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**“The Tale Never Dies”: Imprisonment, Trial and English Jacobin Fiction, 1788-1805**

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## **Abstract**

Between 1788 and 1805 a subgenre of the novel, which has come to be called the Jacobin Novel, provided a series of representations of imprisonment and trial. By reading these politically charged representations against the shared ideology of social and political reform articulated by the writers William Godwin, Thomas Holcroft, Elizabeth Inchbald and Mary Wollstonecraft, we can see how the project of reform is effected and put to the test in their fictional works. I evaluate these novels against the background of penal and legal reform in the latter half of the eighteenth century in England, and offer a reading of the use of imprisonment and trial in fiction in the 1790s as one that functions both as an attack upon the penal and judicial systems and as a subtly-functioning metaphor for the purpose of literature itself.

In chapter one I set out the theoretical framework for the thesis in relation to the work of John Bender and other critics on eighteenth-century literature and culture, before moving onto an account of the eighteenth-century prison and influential theories of penal reform. Chapter two focuses upon changes in the legal sphere, the concept of fiction and the use of reading as a means to reform. Chapter three examines the work of William Godwin in relation to his writings on the 1794 London treason trials, and considers the representation of prison reform in his fiction. Chapter four analyses Elizabeth Inchbald's attempts to destabilise imprisoning patriarchal authority in the domestic sphere as well as the court of law. Chapter five discusses Mary Wollstonecraft's generic experimentation, and examines her attack upon the forces that make prisoners of women. Chapter six investigates the treason trial writings of Thomas Holcroft and his novels' representation of penal and social reform through his engagement with conversation and debate.

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## Introduction

The protagonist undergoes the traditional imprisonment in most of the best jacobin novels: in Holcroft's *Hugh Trevor* as well as *Anna St Ives*, in Godwin's *Caleb Williams* and *St Leon*, in Mary Wollstonecraft's *Wrongs of Woman*. Often the prison-sequence is followed by a trial at which the prisoner speaks out against tyranny and in favour of the individual's right to liberty: eloquently and at length in Godwin and Mary Wollstonecraft, and, even better, with brevity in Mrs. Inchbald's *Nature and Art*. The symbols for the novel which sided with the oppressed individual were – like the lived experience – all there: but where was the form?<sup>1</sup>

Prison sequences and trial scenes proliferated in the English Jacobin novel of the 1790s. The fall of the Bastille prison in Paris in 1789 offered a ready metaphor for the contestation of power and authority, and a poignant symbol of liberty denied. English radical writers were quick to seize upon this image. But, far more interestingly, the novels of William Godwin, Thomas Holcroft, Mary Wollstonecraft, and Elizabeth Inchbald represented rather more unexpected forms of imprisonment. The Jacobin writers' exposure of the interlocking systems of the English law and the prison, by which all the novels' protagonists are confined, is structured upon the representation of "traditional" literary scenes of imprisonment in gaols, debtors' prisons and madhouses, familiar from the work of Defoe, Richardson and Fielding. It is also concerned with imprisonment in the domestic and public spheres, in print, and in law, where confinement is experienced as a condition of education, reputation, or gender. Indeed, these novels, so saturated in the metaphorical and literal workings of imprisonment and trial, became themselves a type of trial. The Jacobin novel of contested narratives, disputed authority, and the privileged status of enquiry centres upon an attack against tyranny and oppression. The symbolic representation of the structures of imprisonment works very transparently in such scenes. When Maria cries "marriage had bastilled me for life" in Wollstonecraft's *The Wrongs of Woman* her personal suffering is evident and the analogy between marriage and imprisonment is a vivid one.<sup>2</sup> She

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<sup>1</sup>Marilyn Butler, *Jane Austen and the War of Ideas* (Oxford: Clarendon Press, 1975) p. 50.

<sup>2</sup>Mary Wollstonecraft, *Maria; Or, The Wrongs of Woman*. 1798. Ed. and introd. Janet Todd (Harmondsworth: Penguin, 1992) p. 115. I refer to this novel as *The Wrongs of Woman* throughout, as recent critical accounts refer to it under this, its original name, rather than as *Maria*, as was previously the custom. The most recent edition of *The Wrongs of Woman*, edited by Gary Kelly (Oxford: Oxford University Press, 2007) maintains this position. For *Caleb*

speaks as the inmate of a private madhouse, confined there by her husband's will. Yet this is also the expression of an individual unwittingly damned to perpetual confinement by a force greater than her own, by the "partial laws of society" manifest in marriage, property and attitudes towards gender which now "fetter" her as effectively as any prisoner's chains in a dungeon.<sup>3</sup> Maria's confinement is represented as belonging to a different order than that suffered by prisoners in earlier sentimental novels. When, after reasoning away the terror of the Bastille as merely a tower, "and a tower is but another word for a house you can't get out of" Yorick, moved by his starling's plaintive cry of captivity, then imagines an inmate of the Bastille; he weeps at the woeful image that possesses him and reason is defeated by sympathy: "[h]e gave a deep sigh – I saw the iron enter his soul – I burst into tears – I could not sustain the picture of confinement which my fancy had drawn."<sup>4</sup> Here the image of confinement works as a spur to sympathy at the prisoner's plight. In Wollstonecraft's use of the Bastille, however, we are all implicated in Maria's confinement, because we all suffer beneath the harsh laws of society. The traditional imprisonment that Marilyn Butler describes as integral to the Jacobin novel works in two ways. It functions as an obvious symbol for the condition of mankind, and as a fervent appeal to sympathy as well as to reason. In the Jacobin novel sympathy is not outweighed by reason, but joined to it; we are moved emotionally by the plight of the Jacobin prisoner, and moved rationally to action. We must investigate the laws that govern us, for we are all confined by them. Maria, Caleb from William Godwin's *Caleb Williams* and Anna in Thomas Holcroft's *Anna St Ives* do not weep at their respective confinements. They investigate the operation of the systems that put them there, and then they plan an escape by setting themselves in opposition to those systems.

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*Williams* (originally *Things As They Are; Or, The Adventures of Caleb Williams*) however, I retain the shorter sub-title, rather than the more polemical *Things As They Are*, again in line with recent critical practice.

<sup>3</sup>Wollstonecraft, p. 115.

<sup>4</sup>Laurence Sterne, *A Sentimental Journey Through France and Italy*. 1768. Ed. and introd. Ian Jack (Oxford: Oxford University Press, 1984) p. 70, p. 73.

For Butler, the Jacobin novel lacks form. But for the novel which addresses law and imprisonment, content determines the literary form that it takes. The Jacobin novel becomes an enquiry into the systems of law and imprisonment that seek to confine the protagonists of the novels (and by extension, the readers of these works of “things as they are”) at every step. The novel offers itself to the reader as an enquiry into its own representation of the current order of society, and this enquiry extends to the grounds upon which the proposed reforms are dependent. No simple plan for reform is offered in these novels, no ideal solution expounded by radical writers for the amelioration of all society. Instead, the trial content of the novel, which is generally used to expose the force of prejudice working with the legal system and the impossibility of the administration of justice by such a corrupt system, becomes the form of the novel itself. Scott Campbell has described the Jacobin novel as working “negatively,” that Jacobin writers proceed by “rendering and then dismantling the ideas and actions of the characters,” to expose the “outworn ways of seeing” that threaten reform by their persistence.<sup>5</sup> As I will show, the interrogative principle of the Jacobin novel does not exempt its own ideology from its enquiry into things as they are. Though the pessimistic outcome to some novels may belie the reformist principles that underpin them, the model for reform is clearly laid out in each. It calls for open, honest dealing between men and women, and an end to manipulation and deceit. It privileges the provision of liberty and education for all, for opposition to every form of oppression and an end to the tyrannical rule of tradition for tradition’s sake. It consists of reasoned, gradual reform within society joined with immediate reform or abolition of corrupt political and legal institutions, whose deleterious effects are detailed in the narratives of suffering and injustice that comprise the novels. Yet even as it offers this alternative social model, the Jacobin novel continues its examination of systems and forms of authority, and invests the reader with the power of enquiry and judgment as to which is the best reform to implement.

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<sup>5</sup>Scott C. Campbell, ““Disagreeable Misconstructions”: Epistolary Trouble in Charlotte Smith’s *Desmond*,” *Enlightening Romanticism, Romancing the Enlightenment: British Novels from 1750 to 1832*. Ed. Miriam L. Wallace (Farnham and Burlington, VT: Ashgate, 2009) pp. 55-68, p. 56.



The solution depends upon the reader's self-determination and ability to exert his or her own private judgement, but like the process of reading and interpretation this exercise of judgement is something that does not end when the novel is concluded. The novel of imprisonment and trial is a continual trial itself, and one which seeks to free the reader from all forms of imprisonment, even if one of those forms is Jacobin ideology.

Few critical accounts of Jacobin novels proceed very far without a disclaimer as to the use of the word Jacobin, and this is no different. I refer throughout to the writers William Godwin, Thomas Holcroft, Elizabeth Inchbald, and Mary Wollstonecraft as Jacobin, and I structure my examination of them around several shared principles as outlined above: contesting authority, prioritising individual liberty, education, and judgement, and exposing the corrosive effects of social and political institutions, all within the context of imprisonment and trial. I do not intend to produce a reading of novels by four very different writers that is definitive, summative or reductive, nor do I intend my use of the term Jacobin to signify this. From the first grouping of Godwin, Holcroft and Inchbald together as Jacobin writers in Butler's and Gary Kelly's monographs in 1975 and 1976 respectively, with Robert Bage as the fourth Jacobin, to the inclusion in recent years of Wollstonecraft, Helen Maria Williams, Mary Hays, Charlotte Smith, and Eliza Fenwick amongst other newly-recovered radical writers, use of the term has continued but to a point where its applicability is overstretched. One critic has suggested that Fanny Burney's *Cecilia* may be considered as the first of the Jacobin novels; Nancy Johnson has recently extended the appellation to Maria Edgeworth.<sup>6</sup> The recovery of a wide number of novelists who participate in the Jacobin project of reform by their contribution to the 1790s debates on revolution and liberty has considerably broadened the field of what has been considered Jacobin scholarship. The variety of views expressed by each writer has made it

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<sup>6</sup>Margaret Anne Doody, introduction. *Cecilia; Or, Memoirs of an Heiress*. By Fanny Burney. 1782. Ed. and introd. Peter Sabor and Margaret Anne Doody (Oxford: Oxford University Press, 1988) p. xxxvii. Nancy E. Johnson, *The English Jacobin Novel on Rights, Property and the Law: Critiquing the Contract* (Basingstoke: Palgrave Macmillan, 2004) p. 169.

almost impossible to regroup them under a single title. Jacobin has been replaced in turn by revolutionary, political, radical, reform, and Godwinian. Dubbing English radicals as Jacobins in the aftermath of the French revolution was an act of political antagonism, and the implied ideological link between the English radicals and the violent, pro-revolution French *jacobins* is erroneous. But I shall maintain the original term as it is concise, non-anachronistic, and sustains the polemical tone that defines the 1790s. My choice of writers as Jacobins is uncontroversial, but in my investigation into imprisonment and trial I shall offer a new interpretation not only of these writers as Jacobins, but of the Jacobin novel itself. By this I mean that by grouping Godwin, Holcroft, Inchbald and Wollstonecraft together on the basis of their use of fiction as a moral and political tool and by examining the representation of certain key, common scenes, the understanding of what is meant by “Jacobin novel” or “Jacobin writer,” will be enriched, and the term will move beyond its usefulness as a loose collective noun to a more precise description of a shared literary endeavour dedicated to trial, in both its senses. That the Jacobin novel promotes reform is something that this thesis assumes as a given, though the varieties of reform adhered to by the writers surveyed here are not investigated in great detail, and the term itself is used in its broadest sense. Teasing out the differences between Godwin and Holcroft’s radical politics and those of the more moderate Inchbald, for example, or mapping the development of Wollstonecraft’s proto-feminist thought in her writing is the work of a different study. My interest here is in thematic and formal variations among the Jacobin novels, rather than in the ideological range behind them, and I aim to consider the question of why these writers chose the novel form for their propaganda, amidst the generic variety available to them.

Recent scholarship has tended towards an examination of the use of language in Jacobin novels, especially of classical tropes in Godwin’s and Holcroft’s works. Wollstonecraft’s engagement with Burke and Rousseau is still prevalent in criticism of her novels, as is her position as a feminist philosopher, but increasingly her debt to sensibility is being fruitfully

explored. Inchbald, like Holcroft, has endured some neglect, but her position as a successful professional woman of letters is receiving renewed attention, and with that her diaries, plays and novels are being newly considered in economic, philosophic, and feminist terms.<sup>7</sup> The only recent, full-length study of the Jacobin novel is Johnson's *The English Jacobin Novel on Rights, Property and the Law*.<sup>8</sup> Johnson's main focus is upon the social contract and the development of the new citizen in 1790s literature, and she does so by discussing a broad spectrum of Jacobin writers, including Smith, Hays, Bage, and Edgeworth, as well as the four considered here. Johnson's aim is to follow what she regards as the central theme of the Jacobin novel common to all novelists: "[to] str[i]ve to outline the figure of the legal subject of the social contract and redefine the relationship between the citizen and the law."<sup>9</sup> While the interpretation of the novels put forward by Johnson is useful, our projects do not overlap despite the shared commitment to the centrality of law in these novels. My interest lies in the representation of opposition to the law by use of the trial format, and the novel's appropriation of the legal discourse for use as a literary one, well as the radicalisation of the scene of imprisonment. Within the current field of 1790s scholarship increasing attention is being paid to the political ramifications of the 1794 London treason trials. The recent publication of eight volumes of the trial transcripts of Thomas Paine, Thomas Hardy, John Horne Tooke, and John Thelwall offers a wonderful opportunity for scholars to investigate the rhetoric of the trials' prosecution and

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<sup>7</sup>For examples of these recent critical trends see Isabelle Bour, "Sensibility as Epistemology in *Caleb Williams*, *Waverley*, and *Frankenstein*." *Studies in English Literature* 45.4 (2005) pp. 813-27; Nicolle Jordan, "The Promise and Frustration of Plebian Public Opinion in *Caleb Williams*." *Eighteenth-Century Fiction* 19.3 (2007) pp. 243-66; Jonathan Sachs, "From Roman to Roman: The Jacobin Novel and the Roman Legacy in the 1790s." *Studies in the Novel* 37.3 (2005) pp. 253-72; Shawn Lisa Maurer, "The Politics of Masculinity in the 1790s Radical Novel: *Hugh Trevor*, *Caleb Williams* and the Romance of Sentimental Friendship." *Enlightening Romanticism, Romancing the Enlightenment: British Novels from 1750 to 1832*, pp. 87-110; Peter Mortensen, "Rousseau's English Daughters: Female Desire and Male Guardianship in British Romantic Fiction." *English Studies: A Journal of English Language and Literature* 83.4 (2002) pp. 356-70; Simon Swift, "Mary Wollstonecraft and the Reserve of Reason." *Studies in Romanticism* 45.1 (2006) pp. 3-24; Deborah Weiss, "Suffering, Sentiment and Civilisation: Pain and Politics in Mary Wollstonecraft's *Short Residence*." *Studies in Romanticism* 45.2 (2006) pp. 199-221.

<sup>8</sup> Miriam Wallace's new monograph, *Revolutionary Subjects in the English "Jacobin" Novel, 1790-1805* (Lewisburg: Bucknell University Press, 2009) provides an important reappraisal of 1790s Jacobin novels and the creation of the individual subject before the law and within the novel. It develops many of the issues raised by Wallace in her earlier articles, which I have referenced in this thesis. I was unable to incorporate an analysis of this new work in my thesis before its submission date.

<sup>9</sup>Johnson, p. 3.

defence, with implications not only for cultural historians but scholars working on the debates surrounding the use of language in the aftermath of the American and French revolutions, in relation to rights, liberty, and the different rhetorical traditions utilised by Burke, Paine, and their supporters in speech and writing.<sup>10</sup> The next necessary stage in 1790s scholarship is to recover the literary aspect of the treason trials, within the ongoing historical and linguistic recovery. I hope to make a contribution to this development by discussing Godwin's and Holcroft's novels in relation to this context. Miriam Wallace has written of the difficulty of such a project, pointing out in her careful examination of the interdisciplinary nature of the treason trials the dangers for misreading that such a project entails. In reading literary texts as historical documents, and legal documents as literary texts, the tension between each discipline's habits of interpretation is evident. Wallace states the problem clearly: "[g]rappling honestly with this kind of material requires that scholars resist falling into either literary formalist or historical contextual approaches."<sup>11</sup> In her reading of the novels, narratives of facts, and published letters contributed to the debate by Godwin and Holcroft she is careful to note that not only are these texts problematic in their dual nature as factual and literary productions, but that the divisions between forms of literary production were not so clear-cut in this decade as to be easily divided between literature, law and history. Wallace attests to the importance of reading widely amongst the writings of Godwin and Holcroft to better understand their trial writings: "[they] spanned multiple genres of writing, from original fiction and drama through memoirs and histories to polemical essays [...] Consequently, their importance cannot be ascertained by studying a single genre of their writing, nor their significance by examining an isolated avenue of influence."<sup>12</sup> I aim to do precisely this. While my method in this thesis is a historical-contextual approach to the Jacobin novel, in my chapters on Godwin and Holcroft I discuss their writing beyond the

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<sup>10</sup>*Trials for Treason and Sedition, 1792-1794*. Ed. and introd. John Barrell and Jon Mee. 8 vols. (London: Pickering and Chatto, 2006-07).

<sup>11</sup>Miriam L. Wallace, "'Doing' History, or What I Learned from the 1794 London Treason Trials." *The Interdisciplinary Century: Tensions and Convergence in Eighteenth-Century Art, History and Literature*. Ed. Julia V. Douthwaite and Mary Vidal. *Studies in Voltaire and the Eighteenth Century* 4 (2005) pp. 201-16, p. 201.

<sup>12</sup>*Ibid.*, p. 203.

novel genre, in an attempt to deepen my interpretation of the novels, but also to show more closely how interwoven the Jacobin novel's form and content is with its moment of production, in the atmosphere of contested narrative and trial that defines the 1790s social and political discourse.

Jacobins were defined by opposition to government, but it was their opponents who defined them as Jacobins. The *Anti-Jacobin*, which was edited by William Gifford and had a brief run from the 20<sup>th</sup> of November 1797 to the 9<sup>th</sup> of July 1798, was a counter-revolutionary satirical periodical that attacked not only the writing but the character of Jacobin notables such as Godwin and Holcroft, and also younger radicals like Robert Southey.<sup>13</sup> As M. O. Grenby has written, so vague is the original use of Jacobin in 1790s England that its function as a signifier is almost impossible to define except in the broadest terms: “[c]ontemporaries used the word frequently, and often deliberately, without any exactness, purely to stigmatise their opponents. Jacobinism was simply a label for all that conservatives found detestable within society.”<sup>14</sup> But the prospectus to the first instalment of the *Anti-Jacobin* sets itself out as a perfect example of what Kevin Gilmartin has recently described as the “*negative* form [of the] belief in the disruptive power of the printed word.”<sup>15</sup> Gilmartin suggests that the revolutionary agency of print, as theorised by Thomas Paine and other radicals in the 1790s, can be best understood from counter-radical writings such as Edmund Burke's *Reflections on the Revolution in France*, as it is here that the power of print receives its fullest, if most anxious, account. Similarly, to understand Jacobin writing we can look to the *Anti-Jacobin* for a clear statement of what the anti-Jacobin philosophy is defining itself against, and by extension, what the Jacobin philosophy is. The prospectus offers a dedication to solid, conservative principles such as preserving “THE TRUTH” from perversion and disguise, to patriotism, to Christianity, supporting the present

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<sup>13</sup> See the introduction to “The Antijacobin” by Marilyn Butler, ed., *Burke, Paine, Godwin, and the Revolution Controversy* (Cambridge: Cambridge University Press, 1984) pp. 214-215.

<sup>14</sup>M. O. Grenby, *The Anti-Jacobin Novel* (Cambridge: Cambridge University Press, 2001) p. 8.

<sup>15</sup>Kevin Gilmartin, *Writing Against Revolution: Literary Conservatism in Britain, 1790-1832* (Cambridge: Cambridge University Press, 2007) p. 4.

government, and upholding morality.<sup>16</sup> The *Anti-Jacobin*'s claim to the truth is the exact opposite to that of the Jacobin novel, as one might expect, but its expression of this is significant in relation to the novel's form. For the *Anti-Jacobin*, judgement, reading and truth are all perfectly directed and controlled even within the dizzying climate of claim and counter-claim to truth in the 1790s. The periodical describes "those persons [...] who must have found themselves, during the course of the last few years, perplexed by the multiplicity of contradictory accounts of almost every material event that has occurred in that eventful and tremendous period; and who must anxiously have wished for some public channel of information on which they could confidently rely for forming their opinion."<sup>17</sup> The reader is presented with a prescribed "correct" opinion by the periodical, not encouraged to tease out meaning for him or herself. The *Anti-Jacobin* wants to reduce rather than increase the complexity of the revolution debate.

It also, quite clearly, seeks to contain the attack upon the legal system that is at the heart of the Jacobin novel:

We do not dissemble, – that We reverence LAW, – We acknowledge USAGE, – We look even upon PRESCRIPTION without hatred or horror. And We do not think these, or any of them, less safe guides for the moral actions of men, than that new and liberal system of ETHICS, whose operation is not to bind but to loosen the bands of social order; whose doctrine is formed not on a system of reciprocal duties but on the supposition of individual, independent and unconnected rights; which teaches that all men are pretty equally honest, but that some have different notions of honesty from others, and that the most received notions are for the greater part the most faulty.<sup>18</sup>

Substitute "bands" with "fetters" and here is the perfect, if critical, account of Jacobin ideology, accurately pinpointing its dedication to the dismantling of the coercive rule of law in private life and the replacement of prejudice and custom with reason. Although the *Anti-Jacobin* presents a satirical and parodic account of Jacobin politics and literature, its emphasis upon its opposition to any attack upon the law which the "new and liberal system of ETHICS" is grounded upon is significant in relation to the Jacobin novel, which is defined by both its form and content as an

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<sup>16</sup>The *Anti-Jacobin, or Weekly Examiner*. 2 vols. 4<sup>th</sup> ed. (London: J. Wright, 1799) vol. 1, p. 2.

<sup>17</sup>Ibid., p. 3.

<sup>18</sup>Ibid., p. 6.

attack in turn upon “prescription” and all forms of authority, but especially those upheld by legal force.

Anti-Jacobins often detected the malign presence of Rousseau in the work of 1790s radicals. His influence had special relevance for the form of the Jacobin novel. Kelly has noted that the *The Confessions of Jean-Jacques Rousseau* was a book that both Godwin and Inchbald at various times hoped to translate, and one which in its depiction of circumstance and environment as the greatest influence upon the development of individual character provides the perfect illustration for the same principle of English Jacobin thought.<sup>19</sup> More recently, Gary Handwerk and Anne Chandler have written of Godwin’s engagement with Rousseau’s *Emile* in his later novels *St Leon* (1799) and *Fleetwood* (1805), but in relation to *Caleb Williams*, as with Wollstonecraft’s *The Wrongs of Woman*, and to a lesser extent Holcroft’s *Hugh Trevor*, I suggest that it is the *Confessions* more than *Emile* or *Reveries of a Solitary Walker* that calls forth the most consistent response from the Jacobin writers.<sup>20</sup> This is not because of the shaping of the self by circumstance, as Kelly suggests, but because of its form of unmediated narrative, autobiographical and recollected retrospectively, with the voice of that narration attesting unwaveringly to the truth of its testimony. Rousseau begins by inviting the reader’s confidence in his narrative: “I may have taken for fact what was no more than probability, but I have never put down as true what I knew to be false.”<sup>21</sup> He reminds the reader of this claim periodically throughout the text, and forbids the passing of judgement until the conclusion of the narrative is reached: “in spite of my resolutions I take up my pen once more. Suspend your judgement, reader, as to the reasons that force me to it. You cannot judge them till you have read me to the end.”<sup>22</sup> He invites himself to be read as his autobiography is read; the reader may pronounce a

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<sup>19</sup>Kelly (1976) p. 243.

<sup>20</sup>Gary Handwerk “Mapping Misogyny: Godwin’s *Fleetwood* and the Staging of Rousseauvian Education.” *Studies in Romanticism* 41 (2002) pp. 375-98. Anne Chandler, “Romanticizing Adolescence: Godwin’s *St Leon* and the Matter of Rousseau.” *Studies in Romanticism* 41(2002) pp. 399-414.

<sup>21</sup>Jean-Jacques Rousseau, *The Confessions of Jean-Jacques Rousseau*. 1781. Trans., ed. and introd. J. M. Cohen (Harmondsworth: Penguin, 1953) p. 19.

<sup>22</sup>*Ibid.*, p. 261.

judgement upon the author as well as upon the text, but only when the author of that text has finished writing and the narrative is complete. He permits no interruption. Though Rousseau admits the fallibility of memory, he discounts any claims to personal fallibility or falsehood. "I have told the truth," Rousseau concludes: "If anyone knows anything contrary to what I have here recorded, though he prove it a thousand times, his knowledge is a lie and an imposture; and if he refuses to investigate and inquire into it during my lifetime he is no lover of justice or of truth."<sup>23</sup> False testimony or mis-representation is no match for the strength of Rousseau's narrative. As Gregory Dart writes:

Rousseau had effectively purified himself in print [...] Implicitly, he represented the autobiographical subject as an anticipation, in individual form, of the transparency and virtue which would be the defining feature of the ideal political community of the future, inviting his readers to break down the aristocratic obstacle to liberty and equality and enter the realm of transparency and virtue by engaging in a sympathetic reading of his work. And in works such as the *Dialogues* and the *Réveries* he continued to develop a powerful confessional rhetoric in which the unmediated expression of personality becomes a powerful force for political change.<sup>24</sup>

Dart's description of the function of Rousseau's rhetoric may easily be applied to the way in which narrative is utilised by Jacobin writers within their novels. The Jacobin novel is not a confessional one. Its form does not depend on Rousseau's writings so explicitly as that, but where his influence is strongly, formally felt, I suggest, is in the use of personal narrative, the subjective testimony offered as truth.

What the Jacobin novel does with Rousseau's singular confession is to multiply it. As befits the form of a realist novel that is dedicated to representing the wrongs suffered by mankind, the testimonies offered by the Jacobin text are drawn from a variety of sources. Some, like *The Wrongs of Woman* or *Caleb Williams* consist of a handful of substantial narratives provided by different characters. Single-voiced narratives such as Holcroft's *Memoirs of Bryan Perdue* incorporate other testimonies to provide a fuller account of experience of society's wrongs, or

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<sup>23</sup>Ibid., p. 606.

<sup>24</sup>Gregory Dart, *Rousseau, Robespierre and English Romanticism* (Cambridge: Cambridge University Press, 1999) p. 9.



are juxtaposed with others of equal weight, to form the personal yet universal account which will act as a “powerful force for political change.” The critique of society that is borne out by each narrative is complicated by the continual presence of that which Rousseau refuses until the completion of his text: the judgement of the offered narrative by the reader. As we shall see, the Jacobin novel involves its reader in the production of the meaning of the text, or what Tilottama Rajan has called “the supplement of reading” wherein the act of reading completes that which has been written, but this completion is itself an act of perpetual interpretation and reinterpretation, part of an ongoing hermeneutic process.<sup>25</sup> The fictional narrative and the confessional memoir, however, bear a problematic relationship to truth, as Patricia Meyer Spacks has discussed. Arising in the eighteenth century from the philosophical debate about identity and following on from John Locke’s theory of memory as the basis of identity, Hume’s account of the imagination as the location for a sense of self compromises the claims to reality of the new literary forms. As Spacks suggests,

[a]n autobiography might be assumed to tell some truth about some self; yet contemporary readers and writers perceived a danger of falsification in the very fact of concentration on a single self. Moreover, by Hume’s reasoning the idea of selfhood itself exists only in the imagination, although it is based on the testimony of memory. Autobiographers, therefore, from the outset are dealing with fictions.<sup>26</sup>

Like Rousseau’s *Confessions* the Jacobin novel lays claim to the truth and accuracy of what is represented. But unlike Rousseau the Jacobin writer does not announce complete ownership or control over truth. The Jacobin writer offers a different set of fictions to those of the *Confessions*. Whereas Rousseau offers his reader an absolute truth, it is left to the reader of the Jacobin novel to decide how best to interpret it, drawn in to judge the evidence presented by the contesting narratives or by unreliable witnesses. The reader, as well as the novel’s protagonist, is educated in the practice of reading and judging correctly, of dealing with the system of fictions that operates in society as well as in the novel. But the final, stable judgement is withheld by the

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<sup>25</sup>Tilottama Rajan, “The Supplement of Reading,” *New Literary History* 17 (1986-86) pp. 573-94.

