Richardson and his characters can provide. This is a feature, and perhaps the cause, of *Clarissa*’s prodigious length and complexity, wherein the reader not only receives multiple recommendations from other characters regarding her virtue—even many from her rapist, kindly enough—but an enormous body of work written by Clarissa herself, while the events are given enhanced and complicated causation, and hence probability, through Lovelace’s careful detailing of his own plotting and forgeries.⁸ The reader spends an inordinate amount of time with the heroine in the labyrinth of Lovelace’s schemes, and in this way, Clarissa is able to prove her virtue word by word, letter by letter, corroborated action by corroborated

⁷ Pamela could, of course, be lying about everything, or nearly everything, in her letters to her parents. I would argue that some quantity of good faith is required of the reader to engage in fiction-reading, and that such a radical counter-reading *must* proceed from evidence in the text rather than the wilder speculations regarding the probability of events. Many misreadings of fictional narrative are based in ignorance or lack of empathy, or simply bad reading comprehension; others are willful misreadings and auto-mystification based on biased and heavily limited understandings of the field of probability. One of the things that makes reading Richardson so fruitful—for students as well as the rest of us—is the way he encourages readers to examine small inconsistencies in characterization and perspective to find hidden desires and psychological elisions, but that does not make Pamela complicit in the wrongs committed against her. To think so is to engage in the same leaps of logic that make justice in rape trials nearly impossible and witchcraft accusation so attractive.

⁸ For more on Clarissa’s character and proof, see Ann Wagner, “Sexual Assault in the Shadow of the Law: Character and Proof in Samuel Richardson’s *Clarissa*.” *Law and Literature*, vol. 25, no. 2, 2013, pp. 311–326.

action (an innovation upon *Pamela*, where most of Pamela's actions are presented by just Pamela). Richardson goes so far as to have Lovelace drug Clarissa before the rape, so that there can be no question whatsoever that she wanted, helped, consented to, or enjoyed it, because she was unconscious at the time. Clarissa notes the bruises on her arms,⁹ and both she and Lovelace show in their letters how disordered she became as a result of the drug itself, compounding the sense of harm done to her.

This was clearly not enough. Dismayed by his readers' attraction to Lovelace—a side effect of the novel's length, perhaps, and the amount of time readers spend with the rake—and by members of his community of readers like Lady Bradshaigh pleading for alternative endings wherein Clarissa and Lovelace marry, Richardson went on to amend the text extensively.¹⁰ As the third edition published in 1751 (which I have largely used in this reading) reveals, Richardson went to great lengths to disambiguate Lovelace's villainy and Clarissa's virtue by adding more evidence of both throughout the novel. A crucial addition is Lovelace's imaginary triple gangrape of Anna Howe, her mother, and a servant maid on a boat, and the subsequent trial, in which he glories. At the imaginary trial, the maid appears as a Shamela-like figure, having enjoyed the refigured rape (now a good ravishing) as a libertine romp and loving the attention of the trial: "Next comes the poor maid — who, perhaps, has been *ravished* twenty times before; and had not appeared now, but for company-sake; mincing, simpering, weeping, by turns; not knowing

⁹ *Clarissa*, 1031. Clarissa writes of her "hands and arms bruised by your [Lovelace's] violence."

¹⁰ To Lady Bradshaigh, Richardson wrote of Lovelace: "Has not the world shewn me, that it is much better pleased to receive and applaud the character that shews us what we are (little novelty as one would think there is in that) than what we ought to be? Are there not [those] who think Clarissa's an unnatural character?" (Samuel Richardson to Lady Bradshaigh, <Late November> 1749). To Lady Echlin, he wrote: "Your dear Sister too, would have been glad, once, that Lovelace, (reformed) had been the Husband of Clarissa. What an Example!—So to reward a Rake so atrocious! How had the moral of my Work, in that Case, been destroyed." (Samuel Richardson to Lady Echlin, 17 May 1754).

whether she should be sorry or glad.”¹¹ Richardson is here drawing a clear connection between this sort of willful, prejudicial reading and Lovelace’s villainy and rapaciousness, saying essentially to Fielding (in a novel Henry Fielding much admired) that a willful distortion of *Pamela*’s evidence as represented in *Shamela* is to be complicit in and to agree with Lovelace’s view of the world, and with readings that make defenses against witchcraft accusation and the pursuit of justice for rape so difficult and humiliating.¹²

If *Pamela* and *Clarissa* do much to create, and in some sense prove, the inner character of their titular heroines, they also create around these girls a community of women rich in power relations, resentments, virtues, failings, vices, and especially accusations. In the history of witch trials, there is seldom a single witch; the very engine of witch accusation, of torture and confession and the interrogation of children’s dreams and fancies, is one of proliferation, contagion, hidden resentments made fodder for physical harm, or even fatality. We know Richardson was aware of the motivations behind witchcraft accusation, and that he used it to great effect in his novels. Over her correspondence with Richardson regarding *Sir Charles Grandison*, Lady Bradshaigh speaks disparagingly of Clementina, wondering how she “is to be disposed of” and believing she would be made “happy in a nunnery.” In his answer, Richardson mentions that Lady Bradshaigh has previously (in a letter no longer known to be extant) referred to Clementina as a witch, with whom Lady Bradshaigh appears to be very much concerned, as she “often wonders how [Clementina] is to be disposed of,” as he humorously refers to

¹¹ *Clarissa*, 767. Emphasis mine. This is also, inconsistently, the sort of punching down Lovelace earlier tells Belford that he is above, if a servant maid is to be considered to be of a similar class to a laboring girl (see *Clarissa*, pp. 563). Granted, in the fancy, Lovelace has one of his friends rape the maid, and does not do it himself.

¹² Even after Fielding said publicly that he admired *Clarissa*, we know from Richardson’s vehement letters on the subject to Lady Bradshaigh that he hated the man and never forgave him for *Shamela*. He writes: “So long as the world will receive, Mr. Fielding will write... Nothing but a shorter life than I would wish him, can hinder him from writing himself out of date. The Pamela, which he abused with his Shamela, taught him how to write to please, tho’ his manners are so different. Before his Joseph Andrews (hints and names taken from that story, with a lewd and ungenerous engraftment) the poor man wrote without being read.” (SR to Lady Bradshaigh, <Late November> 1749). For more on this topic, see Peter Sabor’s introduction to his 2016 collection of Richardson’s correspondence.

Bradshaigh's tendency to engage with his fiction by writing her own interventions. He wonders how Clementina loses, "How the story sinks or rises," in Bradshaigh's version of events, taking obvious pleasure in her textual interventions and in disappointing, cajoling, and moving her to evident emotion through his own writing.¹³ The use of the word "witch" was to him early evidence that Lady Bradshaigh had taken an irrational dislike to a character who was virtuous, out of jealousy on Harriets behalf (Harriet being English and Protestant, and therefore more like Lady Bradshaigh). He takes obvious pleasure in teasing her with pretended catastrophes to come in *Sir Charles Grandison*, invoking Lady Bradshaigh's displeasure and heartbreak at the end of *Clarissa* by pretending that he had killed Harriet off in childbirth, and, as Lady Bradshaigh grows to like and admire Clementina, he throws her suggestion back at her with the dark intimation that this is indeed to be the character's fate.¹⁴ In a similar vein, Bradshaigh's sister Lady Echlin uses her composition of a fantasy alternative ending for *Clarissa* to bestow a special and particularly vindictive ending upon Arabella.¹⁵ In Echlin's almost fairytale revenge logic, Arabella elopes with a penniless artisan, childishly and peevishly named "Cabbage," and then returns to Harlowe Place despised by the whole world except her father.¹⁶ One cannot help but see in her intended punishment for Arabella an extension of Richardson's fairytale underpinnings (though he confines himself to his own sense of both realism and probability of events), and liken Arabella's imagined end to the Brothers Grimm version of Cinderella, in which the evil sisters have their eyes pecked out by pigeons.

¹³ Samuel Richardson to Lady Bradshaigh, 5 October 1753.

¹⁴ Samuel Richardson to Lady Bradshaigh, 8 and 14 February 1754.

¹⁵ One which Richardson found preposterous because of its improbability, and he chided her for its lowness. Richardson's own sense of the probable is on display here, revealing that his sense of the probable is intertwined with his sense of justice, even to his own characters. As his work displays, Richardson goes out of his way to provide ample "proofs" of the probability of the events in his novels, perhaps made wary by *Pamela*'s detractors.

¹⁶ Lady Echlin to Samuel Richardson, 12 August 1754.

At the heart of Cinderella is the cabal of close female family members who conspire perversely against the heroine, enviously scheming to drag her low and destroy; at the heart of witch belief is the sabbat, largely a community of women allied in the perversion of mainstream Christian society, where the women who were thought to live at the fringes of village life are joined together and become the center of an alternative society, with revenge and treason at its core. It is the paranoid dream of the powerful or privileged against the powerless, seeing in their atomization and buried resentment the possibility of confederation and revolution, taking the form of perverse, grotesque, even Satanic reversals of wholesomeness and affective bonds, and overturning the sanctified boundaries and uses of the female body, rendering it open to forensic examination and dissection. In many of the most successful rape trials of the early eighteenth century, as have already been shown in Chapters 1 and 2 of this thesis, confederacies of women—between juries of matrons, midwives, former mistresses, gentlewomen, mothers and neighbors—could indeed make accusations of rape stick to the men who transgressed. Where such confederacy and allyship amongst women fails or is not extant, or where it is subverted by clever men or is suborned by resentment and corruption, great harms may be committed, go undetected, and proliferate unto themselves, and Richardson knew this. In *Clarissa* and *Pamela*, Lovelace and Mr. B succeed as far as they do through the unjust accusations, the bad faith, and the deceptions of female compatriots. Richardson makes these linkages more explicit by having some of these women, particularly in *Clarissa*, join the men in calling the titular heroine a witch.

The Evidence of Midwives and Witches

A common strain in discussions of the witch craze and witchcraft persecutions is to look for a reason—historical, anthropological, or natural—why a community made such accusations

and sought to bring them to trial, and to examine what purpose such accusations and legal proceedings might serve. Robin Briggs thinks of witchcraft persecution as a case of multiple causation, and he makes a thorough analysis of the beliefs of the ordinary people who made such accusations, as well as the environment in which those beliefs took root and flourished. Stuart Clark posits that witch belief was a way of working through and delineating the boundaries of the natural world, a tool of phenomenology, which was both useful and necessary to the establishment of scientific thought, rather than an obstruction. Brian Easlea insists that it was the printing press that disseminated misogynistic religious texts and ideas from antiquity all over Europe, and it was therefore educated, highly literate and well-read aristocrats who began to imagine and fear a widespread Satanist witchcraft conspiracy throughout Christendom, and that this idea was useful to the powerful elite. He contends that witchcraft accusation dispelled the energies of social protest and collective power, turning the common people inward and against one another, especially against powerless old women, instead of against powerful institutions and the status quo. Norman Cohn notably writes of witchcraft accusation as a particularly potent way of tarring an individual or a community with denunciations so inhuman, so perverse, so apostatic—not just to Christian belief, but to decency and basic humanity itself—that the accused must not only be destroyed, but they can be owed no further consideration nor thoughts of justice.

The early eighteenth century is the moment when witch belief has begun to lose its grip on the English mind, and, for the elite particularly, it had mostly lost its utility as a way of dispelling protest or preserving the status quo. At this time, it had instead become a useful prop against which scientific thought—elite, learned, education thought—could be favorably compared. Witch belief had become “common,” superstitious, ignorant, an improper way of

understanding natural phenomena.¹⁷ In the rise of sentimental culture at mid-century, the figure of the witch had transformed into a pitiable old woman, coincident with the repeal of James I's 1604 Witchcraft Act in 1736.¹⁸ The "witch" as a figure—not the pitiable old woman, but her malefic sister—is still very much present, linguistically and metaphorically, in the language of misogyny. This is where Easlea's work continues to be particularly instructive, as he focuses on the misogynistic elements of witchcraft accusation, not simply as an *instance* of European Christian misogyny, but as a way of understanding it. Easlea links the witch craze to Christianity's particularly virulent misogynistic culture, from the church fathers straight into the sixteenth century, and it is through this element of the culture—in no way destroyed or amended by the Scientific Revolution—that witch belief continues to attain into the eighteenth century, not as a matter of phenomenology, but as *ideology*,¹⁹ preserved in the language itself and in conceptions of female innocence, virtue, and guilt. Under this ideological framework, a woman's virtue is not real until it is proven, not actualized until it is tried; innocence is merely the temporal absence of any knowledge of guilt, a void waiting to be filled by vice, rather than a positive proof of virtue. Women exist in a slippery temporal zone between past and future selves, between girl and crone, ever in danger of being "found out" or unmasked, any knowledge void regarding their character quickly and easily filled with suspicion and apprehensions. They are always disguised, bewitching, beguiling; under the mask awaits the old woman, the future, the

¹⁷ See Stuart Clark, *Thinking with Demons: The Idea of Witchcraft in Early-Modern England*. New York: Oxford University Press, 1997. See also: Thomas, Keith. *Religion and the Decline of Magic*. New York: Penguin, 1991 (1971).

¹⁸ For more on sentimental culture and the Witchcraft Act of 1736, see Jayne Elizabeth Lewis, "Bewitched: The Journal of a Voyage to Lisbon and the Seduction of Sentiment." *Atlantic Worlds in the Long Eighteenth Century*. New York: Palgrave Macmillan US, 2012. Pp. 151–169.

¹⁹ Victoria Silver notes that the decline in witchcraft persecutions likely had much less to do with decline in overt belief in spirits and witchcraft, and far more to do with the sense that the law was producing insupportable injustices, as the evidentiary standard of witch trials did not successfully link instances of bewitchment to the accused and their intent, even when confessed to (often gained through interrogation tactics believed by the mid-seventeenth century to be torture). See Victoria Silver, "'Wonders of the Invisible World': The Trial of the Lowestoft Witches." *Sir Thomas Browne: The World Proposed*. Oxford UP, 2008.

witch—Fate itself. In this sense, all women are potentially witches, due to the evidentiary burdens they bear.

In his closing chapter, Easlea writes most persuasively about the elusive masculine, an illusory male virility displayed first in friendly identification with women via the masculine activity of hunting, transforming in time toward the establishment of the dominant warrior figure who dominated and oppressed women to deny or downplay the importance of the feminine “magic” of creation. He notes that in capitalist, technocratic society, these domineering men are no longer physically capable warriors, but instead evince their dominance through displays of technological exploitation of the earth and the creation of subsequent scientific marvels, in a “perpetual and increasingly catastrophic display of male virility” which, as Easlea reminds us, now “threatens humanity with total disaster.” He notes that only a transcendence of patriarchal domination will allow transcendence over the capitalist structures which operate the engines of this destruction, as the two are causally and ideologically linked, if not one and the same.²⁰

We can see these ideas fully on display in both *Pamela* and *Clarissa*, wherein both girls are called “witches” continuously, by male and female persecutors, and both girls’ virtue, even the possibility that they *can* be virtuous, is perpetually on trial. In the case of *Clarissa*, she is tried by human representations of the Devil and a flock of his female harpies. The accusation of witchcraft is always made with a purpose, and the word itself plainly has great potency in the 1740s, so soon after the passage of the 1735 Witchcraft Act and the rise of the cult of sentiment, when Richardson it. Notably he utilizes witch in reference to his titular heroines, because the accusation of witchcraft not only summons its history of witch persecution and trials, but creates the atmosphere of a trial narrative, occasions and indeed forces a form of evidentiary, forensic reading, and engages with those very issues of forensic ambiguation and magical thinking

²⁰ Easlea, 254-256.

summoned by the specter of the witch trial—and which still existed (and exists) in the logic of misogyny. A heroine in the Richardsonian construction is a person, a collection of thoughts and letters, as evidenced by reference to the things (the epistles) themselves, as a body of thought and experiences; a witch, by contrast, is a body of evidence, a history of incidents, a site of reading, a collection of signs and symptoms, a doll upon which anxieties and fears are hung and an eternal collection of layered masks, there to be torn away to perpetually unveil the truth—or another mask—beneath. The witch figure, like the victim of rape, is at the center of a trial narrative, made invisible through her intense visibility, and has become an occasion for the eternal pleasure of reading, discovery, stripping bare, looking beneath, of vivisection, penetration, of dissection and close examination, of autopsy and flaying open. This is, ultimately, what I think Terry Castle means by Lovelace’s—and the libertine men of the era’s, perhaps the entire culture’s—“necrophilic” impulses.

In the late seventeenth and early eighteenth centuries, the word “evidence” in a trial context almost invariably meant testimonial evidence, provided by experts, witnesses, and those familiar with a principle’s character. As we have seen, complaints regarding the veracity or bias of the Old Bailey as late as the 1770s refer to the summation of testimony as the omission, expurgation, or twisting of the evidence, and while other forms of evidence are certainly gaining increasing importance during this century and the courts are learning how to handle and read physical evidence, those traces were—as they are today—difficult for the court to put into context without expert testimony to interpret them. Therefore, we cannot discuss evidence without considering testimony, constructions of expertise, and, crucially, who was considered

authoritative and/or capable of testifying for or against the accused, as well as when and how, and in what kind of trial.²¹

Why midwives and witches then? Midwives and witches were often the same people in differing contexts; a woman in her village or neighborhood known for healing and other folk medicine might indeed be called upon to shepherd a birth, and she could sometimes be the only medical authority available for miles. In an urban environment, such a woman might be the only person with healing power a sufferer could afford to see and from whom they could solicit advice. For the many poor women flocking to the city from the countryside in search of jobs, the midwife was likely one of the only medical figures with any trust, and to whom the poor might bring their children and loved ones for care. As fellow women, it is not strange that female victims of sexual assault would be more comfortable with bringing their conditions to the attention of a midwife; given the body parts and functions at issue, the midwife would have been traditionally considered to possess the greater proportion of knowledge and expertise on matters from genital anatomy to lacerations, and could additionally helped with unwanted pregnancies and signs of venereal disease.²² In the cases where a child or young person was raped, it is

²¹ As Victoria Silver has detailed at length, the evidentiary problems of the witchcraft courtroom, particularly in the logical connection between the accused and the occasion of bewitchment, were felt in the eighteenth century to be increasingly unjust. Unlike any other kind of trial, nearly anyone—including children—could testify, and jurists frequently felt that the children could not tell the difference between the fancies of the imagination and spirituous happenings, and that they were motivated by mental rather than actual specters. See “‘Wonders of the Invisible World’: The Trial of the Lowestoft Witches” in *Sir Thomas Browne: The World Proposed*, 2008.

²² Jane Sharp’s *The Practical Midwife* was in its fourth edition by 1725, and its status as a bestseller meant that it is likely to have been present on the shelves of many a Georgian home, providing useful remedies from Jane’s practical experience, mixed with the advice of herbalist Nicholas Culpepper. Take, for example, her advice for hemorrhoids, wherein she advises “Let her be let blood in the Saphena vein.” The saphenous veins are small veins in the lower leg, where it is unlikely one might have a problematic bleeding event but, being gravitationally lower than the groin, letting blood there would have reduced the venous swelling that resulted in a painful hemorrhoid, at least for a time. She is extremely detailed in her observations and gives multiple cures, usually relying on the boiling of herbs to create (notably sterile) washes and the occasional draught, and she has recommendations for nearly every predicament dealing with the “privy parts” and all matters reproductive or venereal one could conceive, even stretch marks. Consider this passage: “Womens bellies use to be mightily stretched in Child-bearing, in so much that they will be plaighted, and full of wrinkles ever after, that were plain and smooth before, growing lank when they are delivered; but if it be but four months past it may be helped by laying a linnen cloth over the belly dipt in oils of

entirely unsurprising that a mother or caretaker would prefer to take her child for examination to a midwife she knew and trusted, perhaps even the woman who helped bring the child into the world. As we can see in the case history, midwives appear often in trials for rape, usually testifying on the complainants' behalf, though their authority and ability to persuade juries steadily eroded between the 1680s and the 1740s.

The late seventeenth century saw the end of the peak of witchcraft persecutions which plagued Great Britain in the 1600s, and we can see in these later trials the profound changes—precipitated, I believe, by the witch craze and by the many trials for treason during this period²³—in the country's understanding of evidence, in the standards the courts begin to set for the prosecution and detection of a crime, and a general cultural change in the courts' relationship with evidence and how cases were constructed, even where issues of morality, psychology, and interiority were at hand. After all, what was on trial in cases for witchcraft was, in essence, the alleged witch's intent, her maleficence and malice. Who was allowed to testify in these cases is also a matter of particular interest and importance; if midwives often appear to testify in cases of infant rape, infants often appear to testify in cases where healing women and midwives were accused of witchcraft. Almost uniquely in these cases, children—even those too young to understand the taking of an oath—had been allowed to testify and give damning evidence against witches, as their innocence was considered a boon to the witch trial, and they were seen as incapable of inventing the wild flights of fantasy associated with tales of the witches' sabbat, the dreamlike dashes or flights through forests and mountains that accompanied it, and the

sweet Almonds, Lillies, Jessamine.” Rubbing the belly with almond oil after birth is a curative sworn by in France for stretch marks, and it is used to this day.

²³ John Callow argues that religious and political tensions directly fueled the witch craze during and particularly after the Civil War, and that neighborhood ill feelings between royalist Tories and Republican Whigs expressed themselves in witchcraft accusations, thus driving the spike that crested and fell in the latter half of the seventeenth century. See John Callow, *The Last Witches of England: A Tragedy of Sorcery and Superstition*. London: Bloomsbury Academic, 2022.

appearances of imps, familiar dogs, and other malicious talking creatures associated with the Devil and his ilk. This allowance is unique because children, especially under the age of about seven or eight, who did not understand the oath or the difference between truth and lies (or, crucially, between reality and fantasy) were typically disallowed from testifying in most other trials, and their understanding was usually called into question even when they were testifying on their own behalf, about events that happened to their own bodies, as discussed in Chapter 1.²⁴

Consider one of England's most famous witch trials, the 1612 Pendle Witch Trials, in which nine-year-old Jennet Device famously stood on a table in the courtroom and powerfully testified against her own mother and grandmother. During her testimony, she described Alizon Device's familiar, the enormous spirituous black dog named "Ball" with fiery demonic eyes.²⁵ Jennet's testimony would have been discounted in any other kind of trial, particularly given the apparent bad blood between the two healer/witch families at hand and the strange family atmosphere at the Devices' home of Malkin Tower,²⁶ but in the Pendle trials, her testimony was a coup for the prosecution.²⁷ In 1662, during the Lowestoft witch trials at Bury St. Edmunds, Rose Cullender and Amy Duny—who never confessed to witchcraft, even on the scaffold—endured the accusations and testimonies of the nine- and eleven-year-old girls they were said to have bewitched, who performed wildly in the courtroom for the jury; Cullender and Duny were

²⁴ On children giving testimony, Blackstone wrote that "it being found by experience that infants of very tender years gives the clearest and truest testimony," but a conviction for rape "should not be grounded singly on the unsupported accusation of an infant under years of discretion," while, on the other hand, we know that convictions for witchcraft were supported in some cases—such as in the Pendle witch trials—quite strongly by the testimony of a child under the age of discretion (that being ten). (Blackstone 213) James I himself noted at the end of *Demonology* that "barnes" (bairns or children) were a good source of testimony about witches, and should be sworn to give evidence. (See: James I, King of England. *Dæmonologie*, 1597.)

²⁵ Similar to the common barghest or padfoot of English folklore.

²⁶ Note that a malkin was, in this time period, a word meaning "slattern" or slut, in addition to its meaning as a scarecrow or grotesque puppet, an effigy; it is the replacement of a legitimate and whole figure for one that is untidy, a grotesquerie, hardly to be considered real.

²⁷ See: James Sharpe, "Introduction: The Lancaster Witches in Historical Context," in Poole, Robert (ed.), *The Lancashire Witches: Histories and Stories*. Manchester University Press, 2002. Pp. 1–18

subsequently executed.²⁸ The last woman in England likely to have been executed for witchcraft was in fact executed alongside her nine-year-old daughter, who was questioned by her father about the *maleficum* she had apparently learned, and responded that her mother had taught it to her. It was on the strength of the evidence given against herself that Elizabeth Hicks was hung for witchcraft with her mother in 1716, despite Elizabeth's total lack of understanding regarding the consequences of her words.²⁹

The Evidence Against Witches

Understanding evidence and its changing and emerging uses, especially the monumental alterations that took place in the late seventeenth and early eighteenth centuries, requires a look at emblematic and problematic uses of evidence in the mid-seventeenth century; there is no better candidate than the emblematic case of England's witch craze. The proliferation of literature about this subject is staggering, and there is no one agreed-upon theory or consensus as to the nature or cause of the witch craze, in England *or* on Continental Europe. In *Thinking with Demons*, Stuart Clark makes a study of the historical intellectual system of demonology, encompassing witch-belief and superstitions, at the height of demonology's power to persuade. He explores the way in which witchcraft attains—and remains—through its presence in language, its creation of classifications, and particularly language's special role in the gendering of witchcraft, as well as its interaction with the power of magistrates, the immunity from accusation among people (especially men) of the middling, artisanal, professional, and aristocratic ranks.

²⁸ See Victoria Silver, "'Wonders of the Invisible World': The Trial of the Lowestoft Witches." *Sir Thomas Browne: The World Proposed*. Oxford UP, 2008.

²⁹ See *The whole trial and examination of Mrs. Mary Hicks and her daughter Elizabeth, but of nine years of age, who were condem'd [sic] the last assizes held at Huntington for witchcraft; and there executed on Saturday the 28th of July, 1716. With an account of the most surprizing pieces of witchcraft they play'd*. London: W. Matthews, 1716.

When considering its relationship to scientific thought, Clark encourages the reader to think of demonology as a component of intellectual and scientific progress, rather than as a sign of decay and stagnation, as the religious and phenomenological debates of the period demanded an exploration of natural causes that contributed to modern knowledge and deductive phenomenological thought, particularly in the way it privileged certain kinds of evidence (invasive and prejudicial as they may have been) and consensual validation of analysis.

All this is to say that Clark provides us with an alternative mode by which to consider witch belief and witchcraft accusations especially, both historical and literary. His analysis suggests that, while reading historical documents or literature which discuss or foreground witch belief and accusation, the idea that the historical or imagined interlocutors are merely superstitious or incorrect in their phenomenological beliefs is an analytical handicap. Plainly, as writers like Briggs and Cohn outline, witchcraft accusation was socially and psychologically *useful*, but in Clark's theory, it is also phenomenologically and epistemologically beneficial, helping contemporary interlocutors discuss and think through (or with) their conceptions of what was and was not possible, and about who had the power to bring about what consequence. I contend further that there can be no forensic reading of bodies, cases, and texts without it, that the period of witch craze provides a fundamental transformation in modes of reading that enables the forensic mode of reading texts I am discussing in this dissertation, and that it is psychologically linked to the motivations therein. Further, as Briggs and Cohn show, witchcraft accusations and belief provided people—long after the witch trials were over, even—with a way of thinking about one another and communicating darker feelings that otherwise wounded the ego too deeply, or were otherwise socially and psychologically unacceptable, for direct articulation.

Briggs writes that the apparent decline in witch belief in the modern Western world owes less to the spread of Enlightenment values and more to social changes, such as the decline of the neighborhood and the rise of national and bureaucratic structures. It becomes easier to understand the ancient dynamic of people enmeshed in highly intimate networks of the village and lord's household when one considers that the witch was thought to possess particular power to harm his or her neighbors and the community; witches were the enemy within, and only too well known to their accusers, with reputations built up over years of rumor and gossip, and they emerge in settings of close, indispensable dependencies and inequalities. Moreover, he underscores the more extensive claims made by Cohn whereby the anti-society of witches is constructed specifically to best dehumanize and demonize those accused, which is psychologically useful to the accusers and the community itself, as a means of dispensing with tensions and negative feelings toward those with lower social status, who are otherwise owed a great deal of charity.