<sup>26</sup>Patricia Meyer Spacks, *Imagining A Self: Autobiography and the Novel in Eighteenth-Century England* (Cambridge, Mass., and London: Harvard University Press, 1976) p. 4.

novel's author. Only the reader can decide the outcome of the Jacobin novel, and, by that decision, it becomes a new force for political change.

In the following two chapters I will describe and discuss a series of key debates. The theory and practice of imprisonment pervaded political, philosophical and cultural discourse in the late eighteenth-century, and has a tangible presence in the 1790s debates on liberty and reform. From Adam Smith to William Blackstone, from John Howard to Jeremy Bentham, a series of debates based on theories of observation, solitary confinement and remorse propelled the pre-enlightenment system of imprisonment, trial and punishment into a reformation founded upon transparency and reason rather than retribution and bloody spectacle. But these debates were also central to the development of the Jacobin novel. In the next two chapters I will discuss the more pertinent aspects of these debates on imprisonment and trial, and on reading and writing fiction. In the remaining four chapters I will show how each writer in turn makes his or her own unique contribution to this debate via the Jacobin novel.

Of the selection of Jacobin novels examined here, William Godwin's *Caleb Williams* of 1794 is the most significant for my argument about where the Jacobin novel comes from, what it attempts, how it attempts it, and how it succeeds. Pamela Clemit has termed it "the paradigm of the Godwinian novel."<sup>27</sup> In her illuminating account of Godwin's technical and philosophical advancements in fiction, which were unmatched in the 1790s even by those who shared his perspectives and interest in articulating political reform through the novel genre, she discusses Godwin's dedication to the renovation of the reading public by "imaginative fable rather than doctrinal statement," which is predicated upon placing "the burden of interpretation and decision upon the reader, soliciting his or her active participation" in the act of renovation.<sup>28</sup> My debt to Clemit will become clear in chapter two, where I discuss my understanding of how the

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<sup>27</sup>Pamela Clemit, *The Godwinian Novel: The Rational Fictions of Godwin, Brockden Brown, Mary Shelley* (Oxford: Clarendon Press, 1993) p. 35.

<sup>28</sup>*Ibid.*, p. 16, p. 6.

Jacobin novel invests the reader with authority. What I will argue here, however, is that *Caleb Williams* is the paradigm of the Jacobin novel, especially in relation to its engagement with the key themes of this thesis, as will be developed in more detail in the following two chapters: imprisonment, trial, surveillance, fiction, law, the circulation of ideas, the testing of ideology, and the significant shift of authority of interpretation from writer to reader. Everything that the Jacobin novel as a genre intends to do is achieved by *Caleb Williams*. The concerns and principles arising from the penal and legal reform debate feature heavily in the novel. In its structure of interlocking but not mutually supportive narratives, debate is intrinsic to its form and content. *Caleb Williams* provides the clearest model for the use of multiple, contested narratives and the displacement of authority and judgement from writer to reader. It also functions as the fullest articulation of, and investigation into, the principles of Jacobin reform as an alternative to the current mode of despotic government.

I have placed my discussion of this novel immediately after the setting-up of the frame of my argument in the first two chapters of this thesis. In chapter three I also examine the role played by Godwin's *Cursory Strictures* in the exposure of the fictions of law concocted for the 1794 treason trials in London that enabled the dismissal of a charge of constructive treason that was brought against Thomas Holcroft, amongst others. I deem it of greater interest to discuss the treason trials than to follow Godwin's development of imprisonment and trial in his later fiction, *St Leon: A Tale of the Sixteenth Century* (1799) and *Fleetwood; Or, The New Man of Feeling* (1805). These novels expand upon the theme of contested narrative, use of evidence, and representation of confinement and isolation, but their inclusion has been sacrificed to the greater necessity of an examination of the contestation of narrative surrounding the treason trials, which I return to again in chapter six. This enables me to provide the fullest account of the Jacobin exemplar as presented by Godwin, before contrasting this with investigations of the novels by other writers, thus broadening the understanding of first, the paradigm of the Jacobin novel, and

then, the variety within this model. Chapter four focuses on Inchbald's *A Simple Story* (1791) and *Nature and Art* (1796). Chapter five discusses Wollstonecraft's *Mary: A Fiction* (1788) and *The Wrongs of Woman* (1798). Chapter six is devoted to Holcroft's *Anna St Ives* (1792), *Adventures of Hugh Trevor* (1794-7) and *Memoirs of Bryan Perdue* (1805) as well as his writings on the treason trials. But this is not a chronologically-structured investigation. My discussion of the earlier novels from 1788, 1791 and 1792 is not meant to fit neatly into a chain of influence for Godwin's *Caleb Williams*. Both *A Simple Story* and *Anna St Ives* have been described at different times as the first Jacobin or revolutionary novel, but I am not interested in pursuing the myth of Jacobin origins.<sup>29</sup> Instead, I use the early novels to show the emergence of the concerns surrounding imprisonment and trial that are treated less overtly than in the writers' later works. The early interest develops from the reform debates of the 1770s and 1780s, before the crisis takes hold in 1793 and 1794, when *Caleb Williams* is being written. As the radical impulse begins to turn towards pessimism, we find a more explicit engagement with imprisonment and trial in the novels from 1794 onwards. This is clearly manifest in *Hugh Trevor*, *Nature and Art*, *The Wrongs of Woman* and *Bryan Perdue*, yet these themes, which receive their fullest articulation in *Caleb Williams*, date from an earlier debate than the treason trials. The Jacobin novel places itself in the long debate about the use of fiction and authority in literature, law, and imprisonment. When these concepts are interrogated, the relevance of the Jacobin novel's form and content becomes apparent.

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<sup>29</sup>Kelly (1976) p. 64; Rodney M. Baine, *Thomas Holcroft and the Revolutionary Novel* (Athens, Geo: University of Georgia Press, 1965) p. 1.

## Chapter One

### Systems of Control: Confinement and the Public Eye

Notwithstanding the pleasantries which Booth endeavoured to preserve, he in reality envied every labourer whom he saw pass by him in his way. The charms of liberty against his will rushed on his mind, and he could not avoid suggesting to himself, how much more happy was the poorest wretch who without controul could repair to his homely habitation, and to his family; compared to him, who was thus violently, and yet lawfully torn away from the company of his wife and children.<sup>1</sup>

Will his heart become much either softened or expanded, who breathes the atmosphere of a dungeon?<sup>2</sup>

#### Systems of Control

The novel, the prison, and the judiciary are all, in their different ways, manifestations of authority. The discourse of the Jacobin novel is directly related to the other two systems; the novel's pervasive concern with legal and penal reform is expressed through the imagery and language belonging to the other two systems, and thus all three systems share the same discourse. As John Richetti has argued, the main question to which eighteenth-century narrative is devoted is the governance and appraisal of freedom via self-consciousness: "where is the authority that can judge subjectivity? [...] how should domestic and political relationships be constituted? Who rules and who serves and who benefits from the arrangement?"<sup>3</sup> The novel is concerned with attacking the attempted regulation of subjectivity. Within this eighteenth-century narrative system devoted to questioning authority and representing subjectivity the Jacobin novel develops, sharing with other polyglossic novels a refusal to adhere to or to legitimise a single authority, but distinguishing itself by pushing that refusal to the point where it threatens to destabilise the authority of the novel itself. Its refusal manifests itself in ideologically-grounded representations of imprisonment and trial that are presented as oppressive, unjust, and the

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<sup>1</sup>Henry Fielding, *Amelia*. 1751. Ed. and introd. David Blewett (Harmondsworth: Penguin, 1987) p. 315.

<sup>2</sup>William Godwin, *An Enquiry concerning Political Justice*. 1793. *Political and Philosophical Writings of William Godwin*. 7 vols. Gen. ed. Mark Philp. Vol. 3. Ed. Mark Philp (London: Pickering and Chatto, 1993) p. 404.

<sup>3</sup>John Richetti, *The English Novel in History 1700-1780* (London and New York: Routledge, 1999) p. 4.

products of the two aforementioned systems of control.<sup>4</sup> This new system of control, that of the Jacobin novel and its paradoxically non-authoritarian authority, consciously engages with the representation and interrogation of the legitimacy of the authority that shapes the other two systems.

The danger in describing these three epistemological structures as systems of control, however, apart from tautology, is that it suggests that these three different structures are themselves coherent, unified, and controlled in their forms and workings. The idea of viewing the novel as one of these controlling systems is also problematic in relation to the Jacobin novel, as it suggests a far more rigid authority in the text than is actually the case, and also risks concretising the fluid form of the Jacobin novel into something institutional or definitive. It is perhaps more helpful to consider how the Jacobin novel avoids, subverts, promotes or reinforces different forms of control or authority, but the term “systems of control” is one I will nevertheless continue to use, in this qualified sense. Furthermore, the difficulty of reading these systems clear-sightedly, from our historical vantage point, is compounded by the pervasiveness of Foucault’s influence in critical interpretations of such structures that are always conscious of themselves as participating in power-knowledge relations. John Bender’s argument, which provides an important background for this chapter’s discussion of the novel and the prison, avoids this, as he addresses what *Discipline and Punish* leaves unexamined, “the question of how literary production is engaged in the ongoing process of cultural construction,” and thus avoids having the terms of his argument shaped by Foucault’s own discourse.<sup>5</sup> By focusing upon the specific context of the penitentiary’s development in England, rather than trying to provide a broad, highly-coloured portrayal of a Europe-wide phenomenon, Bender provides a rigorous and

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<sup>4</sup> As imprisonment in the eighteenth century generally existed as part of pre-trial procedure (and as such is comparable to being held in custody awaiting trial, but with a very different concept of rights and custodial conditions than obtain at present), rather than a post-trial punishment, when writing of imprisonment and trial together I tend to place them in this order, although as we shall see in the following chapters imprisonment and trial feature in different relations to each other depending on the circumstances, and the scene of judgement (either before or after a period of imprisonment, before, during or after a trial, or absent entirely) is similarly flexible in its positioning, both in legal procedure and practice, and in novelistic representation.

<sup>5</sup>John Bender, *Imagining the Penitentiary: Fiction and the Architecture of Mind in Eighteenth-Century England* (Chicago and London: University of Chicago Press, 1987) p. xv.

original theorisation of the prison and the novel, rather than the dramatic and restrictedly over-politicised one offered by Foucault.

As Janet Semple has noted, Foucault's text presents the reader with "a sudden change from punishment of the body to discipline directed at the mind or the soul."<sup>6</sup> It is one in which the public gaze plays a significant role, before it is replaced by the scrutiny of the controlling power that administers punishment and death more privately. The trouble with Foucault's representation of imprisonment and control is that he presents it all too neatly; the shift from public to private punishment, from physical to spiritual, did occur, but neither so quickly nor so completely as he suggests. By extending Bentham's theory of the panopticon into a general application for all prisoners, he overlooks the fact that not all prisoners were equal before the law in the eighteenth century: in England different rules of confinement governed political prisoners, felons and debtors, to name but three categories. Bentham's theory, potent though it is, remained a theory until the nineteenth century's construction of the penitentiaries in Pentonville, completed in 1842 and Millbank, begun in 1812 but subject to a long series of delays. It was from the first a practical failure. I use it in this thesis not as evidence of a dramatic and totalising shift in penal theory, but as, firstly, a part of a wider investigation by penal reformers into the use of observation and confinement to achieve rehabilitation, and then as a fiction against which Godwin ranges his own fiction. Because of this, Foucault's argument in *Discipline and Punish* features but infrequently in this discussion.<sup>7</sup>

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<sup>6</sup> Janet Semple, *Bentham's Panopticon: A Study of the Panopticon Penitentiary* (Oxford: Clarendon Press, 1993) p. 9.

<sup>7</sup> *Discipline and Punish* begins, notoriously, with the description of the death by *amende honorable* in Paris in 1757 of Damiens the regicide. He was hung, drawn, and quartered. Foucault uses the descriptions of the lengthy torment endured by Damiens to underpin his argument that until the eighteenth century punishment centred on enacting terror publicly, and with visible displays of power. Yet his source for this description misses out on an important qualification: the horror endured by Damiens, exacerbated by the fact he was conscious for a great deal of it, was a gruesomely botched punishment. The principle behind the punishment is one of the greatest possible *public* terror: Damiens should have been rendered unconscious, or even killed outright, by the initial hanging. The remainder of the punishment is for the public. However, the head executioner, Charles Jean-Baptiste Samson (Sanson, in Arasse's account), was an inept hangman, and the death of Damiens (or Daumiens) became a shocking ordeal because the executioners (Sanson, his son, and a team of assistants) did not know how to carry out the procedure correctly, a hideous process even when done to the letter. The punishment had not been carried out in Paris for decades; the necessary equipment (steel pincers) had to be forged anew, but the skill required to execute the punishment was lost. Daniel Arasse, *The Guillotine and the Terror*. Trans. Christopher Miller (New York and London: Allen Lane and Penguin, 1989) p. 13. It was already an archaic punishment in 1757, and thus a remnant of an earlier

While acknowledging my debt to Bender's analysis and the theoretical model he provides, I also wish to distinguish my argument from his. *Imagining the Penitentiary* is the definitive work on the eighteenth century interrelation between prisons and novels. Bender argues persuasively that the rise of the novel and its discussion of the existing prison system (focusing on the years 1719-1779, which saw the codification of the novel genre and the emergence of the realistic, crime-centred fictions of Defoe and Fielding, as well as Gay's dramas) directly facilitated and enabled the reordering of the prison system from something decidedly *unsystematic* (chaotic, carousing, carnivalesque, corrupt and almost classless) to its post-enlightenment, utilitarian and ideologically-based penitential organisation. He challenges the assumption that literature and art are "effects rather than causes of social institutions" and basing his argument upon the Bakhtinian theory of polyglossia, presents the novel as a system of consciousness-centred constructions and exchanges that allows the concept of the new prison space to be articulated and thus enacted.<sup>8</sup> The novel serves the penitentiary not by offering a critique or reflection of the prison but by an act of theoretical enablement, "formulating, and thereby giving conscious access to, a real texture of ideas, a structure of feeling" that allows the penitentiary's very conception, by engendering "the penitentiary idea."<sup>9</sup> In other words, the novel writes the penitentiary into existence. Bender describes the prison and the novel as "cultural systems" that are simultaneously present as "autonomous social texts" concerned with narrative structure, seeking to constrain, govern and instruct by their strictures and design, but which also exist within a diachronic relationship in which the novel is "generative" and functions as the "constructive force" in the establishment of the penitentiary.<sup>10</sup> This summary simplifies the complexity of Bender's argument somewhat, but Bender's interpretation of the physical

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age. As such Damiens's death should not be viewed as an example of the quotidian nature of public punishment and death across Europe as a whole, but as a particular instance in France in the long, irregular process of reform. For a brief account of the long line of allusion to Damiens (or in yet another variant of his name, Damien) in theories of terror from Burke to Paine via Adam Smith and Goldsmith, see Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century*. 2<sup>nd</sup> ed. (London: Verso, 2006) pp. 443-46.

<sup>8</sup>John Bender, *Imagining the Penitentiary: Fiction and the Architecture of Mind in Eighteenth-Century England* (Chicago and London: University of Chicago Press, 1987) p. 5.

<sup>9</sup>Ibid., p. 5.

<sup>10</sup> Ibid., p. 11, pp. 4-5.



structure of the prison, and the ensuing effects of imprisonment, has provided an important model for my own, as will be seen throughout this chapter

The period under discussion here is very different from Bender's, and the historical moment shapes not only the conception of the prison but of the novel itself. By the 1790s the form of the novel is relatively stable, certainly when compared to what Michael McKeon calls the "feverish intensity" of "the formal breakthrough of the 1740s."<sup>11</sup> At the heart of his study Bender devotes two chapters to Fielding's novelistic experimentation in the 1740s and 50s, the understanding of which is tightly bound up with readings of Fielding's juridical work as a London magistrate (a relationship that has become inseparable in critical interpretation). The struggle for ownership and control over "'naturalness' and 'morality'" or "truth and virtue" which defines the emergence of realism through battles over idealism, immorality, scepticism, empiricism, history and fiction,<sup>12</sup> is one in which Fielding is successful, by the application of a very overt authority that pervades his later novels:

Fielding already had introduced authoritative moral control into the novel rather than leaving it implicit as in earlier fictions like Defoe's. Such realist narratives had shaped consciousness through novelistic specification of phenomenal detail and, implicitly, through direct first-person discourse by the main character. But consciousness needed governance in Fielding's view, and so did narrative.<sup>13</sup>

For Godwin and his fellow Jacobin novelists the anxieties surrounding authoritative narration, the merits of idealism against naturalness and the tricky matter of morality that deeply divided the Richardsonian and Fieldingesque perspectives from each other, at least on those occasions when each was not borrowing from the other, have become displaced twice over, first by the acceptance of prose fiction as a legitimate genre, and then by its devaluation through

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<sup>11</sup>Michael McKeon, *The Origins of the English Novel 1600-1740* (Baltimore: Johns Hopkins University Press, 1987) p. 419.

<sup>12</sup> McKeon argues that "questions of truth and virtue" which he uses to describe the contentiousness surrounding "'naturalness' and 'morality' in narrative" characterise the development of what becomes eighteenth-century realism, pp. 415-17 and *passim*.

<sup>13</sup>Bender, p. 145.

proliferation in the busy print market of the late eighteenth century.<sup>14</sup> Holcroft in particular models his novels upon the earlier forms of Richardson, Fielding and Smollett, and wishes to rescue the genre from the recent devaluing activities of certain “young ladies who at present write novels” and return it to a realm where a novel has “the power of playing on the fancy, interesting the affections, and teaching moral political truth.”<sup>15</sup> By the 1790s understandings of reality, morality, and authority that were relevant in the 1740s and 50s have been transformed by the emergence of what Nancy Armstrong has called “the domestic woman,” a subjectivity produced and contained by the novel and one which is further shaped by eighteenth-century changes in attitudes towards class, gender, labour and the control of the domestic space.<sup>16</sup>

Although Fielding’s novels in particular provide an important thematic and formal background to the Jacobin novel’s interpretation of legal subject-matter, the field mapped out by Bender is relatively foreign to that in which Jacobin novels are situated. Authority remains a key concern, but the challenge in the 1790s is not to impose the authorial self upon the narrative and guide the reader in a correct interpretation of the evidence presented in early realist fictions such as Fielding’s. Rather, it is to guide the reader in the act of judgement itself, without undue authorial or narratorial interference, or governance of the evidence as and when it appears. Holcroft’s interest in the novel’s power to impart moral political truth is less didactic than it may appear at first, as it is centred largely on conversation and debate which forms a radical counter-public sphere. In designating “teaching moral political truth” as an essential function of the novel, however, Holcroft supplies us with an important articulation of the ideological foundations of the Jacobin novel. It is meant to entertain, to engage, but above all, to teach.

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<sup>14</sup>For a nuanced and methodical account of Richardson-Fielding rivalry, influence and reconciliation, see McKeon, Part III, “The Dialectical Constitution of the Novel,” especially chapters eleven and twelve, pp. 357-409. For a good account of the late-eighteenth century market for novels, including figures for new publications and the enduring popularity of reprints of “classics” such as Richardson, see James Raven, *Judging New Wealth: Popular Publishing and Responses to Commerce in England, 1550-1800* (Oxford: Clarendon Press, 1992). See chapter two, “Publishing Profiles” pp. 19-41.

<sup>15</sup>Thomas Holcroft, review of *Man As He Is* by Robert Bage, *Monthly Review*, n.s. vol. 10 (March 1793) pp. 297-302, p. 297.

<sup>16</sup>Nancy Armstrong, *Desire and Domestic Fiction: A Political History of the Novel* (New York and Oxford: Oxford University Press, 1987) passim.

That the instruction in the Jacobin novel is bound up with the idea of political truth is significant, as the political turmoil of 1790s England has a peculiarly pervasive and invasive presence in the decade's literature. Even a novel as apparently apolitical as Inchbald's *A Simple Story*, completed just as the decade began, conveys a subtle reformist ideology that is heavily pronounced in Inchbald's later novel, written in the midst of the political storm. Wollstonecraft's *Mary* from 1788, as we shall see in chapter four, also bears an awareness of the increasing unease that comes so violently to fruition a few years later. In the closing years of a century marked with riots, uprisings and widespread calls for reform in almost every aspect of public life, Jacobin novelists are witnesses to the inversion, collapse and eventual defeat of the pro-reform movement and the triumph of the counter-revolutionary party. This triumph is symbolised most vividly for English reformers by the change from France's Revolution into 'Terror', but most relevantly by the British government's increasing interference in private life in the 1790s. The prime minister William Pitt's actions in employing a network of spies to gather evidence of treason from the meetings of the societies for parliamentary reform, such as the London Corresponding Society and the Society for Constitutional Information; the suspension of Habeas Corpus in 1794; the treason trials of 1794, and, finally, the long duration of the war with France that broke out in February 1793, all conspired to extinguish the radical reform movement as it existed at the beginning of the decade.<sup>17</sup>

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<sup>17</sup>For a lively account of governmental meddling in private life see John Barrell's *The Spirit of Despotism: Invasions of Privacy in the 1790s* (Oxford: Oxford University Press, 2006). See also David Worrall's *Radical Culture: Discourse, Resistance and Surveillance, 1790-1820* (London: Harvester Wheatsheaf, 1992). For accounts of the English radical movement in the 1790s see Marilyn Butler, *Romantics, Rebels and Reactionaries: English Literature and its Background 1760-1830* (Oxford: Oxford University Press, 1981); James A. Epstein, *Radical Expression: Political Language, Ritual, and Symbol in England, 1790-1850* (New York and Oxford: Oxford University Press, 1994); Albert Goodwin, *The Friends of Liberty: The English Democratic Movement in the Age of the French Revolution* (London: Hutchinson, 1979); Iain McAlman, *Radical Underworld: Prophets, Revolutionaries, and Pornographers in London 1795-1840* (Cambridge: Cambridge University Press, 1988); Jonathan Mee, *Dangerous Enthusiasms: William Blake and the Culture of Radicalism in the 1790s* (Oxford: Oxford University Press, 1992); James Mulvihill, *Upstart Talents: Rhetoric and the Career of Reason in English Romantic Discourse, 1790-1820* (Newark: University of Delaware Press, 2004); Mark Philp, ed., *The French Revolution and British Popular Politics* (Cambridge: Cambridge University Press, 1991); E. P. Thompson, *The Making of the English Working Class*. 2<sup>nd</sup> ed. (Harmondsworth: Penguin, 1980). For the best and most comprehensive account of the treason trials see John Barrell's *Imagining the King's Death: Figurative Treason, Fantasies of Regicide 1793-1796* (Oxford: Oxford University Press, 2000).

Against this backdrop of political events the Jacobin novel is engaged in a very different way with the controlling structures of the prison, the law and the novel itself, compared to the writers Bender discusses. Whereas Bender uses the novel's construction of the new penitential model of incarceration to shape his interpretation of the rise of the prison and the novel as cultural systems that are at once autonomous and related, I suggest that the proliferation of images of imprisonment and trial in Jacobin novels is the testimony of Jacobin writers to the expansion of the prison, or imprisoning structures, across society. Rather than act as a vehicle for institutional development, which is what Bender argues about the eighteenth-century novel, I contend that the Jacobin novel is the result of institutional change. It has developed in response to this change, and seeks to expose the extent of imprisoning structures in public and private life, and aims to instruct the reader in how to challenge these developments.

The construction of the self that the novel achieves in its experimentations with realism, and the self-consciousness that it imparts, engenders the idea of writing and rewriting the narrative of the self that Bender argues is common to both the novel and the penitentiary:

[t]he realist novel and the penitentiary are literary and social systems that re-present the fiction of the self conceived as real, on these empiricist terms, through mistaken but imaginatively persuasive resemblance. To manipulate identity by recomposing the fictions on which it is founded is the exact aim of the penitentiary as an institution. Philosophy, as exemplified by Locke and Hume, the realist novel, and the penitentiary as envisioned by Bentham all tell the story of the materially constructed self as it emerges in the practice of the period.<sup>18</sup>

In Jacobin novels the “fiction of the self” is continually contested, as the individual self sees his or her own narrative wrested from his or her control. But the fiction of the self, or personal narrative, is in contention not only when it clashes with the other controlling systems (such as in *Amelia* when malicious reports concerning William Booth are received as the truth when William is arrested once again for debt; his reputation becomes the property of the law, and therefore of rumour, speculation, and falsity), but is also continually locked in battle with all of society. The

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<sup>18</sup>Bender, p. 38.

influence of the other two interlocking systems of control, prison and judicial practice, has spread across society by institutional change that is less of a theoretical shift or intensification than a practical expansion, to the point where almost every crucial development in the plot of the Jacobin novel, whether romantic, domestic, familial, intellectual or social, can be traced back to some element of legally-sanctioned persecution or incarceration. Where once the novel was seen as having close links to legal and criminal matters, or as Lennard Davis has phrased it, “[t]here seems to have been something inherently novelistic about the criminal, or rather the form of the novel seems almost to demand a criminal content,” the political novel of the 1790s is now inseparable from these issues.<sup>19</sup> It is no longer a matter of criminal content either; imprisonment and trial have moved out of the criminal underworld and into everyday life. The rewriting of personal narratives has moved from the penitential and novelistic model into society as a whole. The “rights of man” debate has ignited awareness of who really is free, and who controls the liberty of others. The extramural and supra-legal systems of control revealed by the Jacobin novel, in which characters are imprisoned even where there are no prisons, and put to trial, literally or otherwise, without hope of fair procedure, jury, or even defence, presents 1790s society as a vast, universal prison where individuals who believe that a certain portion of liberty is theirs, as Caleb Williams once did, find out very quickly that this is not the case, and that the imprisoning structures surrounding them are inescapable:

[s]ince my escape from prison I had acquired some knowledge of the world; I had learned by bitter experience by how many links society had a hold upon me, and how closely the snares of despotism beset me [...] I saw my whole species as ready, in one mode or other, to be made the instruments of the tyrant. Hope died away in the bottom of my heart.<sup>20</sup>

This thesis is predicated upon the assumption that, historical and generic differences notwithstanding, Bender is right: the novel has shaped the penitentiary of the late-eighteenth century, and the rewriting of the fiction of the self is the force behind both structures. I suggest

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<sup>19</sup>Lennard J. Davis, *Factual Fictions: The Origins of the English Novel*. 2<sup>nd</sup> ed. (Philadelphia: University of Pennsylvania Press, 1996) p. 125.

<sup>20</sup>Godwin, *Caleb Williams*, p. 287.

that what happens next is this: beyond the walls of the penitentiary, or even the prison, and certainly beyond the theatre of the courtroom, the act of rewriting the self, or, contesting the authority of a narrative, has become the primary means of control in society, and everything in the Jacobin novel is bound up in this. To decide which narrative to believe is to legitimise its authority, and if the individual self is not the author of whichever version of his or her narrative is accepted, as when Falkland's account of recent events is publicly accepted as truth, and Caleb's as falsehood, then he or she has lost autonomy, and is imprisoned within someone or something else's control, which Caleb finds out when he attempts to act independently of Falkland's will. The Jacobin novel depicts this widespread and subtle weaving of imprisoning structures throughout society, building its representation from fragmented and contested narratives whose validity is questioned, often strongly, and which we are never entirely sure how to interpret. By refusing an easy or consoling conclusion to the reader in its rejection of the authorial governance of the narrative that Fielding employed, the Jacobin novel has become the site for contested authority over narrative to the point where it is impossible for the Jacobin novelists to end their narratives conclusively, while bearing in mind the claims of the novel to represent "things as they are." The Jacobin novels surveyed here engage with this destabilisation of authority and conclusion in a variety of ways which bespeaks at once the difficulty of doing so in realist fiction and the political importance of attempting such an innovation. Jacobin fiction explores the battle for authority in society through its representation of contested narration. This reveals the full extent of the struggle between illegitimate authorities to impose their false systems, which obscure truth, justice, evidence and moral rectitude in favour of profitable prejudice and corruption. The novel exposes these systems to the reader, but cannot proffer a reassuring conclusion, nor write a newly-reformed society into existence, due to its refusal to assume authority over the reader and the interpretation of the narrative. The novel's non-authoritarian authority is located instead *in* its reader, who, by the Jacobin author's broad rejection of the

Fieldingesque narrator, is invested with the only legitimate judgement or authority granted by the Jacobin writer when interpreting the contested narratives of the novel.

Before I go on to analyse more closely the Jacobin writers' relationship with fiction, authority, and the reader in the following chapters, I want first to offer some contextualisation for those historical transformations that create the scenes of imprisonment and trial peculiar to 1790s literature and culture which create the conditions for this development in the novel.

### **Just Punishment and Early Reform: The Eighteenth-Century Prison**

[W]hen I have met with the gaol-fever in county prisons, I have been almost constantly told, that it was derived from those in London; so the corruption of manners also, flowing from that great fountain, spreads far and wide its malignant streams. In what prison in London is there a proper separation of criminals, the old from the young, the convicts from the untried? Where are the night-rooms for solitary confinement and reflection? Where is any proper attention paid to sick and dying prisoners? Where are the rules and orders of magistrates for the direction of gaolers, and the government of prisoners? In what gaol are not the ears shocked with the profaneness both of prisoners and turnkeys? Where is any regard paid to the Lord's day? Where is not the afternoon of that day a time of greater concourse of visitants than any other? And, though the gaoler's taps are abolished, yet, are not publicans continually waiting to serve the prisoners, and their company? Is not beer now sold by the debtors? And do not turnkeys keep shops in the gaols?<sup>21</sup>

By the latter half of the eighteenth century the filth, chaos and degradation endemic to the prison system throughout Europe had reached such depths that widespread reform was a matter of urgency. Nowhere were the conditions as severe as in London, in the notorious Newgate prison, where many inmates of the various houses of detention died from a particularly virulent form of typhus, popularly known as gaol fever. As Howard commented, "[t]he rooms and cells were so close, as to be almost the constant seats of disease, and sources of infection; to the destruction of multitudes, not only in prisons, but abroad."<sup>22</sup> In April 1750, two prisoners from Newgate

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<sup>21</sup>John Howard, *An Account of the Principal Lazarettos in Europe*, 1789. Reprinted in *The State of the Prisons*. By John Howard. Ed. and introd. Kenneth Ruck (London and Toronto: J. M. Dent, 1929) pp. 268-69.

<sup>22</sup>Howard, p. 160. Howard makes these remarks in the context of observations made in 1784 upon the rebuilt prison building, burned during the Gordon Riots in 1780. He continues cautiously about the benefits of the new building: "[m]any inconveniences of the old gaol are avoided in this new one; but it has some manifest errors. It is now too late to point out particulars. All I will say is, that without more than ordinary care, the prisoners in it will be in great danger of the gaol-fever." Ibid.

appearing at the dock of the Old Bailey infected the courtroom with the fever, and caused the deaths of an estimated fifty people: judge, jurors, lawyers and spectators.<sup>23</sup> The contemporary public interest in crimes and criminals was considerably contributed to by the print market from the beginning of the century onwards, with the adventures of highwaymen and thieves such as Jack Sheppard and Jonathan Wild celebrated and circulated in their thousands through broadsheets, printed ballads, and novels, especially those by Defoe and Fielding. Public punishment and execution had been a feature of English society for centuries, but enlightenment opinion could not support the sanctioned torture of individuals by the state in the name of justice.

V. A. C. Gatrell summarises the change efficiently: “just punishment resided in its being matched to the socially agreed heinousness of the offence, and that just administration of the law depended on judges’ impartiality, on no man’s judging in his own cause, and on judges repudiating questions unrelated to the crime.”<sup>24</sup> It was increasingly deemed irrational and inhumane to use the spectacle of death as a deterrent to other criminals. The death suffered was gruesome, and the pain inflicted was often needlessly exacerbated by inept hangmen or faulty methods, as in the case of Damians the regicide. As a deterrent, capital punishment and public shaming rituals simply did not work, as evinced by the rising tide of criminal activity, especially felonies. The function of the prison, as well as that of punishment, began to be considered closely, and the gradual use of imprisonment as a punishment in its own right, rather than a condition of pre-trial or pre-execution procedure (an exception to this general practice is the use of imprisonment against debtors, held until their creditors be satisfied), is the result of punishment debates in these mid-century decades. Thus the latter half of the eighteenth century witnessed the first actions of the reform movement for penal codes and prison structures that continue to this day.

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<sup>23</sup>Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (London: Macmillan, 1978) p. 44.

<sup>24</sup>V. A. C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868* (Oxford: Oxford University Press, 1994) p. 516.



Popular interest in addressing the causes of crimes, and the apportioning of adequate punishment, had been growing in momentum for many years before the proposals of the prison reformer John Howard caught the public's attention in 1777 with the publication of *The State of the Prisons*. Randall McGowan has discussed the difference between early eighteenth-century debate and that of the latter decades of the century, which finally developed into a "period of sophisticated discussion and debate" after the "unthinking response" that characterised the earliest of the century's accounts.<sup>25</sup> He continues:

Penal change in the early eighteenth century was something more than a simple reflex to the experience of rising crime rates or a sudden outbreak of a particularly disturbing crime. The issue was very much alive, even if we only catch occasional glimpses of the kind of ideas then in circulation. The most familiar note struck in these writings was one of distress. Some of the remedies proposed sound much like those offered at the end of the century; others appear to fit less well into the usual frame for discussing the evolution of penal ideas. Far from being static, the situation appears fluid and dynamic. The expressions seldom assumed the shape of anything so definite or settled as a debate, but they point to the existence of a concern with punishment and suggest a richer stock of notions about what should or should not compose it, than we imagine operating in this period. They represent a murmur, rather than an insistent appeal.<sup>26</sup>

These murmurs emanating from the early decades of the century varied widely in subtlety of thought, development of argument, and political position, from crude anonymous pamphlets to the more considered writings of Bernard Mandeville.<sup>27</sup> McGowan's characterisation of these writings as united by a tone of distress is an interesting one, as they anticipate the representation of the prisoner (usually wrongfully imprisoned, or if rightly, then for debt, and not violent crime or felony) in novels later in the century as a figure of distress and sympathy. This is most notable in Oliver Goldsmith's mid-century *The Vicar of Wakefield*, where the imprisonment of Dr

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<sup>25</sup>Randall McGowan, "The Problem of Punishment in Eighteenth-Century England." *Penal Practice and Culture, 1500-1900: Punishing the English*. Ed. Simon Devereaux and Paul Griffiths (Basingstoke: Palgrave Macmillan, 2004) pp. 210-231, p. 211.

<sup>26</sup>Ibid., p. 213.

<sup>27</sup>See, for example, the early pamphlet by "J. R.," *Hanging Not Punishment Enough for Murtherers, High-Way Men and House-Breakers* (London, 1701) which calls for greater severity, as the famed clemency of English law is too merciful when dealing with men so "incorrigible". Mandeville's pamphlet, *An Enquiry into the Causes of the Frequent Executions at Tyburn* (London, 1725), supplies an early investigation into what would become a point of contention for the reform movement, the riotous nature of the crowd at public executions.

Primrose is figured in terms of distressed innocence, sympathetic engagement, benevolence and eventual acquittal. The privations endured by Moll Flanders in Newgate, by contrast, in Defoe's 1722 novel, are presented in terms of detailed fascination with the underworld, rather than as a sympathetic portrait of the wrongs inflicted by an unjust legal system. The character of Dr Primrose is doubly significant in this regard, because not only does Goldsmith feature him as a sentimental figure of distress, he presents him as a benevolent prison reformer exactly in line with emerging trends in reformist philosophy. Dr Primrose determines to put his period of incarceration to good use, and sets about putting a programme of prison reform into action: religious instruction for the inmates, industry for which they receive a small remuneration, and a system of punishment (by fines) and rewards for moral behaviour.

In less than two weeks Dr Primrose transforms his unruly (and small) country prison into a model of industry and reform. He exclaims after this success, "it were highly to be wished, that legislative power would thus direct the law rather to reformation rather than severity."<sup>28</sup> Those who favoured the structural reform of prisons and prisoners received a significant boost from the writings of the Italian philosopher Cesare Beccaria in the 1760s. His work had been quickly translated and disseminated across Europe, from the initial date of publication in Italy in 1764, but especially in England. There were five Italian editions of *On Crimes and Punishments* by 1766; the first French translation by Morellet appeared in 1766; but the English translation of 1767 had gone through four editions in quick succession.<sup>29</sup> Beccaria's theories on contractarianism and utilitarianism were hugely influential in the development of Jeremy Bentham's own theories, and were the source of Richard Price's famous formula of utilitarianism as concerning itself with "the greatest happiness of the greatest number," though as Bellamy makes clear, this interpretation of Beccaria's work is drawn more from imprecise translations of an ambiguous original text than

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<sup>28</sup>Oliver Goldsmith, *The Vicar of Wakefield*. 1766. Ed. Arthur Friedman. Introd. Robert L. Mack (Oxford: Oxford University Press, 2006) p. 133.

<sup>29</sup>Richard Bellamy, ed. *On Crimes and Punishments and Other Writings*. By Cesare Beccaria. Trans. Richard Davies (Cambridge: Cambridge University Press, 1995) p. xlvii.

from Beccaria's actual adoption of a utilitarian ideology.<sup>30</sup> Beccaria's arguments in favour of prison reform are, however, constructed around empiricist principles, rather than sympathetic or religious ones. The work of John Howard and his fellow reformer, Jonas Hanway, who founded the Magdalen Hospital in London 1758 for reformed prostitutes, is founded upon the latter; for some reformers the prisoner's salvation was the motivating force for their arguments, for others, such as Beccaria and Bentham, and later, Sir Samuel Romilly, it was rationality that was at stake, in allowing the continuation of pre-enlightenment forms of justice.<sup>31</sup> The arguments in favour of the prisoner's greater usefulness to the public as a reformed citizen, rather than a festering or condemned prisoner, as well as the contention that the state which executes its own citizens is failing in its responsibilities towards them, were Beccaria's main contributions to the increasingly utilitarian discourse surrounding prison reform. It should be noted that Howard too favoured industry and usefulness, embracing what Bender has called the "empiricist secularism" of other reformers in his suggestions for the physical restructuring of prisons, to greater ensure the reformation of bodily habits, of mind, and of soul.<sup>32</sup> Beccaria's theories formed an important step in the recognition of the state's obligation to protect its citizens, even prisoners, rather than reminding those unfortunates of their duty to obey (and when disobedient, to die for) the state.

The state's efforts to provide adequate punishments and reform for petty offenders had existed in England since Tudor times, with the establishment of the first private houses of correction or bridewells. These were intended to detain offenders for a short period of time, supplying them with work to foster a spirit of industry in the idle, and to send them on their way in a more rehabilitated state of honest usefulness. But the bridewells were disorganised, haphazard and ineffectual, and lacked a definite programme other than a belief in the value of

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<sup>30</sup>Ibid., p. xviii-xiv.

<sup>31</sup>Gatrell, *passim*. For a fascinating account of the Magdalen Hospital and the manner in which its design and regime sought to remake its inhabitants by enforcing solitude, reflection and rationality, see Miles Ogborn's *Spaces of Modernity: London's Geographies, 1680-1780* (New York and London: Guilford Press, 1998). Ogborn also details how architectural developments in London in this period were used to extend governmental and reformist influence over previously unregulated areas, and so provides a very useful geographically-based study of systems of control.

<sup>32</sup>Beccaria, *passim*; Bender, p. 21.

work. No real reform system was in place: Howard described bridewells as “schools of wickedness,” which destroyed the morals, principles and virtues of the young in condemning them to waste their time in “idleness, hunger and dirt.”<sup>33</sup> Juvenile culpability notwithstanding, Howard laid the blame squarely upon the structure that contained them and degraded them even further: “[w]hat is this but devoting them to destruction? Many date the total loss of every principle of honour and virtue, from their confinement in these schools of wickedness.”<sup>34</sup> There was no nationwide government-controlled system of prisons till well into the nineteenth century, when the National Supervision Bill was passed in 1835, finally bringing all prisons and houses of detention under a central, nationalised scrutiny.

The phenomenon of widespread prison reform from the middle to end of the eighteenth century in continental Europe and England was due in part to the absence of any real institution devoted to imprisonment or incarceration, which would function as a separate and coherent entity, and replace the myriad workhouses, debtor’s prisons, hulks and gaols. The existing prison structures were not always prisons as such: during the upheavals of 1794, as E. P. Thompson informs us, John Thelwall was confined for a period in the charnel house at Newgate, which lends an almost absurdly Gothic edge to his case, and one which reads as very effective fiction when a night in a charnel house is represented in Holcroft’s *Hugh Trevor* as one of the horrors endured by the protagonist.<sup>35</sup> Ships proved another unlikely place of detention. With the sudden crisis of prison overcrowding following the suspension of transportation in 1775 due to the American War, decommissioned naval ships, known as hulks, were pressed into service as temporary prisons. They were anchored on the Thames and at Plymouth, Gosport and Portsmouth, and within ten years were home to approximately two thousand convicts who

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<sup>33</sup>Howard, pp. 37-8.

<sup>34</sup>Ibid., p. 39.

<sup>35</sup>E. P. Thompson, *The Making of the English Working Class*. 2<sup>nd</sup> ed. (Harmondsworth: Penguin, 1991) p. 21. Thomas Holcroft, *The Adventures of Hugh Trevor*. 1794-7. Ed. and introd. Seamus Deane (Oxford: Oxford University Press, 1978) pp.288-93.

laboured in chain gangs and in the docklands.<sup>36</sup> Throughout England, there were an estimated three hundred places of confinement by 1780.<sup>37</sup> The structure of penal detention was nominally divided into three theoretically separate institutions: bridewells or houses of correction, debtor's prisons, and gaols. Bridewells were aimed at petty offenders, chiefly young boys, as well as beggars and the indigent. Debtor's prisons were places of detention until debts incurred could be honoured; gaols were notionally the preserve of felons and the condemned.

The reality was much more fluid than these structures implied, and such categorical niceties were not often observed. Vagrants, unmarried mothers, proper felons, the condemned awaiting execution or transportation, the indigent, witnesses in upcoming trials, debtors and their various wives and children who shared their quarters as well as their shame till such time as the debts might be paid, were all inmates of any and all of the three categories of prisons. The ordering of the prison was domestic and sociable. There was easy traffic between the separate wards and yards of a prison, and as tradesmen and hawkers were frequent visitors to many prisons, trade, gambling, drinking and general licentiousness occurred as a rule.<sup>38</sup> More notorious criminals were kept in chains, but bribery of corrupt bailiffs and guards, especially in private prisons beyond the control of magistrates, was a simple matter for those who could afford it, as Howard recounts: "county gaolers do sometimes grant dispensations, and indulge their prisoners, men as well as women, with what they call 'the choice of irons,' if they will pay for it."<sup>39</sup> Prisoners' freedoms of amusements and uncontrolled behaviour extended beyond the official walls of the prison space and into what were known as "the rules," which were private houses in close proximity to the prison building, which served as "sponging houses" for the inmates, and which were run along extremely profitable lines for the bailiffs, keepers and landlords.<sup>40</sup> Howard

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<sup>36</sup>Ignatieff, p. 80.

<sup>37</sup>Randall McGowen, "The Well-Ordered Prison, England 1780-1865." *The Oxford History of the Prison: The Practice of Punishment in Western Society*. Ed. Norvel Morris and David J. Rothman (New York and Oxford: Oxford University Press, 1995) pp. 71-99, p. 73.

<sup>38</sup>See Ignatieff, pp. 29-31; also Bender, pp. 27-30.

<sup>39</sup>Howard, p. 12.

<sup>40</sup>Bender, pp. 29-30.

abhorred these places, denouncing the sanctioned extortion of money by the bailiffs from moneyed prisoners.<sup>41</sup> Many of the prisons surveyed by Howard in the 1770s and 1780s were without sanitation or adequate sewerage facilities, without a sufficient food allowance regardless of whether the inmates were required to work for their bread or not, and often had no clean water supplies.<sup>42</sup> The presence of sponging-houses was a godsend for those who could afford a way out, but those who could not simply had to endure their conditions, till such time as their release, via execution, pardon, payment of debts, escape, acquittal, or gaol fever, should secure it for them.<sup>43</sup>

A new structure and theory of design was required, and this was shaped by the emerging penitential model. In 1768 George Dance Jr designed the New Newgate prison, and in this was strongly influenced by Italian thought and design. Particularly influential were the architectural drawings and sketches of Piranesi, which were in wide circulation and were reissued in a heavily revised edition of *Le Carverì* in 1761, during Dance's period of residence in Rome.<sup>44</sup> The physical structure of the prison was finally receiving serious and prolonged examination, and the reformers' theories, such as Bentham's idea of the panopticon (which was constructed around new concepts of the internalisation of guilt, of solitary confinement, and surveillance, and will be discussed in the next section of this chapter) were shaping up to provide the perfect prison space wherein to punish, survey, and reform offenders, for the greater good of mankind and society and to put a stop to lawless behaviour once and for all. Such were the possibilities envisaged by the reformers as the century drew to a close.

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<sup>41</sup>Howard, p. 2.

<sup>42</sup>Ibid., pp. 1-4.

<sup>43</sup>The probability of escape from ramshackle prisons was not as unlikely as it may seem. Bender describes how in some prisons it was common practice to shackle the prisoners to prevent their escape, as a convenient alternative to costly structural repairs; the physical structure of the prison itself was not always secure, and amidst the tumult of the crowds, a prison-break was often a distinct possibility. The most notorious case of this featured Jack Sheppard, who in the 1720s escaped from Newgate repeatedly, even after a specially designed cell had been constructed to contain him. See Bender, p. 19, and Douglas Hays, "Property, Authority, and the Criminal Law." *Albion's Fatal Tree*. Ed. Douglas Hays et al. (New York: Pantheon, 1975) pp. 17-63.

<sup>44</sup>Bender, p. 21.

The early eighteenth-century penal system, therefore, was more reliant upon capital punishment and transportation than imprisonment, except in the case of debtors or the indigent. The prison buildings themselves were often heavily populated, and subject to a considerable traffic, as we have seen. Neither reform nor rehabilitation was a central concept, either in design or practice; the prison was merely a place of detention: “[t]he builders of Old Newgate seem to have regarded in their plan, nothing but the single article of keeping prisoners in safe custody.”<sup>45</sup> In the eyes of the prison reformers, it was the confusion and unimpeded movement that prevented the prison from acting as a place of proper punishment.<sup>46</sup> With such an intermingling of innocent witnesses or families with convicted or condemned felons and debtors, as well as petty offenders sent in for nominal “correction” which was unstructured and vague, reform of the prisoners’ characters was impossible without a complete restructuring of the prison space. By the 1780s and 1790s, reformers of both secular and religious motivation turned towards the ideology of solitude and confinement as the perfect reformatory punishment to take place within the newly designed prison space: “[t]he new penitentiary system of imprisonment, while religiously motivated and often narrated in evangelical terms, was based analytically in a materialistic utilitarianism and proceeded according to its behaviourist ordinances.”<sup>47</sup> If filth, indolence, traffic, and entertainment (drinking, gambling and so on) impeded the carceral experience from rehabilitating the prisoner, as was increasingly desired, then hygiene, hard work, solitude, and repentance would be the components of this new rehabilitation process. We will see in the next section how solitary confinement as a punishment was developed in line with new theories on guilt and consciousness.

An issue at the heart of the reform movement, and one which was a source of even more urgent debate than structural design or individual rehabilitation was the death penalty: deciding which crimes deserved the death sentence, and how that death should be carried out, was a

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<sup>45</sup>Howard, p. 160.

<sup>46</sup>Ignatieff, p. 31.

<sup>47</sup>Bender, p. 29.

debate that raged throughout the century and beyond. Even pro-reformists favoured the death penalty as the fittest punishment for the greatest crime, that of murder. Public executions in England were not abolished until 1868; the death penalty for murder was finally abolished in Britain in 1965.<sup>48</sup> But in the eighteenth century capital punishment was heavily enforced in cases of crimes other than murder, such as arson, armed robbery, and treason. Forgery qualified as an act of high treason, which is why Holcroft's Bryan Perdue faces execution if found guilty; in 1789 a woman was hanged and burned outside Newgate for the crime.<sup>49</sup> The dispute over capital punishment, was centred less upon abolition due to its inhumanity, than its ineffectiveness, especially when viewed in enlightenment terms of the importance of securing a just punishment that fits the crime. Samuel Johnson was one of those who found capital punishment to be a useless deterrent, and in the lengthy extract below gives an illuminating account of the contemporary arguments that surround the issue:

[a] slight perusal of the laws by which the measures of vindictive and coercive justice are established will discover so many disproportions between crimes and punishments, such capricious distinctions of guilt, and such confusion of remissness and severity, as can scarcely be believed to have been produced by public wisdom sincerely and calmly studious of public happiness [...] The lawgiver is undoubtedly allowed to estimate the malignity of an offence, not merely by the loss or pain which single acts may produce, but by the general alarm and anxiety arising from the fear of mischief, and insecurity of possession; he therefore exercises the right which societies are supposed to have over the lives that compose them, not simply to punish a transgression, but to maintain order, and preserve quiet; he enforces those laws with severity that are most in danger of violation, as the commander of a garrison doubles the guard on that side which is threatened by the enemy.

This method has been long tried, but tried with so little success that rapine and violence are hourly increasing; yet few seem willing to despair of its efficacy, and of those who employ their speculations upon the present corruption of the people, some propose the introduction of more horrid, lingering and terrific punishments; some are inclined to accelerate the executions; some to discourage pardons; and all seem to think that lenity has given confidence to wickedness, and that we can only be rescued from the talons of robbery by inflexible rigour, and sanguinary justice.<sup>50</sup>

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<sup>48</sup>Gatrell, p. 589.

<sup>49</sup>Ibid., p. 36 Christian Bowman, also known as Murphy, was burned at the stake (after being hung, and therefore possibly already either unconscious or dead) for the crime of coining.

<sup>50</sup>Samuel Johnson, *The Rambler* no. 114 (Saturday, 20<sup>th</sup> April, 1751). Reprinted in *The Major Works*. By Samuel Johnson. Ed. and introd. Donald Greene (Oxford: Oxford University Press, 1984) pp. 211-12.



Johnson ends his account by pleading for a change in procedure that sees greater investigation into crimes and apprehension of criminals before a capital offence is carried out; the rehabilitation of repeat offenders should be sought before they “advance from crime to crime till they deserve death.”<sup>51</sup> His suggestion of the use of detection is repeated by Fielding’s treatise of the same year, *Enquiry into the Causes of the Late Increase of Robbers*. But it is Johnson’s advocacy of an empirically-based penitential reform of both the legal and penal structures that interests me here. The penitential model is already emerging at this mid-century point, a couple of decades before the work of the major reformers such as Howard and Bentham is published. The careless abuses of the legal and penal systems of control, with their wilful discrepancies in meting out punishment, are enacted by a state that as yet seems to have little conception of its duty towards its people, in the Beccarian sense, never mind the possibility of the reformation of those who err. Johnson emphasises the failure of the current model of sanguinary justice, and deplores its acceleration. The next question to address is why in the eighteenth century the concept of justice became so bloodthirsty.

As Peter Spierenburg has noted, at the beginning of a new political regime in England capital punishment was enforced more frequently than at other times as the new monarch sought to impress his will upon his subjects with due awe and terror: “the proportion of convicts who were hanged rose sharply during the Tudor period, reaching its height in the middle of the sixteenth century.”<sup>52</sup> This pattern was repeated throughout the centuries. Over time legislation for capital punishment was centred more upon serious crimes against the person, but during the eighteenth century, new legislation intended to preserve property (with the divide between the land-owning classes and the property-less becoming more pronounced due to these new laws, which protected the former and persecuted the latter with increasing rigour), primarily contained within the Black Act of 1723, saw the charge “serious crimes against the person” increasingly

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<sup>51</sup>Ibid.

<sup>52</sup>Pieter Spierenburg, “The Body and the State.” *The Oxford History of the Prison: The Practice of Punishment in Western Society*, pp. 44-70, p. 54.

coming to mean theft. Hunting, poaching and fishing, if carried out by armed or disguised offenders, were now capital offences.<sup>53</sup> Theft had traditionally been regarded as a serious crime, and statutes had been passed in Tudor times to enforce the death penalty in such cases, but never with such a widespread, meticulously-detailed catalogue of offences.<sup>54</sup> Neither had it previously been done with such speed as this; as Ian Bell remarks, the new legislation “introduced around fifty new capital offences virtually overnight.”<sup>55</sup>

The extension of capital offences to cover property crime, beginning in 1723, was driven by landowners, by reformers, and by the outraged cries of a public reared on sensational printed tales detailing the unchecked exploits of criminals and felons. Sixty-three capital offences were added to the Act in the years 1760-1810 alone, with approximately 190 offences added in total to the statute books in the years between the Restoration and the end of the reign of George III.<sup>56</sup> By the end of the Napoleonic wars an estimated 225 crimes bore the death penalty.<sup>57</sup> The sense of acceleration began a few decades earlier, as “[t]he number of persons executed in London between 1783 and 1787 was eight-two percent higher than in the previous five years.”<sup>58</sup> The doctrine known as “benefit of clergy,” which allowed pardons to convicted felons, and the legal right of judge or jury to demote a hanging offence, such as grand larceny to petty larceny and thus obtain a less severe punishment for the convicted, were discouraged, and the heavier punishments were enforced as a deterrent to others. Yet such “mass executions” did not prove an effective deterrent, and the crime rates continued to increase regardless: ninety-seven executions took place in London alone, in 1785.<sup>59</sup>

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<sup>53</sup>E. P. Thompson, *Whigs and Hunters: The Origin of the Black Act* (London: Allen Lane, 1975) p. 22. In one of many instances of heavy-handed application of unjust laws in *Caleb Williams*, young Leonard Hawkins is arrested for trespassing on Mr Tyrrel’s property; he is convicted of felony when observed breaking padlocks and opening gates in an area where rabbits are housed (the Act specifically provides against rabbit theft), and as he is armed with a wrenching-iron, and has his coat collar raised, meets the description of an armed and disguised felon, and so is sentenced to death.

<sup>54</sup>Hay, *passim*.

<sup>55</sup>Ian Bell, *Literature and Crime in Augustan England* (London: Routledge, 1991) p. 11.

<sup>56</sup>Thompson (1991) p. 65.

<sup>57</sup>Frank McLynn, *Crime and Punishment in Eighteenth-Century England* (New York and London: Routledge, 1989) p. ix.

<sup>58</sup>Ignatieff, p. 87.

<sup>59</sup>*Ibid*.

The expansion of the Bloody Code, as English criminal law was popularly known, which in previous practice had been surprisingly flexible, with ample room for judicial discretion and whims (similar in some ways to its attendant penal system which had its own flexible governance), was an unpopular one with the general public, especially since, as Johnson remarked, it seemed so persistently ineffectual.<sup>60</sup> Notoriously, in the summer of 1780 the Gordon Riots spread across London in a great wave of arson and violence. As well as attacks upon the property of rich Catholics and their sympathisers, in one full week of rioting the mob activity assailed Newgate gaol, the Old Bailey, Clerkenwell Bridewell, New Prison, Fleet Prison, King's Bench, the New Gaol, the Surrey House of Correction and the Marshalsea, setting fires and freeing inmates.<sup>61</sup> The cause of the unrest, a call led by Lord George Gordon for the repeal of certain parts of the Roman Catholic Relief Act of 1778, was seized upon as a useful occasion to strike at a penal and legal system widely perceived as unfair and inadequate. Linebaugh links the attack on Newgate that liberated hundreds of inmates, with the decision three years later to abolish the procession of the condemned from Newgate to Tyburn (discussed in the following section), which had proven beyond all previously-held belief to the contrary that it did not increase the awful spectacle of death, and increase deterrence, but aggravated an already chaotic situation instead.<sup>62</sup> The Gordon Riots' attacks upon municipal property and the institutions of incarceration and punishment proved that the London mob was growing stronger in its dissatisfaction with these institutions, and that dissatisfaction was backed by a terrible new force of lawlessness and the subversion of the penal code by the populace it was intended to protect.<sup>63</sup>

The continued expansion of the Bloody Code was also due in part to a popular mid-century conception that the nation, or at least the metropolis, was in the grip of a crime wave. Actual grounds on which the fears of such a considerable crime wave were raised, however, are more difficult to substantiate than the contemporary hyperbole admits. Periodic outbreaks of civil

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<sup>60</sup>Ibid., p. 17.

<sup>61</sup>George Rudé, *Paris and London in the Eighteenth Century: Studies in Popular Protest* (London: Collins, 1970) pp. 272-6.

<sup>62</sup>Linebaugh, p. 330.