Briggs believes that, while there is a social and a cultural context to witchcraft belief, there is also a psychological context, that it is a belief so pervasive that it "must respond to deep human needs or anxieties," and societies who lose or abandon such beliefs are deprived in some crucial way, forming a palpable need to develop an alternative to witch belief.³⁰ Important to my thinking is Briggs's contention that common people in the past showed extraordinary restraint regarding suspected witches, among whom suspicions, rumors, and resentments over apparent incidents of *maleficum* might accumulate for fifteen or twenty years before action would be taken. Seduction by the Devil, the marking thereby and resultant sexual encounter, "formed the first stage in a narrative of apostacy from both community and Christian church," moving on from there to the witches' sabbat and acts of *maleficum* against resented, envied, stingy, or

³⁰ Ibid, 3.

abusive neighbors, and from this action there was thought to be no return or prayer for recovery, as it sealed the contract offered by Satan of one's soul for worldly assistance against human foes. The sabbat itself, as constructed for the purposes of making allegations, is in Briggs's analysis a perversion of the practices of mainstream, wholesome, god-fearing society, with a great deal of hard detail from former accusations mixed in, before "the resulting bucket of filth" was tipped over the heads of the selected victims to dehumanize and demonize them.³¹ This metaphor is, I feel, at the core of the psychological dynamics at play in witchcraft accusations.

The accused often described the sabbat in terms of dreams and illusions, which "gave witchcraft ideas great flexibility yet at the same time exposed them to attack."³² For instance, some reasoned evasively that the witch's body, or a diabolical substitution, was left behind in bed, but critics quickly pointed out that this meant neither guilt nor innocence could be proven if so. As they gained experience, the judges and the Inquisitorial courts adopted a highly nuanced position about the types and quality of such evidence, especially among elite skeptics, and the extravagant claims made about sabbats—while useful in the short term to throw increasingly nasty buckets of slop over the heads of undesirable and resented members of the community—likely did a great deal to discredit witchcraft belief and limit persecutions.³³ In other words, the sheer imaginative power, the floridity of the claims, their escalatory nature, the great quantities of shame, and the near-hallucinatory nature of witchcraft confessions, as well as the frightening quantity of people tarred and dragged into witchcraft accusation frenzies in a community, all conspired to show experienced magistrates, judges, and other jurists that the dark forces of human nature was at work, rather than the Devil. What is readily present in the psychology of witchcraft accusations, as underscored by many of the authors in this study, is resentment,

³¹ Ibid, 26.

³² Ibid, 28.

³³ Ibid, 30.

hostility, the desire to destroy, and malignant envy so palpable it appears to take physical form in the community.

Norman Cohn's *Europe's Inner Demons* has perhaps the most compelling overarching socio-psychological theory, tying all these ideas together more fully, in claiming that accusations of witchcraft match common patterns of human accusation and demonization, used to eject individuals from the community and make them invalid targets of compassion, empathy, equal treatment, and justice, patterns which repeat themselves again and again with differing labels but similar symptoms; the targeted community are usually accused of the most inhumane acts imaginable, especially the harm and deaths of children, orgiastic and cannibalistic violence, incest, and other similar antisocial (but genuinely and vanishingly rare) activities. The tactic did, however, work so well by effectively altering the cultural perception of what was possible in the realms of accusation and guilt, and changing what was considered beyond the pale, and what was, in turn, thought impossible or unthinkable. If the accused were not convicted of eating children, their ultimate burning or hanging for causing storms or cursing their neighbors suddenly did not seem so unreasonable. The tactic is a belligerent one, meant to short-circuit critical thinking and skepticism, in the drive to create a reliable frenzy and assure the excising of undesirables from the community. The evidence in such cases was typically testimonial and fantastic in nature, but because cultural scripts emerged and were used again and again (and they were propagated through oral stories, transmitted ballads, and later in print), those providing the evidence had an available vocabulary, both visual and linguistic, with which to understand and explain these perceived malefactors and their activities.³⁴

Malcolm Gaskill similarly seeks to understand witchcraft accusations as an arena wherein personal and social conflicts may play out, and as a way of understanding how Early Modern

³⁴ See Norman Cohn, *Europe's Inner Demons*. Chicago: University of Chicago Press, 1973.

people viewed power and its availabilities and limitations within their communities. This work relies to some extent on research done by J.A. Sharpe, who showed that some witchcraft accusations arose from women vying for power in particularly female spaces and spheres of activity.³⁵ Gaskill relies as well on research showing that, even in the areas studied by Macfarlane, there were indeed preexisting conflicts based on religious factionalism, disputes over land ownership, and other personal power struggles, generally among people who were vocal in their own communities. He stresses that the effect of the aggressive critique against the theory of Margaret Murray has been to “strip witchcraft of any kind of reality as a belief in the mind of the accused, presenting it as a paranoid and oppressive dogma existing solely in the mind of the accuser.”³⁶ I believe it is important to keep in mind Cohn’s argument when proceeding in this way; it was and is highly improbable that any early modern peoples gathered for wild orgiastic sabbats, engaged in blood rituals or cannibalism, or attempting to summon the devil in any organized manner. However, it is also not responsible to make the argument that those accused of witchcraft did not believe in Satanic magic or its power, nor is it responsible to claim that their accusers made accusations of capital crimes based entirely on wild paranoia or cynical calculations. Rather, the sublimated needs of envy and ego-protection expressed themselves through a sincerely held belief in the maleficum of the perceived witch, while the accused, perhaps despised by the entire community and deluged by a torrent of reputational slop, might prefer to believe in the force of their own resentment as a kind of personal power.

Belief in witchcraft was a shared reality for many during the seventeenth century, particularly in small country communities, and just as the accusation may have been seen as a

³⁵ J.A. Sharpe, "Witchcraft and Women in Seventeenth-Century England: Some Northern Evidence." *Continuity and Change*, vol. 6, 1991. Pp. 19-36.

³⁶ Malcolm Gaskill, "Witchcraft and Power in Early Modern England: The Case of Margaret Moore." *Women, Crime, and the Courts in Early Modern England*, Kermode, Jenny and Garthine Walker (eds). Chapel Hill: University of North Carolina Press, 1994.

route to power and influence and a way to get rid of one's enemies and competitors, so too was belief in witchcraft itself. While moralists held that instances of witchcraft, both beneficent and maleficent, were "an offence against religious and secular order,"³⁷ destructive and dangerous, ordinary people relied on witchcraft and superstitious in their everyday life, both practicing it and hiring it from others. Most people, therefore, ascribed criminality only to witchcraft's malign manifestations. Many of the people who were thought of as practicing "white" or beneficent magic had only one thing in common with those who practiced destructive magic (the use of magic itself), though both were otherwise comparatively powerless or marginalized figures with regard to wealth and social status, particularly older women, making witchcraft a commonly-understood means by which common people could gain and wield power over others, and thereby make their interior feelings become manifest in the world, revenging themselves in situations of great psychological and often material hardship.

Cunning magic and healing relied on a consensus of belief that power and a system of superstitions between the witch and her client,³⁸ but this relationship and the mental world upon which it relied has been muted by the more prevalent examination of witch trials, which strip the agency and belief system from the accused in order to maintain their status as victims. This distinction, however, is unnecessary—it is entirely possible for those persecuted for witchcraft to be victims while remembering that they too believed in the power of witchcraft, and believed each other capable of it; such belief cleaved female communities in half, weakened their ability to protect one another and maintain their control over their own and one another's bodies in

³⁷ Ibid.

³⁸ "Clients" is here a wider classification than simple customers, and it encompasses those who came to a cunning woman or to a known witch for assistance, often in exchange for money or goods, or to dispense with a debt, or in exchange for a future favor. Some cunning women seem to have offered their services to unwind the dark magic of other witches for no stated or recorded fee, possibly to garner good will to protect themselves, as in the case of the cunning woman who came to examine the apparently cursed Farmer Butterfield during the Witch of Tring case (later the murder of Ruth Osborne) in 1751.

terms of authority, expertise, and evidence-gathering, and these contradictions maintain in the eighteenth-century courtroom in rape trials. If they were cunning women, healers, or midwives, the belief in their own power, so necessary for the client-provider relationship and so prevalent in their communities, would often be used against them as evidence, as were other pieces of evidence associated with sorcery (whether beneficent or maleficent), and the community usefully switched thought paradigms and take on the moralist's, rather than the pragmatist's, stance in order to mount an evidentiary claim against the accused witch. In so doing, she would change from healer and midwife to witch, as was convenient to the community, and she thus became useful (yet again) by sacrificing her body as *pharmakos*, rather than a dispenser of *pharmakon*.³⁹

To elaborate, the belief in and use of beneficent witchcraft, as well as the desire to believe in a witch's power for good or ill, in both the accused *and* the accuser, made possible the belief in *maleficum*, and was made possible by widespread economic hardship and environmental challenges. I argue that those pressures forced such a large population of poor women into the urban environment toward the beginning of the eighteenth century, and that the perception of a poor woman's power in adverse conditions—and her corresponding persecution at the hands of her society—changed in this period from that of the witch into the harlot, and altered the witch trial into the prosecution of bawds, prostitutes, and petty property crimes (often committed by prostitutes). *Pamela* and *Clarissa* are perfectly positioned to reveal this ideological, psychological, and linguistic change in the language of misogyny.

³⁹ See Jacques Derrida, *Dissemination; Translated, with an Introduction and Additional Notes, by Barbara Johnson*. Trans. Barbara Johnson. Chicago: University Press, 1981.

Midwives as Experts and Witnesses

In her 1647 confession, which is of special interest here, Margaret Moore crucially noted that she surrendered her soul to the Devil to save the life of one of her children—three of her four children died in infancy—and she was sent a familiar spirit to suckle (again like one of her lost children) before it left her to take the life of one of her victims. One of her examiners elaborated by saying that Moore claimed that Satan came to her through the voices of her three dead children, asking her to suckle them before claiming they would take away the life of her only surviving child, unless she gave up her soul; the familiar spirit, Annis, that then appeared to her came in the form of a naked child, before she sent it to take the life of a man and several people's livestock. Even before the trial, Margaret Moore cried and confessed to these acts of witchcraft, claiming she was sorry for all she did, but appears to truly believe that she was responsible, though the confession was obtained through the use of cording (a form of torture).⁴⁰

The reason her confession is so interesting is because it elaborates on the mental worlds of those using beneficent or maleficent witchcraft in this time period, and it deals in the imagined (and to some degree real) power as conceived by those individuals. Moore's story was not concocted by her accusers but by herself, combining fantasies of power with powerful and wishful dreams or hallucinations regarding her lost children, revealing her extreme and potentially clinical grief over their deaths and her very real fear for the one remaining to her. Unlike many other European confessors to witchcraft, Moore's confession did not last only so long as her torture did, and it was consistent and never retracted. It is possible she had come to internalize her role as a deviant and the suspicions heaped upon her by her neighbors, but that does not explain the highly personal and intimate nature of the narrative attached to her initiation

⁴⁰ A witch's hand would be bound to her opposite foot, keeping her in a sitting position and preventing her from sleeping for days on end. By the middle of the seventeenth century, this mode of eliciting confessions was widely seen as torture in England and eventually outlawed, alongside other witch-finding practices like ducking.

into maleficent witchcraft. Regardless of her neighbor's beliefs, the loss of her three children and the terror of losing her fourth are entirely enough to explain her belief in her own imagined power—a power which she perhaps desperately felt that she needed in the face of the capricious hand of death taking the lives of her offspring, in the midst of a natural and economic situation she could not otherwise control. Not only had Moore's community turned on her, but so had her very body; in imagining her children had come back to her, offering to suckle once more and avenge her, her mind furnished her with a complete recompense for all she had lost.

What Moore's confession particularly reveals to me, and why it is useful here, is the connection, in the Early Modern psychological landscape, between witchcraft belief and the mysteries of birth and miscarriage. These mysteries were adeptly mediated by the midwife, but they were adequately understood by none. While midwife manuals, particularly Jane Sharp's, were full of practical observations and advice, the medical paradigm was enmeshed in Galenic humoral theory when it came to stillbirth, miscarriage, and the disorders of the womb. Jane Sharp describes the womb in terms of wet, dry, hot and cold, warning that it must be "kept temperate" at all times, and that diet and medicaments ought to be used to balance the environs of the womb. The hot womb is "disordered," full of rage, and it is fiery, affecting the mind and spirits, while the cold womb—often associated with an overly wet womb, and hence the properties of humoral phlegm—is too slippery to hold onto a man's seed or a growing child, and it is "subject to Gonorrhaeas [sic], and the Whites." Elderly wombs, barren wombs, are thought to be dried up and hardened, a condition which was believed to be additionally caused by fevers and inflammation, and this was thought to be the reason some venereal diseases (gonorrhea aside) caused barrenness.⁴¹ Midwifery manuals underscore the enormous tract of mysteries the midwife, and the talisman of the midwifery advice book itself, mediated for the late seventeenth-

⁴¹ See Jane Sharp, *The Complete Midwife's Companion*. 1671. Pp. 312-317.

and early eighteenth-century household: minute descriptions of the privy parts of men and women,⁴² the functioning and names of these various parts, advice for breastfeeding, the material differences between clogged milk ducts and cancerous tumors, how to choose a nurse, how long to keep a child swaddled—the sorts of advice that older women, female family members, neighbors and cunning women (also the potential ranks of the midwife and gossips⁴³) might have provided, now contained in the private space of a written manual, and constraining the need for this circle of neighborly, interpersonal reliance on a community of women. The ascendancy of the male midwife would further fray these once-important bonds.

There are two narratives that dominate the history of obstetrics and women's healthcare over its transformative period in the eighteenth century. Victorian novels, such as Dickens's 1842 serialization of *Martin Chuzzlewit*, depicted the female midwife as a fat, crone-like, ignorant old woman, and this stereotype came to be applied to any midwife in what male writers considered to be pre-scientific period; the stereotype then made its way from fiction into depictions of fact, and appear as late as Laurence Stone's 1977 *The Family, Sex and Marriage in England 1550-1800*. This narrative, widely debunked and complicated by sociologists, describes the gradual and inevitable replacement of superstitious rural midwives with their technological superiors: the male midwife, or obstetric physician. It was indeed one such family of male midwives who kept the technological secret—rendering it a form of occult knowledge—of the obstetrical forceps to

⁴² Such minute descriptions of the female body made it more understandable to women, but also more societally controllable and less mysterious, though there is still a great deal of mystery gestured at in Sharp's book regarding the womb, its humors and operations. Note that Sharp's book title includes the word "Discovery," much like the pamphlets detailing the discovery of witches in various townships; she is here explicating and bringing forth what was once occult, held tight in the hands of cunning women. For more, see: Elaine Hobby, "Secrets of the Female Sex: Jane Sharp, the Female Reproductive Body, and Early Modern Midwifery Manuals." *Women's Writing*, vol. no. 2, 2001, pp. 201–212.

⁴³ "God's siblings," the origin of the word *gossips*, were the older women, family members, and neighbors who would cluster around a woman in labor and in early motherhood to help her, provide their knowledge and experience, and keep her safe during a precarious time, as well as provide the positive associative energy of women who had successfully come through the same travail before her and survived. Presumably a great deal of talk about the neighborhood would pass around at this time.

themselves for well over a century, and when their designs began gradually to appear in England and Scotland in 1735, their use remained primarily the provenance of male physicians. Though the forceps undoubtedly led to and encountered numerous complications, it may not be said that that there was not a significant set of technological advances brought about by the so-called male midwife.

Therefore, it would be unacceptable to fully embrace the opposing but popular narrative that female midwives, entrusted with generations of empirical knowledge and experience, were pushed unceremoniously and ignominiously out of the way by their priggish male counterparts, who exercised rather more theory than good medicine, though there was little good medicine (in our sense) to be had at the time. In fact, a reading of the midwifery manuals of the era—those written by male midwives, and those written by females—raise the possibility of a striking third narrative. Midwifery manuals, such as Nicholas Culpeper's 1651 translation of *The Birth of Man* to Jane Sharp's 1671 *Midwife's Book*, compose a solidly representative branch of medical receipt and advice books from the early modern period. In other words, they are insistently recursive, cross-referential, and hence very similar, in everything from their structure to their recipes, and most particularly in their theoretical makeup. As Jane Sharp's book particularly reveals, they both demystify the midwife's power and knowledge and make it solid, readable, helpful to the larger population, and hence abscond with it, making it available for the plundering of male obstetricians and available for the use of private households, without the need to call upon a local woman of years and knowledge (who might know more of the local plants, for instance, or more recipes using those plants, or know more about maladies common to the area). They also tend to intermingle the practical experience and observations of the midwife with much Galenic theory and receipts for cures related to that theory, as was required to legitimize the text. Sharp's

Midwife's Book is very much an example of that kind of compromise, while its presence in households as a physical thing could obviate the perceived (though perhaps not actual) need to call upon a local woman of years, experience, and knowledge in a time of need.

Overwhelmingly, these books share a pedigree, and quite a bit of text and recipes, with obstetrical advice going back as far as Hippocrates, Galen, and Aristotle, not just in humoral theory, but in praxis. Some of this advice reflects common sense: a good midwife, for instance, should have small hands and closely pared nails. Many efficacious pain relievers are mentioned, as well as a number of abortifacients still recognized, and in some cases used, today. It is in the tone, over time and among practitioners or theorists, and in the small details where they differ. The midwifery manual appears to have been expected to follow a particular form, to observe correct movements, rather like a kind of ritual; those forms being recognized conferred upon the manual an aura of proper authority. Within this strictly delineated generic contract, small variations could be conveyed, little mistakes corrected, and some of these could be quite radical. Jane Sharp, for instance, while bowing of course to the phlegmatic nature of women who could not hold onto a conception, also points out that being overweight or eating a poor diet could contribute to miscarriage. Therefore, theory and empirical observations coexist, and the author finds ways for them to support one another. Female midwives, however, are not telling an opposing tale or transmitting an alternative history and theory of medicine that disagrees with their male counterparts; on the contrary, they accept the prevailing medical theory and use its trappings to convey and confer authority on their own observations, while simultaneously losing their witchlike feminine mystery that had been part of their appeal in an enchanted world. While their experience on the ground may have been, and most likely was, profoundly different from what some of the receipts in these books reflects, that is likely the case for any male physician

after he gained some experience as well—and it was not uncommon for those physicians to learn something of herbal lore or practical skills from female midwives, and for that knowledge to make its way into receipt books one way or another.

Midwifery manuals, as well as medical advice books from the proliferation of printed recipe books in the late seventeenth century, were much reprinted and added to in the eighteenth, and reside on the shelves of most families. They are emblematic of the mixture of dangerous folkcraft with trial and error and amassed wisdom that enabled midwives to assist their fellow women and effectively bring life into the world—or help a weary wife or frightened girl to suppress their own reproduction. What a midwifery manual cannot entirely reflect, of course, is the trained eye and practiced hand that must have been some of the most important tools of any midwife, male or female, before hormone tests and ultrasounds rendered them apparently, if not actually, unnecessary. These were instruments that a practitioner could only gain from experience—Jane Sharp claimed to have thirty years' worth—apprenticed to a master and trained on the move, in a field where error could be supremely costly. Personal experience of women's health issues and access to women's spaces and women's bodies conferred upon the midwife, the god-sib, and the matron a special legal status during various stages of evidence-gathering and sentencing in the criminal justice system, long before the period under examination here, and for very good reason; the female body and its workings were, for men, largely theoretical for a very long time.

Midwives are the original expert witnesses; in Babylonia, midwives were called to examine women and girls and give evidence regarding virginity, fertility, and pregnancy. They stood alongside land surveyors and handwriting experts as expert witnesses in the Roman Empire, having special authority over testimony regarding the mysteries of the female body, as

well as access to that body for examination.⁴⁴ Midwives have additionally been an important feature of the medico-judicial apparatus in England since at least the thirteenth century, when, in 1220, a widow claimed to be pregnant by her dead husband. A dispute over property ensued, wherein the widow called immediately for “legally qualified matrons” to examine her abdomen and determine if she was pregnant. The group of a dozen or so “worthy ladies” who performed that examination for the court were usually known as a jury of matrons. These women were oftentimes joined by a group of knights (noblemen and landowners) because “discreet and lawful women might be the experts in matters of pregnancy but their testimony before the justices would not be held as reliable as that of knights of the realm,”⁴⁵ and therefore the men provided them with cover and additional legitimacy. In essence, the expert opinion here was held by individuals whose expertise was only valued if overseen and vouched for by another, more trustworthy group (knights, later understood to be gentlemen). Here the law recognizes the need for two different forms of confirmation and legitimization, that of empirical knowledge gained from experience, as well as the authority gained from perceived moral and physical male supremacy.

Juries of matrons were important when the legal system encountered women who, when accused and convicted of a capital offense, would “plead their belly” to avoid execution until the child’s birth, a holdover from Roman law. One of its restrictions, notably, required that the child have quickened,⁴⁶ and provides that a woman being merely *with* child does not mean the child is considered alive; even if she were to be made pregnant while in prison (by being raped or

⁴⁴ For more, see Richard Martinez, Robert Weinstock, and Philip J Candilis, *Forensic Ethics and the Expert Witness*. New York, NY: Springer US, 2007.

⁴⁵ See Thomas R. Forbes, “A Jury of Matrons.” *Medical History*, vol. 32, no. 1, 01 Jan. 1988, pp. 23–33.

⁴⁶ Quickening would here mean well into the fourth or fifth month of gestation, somewhere around sixteen to twenty weeks, when a child can be felt to have started kicking—in this case, by an experienced hand of someone other than the pregnant woman, who would be likely to say the child had quickened even when it had not; proof would be required by a jury of matrons who could feel these fluttering movements to legitimize the woman’s claim.

seduced by a guard, for instance) she could be executed before the child had quickened. Therefore, accurately determining whether a child had quickened and how far along a woman had proceeded into pregnancy was important to jurisprudence. Reprieve from execution for a period could prove a boon to both the women and to justice, and it was worth it for convicted women to make the attempt.⁴⁷

In an inheritance fight in 1596, when twelve knights observed twelve women search the widow of a deceased man of property, the said matrons palpated the widow's breasts and examined her abdomen, certifying she was twenty weeks gone with child, at which time the complainants demanded she be kept and guarded by some of the women from the writ, to make sure she delivered. When a woman was accused of witchcraft in the seventeenth century, midwives or groups of town matrons would be called upon to examine her body, in some cases inflicting cruel humiliation and degradation on their victims, who may have been their elders and neighbors. It was their evidence, usually in the form of a mole or other mark on the body, which often resulted in the accused enduring imprisonment and even torture, in preparation for confession. Therefore, the same midwife or jury of matrons might be called upon to provide and evaluate evidence before a case was decided, to examine the accused for signs of wrongdoing, to examine a convicted woman and provide or deny a stay of execution, and to act as jailors as insurance that justice was done.

What this history reflects is a great deal of precedence for women's authority over the bodies of their sisters—as examiners, gatherers of forensic evidence, repositories of experiential knowledge, judges of signs and symptoms, jailors, saviors, enforcers, even tormenters. In the seventeenth and early eighteenth centuries, this position does not diminish—over the period,

⁴⁷ Forbes explores several cases wherein, in the time during which three women waited for their children to be born, their crimes were further investigated, and they were thereafter pardoned.

their influence waxes and then wanes, as their authority over women's bodies is displaced by male physicians in the justice system. The Old Bailey records of rapes and abductions between the 1710s and 1730s frequently feature midwives examining the bodies of the complainants—in one 1716 case, both sides bring to bear dueling midwives with different opinions on the victim's condition, resulting in an acquittal. In addition to searching for signs of sexual and other bodily violence, and the loss of maidenhead, these midwives evaluated for the presence of “distemper” or the “foul disease”—i.e. venereal disease—as well as lacerations and damage to the genitalia and pregnancy, which, under the prevailing medical theory, would have implied sexual congress but not lack of consent.

What is striking in cases between 1710 and 1740, however, is how seldom the midwife's evidence leads to a conviction, revealing the extent to which professionalization—the rise of the professional—was hedging out the status of the midwife as an expert on the female body, conceptually removing women from the class of experts about their own bodies and fertility. The midwife's evidence, if on the side of accused, may be said to procure many releases, but the midwife is not an unanswerable witness for the prosecution in this period. In some cases, the jury's preferred theory or an argument, even if made through poor logic, easily wins the day, despite evidence provided by the midwife, which in many cases most closely resembles what a modern individual might call “forensic.”

There are many reasons for this—primarily and perhaps most importantly, juries were very hesitant to convict a man of a capital charge, especially if that charge was not viewed as homicidal or extremely anti-social. If the Old Bailey records are any indication, midwives often looked for other signs of attendant violence in addition to sexual coercion—in other words, for signs of anti-social violence. Rape on its own did not necessarily meet this definition in the

minds of sitting juries, even when they had a statutory responsibility to convict men in cases of rape against children. However, I would argue that juries were not yet trained to read forensic evidence, or to give it additional credence; they read cases the way they might have read the trial pamphlets of the day, as a battle of dueling narratives and perspectives, a complex tapestry of opposing arguments and small details. They were looking for the best possible story, one preferably married to some form of authority, and one which most often reinforced their own assumptions and worldview. Forensic evidence that challenged those assumptions was, naturally, grounds for a weaker story, and therefore dismissed.

The evidence of midwives continues to appear during this period, but savvy complainants learned to integrate and use the prompt evidence of surgeons as well, as those cases incorporating the unambiguous evidence of surgeons on the side of the prosecution had a much better chance of winning a conviction in this period. Surgeons' evidence was not likely, however, to be either expert or unambiguous; surgeons saw far fewer female patients, pregnant or otherwise, knew less about sexual violence, and while they treated many men for venereal disease, women usually went to midwives or other women with some skill in healing, if to anyone, if they suspected they may have contracted an STD. Surgeons certainly saw fewer children who had been sexually assaulted, whereas the evidence provided by midwives usually reflects both knowledge and experience in this area, belying the potentially large pool of child victims during this period and the trust mothers still repositied in midwives.

The course of the eighteenth century saw a clear change in the kinds of professionals who might have been called upon to physically examine victims and give testimony on their medical state, as well as on various pieces of trace evidence, such as emissions and stained linen. As the *Proceedings* and pamphlets show, surgeons, apothecaries, midwives, and generic doctors could

all be called upon as ideal experts in these cases, although their performance and interpretations of the evidence could vary wildly, typically because of their wealth or lack of relevant experience. By the 1770s, “it was not uncommon for victims to be examined and treated by numerous medical specialists.”⁴⁸ By the time of the 1746 case of Hepzibah Dover, the girl’s mother took her to see two medical professionals immediately after hearing she had been abused by a man. A woman or girl’s body was the evidence in these cases, and temporality was then—as it is now—the enemy of rape prosecutions. The shame and stigma surrounding rape, as well as the low rate of convictions, made it far more likely that too much time would elapse before the rape was detected and concerned family members could take any action. Venereal disease was rife, and the court would sometimes—increasingly over the century—accept concurring evidence of venereal disease between victim and perpetrator as proof of the crime, especially when the victim was very young or accepted as a virgin before the rape took place.

The court’s relationship with male surgeons and female midwives differed and evolved over the century, as it did with the families of victims; mothers would often take their children to a trusted local midwife as well as a doctor or surgeon, to obtain the validating and trustworthy assistance of the midwife on the one hand, and on the other hand the authority and privilege of the male professional, both of which the family could then leverage in the courtroom. In the latter decades of the eighteenth century, courts had even learned to be somewhat leery of the male professionals’ knowledge and experience with female anatomy, especially the private parts, and even their relevant experience with venereal disease. Cases in the latter half of the eighteenth century feature multiple surgeons, agreeing with, adding to, or contending with one another’s testimony, as in the much-troubled 1780 case against Frederick Thomas and Christopher Eyres

⁴⁸ See Esther Snell, “Trials in Print: Narratives of Rape Trials in the Proceedings of the Old Bailey.” David Lemmings (ed.), *Crime, Courtrooms, and the Public Sphere in England 1700-1850*. Burlington: Ashgate Publishing Company, 2012.

for the rape and murder of Isabella Ray, in which no fewer than three surgeons were sworn, and the opinion of a fourth surgeon entered into evidence. Given the number of times surgeons and doctors' opinions differ from those of testifying midwives, often without provided justification or a discussion of relevant experience, it is not entirely strange that the court would come to doubt male experts on these matters, continuously seek second (and third, and fourth) opinions, and challenge the usefulness and strength of their opinions on these matters. Societal derision of the male midwife and his invasion of the birthing room, and subsequent usurpation of the traditional midwife's role, likely contributed as well.⁴⁹

The Monstrous Midwife

The midwife's comparison or conflation with the country witch, with the rural, the unscientific, the superstitious, as well as the monstrous, was not accidental and was constructed through selection of matter for pamphlets and broadsides, as well as the depiction of matrons and midwives in prints in the late seventeenth and early eighteenth century, all of which worked to undermine the midwife's authority and expertise in the courtroom. In accordance with the suspicion against them that they aided in abortion and infanticide⁵⁰ (just as the witch provided "potions" and abortifacients, a reputation which then transfers as well to the procuress and brothel madame), pamphlets might also describe them in more actively murderous roles, with cannibalistic and demonizing overtones. A 1693 pamphlet,⁵¹ detailing the crimes and discovery of "The Cruel Midwife," goes into great detail discussing the crimes of Madame Crompton of Newgate, accused of murdering at least eight children, two of which were "found in a Hand-

⁴⁹ For more on midwives' societal management of women's bodies, see Appendix 2: Midwives' Assistance with Abortion.