<sup>63</sup>Rudé, *passim*.

unrest and mob rule certainly seem to have increased steadily with each decade. After the passing of the Riot Act in 1715, trouble began with the Spitalfields riots in 1719-20 and again in 1736, continued with the 1749 Strand riots, infrequent but persistent food riots in the provinces from the 1720s to the 1760s, and the silkweavers' renewed outbreaks in 1765.<sup>64</sup> The Wilkes and Liberty rioters belonged to a movement that lasted from 1763 till 1774, with sporadic outbursts of violence and protest in the intervening years;<sup>65</sup> when the war in America ended the sudden return of many disaffected veterans of that campaign saw another increase in the crime rates; transportation to the American colonies was no longer possible as a sentence, and as the gaols began to fill up, executions began to increase again.<sup>66</sup> Rather than view these executions and civic disturbances of the people's dissatisfaction with the Code, as modern critics have done, the authorities seem to have interpreted them as evidence of greater need for the Code's enforcement. Recent critics have viewed the moral panic as deliberately orchestrated to allow the state to swing into heavy action against relatively petty criminals.<sup>67</sup> One figure who responded to this interpretation with "evidence" of a crime wave was the Scottish Whig magistrate Patrick Colquhoun, based in London in the 1790s. He began writing about the nature of the London criminal classes, describing them in a highly sensational but nevertheless carefully categorised way, as E. P. Thompson recounts with relish: "receivers of stolen property, coiners, gamblers, lottery agents, cheating shopkeepers, riverside scroungers [...] Mudlarks, Scufflehunters, Bludgeon Men, Morocco Men, Flash Coachmen, Grubbers, Bear Baiters, and Strolling Minstrels."<sup>68</sup> Colquhoun's various publications, comprising amongst others *Observations and Facts Relative to Public Houses* (1796), *Treatise on the Police of the Metropolis* (1796), *Treatise on Indigence* (1806), and investigations into public life and lawlessness were, Thompson suggests, "conducted in the atmosphere of panic in the aftermath of the French Revolution," and present

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<sup>64</sup>McLynn, pp. 220-7.

<sup>65</sup>Rudé, p. 222.

<sup>66</sup>McLynn, p. 260.

<sup>67</sup>See, for example, J. A. Sharpe's *Crime in Early Modern England 1550-1750* (London and New York: Longman, 1984).

<sup>68</sup>Thompson (1991) p. 59.

the reader with the staggering announcement that approximately one eighth of the population of London was involved in criminal activity at any one time.<sup>69</sup> Colquhoun's pamphlets were frequently reprinted, often with substantial alterations between each edition (the treatise on *Police* had nearly doubled in length from its original edition to its sixth, in 1800) making it even more difficult to track his use of statistics than it seems at first. In his *Treatise on the Police of the Metropolis* Colquhoun claimed the existence of "8,000 'thieves, pilferers and embezzlers' and 2,000 'Professional Thieves, Burglars, Highway Robbers, Pickpockets and River Pirates,'" with as many as 115,000 criminals at large in the metropolis, as Bell has deduced.<sup>70</sup> Sadly, these exciting descriptions are not based upon any substantial evidence, and his figures are unsupported by anything other than his own beliefs and prejudices.

Colquhoun's treatises are useful, however, as an indicator of a tendency (frequently on the part of landowners and magistrates, generally one and the same) to denounce certain classes, such as itinerant traders and street entertainers, as inherently fraudulent and criminal, irrespective of actual criminal behaviour.<sup>71</sup> Such treatises also underline the role played by panic, hysteria and imagination in discussions of crime, petty thievery and general corruption, but we can see from this overview how prevalent those discussions were. Irrespective of political, philosophical or religious beliefs, contemporary commentators on penal and legal matters throughout the eighteenth century are united by the need for action, preferably reform, on these matters. In the next section I will address the most significant development in the response to this reform and the one which is most vividly interpreted by Jacobin novelists, that of solitary confinement, and its attendant themes of visibility, surveillance, and terror.

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<sup>69</sup>Ibid., p. 60.

<sup>70</sup>Bell, pp. 14-5.

<sup>71</sup>Ibid., passim.

## The Public Eye, Terror, and Confinement.

The misery of gaols is not half their evil; they are filled with every corruption which poverty and wickedness can generate between them; with all the shameless and profligate enormities that can be produced by the impudence of ignominy, the rage of want, and the malignity of despair. In a prison the awe of the public eye is lost, and the power of the law is spent: there are few fears, there are no blushes. The lewd inflame the lewd, the audacious harden the audacious. Every one fortifies himself as he can against his own sensibility, endeavours to practice on others the arts which are practiced on himself; and gains the kindness of his associates by similitude of manners. Thus some sink amidst their misery, and others survive only to propagate villainy. It may be hoped that our lawgivers will at length take away from us this power of starving and depraving one another...<sup>72</sup>

Johnson's account of prisons, written eight years after his article on capital punishment, addresses the problem that Howard was to campaign so stridently against, which we have seen above, that of the functioning of prisons as schools of vice, where natural sensibility, and any shame or remorse, is annihilated. Yet in this straightforward depiction of the lawless prison space Johnson uses a resonant phrase which provides the main thread for this section: "the awe of the public eye." In the eighteenth century, as in centuries before, publicity or visibility formed the basis of the penal system, in that it was before the gaze of the public that punishment was carried out, and those punishments depended upon the public eye for their completion. I will return to this point presently in my discussion of how an entire system centred upon contrition and reform of a prisoner, that of Bentham's panopticism, could be constructed from the concept of the gaze. These changes in relation to the public gaze have their origins in the enlightenment belief in the efficacy of transparency: if all transactions, whether moral, commercial, or political were laid out in full view of society, no corruption or wrongdoing could occur. Bentham believed this would be the result of the eventual reform of the notoriously obscure and ambiguous language of legislation, in his "fantasy" of "a perfectly unambiguous and transparent language."<sup>73</sup> But whatever the faith in such progress was founded upon, the theorisations

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<sup>72</sup>Samuel Johnson, *The Idler* no. 38 (Saturday 6th January 1759). Reprinted in *Selected Writings*. By Samuel Johnson. Ed. and introd. Patrick Cruttwell (Harmondsworth: Penguin, 1968) p. 222.

<sup>73</sup>John Barrell, "Imaginary Treason, Imaginary Law: The State Trials of 1794." *The Birth of Pandora and the Division of Knowledge* (Basingstoke: Macmillan, 1992) pp. 119-43, p. 130.

surrounding penal reform were centred upon transparency and visibility, and the public gaze provided a new counter-revolutionary weapon whose exposure (and I use the word deliberately, as the Jacobin novel itself results from this movement towards transparency) becomes a central theme for Jacobin writers, especially Godwin: the use of surveillance not just for reform, but also illegitimate persecution.

Before the public gaze became so menacing in the 1790s, however, it was widely used to instil remorse and penitence, based upon the conception of the awe of the public eye, or its capacity to engender shame, long before the penitentiary was ever conceived. For centuries before the centralisation of law enforcement by the English government, order had been publicly exercised within communities. Hence the early, civic-centred punishments for crimes: whipping, the stocks, the pillory, branding, carting, ducking, and scourging. All were performed publicly, and some left perpetual reminders, such as scars or brands, of the act of punishment. Less violent shaming rituals shared a similar ideology. In the sixteenth century, for example, a standard punishment for criminal sexual activity was public penance: “A penitent was expected to stand in the parish church during morning prayer for three consecutive Sundays, bare-headed, bare-legged, dressed in a white sheet and carrying a white rod. The priest was instructed to denounce the sinner, who in turn was to publicly confess to the fault.”<sup>74</sup> Public reparation was necessary, not merely before God, against whom the individual had sinned, but before the eyes of the community itself, where the sin had been committed. The level of penitence generated by such acts could not be measured, but public knowledge of shameful behaviour was often an effective weapon against crime, especially in small communities. The important issue here is the repeated emphasis on punishment as a visible act. In early communities it had to be seen to be believed, and it offered a deterrent to other would-be sinners. Ethics, behaviour and private morality were all subject to public judgement and when a transgression occurred reparation would have to be made publicly, too. Deterrence, we know, was a problematic issue, but though

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<sup>74</sup>John Briggs et al. *Crime and Punishment in England: An Introductory History* (London: University College London Press, 1996) p. 4.

the importance of visibility changed from a religious to a civic sense it remained current, and at the heart of penal reform for decades. The classification of judgement and punishment in eighteenth-century England was still heavily influenced by the Old Testament code of an “eye for an eye,” a system which was regarded as most natural and instinctive to man, even by enlightenment thinkers such as Adam Smith, and especially in cases of serious transgression: “Nature, antecedent to all reflection upon the utility of punishment, has in this manner stamped upon the human heart, in the strongest and most indelible characters, an immediate and instinctive approbation of the sacred and necessary law of retaliation.”<sup>75</sup> Punishment is a natural right, and if one follows the argument of Thomas Paine on the rights of man, it therefore becomes a civil right, for “every civil right grows out of a natural right; or, in other words, is a natural right exchanged.”<sup>76</sup> Punishment, and justice, are inherent, therefore, but can only exist in a civil society. Such “necessary law[s]” were highly contested as the philosophical concern for just punishment developed. But did the sanction of retaliation create the proliferation of convictions in the eighteenth century (a man’s life for that of a rabbit, as we have seen, was a just measure), or did retaliation develop from the proliferation? It is a riddle for Dr Primrose as well:

I cannot tell whether it is from the number of our penal laws, or the licentiousness of our people, that this country should shew more convicts in a year, than half the dominions of Europe united. Perhaps it is owing to both; for they mutually produce each other. When by indiscriminate penal laws a nation beholds the same punishment affixed to dissimilar degrees of guilt, from perceiving no distinction in the penalty, the people are led to lose all sense of distinction in the crime, and this distinction is the bulwark of all morality: thus the multitude of laws produce new vices, and new vices call for fresh restraints.<sup>77</sup>

Or, as Johnson described the in account from *The Rambler* discussed in the previous section of this chapter, if murder and felony are both capital offences, it encourages the felon to become a murderer, since the punishment if convicted is the same. In 1764, in an identical argument,

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<sup>75</sup>Adam Smith, *The Theory of Moral Sentiments*. Ed and introd. Knud Haakonssen (Cambridge: Cambridge University Press, 2002) p. 8.

<sup>76</sup>Thomas Paine, *The Rights of Man* Part I. 1791. Reprinted in *The Thomas Paine Reader*. Ed. and introd. by Michael Foot and Isaac Kramnick (Harmondsworth: Penguin, 1987) pp. 201-364, p. 218.

<sup>77</sup>Goldsmith, p. 134.



Beccaria warned against the over-reliance upon capital punishment as it impaired the punishment's effectiveness, and could inadvertently lead to an increase in serious crime: "If an equal punishment is laid down for two crimes which damage society unequally, men will not have a stronger deterrent against committing the greater crime if they find it more advantageous to do so."<sup>78</sup> Sanguinary laws, it seems, do encourage the public to rise to the threat they pose.

The admitted circularity of much reform discourse nevertheless led to several significant shifts in public punishment procedure, most notably the eventual disappearance of execution from the public gaze. Its replacement with interiorised non-capital punishment, interiorised in the sense that punishment became something to be carried out at a remove from the public eye, was a process aimed at the prisoner's internalisation of penitence and reform, instead of mere outward spectacle of conformity to state authority. But before this disappearance, which was more gradual across Europe than Foucault suggests in *Discipline and Punish*, the public spectacle of death that came to dominate the ritual of public punishment in London and other towns and cities was a natural development of the public interest, an enactment of the belief of the importance of publicly suffering for crimes committed, rather than the grisly carnival it developed into at the Tyburn Fair. The presence of the public was crucial in several ways, and this presence was intended to guarantee justice. The public must bear witness to ensure that the punishment is carried out exactly, with no excessive torture or cruelty other than what the punishment demands (although Foucault pronounces this careful measurement of allotted pain demanded by the punishment as the definition of torture, rather than its absence).<sup>79</sup> It must be present to ensure that the Last Words are spoken and heard, and, in cases of "resurrection," when the noose partially strangled the criminal instead of breaking his neck and could therefore be followed by a potentially successful resuscitation of the body, to ensure the legitimate rescue of the condemned, rather than risk a re-hanging as may have been (wrongfully) carried out if

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<sup>78</sup>Beccaria, p. 21.

<sup>79</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison*. 2<sup>nd</sup> ed. Trans. Alan Sheridan (New York: Vintage, 1995) p. 33.

punishment were done in private.<sup>80</sup> Justice cannot be served in secret, and without public witness punishment cannot fully operate.

The procession of the condemned from Newgate to execution at Tyburn, which gave reformers such a headache before its abolition in 1783, had a similar foundation in the belief of the necessity for visibility to ensure justice. But visibility of punishment was not only necessary for the public, it was necessary for the state. One of the most important and theatrical rituals of punishment was the Tyburn procession, originally designed as an awesome spectacle of power that would invest the watching crowds with a sense of the dominance of English justice, and command the crowd's respect while causing it terror. Over time, the spectacle became a carnival. The "Tyburn Fair" was an excuse for, or a facilitator of, great public merriment and the display of the law of the streets, rather than the legitimate penal and legal power that it was intended to embody. Thompson describes the tumultuous scenes:

the condemned in carts – the men in gaudy attire, the women in white, with baskets of flowers and oranges which they threw to the crowds – the ballad singers and hawkers, with their 'last speeches' (which were sold even before the victims had given the sign of the dropped handkerchief to the hangman to do his work): all the symbolism of 'Tyburn Fair' was a ritual at the heart of London's popular culture.<sup>81</sup>

In Hogarth's series of engravings named *Industry and Idleness* (1747) we see the imminent death of Tom Idle depicted in just such a manner in Plate 11, "The Idle 'Prentice Executed at Tyburn," complete with a hawker proffering "Tom Idle's Last Dying Speech." The fruit sellers, bawds, infants, gin hawkers, beggars, and cripples are all present and intent on entertainment. The sense of public spectacle and ample opportunity for trade and profiteering associated with the unreformed prison building has overspread itself beyond the walls to encompass the very act of execution.<sup>82</sup> However, Gatrell interprets descriptions of Tyburn very differently:

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<sup>80</sup>Hay, pp. 102-5.

<sup>81</sup>Thompson (1991) pp. 65-6.

<sup>82</sup>William Hogarth, *The Drawings of William Hogarth*. Ed. and introd. A. P. Oppé (London: Phaidon, 1948) no page numbers on plates.

the mayhem at the executions can be read as indicating the state's Olympian indifference to the effects achieved, its confidence in itself. It was never the judiciary or the secretary of state who worried about the crowd's disorder. The judiciary remained confident that the scaffold delivered its messages well enough [...] When in 1783 the carting of the condemned to Tyburn was abolished and the gallows moved to Newgate, it was not because the state worried about mayhem, but because the City sheriffs deferred to the high-born property developers north and east of Hyde Park.<sup>83</sup>

Property was notwithstanding, an often-overlooked purpose of the public crowd, which was abolished when execution was removed from the public eye, was the support offered to the condemned by the crowd, by encouragement to commit acts of defiance, or by the rapturous reception of final, unrepentant speeches, or expressions of sympathy at heartfelt confessions and repentance. Contemporary accounts frequently bewail the amount of alcohol consumed by those approaching the gallows, as they achieved a degree of insensibility which inured them to the horrors ahead; Johnson and Howard similarly criticised this insensibility in prisoners, as it interfered with repentance. The crowd also had the potential to offer a brief visual and aural distraction from approaching death. Depriving felons of any distraction but their own thoughts became a significant part of the theory of interiorised punishment and remorse. Gatrell contends that:

the abolition of the procession and the long shift towards the privatization of punishment, commonly understood as a progressive and humane movement, was the reverse of that. To kill felons without ceremony and in private was to deny them the only worldly support they could hope for in their last hours. As evangelicals had their cool say on the best chances of bringing the felon to penitence, the felon was to be left *alone* with death, that his spirit might break.<sup>84</sup>

Interestingly, the support offered by the crowd to the condemned felon in easing his final passage towards an awful death was something that Johnson seems to be in favour of, unlike his criticisms of distractions available in prisons.<sup>85</sup> Adam Smith, too, is quoted favourably by Gatrell as upholding the notion that the condemned are supported. The humane actions of other prison

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<sup>83</sup>Gatrell, pp. 95-6.

<sup>84</sup>Ibid., p. 37.

<sup>85</sup>Ibid.

reformers, paradoxically, could increase the horror and terror of punishment and death, even as they sought to ease them.

Despite Gatrell's important corrections of the long-held interpretation of Tyburn as counter-authoritarian subversion, the carnivalesque, however its power or effect may be calculated, was an element of the public execution, and the crowd could be unruly and violent, even if it did not threaten the government quite as much as some pro-reformists, such as Fielding and Mandeville, feared. And violence could break out at the gallows themselves. Boswell's account of his trip to Tyburn to view the famous spectacle, and to witness the death of the highwayman Paul Lewis, provides detail of this. In his diary he writes how he "had read in *The Lives of the Criminals* so much about Tyburn that I have a sort of horrid fascination to be there."<sup>86</sup> He was struck by a severe melancholy afterwards, as in his case at least the spectacle exerted its intended power of horror and terror. His visit the previous day to view the condemned prisoners in their cells, as was the custom, also left Boswell considerably dejected, with thoughts of Newgate "upon my mind like a black cloud."<sup>87</sup> But there are some curious elements in this event. In a footnote by Boswell's editor Pottle, he describes how at the double hanging that day Lewis's fellow condemnée Hannah Diego managed to free her hands and attack the executioner, to the undoubted delight of the crowd.<sup>88</sup> Yet in McLynn's account, sourced from the Newgate Calendar, it was Lewis who lashed out, not at the executioner but at the ordinary of Newgate, so incensed was he by his prating cant.<sup>89</sup> Whichever version is the true one, it is acknowledged that the solemnity of the hangings was often marred by acts of defiance on the parts of the condemned, which was deemed in some quarters to undermine the majesty of the law, and to defeat the purpose of the public spectacle of death.

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<sup>86</sup>James Boswell, *Boswell's London Journal 1762-1763*. Ed. and introd. Frederick A. Pottle (Harmondsworth: Penguin, 1968) p. 275.

<sup>87</sup>Ibid.

<sup>88</sup>Ibid.

<sup>89</sup>McLynn, p. 264.

As early as 1701, the author of *Hanging Not Punishment Enough* recommended that to ensure respect for the law the condemned should be hanged in chains, or starved, or broken on the wheel, or whipped to death, as the simple noose had lost its terrors.<sup>90</sup> Hanging in chains was not regularly practised in England, though it was popular throughout Europe in the seventeenth and eighteenth centuries. After execution, the convict's body was either returned to the original scene of the crime and displayed until it decomposed, or, as was more common in Europe, was brought to a special gallows field and there displayed with the other convicts' putrefying remains.<sup>91</sup> Wordsworth's traveller in the poem "Guilt and Sorrow; or, Incidents upon Salisbury Plain," completed in 1792-93, stumbles across such a sight, which impresses him with the full horror intended:

With sullen clang,  
A sound of chains along the desert rang;  
He looked, and saw upon a gibbet high  
A human body that in irons swang  
[...]  
It was a spectacle which none might view  
In spot so savage, but with shuddering pain;  
Nor only did for him at once renew  
All he had feared from man, but roused a train  
Of the mind's phantoms, horrible as vain<sup>92</sup>

The punishment works as perfectly as it was intended to, in this account; the spectacle involves vision and hearing, and provokes physical revulsion and troubled reflection centred upon remorse. It creates terror. The ideology of intimidation and control that lay behind such punishments was still centred upon the body of the condemned. In the early 1700s the convict did not yet have any economic value or social worth, and was still not the focus of reform. But already the spectacle of death as practised in England was faltering in its control of terror and deterrence, according to some observers at least. Undoubtedly others, presumably Gatrell's imperturbable government ministers and judiciary (which at the very least did not include the

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<sup>90</sup>*Hanging Not Punishment Enough*, p. 6.

<sup>91</sup>Spierenburg, p. 51.

<sup>92</sup>William Wordsworth, "Guilt and Sorrow; or, Incidents upon Salisbury Plain." *Poetical Works*. Ed. and introd. Thomas Hutchinson (Oxford: Oxford University Press, 1981) ll. 76-86.

magistrate Henry Fielding), thought the laws and punishments worked well enough. That penal reform as articulated in late-eighteenth-century England was not achieved until well into the nineteenth century may imply a more widespread degree of satisfaction with prison conditions than the rhetoric of urgency utilised by the reformers would suggest. Then again, the acceleration of the reform debate in the 1770s and 1780s was followed by the nation's descent into war with France, which disrupted many types of reform, not merely penal. But a concept that was becoming central to the discourse of prison reform as well as unreformed punishments, and in descriptions of both state control and the worst excesses of the mob, in France as well as England well into the 1790s and beyond, was terror.

Terror is central to many late-eighteenth century theories of state power and spectacle. Edmund Burke's theory of terror in the sublime of 1757, was developed with reference to natural scenes, but should state power be able to successfully harness the "great power of the sublime," and use it for its own ends, as was attempted by the public spectacle of death, the overall power over those subject to the state would be complete: "[a]stonishment [...] is the effect of the sublime in its highest degree; the inferior effects are admiration, reverence and respect."<sup>93</sup> Sublime terror, then, is linked to the awe that Johnson describes as belonging to the public eye. Reverence and respect govern morality, and therefore social order; seeing, and being seen, spectator and spectacle, are bound up in control. For sublime terror also produces a rationality in that it interrupts the power of reason on the part of the spectator, and thus, presumably, renders him or her unable to formulate any critique against the government that possesses the sublime as a weapon of statecraft: "[n]o passion so effectively robs the mind of all its powers of acting and reasoning as fear."<sup>94</sup> It is no wonder that terror held such a favoured role in government theory and action, when it produced docile idiocy on the part of its subjects. Terror is central to the display of sovereign rule and political control, enacted by its spectacles of punishment and the

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<sup>93</sup>Edmund Burke, *A Philosophical Enquiry into the Origin of our Ideas of the Sublime and Beautiful, and Other Pre-Revolutionary Writings*. 1757. Ed. and introd. David Womersley (Harmondsworth: Penguin, 1998) p. 101.

<sup>94</sup>Ibid.

performance of might of the state. For Foucault, the display of punishment and spectacle is precisely “a political ritual [...] ceremonies by which power is manifested.”<sup>95</sup> Violence, domination, and the production and management of terror lie at the heart of this manifestation: “The death penalty...is an act of war on the part of society against the citizen that comes about when it is deemed necessary or useful to destroy his existence.”<sup>96</sup> But the citizen cannot declare war against the state. The power of the state is explicitly that of bestowing life and death, a death that could be protracted indefinitely and painfully. The general public was meant to be impressed by the display of power to the point of fearful awe at the might of the government and its penal system; the penal codes (even the adjectives used for them: black, bloody) were themselves designed to inflict the greatest possible terror upon the populace, whether they were offenders or law-abiders, and thus ensure their obedience to the state.

The sanguinary laws were intended to evoke overwhelming remorse and repentance amongst public offenders via consciousness, through pain or torture, of the seriousness of their crimes; the threat of punishment was meant to ensure that honest folk were too frightened to transgress. Yet as we have seen, and as is clear from the available figures detailing the incidence of and increase of crime of all levels of seriousness, the degree of terror created was not sufficient in its effect upon either category. Criminals re-offended without remorse, and their ranks steadily grew. To Paine, the use of terror was “a base and false idea.” It was also patently ineffective. In an echo of the earlier arguments of Johnson, Goldsmith and Beccaria, Paine argues that:

[t]he effect of those cruel spectacles exhibited to the populace, is to destroy tenderness, or excite revenge; and by the base and false idea of governing men by terror, instead of reason, they become precedents. It is over the lowest class of mankind that government by terror is intended to operate, and it is on them that it operates to the worst effect. They have sense enough to feel that they are the objects aimed at; and they inflict in their turn the examples of terror they have been instructed to practise.<sup>97</sup>

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<sup>95</sup>Foucault, p. 47.

<sup>96</sup>Beccaria, p. 65.

<sup>97</sup>Paine, p. 213.

Again and again we see accounts that testify to the aggravating tendencies of “sanguinary punishments” to increase lawlessness and violence.<sup>98</sup> Yet reliance upon terror persisted. For the clergyman William Paley, writing in 1785, the increase of punishment with no deterring effect was easily explained: “the frequency of capital executions in this country owes its necessity to three causes – much liberty, great cities, and the want of a punishment short of death possessing a sufficient degree of terror.”<sup>99</sup> The latter was to form a special focus of Paley’s rumination. With a curb on liberty (especially as previous measures such as Riot Acts or curfews were insufficient) or a check on population growth harder to enforce than penal reform, punishment remained key. For some reformers the “degree of terror” was the only factor that could be adjusted. The increase in terror was attempted in a number of ways, in which the public gaze remained central. For Paley, the potential horror of the unknown as represented by transportation, as one alternative to execution, was not a suitable option; he regarded it as a mere displacement of crime and punishment, rather than a proper solution in its own right. Crucially, transportation lacks the imaginative spur that effective terror-based punishment demands, and neither is it a public punishment: “the punishment, whatever it be, is unobserved and unknown...his [the criminal’s] misery is unseen; his condition strikes no terror into the minds of those for whose warning and admonition it was intended.”<sup>100</sup> The public gaze is absent, and without it there is no opportunity for the use of terror, deterrence or the increase of the state’s power.

The gaze was also used in the construction of simpler measures towards reform. With the abolition of the Tyburn procession resulting in renewed focus upon Newgate prison, subsequent alterations of the theatricality of public execution aimed to reinvest capital punishment with a new awfulness. Dance’s 1768 design of the New Newgate prison façade was intended to represent the most dreadful aspects of power and dominance, mixed with a certain

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<sup>98</sup>Ibid.

<sup>99</sup>William Paley, *The Principals of Moral and Political Philosophy*. 1785 (London, 1824) p. 337.

<sup>100</sup>Ibid., p. 338.



drama to augment the terror of the spectacle of death. It was designed as much as a spectacle of public awe, or the sublime, as a place of incarceration. The façade of the prison had the public (and therefore potential inmates) as its spectators: it also functioned as a backdrop for the spectacle proper. But with real felons' shackles draped across the front wall, a mechanical drop fitted within the platform to effect mass executions with greater rapidity, the increased height of the platform, and the condemned arriving at the platform from the prison directly behind it instead of travelling through London to it, Newgate became less of a backdrop and more of a participant in the scene, with the majesty and controlled theatricality of the law that had caused such a scene to be played out having been restored to some of its power and dominance.<sup>101</sup>

As well as providing a reinforcement of state power, this physical distancing of the public from the spectacle (by the raising of the platform far above the level of the crowd), symbolises the simultaneous displacement of spectatorship, punishment and death into a more constrained, controlled sphere, and the intensification of the experience of it. The next logical step in this retreat from the boisterous and uncertain embrace of the crowd is to withdraw even further from it, and to return the prisoner to the prison after sentencing: to use imprisonment as a sentence in itself. The policy of terror needed to be augmented in a way that would not suffer disruption at the hands of the mob, and solitary confinement offered a solution. It is important to note here that Foucault interprets this replacement of the public spectacle by the penitentiary as the transformation from visible to invisible power, that in the new sphere of reformed punishment "the power that punishes is hidden," and "power must act while concealing itself beneath the gentle force of nature."<sup>102</sup> While this theory holds value, I wish to adjust it slightly in relation to my conception of the public gaze in the eighteenth century. The suggestion that power becomes invisible is one that ignores the persistent value and importance of the gaze in the eighteenth century. The internalisation of judgement that Adam Smith describes effectively appropriates certain functions of the public gaze within the penitent's own consciousness, but

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<sup>101</sup>Bender, pp. 238-47.

<sup>102</sup>Foucault, p. 105, p. 106.

the problem is that if there is no longer a spectacle to watch, as Foucault suggests, then the public eye loses not merely its awe, but its existence. The de-socialisation of punishment and the privatisation of judgement means the gaze is now used only as a mitigation for, not as an agent of, control. We know, however, that public executions continued for decades after the penitential model was formed. We also know that visitors were allowed into penitentiaries; in a more controlled manner than with the old prisons, admittedly, but still the idea persists of the necessity of the public gaze. The public eye is needed at the spectacle of either punishment or reform to know the power of the state; the public eye must witness the spectacle, to ensure that justice is carried out. Bentham incorporates the public gaze with the privacy of the panopticon by allowing the public to attend church services with the inmates, though without disruption to the plan of solitude for each penitent:

[t]he affluence of visitors, while it secured cleanliness, and its concomitants healthiness and good order, would keep up a system of gratuitous inspection, capable itself of awing the keeper into good conduct, even if he were not paid for it: and the opposite impulses of hope and fear would thus contribute to ensure perfection to the management, and keep the conduct of the manager wound up to the highest pitch of duty. Add to this the benefit of the example, and of the comments that would be made on it by learned religious lips: these seeds of virtue, instead of being buried in obscurity, as in other improved prisons, would thus be disseminated far and wide.<sup>103</sup>

Bentham's plan for penitential reform, even as it is structured around solitude and the interior processes of remorse encouraged by reflection and industry, rather than the spectacle of public performance of punishment, is nevertheless still dependent upon the gaze, unlike Howard's reformed prison structure, which does exclude public observation and visiting. There are two different types of public gaze in operation in the panopticon. There is the eye of the inspector in his darkened watchtower, which hides his observation of the inmates from their view, and thus creates the condition of perpetual surveillance beneath the fearful invisible eye of omnipotence (or eyes: visitors were allowed at different stages in Bentham's development), but in the chapel there is also the very gaze which Foucault has stated is abandoned: the awe of the public eye,

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<sup>103</sup>Jeremy Bentham, *The Panopticon Writings*. Ed. and introd. Miran Bozovic (London: Verso, 1995) pp. 98-9.

observing the inmate, and furthering the sense of self-observation that will lead to remorse and repentance.