⁵⁰ See Appendix 2.

⁵¹ See Randall Martin, *Women and Murder in Early Modern News Pamphlets and Broadside Ballads, 1573-1697*. Aldershot, Hants, England: Ashgate, 2005. Print.

basket... [with their] Skin, Eyes, and part of their Flesh eaten by Vermin,” and at least six others found in the defendant’s cellar, little nothing more than skeletons. Madame Crompton moved to Poplar, among persons of rank, and went about as a “Midwife of great note to Persons of Quality,” having with her several children but living very quietly and privately, never being seen in church or associating with anyone in the neighborhood. Crompton and her maidservant are here described as tight confederates, and that the maid never betrayed the affairs of the household nor how many children were housed within, even when chatting with other maids in the neighborhood.

Madame Crompton was often seen to leave for several days at a time—not unusual for a midwife attending births, which could take several days, and midwives were known to remain with their patients after the birth to assure their safe recovery and assist with early feeding and clout changing practices. During one of these absences, the pamphlet says, the maidservant left on an errand, “leaving at home a Boy about Seven Years of Age, and a Girl about Six Years Old, with a little Infant in the Cradle, leaving them for food only a piece of Cheese and Water, not any Beer or Bread.” In other words, she had left them without drink considered safe and nourishing (beer) or food that provided a great deal of energy (bread). The boy related that he was instructed to give the infant some water if it cried, thereby tricking the baby into believing it had been fed; the maidservant pledged to be back soon. The children continued “in the House alone most part of the Day,” most likely a stretch of many hours, and became impatient for food, until the eldest child saw a neighborhood boy passing by and called out. After their “want of Victuals” and the time period elapsed during which the children had been left alone had been relayed abroad, the neighborhood boy called adults to the situation, who then brought in “the Constable and Masters of the Parish.”

It was at this point that the boy relayed that “there were two more that lay Dead in a Hand-basket up on a Shelf in the Cellar; another lay buried in the Garden, and a Fourth in the Cellar,” after which point the children in the handbasket were indeed discovered, “stinking” like the “Carkasses of Catts or Doggs... all their skin being off, as likewise their Eyes and part of their Flesh eat with Vermin,” a level of grotesque detail not often conveyed in texts of this nature. It is notable that what appears to be the boy’s descriptions, in addition to a more diffuse narrative detailing the evidence of the midwife’s crimes, here supplants the evidence as protected and provided by an expert, at the same moment as it flays open the home of the midwife herself—taking with it her authority and reputation as an expert, an arbiter of women’s stories, and a keeper of their bodies and secrets.

The text then jumps into a coroner’s inquest⁵² performed on the bodies of the children, as well as the ordered excavation of the cellar to look for the bodies of more children, wherein the laborers “Dug up six several Skeletons of Children of several Ages; upon which the Coroner Adjourn'd the Jury till the next Day.” This description and language give us an unusual and valuable look into the process of evidence gathering in an inquest, both formal and informal, and the treatment of a crime scene in the very late seventeenth century. The coroner and magistrates act quickly and decisively, following up on the story given by the boy, observing “several soft places of the Cellar where they perceived the ground had been broken,” and thereafter rewarded

⁵² The English office of coroner originated in the reign of Richard I, and the word itself comes from the Latin *corona*, or crown, as a coroner was an officer of the Crown, invested with the power to protect the interests of the Crown in legal proceedings. As a county official, the coroner was to be notified when a body was discovered, and then he would examine the body and decide to hold an inquest if the cause of death was thought to be sudden, violent, or unnatural in some way (i.e. suspicious). The coroner’s evolution from a governmental or judicial officer, usually without medical or scientific training, into the trained medical examiner is long and varies a great deal from country to country. In England, surgeons were clearly working for coroners in the eighteenth century, as the Isabella Ray trial in 1780 reveals, but their acumen and rigor is not sufficient to always work out the cause of a person’s death. Special handbooks for coroners began to be printed in the eighteenth century, more firmly standardizing the practice and what was expected of an inquest. (For more, see Charles Gross, “The Early History and Influence of the Office of Coroner.” *Political Science Quarterly*, vol. 7, no. 4, 1892, pp. 656–72; see also Julian Goodare, “The Coroners of Northern Britain, c. 1300–1700.” *The Scottish Historical Review*, vol. 96, no. 2, Edinburgh University Press, 2017, pp. 238–39.)

with the harvest of a large body of evidence. The coroner left the scene and returned to dig up the garden the next day, but sadly the spectators took many of the excavated bones with them for souvenirs, putting them on display for the interested public at the Ben-Johnson's Head public house near Fleet Street. The pamphlet surmises that the children were "those commonly called By-blows, or Bastards, which [the midwife] undertook, for a certain Sum of Money agreed on" to care for "as long as they lived," a proviso that did not stipulate that the children live for very long. The text does not make it clear if the midwife was bound to care for the children so long as they (the children) lived, or for as long as their parents lived and paid for their upkeep; given her meager care of the children and the different ages at which they died, and the fact that their parents were never found and informed, nor did they inquire, the evidence suggests that once the parents died or stopped paying, their children no longer received food, and died soon after. Madame Crompton "was carried to the Petty Sessions of Bloomsbury" and examined before the Justices of the Peace, where she was charged with murdering several children who had been "put to her to Nurse."

The world Madame Crompton reveals, and forcibly brings before the eyes of her own society, is one in which young children were often thrown away and treated cruelly, where they could be starved almost with impunity, and a world in which the societal impulse and duty to care for children dispassionately was not quite adequate to prevent monstrous depredations like those of Madame Crompton. What the pamphlet reveals as well, however—in contrast with the many cases of child rape which did not receive such necessary attention—was a willingness to blame, excise, and demonize the figure of the midwife, to cut her away from society like a cancer, rather than the parents who threw the children away, or the many men who barbarously used children for sexual pleasure. The willingness to publicize and undermine trust in midwives and

other healing women was not a boon to poor women and their children, who often could not afford male medical professionals' time or attention, and who may not have benefited from their less-experienced care in any case. The loss of status and precedence of female healing women, of matrons and midwives, made it more difficult to report rape, examine evidence and gain midwives' testimony for convictions, and obtain care for victims, especially of the kind which could stand as expert evidence in the courtroom.

Malkins and Mothers Midnight

In Plate 3 of *A Harlot's Progress*, the bailiffs can be seen entering Moll's rented room. The space is full of potions and powders; there are bottles, cosmetics, curatives for syphilis, little cups of that magical new stimulant tea, and the bailiff's eyes are fixed on the far wall above Moll's head, where she has pinioned a witch's hat and a birch broom. A cat, like a familiar spirit, posing as a double of Moll's spirit in the solicitous posture of a slattern, scrounges in the bed clothes at her feet, and an older woman with the same sort of broad, flat, ugly face as Mrs. Jewkes attends to her and refills Moll's teapot, as if to gesture that the substance is a licentious and fatal witch's brew. Moll holds up a watch, which she has won off a beau or stolen—or perhaps she has “found” it for a client, in the way of old cunning women, as she learns her art and trade. It is the witch's hat upon which the bailiffs focus, however, not on Moll, her potions, her messy bed or curvaceous body, or even the revealed breast peeking out of her dress, suggesting a client has just been here; to them, the hat and broom represent what she *really* is.



Figure 3-1: William Hogarth, *A Harlot's Progress*, 1732. Plate 3.

The cases of *Pamela* and *Clarissa* circle not just around the laborious emergence, the birth, we may say, of their titular characters; they are cases presenting evidence, various proofs, of the titular characters' identities, which are not entirely known to the women themselves nor the people around them, but must be discovered over the course of their respective novels. Their identities are not fixed or proclaimable facts; they are instead hung suspended upon gossamer threads between the texts' interlocutors and their readers, mutually agreed upon and contended, inside the text and without. *Pamela* is very much a teenager, playing with identities, using her clothing, the act of embroidery, copying out embroidery patterns and an elevated style of writing in the emerging art of her own epistle "scribbling" to better express herself; she has status

uncertainty, yes,⁵³ but also uncertainty regarding who she is and who she wants to be, and is stretching at all times toward a reasonable determination of what is right, what is fair, what she owes to others, what they owe to her. Between herself, her body, the body of her letters, and the body of her text—the novel itself—she is replicated several times, and all these bodies are opened for examination, for discovery, to evidence-gathering, at the hands of her master, her jailer, and her readers, both inside the text and out. Clarissa is very much defining and redefining herself against willful misinterpretation, creating boundaries at the same time as they are being broken down around her, laying open and revealing that which Lovelace attempts to take by force; in her suffering she discovers who she really is, the corpus of her text and her will growing larger as her physical body becomes smaller and smaller—the “lovely skeleton”—until that body, its bones and their implied semi-permanence, vanish altogether, and there is only the Word left behind. Tellingly, Lovelace demands both her body and her letters, knowing that her heart, which he covets, may be found in both, and will prevent others from looking into them for evidence to prove Clarissa’s innocence, her character, and hence Lovelace’s own guilt.⁵⁴ Yet the corpus of evidence is in our hands; we are the coroners now, and this is an inquest.

The relationship of the reader to Mr. B, and to Lovelace thereafter, is what Robert Erickson tellingly calls an “uneasy alliance,” as both Mr. B and the audience reads Pamela’s letters like illicit voyeurs, and, I would argue, even more voraciously: as a jury. Much of the novel exists around the fiction of Pamela remembering and accurately transcribing the minute details of conversations between herself and Mr. B and others, most of whom are under his power; in so doing, she is making a transcript of reality itself, ultimately sewing it into her

⁵³ See Robert Erickson, *Mother Midnight: Birth, Sex, and Fate in Eighteenth-Century Fiction* (Defoe, Richardson, and Sterne). New York: AMS Press. 1986. Pp. 74-75.

⁵⁴ *Clarissa*, 1428 and 1627.

underclothing, incorporating the history of her experience into her clothing and her body,⁵⁵ and hence becoming an embodiment of testimony itself. Pamela's apportioning and presentation of the three bundles of clothing—that given by Lady B, that consisting of her “wicked” gifts from B himself, and those which she has made for her journey home, are representations of a sort of fairytale symbology of her time in service and her understanding of the three potential fates open to her, and the three potential readings open to the reader: the virtuous lady raised up by her own nobility and learning, the witch/mistress/prostitute transforming herself by deception and magic, and the poor servant girl safe in the bosom of her parents, as once was at twelve when she set out from home. Pamela notably does choose one of these paths; in setting out from Bedfordshire for her parents' home, she believes she is choosing her honest suit of clothing and the path that lies beyond it. In the way of plot, however, she is interrupted and detoured from her own choice and derailed along the path of B's. In absconding with her, Mr. B essentially kidnaps Pamela from her own plot, from the simple Christian parable in which she has choices and turns away from temptations, to another plot: his own, and into the plot of *Pamela* itself. In this plot, Mrs. Jewkes is what Erickson terms the Mother Midnight, a midwife of plots, a handmaiden of fate, a witch weaving the tapestry of reality.⁵⁶

In this part of the tale, Pamela's energy, once turned to sewing and embroidering—weaving, like a spider or a plotter, in charge of her own story—now turns to planting. She is obsessed with her little garden, attaining seeds from Mrs. Jewkes to plant, and interleaves her sheets of paper, pens, and ink “among the linen”⁵⁷ and all over the Lincolnshire house, scattering her implements like seed. Pamela very much associates Mr. B's sexual attempts on her, the assaults on her physical body, with death—very different from what the act could, in the context

⁵⁵ *Ibid*, 75-76.

⁵⁶ *Ibid*, 81.

⁵⁷ *Pamela*, 105.

of consent and the marital bed, could and should bring about (procreation)—and she is indeed in a death-like state whenever he gets too close to completing the rape. Like the nature-aligned good witch or midwife, Pamela plants her letters for Williams in hopes that her “Deliverance will take Root, and bring forth such Fruit, as may turn to her inexpressible Joy.” She does this “planting”—sometimes with letters, at other times with beans—in contrast with Mrs. Jewkes's wicked and destructive angling for fish, in a battle of creation vs. destruction, the good witch against the malignant.⁵⁸ In this construction, then, Pamela and Mrs. Jewkes's relationship is that of two witches, two cunning women, each bent on sussing out the secrets and stratagems of the other.

That Pamela thinks of Mrs. Jewkes as a bawd (given she talks and acts like one) is underscored by the woman's history as a former housekeeper for an innkeeper, which carries with it cultural implications of procurement and looseness, as well as the failed protection of servants and barmaids, and acts as a direct reference to Hogarth's bawdy Mother Midnight waiting at the inn of suspecting flesh—country maidens like Pamela—in *A Harlot's Progress*. Pamela's packet of “Sunflower Papers,” sewn into her underclothes within her linen, here linked with the heavy evidentiary status of linen in the courtroom and the intimate sense of its closeness to the female body, revealing mysteries, now grows larger and larger as her “confinement”—her imprisonment, overseen by a perverted midwife⁵⁹—continues. At last it is delivered safe into the hands of Williams like a fosterling, or a crying baby into the arms of a male midwife, sent on the road to her parents as evidence of her kidnapping and her continued virtue, but Mr. Williams does not have the watchful eye for detail that Pamela does, is not careful or canny, and once he is assured he might be able to marry her, he is quickly of Mr. B's party. During this time, it is

⁵⁸ For a reading of this dichotomy that is different from my own and used for differing purposes, see Erickson, 83-85.

⁵⁹ I mean this in both senses, as perverse and in some way entirely inverted, controverted, from a midwife's purpose, in a sort of Satanic logic of turning upside down that which is wholesome for its opposite.

evident that Pamela grows smaller and smaller, even as her text grows and grows in the mysterious “matrix” of her linen,⁶⁰ as she refuses to eat and gradually becomes thin enough to slip out of the tiny aperture in her window. Pamela’s escape attempts are continuously bedeviled; there is the familiar-esque quality of the fiery-eyed bull that so fills Pamela with fear, similar to the fiery-eyed barghest glimpsed by Alizon Device in the Pendle Witch Trials. It has eyes like Mrs. Jewkes and seems possessed of a malevolent intelligence.⁶¹

Erickson calls Pamela’s beliefs here an inherently childish logic, mere superstitions regarding Mrs. Jewkes and her supposed witchcraft,⁶² but I would argue there is much more to be said about Pamela’s beliefs. Her behavior toward the bull is indeed evidence of her young age, as well as her comparative lack of experience with the world, and her status confusion; she possesses strong superstitions and is defensive of herself in the face of power, but lacks experience of the fields and their creatures, and has not been allowed to work and walk independently in nature as a laboring girl of her age and rank might have been permitted otherwise, had she continued with her parents. Pamela’s fears reflect her many years as a servant confined indoors, doing the close work of sewing, reading and writing, which has made her unfit to escape and survive in the world of fields and sky. Pamela’s reading of the world, her constant searching into herself, her own motivations and the motivations of others, is a reflection of her limitations and restricted material circumstances; even when she appears to have great privileges and education, they act more to imprison than liberate her, and her way forward is worse than

⁶⁰ Midwifery manuals, particularly Jane Sharp’s, refer to the material of the womb and vagina as a “matrix.” A matrix in this usage, as in a nail matrix or a hair matrix, is a composite bed of material in which larger objects may be embedded and from which objects are created and emerge. This usage bespeaks a clear mystery as to the womb’s ability to form a fetus, conceiving of it as a fertile soil bed in which a seed is sown and which nourishes that seed until it emerges as a sprout of new life, providing it with matter and nutriment on its way. There is a similar sense in which Pamela’s story appears to have taken on at this point in the novel a dark and unnatural life of its own, driven on by Luciferian forces.

⁶¹ Consider Terry Castle’s argument regarding the role of illusion in “P/B: Pamela as Sexual Fiction.” *Literature Criticism from 1400 to 1800*, vol. 138, 2007, pp. 148–238.

⁶² Erickson, 85.

uncertain: in Pamela's imagination, it is nearly impossible, in need of a miracle. Here Pamela is producing through her great powers of expressiveness an image of who she is, who she wants to be, and a sense of how she feels confined by her education and circumstances, but she is perpetually misread—by Mr. B, by other characters in the text, by readers outside the text, even academic critics, all of whom are complicit in a history of willfully misreading the text Pamela produces.

As Pamela begins to spin her plot of deliverance, Mrs. Jewkes tries, midwife-like, to prematurely deliver the text from her body before it is done, before it is ready, in trying perpetually to stop her writing or find evidence of it about her. She also, in my construction, perverts the typical role of the midwife in investigations; instead of looking about Pamela's body to uncover evidence of a rape, helping the girl to gain justice, she instead looks about her body forcibly for evidence of Pamela attempting to avoid that very crime and escape imprisonment. Mrs. Jewkes has notably masculine features, long associated with witches since at least the writings of Reginald Scot, and, in her early forties, she is past typical eighteenth-century childbearing age and at the time of her life when bawds and midwives were thought to be most active,⁶³ but she is not the hardened, even mechanistic, destroyer of girls that Sinclair proves to be. She is interested not in questions of right and wrong, but in the absolute authority of her master to tell her what right and wrong is, to discover it for her, in relation to what he would find most pleasing. Her construction of the world is hierarchical to the degree of an old Jacobite, tyrannical and absolutist in nature; what is right is what Mr. B asks to be done, what will give him pleasure, what he declares to be right after the fact. It is in her pact with him that she is most witch-like, and he most Satan-like; in giving up her power to make determinations of right and wrong to him, she has entirely surrendered any sisterhood to her own sex, any pretense of

⁶³ Ibid, 88.

keeping young girls like Pamela safe, and has in some sense given up her membership to femininity itself. As a midwife of plot, she can only bring ruin to fruition; in so doing, her identity has become fixed, and she does not open herself up to arguments or persuasions, or indeed to change herself or her course; instead, she is has rendered herself fixed and immovable, like a force of nature.

Pamela shows herself to be aware of the cosmopolitan world—perhaps from reading with and hearing Lady B and her guests talk—when she sees in Mrs. Jewkes all the tendencies of a London bawd, who might, with Mr. B, employ a “bully,” like Mr. Colbrand, to break her in, as was done in London bordellos to girls of Pamela’s rank and age, usually by way of deception, imprisonment, torture, violence, and assisted rape.⁶⁴ This knowledge only adds to the paranoid connections Pamela makes in her heightened watchfulness during her imprisonment, though Mr. B and Jewkes’s artfulness and contrivances are worthy of it; her watchfulness and care, her paranoid and forensic mind, are the only things that make her escape from such trickery seem probable, at the same time as they train the reader how to be watchful in turn. Jewkes is, like Sinclair and her inverted ladies, an enemy greater than Mr. B because she both knows and betrays other women, using her management of and access to their bodies to deliver them up to the hands of the masters, as she does to Pamela in the final rape attempt, even goading Mr. B on when he hesitates. Pamela attempts to leave a false evidentiary trail to give the impression that

⁶⁴ Pamela first makes these connections after reading a vengeful letter from Mr. B in which he discusses Mr. Colbrand and, in an unrelated paragraph, says he would like to see done to her that which she fears most and hear her lamenting throughout the groves; Pamela’s fearful mind makes the association between this threat and the mention of Colbrand, and even when Colbrand shows moments of compassion (standing up for her when Jewkes would beat her), the connection does not go away. Pamela calls him “that fearful Colbrand, and what [Mr. B] could see done to me” and then makes the connection to Jewkes, “a wicked Woman devoid of all Compassion! a horrid Helper just arriv’d in this dreadful Colbrand!” (*Pamela* 164). Knowing Colbrand frightens her, Jewkes tells Pamela about a later “hatching” plot as a “secret” to terrify her. Mr. B is thinking of “marrying me to this dreadful Colbrand, and buying me of him on the Wedding-day, for a Sum of Money!.... some Sham-marriage may be design’d, on purpose to ruin me: But can a Husband sell his Wife, against her own Consent?” (*Pamela* 179-180). Belford and Lovelace both allude to such practices in *Clarissa*, as discussed later in this chapter.

she has drowned, using bits of the very humble sad outfit she had sewn herself in Bedfordshire, evidence of her own devastation of spirit, as she sees this suit as reflective of her true, safe, honorable self, her innocent, unaffected (in both senses of the word) childhood self who would be safe in the bosom of her parents, which she had chosen and can never be again. In sacrificing this suit of clothes, she has signaled that there is no way back, that the only way out is through—whether by death or some other tribulation—and truly commits self-murder against a piece of who she believes and wishes herself most ardently to be.

It is Mr. B who often changes the direction of the story, even shading it linguistically, and it is he who then introduces circumstances which alter the language of the story from medical to legal, when he begins his final “Trial” of Pamela, in which Pamela responds and explicitly teaches the audience to read in an evidentiary manner. When B accuses her of being coy with Williams, Pamela says, “that's your Comment; but it does not appear so in the Text,”⁶⁵ a line that refers to the body of writing as a body of evidence, and which is almost lawyerly in nature, elevating her text as authoritative over the more ephemeral “comment” of Mr. B, as though it were nothing more than scrawled marginalia. Pamela has realized that she must create a legalistic, evidentiary proxy for herself and her story, that she can only make her experiences real and persuade others of their reality by writing them down in the language and forms of the ruling elite, otherwise they will vanish like the stories of so many other silent and abused serving and foster girls in apprenticeships across the country. Her account is a sacred writ in the form of in-the-moment testimony, a contemporaneous memo to ward off any attempt by greater cultural and social powers that would attempt to retell her narrative, who would seek to rewrite her (just as Fielding indeed does in his *Shamela*) as a grasping, lying servant whore in the annals of history, or who would seek to see her silenced and silent like her brethren.

⁶⁵ *Pamela*, 230.

What follows is what Erickson brilliantly calls “a disturbing rape of the text,” perhaps the only accomplished rape in the book, as B demands to see Pamela’s writings, and threatens to strip her in order to have them, thereby “ungirding” her of her armor. The “sad outfit” which stood in for her body in the drowning incident in the pond, is not displaced by her “sad story,” which she must similarly give up as evidence in B’s so-called trial (here taking the place of a public trial, in a perverse and tyrannical use of his power as an aristocrat and magistrate), giving up her one way of imposing order and evincing some control over her experiences, as well as exerting authority over her story. I would go still further, and state that the stripping of her papers, the likening of them to her body and the threat (and hence conjuration) of the specter of stripping her clothes, taken together with the overall importance of Pamela’s management of the text and her implements of writing, which stand in for her management of her own body, clothing, and eating, makes Mr. B’s actions a real representation of rape, making his physical attempt on her thereafter a kind of redundant formality. Much of the action of Pamela’s time at Lincolnshire concerns Pamela hiding and managing her papers, making them a clever stand-in for her body; with much of the novel’s tension focused on them, Mr. B’s triumph in taking them off her is a triumph on his part, and a violation for Pamela and the reader, allowing him to come between the reader and their pure relationship with Pamela as conveyor of her experience.

Richardson always renders his heroine's unconscious during the physical assaults on their body, which is a strength masquerading as a weakness in his writing, pointing to the absolute lack of representation of the act of rape from a woman's perspective in his time. Even in the trial records, women’s depiction of rape is oblique, as I have shown in earlier portions of this dissertation, and they never speak of the psychological reality or the physical experience attendant on the act. Fittingly, their questioners never ask, and seem disinterested at best, as

though the act of rape were just an inconvenient and unwanted, but otherwise equally pleasurable, version of desired coitus. Men's stories of raping, their beliefs about rape, their tales of conquest, are everywhere in the eighteenth century, spanning Restoration and libertine literature; we can see this in small (and in epic) in *Clarissa*, where Lovelace writes floridly about rape from his perspective, while Clarissa's actual experiences of it in the moment are entirely elided, cast into a void where Richardson cannot follow. He can, however, imagine the psychological reality thereafter, and he can see the social reality of rape around him, the tragic rape and tearing down of an innocent individual, and he dutifully depicts that as a lived story from Clarissa's perspective, drawing a Christian fable from this void of knowledge as if drawing a child from the dark world of pre-birth. Like Job, Clarissa (in her research) seeks the narrative written by Lovelace so she may wear it, and her innocence, like a crown, a saint's halo, the mark of her triumph over her Satanic adversary. Clarissa's act here is to transform her physical rape into a textual and spiritual victory, the birth of an eighteenth-century hagiography, while Pamela transforms the threat of stripping and rape of her text into a physical victory, ascending to the ranks of the aristocracy, by transforming Mr. B from demonic rake to sympathetic reader. Lovelace must be overthrown, his version of events sublimated; Mr. B can be redeemed, can be brought to see the "rightness" (not just correctness, but moral rectitude) of Pamela's version of events, her emotional perspective of his "plot," and her moral interpretation of his actions, a transformation Lovelace continuously resists, even when he admits to his own physical guilt.

Envy and Black Magic

Why did we turn in the end—perhaps back to the beginning—to midwives and witches? An accusation for *maleficum*, for malignant witchcraft, for the employ of the evil eye, is among

the most common across the world, and belief in malignant witchcraft and the malignant glare of the evil eye remains common to this day. What is clear across review of the histories of witch belief in Europe in the late Renaissance and Early Modern period, leading into the eighteenth century, is that an accusation against a person—most often an old woman, though not universally—often came after a long accumulation of incidents, not unlike the accumulations of incidents that make up the body of a novel, all attributed to the individual, so that the actual accusation appeared as a sudden explosion, a torrent or exegesis, leading perhaps to a communal catharsis. The witch's life (most often a woman's life), signs scattered across her body from birth or age, the symptoms of her behavior, scraps of rumor and cast-offs of ill-tempered words between neighbors, all come together as evidence and compose the "case" of a witch's trial. It is a primary example of a situation in which a woman's entire life can become the corpus of a case against her, allowing interlocutors to discover through the kiln of the trial—social or legal—who she really was all along.

Histories and criticism struggle with motivations, however. As we will see, most of the histories of the witch craze and persecutions either advance a socio-psychological theory for witch belief or examine the material conditions, the environment, in which full-throated witchcraft accusations and trials persist. Some confine themselves to case studies of particular witch trials or clusters thereof, to avoid making sweeping generalizations. They instead furnish, as needed, a study of a particular environment and history which may then be compared to another if appropriate. Witch trials are particularly fruitful for examining the psychological realities of witch belief, because they provide a written record of testimony, witness statements, and confessions, while everyday witch belief that never amounted to a recorded trial is commonly lost to the past, dispersed into the air of dissipated conversations and the ashes of

long-dead minds. So while witch trials were steadily vanishing, the extent to which belief in witches, spirits, and curses were truly relegated to the past, in rural English communities especially, is harder to nail down. Given the murder of Ruth Osborne in 1751 to ducking, it is clear that witch belief in the populace persisted well after the 1735 Witchcraft Act was passed, and that the mindset of the elite plainly differed from that of everyday people in small communities.

Most witch belief appears to be intensely personal; it is a mode of paranoid evidence-gathering that can persist over decades, being the guilty and sometimes shameful belief that a person with objectively less power than oneself is still, nevertheless, tyrannizing, bullying, victimizing, or otherwise evincing unseen power over the believer. As a psychosocial phenomenon that persists in relational and descriptive language, therefore, we can see the motivations and continued existence of witch belief (and its antecedents) long after formalized witch trials die away, and other forms of persecution inevitably take their place. Literature—particularly literature that very evidently explores both the psychology of its characters and rang true with the audiences of its time—provides a clear view into these motivations, which resonated then as they do today. What is also clear of witch belief is that accusations are most often made by the comparatively privileged: the hale, the able-bodied, the young or middle-aged, the propertied, the well-off, the independent—against the comparatively worse-off: the sick, the infirm, the old, the poor, the dependent. Macfarlane writes that “witchcraft occurred after neighbors had fallen out over their mutual obligations... repaying lack of charity,” allowing a change in stance between neighbors in conflict wherein “the responsibility for conflict [lies with] both accuser and accused.”⁶⁶ By the eighteenth century, the slowing of such explosions of

⁶⁶ Alan Macfarlane, *Witchcraft in Tudor and Stuart England: A Regional and Comparative Study*. London: Routledge and Kegan Paul, 1970. Pp. 215, 174.

accusations make perfect sense, as increasing urbanization and decreasing interdependence between neighbors introduced greater distance and privacy to communities; tensions rose instead within households, as inside the larger estates like Mr. B's homes or Harlowe Place, where such interdependencies and closeness attained, within a wholly governed private sphere where the patriarch was a little king. Where such interdependencies remained, witchcraft accusations against the poor, against older women, and against widows especially, were a means by which the better-off, otherwise obligated to provide Christian charity, could dispel first their internal guilt and shame over uncharitable moments, and then eventually became a route through which they could dispense with their charitable obligations socially, whether in retrospect—by becoming the victim in a narrative of malignant black magic—or materially, for all the future, by completely eliminating a troublesome charity case through a successful witch trial.

The unconscious move by the powerful, magically transforming oneself from privileged into victim, appears to be common and, in many cases, both psychologically natural and even necessary for protecting one's ego and reputation. Christian charity is an ideal purposed to keep healthy communities thriving over time, and prescriptions against the sins of pride, wrath, envy, and greed all to some degree acknowledge the psychological reality that the daily exercise of taking care of others—and the psychological reality of being dependent on others—is difficult, rife with potential resentments and indignities, uncomfortable, awkward, and it can even be painful, on both sides. The dependent person—whether infirm, old, sick, poor, or powerless—has an evident cause and source for their suffering. Such dependents are obviously downtrodden, victims of circumstance, and are therefore societally permitted to moan, curse, and have their pain and resentment recognized to some degree; they are valid and consistently validated in their suffering, particularly through want, as well as through cultural narrative. The privileged and

independent, in the prime of life, perhaps, with ample food and resources, children, a place in the community, youth and health, may still nevertheless feel uncomfortable, used, strained, awkward, perhaps unrecognized or unappreciated, possibly overburdened and stressed, and—over time and through multiple negative incidents—they may come to feel resentment.

Resentment—*ressentiment*—is the opposite face of charity on the coin of obligation, and it is psychologically twinned, most often experienced alongside, the feeling of envy. I use the term *ressentiment* to summon the arguments of Nietzsche, but it is Dworkin’s use of the idea in *Intercourse* to which I would prefer to turn for this analysis. Dworkin describes Nietzsche’s concept of *ressentiment* exactly when she writes that a man “sees that powerlessness generates revenge, and revenge is what women accomplish in the sensuality he experiences as their dominance, his powerlessness.”⁶⁷ Rather than generating a system of slave morality, however, Dworkin writes that this *ressentiment*—what she instead calls by its synonym “hostility”—“emerges as the reason for the wrath of the misogynist,” a psychological justification for blaming the dehumanized target of thwarted lust and envious rage as the cause for those feelings, creating them intentionally as revenge for subjugation. Of this issue, Dworkin further writes that, “Men need inequality” because a man’s “sense of total possession, which the woman, as an object, must not suborn or he will suffer—the recognition that finally her body is not his [is] an agony to him, causing him real and unbearable anguish.”⁶⁸ Dworkin’s analytical move here is to reject the formation of a legitimate moral system through revenge for subjugation, and put the responsibility back on the societal aggressor—in the case of *Intercourse*, men and slavers—for blaming the objects of their subjugation and denying those objects (women) the equality that justice demands, as well as the right of refusal, and full subject status.

⁶⁷ Dworkin, Andrea. *Intercourse*. New York: Basic Books. 1987, p. 18.

⁶⁸ *Ibid*, 21.

What is helpful in Dworkin's analysis is the recognition that disavowing one's own responsibility to social justice, to ensuring equality, to fulfilling obligations to others, is psychologically appealing in the face of a real—not imagined—*pain* on the part of the privileged, who are accustomed to having access to the objectified labor or services of a subjugated class or sex. In Dworkin's figuration of the relationship, men experience a form of suffering upon meeting a woman's resistance or refusal; this suffering, a sign of weakness, is then sublimated into hostility, an active expression of strength, and resentment against a woman's perceived manipulation and coyness. A man's malignant suffering in the face of rejection is societally invalid; in Dworkin's reading of Tolstoy's *The Kreutzer Sonata*, the thwarted man is therefore envious of woman's sexual power over him. I would go further and suggest that the privileged person is envious of victim status itself, of the right to have one's pain recognized and taken seriously, the right to moan and to be heard, the right to demand societal action and redress for wrongs. Envy is culturally a woman's sin; it suggests weakness, veniality, vanity, pettiness, cat fights and hair-pulling, evil stepmothers glaring malevolently at beautiful virgins, childless midwives killing healthy babies and ugly witches cursing lovely young mothers.

Envy is the stuff of fairytales and folk myth, of the stories old women tell children. Therefore, it is entirely natural that both *Pamela* and *Clarissa* are rife with envy. Unlike lust, greed, wrath, gluttony, even sloth at times, envy is not a sin that gives pleasure; it is ego-wounding, particularly when it stabs the heart of an apparently superior individual. In both novels, the principle male aggressor struggles, apparently helplessly, with desire for a girl who is—or should be, by his own estimation or ideology—beneath him. Pamela and Clarissa are both apparently capable of controlling themselves and turning away from desire and the worldly comforts and status Mr. B and Lovelace represent, with a kind of self-possession these men do

not share. Mr. B is helpless in the face of his thwarted lust, continuously trying to master himself and failing, toddler-like, to control his whims and desires for his mother's favorite servant, a fact that is simultaneously a transgression of rank and family affection. Lovelace is captive to his own desire for revenge, tangled further and further in his own plots, insulted that the Harlowes would treat him as the thing that he is—a dissolute nobleman of a dying house, a libertine who means their daughters ill—and not what he and society would have him be, which is socially superior, by dint of blood right, and above their *nouveau riche* pretensions; Clarissa's haughtiness and refusal of him may as well be the Harlowes' avatar.

The specters of witchcraft, charms, enchantment, and sorcery appear quite often in Richardson's two novels, as well as the abuse and destruction of female characters; this circumstance is chief among my reasons for choosing his novels to be read alongside the narratives of abuse and rape in the period. That Mr. B and Lovelace, as well as numerous side characters acting in oppressive roles, choose words like "witch," "bewitchment" and "charmer," and use them so frequently, is no accident; as belief in actual witchcraft and Satanic conspiracies as sociological phenomena diminished in English life, the words remained and remain in the language, particularly in the psychological dreamworld of misogyny, and underpin the logic of tyranny. Their use reflects the psychosocial realities flowing beneath the text and the mental worlds of the characters, and particularly reflect the themes of trial, virtue, evidence, and forms of paranoid forensic reading that have female bodies and behavior at their center. Crucially, the conceptual ground of rape, abuse of women, and witchcraft or charming go hand-in-hand, and they are inextricably linked.

Lovelace's use of the word charmer is, like Lovelace himself, highly literary. It is evocative of Shakespeare, who uses "charmer" in *Othello* to very different purpose, wherein a

charmer is a dangerous figure, a woman who “could almost read/ The thoughts of people.”⁶⁹ The word may be seen in similar fashion to Lovelace’s usage in Gay’s *The Beggar’s Opera* and in amatory fiction; Haywood’s rapist-hero D’elmont in *Love in Excess* uses “charmer” in reference to his targets right at the moments when he most seeks to ravish and ruin them. Quite like Lovelace and very tellingly, D’elmont refers to one lover (here Amena) as “Thou Inhuman and Tyrannick Charmer” while working to tempt her out of her window for a sexual assignation, against her wishes and good sense.⁷⁰ D’elmont repeatedly refers to Melliora as his Charmer, including an instance wherein he describes his attempt to rape her in her sleep, while he writes this incident back to her as that moment “when sinking, dying in my Arms, my Charmer lay!”

Similarly, Lovelace uses this word for Clarissa more than a hundred times in the text, almost always as “my charmer,” quite often in moments of pique, high passion, and particularly with impatience. As a prime example, Lovelace and Clarissa find themselves in grave conference “when Dorcas came running up in a hurry — she set even my heart into a palpitation — thump, thump, thump, like a precipitated pendulum in a clock-case — flutter, flutter, flutter, my charmer’s, as by her sweet bosom rising,” here figuring Clarissa as a bird and Lovelace as a piece of clockwork, an automaton—figural references to her caging and rape in Lovelace’s conception of women as birds, as well as his feeling later that he is used by Sinclair as an automaton to fulfill the ends of her house. In the same scene, begging Lovelace to be careful of her brother and his agent, Lovelace responds by editorializing to Belford, “Charming dear! — Thou seest, Belford, she is afraid of leaving me! — O the little witchcrafts!” Here, “little witchcrafts” are seemingly synonymous with Clarissa being solicitous for people’s well-being, her surprising him, and even with Clarissa being respectful in order to prevent Lovelace from

⁶⁹ William Shakespeare, *Othello*. Act III, IV: 57, 1622.

⁷⁰ Eliza Haywood, *Love in Excess: Or, The Fatal Enquiry, a Novel. In Three Parts*. 6th ed. London: Printed for D. Browne, Jun. and S. Chapman, 1725.

doing something rash. To charm is to imbue something, such as an object, with magical attributes and thereby transform them from the everyday to the special. To be a charmer, to engage in the act of charming, is to have a power of fascination and attraction over another person and to seemingly perform that verb, *to charm*, purposefully in order to effect an outcome. In the language of Lovelacean, perhaps Luciferian, opposites, the person “charming” here—imbuing everyday actions with special meaning, through the insistent power of his own willful mis/reinterpretation—is Lovelace himself.

Clarissa and Pamela’s power to charm or bewitch is seemingly felt or experienced, or witnessed by others, by many of the texts’ chief malefactors. Certainly, Clarissa has a form of power over Lovelace, Pamela over Mr. B, and both men experience this power in negative terms. Mr. B confesses to being unable to throw it off, feeling debased by her charms. “I have enough demean’d myself to take so much Notice of such a one as she; but I was bewitch’d, I think, by her,” he admits, linking his feeling of diminishment and humiliation—of hungering and chasing after a servant girl—with the idea that she has bewitched him, that he is moved by a force outside himself because he cannot control his desires, and therefore blames their object as the source.⁷¹ Never mind that Pamela has run from him with such force as has ripped pieces from her dress, said no to him several times, told her superior in the household under clear threat of retaliation, and so on. B is very firm in his insistence that Pamela is a witch, using the term in anger and as a form of directed dehumanization, coupling it with the deflection that she is also a slut: “Mrs. Jervis, said he, not speaking to me, I believe this little Slut has the Power of Witchcraft, if ever there was a Witch; for she enchants all that come near her. She makes even you, who should know better what the World is, think her an Angel of Light.”⁷²

⁷¹ *Pamela*, 35.

⁷² *Ibid*, 49.

Here Mr. B retains in his statement his era's skeptical perspective on the existence of witchcraft, while still seemingly believing in the supernatural nature of Pamela's ability to attract him and convince the people around her of her innocence; his own psyche insists to him she must be a bewitching slut in order to protect itself, and therefore other people of sense must be experiencing some form of enchantment. For Mr. B, the sheer force of his desire, which causes him to endanger his reputation and his family, to act against his own best interests, could only be (in his mind) advantageous to Pamela as the inferior in the relationship; therefore, it must originate with her. In so doing, he has transformed her from victim to oppressor, and thereby switched places with her, creating the situation where it is appropriate to ensnare, trick, imprison, try, and gather evidence against her, and this switch justifies on some level the paranoid and evidentiary mode of reading, the constant stripping of Pamela for further information to be used against her, that ensues. It also justifies placing her in the hands of a "worthy" cunning woman, a kind of twisted midwife and matron, in the person of her jailer Mrs. Jewkes, who will assist in the gathering and detecting of that evidence.

The text treats on the topic quite directly, as Pamela herself comes to believe the Lincolnshire estate has been infiltrated by Luciferian powers through Mr. B's wicked acts, all conspiring to enchant and bewitch her. Having been accused of witchcraft multiple times by Mr. B, and being quite young and impressionable herself, and being herself in a heightened state of terror at the idea of escaping into an unfamiliar countryside far from her parents, Pamela perceives that "there is Witchcraft in this House; and I believe Lucifer is bribed, as well as all about me," and asks her parents (abstractly at this point) "Do you think there are such things as Witches and Spirits?" Her fears spike in conjunction with her worry that Mrs. Jewkes (figured as the witch in Pamela's mind, though she never calls her that out loud) has gotten the bull (with its

fiery eyes, perhaps a familiar spirit) on her side.⁷³ For Pamela, the specter of Lucifer—most often linked with and resting in the body of Mr. B, but also in his house, in his garden, and, finally, in her own mind when she contemplates self-destruction—is far more real and looming than the idea of witches. Perhaps summoning the old idea of the Satanic witchcraft conspiracy, Pamela refers to “Lucifer himself in the Shape of my Master,” as though in fear that she may find herself in a cabal with the devil and a witch in fact, if she allows herself to succumb to his temptations.⁷⁴ As such, Pamela too finds herself reading the situation with the same form of paranoid, terrified reading, finding evidence of the devil’s machinations in the landscape itself, scries evil in the face of a garden and a fishing pond, and detects despair lurking in every corner; in this darkness, she discovers that her greatest enemy, *the* enemy, is within, pervading her own powers of perception.

The most impactful instances of “bewitchment” in both texts come not from the men, but from the stories’ female side characters, as they represent less a sublimation of humiliated desire than it does sheer accusation, an envious desire to destroy. Mrs. Jewkes most often refers to Pamela’s “Fetches” rather than bewitchments; as is typical of different characters in a Richardson novel, Mrs. Jewkes has her own particular vocabulary, making her appear more like a genuine individual. Pamela writes that Mrs. Jewkes “whisper’d me, I am afraid of some Fetch! you don’t use to send of such simple Errands—What Fetch? said I; it is hard I can neither stir, nor speak, but I must be suspected—Why, said she, my Master writes me, that I must have all my Eyes about me; for, tho’ you are as innocent as a Dove, yet you’re as cunning as a Serpent.” *Fetch* especially is a wonderfully loaded word, referring to angling and reaching across long expanses of water, which invokes Pamela and Mrs. Jewkes’s practice of fishing while trying to

⁷³ *Ibid*, 152.

⁷⁴ *Ibid*, 209.

outmaneuver one another. It is also a word referring to a far-reaching argument, a trick, a stratagem, especially in the eighteenth century. In this latter usage, the word appears to have some relationship to the Irish Fetch, a spirit who doubles as a living person and prognosticates their impending death (note that Pamela will consider suicide on the bank of this very pond). Here too Mr. B has warned Jewkes to see in all Pamela's virtues their opposites, to read cunning into innocence, hence making actual innocence impossible, and to imbue all of Pamela's requests with special, seemingly spiritual power of bewitchment and enchantment. Having been set up to read ill intent from the outset of her relationship with Pamela, Mrs. Jewkes becomes her most perverse and merciless reader, stripping Pamela's body for meaning, and serving her up—both the girl's words and her flesh—for their master's pleasure.

The most devastating instance of witchcraft accusation, however, appears in *Clarissa*, not from Lovelace or even Sinclair, malign though they are, but from Arabella Harlowe.

You are indeed a very artful one, for that matter, interrupted she in a passion: one of the artfullest I ever knew! And then followed an accusation so low! so unsisterly! — That I half-bewitched people by my insinuating address: that nobody could be valued or respected, but must stand like ciphers wherever I came. How often, said she, have I and my brother been talking upon a subject, and had every body's attention, till you came in, with your bewitching meek pride, and humble significance? And then have we either been stopped by references to Miss Clary's opinion, forsooth; or been forced to stop ourselves, or must have talked on unattended to by every body. She paused.
Dear Bella, proceed!
She indeed seemed only gathering breath.
And so I will, said she — Did you not bewitch my grandfather?⁷⁵

Arabella's paranoid and passionate accusations nestle into the very core of Clarissa's heartbreak, and they lie the very center of her breach with her family—they are a dark premonition that matters cannot be made right again, and as far forward as her disordered writing after the rape, Arabella's accusations are clearly still haunting Clarissa's mind. Charlotte Harlowe never appears to suspect that her son and elder daughter feel this way; to Mrs. Norris, she writes

⁷⁵ *Clarissa*, 176.

that James and Arabella own Clarissa as their superior, and that they never envied her, displaying a stunning case of parental blindness regarding the state of her own family and children, and the extent to which her weakness has caused her to retract from her household and parental duties, leaving Clarissa to take her place from a young age and seeing to her domestic cares.⁷⁶ Clarissa is also clearly shocked by the “unsisterly” nature of Arabella’s outburst, not just in terms of their consanguinity, but as fellow women, for Arabella’s accusations of witchcraft are tinged with grotesque and incestuous sexual envy, intimating, “How did he use to hang, till he slabbered again, poor doting old man! on your silver tongue!” Clarissa sees in Arabella’s envy the seeds of her misfortune, the causes that brought about the great curse of envy; she wishes she had not been left their grandfather’s estate or given any distinction and thereby draw their ire, but it seems plain from Bella’s words and her passion that the estate was only a pretext, a focus on which to hang her envious feelings—for in being superior to Arabella in looks, in nature, and in talents, in drawing the eye of her former lover and causing him to cast her off, and in eclipsing her in everyday family exchanges, Arabella would always—clearly *has always*—felt a profound envy for her younger sister, which lay in wait with eagerness for a day when she could unleash its violence upon her.

What is clear as well from this minute accounting is that Arabella, in a highly motivated state, has been stocking these moments up in her mind, recalls them with the crystal-clear eye of envious remembrance, and has been amassing them as evidence for a trial she could only hope would someday be at hand. It is an older sister’s right—certainly felt, if not always actualized—to be superior in some way to a younger sister. Clarissa has the preeminence, the beauty, and the talents not simply of an ordinary, if somewhat enviable, little sister, but is something like the

⁷⁶ *Ibid*, 661. Mrs. Harlowe writes that “they confessed themselves eclipsed, without envying the eclipser. Indeed, there was not any body so equal with her, in their own opinions, as to envy what all aspired but to emulate.”

unlikely youngest sisters of fairytales. She is a Beauty, or a Cinderella, and Arabella's envy is in proportion to finding herself, seemingly from Clarissa's early childhood, in the nightmare position of being the *other* sister in a fairytale. Arabella deals with this by turning the tables, by locating in the object of her envy, her sister, the source of her malign feelings; in her accusatory imaginings, she makes Clarissa a witch, everyone around her into mute and bewitched ciphers, while Arabella alone, the veil having fallen away from her seer's eyes, sees Clarissa for what she really is. This enables Arabella to be not only the victim, eligible for compassion in her own mind, but a kind of truth-teller and heroine, the titular character in her own tale: the neglected sister (a kind of Cinderella) of a thieving and bewitching serpent.

Richardson's move in these novels is to explore the psychological realities of fairytales and mythic legend—not just what Cinderella or Lucretia would look like in the eighteenth century if their stories were to happen, but how it might *feel* to be Cinderella or Lucretia. He thus uses the epistolary form to establish these figures as truly virtuous according to eighteenth-century standards, to make them feel like real Christian girls and true exemplars, and not just-so characters who are virtuous because the narrator says so. In other words, he works to prove—through their writing, the exposure of their hearts and conversations, and the corroboration of witnesses in the ever-widening case history of their lives—that they are virtuous, and that their virtue feels probable, a human rather than angelic characteristic. In so doing, Lovelace and Mr. B act primarily as antagonists in the case, as *satans* in the original use of the term—accusers who question the veracity of every claim, arguing for the prosecution. Yet increasingly, the psychology of the opposition comes under scrutiny; by the second half of *Clarissa*, it is Lovelace himself, all his plots and even the attempted reconciliation of the two families, and not just his

prosecution of *Clarissa*, that starts to unravel and come undone, as if society itself is fraying at the edges, warping around the rotten core of the rape.

Cinderella Stories

The story of *Clarissa* possesses a notable three-part structure, with the first portion—Clarissa’s conflict with her family, the establishment of the twin correspondences, the mirrored narrators (Lovelace and Clarissa) and their “readers” (Anna Howe and John Belford)—creating a rich bed of context and psychological, familial soil to nourish the rest of the novel. There is a strong sense in this long tract of pages of a world turned upside-down, of something being not quite right, not simply in the Harlowes’ household, but everywhere. Anna Howe is willful and mocks her very sensible suitor; Lovelace, a young nobleman, roves without parental control or the bounds of *noblesse oblige*, seemingly without any responsibilities at all. James Harlowe Jr. rules over his family and causes his father to give up his own jurisdiction over his daughter. While much has been made of the differences between Lovelace’s family and the Harlowes—perhaps because Lovelace himself makes much of it—one must admit a great deal of similarity between them as the evidence accretes over the novel. Whereas the two rich and powerful families in *Clarissa* are positively bursting with female children and relatives, including “fictive kin,” they both possess a dearth of male heirs, all the fortunes of several estates slated to concentrate in the next generation in the hands of a single domineering figure (James Harlowe and Robert Lovelace), who through the precarious state of this arrangement may tyrannize and rule over their elders and female kin alike.⁷⁷ It is in this strange context, where these male

⁷⁷ Richardson is gesturing to a real phenomenon in the late seventeenth and first half of the eighteenth centuries, wherein the monied classes in England experienced an alarming fertility crisis and an extreme lack of male heirs. As a consequence, many ancient seats were passing down to heiresses where the male line had failed, and through a number of other legal, familial, and linguistic fictions. This rash of aristocratic and genteel infertility might have

children have become like little gods over their elders, where young women like Arabella and Anna have become unleashed, spirited, and scornful of parental control, that the main action of *Clarissa* begins.

In this context, Clarissa appears to be loved and approved of by all the elders in her family because of her perfect sense of duty; she is pleasing and helpful, devoted to making them happy and seeing to their needs, and so of course they approve of her, and their conditional approval and temporal comfort under her ministrations are mistaken for unconditional love. Clarissa takes onto herself the blame for her family's wrongs and marks herself as the cause of their sin because she sees her link with them in the Humean sense, as indissoluble, and suffers to see them suffering due to her ties with them and her view of that family relationship.⁷⁸ Clarissa, who does appear to believe, unlike Anna, that her family ties are indissoluble (at least so long as she is unmarried), also does not wish to dissolve her ties to her family by marrying Lovelace, and similarly refuses to create such an immutable tie between herself and him, a bond which she rejects up to her death and through her will. It is one of the central points of difference and contested will between Clarissa and Lovelace, who continues to claim her to the point of claiming her very corpse and embalmed heart for himself, revealing how little he understands (or wishes to understand) her character.

Clarissa's view of her relationships to her family members is indeed Humean, unbreakable, sympathetic, partial; it is the greatest weakness in her powers of reasoning, in her ability to read evidence around her and apportion blame and causality fairly. While Clarissa is a

been due, in my opinion, to the commonness of gout in that class, as it greatly increases a man's chance of experiencing erectile dysfunction. For more on the historical phenomenon, see Lawrence Stone and Jeanne C. Fawtier, *An Open Elite?: England, 1540-1880*. Oxford University Press, 1986; for a reading on its impact on *Clarissa*, see McCrea, Brian. "Clarissa's Pregnancy and the Fate of Patriarchal Power." *Eighteenth-Century Fiction*, vol. 9, no. 2, 1997, pp. 125–48.

⁷⁸ For more on Clarissa's Humean family feeling, see Suzanne Taylor, "So Close a Connection: Painful Associations in Samuel Richardson's *Clarissa*." *ELH*, vol 84, no. 1, 2017, pp. 91–115.

moral authority in the novel that bears her name, her perspective is not universally right nor unassailable. Lovelace and Anna Howe both discuss Clarissa's exclusive and partial love of her family as though it were a sort of fault, as it prevents her from protecting herself—and indeed the Harlowes themselves—from the harm the novel's plot brings down on them and the societal censure that comes with it. Richardson's novel is primarily a psychological one, and Lovelace himself comments, practically despite himself, that Clarissa's love for her family is "babylike": "Something more than woman, an angel, in some things; but a baby in others: so father-sick! so family-fond!"⁷⁹ Later he says she is of "baby age" when wondering at her wisdom and caution.⁸⁰ All this serves to remind the reader that Clarissa is eighteen years old, unmarried, a gentlewoman, disallowed from laboring to earn a living without damaging her reputation and prospects forever, and without proper family protection, from the moment her family sets their sights on her marrying Solmes. She is a teenager who is not simply unwilling, but *unready* to marry,⁸¹ partially because her close family relationships—once a source of great pleasure and self-worth—have become disordered and incredibly unstable, and have been marred by cruelty and trauma, which Clarissa feels she must repair first before she can think of changing her condition. If the family relationship is the foundation on which Clarissa's conceptions of self are built—and many of the things she says seem to support this supposition⁸²—then the profound disordering of this foundation renders her incapable of sure movement into adulthood.

⁷⁹ *Clarissa*, 574.

⁸⁰ *Ibid*, 645.

⁸¹ Consider her musings on marriage on page 126, that "Marriage is a very solemn engagement, enough to make a young creature's heart ache, with the best prospects, when she thinks seriously of it! — To be given up to a strange man; to be engrafted into a strange family; to give up her very name, as a mark of her becoming his absolute and dependent property."

⁸² "I was the pride of all my friends, proud myself of their pride." *Clarissa*, 338. "When you first came acquainted with our family, you found the writer of this one of the happiest creatures in the world; beloved by the best and most indulgent of parents; and rejoicing in the kind favour of two affectionate uncles, and in the esteem of every one." *Clarissa*, 137.

As often happens with trauma, Clarissa is frozen, her development arrested, at the moment when her family's confinement and cruel treatment of her begins. Clarissa writes that she "shall never wipe off the stain which my confinement, and the rigorous usage I have received, have fixed upon me; at least in my own opinion."⁸³ Anna upbraids Clarissa a few times during her confinement for refusing to tell her everything about the Harlowes' ill usage, as if she were attempting to protect them from Anna's censure—and perhaps she is—but there is more to it than that. Describing one's own degradation is *in itself* degrading, humiliating, a severe mortification. To describe its particulars is to confirm its reality, to cement the actions that degrade the self and fix them outside the private sphere of lived experience, to put those instances down in writing, to make them more real than they were before, as facts that can be confirmed and are known abroad—in effect, it is to depose and record them as recallable notations, as a form of potential court document, as evidence. It is the change the nature of their reality from mutable, dreamlike, psychological, into one that is firm, unchanging, legalistic.

That Clarissa might hold back some details of this degradation is in no way shocking; to do so is psychologically true and makes her seem like a real individual. Likewise, Clarissa's sense that she shall never remove the "stain" or the blight of her family's mistreatment and imprisonment of her is a way of saying that she is deeply traumatized by it. Her family's suffering does not cause her suffering sympathetically; rather, the Harlowes' actions, imprisoning and degrading and withholding their love the moment she has ceased to be perfectly pleasing, debasing the permanence of the family bond, all to impose on Clarissa a marriage she does not want, are at the foundation of her suffering. That she experiences this destruction especially at the hands of her envious sister, and receives no mercy from her servile mother, only serve to compound her suffering, because it is a betrayal not just of the family bond, but the bonds she

⁸³ *Ibid*, 356.

expects among the members of her sex,⁸⁴ of the protective sympathy that should exist in sisterhood and in the mother-child bond, a prefiguring of further betrayals to come.

Clarissa returns from Anna's to find her world turned upside down, her family turned against her, a new Harlowe sibling (Solmes) in her place, and made to think herself half-mad as she asserts sanity, reality, even the past itself to her family, who appear to deny it out of hand. The Harlowes court Solmes not necessarily to obtain a property marriage, but instead use him as a pawn to achieve their own ends,⁸⁵ which is to keep Clarissa for themselves; their cruelty does not originate with Solmes, but was present all along as a possibility, something Clarissa cannot bring herself to recognize, as an object of too great a horror. Clarissa has served them well as a daughter, as an excellent Harlowe, as a dutiful child who prolonged her grandfather's life, and that the Harlowes wish to maintain her in that role—as an ornament to them—rather than surrender her to one of the many suitors attracted to her because of that very excellence, especially Lovelace, whose triumph would be a victory over them, a sharp sting of vengeance.

I emphasize the family dynamic here and the Harlowes' machinations, covered so well by other critics, to underscore the reasons why I believe Clarissa's confinement is so cruel and traumatizing for her; her marriage to Solmes does not condition the severance of family ties, but is in fact a condition set by the Harlowes to restore them. In essence, they are proposing that

⁸⁴ Consider the strength of her friendship with Anna Howe and her ideals around sisterly affiliation.