For Smith, solitude, self-awareness due to observation, and remorse, are all connected in his concept of the impartial observer, which produces self-regulating judgement (and perhaps punishment; certainly, inner suffering is produced). Smith described the impartial observer and the workings of sympathy in *The Theory of Moral Sentiments* in 1759, the same year that Johnson warned of the loss of the public eye as a controlling and necessary measure to regulate behaviour. Smith shows a similar awareness of the usefulness of the gaze as a method of governance. In a development that is significant not only when interpreting Bentham's theory of punishment and reform, but also the Jacobin novel's representation of surveillance and persecution, Smith describes how the public, governing, judging force of the gaze may become internalised, introduced into the self as a private eye, secularising the Christian conscience. This internal detective, watchful and aware, is assisted by the lingering, still-necessary effect of the public gaze. Yet an excess of solitude could be a threat to the effective employment of the impartial spectator. Solitude in everyday life, Smith explains, has a detrimental effect upon the balanced reason required to govern and observe oneself correctly: "[i]n solitude we are apt to feel too strongly whatever relates to ourselves: we are apt to over-rate the good offices we may have done, and the injuries we may have suffered."<sup>104</sup> Solitude brings man too much in upon himself, and in encouraging reflection, does not guard against brooding over ills and slights, nor does it facilitate the exertion of self-control necessary for a man to be able to master his emotions. Instead it unmans him, as we will see in chapter three in Godwin's writings on the subject, which form a marked contrast to the positive aspects of solitary confinement embraced by Howard and other benevolent reformers. In Godwin's and Smith's representations of the condition, solitude causes the subject to nurse his grievances, whether real or imaginary to begin with, till they consume him unhealthily. Solitude by itself engenders not useful reflection or remorse, but

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<sup>104</sup>Smith, p. 178.

irrationality. In Smith's account, this continues unchecked in the subject until the interruption of a friend's arrival or better yet, that of a stranger, in whom the subject cannot confide his woes and to whom he must present a face of absolute composure and self-control; this brings him back to himself.

As Smith argues, "[i]t is always from that spectator, from whom we can expect the least sympathy and indulgence, that we are likely to learn the most complete lesson of self-command."<sup>105</sup> Thus the isolated figure begins to regard himself once more with the impartiality that Smith advises. Impartiality arises from encouraging the subject to consider his actions and opinions from the perspective of this stranger, to draw the detached spectator into his own consciousness and set him up internally as monitor and judge. This, then, is the regulatory ideal of the impartial observer. It is an approach to viewing the self in a way that is at once internal, or private, and external, or public, centred upon the gaze, which garners a deep understanding of the motivations and repercussions of thought and action by cool, disinterested observation and application of authority and command when required. This knowledge can then be applied to ethics and morals in the way most advantageous to a civil society. Self-command, however, is only in possession of the strong. The weak need the support of external observation, the physical impartial spectator, the stranger, to help them to monitor their behaviour.

This idea of detached observation is manifest in the panopticon. The punitive effect of panoptical surveillance is configured upon Smith's connection of observation to self-command and social amelioration; the subjects' lives will be improved through greater awareness of and control over their behaviour, and society will also eventually benefit, by producing penitents rather than repeat offenders. Smith's exposition on conscience (for that is the function of the impartial spectator, to increase awareness of one's actions and to judge them accordingly) is founded upon a belief in the value of private remorse as a motivating force, rather than that of public shame, or as Bender puts it, "Smith accounts psychologically for an emergent order based

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<sup>105</sup>Ibid.

on guilt rather than shame.”<sup>106</sup> The old shaming rituals are now no longer sufficient or necessary, but, in tandem with the new internalisation of remorse, when experiencing it as a mental anguish instead of a public demonstration, solitude plays a new role. The impartial spectator is of use not only in self-improvement, but in self-reproach, and therefore another perpetual quandary for penal theorists and reformers is addressed: the subject can be made to feel remorse, rather than merely provide a verbal expression of it; once there is remorse, there is repentance. Remorse can be engendered by the combination of the impartial observer and solitude. Though Smith has previously regarded prolonged solitude as dangerous, as it leads to a fragmentation of the reason that prevents reflection and remorse, when solitude is aligned with observation, as in the condition created by Smith’s impartial observer and later by Bentham’s theory of the panopticon, consciousness of previous wrongdoing develops, and begins to function as a continual scourge of remorse upon the subject. This version of remorse contains within it its own punishment for the erstwhile offender. Smith’s internal, impartial observer becomes a metaphorical tyrant that pursues the transgressor to the point of near-madness, in language which anticipates Godwin’s representation of persecution and torment some thirty years later in *Caleb Williams*. In Smith’s account, the subject, here suffering the blows of remorse for his crime of murder, is in perpetual distress:

[e]verything seems hostile, and he would be glad to fly to some inhospitable desert, where he might never more behold the face of a human creature, nor read in the countenance of mankind the condemnation of his crimes. But solitude is still more dreadful than society. His own thoughts can present him with nothing but what is black, unfortunate and disastrous, the melancholy forebodings of incomprehensible misery and ruin. The horror of solitude drives him back into society, and he comes again into the presence of mankind, astonished to appear before them, loaded with shame and distracted with fear, in order to supplicate some little protection from the countenance of those very judges, who he knows have already all unanimously condemned him. Such is the nature of that sentiment, which is properly called remorse; of all the sentiments which can enter into the human breast the most dreadful. It is made up of shame from the sense of impropriety of past conduct; of grief for the effects of it; of pity for those who suffer by it; and of the dread and terror of punishment.<sup>107</sup>

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<sup>106</sup>Bender, p. 221.

<sup>107</sup>Smith, p. 99.

The subject knows mankind has condemned him, because his internal monitor has already pronounced judgement upon him; instead of the insensibility produced by terror he is tormented by the inescapable knowledge of his crimes; solitude has become hellish, society has become hellish, any change to his physical condition is irrelevant because the subject is trapped by his thoughts, trapped alone with his inner judge. He has internalised an entire system of power-knowledge relations, and the effect is terrible. In such a state, “the dread and terror of punishment” is surely punishment enough, yet this is only the beginning of the process.

Before turning to an examination of the panopticon and its new forms of punishment and penitence, I wish to say a little more about the reformers’ enthusiastic support for the introduction of solitude as an integral part of penal reform. In the gradual withdrawal from bloody exhibitions of death on the platform to greater use of imprisonment as punishment, the penitentiary represented an utterly reformed prison experience: “safe custody, confinement, solitude, forced labour and instruction.”<sup>108</sup> This was a significant departure from the earlier prison model, where filthy, starving, diseased prisoners were left to languish, when they were not being robbed or intimidated. The restoration of transgressors to society was the essential belief that underpinned the penitentiary movement, rather than despatching them to destruction or abandoning them to neglect. Whether based upon ideas of salvation, or criticism of the failure of the state, or a utilitarian dislike of human destruction where industry could be promoted, rehabilitation motivated reformers, and the penitentiary offered the ideal, long-awaited solution. A moral and philosophical rehabilitation could be effected in the criminal for the practical good of society as well as the criminal himself, replacing the usual token expression of remorse before facing God’s judgement, which, its necessity for safeguarding the condemned’s immortal soul notwithstanding, had a limited societal value; the inmate who worked at a particular trade, and genuinely underwent remorse and repentance, had increased his own worth.

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<sup>108</sup>Bentham, p. 34.

Howard was primarily concerned with improving the physical conditions of the prisoners, and achieving their spiritual salvation, but the reformers in general also interested themselves in the characters of the inmates, instead of viewing them as so many condemned and suffering bodies. The individual views of reformers varied within this general concern; Howard insisted upon the natural rationality of man, even that of a prisoner; Bentham agreed somewhat, but nevertheless referred to criminals as “defective mechanisms.”<sup>109</sup> Either way, the strict but humane programme enforced by the penitential system, with its regulated work, provision of food and clothing, clean sleeping quarters, and religious instruction, seemed to offer a very definite method of repairing these mechanisms; however, the panopticon itself has been regarded as “more a contraption than a building,” which articulates the mechanistic nature of a project that can at times seem disturbingly dehumanised.<sup>110</sup> The penitentiary was openly utilitarian, and solitary confinement was the least tortuous, least bloody, most advanced solution as yet conceived of in the various attempts at solving the problem of punishment and execution, for in Howard’s words, “[w]e have too much adopted the gothic mode of correction, viz. by rigorous severity, which often hardens the heart; while many foreigners pursue the more rational plan of softening the mind in order to effect its amendment.”<sup>111</sup> Howard’s rejection of pre-enlightenment forms of punishment was matched by the shift signified by the penitentiary from body to mind; pain and terror inflicted upon the body had proved ineffective, so now the locus of punishment was to be the mind of the prisoner itself.

The confinement that led to the “softening the mind,” as we have seen in Smith’s writings, could be a painful procedure. For the inmate there was no flight from solitude, no turning to society in the hopes of annihilation of thought, no opportunity for forgetfulness or retreat, alone within the crowd of inmates with all communication forbidden. Accompanied by the internal judge, formed from the inmate’s self, confinement turned the mind of the inmate

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<sup>109</sup>Ignatieff, p. 71.

<sup>110</sup>Robin Evans, *The Fabrication of Virtue: English Prison Architecture, 1750-1840* (Cambridge: Cambridge University Press, 1982) p. 198.

<sup>111</sup>Howard, p. 263.

into the site of punishment and reform. Solitary confinement offered a more general solution too, seen as the system of separation that would break troublesome solidarity amongst prisoners and prevent the corruption of the young and innocent so feared by Howard. Roy Porter's rather glib appraisal of the reformers' plan makes it look like a simplistic one based on hopeless naivety, rather than empirical reasoning: "[t]raditional prisoner subcultures would thereby be crushed, criminality would cease to be contagious and solitude would work a change of heart."<sup>112</sup> This overlooks the complicated theorisations of solitude's dangerous as well as beneficial effects, and obscures the very great need for such a reform within the prison system as well as disregarding the improvements effected by it, if not in an actual diminution of the crime rates, then certainly in terms of human decency. Admittedly, the rehabilitative powers that reformers attributed to solitary confinement tended towards the overly-idealistic at times. Although Smith's thoroughly-worked out construction of impartial observation and judgement gives solitary confinement a much-needed theoretical base, in some versions it does seem a little idealistic, as in the account by Jonas Hanway, which Bender discusses in some detail: "consideration of his *immortal* part, under the terrors of solitude, will *open his mind*."<sup>113</sup> The assumption often made is that solitude is enough by itself, because it will always engender reflection. Hanway continues with the assertion that the prisoner will not reoffend, "from the danger of being exposed to the same punishment, with more terrible circumstances with respect to duration of time."<sup>114</sup> But in this description of solitary confinement there is little to distinguish the punishment from earlier punishments such as scourging that can be increased in duration upon reoffending. What is missing here is the transformation of the inner self that Smith's theory offers, the control of behaviour provided by inner and outer surveillance.

That the rejection of "gothic correction" would mean a gentler or even naive system is an illusion that Michael Ignatieff quickly dispels: "[s]olitary confinement [...] reconciled terror and

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<sup>112</sup>Roy Porter, *Enlightenment: Britain and the Creation of the Modern World* (London: Allen Lane, 2000) p. 420.

<sup>113</sup>Jonas Hanway, *Solitude in Imprisonment* (London: J. Bew, 1776) pp. 102-3. Quoted by Bender, p. 210.

<sup>114</sup>Ibid.



humanity. The reformers did not doubt that it was an instrument of suffering.”<sup>115</sup> But the penitentiary signified not only the rehabilitation of its inmates but of the worst excesses of the punitive system. It was not intended as a replacement for punishment: solitary confinement *was* a punishment, and terror was still current in the reform debate.

[Solitary confinement] augments the terror of the punishment; secludes the criminal from the society of his fellow-prisoners, in which society the worse are sure to corrupt the better; weans him from the knowledge of his companions, and from the love of that turbulent and precarious life in which his vices had engaged him; is calculated to raise him up in his reflections on the folly of his choice, and to dispose his mind to such bitter and continued penitence, as may produce a lasting alteration in the principles of his conduct.<sup>116</sup>

Paley was another supporter of solitary confinement, but instead of employing it as a discrete punishment he favoured its use prior to the infliction of capital punishment, as the best way for the condemned to spend his final hours, before facing death infused with the proper sentiments of terror and remorse, rather than achieving remorse, rehabilitation, and a return to society. A “lasting alteration in the principles of his conduct” seems pointless, even as preparation for spiritual acceptance of death, as there is no future conduct that an earthly decision can alter. Though solitary confinement is becoming synonymous with the new, internalised system of reform offered by the penitentiary, Paley adheres to the “gothic mode of correction” predicated upon severity and the spread of public terror, and uses solitude as an intensifier of it, not as a replacement. Paley does believe in reform of public executions, however, and remains hopeful for the possibility of a new punishment to be devised: one devoid of the public spectacle of agony that tended to “harden and deprave the public feelings, and to destroy that sympathy with which the sufferings of our fellow-creatures ought always to be seen” but which was still propelled by terror.<sup>117</sup> His solution was to propose a method of death that operated upon the imagination of both the public and the prisoner awaiting it, without “cruel or unseemly

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<sup>115</sup>Ignatieff, p. 78.

<sup>116</sup>Paley, p. 339.

<sup>117</sup>Ibid., p. 341.

exhibitions of death,”<sup>118</sup> and one all the more terrifying because it was hidden from the public gaze. “The proposal...of casting murderers into a den of wild beasts, where they would perish in a manner dreadful to the imagination, yet concealed from view” seemed to him most apt.<sup>119</sup> In replacing the visible punishment with unknown terror Paley’s proposal replaces the public eye, and spectacle, with the inner eye, though one still enthralled by terror, and it also introduces narrative (a litany of horrors written by the individual imagination, not the state), which as Bender has argued, becomes a crucial element in the successful working of not only the novel of imprisonment but the prison itself. Paley’s proposal disrupts the known terror in relation to the pronouncement of the death sentence and its ensuing punishment, with a new unknown terror, that is inconceivable to condemned and public alike. The period of solitary confinement increases the terror suffered by the condemned, though not that of the public, and no rehabilitation of the condemned is considered. This proposal, admittedly intended to replace one form of capital punishment with another, rather than dismiss the procedure entirely, did not make much contribution to the movement for penal reform, and was never adopted, but it illustrates how the workings of terror were continually utilised by those who sought reform. Eventually, however, the behaviour-control seemingly offered by terror was itself overpowered by a greater aim, that of behaviour modification, symbolised most strikingly by Bentham’s panopticon.

The awe of the public eye, the judgement of the inner monitor, the insistence upon maintaining terror and the new conception of solitary confinement all combine to form a system of control that is dazzling in its aim: it is, as Bender says, nothing less than the rewriting of the subject’s narrative of self-hood. The act of rewriting is not in the subject’s control, but is owned by those who run the penitentiary. The idea of guilt and remorse as engendered by awareness of observation and leading to behavioural modification, allied to the old idea of public witness, has gradually coalesced to form a narrative that can be enforced upon the subject, a replacement for

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<sup>118</sup>Ibid.

<sup>119</sup>Ibid.

the chaotic, erring, criminal one. Bentham's panopticon, according to Ignatieff, is "the most haunting symbol of the disciplinary enthusiasms of the age."<sup>120</sup> It promised to reorder and control not merely the penal system, by offering the perfect non-violent method enacting the long-desired reforms, but across all social institutions where "persons of any description are to be kept under inspection," with particular application to "houses of industry, work-houses, poor-houses, manufactories, mad-houses, lazarettos, hospitals and schools."<sup>121</sup> While the model was flexible, and could be adapted for each institution (the punitive element was absent in hospitals, for example), the principle common to all was inspection.

What would you say, if by the gradual adoption and diversified application of this single principle, you should see a new scene of things spread itself over the face of civilised society? – morals reformed, health preserved, industry invigorated, instruction diffused, public burthens lightened, economy seated as it were upon a rock, the Gordian knot of the poor-laws not cut but untied – all by a simple idea of architecture?<sup>122</sup>

The panopticon therefore, is not by design a place of rehabilitation, but observation, for whatever reasons observation may be required; it is not necessarily punitive, but it enforces the authority of the body that employs its design. The mention of a lightened "public burthen" is significant, as one of Bentham's favoured reforms was the establishment of a new system of public relief for the poor and the dependent, such as the sick and insane, abolishing the practice of private charity in favour of state-controlled reform. It promises civic and social reform, as well as offering the perfect structure for the penitentiary. It functions on humane, penal, and economic grounds, or in Janet Semple's description, upon three rules: "the rule of lenity which safeguards the well-being of the inmate; the rule of severity which ensures that he suffers; and the rule of economy that prescribes that the whole shall be managed with as much regard to frugality as is consistent with the preservation of life and health and the infliction of punishment."<sup>123</sup> Bentham developed the architectural model for the panopticon over several decades, making constant alterations as various impracticalities raised themselves. The initial

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<sup>120</sup>Ignatieff, p. 109.

<sup>121</sup>Bentham, p. 29.

<sup>122</sup>Ibid., p. 95.

<sup>123</sup>Semple, p. 15.

plan, developed from an idea by Bentham's brother Samuel, appears in then-unpublished letters written by Bentham in Russia in 1786-87, with two *Postscripts* written in 1790 and 1791, and eventually formulated into a *Proposal* that Bentham circulated during a difficult period in which several influential patrons, including Sir Charles Bunbury and Sir John Parnell, chancellor of the Irish Exchequer, developed interest in the project but to no avail; finally in 1793 the Home Secretary, Henry Dundas, and William Pitt, to whom Bentham had first written in 1791, inspected Bentham's models for the panopticon, and approved it for construction under the 1779 Penitentiary Act.<sup>124</sup>

The panopticon is designed around a central inspection lodge where the inspector resides, and the cells for solitary confinement radiate outwards from it.<sup>125</sup> The cells are continually lit, and are designed so that every inch of the enclosure is exposed at all times to the inspector. The inmates cannot see the guard, and so never know when they are being observed. Though provision will be made to ensure the inspecting gaze is perpetual, by having a team of guards, what matters most is that the inmates believe it is perpetual and unblinking. Panopticism is therefore a fiction of total transparency and surveillance, rather than actual, but as the inmates are not aware of this fiction, for them it becomes the truth of their existence. The uncertainty of whether or not one is being observed creates the perpetual state of anxiety and alertness, or sensibility, the absence of which, due to inebriation or exultation when faced by a crowd of supporters at the gallows and in the prison, was a matter of concern for the prison reformers. Although the system of isolation, restricted diet and hard work is the actual punishment inflicted by the panopticon, Bentham accesses Smith's theory of anxious self-reproach to supply further punishment. Should an inmate transgress in any way (violence against a guard, shirking work, attempted contact with or intimidation of other inmates) the punishment will not be enforced

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<sup>124</sup>Ibid., pp. 102-9.

<sup>125</sup>At certain times during Bentham's long devotion to working out the design and management of the panopticon he favoured solitary confinement, and at other times the allocation of no more than four inmates to a cell, sharing Smith's view of the danger of prolonged solitude. However, like Howard he worried about contagion of manners, and so came to rely on solitary confinement again in his plans. See Semple, pp. 130-2.

immediately, to allow fear of retribution to play upon the inmate and create a greater fear. In a footnote on inspection, Bentham addressed this warning to the foolhardy transgressor:

I will keep an unintermitted watch upon him. I will watch until I observe a transgression. I will minute it down. I will wait for another: I will note that down too. I will lie by for a whole day...The next day I produce the list to him. You thought yourself undiscovered: you abused my indulgence: see how you were mistaken. Another time, you may have rope for two days, ten days: the longer it is, the heavier it will fall upon you. Learn from this, all of you, that in this house transgression never can be safe.<sup>126</sup>

The punishments Bentham advised were relatively mild ones, mainly further dietary restrictions and the denial of any privileges that may otherwise have been afforded (such as working outdoors in the panopticon's garden, or other pleasant varieties to the routine). The genius of Bentham's delayed confrontation does not lie in severity, or lack of it, but in the effect the delay has upon the mind of the transgressor. The knowledge of wrongdoing, combined with increasing anxiety about when that wrong will be punished, creates in the mind of the inmate a condition akin to that of Smith's sufferer of remorse, a lively self-awareness and self-reproach, and always the consciousness of the gaze. It achieves what Paley tried to do in his proposal for death by wild animals, the utilisation of terror with known-unknown bloodshed, but here, Bentham does away with the post-terror act of violence, and operates his system of control from consciousness exclusively.<sup>127</sup> Delayed confrontation also has the benefit of allowing for any accidental interruption of the inspector's gaze; if he misses one misdemeanour, the eventual punishment after the next will assure the inmate that the first action, as well as the second, was observed, and so the fiction of surveillance is maintained. In the panopticon, therefore, the public eye and the private monitor combine to form the theory of perfect government and control.

Yet this "haunting symbol" of discipline has a ghostly presence, precisely because it did not materialise. Bentham's project was never fully realised, in spite of early state approval, and

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<sup>126</sup>Bentham, in Bowring, iv. pp. 81-2. Quoted by Semple, p. 141.

<sup>127</sup>In cases of attempted escape, however, Bentham does advocate administering floggings and scourgings, so violence was not entirely removed. Semple, p. 184.

English penitentiaries in the nineteenth century that were constructed on panoptacist lines descended into ill-management and chaos, kicking Bentham's "simple idea of architecture" to pieces. The plan to build the panopticon seemed about to reach fruition on several occasions, as Semple recounts, from the initial approval in 1793 until the prime minister in 1803, Henry Addington, refused funding, and conclusively rejected the scheme as home secretary in 1813, almost forty years after its first appearance in Bentham's writings.<sup>128</sup> A Penitentiary Act had been passed in 1779 to facilitate the building of a new National Penitentiary in line with Howard's suggested reforms; in 1791 the second Act was passed to enforce these penitential guidelines upon all houses of detention. In 1794 Bentham received the government contract to build his panopticon. Yet the National Penitentiary was never built, running into difficulty due to costs, and loss of momentum after the death in 1780 of Sir William Blackstone, legal and penal reformer, author of *Commentaries on the Laws of England*, and, with William Eden, Gilbert Elliot and Sir Charles Bunbury, one of the architects of the 1779 Act.<sup>129</sup> The Penitentiary Acts themselves were not consolidated until 1832, and then only in county gaols; prisons did not come under national review, reform and control until 1835, when the National Supervision Bill was finally passed, but even these provisions were not enacted until the Prison Act of 1877. Bentham's contract was lost amidst the cabinet shuffles during the war, disagreements over a suitable site, and the problem, again, of costs. The penitentiaries as the eighteenth-century reformers had envisaged them did not materialise either, until the building of Millbank Penitentiary and Pentonville, described as "a model for prison architecture and discipline not only in England but in most of Europe" and established in 1817 and 1842 respectively.<sup>130</sup> Millbank was especially repugnant to Bentham, succeeding where his panopticon had failed, but failing to observe so many of the principles of the penitentiary as developed by Howard, Blackstone, and Hanway. The inmates' diet was too rich, the location unhealthy and prone to

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<sup>128</sup>Ibid., p. 254.

<sup>129</sup>Ibid., p. 45.

<sup>130</sup>Ignatieff, p. 3.

disease, corporal punishment was introduced in 1830, and in the 1840s the penitential model was abandoned entirely, and the building was used exactly as many of the old prisons had been: a place of containment for criminals awaiting transportation.<sup>131</sup>

The penitential, non-violent experiment of reform, envisaged by the eighteenth-century reformers and long-delayed in its realisation, had failed. But the panopticon itself was evidence of the persistent importance given to solitary confinement and surveillance. Although the fusion of public and private observation was current only in Bentham's theory of the penitential model and not a widespread practice, and the proponents of solitary confinement had their own reservations about its adoption or too-frequent implementation, the currency and circulation that Bentham's ideas briefly enjoyed in the early 1790s (as well as Pitt's inspection of them just as he was unfolding his own surveillance operation) provides the ground for the impassioned critique of such measures that Godwin would offer in 1794 in *Caleb Williams*. In chapter three Bentham's fiction of continual surveillance is shown to be more than an obscure fiction. The changes in the legal sphere, meanwhile, were the results of a different system of fiction, which I will turn to next.

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<sup>131</sup>Sample, pp. 309-10.

## Chapter Two

### The Workings of Fiction: Law, Testimony and Trial

Was there never an innocent man hanged? And was his country, which put him to death, guilty of no injustice? I think I can demonstrate that all wars are unjust, but no man will affirm that offensive and predatory wars are not so. And were there never offensive and predatory wars? Has this country never undertaken such wars? Or is this country exclusively exempt from error? I have heard national prejudices too frequently repeated; but I never heard an assertion so violent as this, except from the mouth of lawyers, uttering the fictions of law. Ignorant as I am of these fictions, till this period I was ignorant that this was one of them. I had heard that the king could do no wrong, but never before knew that his subjects were equally infallible. I affirm that wrong has been committed on me; and, if my country had no concern in it, I must conclude that the ministers of this country, the attorney general, the grand jury, and the other persons concerned, were no part of my country, a conclusion which, in the present self-admiring temper of Englishmen, would probably not be very grateful to them.<sup>1</sup>

#### The Fictions of Law

While the penal reform movement was debating the merits and demerits of public spectacle, the authority conveyed by the public gaze, and the risks and rewards of solitary confinement, the legal sphere was undergoing its own significant revolutions. As the painstaking work of the legal historian John Langbein has revealed, in the late-eighteenth century the criminal trial underwent a process of what he terms “lawyerization” that brings it into the recognisable model of today’s adversarial trial, with representation for both the defence and the prosecution, and with an impartial judge, as well as a jury that deliberates independently rather than being guided or, as was sometimes the case, commanded, by the judge on which verdict to pronounce.<sup>2</sup> The judge’s authority in the courtroom, previously a site where the only voices heard were those of the judge and the subordinate ones of the accused, the prosecutor, and any witnesses, was now becoming contested by the increasing conspicuousness of defence counsel. Defence counsel had initial limited presence in political trials and its restricted use (such as for treason trials) was legislated in 1696. From the 1730s onwards ordinary felons were allowed, but rarely availed of, defence

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<sup>1</sup> Thomas Holcroft, *A Narrative of Facts, Relating to a Prosecution for High Treason*. 1795. Reprinted in *Trials for Treason and Sedition, 1792-1794*. Ed. and introd. John Barrell and Jon Mee. 8 vols. (London: Pickering and Chatto, 2006-2007). Vol. 8, pp. 185-230, pp. 215-6.

<sup>2</sup> John H. Langbein, “The Criminal Trial Before the Lawyers.” *The University of Chicago Law Review* 45.2 (1978) pp. 263-316, p. 263.



counsel. But by the 1780s, the practice became significantly widespread and denoted a definite and permanent shift away from the earlier form of trial where the accused spoke in self-defence, to where he or she could now be represented in the new adversarial format.<sup>3</sup> While the voice of the defence counsel could not directly challenge or replace the authority of the judge, it could substantially alter his control over the jury. In Langbein's account of pre-adversarial trials (or what he calls the "accused speaks" format) from the late-seventeenth to mid-eighteenth century, he describes the likelihood of "plain chatter" between the judge and the jurors, who could ask questions relating to witnesses, testimonies, and facts, which, by introducing a certain independence or spontaneity, subtly adjusts our idea of the control of discourse in the court but also, more pertinently, our idea that the judge could influence the jury's verdict, or overturn a conviction by applying to the king for a pardon: "[s]o effective was this judicial remedy that it seems to have virtually eliminated the conviction-against-direction as a sphere of conflict between judge and jury."<sup>4</sup> Until 1670 judges could also threaten the jurors with a fine, but generally contented themselves with exerting their authority over the jury, utilising a "wholly unrestricted power to comment of the merits of the case" and having "no hesitation about telling the jury how it ought to decide."<sup>5</sup> Langbein concludes dryly that "[w]e find the jury routinely following the judge's lead in these cases."<sup>6</sup> The increase in the use of defence counsel, therefore, introduces a significant alteration to the judge's control over the jury's interpretation of the case. The lawyerization of the eighteenth-century trial, as we will see, means that the scene of trial is no longer the jurisdiction of a single, though not infallible, authoritative voice such as that of Justice Thrasher in *Amelia*. It is becoming a new theatre for the exercise of authority, and in tandem with the changing shape of narration in the novel, the struggle is fixed upon the

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<sup>3</sup> John H. Langbein, "The Historical Origins of the Privilege Against Self-Incrimination at Common Law." *Michigan Law Review* 92.5 (1994) pp. 1047-1085, pp. 1047-48. Before defence counsel was introduced in trials for felonious cases, prosecution counsel was available, although the discrepancy between the provision of prosecution counsel and not of defence counsel was reduced anyway by the limited uptake of prosecution counsel (see Langbein (1978) p. 282).