⁸⁵ John Allen Stevenson quibbles with Christopher Hill's thesis that Richardson was a reformer against the idea of property marriages and parental dictates in strategic marriages, cautioning likewise against disarming or disinfecting the Harlowes' particularly "nightmarish brand of compulsion" by chalking their actions up to literary convention or the simple needs of the plot. Rather, Stevenson powerfully argues that the Harlowes are merely using the appearance of a property marriage to disguise their true aim, which is to escape and flout the nearly inescapable requirement imposed by their society that they give up Clarissa to another family via the marriage tie, suggesting that they are flouting, in some form, the incest taboo. His idea is not that the actual physical indignity of incest is being visited on Clarissa, but rather that the Harlowes seek to marry Solmes into their family rather than relinquish Clarissa. They accomplish this by rendering Solmes as Clarissa's replacement; in the nightmare bizarre world of lurking incest, Solmes becomes the unconditionally loved replacement, the new sibling, on the inside, while Clarissa is rendered strange, the Harlowes' love for her abruptly conditional and unfamiliar. See Stevenson, "The Courtship of the Family: Clarissa and the Harlowes Once More." *ELH*, vol. 48, no. 4, 1981, pp. 757–77, and Christopher Hill's foundational "Clarissa Harlowe and Her Times" in *Essays in Criticism*, vol. 4, 1955, pp. 315–340.

Clarissa marry back into her own family. In fact, Mr. Harlowe refuses to be present at the wedding, and likewise forbids his wife as well, and they will not see her until "all is over" and they have a good report of her behavior,⁸⁶ which makes it impossible that her family—her father especially—could be giving her away in the orderly fashion in marriage. Rather, the marriage has the appearance of a private sham, taking place in Clarissa's room, as though it were nothing more than the ultimate trial of a wayward child, a test of loyalty, and when "all is over," Clarissa will find that it was just a test, a punishment, a trial by fire, much like God's request for the death of Isaac at his father's hands—both childish in its tyranny as well as a form of ritual sacrifice, and therefore deadly serious. These ideas are very much supported by the text, that the marriage to Solmes is a sham and a smokescreen, meant not only to frustrate Lovelace,⁸⁷ but to reincorporate the land left to Clarissa by her grandfather, such a source of contention in the family, which will revert to the Harlowes only if her marriage to Solmes is barren, a factor they can only guarantee by keeping her a virgin at home in a sham marriage.⁸⁸ In essence, it is a destructive attempt to heal a rift, to remove a source of envy. In the way of such attempts, as during trials for witchcraft, it has the effect of breaking down frayed bonds and ruining Clarissa's reputation, and it threatens her very concept of self.

The Harlowes aim is to keep Clarissa in a state of perpetual babyhood, their very own wife-daughter-sister in domestic servitude and management, bound in a fictitious marriage designed to keep other suitors at bay, because they do not trust or believe Clarissa's assertions that she wishes to continue unmarried; so long as there is a possibility that she can be possessed by another family, by a man they cannot control (as the specter of Lovelace suggests only too

⁸⁶ *Clarissa*, 172.

⁸⁷ The Harlowes assure Clarissa that, "Lovelace's hopes thereby utterly extinguished, [Solmes will agree] to leave you at your father's, and return to his own house every evening" (*Clarissa* 354).

⁸⁸ Stevenson, 767.

powerfully to their paranoid minds), they will feel forever threatened, and their familial bonds will remain disordered. It is especially important to note here that the conflict highlights the absolutely inadequate and even distorted nature of the female bonds in the household, which no action on Clarissa's part could hope to mend; her sister's malignant envy and her mother's gray servility were present before the crisis and will remain, exposed, and open, forever thereafter. Mrs. Harlowe and Arabella both make themselves handmaids—the former to James Sr. and the latter to James Jr.—to conspire in Clarissa's destruction, each for her own weak and cowardly reasons, circumscribed additionally by the limitations of their social and economic power. As such, they are handmaidens and midwives bringing forth and assisting in Clarissa's heartbreak. The greed represented among the male Harlowes, and Clarissa's unconscious aversion to it—well represented in her disgust of Solmes—goes far deeper than mere avarice for money and land; the male Harlowes are, were always and already, just like Lovelace, who frenzies to make Clarissa wholly his own even when she is a corpse.⁸⁹ They are “grievously disordered,” as the servants tell Clarissa, and the aim of her imprisonment and cruel control is to “deliver [Clarissa] up” to her brother.⁹⁰ Their desire is that Clarissa would always be a child, unthreatened by interloping suitors like Lovelace, so that threatening words and compulsive actions may not be necessary, and the private world of the family could continue on undisturbed, as if she had never grown up.⁹¹ In many ways, she never does. The Harlowes' desire is nothing short of an original sin, and it is a profound and invasive form of cruelty, forcing their daughter into a state of perpetual girlhood, never growing up or out of the house, disallowing and forbidding her sexual awakening as represented in her attraction to Lovelace, demanding total subjugation from her to

⁸⁹ “But her heart, to which I have such unquestionable pretensions, in which once I had so large a share, and which I will prize above my own, I will have. I will keep it in spirits. It shall never be out of my sight” (*Clarissa* 1627).

⁹⁰ *Ibid*, 90.

⁹¹ For more on this idea, see Stevenson, 768; also consider *Clarissa*, 74: “If children would always be children—parents—there she stopt.”

earn back what should be their unconditional love, forcing her to make a staged ritual sacrifice, to perform her obedience to them in the most profound way, before they will allow her to be a member of the family again. In their paranoid worry that they might lose Clarissa, the Harlowe parents—mother, father, aunts and uncles—show themselves willing to eat her alive.⁹²

In so doing, the elder Harlowes unleash upon Clarissa as their tools the heretofore bounded envious resentment and humiliating violence of her brother and sister. Their envy of Clarissa and Lovelace, Arabella's contention that Clarissa bewitches⁹³ just as Lovelace sexually conquers and dominates, drives them to redefine, degrade, and soil Clarissa such that she can never be Lady Lovelace, never reign over them in her glory or detract from their achievements, but become and remain the least of the Harlowes, subservient and childlike forever—their servant, stained by their treatment of her and through contact with the dominated, impotent, “odious” Solmes. Primal envy—the sin of *Invidia*, in all its ugliest forms—moves beneath the surface of the Harlowes' actions, and those of all the malicious actors in the text. Clarissa is, in no uncertain terms, a tragedy born out of the sin of envy, and as envy is the sin which gives no pleasure, it is therefore easy to see why even the Harlowes' achievement of Clarissa's ultimate degradation under her father's curse, their repossession of her body, and Lovelace's near continuous attainment of revenge over them, serve only to make them all, Lovelace included, intensely and deservedly miserable.

⁹² For more on ritual sacrifice and ritual cannibalism in the novel, see: Raymond F. Hilliard, “Clarissa and Ritual Cannibalism.” *PMLA*, vol. 105, no. 5, 1990, pp. 1083–1097.

⁹³ *Clarissa*, pp. 176. For more on the world of resentment, see: James H. Maddox, “Lovelace and the World of Resentment in Clarissa.” *Texas Studies in Literature and Language*, vol. 24, no. 3, 1982, pp. 271–292. Maddox's article is fascinating, if scantily cited, but despite highlighting Arabella's envy and resentment of Clarissa in the opening of his article, he ultimately focuses on the male psychological world of fascination, envious mirroring, and violence between Robert Lovelace and James Harlowe, rather than on envy among the women in the novel. His smartest observation is Lovelace's telling deception after the elopement that he is Clarissa's brother, saving her *from* elopement with a rake, figuratively placing himself in James's place. Taken together with Stevenson's article, there is clearly much to explore in the psychosexual competition, jealousy, and envy between the two men; for the purposes of my argument, I would point to the extraordinary passion of these emotions, powerful enough to morph and mutate familial relations and seemingly the logic of reality itself, rendering Clarissa's world a nightmare as she stands between her brother and would-be lover in their battle.

In the end, the Harlowes' and Lovelace's desire to have Clarissa is cannibalistic and impossible, frenzied, mad, disordered, ritualistic only in that it seems driven on to a predetermined end by its own procedural logic. James Sr. is reduced to having been the father known to have cursed his daughter, casting her away and never coming to her aid, giving the appearance that he wished her imprisoned in a brothel, raped, jailed for debts, and dead in less than a year after leaving his house, while Lovelace is degraded into a pathetic shadow, deliriously demanding her embalmed heart so that he can keep it in spirits, while pretending publicly to being her husband. There is nothing exultant or glorious in any of this, nor even heroic; the Harlowes and Lovelace are reduced, one by one, into pathetic figures, dim shades of their former selves, degraded lower than they ever degraded Clarissa, and all by their own words and feelings. Lovelace is not even struck down heroically in a duel, but taken by a putrid wound days later, oozing and suppurating and raving his way toward death.

One therefore wonders how *Clarissa* can be a Cinderella story without the hope and reassurance offered by the Prince Charming, who recognizes Cinderella's princess-like worth beneath the smear of ashes and whisks her away, providing her with a new family and a future, someone new she can love.⁹⁴ It is obvious, of course, how *Pamela* rhymes with Cinderella in this way, where Mr. B—an aristocrat born and bred—recognizes in Pamela instantly an inner beauty and worth which only grows upon him in time, transforming lust into love and shallow desire into sincere admiration, miraculous in its transformative effects. I would argue that there is something of “Beauty and the Beast” in *Pamela*, wherein the selfish and haughty prince must truly learn to love another better than himself in order to find his own inner beauty, and so transform back into a human being. There are intimations of the beast in Mr. B when he first

⁹⁴ For more on fairytales and their psychological underpinnings, see: Bruno Bettelheim, *The Uses of Enchantment*. New York: Alfred A. Knopf, 1989.

comes into his power, his intense desire mutating and changing his handsome mien into something ugly, driving him on to fraud, kidnapping, imprisonment, disguise, attempted rape; at the same time, there rests a glimmer of a better man inside, found in his ultimate unwillingness to hurt Pamela or force himself on her while she is terrified into convulsions or unconsciousness. In his withdrawals we see the hope that he can recover himself. Not so with Lovelace, whose rape of Clarissa—driven on by the “harpies” of Sinclair’s house while Clarissa is drugged—does not even assume the air of the heroic rapist or seducer when he extinguishes hope in his withdrawal. Even when he commits the rape, he is a defeated and pathetic figure.

Lovelace makes sense as a Prince Charming if one considers *Clarissa* a sort of Christian fairytale where hope rests not in this life, but in the world beyond—and, crucially, if one thinks of Lovelace as a sort of sadomasochistic Prince Charming, operating not to “save” Clarissa in the traditional sense by loving and respecting her unconditionally as her family should have, giving her a beautiful life, and helping her make a safe transition into adult womanhood as wife and mother. Instead, he exists to validate the keenly felt Cinderella-like sense Clarissa has—since experiencing her imprisonment and cruel treatment by her family, the resentment and bitter hatred of her siblings, the disappointment and conditional love of her parents—that she deserves her debasement and punishment. Clarissa perpetually feels, upon her return to a newly nightmarish Harlowe Place, that all is not right; her transition into adulthood has been interrupted forcibly by her family, violently disordered, and in the common fashion of those who are brutalized, she comes to believe that she deserves it—because the alternative is unbearable. Beyond the abasement of ego represented by the resentful enviousness of her sister particularly, what Clarissa faces in the gaping maw of her family’s cruelty is the truth: that they never unconditionally admired, approved, or loved her, but only narcissistically gloried in the status

and “eminence” her presence reflected onto them, and the comforts she gave to them through household management. She as daughter was not a person to be loved, but an ornament to be hoarded, a servant to pamper them and their wants, an unworthy who must constantly prove herself to them; when she refuses to bow to a demand, they make use of her instead as a receptacle of griefs, and they cast her away from themselves when they have repositied all their disorder into her bosom.⁹⁵

Clarissa has her suspicions about Lovelace from the very start, and she has few delusions about him being a true Prince Charming or her deliverance; at best, she sees him as a wedge, as someone who can give her enough distance, freedom, and leverage to help her negotiate better terms with her family, and a reentrance to their circle. However, her fear and trepidation, her endless watchfulness and caution with him, all conspire to reveal that she suspects the truth, that she has some premonition of the future ensconced in their intertwined fates together. In her Mad Papers, Clarissa reveals the workings of her mind on the topic. Her little parable of the Lady and the Tiger suggests Clarissa knew, or felt she should have known, that she was playing with fire when she sought to use Lovelace as a tool for her own devices; in assuming him tame, she hoped he had forgotten his nature, that which was native to his soil. These ideas repeat across the ten papers, underscoring the suppressed belief Clarissa has that she was to blame when Lovelace resumed his wonted nature, fell upon her, and devoured her whole.⁹⁶ These beliefs are psychologically true of trauma, though they should never be taken for actual complicity; it is supremely common for victims of abuse to believe the abuser’s contention that they, the victim,

⁹⁵ Consider Charlotte Harlowe’s letter to Mrs. Norton, wherein she says that, “In [Clarissa’s] bosom, young as she was, could I repose all my griefs — sure of receiving from her prudence and advice as well as comfort” (*Clarissa* 660). Here Mrs. Harlowe admits to leaning quite hard, not just physically, but emotionally, on her teenaged daughter, inverting the mother-daughter and parent-child relationship far earlier than is normal or healthy. Here too, Mrs. Harlowe writes that Clarissa gave “an eminence to us all.”

⁹⁶ *Clarissa*, 1011.

are in the wrong, and to take on the abuser's view of them as a final rape of the mind. Clarissa has a marked tendency to think in this way, and she particularly blames herself when she thinks of her own family, especially in her writing directly after the rape. In her Mad Papers, speaking of Lovelace more lucidly and more humanely, Clarissa reflects on her attraction to him: "Every body said you were brave: every body said you were generous: a brave man, I thought, could not be a base man... You seemed frank, as well as generous: frankness and generosity ever attracted me: whoever kept up those appearances, I judged of their hearts by my own; and whatever qualities I wished to find in them, I was ready to find."⁹⁷ In other words, Clarissa admits to being attracted to some of his qualities, to making excuses for him, for finding in him virtues that he did not have, or willfully believing the appearance of virtue he simulated because she wanted to believe.

This is a very adult, sober reflection, a form of self-knowledge that many fully grown people cannot attain; Clarissa here admits that she has been projecting, clinging onto hopes, allowing herself to be beguiled to maintain some shred of hope, and perhaps to avoid the sheer horror occasioned by her true situation, but now she must turn and confront it directly; she must truly begin to grow up. In another of the papers, Clarissa addresses her sister. After directly connecting herself with the Cinderella story in the paper directly preceding, in which she sees herself as "now humbled in the dust, thou proud Clarissa Harlowe," Clarissa writes to Arabella: "You penetrated my proud heart with the jealousy of an elder sister's searching eye... I thought, poor, proud wretch that I was, that what you said was owing to your envy... My supposed advantages became a snare to me. And what now is the end of all?"⁹⁸ Here Clarissa figures Bella as the jealous sister of the Cinderella story recovered, seemingly correct in her desire to push the

⁹⁷ *Ibid*, 1012.

⁹⁸ *Ibid*.

too-proud Clarissa/Cinderella into the kitchen ashes, far from the center of the family's love. Instead, the sister is a truth-teller, an arbiter of justice. The nightmarish, upside-down universe of Harlowe Place, the beginnings of the Cinderella story, have no reassuring ending in this life for Clarissa; in Lovelace, she has found not a soothing Prince Charming, but her punisher, her destroyer, a confirmation that her father's curse was real. For Clarissa, she is reassured in this dark moment that she has deserved her family's ill treatment all along. In so doing, Clarissa makes herself the *cause* of her family's disorder, and not simply its helpless victim, which is far more psychologically bearable—in her case, at least—than the powerlessness and utter dejection that exists in the cruel truth.

Prognostication and Tyranny

There can be no better compliment to a forensic text than to read it forensically. Therefore, let us begin this section with a question that has never been satisfactorily answered for me in the criticism: Is Clarissa pregnant in the second half of the novel? Contemplating the idea that Clarissa may be carrying his child, Lovelace writes that “it being as new to her, as the Bible beauties to thee, no wonder she knows not what to make of herself; and so fancies she is breeding death, when the event will turn out quite the contrary.”⁹⁹ Critics from Terry Eagleton (*The Rape of Clarissa*), Terry Castle (*Clarissa's Ciphers*), and Brian McCrea (“Clarissa's Pregnancy and the Fate of Patriarchal Power,” a shockingly unhelpful article on the topic) have speculated on whether Clarissa is “really” pregnant, and on what her pregnancy would mean. As I have outlined elsewhere in this thesis,¹⁰⁰ legally—and to a great extent, morally—Clarissa would have been seen to have control over any fetus connected to her body until it was detached

⁹⁹ *Clarissa*, 1320.

¹⁰⁰ See Appendix 2.

from her, and there would have been no sense that any child had been “murdered” through her self-destruction, nor that she had committed any wrong, before quickening could be detected. Given she dies within thirteen weeks of the only possible date of conception, it is impossible that she would have felt any movement in the womb by the time of her death; the earliest a woman feels a fetus move is around eighteen weeks from conception, though detecting movement in first pregnancies typically comes later, around twenty-two weeks.

Therefore, whether Clarissa is “really” pregnant, or that Richardson intends the reader to read the text as though she may be, is difficult to determine, and it is plainly left ambiguous for a purpose, like her memory of the rape itself and the extent to which she was conscious; for me, and for several other critics, as well as Clarissa’s correspondents in the text, the status of her pregnancy incentivizes a level of forensic reading that is both methodical and borderline maddening. Those critics who gesture to Lovelace’s impotence have very little textual evidence to work with; Lovelace tells Belford about a long history of women he has impregnated and even mourned after they had died in childbirth, as well as children he has provided for. His fertility credentials are therefore set (I believe that Richardson very intentionally corroborates his fertility and virility in this way, as he does for Mr. B); all he lacks is a legitimate child upon whom his family would prefer to bequeath their substantial pool of holdings. Lovelace is the last of his name, not the last of his blood.

The question for me instead centers around what Richardson presents about Clarissa medically and physically, and how that squares with what Richardson is likely to have understood about pregnancy and starvation.¹⁰¹ As I have elsewhere noted, there is certainly something psychosomatic to Clarissa’s inability to eat and keep food down, but there also

¹⁰¹ I am aware that my own sense of the probable is showing, but forensic reading and one’s sense of the probable, the coincident, and relationships between causes and effects are always intertwined.

appears to be something physical in it, as she tells the doctor that “Nothing you call nourishing will stay on my stomach.” It is reasonable, even probable, that Richardson, who had two wives and experienced with them their combined twelve pregnancies, knew that women experience morning sickness in the first three to five months of pregnancy; it is also possible that at least one of his wives, in one of those twelve pregnancies, experienced what we would call *hyperemesis gravidarum*, which is indeed a life-threatening condition, especially when taken alongside emotional distress like Clarissa’s. London’s teeming streets were at this time filled with hungry people, even starving people; Richardson need not have gone far to see the condition and what it does to people, and how long a person can live while starving. That Clarissa dies so quickly from starvation, considering that she is described previously as young and healthy, suggests that something is literally eating at her. Charlotte Brontë died of this condition while four months pregnant, suffering from starvation and dehydration, and while the cause was unknown in former centuries, its existence was inarguable and could be fatal. It is from a fictive, quicker-operating version of this condition that Richardson may have imagined Clarissa to be suffering.

It is my belief that Clarissa declines to tell her relatives, or anyone else, that she might be pregnant because 1.) She does not know for certain, and likely does not want to know for certain or submit to the examination that would be necessitated by a midwife or surgeon looking into the matter (note that she does not allow medical professionals to touch or physically examine her in this period), and 2.) Because pregnancy culturally implies that she consented to sex with Lovelace, and it therefore refigures the rape as consensual coitus, not a crime. A pregnancy would create an enduring connection between Clarissa and her rapist; the birth of her child would create a living individual to whom she had a moral obligation, and could obligate her to turn to prostitution, to acting as a kept mistress, or to marrying Lovelace, in order to feed that

child. All these options would open her up to further abuses from Lovelace, and, in the case of prostitution especially, innumerable other men. Whether Clarissa is killed in the text by *hyperemesis gravidarum* during her pregnancy, or that brings her death about with only willful starvation, or a combination of both, is difficult to say—Belford is very much an enabler by this point in the text, and their two accounts of her health may easily be in collusion, though her reports of constantly throwing up are corroborated by other letter-writers. I do believe that, if Clarissa knew definitively that she was not pregnant, she would have said so to Antony Harlowe forthrightly, as it would be further proof that she did not consent. Clarissa seems to realize that allowing Lovelace at her again to potentially impregnate her, or to make a claim that she is pregnant, or to admit to a present pregnancy and allow it to come to fruition, would be her ultimate undoing; under those conditions, a swift death is the surest way to control not only her story and her claim of refusing Lovelace her consent, but it is also one of the only ways open to her to maintain control over her life. Therefore, her death before quickening may be read as a sort of triumph of Clarissa's will, a refusal to be misread or undone by Lovelace's plots.

The transfer of the word “undone” from its use as a description of Clarissa into a description of Lovelace signals the change from Lovelace's plot to the victory of Clarissa's. “All undone, undone, by Jupiter! — Zounds, Jack, what shall I do now! a curse upon all my plots and contrivances! — But I have it — in the very heart and soul of me I have it! Thou toldest me, that my punishments were but beginning — Canst thou, O fatal prognosticator, cans thou tell me, where they will end?”¹⁰² Note Belford's change from Lovelace's sympathetic audience, his too-identifying jury and peer, into his accuser and prosecutor, and Lovelace's seeming inability to refrain from communicating with him, proving himself to him, working to persuade him, as if he,

¹⁰² *Clarissa*, 1195. Note Lovelace's pagan invocation of Jupiter, the rapist-in-chief among the gods, even at the moment when he most hopes to become a husband.

Lovelace, were now the one on trial. In many ways, of course, he is—socially and within his own family, if not (yet) legally, as his family is by this point in the novel well into things, attempting to reconcile Clarissa to Lovelace and fix up the whole affair with marriage.

Lovelace is here becoming increasingly aware that he has lost control of his plot and all his “contrivances,” which are in fact wound around a pack of women he himself has contributed to ruining and converting, that are his own creatures and yet entirely independent of him, creations he can no longer rein in. He has set off a catastrophe, a runaway train, and he is not master of the universe, but rather a petty instigator, discovering he is less a Lucifer and more a troublesome imp, setting fires until the ensuing conflagration runs entirely away from him. In the midst of his ravings, what Lovelace rages at is Belford’s prognostication, his calm ability to see what Lovelace cannot: who and what Clarissa really is, and how people will truly behave. Yet Lovelace cannot do without him; in this very letter, he dispatches Belford to get matters under control, to save Clarissa from further persecution at the hands of Sinclair and her ladies, to do what he cannot. He sends Belford to her side, where he cannot go, to help her and be her “friend and advocate,” which he cannot master himself enough to be, let alone Clarissa’s own just terror of him, and bemoans that he did not allow Belford to be successful in his advocacy.¹⁰³ Even as he asks Belford to tell him what his ending may be, Lovelace implies that, deep down, he already knows. “A line, a line! a kingdom for a line,” he writes,¹⁰⁴ echoing *Richard III*’s call for a horse before he is cut down by an opposed and usurping king, come to take his place.

Lovelace too plainly sees himself as the hero of this story, speaking at length to Belford of bravery and intrepid courage, strength in the face of resistance, but Belford calls attention to Lovelace’s cowardice and his shortcomings in his responding letter (while, in admiration and

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*, 1196.

attempted emulation rather than envy of Clarissa, taking himself to task as well): “We sometimes talk of bravery, of courage, of fortitude! — Here they are in perfection! — Such bravoos as thou and I should never have been able to support ourselves under half the persecutions, the disappointments, and contumelies, that she has met with; but, like cowards, should have slid out of the world... by a sword, by a pistol, by a halter, or knife,”¹⁰⁵ here summoning again the specter of Lucretia’s pagan courage—and of course Clarissa’s threatened suicide by penknife. Bravery, courage, and fortitude are the province of the Chevalier, the heroic figure Lovelace pretends at in his own plot; in these moments, Belford is not only pointing to the very real qualities Clarissa has and that Lovelace envies, but he is implying that Lovelace is not the main character—not of life or reality, and not in Richardson’s novel. Unlike Lovelace, Belford is a seer with generic knowledge, who knows what is going on here and whose story he is in.

There is much to recommend in the idea that Lovelace is a Restoration dramatic tyrant-hero, a part of the Restoration dramatic tradition and genre, and therefore written as a foe of the Protestant, Whig, Georgian establishment in the immediate aftermath of the 1745 attempted restoration of Bonnie Prince Charlie. Lovelace is a character who is psychologically fixed, capable of any number of apparent transformations externally, but unable to make the necessary transformation that would change him from a rake into a husband. He styles himself as imperial, greater than a monarch; he is domineering, believes himself to be master of all things. He is a tyrant. To allow him to change and repent would be to suggest that an absolutist tyrant could somehow reform that belief in his power and be tamed, allowed back into kingship—as Jacobite propaganda aimed to do through Restoration drama, which it refigured and reinterpreted to those ends—and Richardson does not believe such an act either wise or possible. In his view, and in the Georgian Whig establishment view, a tyrant is always absolute in their desire for power, in

¹⁰⁵ *Ibid*, 1208.

their lusts, and the pursuit of domination, both political and sexual. Therefore, it is imperative, for Richardson and the novel (novel as genre and this novel, *Clarissa*, as a discrete entity) that Lovelace the tyrant must die.¹⁰⁶

Lovelace ultimately descends into increasingly mad and cyclical, escalatory attempts and fantasies to attain absolute power and domination, not only over Clarissa and her family, but also Anna Howe—and there is no indication his desire to dominate would end there, nor that he would ever be satisfied.¹⁰⁷ Richardson notes in a letter to Lady Bradshaigh that he had shown an early draft of Lovelace's opening correspondence, and his ending, to a girl of seventeen, and was surprised to see she was reduced to tears by Lovelace's death; believing young women readers might not find Lovelace as odious as he intended, he admits to adding “darker shades” to Lovelace's character.¹⁰⁸ What Ladies Bradshaigh and Echlin's alternate endings,¹⁰⁹ as well as this early workshopping, all contrive to reveal is the willingness of Richardson's female readers to have sympathy for the heroic tyrant, perhaps because of their training by the still-popular

¹⁰⁶ See Elaine McGirr, “Why Lovelace Must Die.” *NOVEL: A Forum on Fiction*, vol. 37, no. 1/2, 2003, pp. 5–23. McGirr notes especially powerfully that Bonnie Prince Charlie is either actively rebelling or at large throughout the entirety of *Clarissa*'s writing, only apprehended days after the novel's publication—as if the novel symbolically defeats him and his Jacobite Pretender ideology at last.

¹⁰⁷ For more on Lovelace's psychology, as best figured by his imagined polygamous marriage, and symbolic taming, of both Anna Howe and Clarissa Harlowe, and his children with them, see Terry Castle's *The Female Thermometer: Eighteenth-Century Culture and the Invention of the Uncanny*. Oxford. 1995. It is notable that Richardson and Lady Bradshaigh argued consistently about polygamy, debates sparked by Richardson's teasing of Bradshaigh regarding the yet-unpublished ending of *Sir Charles Grandison* in the early months of 1754, when he cajoled her by stating that Harriet would suggest that Charles marry her for one half of the year, and Clementina the other. The topic came up as a result of an argument between Mr. B and Pamela in *Pamela in Her Exalted Condition* as well, and Richardson cannot seem to resist returning to the subject, perhaps tickled by its effect on one of his favorite readers and correspondents.

¹⁰⁸ Samuel Richardson and Anna Letitia Barbauld (ed.), *The Correspondence of Samuel Richardson*. London: Richard Phillips. 1804. Vol. 4, p. 234

¹⁰⁹ Lady Bradshaigh and Lady Echlin both wrote alternative endings to *Clarissa*, whether in summary, outline, or realized epistolary form, and sent these to Richardson, to his great pleasure, and enticed him into a flight of fancy wherein he also imagined a parodic alternate ending. In all of these endings, Lovelace repents and finds a happier ending than in the novel; in one of Lady Bradshaigh's endings (she wrote two such), he even marries Clarissa on his deathbed. The parodic tone of Richardson's alternate suggests that, while he finds his readers' interest delightful, he also finds such a happy ending for Lovelace ridiculous and ultimately untrue to the man's character. As McGirr points out, Lovelace's first letter lays out quotations from the plays to which he owes his literary genealogy and the plot he will write for himself; in Richardson's mind, a man such as Lovelace cannot end his own story but by blood.

Restoration stage and its protagonists, despite and perhaps *because* of Lovelace's domineering monstrosity against their own sex.

Richardson has no such pity, and he gives to Clarissa's authoritative novelistic voice, which contends with the corrupt dramatic voice of Lovelace, an instructive mode by which a Lovelace is to be read—not as the hero to be redeemed and married in a comic ending, not as the penitent to be recovered and allowed to triumph over the text as its Christian exemplar, but as a tyrant to be conquered, overcome, and ultimately silenced, as Lovelace would have silenced Clarissa if he could. Lovelace's correspondence remains in the text as the corpse of a vanquished foe, not as a living, viable, or redeemable rival. Instead, he follows the logic of his own plot, and his own psychology, to their natural conclusion, seeking expiation through violence and the flowing of his heart's blood, and the end of his aristocratic line, and succeeds only in becoming the title character, his own fair penitent, in the Restoration play happening in contention with the Georgian novel of Clarissa. What Richardson offers is sublimity through the novel, through Georgian cultural productions, rather than Stuart, gesturing to Clarissa as the true tragic figure whose story should be affecting to every worthy reader, and thereby implies that it is the novel's readers, not simply Lovelace, that need reformation.¹¹⁰

Richardson learned a great deal about the way in which his readers thought throughout his authorship of *Clarissa*, during which he maintained a set of what we might call "beta readers" in modern authorial parlance. Among them was Lady Bradshaigh, who wrote to Richardson prolifically, and who received several pieces of the novel before their publication and gave Richardson her unfettered analysis and emotional reactions to his scenes. Before the publication of the final three volumes of *Clarissa* in December 1748, Lady Bradshaigh (still writing to him pseudonymously as "Belfour") pleads almost frantically with Richardson to alter the course of

¹¹⁰ For more on this line of reasoning, see McGirr, 14-15.

his ending, having received advanced excerpts of the text. Over several letters between November and early December, she prescribes numerous potential endings and outcomes, begs the author to drive as close to the rape as possible but to stop short of the point, to “recall the dreadful sentence,” as though the act were condemning both Lovelace and Clarissa to death (she is correct here), in order to make reconciliation possible. Notably, after she has read, with much heartbreak, the rape of Clarissa, Lady Bradshaigh still drives at a different ending wherein Lovelace reforms and reconciles with Clarissa, which reveals the extent of her motivation toward a happier conclusion wherein Clarissa and Lovelace would be in possession of “a happy and well spent life.”¹¹¹ Elizabeth Bradshaigh’s response to reading the final volumes is remarkably akin, in both affect and writing style, to that of Anna Howe, writing that “my dear Clarissa is gone!— adieu my joys!”¹¹² One would think Clarissa her personal friend from childhood and repository of all her love and secrets.

Her reaction suggests a secondary interpretation, however; in mourning the death of all her joys, quite akin to Anna Howe, who never sees Clarissa during the course of the novel but experiences her, like Richardson's community of readers, as a text, Lady Bradshaigh reveals that her contemporary audience and Anna Howe read Clarissa’s history in much the same way, making Anna a sort of surrogate friend and avatar for the female audience, teaching other readers, like Bradshaigh, how to read Clarissa (and *Clarissa*), how to understand her, and how to react to her, both ethically and emotionally. Quite tellingly, Lady Bradshaigh turns Richardson’s words against himself: “The deadly blow is struck, as Lovelace says, after the most villainous of acts;

¹¹¹ Lady Bradshaigh to Samuel Richardson, 17 November 1748.

¹¹² Lady Bradshaigh to Samuel Richardson, <Early December> 1748, following the publication of the final three volumes of *Clarissa*.

you can now go no farther.”¹¹³ Here Bradshaigh accuses Richardson in Lovelace’s terms; if Lovelace raped and murdered Clarissa, then Richardson had a hand in it, despite the many divergent paths Bradshaigh feels she has offered to him as offramps to avoid the “catastrophe,” as she calls it.¹¹⁴ Here she is notably fighting with Richardson’s sense of the probable, making him morally culpable for what happens to Clarissa, not just for failing to imagine other (and happier) likely outcomes for her story, but for ignoring the ones that Bradshaigh has brought to his attention.

Lady Bradshaigh’s pleading for Clarissa and pouring out her heart to Richardson over her death is incredibly moving, suggesting the depth of feeling for the heroine among some contemporary female readers. “We who suffer so much by the early death of those we love... may be allowed to call such deaths untimely,” she writes, referring to the heroine as “our beloved Clarissa,” accusing the author of great “cruelties,” and asking Richardson over and over the simple question: “How could you?”¹¹⁵ In further proof of Clarissa’s role as a dear companion to Richardson’s female readers, Bradshaigh later speaks approvingly of a young woman in her acquaintance (perhaps a member of the emerging cult of virtue) who counts the novel as her favorite, the heroine her “constant companion,” that she has read through the whole book at least four times (by 1753, no less), and “was proceeding to the fifth,” carrying a volume with her wherever she goes like letters from a dear friend.¹¹⁶ In Bradshaigh’s correspondence particularly, we can see a minuteness in her attention, especially as she is reading *Clarissa*, and her reading is tight enough that she is competently able to copy Richardson’s style quite well in her proposed

¹¹³ Ibid. Bradshaigh had earlier noted her abiding love for Addison's play *Cato*, and particularly its ending, for Addison's forbearance against "murdering" the text's lovers, Juba and Marcia, who had been prevented from marrying by Cato's prejudice against Juba (Lady Bradshaigh to Samuel Richardson, 17 November 1748). It is notable to me that Lady Bradshaigh feels the death of either character would be a murder committed by the author.

¹¹⁴ Lady Bradshaigh to Samuel Richardson, 20 November 1748.

¹¹⁵ Lady Bradshaigh to Samuel Richardson, <Early December> 1748.

¹¹⁶ Lady Bradshaigh to Samuel Richardson, 25 September 1753.

endings; even her epistolary writing itself shows some bleed from how much and how attentively she has read *Clarissa*. As such, it is easy to see how Bradshaigh has become his ideal reader.

Elaine McGirr intelligently gestures to Lovelace and Clarissa's battle of voices and their contending perspectives on various events, and notes that a few scenes are depicted only by Lovelace: the elopement in the haunted copse, the rape itself, and Lovelace's second attempted rape, a scene "haunted" by the form of dramatic form of Lucretia, where it is notable that neither Clarissa's actions nor her dialogue are in character. McGirr turns away from this scene without answering the question she has raised: if neither Clarissa's dialogue nor her threatened suicide are in character, and if Clarissa herself typically provides the reader with an authoritative way of understanding events conveyed by Lovelace, if not an authoritative version, then what can the reader take away from this scene? Could it be possible, as McGirr implies, that Lovelace has made it up to add drama to these scenes and excuse his failure to make another attempt on her? Margaret Ann Doody takes the scene on its face, stating simply that Lovelace rewrites Clarissa's dialogue in his own style,¹¹⁷ but McGirr contends that the Christian Clarissa, unlike the Pagan Lucretia, would never take her own life—and implies that she would never threaten to do so either. Is the scene a fantasy, an apparition—the ghost of Lucretia haunting not the scene or the house, but Lovelace's own mind?

McGirr's reading of the entire scene as phantasm fascinates and intrigues; however, Richardson is careful to corroborate it minutely, and Bradshaigh's contention that the rape was "fatal" is likely extrapolated from Clarissa's threat to end her life, along with what appear to be self-destructive tendencies in the final volumes of the text. Reading as Richardson trains the audience to read, these constant corroborations become obvious, almost irritating, as constant

¹¹⁷ See Margaret Ann Doody, *A Natural Passion: A Study of the Novels of Samuel Richardson*. Oxford: Clarendon Press. 1974.

redundant attempts to substantiate, to delineate minutely, to evidence, to maintain a true detailed record of the facts of the case, which compose the corpus of *Clarissa*; Richardson's insistence is likely due, at least in part, to the reactions from his community of readers. In other words, he writes even more legalistically, minutely, forensically—amasses the text as a more convincing collection of evidence—in order to make sure he is correctly convincing the readers in his correspondence.

This tendency is best illustrated by the example of the penknife. When Clarissa is arrested and Belford carefully pieces together what happened and what was said during the arrest, he learns that Sally Martin warns Clarissa that, were she to be carried back to Sinclair's, "they should take care not to be frightened again by a penknife"¹¹⁸ and "kept out of her way any edged or pointed instrument; especially a pen-knife."¹¹⁹ This is Belford's transcription of testimony given by strangers, who know nothing of the matter, and coming from Sally, who wishes to make herself look good in the matter. It is then filtered through Belford, who is largely framed by the narrative—especially as he becomes a member of Clarissa's party—as a seeker and arbiter of truth, even when he speaks in Lovelace's vaunted and affected style (which gradually diminishes, to be replaced by the more forthright and unaffected style of Clarissa and Anna's correspondence). Moreover, Clarissa *does* harm herself elsewhere in the text, whether willfully or not, whether able to help herself or not—she refuses food, starves herself, sits up all night watchfully with her back against the door during her imprisonment, all giving further evidence of her psychological distress, showing signs of shock, trauma, even madness.¹²⁰

¹¹⁸ *Clarissa*, 1203.

¹¹⁹ *Ibid*, 1212.

¹²⁰ For more on Clarissa's use of starvation as discourse, see Donnalee Frega, "Speaking in Hunger: Conditional Consumption as Discourse in *Clarissa*." *Studies in the Literary Imagination*, vol. 28, no. 1, 1995, pp. 87–103. There is only a passing mention in this argument to actual psychological studies on eating disorders as related to the novel, but it is useful nonetheless in considering Clarissa and Lovelace's similar uses of dining (and refusing to dine) to signify compliance and displeasure, as evidence of their respective disordered family lives.

Richardson is not afraid of depicting his Christian heroine as self-harming and even self-destructive, even when (as Sally reminds her), Clarissa's religion should teach her better of it, that starving herself is "self-murder."¹²¹ A rigorous dieter and self-denier, Richardson knew perhaps only too well the psychological realities of disordered eating, and he believably depicts in Clarissa the self-harming vigilance of a traumatized person, as someone who is less refusing to eat and more *unable* to; when brought bread and butter while imprisoned, Clarissa "tried to taste the latter; but could not swallow it," and lifted up her eyes in gratitude when she is able to drink some water.¹²² When left to sleep in a room with a door she cannot lock, Clarissa "sat up in a chair all night, [her] back against the door; having, it seems, thrust a piece of a poker through the staples where a bolt had been on the inside,"¹²³ revealing even in her advancing ill-health the traumatized steeliness and watchfulness of a returning soldier, unable to rest her head and instead posting herself, perpetually, on a self-destructive fire watch. When offered an apothecary in her illness in prison, she will not see him during the night because, in Belford's words, "he is a MAN,"¹²⁴ and Clarissa's fractured, traumatized view of the world will not allow that she is safe with him. This is the one thing that Belford, in his role as a seer and a kind of mirror-image spiritual avatar of Lovelace, a magical doppelgänger—who even, at this point, writes like him,

¹²¹ *Clarissa*, 1204.

¹²² *Ibid.* Also consider Clarissa's conversation with a doctor before Belford and Hickman, wherein she says, "What, Sir, said she, can I do? I have no appetite. Nothing you call nourishing will stay on my stomach. I do what I can" (1297). This suggests Clarissa feels her inability to eat is indeed a physical block, and here she states that she has been vomiting as well, in response to the doctor's belief that she could be well if she wanted to be. To be clear, we know now that mental illness is just as much a sickness as a physical ailment, and that Clarissa is not making free and well-informed choices here to starve and to die, regardless of what Richardson conceived to be the matter with her. What comes across in the text is a young person who believes she can no longer eat, who is vomiting constantly, and she dies because of it—and very quickly, when the calendar itself, taken together with her youth, are considered.

¹²³ *Ibid.*, 1205; for more on Richardson and nourishment in his texts, see Sabor, Peter. "Feasting and Fasting: Nourishment in the Novels of Samuel Richardson," *Eighteenth-Century Fiction*, Volume 14, Number 2, January 2002, pp. 141-158.

¹²⁴ *Clarissa*, 1213; emphasis Belford's. He (and Richardson through him) show a deep understanding of the reasons for Clarissa's aversion to men later in the same letter: "Enough to be refused, that I am of a sex, to which, for thy sake, she has so justifiable an aversion: nor, having such a tyrant of a father, and such an implacable brother, has she the reason to make an exception in favour of any of it on their accounts."

and in Clarissa's hermeneutical system, writing is a mirror of the soul—is able to heal and make up to her over the course of the novel's final volumes. Given that Lovelace and James Harlowe Jr. share more in common than either man would ever like to own, Belford's role as an adopted brother—as a better brother than James ever was, in many respects—is a recovery for Clarissa of the patriarchal order that has so failed her up to this point.¹²⁵ It is, I believe, ultimately because of his role as adopted brother, amongst Clarissa's adopted family who oversee her final months (her doctors, the Smiths, her nurse, and Belford), and due to the great and troubled gulf that has fallen between her and James, that Clarissa makes Belford her executor.

Naturally, the implement of threatened suicide is a penknife. This choice does comport with Lovelace's psychology, his dramatic understanding of the plot which he is writing, as well as its literary forebears, both ancient and early modern, so the idea that he invents it is not entirely a strange one. He mentions the penknife several times in passion and frustration later in the text, as though the image itself, the summoned metonymy replacing the scene of threatened suicide, haunts him; when he assaults Joseph at Mr. and Mrs. Smith's shop and asks his servant William (Will) for a weapon, Lovelace almost unwittingly asks him, in a violent frenzy, for Will's penknife to press against the man's throat. It is small wonder the scene haunts him, as, regardless of how it happened or how much Lovelace may have editorialized, Clarissa's threat of suicide is the last time Lovelace and Clarissa ever see one another in the flesh. In consideration of the threatened act, let us first consider a much earlier letter between Lovelace and Belford, which prefigures—even prognosticates—the ending of Lovelace and Clarissa's story together in Sinclair's house.

¹²⁵ For more on the failures of patriarchal order in *Clarissa*, see: Brian McCrea, "Clarissa's Pregnancy and the Fate of Patriarchal Power." *Eighteenth-Century Fiction*, vol. 9, no. 2, 1997, pp. 125–48. While discussion of Clarissa's possible pregnancy is a real weakness of this article, McCrea shines in his discussion of patriarchal order in the novel, though he does not discuss Belford as an adopted brother nor discuss James Harlowe Jr. in any real detail; most of his discussion focuses on Lovelace and the elder generation in the novel.

“We begin,” Lovelace instructs Belford, “when boys, with birds; and when grown up, go on to women; and both perhaps, in turn, experience our sportive cruelty.” Lovelace proceeds to describe at length the process of capturing and habituating a wild bird to captivity, likening it to a woman undergoing kidnapping, imprisonment, and attempted, then actual, sexual assault. For Lovelace, birds resemble women, as do their respective processes of taming, in nearly every regard except one: “I have known a bird [to] actually starve itself, and die with grief, at its being caught and caged. But never did I meet with a woman who was so silly.”¹²⁶ Lovelace owns that he has known women to *threaten* suicide, to refuse to take food for a time, but that they have always been shyly or coyly coaxed back into self-preservation, and to acclimatize to their present state of life, to take food from his hand, to resume their former cheerfulness, and “sing” to delight their keeper; never once has he known a woman silly enough to “die with grief” or truly starve herself—or indeed, follow through on any other kind of suicide attempt—in defense of her virginity, or for loss of her liberty and honor.¹²⁷ Nothing better reveals the text’s occasionally superstitious, premonitory arrangement of plot than Lovelace’s intimations of suicide by starvation here; Clarissa could have died in many ways by the end of the novel, but that she seemingly dies of starvation has a destined, almost karmic logic to it, as a poetical means for the textual universe (and its god Richardson) to punish Lovelace.

It is plain that Lovelace means all of this when he says it, that it is part of his libertine ideology, as his and Sinclair’s converts—Sally and Polly—repeat it to Clarissa when they first imprison her for debts. “Perhaps,” Sally says to her with disdain, “we were once as squeamish

¹²⁶ *Clarissa*, pp. 624.

¹²⁷ When gleefully contemplating the triple-rape of Mrs. Howe, Anna, and their maid, Lovelace again summons this metaphor: “after beating about the coast for three or four days for recreation’s sake, and to make sure work, till we see our sullen birds begin to eat and sip, we will set them all ashore” (766). This whole sequence was added for the third edition to more firmly set Lovelace’s villainy in the minds of his readers, and yet even here, he is careful to maintain Lovelace’s psychological contiguity as a man with what looks like an internal moral code and sense of honor—a villain who is the hero of his own story. Since he is constantly able to tell that story, it is little wonder Richardson’s readers, then as now, found his villain so compelling and attractive.

and narrow-minded as you,” before she and Polly overcame their trauma and scruples and found “happiness” at Mrs. Sinclair’s because they “saw the ridiculousness of prudery,”¹²⁸ likely because the heartbreak of their former ruination threatened the rooves over their heads and their ability to eat, and hence their lives. Lovelace uses this metaphor to instruct Belford in his libertine coda, and Belford will in turn remember these words, summon them, and throw them back in Lovelace’s face before the novel’s action is done.

However, Lovelace also summons his words back upon himself after the rape is completed, as a sense of doom starts to descend on Sinclair’s household. He writes that a bird will starve itself from heartache because it is “all soul,”¹²⁹ and when heartbreak at the loss of its liberty fills its being, the creature is liable to extinguish itself as a result, cut too deeply by imprisonment to bear life. Women, who are too much “body” and enmeshed in the material world, with silly delights, will alter themselves psychologically, twist their own personalities and ideals, turn their virtues upside down, to survive and appease their new master; Sally and Polly are living examples of just such a transformation/mutation, achieved to sustain their bodily matter. Lovelace expects that this will be true in Clarissa’s case as well. Much of her trial regards the status of women’s souls; Lovelace suspects that Clarissa, at bottom, is all matter as well. In Lovelace’s sense of the abject, he floats through the world, believing that all women’s boundaries are quaggy and shifting, that their makeup is running, that they grow old before they are twenty, that they die in childbirth and can be discarded with mock mourning. He has gone to many pains

¹²⁸ *Ibid.*, 1206.

¹²⁹ *Ibid.*, 625. Lovelace writes that a bird “has more life than [women] (for a bird is all soul;) and of consequence has as much feeling as the human creature!” Strangely, it is through women’s treatment of birds—putting out their eyes with burning knitting needles, to make songbirds of them—that Lovelace feels himself justified as the arbiter of female punishment. In his Lovelacean logic, a woman has less life and less soul, proportionally, than a bird, and has no right to torment it, and therefore in tormenting women, he rebalances the scales.

in order to construct for himself an evidentiary environment in which he continuously discovers that women are nothing more than corpses.

At the outset of the penknife scene, Clarissa descends from her room to the dining room, the setting where most of her and Lovelace's greatest scenes of passion and conflict have taken place, to face him one final time. Lovelace writes that "her own light feet and rustling silks could not have prevented it; for she seemed to tread air, and to be all soul."¹³⁰ Here Lovelace not only admits to Clarissa having a soul—he has done this already, always in the sense of fear and perceived punishment from her "eye-beams," the "soul in her eyes" piercing and perceiving him, admitting just after this scene that never before her had he known fear of man or woman¹³¹—but now believes that she is filled up with the spiritual dimension, more ensouled than himself, an angel, an object of terror and judgment he cannot control. She proceeds to defame everyone in the room with paranoid (though not unreasonable, at this point) accusations. Instead of being put on trial by Sinclair and her house of harpies for bribing a servant, Clarissa asks Sinclair if she intends to poison her again, and tells them all in no uncertain terms, "I am not married—ruined as I am, by your help, I bless God, I am not married to this miscreant."¹³² She threatens to stab herself in the heart with a penknife if Lovelace will not forebear from continuing to approach her and, even in pleading with her not to hurt herself, Lovelace cannot help but encroach and insinuate, driving on the crisis: "Unawares to myself, I had moved onward to my angel — 'And dost thou, dost thou, still disclaiming, still advancing — dost thou, dost thou, still insidiously move towards me?'" Lovelace, in a moment of unpremeditated terror (and partially undocumented, revealing his embarrassment) throws himself to the far side of the dining room

¹³⁰ *Ibid*, 1079.

¹³¹ *Ibid*, 1092: "never knew I what fear of man was — nor fear of woman neither, till I became acquainted with Miss Clarissa Harlowe."

¹³² *Ibid*, 1079.

on his face, “at the utmost distance the room would allow, and [she] heard my broken voice — my voice was utterly broken; nor knew I what I said, or whether to the purpose or not.”¹³³ In these unconscious moments, Lovelace reveals that he is both unable to stop himself from approaching her in his relentless hunger, just as he is incapable of preventing these seeming impromptu acts of supplication and debasement before her. It is this process, ever devolving and interlacing with Clarissa’s self-harm in response to his real and threatened encroachment, suffering under the unrelenting pressure of his tyranny, that will continue until her death.

Lovelace is framed in the text as a consistently (and persistently) willful, motivated, and incorrect reader of Clarissa—of her actions, her text, her spoken word, of her body, and the meaning to which her suffering ultimately gives form; he is even a bad reader of the spiritual world seemingly native to the text he is in, the logic of its plot, and the language of its symbolic universe. Belford, by contrast, is framed as a “correct” reader; while Lovelace’s prognostications, his dream states, hint at an unconscious knowledge and a sense of overall foreboding, he frenetically acts and digs his own grave deeper regardless of, even in spite of, these warnings. He ignores the plentiful warnings Belford (and his own unconscious) give to him, and appears to lack self-control, to possess a practically Luciferian drive to fall as far and fast as he can, finding himself entangled not just in his own plots and stratagems, but in his own love for stratagem itself. In the flickering image of his selfhood, ever pulling away another mask, it seems unclear even to Lovelace who he really is or what he wants. When Clarissa is nearing death and he has a dream clearly foreboding her rise to heaven and his own descent into Hell, Lovelace willfully mis/reinterprets it. The cherubim who carry her to heaven are the children who will result from their coming union, not her death; the parting of the clouds is a break in the wall between them, a sudden reconciliation between them and all their family members, and the pit opening up

¹³³ *Ibid*, 1081.

beneath him is nothing more than his own fear of matrimony—it could not possibly be Hell. He believes, or claims to believe, that his own fear upon waking is nothing but a disruption that prevents those angels from carrying him to his beloved girl. The black robes worn by his family members in the dream are not the raiment of judges, but the colors of mourning for Lord M, who will die and leave everything to Lovelace.¹³⁴

Terry Castle has performed a truly scintillating examination of Lovelace’s earlier “chiasmatic” dream, which takes place at the moment when the plot turns in the novel from Lovelace’s control to Clarissa’s, and it is to this very dream I wish to turn as well, though for a different purpose. Lovelace’s dream begins by refiguring Dorcas as a true-hearted servant girl, as in a romance, ultimately moved by Clarissa’s plight to plead for her at the carriage window of a seemingly virtuous widow. The older woman, “Mother H,” then consents to spirit a willing Clarissa away to her home for other wayward young ladies, “in a sumptuous dwelling, replete with damsels who wrought curiously in muslins, cambrics, and fine linen, and in every good work that industrious damsels love to be employed about, *except* the loom and the spinning-wheel.”¹³⁵ This mention of looms and spinning wheels brings to mind for Castle the specter of the Fates, weaving away at the plot of the novel on the edges of Lovelace’s subconscious world,¹³⁶ but it is rather notable to me that the women in this home purposefully keep the loom and the spinning wheel *away* from their doings, as though superstitiously avoiding the weaving of plots. Conversely, they may be avoiding the spinning wheel itself, replete with symbolic meaning, and therefore it has been forbidden from their presence, as in the “Sleeping Beauty” fairytale, to protect the damsels (perhaps Clarissa in particular) from the evil fairy’s spell of enforced sleep, rape, and the bearing of her rapist’s children (twins, a boy and a girl). This

¹³⁴ *Ibid.*, 1432.

¹³⁵ *Ibid.*, 1046. Emphasis mine.

¹³⁶ Castle, 58.

version of the “Sleeping Beauty” story, titled “Sun, Moon, and Talia,” was published in 1634 as part of Basile’s *Pentamerone*, before Charles Perrault retold the story in 1697—his version not including the rape or twin children. Lovelace’s dream suggests a familiarity on Richardson’s part with Basile’s version, particularly the dream’s quick turn to “lyings-in, christenings, the smiling boy, amply, even in her own opinion, rewarding the suffering mother,” followed on by Anna Howe’s “charming girl, by the same father, [matched] to her friend’s charming boy,” who go on to “intermarry” and “change names by act of parliament” to enjoy Lovelace’s estate (both being born bastards with their mothers’ surnames).¹³⁷

Here the complexities of Lovelace’s subconscious world are fully on display. Anna Howe has become an object of his desire as a rival to Clarissa’s affection, and therefore a *part* of Clarissa, an appendage to her, who must be subsumed and absorbed; Lovelace cannot simply seduce or rape her, but he must additionally create in her a sort of twin or mate to his dream child with Clarissa—a child which, in himself, is meant to signify Clarissa’s ultimate “seduction” or consent to the rape (making it not a rape at all) and then “reward” her for the whole affair, compensating her and refiguring the rape as consensual or, at least, contractual and transactional, which for Lovelace is good enough. Both children will take the name Lovelace, marry one another, and secure his line in a sort of sealed, impenetrable world of solipsism, where everything is Lovelace, forever and always and into the future, and he is permitted to be the self that touches all edges. In this world, his reading—that Clarissa is pregnant after the rape, that she loves him, that his dreams are prophetic and foretell his fantasies coming true—is right, and he in consequence has become God over his tiny world. His reading is anti-evidentiary, forcing all signs to fit the conclusion he requires; as for the witch-finders, truth will come of suffering, and he will decide what the signs mean (and they always meant one thing from the beginning).

¹³⁷ *Clarissa*, 1047.

In this metamorphic dream, the figure of the elderly widow too undergoes many transformations, each less likely than the last. At first, she appears to truly be a virtuous widow who happens to be passing Sinclair's. Why she is in this part of the city, and why Dorcas recognizes her coat of arms, is a happy coincidence and a mystery ("what unaccountable things are dreams!" as Lovelace admits). In Lovelace's telling, this "matronly lady turned into the famous mother H. herself; and, being an old acquaintance of mother Sinclair, was prevailed upon to assist in my plot upon the young lady." Here there is a telling shift from mother to crone, from widow-as-protector (perhaps a midwife figure) to procuress. It is highly likely as well that "mother H" is a reference to Moll Harvey (otherwise known as Mother Needham), the model for Hogarth's procuress and the Mother Needham of note in the Charteris case. "Mother H" is only referred to in this sequence and shortly thereafter, as Lovelace anxiously waits to see if his dream will become reality; he even inquires the next day with "Mother H's family" whether Clarissa has elected to escape to their house (hence escaping right back into his possession). Lovelace's drive to engulf Clarissa in the hopeless belief that all the world, and anyone she would meet with, is full of bawds, libertines and procuresses allied with him—in short, a Hell over which he is master—can be no less than a desire to crush her spirit by extinguishing any hope she has in escape, or in the goodness of mankind.

"Mother H" of the dream then makes yet another transformation, which is twofold; having made Clarissa her bedfellow (highly unlikely, given Clarissa's aversion to any bedfellow, male or otherwise, and her continual desire for solitude and self-directed privacy), Lovelace dreams that the old procuress was "taken with a fit of the colic; and her tortures increasing, was obliged to rise to get a cordial she used to find specific in this disorder," before "she let fall the wax taper in her return" and comes to bed in the dark, whereupon Clarissa discovers the woman

has transformed into “a young person of the other sex... and that she had been *still* the bed-fellow of *but one and the same man*.”¹³⁸ The nightmare of this scene is evident—that Clarissa escapes only to find herself back again in Lovelace’s clutches, and he, enraptured as he is with endless stratagem, disguise, and transformations, enjoys her dismay—“sighs, groans, exclamations, faintings, dyings,” the whole drama of Pamela’s near-rapes and the ravishments of amatory fiction, the rapes of Restoration drama, summed up for Lovelace in a “strange promiscuous huddle of adventures... all the gentle and ungentle pressures of the lover’s warfare,” repeated again and again until Clarissa has been tamed into “ensued recoveries” and “lyings-in,” recompensed at last with a smiling boy—though the plurals and Lovelace’s philosophy suggest many rapes, many battles, many recoveries, many pregnancies, and Lovelace’s later dream implies similar wishes.¹³⁹

The dropping of the taper recalls, while turning upside-down, the “Beauty and the Beast” analogues of “East of the Sun, West of the Moon” and “Eros and Psyche,” in which the ingenue—married to a seeming beast or shadow, a figure of darkness—lifts a candle or lamp at night to behold the bridegroom’s true form, whereupon she finds a beautiful prince or god is her husband’s true form.¹⁴⁰ Instead, Clarissa finds in the resultant darkness that her bedfellow, the kind and protective matron, is not just a bawd, a female betrayer, a procuress in league with Lovelace, but that she is a witch. In taking her healing cordial, she has in fact imbibed a magic

¹³⁸ *Ibid*, 1046. Emphasis mine.