<sup>4</sup> Langbein (1978) p. 288, pp. 296-7.

<sup>5</sup> Ibid., p. 285.

<sup>6</sup> Ibid.

contestation of one narrative's authority against another. I will develop this discussion presently, but first, within the general context of contestation and authority, I want to return to Holcroft's outraged appeal against fiction.

For Holcroft, writing in 1795, the courtroom was a place of contested narratives, in that it produced previously-unknown fictions, which, by virtue of being ushered into existence within the court and thus existing exclusively in that location, offer a more "violent" attack to rational understanding than the most shocking falsehood could do when spoken outside the court. In this angry attack on legal rhetoric, fiction appears to be synonymous with untruth, blandly uttered and offered as fact, in spite of its counterfeit nature. It is tempting to interpret Holcroft's language in this way, and so construct an even stronger critique of legal authority, and its illegitimacy, than the one that is being presented here. Fiction, however, especially when deployed with reference to eighteenth-century law, has less to do with truth and falsehood, and more to do with representation and authority. Here again it is necessary to turn to the theories of Bentham.

When I described Bentham's panopticon as offering a "fiction" of continual surveillance in the previous chapter, the term signified an illusion, a feint. For the inmates of the panopticon however, this external illusion is their internal reality, and so to say they are under continual surveillance becomes an accurate statement. While it still may not be precisely true, it is true inasmuch as it is the reality that is represented to them and experienced by them, and so fiction stands for a version of reality that has as much validity as the actual truth of intermittent surveillance. Similarly, when Bender writes, as quoted earlier, that "to manipulate identity by recomposing the fictions on which it is founded is the exact aim of the penitentiary as an institution" it is in the sense that any fiction is simply one particular example of a representation of reality, not that it is working in opposition to a universal truth. Recomposing the fiction of identity is neither a revelation of truth nor an obscuration of it; it is the replacement of one representation or experience of reality with another, and thus is not a question of truth versus

falsehood, but is a conflict over the authority of the different constructions. It is an invention to account for an experience of reality, and an important philosophical term, as Bender points out.<sup>7</sup> For philosophers such as David Hume, reality was a question of “the instantaneous present of impressions,” and concepts such as “self, character, justice, law, nature, final causation” were all constructed; the law, therefore, is a fiction, and Holcroft’s statement is straightforwardly descriptive.<sup>8</sup> Straightforwardly, that is, but not wholly, as I shall argue below.

In Bentham’s writings on fiction, as with his writings on the panopticon, repeated development over a number of decades produces corrections to and reversals of his original theory, but fittingly, as Miran Bozovic has written, the effect is as if “a definite account of fictions were not possible.”<sup>9</sup> Bozovic suggests that defining fiction is problematic for Bentham because reality is so very unproblematic; what is real is unquestionable, but what is unreal, or constructed, is endlessly variable.<sup>10</sup> In the theory of the panopticon we saw where the introduction of a stable fiction had a definite, fixed effect upon reality, so that the fiction became real, and functioned as a controlling system; it is not the making-real of a fiction that I wish to pursue here, but the use of fiction to enforce authority, which, as we will see, has relevance for the eighteenth-century novel as well as the pronouncement of a legal verdict. Bender focuses upon Bentham’s use of fiction in relation to a control over reality, “to master reality by reshaping, and by rendering visible, the modes of its fictional construction [...] His ideas can help us understand the novel and the penitentiary as fundamentally similar social texts.”<sup>11</sup> Instead of discussing Bentham in terms of reality, however, or rewriting the self as Bender does, I want instead to use his theory of fiction as a way of considering the nature of enquiry, of achieving absolute transparency and understanding with a stable, non-coercive authority in place. The investiture of narrative with authority in the context of the 1780s changes in trial practices, and

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<sup>7</sup> Bender, p. 38. For a fuller discussion of the philosophical use of the term, see pp. 34-40.

<sup>8</sup> Ibid., p. 35.

<sup>9</sup> Miran Bozovic, introd. *The Panopticon Writings*, p. 2.

<sup>10</sup> Ibid.

<sup>11</sup> Bender, p. 36.

of how the use of defence counsel alters not only the role of testimony, but the value ascribed to it, a context crucial to the Jacobin novel's fragmented and contested narratives. If all the components, or what Bentham calls entities, of ontology are thoroughly classified and therefore made comprehensible by being brought "under the reader's eye" in such an order, then the reader who sees all and understands all will function as the governing authority of those entities.<sup>12</sup> The reader may then act as judge or jury of the court, as well as the inspector of the prison house. Again, vision is linked to proper order and authority, but through Bentham's theory and the lawyerization of the trial the ability to assume such authority over the different fictions presented and brought forward for viewing becomes available to the reader of the novel.

Bentham's theory of fiction, which is structured upon the division of entities, takes a grammatical construct as its point of departure: "[a]n entity is a denomination in the import of which every subject matter of discourse, for the designation of which the grammatical part of speech called a noun-substantive is employed, may be comprised. Entities may be distinguished into *perceptible* and *inferential*. An entity, whether perceptible or inferential, is either real or fictitious."<sup>13</sup> From this first division he elaborates his new system of classification of all things, constructing a theory of power-knowledge relations which does not function as a Foucauldian labyrinth but is a system that can be controlled. As Bender describes it, other thinkers, philosophers, and reformers, Howard and Blackstone among them, "were working from within a system of fictions that controlled them, whereas he [Bentham] was describing the laws that governed fictions and could thereby master their representations."<sup>14</sup> From this point, therefore, where all entities are classified and arranged, it is not the hierarchical positioning of them that is of interest, but the manner in which one entity may be employed over another; there is an authority behind the entities that selects and controls and decides upon representation and interpretation. Bentham's framing device of language-structure works perfectly as a ground for

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<sup>12</sup> Bentham, *A Fragment on Ontology*, reprinted in *The Panopticon Writings* ed. Bozovic, p. 117.

<sup>13</sup> Ibid., p. 119.

<sup>14</sup> Bender, p. 39.

his new theory. His use of “noun-substantive” is significant in that “substantive” has both a legal and a grammatical sense: it concerns rights and duties within a legal context, as well as being expressive of the existence of a substance, or entity. Language is at once the “instrument” of Bentham’s theory and “the subject also of inquiry” as it is thanks to language “– to language alone – that fictitious entities owe their existence – their impossible, yet indispensable, existence.”<sup>15</sup> With language as his instrument and logic as his direction, Bentham sets his analysis of what he calls fictitious entities, including any activity or quality inherent in the human mind, in opposition to that other sense of the word as something fraudulent: “[v]ery different in respect of purpose and necessity, very different is this logical species of fiction from the poetical and political; – very different the fiction of the Logician from the fictions of poets, priests, and lawyers.”<sup>16</sup> Bentham qualifies this division further by explaining that poetical fiction is purely intended to amuse or to “excite to action,” but the fictions of priests and lawyers resemble each other in that the object of both is to deceive:

and, by deception, to govern, and, by governing, to promote the interest, real or supposed, of the party addressing, at the expense of the party addressed. In the mind of all, fiction, in the logical sense, has been the coin of necessity; – in that of poets of amusement – in that of the priest and the lawyer of mischievous immorality in the shape of mischievous ambition.<sup>17</sup>

And so, within Bentham’s theory, this deceptive fiction is exposed and attacked, and made subordinate to the fiction that interrogates, understands, and explains. As Bender reminds us, there is still a governing authority within, or outside of, Bentham’s theory, that of Bentham himself, but it is the deceptive fictions which carry the greater charge of illegitimate authority and contest. A useful analogy now begins to present itself: the Jacobin writer is the governing authority of a poetical fiction, that of the novel, who by engaging with deceptive fictions seeks to interest and incite the reader of the novel to protest and act against the illegitimate authorities who expound political fictions. The fictions of law, therefore, are those entities which are

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<sup>15</sup> Bentham, p. 125.

<sup>16</sup> Ibid., p. 127.

<sup>17</sup> Ibid., p. 128.

presented in a court as a means of achieving an ambition (a conviction, in the case of Holcroft's treason trial) whilst simultaneously exonerating the state of all wrongdoing. The exoneration of obvious wrongdoing, which Holcroft implies is made by the court, is a necessary fiction uttered to achieve the (mischievous) ambition of prosecuting successfully for treason. Within the court of law what is true and what is false become transmuted into a system of fiction related to what is necessary and what it not. The lawyers are granted the mastery of representation and so control the system; Holcroft is struggling to free himself from this system of fiction and follow the system of logic instead, but cannot do so from within the system of false fiction. He needs to step outside it to critique it, and aims to do so in his series of public letters after his acquittal; another means of doing this is to critique the system of false fiction with the authority of a novelist.

### **The Contestation of Testimony**

The lawyerization of trial procedure brought about important changes in representation and authority, and also in the use of evidence and testimony. Testimony is a term I use throughout this thesis, but I should state here that beyond this specific section on legal procedure, and in discussions of the scenes from the novels where legal action is represented, I will use it more flexibly and in a non-legal sense; not as a statement under oath in court, but as a declaration offered or used as evidence in a private or public altercation, amongst the contested narratives in the novels.<sup>18</sup> Jan-Melissa Schramm's explanation for the word is apt here:

this is the essential ambiguity of the term "testimony" – that it not only encompasses narratives of experience which need lay no immediate claim to issues of truth or falsehood, but that it seeks to be regarded as a species of evidence. Seen as evidence, testimony serves as a vehicle for the attestation of the "real" because of its roots in ancient notions of legal and religious authority [...] In legal or religious testimony, the purpose of eye-witness narrative is to persuade the listener of the probable truth or "moral certainty" of an event, not merely to entertain.<sup>19</sup>

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<sup>18</sup> For the use of testimony in law, see Glanville Williams, *The Proof of Guilt: A Study of the English Criminal Trial* (London: Stevens, 1955). See also C. A. J. Coady, *Testimony: A Philosophical Study* (Oxford: Clarendon Press, 1992).

<sup>19</sup> Jan-Melissa Schramm, *Testimony and Advocacy in Victorian Law, Literature and Theology* (Cambridge: Cambridge University Press, 2000) p. 5.

Schramm's concerns lie in the legal, literary and religious dimensions of the word; my interest is more literary than legal, and my use is not always in relation to eye-witness accounts. The word remains invaluable however for its implications of involvement with narrative, authority, and enquiry. Evidence and trial are other similarly weighty words; their legal connotations are sometimes made explicit and used technically, and sometimes are used more metaphorically.

Allowing lawyers greater participation in the courtroom trial was something of a risk, as the professionalization of defence counsel distanced the accused from the narrative of events that concerned them, by mediating their representation through legal counsel. It also brought the popularly-reviled character of the lawyer into a position where even more scorn could be heaped upon him, but where he had even greater power than before. The exchange prompted by the arrest of Murphy, the duplicitous attorney who has assisted in defrauding Amelia of her inheritance by drawing up a false will, exemplifies a common eighteenth-century opinion of lawyers:

He then laid his hands on the doctor, who still fast gripping the attorney, cried out: "He is a villain – I am no bailiff, but a clergyman, and this lawyer is guilty of forgery, and hath ruined a poor family."

"How!" cries the spokesman – "a lawyer! – that alters the case –"

"Yes, faith," cries another of the mob, "it is lawyer Murphy. I know him very well."

"And hath he ruined a poor family? Like enough, faith, if he's a lawyer. – Away with him to the justice immediately."<sup>20</sup>

Inchbald and Holcroft bitterly satirise the legal profession in *Nature and Art* and *Hugh Trevor* respectively, with disgust and distrust increasing as the powers and influence of lawyers increased. Law becomes a synonym for deception and corruption, or, as Nancy Johnson has written in her discussion of *Nature and Art*,

[d]eception and secrecy, enemies of the enlightened knowledge espoused by the Jacobins, are presented in *Nature and Art* as key to the maneuvers of great men – particularly in the legal domain. William, who is now a student of law, and his father, who is a magistrate,

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<sup>20</sup>Fielding, *Amelia*, p. 530.

learn to live by deceit. For a young man schooled in falsehood, the law is a most appropriate profession, and William thrives in it.<sup>21</sup>

The deceitful aspect of lawyers, in Bentham's theory of fiction, in Fielding's account of Murphy the forger, and in Inchbald's representation of the generation of deceit by employment in law, seems misplaced when we look to Langbein and see that the original measures taken to invest lawyers with the ability to represent and defend, and therefore take control of vulnerable testimonies, are to reduce the capacity for deceit. A reduction of deceit means less room for error and corruption, by reinforcing the reach of justice, authority, and accuracy within the court. But this reinforcement, as we have seen, is produced by fictions that are themselves produced by necessity. Lawyers become the producers of fiction, as well as the managers of it.<sup>22</sup> They become, in effect, novelists:

[t]he appearance of defence counsel moved the struggle for control of narrative resources to the center of judicial consciousness by subjecting the prosecution's evidentiary constructs to articulated standards of reliability (realism) and by introducing expert voices competitive with the judge's legal authority [...] the "lawyerization" of the eighteenth-century criminal trial could be called a form of "novelization".<sup>23</sup>

What intrigues here is not that "lawyerization" and "novelization" emerged in tandem, but that changes to legal procedure in relation to defence counsel and the law of evidence were so quickly absorbed by novelists. In Jacobin novels, with the notable exception of *Bryan Perdue*, the trials that are represented are of the pre-adversarial order, lacking defence counsel, where the accused speaks in his or her own defence. Holcroft, as an accused traitor, was due to experience his own adversarial trial in 1794, which may explain his later literary engagement with the form, but *Caleb Williams*, which features several trials for felony (thus qualifying for defence counsel), and Hannah's trial for forgery in *Nature and Art* maintain the pre-adversarial model. In the 1790s novels, irrespective of whether adversarial or pre-adversarial trials are represented, the effects of

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<sup>21</sup> Nancy E. Johnson, *The English Jacobin Novel on Rights, Property and the Law: Critiquing the Contract* (Basingstoke: Palgrave Macmillan, 2004) p. 90.

<sup>22</sup> For an interesting account of trial prosecutors figured as "managers" in both the legal and the theatrical sense, see Julie Stone Peters, "Theatricality, Legalism, and the Scenography of Suffering: The Trial of Warren Hastings and Richard Brinsley Sheridan's *Pizarro*." *Law and Literature* 18.1 (2006) pp. 15-45.

<sup>23</sup> Bender, p. 176



the law of evidence and lawyerization are manifest: the central role of the accused's testimony is displaced, narratives are received with hostility and continually contested, and authority has become destabilised. That novels and trials can be viewed as parallel systems is by now a critical commonplace; Schramm notes that "the presentation of evidence in a court of law has often served authors as a coherent and influential model of 'reality', and writers have long imitated the strategies of persuasion privileged by legal forensic methodology."<sup>24</sup> The reader as jury is a dusty truism, yet Ian Watt's oft-quoted comparison of the analogous states of the realistic novel and the court trial is still useful, and relevant in its use of terms.<sup>25</sup> In his discussion of the beginnings of realism in fiction, the imitation of reality, and the function of narrative, he writes:

the analogy with philosophical realism helps to isolate and define the distinctive narrative mode of the novel. This, it has been suggested, is the sum of literary techniques whereby the novel's imitation of human life follows the procedures adopted by philosophical realism in its attempt to ascertain and report the truth. These procedures are by no means confined to philosophy; they tend, in fact, to be followed whenever the relation to reality of any report of an event is being investigated. The novel's mode of imitating reality may therefore be equally well summarised in terms of the procedures of another group of specialists in epistemology, the jury in a court of law. Their expectations, and those of the novel reader coincide in many ways: both want to know "all the particulars" of a given case.<sup>26</sup>

The parallels between law and literature in setting forth "a given case" in terms of procedure and expectations of narrative form are clear, but soon afterwards, in his explanation for his famous definition of "formal realism" to describe eighteenth-century fiction, Watt expands upon this analogy in a manner that recalls Bentham's theory of fiction:

The narrative model whereby the novel embodies this circumstantial view of life may be called its formal realism; formal, because the term realism does not here refer to any special literary doctrine or purpose, but only a set of narrative procedures which are so commonly found together in the novel, and so rarely in other literary genres, that they may be regarded as typical of the form itself [...] a premise [...] which is implicit in the novel form in general; the premise, or primary convention, that the novel is a full and

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<sup>24</sup> Schramm, p. 1.

<sup>25</sup> For a recent account of the links between law and literature in the eighteenth century, see Nicola Lacey, *Women, Crime, and Character: From Moll Flanders to Tess of the D'Urbervilles* (Oxford: Oxford University Press, 2009). See also Schramm, chapter two, "The origins of the novel and the genesis of the law of evidence" pp. 62-100, and Alexander Welsh, *Strong Representations: Narrative and Circumstantial Evidence in England* (Baltimore and London: Johns Hopkins University Press, 1992).

<sup>26</sup> Ian Watt, *The Rise of the Novel: Studies in Defoe, Richardson and Fielding* (London: Hogarth Press, 1987) p. 31.

authentic report of human experience, and is therefore under an obligation to satisfy its reader with such details of the story as the individuality of the actors concerned, the particulars of the times and places of their actions, details which are presented through a more largely referential use of language than is common in other literary forms.

Formal realism is, of course, like the rules of evidence, only a convention; and there is no reason why the report on human life which is presented by it should be in fact any truer than those presented through the very different conventions of other literary genres.<sup>27</sup>

The novel and the court of law are defined by their use of similar discourse, and while this may seem obvious now, when contrasted to Langbein's accounts of changes in authority due to procedural development in the eighteenth century, the relevance of the analogy becomes startlingly clear. Watt's final sentence returns us once more to Holcroft's disgusted account of the conventions of the law court, devoid of truth but functional and accepted as such, yet it is not the parallel in the two systems of conventional representation that is so striking here, but the fact that the novel mirrors the procedural change so rapidly, before the change was even fully established in legal practice, as Alexander Welsh describes: "[t]he novel [...] may be seen to come to the aid of its subjects a couple of generations before the criminal law afforded much of a defense."<sup>28</sup> The speed of this change from legal to novelistic representation of procedural change, as it is manifest in 1790s novels, has not, I think, been sufficiently examined. While the jury does not yet play so great a role in the Jacobin novel's representation of trials, meaning that the judge is still vested with sole authority within the legal scenes, the shift has already taken place in the effect of the novel, in that the authority of interpretation now lies within the reader, not the judge. As I suggested at the beginning of chapter one, the Jacobin novel offers a critique of systems of authority, demonstrating them as illegitimate and founded on prejudice; it sets forth a counter-authority that resides in the individual reader. What I want to do now is to expand upon this claim, and set up the theory of it which will then be tested by the Jacobin novelists themselves in the ensuing chapters. To do this I will return to the subject of testimony.

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<sup>27</sup> Ibid., p. 32.

<sup>28</sup>Alexander Welsh, *Strong Representations: Narrative and Circumstantial Evidence in England* (Baltimore and London: Johns Hopkins University Press, 1992) p. 11.

What Watt calls the “primary convention” of the novel, that of its claims towards representing “a full and authentic report of human experience,” we may call a testimony, not in the sense of a legally-binding eye-witness account, but one which is “under an obligation to satisfy its reader with such details” as are required; one which is commanded by a source of authority within the novel, either directly or indirectly, and which is controlled by the external authority, the novelist. Yet within the Jacobin novel a curious alteration to the eighteenth-century form occurs. What Davis investigates under the name of “the double discourse” in relation to the criminal content of early novels, is something that sees the novelist, the source of authority, displaced. Davis writes:

[t]here is then an apparently conservative, punitive, authorizing power embedded in popular novelistic accounts of criminals as well as a lawless, immoral example. The discourse of the criminal in either fiction or fact is one that is constitutively a double discourse. That is to say, the criminal’s life [...] is both an example and a dis-example. The criminal is both the locus of fraud and the locus of truth.<sup>29</sup>

Davis is discussing the early-eighteenth century novel rather than the late, and the criminal content instead of the legal, but his extension of this double discourse, towards the novelist him or herself who participates in both fraud and truth by the construction of a particular novel, forms a neat pattern of what he calls “example and dis-example” which is enacted in turn, though in a non-criminal context, by the Jacobin novel.<sup>30</sup> If we think of the Jacobin novelist as acting as both example and dis-example of authority, we begin to see how the Jacobin novel can provide an authoritative critique of authority, as both the locus of authority and the locus of liberty. It simultaneously harnesses the claims to reality and authority that the eighteenth-century novel has set out for itself more generally, but by using its own representation of the real, in its testament to “things as they are,” it challenges the systems of authority that underpin that reality in both the world of the novel and the actual world it seeks to represent. The way it does this, I suggest, is through testimony. The multiple narratives which the Jacobin novel presents to the reader are a way of rendering the representation of the fictional world more real. It is more

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<sup>29</sup> Davis, pp. 127-8.

<sup>30</sup> Ibid., p. 132.

fragmented and puzzling and less authoritative than the earlier formal realism has suggested is the condition of human existence, and so reflects what James Mulvihill has called “the fractured cultural reality” of the 1790s.<sup>31</sup> But the main purpose of introducing fragmented, multiple, or contested narratives, is to interrogate authority itself. Not all Jacobin novels use narrative in this new way, as we shall see in the following chapters. Inchbald’s narratorial voice is continuously present, and thus closer to the Fieldingesque model of governed contestation with eventual authoritative conclusion. However, Inchbald’s governance is exceedingly ambiguous at times, and her endings are no less problematic than other Jacobin conclusions, despite their apparently-authoritative conclusiveness. The variety amongst the fragmentary, multiple, ambiguous narratives in Jacobin novels will be addressed in turn in relation to each novelist, but as their unifying principle is one whereby all narratives or testimonies uttered are contested and critiqued, I will pursue that principle of contestation here.

### **Interpretation and Trial**

So far I have described the changing roles of judge and lawyers in the criminal trial, and I have suggested that the Jacobin novel is sensitive to the implications of these changes even before they become standard practice in the novelistic representation of trials in the 1790s. What I have not done yet is to engage with the new role of the jury, especially in relation to the presentation of testimony and evidence within the sphere of altered authority of the court. Comparing the jury to a reader of novels, eager for all the details, overlooks how fraught the act of reading is in both cases, especially when dealing with contested narratives. Lawyerization reduces the authority of the judge and bestows it upon the jury, and the jury alone can now decide the interpretation of testimony in the new adversarial trial, because not only the nature of admissible testimony and evidence has changed but its means of conveyance has changed too. In the pre-adversarial trial, as Langbein, referencing the work of Serjeant William Hawkins, *Pleas of the Crown*

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<sup>31</sup> James Mulvihill, *Upstart Talents: Rhetoric and the Career of Reason in English Romantic Discourse, 1790-1820* (Newark: University of Delaware Press, 2004) p. 17.

(1721), informs us, the testimony of the accused was the main defensive resource in response to the accusation and eye-witness testimonies to support the charge.<sup>32</sup> Hawkins's expression of faith in the sincerity of the accused's defence is repeated decades later by Caleb Williams, who believes that the sincerity of his narrative must persuade his auditors of its truth. Hawkins writes:

every one of Common Understanding may as properly speak to a Matter of Fact as if he were the best lawyer [...] the very Speech, Gesture and Countenance, and Manner of Defense of those who are Guilty, when they speak for themselves, may often help to disclose the Truth, which probably would not so well be discovered from the artificial Defense of others speaking for them.<sup>33</sup>

Langbein castigates this ideal of speaking innocence as “preposterous,” but adds that this explanation is precisely that which was used in the argument against the wider use of defence counsel.<sup>34</sup> The anxiety about mediated representation here seems to be based on a problem of reading. Guilt can be easily read, as can innocence; distancing the accused from the representation will alter this direct interpretation. It will also, from the converse of Hawkins's perspective, ensure impartial representation and impartial judgement, so that the jury cannot be swayed by a persuasive performance by the accused (although they will remain vulnerable to charismatic lawyers). For Hawkins, innocence is its own best defence, and the accused's testimony has a simple function, as Langbein phrases it: “it is desirable for the accused to speak, either to clear himself or to hang himself.”<sup>35</sup> The suspicion of defence counsel, and of lawyerization more widely, renders the representations made by defence counsel suspicious by association. Defending a criminal charge no longer means that the accused has to offer his or her own testimony, so the representation of it symbolises a dislocation between the narrative (concerning the accused) and the speaker of it (the lawyer). The “representation” of the

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<sup>32</sup> Langbein (1978) p. 311.

<sup>33</sup> William Hawkins, *A Treatise on the Pleas of the Crown*. 2 vols. (London, 1721) vol. 2, *supra* note 24, ch. 39. Quoted by Langbein (1994) p. 1053.

<sup>34</sup> *Ibid.*, p. 1053, p. 1052.

<sup>35</sup> John H. Langbein, “Shaping the Eighteenth-Century Criminal Trial: A View from the Ryder Sources.” *The University of Chicago Law Review* 50.1 (1983) pp. 1-136, p. 124.

testimony by defence counsel exacerbates this dislocation, as it is a re-making, or novelization, of the original testimony.

Schramm, following on from Langbein, summarises how the use of both defence and prosecution counsel together effectively silence the accused:

Counsel assuming the duties of cross-examination limited opportunities for the accused to make inculpatory admissions in the course of his or her interrogation of prosecution witnesses, and legal objections to prosecution evidence – for example, on the grounds of admissibility or irrelevance – became increasingly important to the case for the defence. At the same time, the emergence of these ‘expert voices’ suppressed other stories and less rigorous accounts of an ‘event’; thus we see the hardening of rules against the admission of hearsay material and involuntary confessions, and the emergence of a gradual recognition of the accused’s right to silence.<sup>36</sup>

While the right to silence is a progressive step in the development of a more impartial trial system, the loss of the voice of the accused during the trial is a cause for concern. The matter of the trial is now no longer a relatively straightforward case of deciding guilt or innocence. The purpose of the pre-trial procedure of the eighteenth-century forensic process was usually to secure a plea, generally of guilt, before the criminal trial, so that the trial itself was often simply a matter of deciding punishment or pardon. Now the late eighteenth-century trial consists of evidence to be read, and testimonies to be interpreted, and persuasive arguments to be put to the jury, and deliberations to be made by the jury, and no authorial governance from the judge if the reading made is an incorrect one.<sup>37</sup> The contested narratives of the Jacobin novel fit perfectly into this new trial scene, except in relation to professional representation. The figure of the accused in these novels, whether in a criminal case or supra-legally, is always afforded the right to speak in his or her defence, except in the case of *Bryan Perdue*, published in 1805 after the

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<sup>36</sup> Schramm, p. 55.

<sup>37</sup> Langbein’s summary of purpose of the pre-trial process is relevant here: to gather evidence, namely testimonies from witnesses and a confession from the accused, which was then presented as a deposition to the trial clerk, to be read at his discretion to the jury; often the trial was a means to determine the sentence, not the guilt, which had been decided pre-trial. By the mid-century, the pre-trial process was used to secure witnesses to appear at the trial. See Langbein (1983) pp. 82-82. For a full account of pre-trial and trial procedure, as well as the important factor of pardons granted when a guilty plea has been entered, see Peter King, *Crime, Justice, and Discretion in England 1740-1820* (Oxford: Oxford University Press, 2000). For detail of the further connections between prosecution counsel and defence counsel, see John H. Langbein, “The Prosecutorial Origins of Defence Counsel in the Eighteenth Century: The Appearance of Solicitors.” *Cambridge Law Journal* 58 (1999) pp. 314-36.

counter-revolutionary movement has triumphed. This may be a result of, as I mentioned above, the general bias towards representation of the pre-adversarial trial format in Jacobin novels, mirroring the dominance of the pre-adversarial trial format at law apart from those exceptions previously noted. More pertinently, in the context of the attempted political suppression of the radical movement in the 1790s it may signify a greater unease about the loss of the individual's testimony as defence practices change, which is an unease that Holcroft displays at the treason trials, as I discuss further in chapter six. Yet the difficulty in the novel of interpreting the testimonies and the evidence they contain is inherent in the actual criminal trial. Authority is divided between the figure who makes the representation (in the court the lawyer, in the novel the accused or the prosecuting witnesses) and those who decide upon its interpretation (the jury, or the witnesses of the altercation within the novel, *and* the reader without). The Jacobin novel complicates this contestation and interrogation even further, however, by its refusal to portray the accused as straightforwardly innocent. As we shall see, it is rarely as simple as having the accused speak in his or her defence, with an easily-recognisable manner of innocence.