¹³⁹ This is, as Lovelace tells Joseph Leman, a pattern he has followed many times—young ladies grown pregnant, his providing for their lying-in and for the children (according to their mother’s conditions) if they lived, and mourning for the women if they died in childbed, and trusting them to the hands of the midwives (cursing their families if they did not do similarly), and avoiding the ruin of common women as a sort of *noblesse oblige* (*Clarissa* 539). For more on the necrophilic nature of Lovelace’s cyclical and layered desire for Clarissa, see Castle in *The Female Thermometer*.

¹⁴⁰ “East of the Sun, West of the Moon” as a fairytale was extant in Scandinavian countries for centuries by this time, but it was not widely translated into English until the nineteenth century, so Richardson would quite likely only have been familiar with “Eros and Psyche.” Milton’s *Comus*, which by all appearances had a great impact on *Clarissa*, makes an allusion to the myth in its conclusion.

potion and surrendered her body to Lovelace for his usage, and he, with all the powers of Satan, has proven that he can be anyone and anywhere he wishes—that any bedfellow Clarissa may ever have and any refuge to which she may fly are in fact his own, can *become him* at any time. And so Mother H's metamorphosis is complete: from matronly widow, to procuress and bawd, to conspirator and witch in a Satanic pact, to Lovelace himself, and finally to nothingness and air, a mere tool to fulfill his ambition, an imagined appendage of the monster Lovelace—nonexistent, a corpse. Of course, Lovelace is not Satan—he only imagines it in flights of fancy, wishes himself to have that power of disguise and trickery; he is in fact nothing more than a hapless villain, an inveterate plotter, a great writer but a poor reader, and this proves his own undoing.

As his dream indicated, Mother H does indeed pass by Sinclair's house on the following day, and Dorcas—knowing her coat of arms as a friend of the house—endeavors to help Clarissa “escape” via the famous procuress, all under Lovelace's eager and anticipatory eye, while he speaks in raptures of the power of dreams and the great book on reverie he will write as a consequence.¹⁴¹ Here Lovelace attempts to turn his reverie in a plot, into the plot of the book itself, to fully connect his own premonitions with the premonitory nature of plot. However, Clarissa's power to read the situation—here memorandized in real time, in minute detail, and given purposeful favor by Richardson-as-editor—enable her to read her way out of the trap. Clarissa's education throughout the novel is that of a painful progression from a frank and honest person who sees and projects onto others her own conceptions of honesty, as well as her own intentionality, into a detective reader, capable of unwinding complex plots and stratagems, tease out truth from the noise of deceptions and red herrings, find evidence in the chaos kicked up by the master plotter with whom she is dealing. Clarissa is coming to be not just the writer of *Clarissa*, but at length one of its better readers.

¹⁴¹ *Clarissa*, 1051.

Having promised to tell Anna everything about her flight from Hampstead, and her faculties subsequently confused by her recapture, drugging, and rape, Clarissa begins to take minutes: “she made minutes of every thing as it passed, in order to help her memory:—’Which,’ as she observes in one place, ‘she could less trust to since her late disorders than before.’ In these minutes, or book of memoranda, she observes” all the unlikely details of the circumstance, like a jury of one, constantly making points and counterpoints. Clarissa reviews the time it takes Dorcas to speak to the lady, weighed against the seeming danger of the plot, the likelihood of her knowing the heraldry of the lady by the lozenge on her carriage, the little moments she has seen Dorcas speaking to Lovelace that morning and her curtsy to him. Clarissa wishes to believe in the goodness of the proposed widow—“some elderly ladies are talkative: and there are, no doubt, some good people in the world”—and in the goodness of Dorcas, though she increasingly cannot. “Can there be any woman so vile to a woman? — O yes! — Mrs. Sinclair: her aunt,” she concludes, and reasons that the proffered assistance is likely a contrivance, or else will give further fuel to Lovelace (who is still in town at this time) to persecute her, all of which is true.¹⁴² Having accomplished herself in this suspicious form of forensic reading, Clarissa will escape once more and begin to untangle her own misapprehensions and discover what has happened to her, soliciting proofs and evidence from others, checking stories against one another, “comparing notes,” as Lovelace so tellingly intimates (and eroticizes) in the recollection of his dream. Many of Clarissa’s correspondents (and helpers) are Lovelace’s female family members and Anna Howe, who assist her in gathering evidence and making judgments on what she has found—but the male exceptions are Hickman (at times assisting Anna and giving her will the mobility she lacks) and, foremost, John Belford.

¹⁴² *Ibid*, 1052.

Belford is, from the first time he meets her, among the best readers of Clarissa—not *Clarissa* as novel, but Clarissa as a human being constructed in the text, a collection of bodily signs, expressions, and words. After he meets her, Belford begins immediately to both corroborate and trouble Lovelace’s reading of Clarissa, and even our own. The letters and words of Clarissa’s family members in the beginning of the novel are largely directed *to* her, and their reasoning is highly motivated and manipulative, as well as twisted by the power of malignity, tyranny, pride, and envy; these letters and their writers must be continually read *against*, searched into for their opposites and true intentions. The Harlowes continuously present Clarissa with a nightmarish upside-down world, more evidence of their own disordered psychology than hers. Lovelace’s reading (and writing) of Clarissa is littered with wishful thinking and willful distortions, baffled desire and thwarted domination, and suffers from much the same issue as the Harlowes. Belford, by contrast, provides a true third reading of the situation at Sinclair’s: “There is something so awful, and yet so sweet, in her aspect... What a piercing, yet gentle eye; every glance I thought mingled with love and fear of you! What a sweet smile darting through the cloud that overspread her fair face.... She is in my eye all mind... Why should such an angel be plunged so low as into the vulgar offices of a domestic life? Were she mine, I should hardly wish to see her a mother.”¹⁴³ This is very different from Lovelace’s conception of Clarissa, tinged as it is with fear of her “eye-beams,” seeing in her constant haughtiness and punishment, like a withholding mother keeping herself from him, his perpetual desire that she give him children after the rape, as well as his tendency to describe her physical attributes as separate, discrete, dissected from the whole, as in an Elizabethan blason.¹⁴⁴ It is also different from Clarissa’s

¹⁴³ *Ibid*, 622.

¹⁴⁴ For an instance of such description, see *Clarissa*, 413: “but what a whited wall would a woman appear to be, who had a complexion which would justify such unnatural comparisons? But this lady is all glowing, all charming flesh and blood; yet so clear, that every meandering vein is to be seen in all the lovely parts of her which custom permits to

conception of herself, who has been engrossed in domestic management and little domestic tasks for her family's betterment from a young age, and purportedly excels at and enjoys them, particularly in dairy work—and, of course, she would not admit at this time to mingling love and fear in her looks upon Lovelace.

Before Belford even sees her, however, Richardson has already figured him as a better reader of the situation, as possessing a cooler and more sensible head than Lovelace, in his advice to his friend. Belford already knows what will happen if Lovelace succeeds in his trial, already knows it will make his friend miserable, that Lovelace cannot make Clarissa happy even if he does manage to marry her, and that there is neither use nor fairness in his trial, though he also knows what the trial was meant to reveal—that Clarissa has a soul and that she is virtuous—which is obvious to him from early on. He cautions Lovelace not “to make further trial, knowing what we know of the sex, for fear of succeeding; and especially if I doubted not, that if there were a woman in the world virtuous at heart, it is she.”¹⁴⁵ He counsels Lovelace to know what it is he is trying to do, to consider what it is he really wants, and calls his desire for revenge a “poor pretence [sic]” to use the experiment to figure out his own desires. He reminds Lovelace that he is at a crossroads at this point, before taking Clarissa to London and into Sinclair's house, where he will lose control: “Hitherto all is so far right, that if the lady mistrusts thy honour, she has no proofs. Be honest to her, then, in her sense of the word.” He connects the ideas of honesty and happiness when he signs off as well: “Be honest, and be happy.” If ever this story were to veer into a comedy, end in matrimony, and turn out well, it would have been through Lovelace's

be visible. Thou has heard me also describe the wavy ringlets of her shining hair, needing neither art nor powder; of itself an ornament, defying all other ornaments; wantoning in and about a neck that is beautiful beyond description.” Belford will reflect the movements and language of this description back at Lovelace after his rescue of Clarissa from imprisonment, in order to highlight her dishevelment, disorder, and plight (*Clarissa* 1216).

¹⁴⁵ *Ibid.*, 549. “Knowing what we know of the sex” summons again Lovelace's talk of birds, presaging Belford's later belief that Clarissa will die in mourning for what Lovelace has done to her.

scrupulous adherence to Belford's advice from this point forward. It is in frequently highlighting these perceivable off-ramps from tragedy that Richardson consistently underscores the human driving, the psychological willfulness, toward tragedy that make *Clarissa* so compelling.

If it is Belford who predicts Clarissa's reaction to her trial, he remains steadfast in reading the signs from there, and he is the one who predicts her death long before anyone—doctors included—have reason to expect it. Upon first seeing her in prison for debts, Belford excoriates Lovelace thusly: “Thou mayest be in earnest, or in jest, as thou wilt; but the poor lady will not be long either thy sport, or the sport of fortune!”¹⁴⁶ It is in this very series of letters—detailing Clarissa's imprisonment and his rescue of her—that Belford himself makes a sort of transformation, best seen in his mode of writing, wherein he vacillates between his address of Lovelace, using words such as prithee and thou, in the high drama of Lovelace's antiquated style, and his recorded instances of direct, plain speech to Clarissa herself.¹⁴⁷ He also transforms in Clarissa's eyes from yet another man (“a MAN”)—never to be trusted—into a potential friend, even trusted enough to take her keys and her directions, before she takes his arm and rides in a chair with him back to Mrs. Smith's, as though he were a male member of her family.¹⁴⁸ Richardson is careful to detail and corroborate Clarissa's illness, though her disorder is of the mind and the spirit rather than entirely in the body, and it baffles her doctors. Apothecaries and surgeons examine her, and minute advice is provided regarding sleep, air in the country, and

¹⁴⁶ *Ibid*, 1201.

¹⁴⁷ *Ibid*, 1217: “You will owe no obligation to me, nor to any body. You have been detained for a debt you do not owe. The action is dismissed; and you will only be so good as to give me your hand into the coach, which stands as near to this house as it could draw up. And I will either leave you at the coach-door, or attend you whithersoever you please, till I see you safe where you would wish to be.”

¹⁴⁸ *Ibid*, 1223: “She seemed pleased; and gave me instantly out of her pocket her keys; asking me, If Mrs. Smith, whom I had named, might not attend me; and she would give her further directions? To which I cheerfully assented; and then she told me that she would accept of the chair I had offered her.... I offered my arm: she was pleased to lean upon it.”

dietary regimen, in the presence of both Belford and Hickman.¹⁴⁹ From the beginning of his direct dealings with her, Belford learns that Clarissa is scrupulously honest and extremely frank, even to a fault, and learns from this evidence to take her entirely at her word; he tells Lovelace that her uncommon frankness “makes it *evident* to me, that she is resolved to keep no terms with thee.”¹⁵⁰

Belford’s strongest insight, nearly an editorial self-insert from Richardson to instruct the reader, is this: “Her grief, in short, seems to me to be of such a nature, that time, which alleviates most other person’s afflictions, will, as the poet says, give increase to her’s.”¹⁵¹ He notes that her virtue and her grief are and have been evident in her all along; in her “every word, every sentiment, every action, it is visible,” and Lovelace could have seen it as he went along, but refused to do so (a reminder, of course, of Belford’s warnings). Belford’s ability to read Clarissa and his transformation from a rake into her disciple and friend is simultaneously humdrum and miraculous; he manages what Lovelace does not, which is entry to her deathbed and insight into her heart, but he accomplishes this through the very normal and seemingly simple act of taking her at her word, of paying attention, and believing she is a person with her own will and virtue, both of which matter, and that she means what she says. In short, he *believes* her, and he is thus enabled to sublimate his own grief and passive complicity, his guilt in her rape, by becoming the midwife (an enabler to some degree) in her “breeding Death,” an attendant of her deathbed, and the executor of her will, which signifies Clarissa’s recognition that he is the man who takes her

¹⁴⁹ *Ibid*, 1297: “I’ll give you a regimen, Madam, replied he; which, I am sure, the doctor will approve of, and will make physic unnecessary in your case. And that is, ‘go to rest at ten at night. Rise not till seven in the morning. Let your breakfast be watergruel, or milk-pottage, or weak broths: your dinner any thing you like, so you will but eat: a dish of tea, with milk, in the afternoon; and sago for your supper: and, my life for your’s, this diet, and a month’s country air, will set you up’.” Milk-pottage is particularly evocative of George Cheyne’s dietary regimens to cure mental, as well as physical, maladies, which were heavy on milk.

¹⁵⁰ *Ibid*, 1224. Emphasis mine. Belford witnesses Clarissa speaking of being in jail to Mrs. Smith before a stranger in the shop, as well as mentioning her need for a bath, entirely without shame, affect, or embarrassment.

¹⁵¹ *Ibid*, 1295.

word seriously enough to carry out her instructions.¹⁵² In this sense, Belford has attained for Clarissa the quite lofty designation of an honorary woman, with all the useful privileges of a man in patriarchal society.

Belief is an act that appears simple, but in all of Lovelace's willful acts of self-deception and re-imagining of his reality, Clarissa's body, and her words, it is evident that belief of a woman regarding her own experiences was not, and is not to this day, simple or easy at all. It is certainly less so for a pack of male libertines, whose conception of women and the world itself has deeply hobbled their ability to interpret it. As libertine views had very much leaked into English society and its general conceptions of women and sex, Richardson is also implicating his own culture and its reading of women's stories of rape and abuse. In his new plain-spoken way, Belford writes to Lovelace that, "I see more and more that there are not in the world, with our conceited pride, narrower-souled wretches than we rakes and libertines are.... we become mere smatterers in the sciences we are put to learn; and, because we will know no more, think there is no more to be known." He goes on in a more tragical mode, speaking of their simultaneous privilege and blindness, that they "imagine the world made for us, and for us only... and shutting our eyes, move round and round, like so many blind mill-horses, in one narrow circle, while we imagine we have all the world to range in."¹⁵³ Here, at the moment when Belford is at last beginning to understand, he realizes how much depth of knowledge regarding the souls of others he not only does not know, but has refused to glean or even consider—and so it is for Lovelace too, he realizes, despite his intellectual powers, and he is able to see the profound sadness inherent in the fact. The tragedy for Lovelace, and for a great portion of Belford's adult life, has

¹⁵² While it is true that Clarissa gives some of these responsibilities to Morden, she mostly appears to instruct him to help Belford carry out her will in case someone needs to prevail on her family. It is Belford to whom she pointedly gives the task, even with her own cousin right there willing to do the job, and that is, I think, quite significant.

¹⁵³ *Ibid.*, 1298-1299.

rested in believing the cases around him were already settled, that all signs he found would point to what he already knew, that there was nothing else to learn, and all else was a deception; in simply believing Clarissa's words, in rereading the evidence and reconstructing the matter, Belford now knows how much of the world and other people to whom he had blinded himself by shutting out the evidence before his eyes. This is the painful truth Lovelace constantly turns away from, that he cannot bear, that he frantically rereads, sublimates, contorts, attempts to vindicate and justify or twist entirely beyond recognition, but his powers of transformation cannot extend that far. When she is gone, he fixates upon gaining ownership of Clarissa's corpse, and rapidly becomes one himself.

Concluding Thoughts

In November 1949, Timothy Evans gave several contradictory statements to the Welsh police regarding the death of his wife Beryl; after an investigation of his home and the discovery of his wife and baby daughter's bodies, he was shown the clothing taken from their corpses, told they had been strangled, and subsequently confessed to killing them both. His neighbors gave detailed testimony regarding the quarrels between husband and wife at the trial, and within months, he was hanged for murder. During the police investigation of the garden Evans shared with his neighbors, a human thigh bone was propping up the fence; a few days later, some children playing in a bombed-out building nearby found a human skull, and they turned it in to the police. The body of Beryl Evans was not where Timothy had originally told police it would be, and he had said nothing about his daughter Geraldine's death until the police informed him of her murder. When a woman and a child are killed, it is perfectly normal to look first at the husband and father; in most cases, the spouse is invariably found to be guilty. Timothy Evans in

his confession, and the prosecution at large, provided a compelling and understandable narrative: tensions between wife and husband occasioned by Beryl's terrible housekeeping, her recent pregnancy, and Evans spending much of the family's money on vice, handily explained the strangling. Timothy Evans, however, did not kill his wife or daughter, and the respected neighbor who testified against him was John Christie, a serial rapist and murderer; their shared garden was full of the corpses and body parts of his victims.

The reason confessions are so compelling to us is because most people do not understand why someone would confess to a crime they did not commit. We imagine we understand the circumstances under which a confession is delivered, that the speaker is allowed to deliver their confession as a free, rational, and uncompelled oration. Our imagination extends similarly to the accusations and testimony of victims; we might imagine, for instance, that it is easy, guiltless, even enviable to be the victim pointing our finger at others, describing wrongs committed against our rights, freedoms, property, or bodies. Certainly there is power in being known to be a victim; in Christian culture particularly, victimhood could be said to imbue one with moral authority, even glamor—and glamor is magic, the right to demand or make change. Testimony is a story, a narrative, and in cases involving dueling testimonies, the more compelling narrative that accords with the beliefs, interests, and inclination of the jury has a distinct advantage. Solid investigations, well-gathered and analyzed evidence, and solid forensic and deductive thinking provide a means to intervene between these warring narratives, and we imagine that evidence provides, not just another version of events, but the “true” story—whatever it was that “really” happened. Certainly in the case of Timothy Evans and John Christie, a thorough investigation of the garden would have revealed that Evans neither knew nor had the information to tell anyone what really happened to his wife and daughter. Much attention has been paid to the failures of

forensic investigation and over-reliance on confession in this case, and a great deal has been done to explore it as a miscarriage of justice and an example of biased and highly motivated thinking on the part of the police. Yet the importance of confessions and admitting guilt to avoid a trial entirely remain; at their heart is the practice of elocution or writing a statement of events, sometimes with the help of the police—the apparent culprit telling the story of what really happened, making sure that what forensic evidence has been gathered accords with the definitive version as told by the “guilty” party.

The eighteenth century is, in itself, a sort of conceptual womb, the magical portal from which many areas of study were born, have their origin, and from whence they have come into the world. Study of the novel certainly may trace its parentage in this way. It is tempting to think in terms of progress narratives when studying this period; in some ways, the urge to do so is like gravity. There is also some secret triumphal glee attendant on denying the nineteenth century its maternity of some treasured topic, and forensics and detective narrative have long been thought to have their provenance under the scepter of Victoria. During the course of this project, I myself confess that I conceived of forensic thinking and reading as a sort of progress narrative: that the Scientific Revolution, kicked off by the Royal Society’s work in the seventeenth century, spurred a steady change in jurisprudence during the eighteenth century, bringing medical forensics into the courtroom, which in turn altered the culture and modes of reading, leading middling-rank readers and potential jurists to become more rational, methodical, logical, and deductive in their reasoning. In some ways, this is undeniably the case; use of medical experts, examination of bodies and objects, and lengthy recording of trials and their evidence all increase over this century, as I have discussed. The natural conclusion I would draw from such a development, the true triumph, would be the apparent progress this change represents to a modern mind, that the

development of forensic thinking and the necessary devaluation of the testimonial in making a case would lead to greater justice and equality. I do not, however, believe that any of this is true.

One of the experiences that spurred me to make *Pamela* a locus of my thinking was the context in which I encountered it as an undergraduate at UCLA. The first time I read it was in a seminar consisting of junior and senior English majors interested in the origin of the novel, and every title under consideration had a female heroine at its center. Every student in the class identified as female, and we were all near in age to the various novelistic heroines under study; many of us could still readily and easily remember being fifteen. No matter which class in which I have encountered *Pamela*, then and since, there have been those who questioned whether Pamela was “really” being victimized by Mr. B; I recall spending much out-of-class time in heated debate with my fellows over this issue, scouring the book for evidence, making points and counter-points, and finally asking why it is so hard for the reader to simply believe her? I find it difficult to read the novel without according to Pamela the right to have some experiential authority over the text and over her own story; if I spend too much time forensically tearing apart her account, looking for what “really” happened, it becomes impossible to read an epistolary narrative from Pamela’s perspective at all. Yet it is undeniable to me now that the text incentivizes this form of reading, whether Richardson wholly intended it or not—that it gestures to itself *as* an account, as a body of evidence in a developing crime, that it is a body of letters with a stated writer with her own complex motivations, not the “objective” narrator of many later novels, and that it has an intended diegetic audience. Perhaps this is why *Clarissa* is careful to have multiple correspondents, so that Richardson may use the forensic tendency, so incentivized by his writing, to bring about the desired reading and interpretation of the text.

What the forensic focus on Pamela's "true" desires and motivations distracts us from is, unfortunately, Mr. B himself—not just as persecutor, rake, and attempted rapist, but also his reform. Fielding rendered this reform wholly grotesque in *Shamela*, and no doubt found it truly abominable as well as improbable. What he missed, however, was the glimmer of a virtue—an act of faith—of which he showed himself capable ten years later, during the Elizabeth Canning debates. What has long struck me as most compelling about Mr. B is his interest in Pamela's account, in what she has to say and how she says it, and that he is converted by her version of events. He does not forensically construct a case in order to become convinced; he already knows what he's done up to this point, after all. Pamela's letters are a sheaf of evidence, a case for the audience to examine, but for Mr. B, they are a competing narrative, retelling events he already thinks he understands. In reading Pamela's version of the story, her perspective, he is engaging in a radical confrontation with the ethical Other. As Levinas constructed it, B is meeting God in the face of the stranger, encountering his obligations to others, expanding his capacity for true empathy. The miracle he enacts is not having Pamela's account proven true to him on the strength of the evidence; it is a leap of faith, the act of believing itself, denying that his own version of reality is the only one. For the first time, he sees himself through Pamela's eyes, the good and the bad—and it spurs him to change. While Lovelace spends his final days madly scrabbling at a corpse and the body of Clarissa's letters in order to own the physical proofs of her existence, B makes an unlikely, miraculous transformation through the parallax experience of informing and expanding his own capacity for empathy, and he lets Pamela leave so that she may make her own choice, as a bird from its cage.

There is an ever-widening corpus of police procedural, true crime, documentary, and detective mystery media, of which I have long been a dedicated votary, that proves our modern

obsession over and pride in twenty-first-century forensic science. Strong evidentiary cases and forensic thinking allow us to provide a stack of evidence and declare ourselves correct, to avoid the sticky subject of confessions and accusations, motivated reasoning, bias (whether it be that of the police, the jury, or the public), and the strong desire to side with the better story, especially if it accords with our own beliefs. Evidence permits us to avoid leaps of faith, makes it possible to move through life believing that it is possible to discover, in any instance, what *really* happened, and avoid listening to and believing the accounts, the stories, we might hear from one another. As the case of Timothy Evans should warn us, as well as so many cases I put forward in this dissertation, the careful corroboration of accusation or confession with powerful and well-analyzed evidence and expert opinion is incredibly important.

This mode of thinking is not possible in everyday life, however, and it is not healthy in our engagement with media or one another. Lovelace spends his time with Clarissa constructing her every gesture and word as a case against her, to disprove the presence of her virtue (perhaps her very soul); his Luciferian reading is a forensic reading, a vivisection of a human being, a division of Clarissa into tiny, beautiful parts. There have been moments where my own explication of these texts has felt likewise; in the time during which I have been working on this project, the pleasure of forensic analysis has occasionally given way to a realization that my love of reading, my previous ability to see a novel as an uninterrupted whole, an ensouled narrative singing its unspoiled mysteries and lessons into my mind, has largely flown. I do not think that I am unusual in this way, nor that this alteration is peculiar to those who study literature or other media. What begins as a sincere love and enjoyment becomes obsession; what was obsession becomes an object of intense study; what we study, we tear apart and sew back together with our analysis. The best critics restore, shine the glories of a novel's diadem, cast them to advantage,

reveal beauties concealed in shadow, lend light to perspectives otherwise obscured. The process of getting there, however, can feel like nothing short of a mutilation.

Despite the “progress” of forensic science and the great changes it has wrought in the justice system, it is my belief that it has left us with less motivation, curiosity, or desire to understand and believe one another, in favor of the physical traces that we may later select and use to construct what “really” happened. What some have called the glory of victimhood, as in the case of young women giving HR departments evidentiary folios in case they go missing, may perhaps be a recognition that one only becomes an interesting subject *in absentia*, rather than through presence itself; the body itself may be a scene of a crime too, present and examined, providing evidence to corroborate or contradict the stories we tell about ourselves, while absenting the self. This is true of the novel, of course; a novel is occasioned by, *is an occasion itself*, because something interesting happens to the protagonist. The novel is a testament to that fact, a folio of evidence allowing the audience to construct the body and true story of the missing person within, and we believe novels because they give the appearance of evidencing themselves in the way Richardson has outlined for us, at the novel’s birth. If Pamela is the first modern subject, then the first modern subject is a missing person. If she is the model for the rest of us, then we must all construct ourselves in disembodied traces, as subjects best understood *in absentia*, as or within the context of the scene of a crime.

Experienced forensic analysts will tell you, however, that the best detectives ask good questions, and that no investigation would be complete without strong detective work underscored by incisive questions. The conceit of many a detective story is the reminder that “Everybody lies”—and this may indeed be the case, but the things people say, what they understand about themselves and others, and what they believe to be true, is profoundly

important. Modern “rationalist” thinking, dueling facts and arguments, warring stories regarding what is “really” happening, undergird the same strain of suspicious, paranoid, and even conspiratorial thinking that so mars our civic dialogue and political environment today, and better science education is not the single silver bullet that will cure our national discourse. At its root is the same issue troubling the eighteenth-century courtroom scenes I have examined in this thesis, or classroom conversations centered around English majors reading *Pamela*: our inability to suspend our own intense skepticism and disbelief long enough to entertain the perspective of the Other, or to acknowledge our obligations to their stories—and to their *right* to tell those stories. If we have a duty as researchers, teachers, and humanist scholars beyond our ethical duty to shed light in darkness, it is also to help foster human interest in one another, to see them not as abstracted objects, as bodies moving through the mist in front of us, as implements and obstacles, but *as subjects*, with the power to convince and change us. This may accord us the power to enact miracles and, perhaps, a situation in which true justice is possible.

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Appendix 1: Rape and the Old Bailey

Under the Saxons, rape was a capital offense, but it was mitigated under the Normans to putting out the eyes and castration, before the First Statute of Westminster made it a misdemeanor. About ten years later, due to this laxity bringing about expectedly terrible consequences, rape again became a capital crime under the Second Statute of Westminster, and it remained that way—with few variations to the statute—until the beginning of Queen Victoria's reign. The fundamental principles at the heart of both statutes remained intact through the early modern period, though they were often confused and occasioned much difficulty, an issue which was only really dealt with decades into the Victorian period.¹ The Elizabethan 1557 statute, which treated rape as a property offense, was chiefly responsible for dividing the crime of abduction from that of rape, and it put in place important protections for infants (children under ten) that were not available given the confused reading of the two Westminster Statutes. As discussed in the previous section, attitudes about rape, confusion between Common Law and the Statutes, confusion between the Statutes themselves, the early lack of lawyers in the courtroom, the unwillingness to prosecute rapes without overwhelming evidence of violence and/or venereal disease, ignorance among the jurors and judges about the difference between the Common Law and the Statutes, and a lack of legal “clean-up” work that would have disambiguated the best way to charge accused rapists, all contributed to a low reporting, low indictment, and very low conviction rate, to say nothing of the fact that rape was a capital offense, and male jurors (they were all male) were loath to send one of their own to the scaffold for it unless a very particular definition of rape had been reached in their minds.

Critical examinations of rape trials and crimes against women, as opposed to examinations of crimes committed *by* women, as well as their representations in Augustan literature and popular prose are sparse, are comparatively sparse when compared with the body of scholarly work regarding other classifications of crime. Frank McLynn—somewhat emblematically among the historical examinations of rape in the contexts of general eighteenth-century crime and jurisprudence—spends spectacularly little time on the crime of rape, and indeed commits much of his ten-page section on crimes against women to prostitution and other sin-based or “vice”-related crimes, such as adultery, fornication, and running a bawdy house (or one's husband running a bawdy house, a terrible crime indeed). Rape in fields, especially of women traveling alone looking for work, was fairly common, if seldom advanced to trial, and there are many cases of gang rape among strangers (perpetrated by gangs of men, many libertines) in the latter half of the century. There was a high number of convictions for girls who were publicans' daughters, many of whom were assaulted by tenants (largely strangers to them, or little-known neighbors) or boarders at inns; the confluence of casual, common sexual violence and publicans' access to the machinery of the justice system conspired to make such reports and convictions more common.

It is not unreasonable to suppose that guests, boarders, and other strangers dwelling in a home and place of business might have believed they could get away with the rape of a servant instead of a daughter of the house, and there are many such reported cases among the Not-Guilty verdicts in the eighteenth-century courts, in the Old Bailey and other assizes. There is a great deal of difference between “unreported” and “unpunished,” and it does not appear to have been easy, profitable, or advantageous for a woman to bring a malicious charge of false rape in the period; cross-examination could be grueling and attach irrevocable stigma to a woman's character, even if she prevailed in her prosecution. Additionally, the court proceedings were incredibly expensive to the complainants and their families. The record itself shows how unlikely it was that any punishment would be handed down, even in cases of technical rape where a child had been assaulted and where consent did not need to be proven.

A cursory review of eighteenth-century literature, novels in particular, by some of its most well-regarded authors reveals that even the most crime obsessed of its social critics like Defoe and Fielding write insistently against the dangers of highwaymen and other thieves, and have much less to say about rape, provided one leaves Richardson and female writers of amatory and gothic fiction entirely aside, whose heroines worry about violence and ravishment and experience violence from men—strange and otherwise—on a constant basis. This is entirely unsurprising. Male bourgeois writers' preoccupations *would* largely focus on threats to property rather than threats to the body, particularly penetration, and they would figure threats to women in a man's sphere as a threat to property as well; it is little wonder if their writing reveals that they were psychologically unaware of the threats to female bodily autonomy or the common fears held by females in the lower ranks, unless they went out of their way to think about them. It would indeed be nearly impossible for these middling and noble male writers to fully understand

¹ Antony E. Simpson. "Popular Perceptions of Rape as a Capital Crime in Eighteenth-Century England: The Press and the Trial of Francis Charteris in the Old Bailey, February 1730." *Law and History Review*, vol. 22, no. 1. 29 Nov. 2004, p. 128.

those fears without a strong curiosity about and interest in women, and many years observing them, regardless of how many rapes were reported or prosecuted at large, and, with male writers having so much power over the cultural imagination and so much more access to audience and prestige, it would take significant work to depict the threat of rape as it existed correctly.

We know this because it remains the case today, in a culture with a far greater access to information and a far more strident view on punishing sexual abuse. The seventeenth and eighteenth centuries featured stranger rapes, often perpetrated by highwaymen and soldiers,² and a great deal of rape among acquaintances and neighbors, rape between single individuals and rape performed by groups, an almost endemic prevalence of child rape, as well as the abuse of servants, apprentices, and other dependent or vulnerable people, whether they be girls, boys, or older women. Due to the power dynamics at play, the low conviction rate, popular misconceptions about rape, shame, and the difficulty of proving the case, actual trials instances for rape were extremely low, but the attitudes of the defendants and the details of these trials themselves, the brazenness and the overwhelming sense of the commonplace nature of sexual violence, makes it possible to estimate a far wider prevalence of this activity beyond the courtroom. Treating trial records, pamphlets and newspaper reporting regarding such cases, and the Richardson's contemporary novels on the subject can all shed a considerable amount of light on the crime, as well as the way that the rape narrative prefigured a very different mode of reading, both persons and texts.

Esther Snell takes on one facet of this particular issue in her review of the published accounts of rape between 1700 and 1800, to examine how they may have affected the broader perception of rape in Britain, and particularly the nature, prosecution, and perpetuation of rape, and discusses the way in which contemporaneous sources felt the need to dissect and make all elements of the rape known, flaying the body of the event open and shedding upon it the unforgiving light of unrelenting scrutiny—revealing it to the public, figuring out how it was accomplished, and poring over every intimate detail in the form of medical testimony, which was then discussed and analyzed in minute detail, before the corpse would then be fully digested for moral instruction.³ There was a strong tension between the court's emerging need—indeed, its desire—for physical and medical evidence and standards for sexual modesty, and the way publication of the Old Bailey proceedings could damage victims' privacy and thereby encourage secrecy or hedging on the part of the complainant, which could in turn be damaging to the case. This was a problem for establishing and maintaining an evidentiary standard, particularly given that a high ideal of modesty was imposed upon and expected of women, and any perceived transgression of that expectation easily damaged the reputation of the very women who were attempting to prosecute for rape, and whose chances of a successful prosecution could be lessened by widespread publication. The defense, therefore, had some incentive to demand visibility, publication, and publicity, except in cases where rape of a child or invalid was involved, or any cases involving a threat to property, any of which could inflame the passions of the middling sort.

By making the proceedings of such cases available to the public, the Old Bailey was contributing to and helping shape a popular discourse around sexual behavior and to the available language for discussing rape, which may in turn have turned back in on itself and altered the ways in which deponents testified in court, creating a feedback loop in an ongoing discourse which Ken Plummer calls a "sociology of stories."⁴ These narratives both reflect and slowly altered popular attitudes about crime which, taken together with other cultural and social inputs, influenced general attitudes about crime, criminality, and the quality of different kinds of evidence,⁵ while additionally, I would argue, teaching the reading public both how to read cases with a litigious eye and to read other materials in critical inductive and deductive modes which were forensic, prying, speculative, and increasingly voyeuristic in nature, turning bodies, their behavior, their interiority, and their traces into the scenes of crimes.

While the proceedings of the Old Bailey might have been mysterious and attended by a cycling population of experienced jurors, many of them members of the gentry, and particularly barristers, the *Proceedings* publications and surrounding documents, such as trial pamphlets and ballads, opened a window into trials and heavily impacted the popular eighteenth-century conception of violent crimes, such as rape and murder, and steadily altered the language with which those crimes were discussed. By way of demonstration, the authors of the *Proceedings* themselves endeavor to explain the reports' existence by writing that "the reasons for writing this trial directly as it was spoke, is, that others may provide themselves with proper terms of speech before they appear at such a court of

² See McLynn, 104.

³ See Esther Snell and David Lemmings (ed.), "Trials in Print: Narratives of Rape Trials in the Proceedings of the Old Bailey." *Crime, Courtrooms, and the Public Sphere in England 1700-1850*. Burlington: Ashgate Publishing Company. 2012, p. 24.

⁴ See Kenneth Plummer, *Telling Sexual Stories: Power, Change and Social Worlds*. New York: Routledge, 2004.

⁵ Snell, 25.

judicature,”⁶ which reveals some of the reasoning for the immense shift during this period in the way in which trials were recorded, as there was a great deal of consciousness in practice of recording itself regarding the *ways* in which a trial would be publicized and read, how it would be received by the public and by other jurists, how it could best be made instructive, what may be seen as offensive, and the affordances it would have as a document beyond the courtroom and the discourse among jurists strictly about precedence and crime, all of which could be useful to forthcoming adjudication, legislative endeavors around criminal laws, and in the tenor of future testimonies.

As is somewhat obvious from the Old Bailey records and from other studies of the *Proceedings*,⁷ the record itself and its mode of appearance were the result of multiple negotiations and the needs of the court, as well as the needs of the printer. The records, for instance, favor the case of the prosecution and tend to give the most detail in instances where there was a conviction. The *Proceedings* do not often discuss the weak points of evidence in situations where there was an acquittal, nor the reasoning given by the jury at all when they fail to convict; the reader is invited to conjecture what kinds of evidence and testimony work and in what context, but not necessarily *why* the jury rejects or ignores other evidence—or at the very least, fail to find it persuasive. While many of the studies of the Old Bailey note in some manner that this omission served to shore up the justice system and its verdicts, it is in fact a weakness of the *Proceedings* that even strong cases meeting with acquittal provide little reasoning behind the decision, making it difficult to create norms and standards regarding evidence outside the lived and experienced culture of the courtroom, among the men who frequented the court on a daily or weekly basis. However, such norms did indeed emerge, largely through the public conversation taking place *around* the *Proceedings*, in pamphlets and in other forms of nonfiction news and opinion writing, shored up by the serial practice of jurymen who could then fluently discuss and write on these topics, in addition to the introduction of lawyers to both sides of the courtroom. A study of the records over a long period of time, particularly when considering a single crime and its treatment, such as the rape of infants, serves to illuminate potential drivers for these early acquittals through an examination of general trends. It is this sort of examination I will perform in Chapter 1 of this thesis.

Views differ greatly on the extent to which rape went unreported in the early modern period, but there is no doubt that the stigma attached to rape, in confluence with the plain unlikelihood of conviction, convinced many a young woman not to report the crime or seek recompense of any kind. The exact number is impossible to know, but guesses abound across the literature, and it may have been as high as 95 percent, according to a study of crime in the late seventeenth century by James Sharpe⁸, and this means that the “*Proceedings* therefore concerns a small and atypical group of alleged victims.”⁹ This sample bias, in addition to the low numbers of reports and convictions, constituted its own feedback loop: the time between crime and reporting elongated as women consulted family and friends in a torment over whether or not they should report, or kept silent out of fear or internalized misogynistic guilt which blamed women for being raped; this longer reporting time in turn affected conviction rates (then as now), as there were strong societal expectations, largely among male jurors whose imagination regarding rape was incredibly limited, governing the way a victim should or would act after a rape. This viewpoint, which was moralistic and prescriptive, rather than observational and descriptive; even while women and children were endlessly and obsessively examined for evidence of rape, their behavior necessarily needed to follow a set of acceptable scripts, and the language available to them to tell their stories was, as discussed, incredibly limited.

Therefore, while prosecution after prosecution revealed that delayed reporting resulted in skepticism and demands for an explanation for the delay from the jury, an explanation which victims often lacked the psychological language to fully explore or convey, Snell and Clark’s studies both found that women and young girls continued to delay reporting their rapes throughout the eighteenth century, at a rate that modern experts who study the victims of sexual abuse would easily recognize.¹⁰ Rape trauma syndrome and societal stigma—shock, shame, denial, confusion, fear of being disbelieved, as they often were, and the desire to protect the scant social capital extant in a good reputation, all factored into the victim’s decision to report; incredibly low prosecution rates and even lower conviction rates no doubt contributed as well.

⁶ *OBSP*, 5 July 1727.

⁷ I am particularly indebted Robert Shoemaker’s “The Old Bailey Proceedings and the Representation of Crime and Criminal Justice in Eighteenth-century London,” *Journal of British Studies*, vol. 47, no. 3, July 2008. Pp. 559-580.

⁸ Sharpe, James. *Crime in Seventeenth-century England: A County Study*. Cambridge: Cambridge University Press, 1983, p. 63.

⁹ Snell, 26.

¹⁰ While modern studies on the subject abound across institutions, publications, and governmental research bodies such as the NHS and NIH, a seminal source on the subject is Patricia Searles and Ronald J. Berger (eds), *Rape and Society: Readings on the Problem of Sexual Assault*. Boulder: Westview Press, 1995.

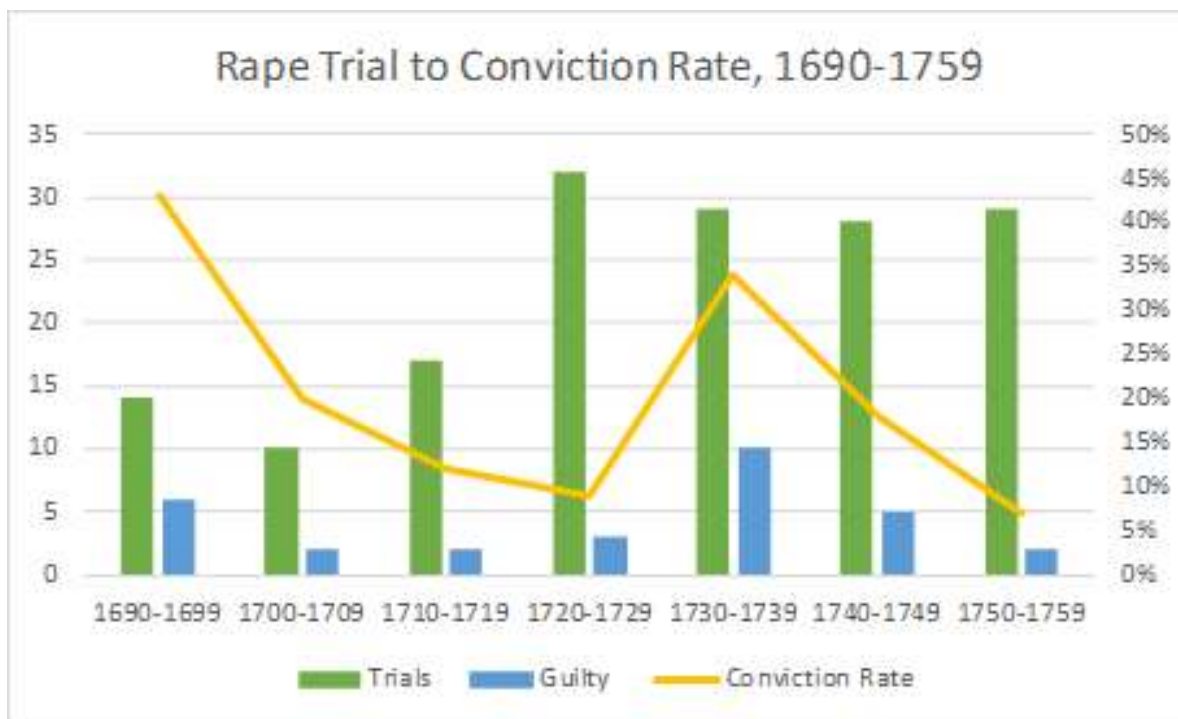


Figure 4-1: A comparison of trials for rape and conviction rapes per decade between 1690 and 1760. Note that while the number of trials—and hence reported rapes—rose, convictions did not reliably follow. In this graph, there is some evidence of a reactionary pendulum swing after the 1730s, suggesting that conservative forces have registered a threatened change in sexual politics and power dynamics.

Given the conviction rates and difficulty of bringing a case, there could be little expectation of justice, and every expectation that the victim’s privacy would be invaded, her reputation tattered, her account doubted at every turn. Many reported threats of violence from their attackers, and many knew their rapists—these men were boarders, masters, apprentices living in the household, neighbors, many living in the same or very near to the victim’s domicile. Even those who lived at a distance, like Elizabeth Jones’s alleged rapist, who was a stranger that lived a half-mile off, could threaten their victims gruesomely—in her case, her rapist John Colliers threatened that he “would cut her Throat from Ear to Ear” twice during his assault on her.¹¹ The risk-to-reward ratio was very much out of balance. Many victims were forced to report through a discovery, often venereal disease, an infection resulting from wounds received during the assault, or the wounds themselves; so often it was their linen that gave victims away to their parents, their mistresses, and other friends or family members. Usefully, Snell comments upon the way in which rapes in the *Proceedings* were “located within everyday interactions and relationships: as victims worked, performed chores and ran errands, or played with their toys,” all against a backdrop of constant, apparently trivial but ever-present sexual attention.¹² It is precisely this persistence and triviality that can make many of the reported assaults seem both banal and pernicious; in many cases of child rape, for instance, a child would be sent on an errand by her mother and shut inside a room with a neighbor, or caught while climbing the stairs in the boarding house where she lived, or pulled behind a door while performing chores. Older victims were often walking to work, passing through fields seeking jobs, going to the market, or going about their duties as a servant or daughter of a working household. There is a pervasive sense from these accounts that sexual assault was everywhere in mid-eighteenth-century London especially, lurking in the very air a person breathed, so common as to almost become unrecognizable as rape to the men trying the crime. If rape was special, taboo, unconscionable, unspeakable, and performed only by monstrous, interloping men, then it could not in fact be that everyday event happening to children in stairwells and old women in evening markets.

In 1748, Hepzibah Dover, thirteen and daughter of a clockmaker, was sent by her mother to their neighbor, a carpenter, for chips and shavings for use at home. She was lured upstairs by her rapist with the promise of the shavings, thrown onto the bare ground, and raped; when she threatened to tell her mother, the assailant told her he

¹¹ *OBSP*, October 1730.

¹² Snell, 29.

would murder her if she did so. Hepzibah was only driven to tell her mother after a week had elapsed, and she found that she was in such “pain and misery” that she felt she had to do so. Incredibly, Hepzibah had known her rapist for a year before this, and he had never offered any kind of “unhandsome” behavior before that day—she had gone to him many times for shavings, and he had never harmed her or given any seeming indication of his desires (none, at least, that a preteen girl picked up on). Even more incredibly, being sent to get shavings from him three days later (forced to do so by her mother after several days crying and pleading against it), she was offered more of the same by her assailant, who was either emboldened by the rape and his further threats to murder her, or was hoping to give himself greater plausible deniability by making it appear to be an ongoing consensual relationship with a promiscuous adolescent—a practice only questionably permitted at the time by law and practice, and certainly frowned upon by moral authorities.

To Hepzibah’s mother’s credit, Ethel Northam jumped into action the moment her daughter confessed, and took her to see both a midwife *and* a surgeon, both of whom gave expert testimonial evidence at the trial. I discuss that evidence and the conviction in that case in Chapter 1.¹³ Her case illustrates the features that are common to so many of the reported cases found in the Old Bailey, in trial pamphlets and in the newspapers of the time: many rapes occurred in a context of casual brutality, with many assailants behaving with a nearly totally justified certainty of their own impunity and a carelessness which reflects that belief. It is likely, given what we know about re-offending and recidivism rates among modern rapists and pedophiles,¹⁴ that for every victim who reported her rapist, her assailant abused and attempted to abuse many victims before—and in many cases after—the trial recorded in the *Proceedings*.¹⁵

Shame played a constant role in the discourse of the rape trial. At its center is, in effect, the confession of the victim, the description of the forcible sex act, the recital of which was an immodest and, for the period, often salacious breaching of social norms, an attempt to make the unspeakable comprehensible, at its heart an act of ritual humiliation for the complainant which operated more to attach than to expunge guilt from her person. The court often pressed forcefully for details of the sex act itself, as if making sure the complainant understood and shared in their definition of sex and rape, citing the “exactness” of the statute (crucially, many of them could not have both read the statute and made some of the legal contentions they did, as Antony Simpson points out), and the fact that a man’s life was at stake. However, when the victim found it difficult to offer details—often knowing that the provision of sexual detail only made the rape appear more and more in the language of a complicit, if not willing, sex act between men and women, the tension mounted into “a clash between the court’s requirements of standards of proof and popular understandings of acceptable dialogue concerning sexual behavior,”¹⁶ a tension which served to damage victim’s cases in a situation where virtually nothing could improve or aid them.

Fictional and literary worlds served to furnish language which female complainants could at times use to make themselves heard and understood, or at the very least to express that which they had no other language to discuss. Victims, grown women especially, used various phrases over and over in the trials, some of which may be seen in literature, such as their perennial use of the word “ravish” instead of rape—revealing a confusion of terms discussed further in Chapter 1—while the court’s favored euphemism was “carnal knowledge of her body”; notably some victims, especially in the 1730s and ‘40s, began to adopt this language, especially older women, revealing the change in reading habits and the use of “ravish” in popular amatory fiction women perused. When describing the crime, complainants in this period often described *around* the sex act and depicted the attack in terms of physical violence—how they were thrown down, how their mouths were stopped or their throats were strangled, and the way

¹³ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 8.0, 27 July 2023), September 1748, trial of William Garner (t17480907-50). This citation follows the exact citation recommendations outlined on the archive’s website, better enabling readers and other scholars to find and reference this case.

¹⁴ See Robert Prentky et al, “Recidivism Rates Among Child Molesters and Rapists: A Methodological Analysis.” *Law and Human Behavior*, vol. 21, no. 6, 1997, pp. 635–659. See also Tamara Rice Lave, J.J. Prescott, and Grady Bridges. “The Problem with Assumptions: Revisiting ‘The Dark Figure of Sexual Recidivism.’” *Behavioral Sciences & the Law*, vol. 39, no. 3, 2021, pp. 279–306.

¹⁵ Snell refers to all respondents who were not convicted as “accused” and “alleged” attackers only. However, without a defined standard of proof nor an explanation regarding many of the acquittals, and given the risks and damages accrued to those who made rape accusations in this period, I find that it is unjust to make this distinction when referring to the acquitted in aggregate as though they were not fairly proven guilty. While these men are indeed innocent in the eyes of the law, which was not yet adequately sharpened and empowered with all the tools it needed to convict them in certain cases, I hesitate to say that they are innocent in the eyes of history, given the details of the cases and the testimony of the victims and, in many cases, witnesses.

¹⁶ Snell, 31.

the accused manipulated their own and the complainant's clothing. The lifting of the petticoats and the unbuttoning of the breeches often stand in for the kind of detail for which the court most ardently strove, and the unsettling of the clothes, the violation of the petticoats, the manipulation, soiling and rending of the cloth stand in for said violence committed on the body.

The self and its consciousness during the sex act is entirely abrogated; the victim is sensible only of pain, if sensible at all, while other sensations and emotions are entirely elided to avoid suggesting the presence of a thinking, feeling, or sensate mind present in the sex act at all, other than that of the accused. Almost universally, the victims describe how much it hurt, both during and after, and the most salacious detail the court could rely upon receiving was the “wetness” that “came after” or at the completion of the event, signaling the full achievement of coitus and of its concomitant fluids which could be detected on linens, towels, and other articles of clothing. The word “wet,” here often used as a noun—“a great wet” or a “wetness inside”—occurs again and again, chiefly and crucially among both child victims, who could not have been reading accounts of crime but could have taken language from the female family members and midwives to whom they reported, and adult female complainants, as an important and incontrovertible declaration of the completion of the act which they otherwise struggled to describe without appending complicity to themselves.

The publication of the *Proceedings* was required to ride a fine line between interest and decency, between informing a curious public and potentially offending it; when a detail was considered too indecent, the recorder censored it, either by blocking out the word (for example, transcribing “and be damned” as “and be d-----d”) or by eliding detail entirely, such as in Hepzibah Dover's case, where the recorder wrote bluntly that the “girl expressed herself in such terms as fully proved the rape” before moving on to the next part of the testimony. As the century wore on, however, the courtroom and the kinds of narratives related (and recorded) there changed a great deal, and the details became increasingly salacious—as did the public's appetite for consuming them. As Anna Clark has discussed, by the 1770s the “heroic rapist” or the libertine basked in the attention and the glorification of his sexual prowess through the ritual of the court scene, the tearful confessions of his victims, and their descriptions of his predations, but we can also see that, as early as the 1740s, libertinage and the heroic rapist were already appearing in the literature—Richardson's *Lovelace*, in an eerie premonition of his real-world successors, has almost feverish delusions of his day in court, and seems to relish rather than dread the possibility and what he sees as promised glory. He appears to imagine—and given the conviction rate, perhaps rightly so—that a trial will give him a chance to prove his sexual prowess to the world, rather than provide *Clarissa* with a chance to prove him guilty of a crime.¹⁷

A number of cases in the late 1760s, and primarily in the 1770s (which comport with earlier trials in the first half of the century particularly), featured a great deal of physical evidence proving both penetration and emission of seminal fluid, constituting a powerful instance of medical expert testimony or physical proof (via discharge, blood, and ejaculate on linens or other clothing presented in court, worn by the victim or the accused).¹⁸ The features present in these later decades are prefigured by smaller, earlier instances growing out of rape trials occurring as early as the 1680s, although the court's interpretation of that evidence, its handling of physical traces, and the kinds of decisions it made in the face of such evidence quite obviously evolved over the period from 1680 to 1750, into a legal culture that increasingly stabilized around a norm of using physical evidence in most cases regarding rape, regardless of the age of the victim.

The court's demand to see the soiled linen of victim Mary Faucet in 1733, and the subsequent conviction of John Cannon for her rape, is a powerful moment in this forensic history, as it establishes a point at which the court demanded to see a particular kind of physical evidence, viewing it as key to their decision making, and hence making it a *de rigueur* and a very common medical clue that was introduced and examined in rape cases going forward.¹⁹ That this medical scrutiny and its growing preeminence as an evidentiary standard was humiliating and too stigmatizing for many victims to bear, thus hindering reports of rape and further interfering with the desire to pursue legal justice, is borne out by the strange drop in rape cases during the early centuries of the eighteenth century. This is especially obvious in the 1740s, right at the time when those rape trials that *were* published in greatest detail—the convictions—began to include exponentially more direct testimony and the minute detailing of intimate, personal, and potentially mortifying content.

¹⁷ *Clarissa*, 1691.

¹⁸ Snell, 37.

¹⁹ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 8.0, 26 July 2023), September 1733, trial of John Cannon (t17330912-55).

Appendix 2: Midwives' Assistance with Abortion

Women (mothers and midwives) were not considered at fault for the death of babies during the birthing process so long as they were still connected to their bodies, not until a law was passed to this effect in 1929. The legal and moral debate in the period focused on when the infant became a separate and hence protected entity from its mother; largely the line was around quickening, but there was no statutory offense for abortion until 1803, though the church had long associated abortion with infanticide. Women circulated recipes for abortifacients (midwifery manuals mention pennyroyal, savin, and ergot of rye, typically in receipts for the resumption of the courses) which induced miscarriages, and this practice would still not be targeted by the 1803 law. Women's receipt books had numerous recipes to bring on the courses or to resume menstruation—essentially, to purge a fetus before quickening, which marks the time when the fetus is large enough that the use of abortifacients becomes far more dangerous. Purgation of the uterus by resumption of menstruation appears to be a common method by which women sought to control their reproductive status and family size, or even protect their own lives, and there was seen to be little basis for contending a married woman's right especially to control an unborn child until it had left her body entirely.²⁰

What is clear from this is that de facto regulation and female policing over one another's bodies within the community conspired to protect the married woman's ability to control the size of her family within the acceptable confines of married life, usually in collusion with midwives, matrons, and fellow married women. In the case of unmarried women and victims of rape, the pendulum swings in the other direction. If the women in the community suspected an unwed woman of having a baby and concealing it, they felt entirely authorized to search her home for evidence of labor and infant, including an inspection of her breasts for milk, her sheets for blood, and every nook and cranny for a child, whether dead or alive. Quite like the jury of matrons before them, who searched the female body for signs of rape, virginity, pregnancy, and pacts with Satan or familiars, these neighborhood women had a special form of authorization to invade the inner and most private spaces of their sisters to search for evidence of any bodily—and hence moral—transgression or disorder. This evidence could then be presented in a court of law, by the same said jury of matrons.²¹ The battle for a married woman's right to control fertility extends into an enforcement role over the bodies of the suspected, the incontinent, the unmarried, the disruptive; in maintaining control over and access to the bodies of women who break with the desired norm, matrons maintained effective female control over childbirth and reproduction in small communities, until increased urbanization and professionalization transferred that right into the hands of a male professional class, who credentialed one another but often possessed less experiential knowledge over the female body and its functions. This switch coincides with the steady loss of the cunning woman's role in small communities; while people still appeared to believe in beneficent and cunning witches throughout the century and at the beginning of the nineteenth, the threat of legal action for presenting oneself as a witch and claiming magical powers had a chilling effect on how widely such individuals broadcasted their services, and hence how much of them appears in the record. The madame of a brothel, and all her underlings, of course, had great recourse to the practical craft of abortifacients, prophylactics, douching, and—in Mother Sinclair's case—other herbals "remedies" as well, to bring young women like Clarissa under control for breaking.

²⁰ See Frances Dolan, *Dangerous Familiars: Representations of Domestic Crime in England, 1550-1700*. Cornell University Press, 1994, p. 137.

²¹ Dolan, 137-138.