The representation of testimony in the adversarial trial, and the symbolic or actual dislocation of that narrative from the subject of it, receives close consideration in Alexander Welsh's *Strong Representations*. Welsh broadly defines what he means by strong representations as "those of the later eighteenth and nineteenth centuries that openly distrust direct testimony, insist on submitting witnesses to the test of corroborating circumstances, and claim to know many things without anyone's having seen them at all."<sup>38</sup> Welsh's account of a strong representation is one that may be usefully contrasted to those within the Jacobin novel. The reception of a strong representation in a Jacobin novel is without exception one of hostility: the speakers may believe in the power of their own sincerity, but their listeners, who occasionally are receptive initially, invariably reject the representation as falsehood; there is a consistent distrust of testimony in the Jacobin novel, unless it is bolstered by customary prejudices in favour of

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<sup>38</sup> Welsh, p. 8.

class, wealth, and social position. With this rejection comes the prosecution of the speaker: the negative reception of the testimony is followed by cross-examination. Finally there is the statement of belief in converse of the testimony: Squire Falkland in *Caleb Williams* could never be a murderer, for example. Welsh further qualifies his definition of a strong representation by emphasising the absence of eye-witness testimony; mediation is not corroboration but an act of “representing the facts on someone else’s behalf.”<sup>39</sup> This is the beginning of the professionalization of representation, or what we have already seen described as the lawyerization of defence. The lawyer is not involved in the testimony; he was not present when the event described occurred. Instead of the form of mediated representation that Welsh argues for, I offer the direct intervention of the Jacobin novel instead. Its narrative technique as a whole functions as the strong representation Welsh describes, without the need for further mediation.

While I do not share Welsh’s concern with the evidentiary background for strong representations and the rules governing the law of evidence, including that of circumstantial evidence (another example of a fiction, and one to which Bentham devoted a great deal of effort in defining) a brief discussion of evidence will provide a transition from the hostile reception with which a personal testimony is received, to the related problem of false testimony. The increasing reliance on evidence has two main effects. The first, which Langbein suggests was anticipated by Hawkins in his resistance towards professional representation for the accused, is that the testimony of the accused is no longer the foundation of the trial, and so loses its importance.<sup>40</sup> The second is that evidence may be used in such a way as to shape testimony, or even subvert it; in Welsh’s account of it, “[t]he great triumph of circumstantial evidence over direct testimony – including confessions – is that it can turn even false testimony to account.”<sup>41</sup> Yet with the professionalization of trial discourse, the dislocation of the centrality of the

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<sup>39</sup> Ibid., p. 9.

<sup>40</sup> Langbein (1994) p. 1053.

<sup>41</sup> Welsh, p. 39.



accused's testimony and the credence granted to circumstantial evidence, "motive and intent can be wrested away from both defendant and witness and reconstructed from circumstances over which neither had anything like complete control."<sup>42</sup> Welsh briefly mentions Bender and Foucault here, and the phenomenon of surveillance and control which I have discussed in chapter one, and ends with the important caution that, progressive intentions notwithstanding, "circumstantial evidence might emerge as a threat to private being."<sup>43</sup> The theory of fiction developed by Bentham, the fictions of law detested by Holcroft, are now securely in the hands of the court, and the way is clear for the greater authority of false testimony, supported by credible evidence, over the Jacobin discourse of sincerity and truth.

The persistent problem in both legal and novelistic representation is the interpretation of those representations. In the court room and in the Jacobin novel the concern is the attempt to govern or control the act of reading itself. In his discussion of Fielding's novels, Bender makes the point that the figure of Dr Harrison in *Amelia*, who figures as a type of moral authority in the novel, functions within a matrix of contradiction and misinterpretation before his eventual, rightful decision as to the worth of Amelia and her husband, and is the means by which the lost inheritance is restored and the happy ending of the novel achieved. Bender shows that Dr Harrison functions in the novel as a means of instructing the reader in how to judge the evidence at hand. The accounts of Dr Harrison's thoughts and actions are heavily glossed by the narrator, so that every chain of reasoning, both correct and erroneous, is followed and explained; the same evidence, or narrative, can be interpreted favourably or negatively, with Dr Harrison's varying conclusions carefully demonstrated to the reader.<sup>44</sup> Welsh describes this as "Fielding's speciality," that of "the management of evidence."<sup>45</sup> In relation to Fielding's earlier *Tom Jones* (1749) Welsh is even more direct, stating that "the evidence that holds up in *Tom Jones* is nearly

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<sup>42</sup> Ibid.

<sup>43</sup> Ibid. p. 40.

<sup>44</sup> Bender, pp. 193-4.

<sup>45</sup> Welsh, p. 63.

all indirect, and the evidence that misleads is mostly direct.”<sup>46</sup> The narrator of this novel is more active than that of *Amelia* in the “management” of evidence, “analogous to a prosecutor or a judge and to later defense attorneys in a trial [...] misrepresentation can be thought of as a principal countertheme in the novel.”<sup>47</sup> Whereas in *Amelia* evidence may be misinterpreted, testimony is generally accepted by Dr Harrison as truth; in *Tom Jones*, however, it is testimony that is undermined, and evidence that is granted the greatest validity. Fielding was a keen proponent of the necessity for the inclusion of evidence in criminal trials, and his contributions on the subject made in *An Enquiry into the Causes of the Late Increase in Robbers* helped to formulate the mid-eighteenth century law of evidence, as has already been mentioned, but what is striking here is that his earlier faith in evidence over testimony as articulated in *Tom Jones* seems to be qualified somewhat by the recovery of testimony in *Amelia*. However, the strength of the narratorial voice remains, even if the basis for judgement has altered slightly between the two novels.

While Fielding’s representation of testimony and evidence highlights the vulnerability of such constructions to “management” in real cases, his narrator is always on hand to pass the final, rightful judgement, in case the reader has erred along with Dr Harrison. In the Jacobin novel, *Inchbald* notwithstanding, there is no handy narrator to direct and conclude. The protagonists may decry the misreading of their stories, but they are not innocents, unlike *Amelia*, and so their testimonies are compromised. Reading the Jacobin novel is a precarious business. As we shall see in the following chapters, reading in the novel, not just when interpreting testimonies but simply reading for enjoyment or education, is a dangerous activity which may work as a mis-education, as an imprisoning structure for the individual who reads and is then trapped by the influences absorbed. And the reading of the novel is similarly fraught.

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<sup>46</sup> Ibid. p. 58.

<sup>47</sup> Ibid.

## “The Engine of Literature”: Reading and Writing to Reform

In the 1790s the act of reading and the question of the suitability of novels as a vehicle for the transmission of political ideologies and for the beneficial influence and reform of reading audiences became increasingly important for radical writers. When examining the variety of genres attempted by Jacobin writers, such as drama, political pamphlets, translations, reviews, public letters and travel writing, it is baffling at first as to why politically-minded reform-orientated writers would choose the popular, devalued form of the novel as a means of propaganda in the 1790s. The revolution debate that was ignited by the publication of Burke's *Reflections on the Revolution in France* in November 1790 was followed almost immediately by Wollstonecraft's *A Vindication of the Rights of Men*, in December, and then by the first part of Paine's *The Rights of Man* the next year, amidst dozens of contributions to the debate by Whigs, radicals, and Tories, was a print war, and non-fiction print at that. Inchbald was determinedly and almost single-mindedly devoted to drama when she produced her first novel; Wollstonecraft's early, unsuccessful attempt at fiction dissuaded her from returning to the form for another ten years; although Godwin and Holcroft had both attempted the art of novel writing in the early 1780s, with very mixed success, it was only after having established themselves as a progressive political theorist and philosopher, and a (temporarily) successful translator and dramatist, that they turned once more to fiction. The effect of reading novels was acutely pernicious, not only for those vitiated ladies with jaded nerves “amused by the reveries of the stupid novelists” that Wollstonecraft critiques, but more seriously as a means for political propaganda and government.<sup>48</sup> In Burke's *Letter to a Member of the National Assembly*, 1791, written in response to French criticisms of his *Reflections* of the previous year, we see an account of the use to which a novel may be put, in this case Rousseau's *La Nouvelle Eloise*, used by the “system of the Assembly in perverting morality through his [Rousseau's] means.”<sup>49</sup> Burke continues:

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<sup>48</sup> Mary Wollstonecraft, *A Vindication of the Rights of Woman*. 1792. Ed. and introd. Carol H. Poston. 2<sup>nd</sup> ed. (New York: Norton, 1988) p. 138.

<sup>49</sup> Edmund Burke, *Letter to a Member of the National Assembly* (London: 1791) p. 42.

They propagate principles by which every servant may think it, if not his duty, at least his privilege, to betray his master. By these principles, every considerable father of a family loses the sanctuary of his own house [...] They destroy all the tranquillity and security of domestic life; turning the asylum of the house into a gloomy prison, when the father of the family must drag out a miserable existence, endangered in proportion to the apparent means of his safety; where he is worse than solitary in a crowd of domestics, and more apprehensive from his servants and inmates, than from the hired blood-thirsty mob without doors, who are ready to pull him to the lantern [...] Your despots govern by terror.<sup>50</sup>

The power granted to a novel here is considerable, especially if the readership of the novel has any claim to power or authority. As Anna Barbauld remarked in 1810 on the influence of novels, “[l]et me make the novels of a country, and let who will make the systems.”<sup>51</sup> It is striking how much of Burke’s language here is reliant upon the discourse of penal reform to construct an image not of reform but of tyranny, with the solitary protagonist, the sense of surveillance, even inmates in a prison, but most of all the sense of terror; the very mechanism by which the legitimate authority had sought to govern, is here, in the hands of the illegitimate (from Burke’s anti-revolution stance which favours tradition and hierarchy), but controlling system. And all this achieved by means of a novel. The choice of genre for radical writers is clear.

James Raven has calculated that “novel publication reached unprecedented levels in the late 1780s” with “new novel titles [...] nearly three times more numerous in 1790 than in 1750, and estimated total novel production, including all reprints, increas[ing] by a factor of four during the same period.”<sup>52</sup> In 1797 Godwin commented on the popularity and profitability of novels saying “[t]here are few by which immense sums of money can be expected to be gained. There is scarcely one by which some money is not gained.”<sup>53</sup> Godwin spoke from experience. His three novels from 1783 and 1784 were written in haste due to financial need, and proved

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<sup>50</sup> Ibid., pp. 42-4.

<sup>51</sup> Anna Laetitia Barbauld, *The British Novelists* (London: Rivington, 1810) vol. 1 p. 59. Quoted by Claire Grogan, introduction, *Memoirs of Modern Philosophers*. By Elizabeth Hamilton. 1800. (Peterborough, Ont.: Broadview, 2000) p. 10.

<sup>52</sup> James Raven, *Judging New Wealth: Popular Publishing and Responses to Commerce in England, 1750-1800* (Oxford: Clarendon Press, 1992) p. 38.

<sup>53</sup> William Godwin. “Of History and Romance.” Appendix IV. *Caleb Williams*, p. 369.

immediately profitable: five guineas for *Damon and Delia* (ten days' work), ten pounds for *Imogen* (worked at intermittently over four months) and twenty guineas for *Italian Letters*, a more polished production.<sup>54</sup> Writing novels was a pragmatic choice; not every writer could hope to earn the fabulous sums of money that Fanny Burney received, nor expect anything more than a limited print run. Godwin and Holcroft's early novels disappeared from view almost immediately after publication, and remained unpublished until their recent recovery by critics.<sup>55</sup> Burney, by contrast, enjoyed immediate financial and critical success as a novelist, with *Evelina*, published in 1778, of which the print runs of the first three editions were 800, 500, and 1,000 respectively, with five editions produced in the first two years of publication.<sup>56</sup> *Evelina* was sold for twenty pounds to the Lowndes the publisher; by the time Burney's third novel, *Camilla*, was published in 1796, the sale of copyright was worth £1,000.<sup>57</sup> Burney's early mentor, Samuel Crisp, mused upon the ease which such sums could be earned: "If she can coin gold at such a Rate, as to sit by a warm Fire, and in 3 or 4 months...gain £250 by scribbling the Inventions of her own Brain – only putting down...whatever comes into her own head...she need not want money."<sup>58</sup> Crisp's portrait of the comfortable life of the novelist is seductive, but wholly misleading, even for one as successful as Burney, whose initial success placed her at the mercy of domestic, public, and print-trade opinion and interference. The reality of the professional writer's life, as for the Jacobin writers here surveyed, was grinding hack-work necessary to churn out reviews, translations, pamphlets, essays, histories, biographies and educational tracts, as well as novels, drama and poetry. Earning a living by the pen in the massively-expanded print market

<sup>54</sup> William St Clair, *The Godwins and the Shelleys: The Biography of a Family* (London: Faber, 1989) p. 24.

<sup>55</sup> Godwin's *Collected Novels* were published in 1992; Holcroft's *Manthorn, the Enthusiast* (1778-79) and *Alhryn, or the Gentleman Comedian* (1780), finally reappeared in print in 2007. See William Godwin, *Collected Novels and Memoirs of William Godwin*. 8 vols. Gen. ed. Mark Philp (London: Pickering and Chatto, 1992) and Thomas Holcroft, *The Novels and Selected Plays of Thomas Holcroft*. Ed. Wil Verhoeven. 5 vols. (London: Pickering and Chatto, 2007).

<sup>56</sup> Vivian Jones queries the accuracy of the number of editions in the first print run, suggesting it was more likely 500 copies than 800, but the rest of the figures are uncontested. Vivian Jones, introd. *Evelina, or, The History of a Young Lady's Entrance into the World*. 1778. By Frances Burney (Oxford: Oxford University Press, 2002) p. xxxv.

<sup>57</sup> Edward D. Bloom and Lilian D. Bloom, introd. *Camilla, or, A Picture of Youth*. 1796. By Fanny Burney (Oxford: Oxford University Press, 1999) p. xix.

<sup>58</sup> Letter from Samuel Crisp to Sophia Gast, *Burford Papers, being Letters of Samuel Crisp to his Sister at Burford*. Ed. William Holden Hutton (London: Constable, 1905) p. 74. Quoted by Margaret Anne Doody, introd. *Cecilia, or, Memoirs of an Heiress*. 1782. By Fanny Burney (Oxford: Oxford University Press, 1988) pp. xiii-xiv.

with its dizzying array of periodicals and endless stream of new works to keep track of, was a gruelling and often fruitless existence. Holcroft, writing for the *English Review* in the early 1780s, commented that producing a mere five lines for book review necessitated an entire day's reading; Charlotte Smith's astonishing literary output in the 1790s, with seven novels (among other writings) in eight years, was the result of extreme destitution: she was able to provide, precariously, for her family, but at the expense of her independence as a writer, describing herself as a "slave of the Booksellers."<sup>59</sup>

Slavery notwithstanding, the print market offered writers the chance to circulate their ideas and to direct public taste, both by the tone of their reviews as well as by their own novels. As Mark Philp reminds us, this writers' world was an intensely social one. Godwin's society in particular was astonishingly varied, but not atypical; Wollstonecraft moved in cosmopolitan circles in Paris in 1793, attending dinners and salons, and Inchbald's diaries are crammed with appointments both domestic and professional; literary, dramatic and social matters were all part of conversation and discussion.<sup>60</sup> John Barrell has recently described the Godwin circle's connections with the wider scientific and academic world as "precarious", pointing to its status on the fringes of society, "excluded from the formal and informal institutions of the state and the polite national culture, by virtue of their political beliefs, their gender, and the 'disabilities' (the legal abridgement of civil rights) imposed on Catholics and dissenters."<sup>61</sup> Disenfranchised though it may have been, Godwin's social circle is busy and diverse: "artists, portrait painters, engravers, grammarians, industrialists, writers, editors, publishers, antiquarians, librarians, actors, theatre managers, playwrights, musicians, novelists, poets, classical scholars, scientists, dons,

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<sup>59</sup> Letter from Charlotte Smith to Joseph Cooper Walker, 9<sup>th</sup> October 1793, quoted by Antje Blank and Janet Todd, introd. *Desmond*. By Charlotte Smith. 1792 (Peterborough, Ont: Broadview, 2001) p. 11. For Holcroft and Godwin's work for the *English Review* see St Clair (1989), p. 27. Godwin and Wollstonecraft also owed considerable debts to their publisher, Joseph Johnson; Todd notes that after Wollstonecraft's death in 1797 Johnson cancelled her debts and paid off her creditors in exchange for the copyright of Godwin's *Memoirs of the Author of 'The Rights of Woman'*. Johnson later cancelled a debt of £200 owed to him by Godwin. Janet Todd, *Mary Wollstonecraft: A Revolutionary Life* (London: Phoenix Press, 2001) p.488, p. 490.

<sup>60</sup> Ibid., pp. 209-16; Elizabeth Inchbald, *The Diaries of Elizabeth Inchbald*. Ed. and introd. Ben P. Robertson. 3 vols. (London: Pickering and Chatto, 2007).

<sup>61</sup> John Barrell, *The Spirit of Despotism: Invasions of Privacy in the 1790s* (Oxford: Oxford University Press, 2006) p. 72.

lawyers, mathematicians, doctors, surgeons and divines – and this list is not exhaustive.”<sup>62</sup> The “cultural experience” of the Jacobin writers, in tandem with other London radicals, was one of intellectually-based socialising as well as working: “they lived in a round of debate and discussion, in clubs, associations, debating societies, salons, taverns, coffee houses, bookshops, publishing houses and in the street [...] Members of these circles were tied together in the on-going practice of debate.”<sup>63</sup>

The writing that resulted from this continual practice of debate was available beyond the bookshops and publishing houses. The price of books, relatively stable for decades, began to rise, and continued to increase during the Romantic period. This in turn guaranteed the popularity of book clubs, circulating libraries and subscription libraries, which ensured a broad readership for 1790s writers (and allowed women readers to participate in the debate as well, as more public venues were often difficult for them to access).<sup>64</sup> The high price of *Political Justice*, when the average cost of a novel in the 1790s was nine shillings (the cost of *Political Justice* at one pound sixteen shillings was prohibitive indeed), may even have preserved Godwin from prosecution, unlike Paine, whose *Rights of Man* cost sixpence.<sup>65</sup> Porter has estimated that by 1800 there were 268 circulating libraries across the English provinces, with another 122 in London.<sup>66</sup> The variety of subject-matter available in these libraries and clubs was immense, ranging from religion, politics and literature to natural sciences, philosophy, history and languages; reprinted classics jostled for space with topical and controversial ephemera, prompting Holcroft to declaim

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<sup>62</sup> Mark Philp, *Godwin's Political Justice* (New York: Cornell University Press, 1986) p. 127.

<sup>63</sup> Ibid.

<sup>64</sup> William St Clair provides an excellent analysis, as well as important new information on and statistics of production and consumption of print culture and reading audiences in *The Reading Nation in the Romantic Period* (Cambridge and New York: Cambridge University Press, 2004). See p. 203 for a useful table on increasing novel prices from 1790-1840. For an examination of the change in reading habits, see Reinhard Wittman's “Was There a Reading Revolution at the End of the Eighteenth Century?” in *A History of Reading in the West*. Ed. Guglielmo Cavallo and Roger Chartier. Trans. Lydia G. Cochrane (Cambridge: Polity, 1999) pp. 284-312, and also Jon Klancher's seminal *The Making of English Reading Audiences, 1790-1832* (Madison and London: University of Wisconsin Press, 1987).

<sup>65</sup> St Clair (1989), p. 85.

<sup>66</sup> Roy Porter, *English Society in the Eighteenth Century* (London: Penguin, 1991) p. 235. John Brewer, by contrast, supplies figures of 1,000 provincial and in excess of 100 metropolitan libraries by 1800. See *The Pleasures of the Imagination: English Culture in the Eighteenth Century* (London: Harper Collins, 1997) p. 178.

the value of the print market and the public sphere, saying, “[s]urely, this age has more general information, and therefore more virtue, more wisdom, than the past.”<sup>67</sup>

The connection between virtue and the transmission of information had long been founded upon reading, with special relevance to novels. In his study of early eighteenth-century fiction, J. Paul Hunter explores the ways in which the Christian tenet of examination of conscience (or reading the self, we might say), which encouraged daily reflection upon one’s life as a means of bettering one’s soul, informs the new genre, which in turn was absorbed as much by questions of how to shape virtue as by analysing those vices, or criminal matters, that Davis has discussed.<sup>68</sup> Hunter pays special attention to the didactic purpose of the novel, which builds upon but may also threaten to destabilise the moral direction offered by its forebears, what Hunter calls “guide literature”: “guiding and misguiding became the central ethical issues [...] by midcentury novels were the most influential texts involved in the issue. The novel thus opened up issues of intention, direction, and exemplarity in a way that didactic treatises only hinted at.”<sup>69</sup> Most interestingly, Hunter describes the emerging sense of individual identity that is privileged by the novel in terms that sound strikingly familiar to the penal reform discourse that I have discussed in chapter one: “the self observed: private vices, public benefits.”<sup>70</sup> Confessional and autobiographical literature, whether criminal or religious (and usually the discourse of the former was shaped by that of the latter, as with the *Newgate Calendar*), offers not only form and content to the novel, but invests it with “a capacity for introspection, self-awareness, and subjectivity – or rather, [the novel] reaps this capacity from the cultural context in much the same way and at much the same time that formal autobiography does.”<sup>71</sup> The power for guidance or misguidance offered by the novel, coupled with the concepts of observation,

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<sup>67</sup> Brewer, pp. 171-82. Thomas Holcroft, *Life of Thomas Holcroft*. Ed. and completed by William Hazlitt. *Complete Works of William Hazlitt*. 21 vols. Ed. P. P. Howe (Toronto: J. M. Dent, 1930-34) vol. 3, p. 143.

<sup>68</sup> J. Paul Hunter, *Before Novels: The Cultural Contexts of Eighteenth-Century Fiction* (New York and London: Norton, 1990).

<sup>69</sup> *Ibid.* p. 281.

<sup>70</sup> *Ibid.*, p. 324.

<sup>71</sup> *Ibid.*, p. 329.



reflection, remorse and remaking, with which the cultural context of the eighteenth century was imbued, provided thinkers and reformers with an entirely new instrument of authority, a new system of control.

Godwin is keenly aware of this authority:

Few engines can be more powerful, and at the same time more salutary in their tendency, than literature. Without enquiring for the present into the cause of this phenomenon, it is sufficiently evident in fact, that the human mind is strongly infected with prejudice and mistake. The various opinions prevailing in different countries and among different classes of men upon the same subject, are almost innumerable; and yet of all these opinions only one can be true. Now the effectual way for extirpating these prejudices and mistakes seems to be literature.

Literature has reconciled the whole thinking world respecting the great principles of the system of the universe, and extirpated upon this subject the dreams of romance and the dogmas of superstition. Literature has unfolded the nature of the human mind [...] If in many instances the collation of evidence has failed to produce universal conviction, it must however be considered, that it has not failed to produce irrefragable argument, and that falsehood would have been much shorter in duration, if it had not been protected and enforced by the authority of political government.<sup>72</sup>

Godwin's account of the "engine" of literature is notable in that it does not appear to have an authority of its own. The truth or knowledge it contains is vulnerable not to a greater or a corrupt authority, but to authority itself. Despite its salutary tendency, which is a concept I will return to presently, literature cannot match the system of control operated by government. It can, however, offer an alternative to it, by providing space for argument; it facilitates an attack upon illegitimate authority, rather than containing within it a legitimate form of authority of its own. It is, as Paul Keen has phrased it in his analysis of this passage, "a means of facilitating debate [...] and a vehicle for spreading the lessons which emerged from those debates throughout a growing reading public" with the important quality of enabling "a wide-range of exchanges *between* different authors, rather than merely a means of reporting the isolated discoveries of unconnected individuals."<sup>73</sup> By the 1790s, the principle upon which literature was once grounded, that of offering an account for the guidance and influence of the reader, has been joined to a new principle of response: it encourages mutual exchange, instead of non-reciprocal

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<sup>72</sup> Godwin, *Political Justice*, pp. 14-5.

<sup>73</sup> Paul Keen, *The Crisis of Literature in the 1790s* (Cambridge: Cambridge University Press, 1999) pp. 28-9.

report, and it also facilitates the means of debate, through the circulation of literature by the print market. Godwin's society, with its emphasis on debate, argument, the discovery of truth and the eradication of falsehood, finds the perfect form in literature with which to make that society accessible even to isolated readers, so that all may become part of the debate. Literature, therefore, is beginning to emerge as a new system, as an authority which may directly or indirectly destabilise the larger systems of control, such as government, or smaller ones such as local prejudice. The novel of contested narratives and adversarial encounters becomes the means by which the daily practice of debate and discovery is embodied and more widely circulated; the ideological theories of Jacobin reformers are put into practice, the reader is absorbed into the discussion, and the form of the novel provides a further testing-ground for the theories themselves.

Within the new system of literature, this engine, the potential of the novel for circulating reformist ideology and drawing a response from its readers is great indeed. Although some of the political writings that swirled around in the early 1790s' revolution debate were highly-wrought productions infused with elegant rhetorical devices, the majority were hastily written, dependent upon the claims and counter-claims of the preceding chain of publications for their own definition and argument. The novel offered greater opportunity, functioning as a complete system of its own within the wider system of literature; it is a new system of fiction. As Watt has argued, the formal realism of the novel affords a more immediate appeal to the reader than other forms of literature: "the novel's conventions make much smaller demands on the audience than do most literary conventions; and this surely explains why the majority of readers in the last two hundred years have found in the novel the literary form which most closely satisfies their wishes for a close correspondence between life and art."<sup>74</sup> This close correspondence has its basis in what McKeon has called "the epistemological premises of documentary historicity," most closely associated with Richardson's epistolary style, and which succeeding generations of novelists play

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<sup>74</sup> Watt, pp. 32-3.

with, or against, in their varying commitments to realism.<sup>75</sup> The novel satisfies the wishes of the author absorbed in the examination of “things as they are” and with putting forward a plan for reform; while Jacobin reform is a philosophy rather than art, it is an ideology concerned with reality that uses art as a means of initiating reform. The crucial element within the novel that renders it so valuable to political writers is that in the midst of realistic, rational representation (which could be offered by many genres) it appeals to the sympathetic imagination.

The sentimental novel, critiqued by Jacobin writers but absorbed and reworked by them, and its influence upon 1790s discourse, has been thoroughly recovered in recent years and I will not be contributing to that discussion at present, though I discuss sentimental conventions in relation to Inchbald and Wollstonecraft’s novels in chapters four and five. Important work by Chris Jones, among others, has recently examined the continuation of the discourse of sensibility in the radical and rational writings of the 1790s public sphere, and overturned previous views of the oppositional relation between radical writers and sentimental novelists.<sup>76</sup> However, what Butler has called the “radical inheritance” of sentimentalism is too important to be glossed over quickly, and it plays a significant role in the design of the Jacobin novel and its intended effect upon the reader, which is the focus in the remainder of this section.<sup>77</sup> Earlier views of 1790s radicals working coldly in opposition to Burke’s sentimentalism have been corrected by more nuanced examinations of radical language; Chris Jones, for example, has argued that Godwin and Wollstonecraft are “enmeshed in disputes within the terms of sensibility, rather than wishing to

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<sup>75</sup> McKeon, p. 414.

<sup>76</sup> For a thorough account of the use of sensibility across the political divisions as well as in relation to Godwin, Wollstonecraft, and Charlotte Smith, see Chris Jones, *Radical Sensibility: Literature and Ideas in the 1790s* (London and New York: Routledge, 1993). Markman Ellis examines the content of a wide selection of sentimental novels in the latter half of the eighteenth century within the context of contemporary political and social debate in *The Politics of Sensibility: Race, Gender and Commerce in the Sentimental Novel* (Cambridge: Cambridge University Press, 1996). Gillian Skinner focuses upon political matters but begins from an earlier point, in *Sensibility and Economics in the Novel, 1740-1800: The Price of a Tear* (Basingstoke: Macmillan Press, 1999). Isabelle Bour provides a brief but cogent account of Godwin’s use of sensibility as both an obstruction of and an instrument for representation in *Caleb Williams* in “Sensibility as Epistemology in *Caleb Williams*, *Waverley*, and *Frankenstein*,” *Studies in English Literature* 45.4 (2005) pp. 813-827. Brean Hammond and Sean Regan have recently traced the “sympathetic strain” more broadly, but with a useful section on Wollstonecraft’s *Mary: A Fiction* in *Making the Novel: Fiction and Society in Britain, 1660-1789* (Basingstoke: Palgrave Macmillan, 2006). See also Janet Todd, *Sensibility: An Introduction* (London: Methuen, 1986) and G. J. Barker-Benfield, *The Culture of Sensibility: Sex and Society in Eighteenth-Century Britain* (Chicago: University of Chicago Press, 1996).

<sup>77</sup> Butler (1975) p. 7.

break entirely with traditional forms,” and that it is dangerous to presume that a disputatious view of sensibility held by one radical is held by all.<sup>78</sup> The most important factor to consider in the Jacobin novel’s inheritance of sentimental discourse, however, is the enduring influence of Smith’s *The Theory of Moral Sentiments*. Smith’s theory of the function of sympathy evolves from the Scottish enlightenment investigation into the production of moral judgement, from the work of David Hume, Francis Hutcheson and Dugald Stewart, in particular Hume’s *A Treatise on Human Nature* (1739-40). Smith’s version of sympathy is one that operates in society as a governing, civilising, and regulating force and is still the foundation for much reformist thought in the 1790s; the access to the power of sympathy offered by the novel constitutes a strong part of its formal appeal to the Jacobin writer. As David Marshall has pointed out, Smith’s account of sympathy and the working of sentiment is close to the spectacularisation of the sublime (and therefore of terror) that Burke had theorised, in that it is dependent upon a detached observer who is made to feel by the spectacle, and by that feeling, becomes a participant in the scene of distress.<sup>79</sup> The activity of reading functions similarly; reading allows the individual to share the personal experience of another individual, by exciting a response through representation. One’s sympathy is elicited by the information provided and insight gained, and curiosity is stimulated, resulting in what Joanna Baillie calls “sympathetic curiosity.”<sup>80</sup> The production of this sympathetic curiosity is crucial to much of the 1790s discussion of reform by both radicals and conservatives, but in opposition to Smith’s theory of sympathy, with its grounding in the observation of pain and suffering and the desire to avoid or alleviate it, Godwin sets up an ideology of reason in *Political Justice*. He constructs a system of morality that works upon principles of voluntary and involuntary action of mind; voluntary actions are distinct from those produced by sensation or stimuli, presenting “the understanding as a faculty distinct from

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<sup>78</sup> Chris Jones, *Radical Sensibility: Literature and Ideas in the 1790s* (London and New York: Routledge, 1993) p. 107.

<sup>79</sup> David Marshall, “Adam Smith and the Theatricality of Moral Sentiments.” *Critical Inquiry* 10 (1984) pp. 592-613.

<sup>80</sup> Joanna Baillie, *Plays on the Passions*. 1798. ed. and introd. Peter Duthie (Peterborough, Ont: Broadview, 2001) p. 69.

sensation.”<sup>81</sup> The cultivation of reason, the fruit of this voluntary action, is morality; judgement is a product of reason, and the action that follows it, either a selfish one or a benevolent one, is evidence of man’s morality: “[v]irtue is a principle of the mind [...]It is in the disposition and view of the mind, and not in the good which may accidentally and unintentionally result, that virtue consists.”<sup>82</sup> Any action that may be viewed as virtuous or ameliorative results from the decision to act with benevolence, rather than self-interest. A just society is governed by actions that are located in reason, not those produced by sympathetic emotion; the results may be similar, but originate from false principles of gratitude and pity, which work as yet another tyrannising force in society.

In the novels, however, the effects of sympathetic curiosity are much in evidence, particularly in the work of Inchbald and Wollstonecraft, with particular relevance for the Jacobin methodology of education and improvement; the emotions are stirred, and the mind is subsequently engaged in seeking an amelioration of the difficulties of the other, prompted by the initial emotion. The results of this utilisation of sympathy are mixed, as we will see, but it is important to recognise that Jacobin writers, critics of irrational sensibility, of sentimental novels, and of sympathy, nevertheless use these structures in their novels, most obviously to critique them, but also as necessary instruments in their own ideology, despite their opposition to them. Unhappily for our protagonists, sympathetic curiosity often fails to lead to social improvement in practice, as we shall see, but the theory remains influential: stimulating an individual to enquire more deeply into the minds and motives of those who surround him will render society a happier and more equal place. Smith’s impartial spectator, motivated by the impulses of curiosity and benevolence, can act externally as well as internally. Exercising sympathetic curiosity is not merely beneficial for the individual in daily life, it also has a direct involvement in the smooth running of society by those who occupy positions of influence and judgement. The reader as judge of fictional characters becomes the wise magistrate and careful advocate, as

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<sup>81</sup>Godwin, *Political Justice*, p. 187.

<sup>82</sup>Ibid., p. 193.

Baillie suggests.<sup>83</sup> Literature can shape public life, if the reader is responsive and the writer imaginative. And nowhere is there a more readily-available form of imaginative appeal than the novel. As Maria Edgeworth put it in a letter to her fellow novelist, Elizabeth Inchbald:

I never once recollected the author whilst I was reading it; never said or thought, *that's a fine sentiment* – or, *that is well expressed* – or *that is well invented*. I believed all to be real, and was affected as I should be by the real scenes if they had passed before my eyes: it is truly and deeply pathetic. I determined, this time of reading, to read it as a critic – or rather, as an author, to try and find out the secret of its peculiar pathos. But I quite forgot my intention in the interest Miss Milner and Dorriforth excited: but *now it is all over*, and that I can coolly exercise my judgement, I am of opinion that it is by leaving more than most other writers to the imagination, that you succeed so eminently in affecting it.<sup>84</sup>

Edgeworth's description of rereading *A Simple Story* testifies to the novel's power to create sympathy, its "peculiar pathos." In one sense, Inchbald may be said to have succeeded too well; the reader is so immersed in the reality of the novel, so swayed by the engrossing sentiments of love, loss and misunderstanding, that in seeming contrast to what I have been arguing the critical faculty of the reader is entirely subdued and all she can do is sigh along with the heroine. Yet this immersion exists only while Edgeworth reads; before and after she investigates, considers, identifies the defining quality of the novel, its pathos, and seeks out the construction of it. She returns to the novel repeatedly (it is her fourth reading of it), puzzles over it, and wishes to produce a critique. In this sense, the act of reading fiction is the perfect exposition of Wollstonecraft's maxim that "we reason deeply, when we forcibly feel."<sup>85</sup>

Edgeworth, deeply affected, reasons determinedly on the novel. As an author she ruminates over the construction, but as the reader, she reflects upon the content, having been drawn into the narrative. There is no division between sympathy and reason; one engenders the other, and

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<sup>83</sup>The full passage reads: "To be well exercised in this study [of personal curiosity, enquiry, reason and reflection, which all follow on smoothly from the initial moment of sympathy] will fit a man more particularly for the most important situations of life. He will prove for it the better Judge, the better Magistrate, the better Advocate; and as a ruler or conductor of other men, under every occurring circumstance, he will find himself the better enabled to fulfil his duty, and accomplish his designs." Ibid., p. 76.

<sup>84</sup> Undated letter from Maria Edgeworth to Elizabeth Inchbald, quoted by James Boaden, *Memoirs of Mrs. Inchbald*. 2 vols. (London: R. Bentley, 1833) vol. 2, pp. 152-53.

<sup>85</sup> Mary Wollstonecraft, *Letters Written During a Short Residence in Sweden, Norway and Denmark*. 1796. Published as *A Short Residence in Sweden, Norway and Denmark*. Ed. and introd. Richard Holmes (Harmondsworth: Penguin, 1987) p. 171.

both unite to shape an understanding and a critique of the difficulties posed by the text. When that text presents the wrongs of things as they are and suggestions for their improvement, the imaginative force of the novel is imbued with reformist power. Hazlitt praises this power of imagination in Godwin's writing, remarking on its effect upon the reader and its persuasive, influential power of agitation which furthers the political commitment of the novelist:

[t]he effect, both in *Caleb Williams* and *St Leon*, is entirely made out, neither by facts, nor dates, by black-letter or magazine learning, by transcript or record, but by intense and patient study of the human heart, and by imagination projecting itself into certain situations, and capable of working up its imaginative feelings to the height of reality. The author launches into the ideal world, and must sustain himself and the reader there by the mere force of imagination. The sense of power in the writer thus adds to the interest of the subject.<sup>86</sup>

Hazlitt's account attests to the realism of the Jacobin novel and to its affect, in his description of author and reader hovering together in "the ideal world" which has become "the height of reality" through the writer's deployment of the imagination. Hazlitt's description at once gives great insight into the careful construction of the novel, in its ability to engage the reason and puzzle the reader, but also, as with Edgeworth above, the impression of the novel's power evinces its systemically-ordered influence over reason and imagination.

In her account of the Jacobin writers' missed opportunity for continuing the novel's development after the innovations of the sentimental writers such as Mackenzie and Sterne, Butler contends that, among other mishandling of generic assets, "the revolutionaries do not even make use of that commonest of all sentimental techniques, the harnessing of the reader's uncritical sympathies."<sup>87</sup> This point overlooks what I regard as one of the central functions of the Jacobin novel, its ability to encourage the reader's critical faculties. Uncritical sympathy is a failure of Jacobin ideology, and its perils (disastrous results from actions based on sympathy rather than reason) are manifested in the novels' plots, yet sympathy retains its importance as

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<sup>86</sup> William Hazlitt, *Lectures on the English Comic Writers* (London: Henry Frowde for the Oxford University Press, 1907), p. 171.

<sup>87</sup> Butler (1975) p. 32.

well as its value, even when carefully qualified.<sup>88</sup> Where the Jacobin novel differs most from the earlier sentimental novels is in relation to the activity of its characters; unlike Richardson's curiously static Pamela or Mackenzie's weeping on-looker Hartley, the central characters in a Jacobin novel are not observers who find themselves acted upon, or against, and present their report to the reader. Rather, they are deeply caught up in the struggle for independence, for education, often for existence itself, and draw the reader into their interrogation of things as they are: it is sympathetic curiosity, matched by a Godwinian insistence upon reason, which Jacobin novels operate by, not simply by a rejection of sympathy. "The disturbing feature of sentimentalism," Butler writes, "is that it has much to say about sensation, little about action; indeed, the more the complexities of the inner life are understood, the less confident can an observer be that the individual's nature might ever be satisfactorily revealed in action."<sup>89</sup>

Sentimental novels problematise interpretation, even as they instruct the reader in the correct manner for expression of feeling. Butler suggests that the interest in "psychological processes" that define liberal sentimental novels proves problematic for the reforming radicals, in that the "moral relativism implicit in the sentimental movement" threatens the rationality that reformers espouse.<sup>90</sup> This "disturbing feature" can be expanded to include not just the individual's nature but that of mankind in general: "the consequence of a growing understanding of economics and of political institutions is to make it seem as hard for the individual man to control his environment as it is for him to control himself."<sup>91</sup> Gillian Skinner has examined the ways in which economics is often viewed as a positive force in sentimental novels, figured as "the benign influence of commercial activity" rather than something that accelerates a late-eighteenth century

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<sup>88</sup> Although I do not discuss Godwin's *Fleetwood: Or, The New Man of Feeling* (1805) in this thesis, Godwin's turn towards the investigation of sympathy in this novel, rather than the promotion of reform as with his 1790s novels, is a significant engagement with the sentimental tropes he has been so often represented as rejecting. This post-reform movement further strengthens recent critical work on Godwin's interest in and employment of sensibility. See Gary Handwerk, "Mapping Misogyny: Godwin's *Fleetwood* and the Staging of Rousseauvian Education," *Studies in Romanticism* 41 (2002) pp. 375-398.

<sup>89</sup> Butler (1975) pp. 36-7.

<sup>90</sup> Ibid., pp. 32-3.

<sup>91</sup> Ibid.



sense of fragmentation.<sup>92</sup> If doubt has been cast over the satisfactory revelation of individuality by the novel, then the disturbing effect Butler suggests may be alleviated by the same genre, as the focus has already shifted towards examining the workings of those institutions, political and economic, that affect mankind. Discovering the internal mechanisms of these systems may contribute to, rather than destabilise, the understanding of the individual.

This conflict between the doubtful revelation of character through action, and the loss of control of environment and self so prevalent in 1790s discourse, is precisely that which envelops Jacobin protagonists, and the reader of the novels. In a way, the contested narratives and ambiguous authority of the Jacobin novel are evidence of this loss of confidence in the novel's ability to reveal individual nature, and as such may even suggest the failure of realism. But the Jacobin novel simultaneously attests to the importance of examining and understanding the surrounding environment, those institutions that affect and control individuals. The exposure of systems of tyranny and oppression is a way of furthering the comprehension of psychological processes. The novels are written within the framework of an uncertain world, where even as Holcroft and Godwin expound their radical ideals of human perfectibility and enlightened progress, human degradation reaches hitherto unsuspected depths. As the reform movement in 1790s England becomes embattled, with ideals of progressive reform descending into revolution, terror and war, the turn towards a representation of and an investigation into systems, as well as individuals, is imperative. Bender's theorisation of the generative power of the novel, of its ability to write a new system into being, is useful to bear in mind here; by investigating the present oppressive structure of society, the Jacobin novel may successfully write a new equal society into being. The turn to the novel for radical writers is as much a political statement as a pragmatic action. It offers a ready-made system of authority and influence over its eager readers, it guarantees the audience that more expensive books like *Political Justice* are denied, libraries notwithstanding, and to reject the Gothic and melodramatic subject-matter in vogue at the end

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<sup>92</sup> Gillian Skinner, *Sensibility and Economics in the Novel, 1740-1800: The Price of a Tear* (Basingstoke: Macmillan Press, 1999) p. 118.

of the century is a further statement of seriousness. Its popularity is a further asset; in the original preface to *Caleb Williams* Godwin writes of his hope that the novel's message may be received by those "whom books of philosophy and science are never likely to reach."<sup>93</sup> Robert Bage, in a playful preface in which he condemns the ridiculous form of the novel before humbly offering his own attempt, refers to the prevalence of the novel as a means of instruction, either as guidance literature, or as a more corrupt educational tool, which is becoming inseparable from the discourse of sensibility:

To a refined and sensible people – says Mr Rousseau – instruction can only be offered in form of a novel. The English are a refined and sensible people; and I desire to instruct them in the best manner possible. Indeed, the mode of instruction by novels, is become as prevalent as Mr Rousseau himself could have wished; and, to all who think in his elegant manner, will be irrefragable proof of my beloved country being, whatsoever may become of our politics, the first of nations, for refinement and sensibility.<sup>94</sup>

The Jacobin novel, in fact, offers a way through the repetitive yet still-feverish debate that continues to rage over the value of novels in the 1780s, or of what Markman Ellis has described as "the drug of novels," with the opponents of the form using viral or narcotic imagery to describe its threat: "the novel appears as a drug or a virus in these circulatory systems: attractive and amusing, it spreads itself almost automatically [...] like an intoxicating narcotic, the product does not have to be tailored to the consumer: rather, the novel transforms the reader."<sup>95</sup>

Circulating libraries in particular are criticised for their facilitation of this spread of disease; Ellis quotes Clara Reeve's complaint that such libraries allow unsupervised reading amongst young people (which is something that Godwin argues in favour of in *The Enquirer*), and thus presents the converse to Holcroft's uncritical embrace of the proliferation of the print market and the circulation of information; not a positive circulation, but a pernicious "dissemination" of unhealthy material, spreading rapidly but unwholesomely like rank weeds.<sup>96</sup> As Jon Klancher has

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<sup>93</sup> Godwin, *Caleb Williams*, p. 3.

<sup>94</sup> Robert Bage, *Man As He Is*. 1792. (New York and London: Garland, 1979) pp. i-ii.

<sup>95</sup> Markman Ellis, *The Politics of Sensibility: Race, Gender and Commerce in the Sentimental Novel* (Cambridge: Cambridge University Press, 1996) p. 210.

<sup>96</sup> *Ibid.*

shown, for the moderate reformer Arthur Young “dissemination” was also a problem, in that for him the term signified a “negative circulation” typical of radical writing, unlike the healthy, nation-building quality of circulation.<sup>97</sup> The metaphor of circulation, by contrast to dissemination, “represents not only the channels through which newspapers and other texts move among their readers, but also those channels of the *mind* prepared by particular acts of writing.”<sup>98</sup> Readers are created by the habit of reading, and the habit is in turn created by the circulation of print and the writers who contribute to it. Ideas are guided and developed by the pre-existing system of circulation. For Young, dissemination is dangerous because it functions differently, lacking the organised, controlled system of circulation, as Klancher continues: “to ‘disseminate’ is to flood through interstices of the social network, into the social cracks of the ancien régime.”<sup>99</sup> It is an ungovernable, unpredictable practice, and one which is figured in shadowy, hidden terms. The salutary engine of radical literature, powerful, active and healthy, with its commitment to the public sphere and open discussion, is the opposite of the indolent, passive, vitiated, corrupt, hidden and inwardly-focused novel as figured by the radicals’ conservative opponents, and also of the ungoverned and secretive propagation that Young detests. Bage, a cheerful and unrepentant radical novelist, uses this narcotic imagery himself: “novels, as novels, do poison the minds of young ladies; and young ladies do poison young gentlemen; and so there is danger of an universal sanies, from this corrupted and corrupting cause.”<sup>100</sup> But as Ellis has shown, the continual debate enriches the genre’s potential for use as a political instrument: “[t]he essayists’ contest for the novel both refined the theory of the genre and, by raising awareness of anxiety about what was at stake in the production of fictions, made the sentimental political.”<sup>101</sup> In the system of the late eighteenth-century novel, therefore, not only do the narratives it contains provide a site for contestation, as with the Jacobin novel, but

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<sup>97</sup> Jon Klancher, *The Making of English Reading Audiences, 1790-1832* (Madison and London: University of Wisconsin Press, 1989) p. 34.

<sup>98</sup> Ibid., pp. 32-3.

<sup>99</sup> Ibid., p. 34.

<sup>100</sup> Bage, *Man As He Is*, p. ii.

<sup>101</sup> Ellis, p. 211.

the genre itself continues to be a site of confliction, enmeshed in a persistent cycle of polarization that threatens to become sterile because of its self-involved debate. The Jacobin novel further politicises sentimental content by both its intense critique of and reliance upon it, but also by the intensification of contestation; Godwin's principle of truth as the product of debate, "infallibly struck out by the collision of mind with mind," is evident in each novel, by the manner in which each is structured around scenes of intellectual collisions, as we will see in the following chapters.<sup>102</sup>

Behind the simple pragmatism of promoting one's philosophy in a widely-circulated and seemingly profitable genre lies a complicated interplay of ideological transmission, readership and generic experimentation. In 1805, in the preface to *Memoirs of Bryan Perdue* Holcroft writes a manifesto explaining his long-held beliefs in the ameliorative effects of reading novels:

Novels, like comedies, are the proper receptacles for the whole round of human affections; and, the more these affections are diversified, the greater is the enjoyment of mind which novels afford. Novel writing has been frequently treated as the meanest and the most jejeune exercise of the human faculties, employed in the composition of books; but such opinions are given [...] in a moment of disgust, after reading novels that are indeed contemptible [...] [but novels] are a high source of gratification, to the half informed; and especially to youth, by whom they are constantly read: therefore, if their morality be definite, their language flowing, their diction pure, and the lessons they teach impressive, are they not a noble public benefit? When thus written, do they not gratify even the man of mature thought, by affording pleasure not likely to be imparted in any other kind of composition.<sup>103</sup>

Novels are educational, can provide exercise for developed and developing minds, indeed may even form those minds by which they are read, and are in all a noble, public endeavour. The emphasis is upon the public, the civic, and the social. Reading leads to individual improvement, and that individual improvement may lead to a wider social reform. In an essay from *The Enquirer* in 1797 entitled "Of Choice in Reading" Godwin discusses the effect that reading Shakespeare and Milton has on the mind of the individual reader, and describes a method of

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<sup>102</sup> Godwin, *Political Justice*, p. 15.

<sup>103</sup> Thomas Holcroft, *Memoirs of Bryan Perdue*. 3 vols. (New York and London: Garland Publishing, 1979) vol. 1, pp. v-vii.

communication peculiar to the work of powerful writers, and their subsequently charged readers: “Every man who is changed from what he was by the perusal of their works, communicates a portion of the inspiration all around him. It passes from man to man, till it influences the whole mass.”<sup>104</sup> This particular system of circulation perfectly describes Godwin and Holcroft’s favoured method of social reform, that of individual transformation and individual transmission of ideas. And so reading, although it may be a private, individual act, is ultimately part of a wider, public process. Experiencing sympathy, enquiring into the causes and ways of things, having the imagination stimulated and using reason and reflection, all lead to better-educated individuals in society, better educated not merely because of what they read, but because they read. Aligning the novel, then, with a politically radical subject-matter, seems to offer the perfect means to circulate progressive ideas in society, first through the political novels themselves, and then through the public actions of the reader of those political novels. This fits neatly with the Jacobin belief in the gradual reform of society one individual at a time – not by rallies or revolutions, and for Godwin, not by radical groups or corresponding societies either – but by reading, reflection and conversation: reform is thus transmitted throughout society, individual by individual. Literature, specifically the novel, can act as a political force, leading to social improvement.

The circulation of progressive, reformist ideology, then, and the transmission of that ideology to readers of Jacobin novels, depends upon three factors at once. The first is the act of reading itself. As we have seen, Godwin and Holcroft invest reading with extraordinary powers of influence over the mind of the reader, but an important aspect of the reading of any work is the second factor in the process of ideological transmission, that of the work’s tendency, which has a power of transmission all its own. In “Of Choice in Reading” Godwin discusses what he means by the tendency of a work of literature. A single text may be pronounced morally good or

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<sup>104</sup> William Godwin, *The Enquirer. Political and Philosophical Writings of William Godwin*. Vol. 5. *Educational and Literary Writings*. Ed. Pamela Clemit, p. 141.

morally bad, depending upon what criteria are applied to it, but the tendency of the work is its true importance. Godwin describes tendency as “the actual effect it is calculated to produce upon the reader, and cannot be completely ascertained but by the experiment.”<sup>105</sup> Irrespective of authorial intent, therefore, the interpretation of the novel lies with the reader. Writing and reading to reform, then, is a precarious business, because so much of the effect is beyond the reach of authorial control. Godwin’s separation of the novel into a book that is written and its separate, mutable tendency, raises some thorny issues for the writer of reformist literature. It is questionable how the writer can reform his readers, when so much of what is read is dependent upon the vagaries of mood, time and place. And as Rajan has noted, this reliance upon tendency is further complicated by the fact that Godwin’s theory of reading destabilises the model it proposes by its means of proposition. What she calls the “divinatory model” of interpretation is what I have been referring to as the displacement of authority of interpretation from Jacobin writer to Jacobin reader.

[T]o shift from a mimetic to a hermeneutic view of the text is also to historicize the process of interpretation. Historicity allows for the divinatory model itself to be read as a peculiarly ‘romantic’ construction: romantic in the way it reimposes the desire for unitary meaning on a deference to the reader that disestablished both author and authoritative meaning. If Godwin’s intention is to propound (in different words) a divinatory hermeneutics, the tendency of his essay [Of Choice in Reading] is to promote a ‘historical’ reading whose status is heuristic rather than traditionally hermeneutic, because it recognises that the truth one divines is always the representation of a particular ideological will.<sup>106</sup>

For the Jacobin writer, the possible dangers of the novel’s tendency are exacerbated by the third factor in ideological transmission, the central Jacobin tenet of non-authoritarian influence.

Maggie Kilgour has argued that, for Godwin, the act of reading underpins and promotes social cohesion. When stimulated by a narrative and absorbed into it, the reader is acted upon by the imaginative power of the narrative, and encounters the ideas and experiences of the writer, thus deepening the reader’s understanding of other lives and other minds. By reading novels, which

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<sup>105</sup>Ibid., p. 136.

<sup>106</sup>Tilottama Rajan, “Wollstonecraft and Godwin: Reading the Secrets of the Political Novel.” *Studies in Romanticism* 27 (1988) pp. 221-51, p. 225.

Holcroft called “histories of the progress of the mind”<sup>107</sup> the reader’s own mind progresses, and as Kilgour writes, “reading is thus the basis for proper social relations, in which individuals can come together without losing their identities. It is the model for positive – as non-authoritative – influence, an act in which readers, even while being influenced, are encouraged to think for themselves.”<sup>108</sup>

The displacement of authority from writer to reader is an imperfect model, as we have seen from Rajan, because it is still dependent upon the writer’s ideology. The displacement of authority is still an act of authorial control; “positive influence” is not the same as complete freedom of judgement and interpretation. However, the Jacobin writer, in attempting by this model to unify the form of the novel with its content and ideology of enquiry and exposure, is opening up the novel genre to the fullest participation of the reader’s judgement and reason. What Kelly has defined as the most singular literary trait of the Jacobin novel, that of its “unity of design,” is enriched by this displacement of authority, however incomplete it may be in practice. Kelly describes the design of the Jacobin novel as consisting of a double philosophy in form and content: “[Jacobin novels] tried to show how their characters had been formed by circumstances, and how character and incident were linked together like the parts of a syllogism [...] they contained many dialogues, monologues, and ‘perorations’ on serious and weighty topics; and they were ‘philosophical’ in structure and technique.”<sup>109</sup> What Kelly overlooks here is the continuation of this unity by its effect upon the reader as part of an enlightened practice of reading. The absence of a dominant or coercive authority is central to Jacobin literature, which as we have already seen is one of the main Jacobin concerns. It attacks illegitimate forms of authority, and anything that interferes with individual freedom, from systems of government to institutions to social expectations, duties or prejudices. It is also directed against certain forms of language, like the obscure vocabulary of the legal system, and even the system of representation

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<sup>107</sup>Holcroft, *Hugh Trevor*, p. 4.

<sup>108</sup>Maggie Kilgour, *The Rise of the Gothic Novel* (London and New York: Routledge, 1995) p. 55.

<sup>109</sup> Kelly (1976) p. 16.

and authorial control in the novel itself. The questioning of authority that defines the Jacobin novel's design is still bound up in ideology and influence, but if its readers are alert to its abilities the novel will instruct them in the act of reading and interpretation, and they in turn will reflect that practice back upon the novel and its authorial influence. Persuading the reader of the importance of questioning social roles and expectations, therefore, is to tread a fine line between instructing the reader in the principle of perpetual enquiry on one hand, and on the other, to run the risk that the reader, free from coercive authority and invested with the power of interpretation and judgement of the contested narratives of the Jacobin novel, will entirely misinterpret the evidence and draw the wrong conclusion. That is, that the reader will inadvertently enable the continuation of illegitimate forms of authority, will enact the principles of oppressive systems of control by adhering to the Burkean tradition critiqued by the Jacobin novel, rather than realising the value of the reformist tendency of the work, or, through misinterpretation of the message of reform, will spread only misery, instead of enlightenment.

Elizabeth Hamilton warns of precisely that danger in *Memoirs of Modern Philosophers*, an anti-Jacobin novel that is not unsympathetic to the cause of reform but espouses a more conservative politics than the radical Jacobin novel, presenting the dangers posed by misreading Jacobin writings, chiefly Godwin's *Enquiry Concerning Political Justice* (1793). For Godwin, as we have seen, the locus of interpretation is the reader; there are no moral or immoral books, only readers. This claim seems to exonerate Godwin from any damaging implication in effects that his writings may have, but, as the converse to Rajan's argument about tendency's ideological bent, it threatens to disrupt the Jacobin project of benign influence, or non-authoritarian authority. The Fieldingesque manager of evidence is absent; the reader alone adjudicates. Godwin's theory of tendency is picked up by Hamilton to brilliant satirical effect, when she sets out the idiocies and tragedies committed by the misguided reader of Jacobin writings. Given that it is *Political Justice* that is quoted copiously (and disastrously misapplied by Bridgetina Botherim in Hamilton's novel), rather than *Caleb Williams* or *Anna St Ives*, it is more strictly



Jacobin ideology rather than the form of the Jacobin novel itself that is under attack, but the danger of reading and misreading is the same. Hamilton describes the unforeseeable effects that reading Jacobin ideology has upon badly-educated readers, and upon those who can deliberately twist it to serve other purposes: in other words, *Memoirs of Modern Philosophers* describes the tendency of the immoral (or straightforwardly stupid) reader of Jacobin texts. Bridgetina parrots Godwinian argument without comprehension, thinking it grants her a superiority to others in terms of intelligence and absolves her from duty or gratitude, without absorbing the full implications of Godwin's writings on these matters; for Vallaton, however, the predatory and immoral reader, the effect is more serious because it results in the destruction of Julia. Julia is a victim of her own misreading; she accepts Vallaton's initial false testimony (that he is a gentleman, and disinterestedly benevolent) as truth, and once this representation is fixed in her mind, she bases all her subsequent reasonings and deductions upon it, to her ruin: "In once having permitted herself to tread the path of error, short as were the steps she had as yet taken, she found she had already lost the firm supporters of her mind; and to extricate herself she had recourse to their unworthy substitutes, art and concealment."<sup>110</sup> Hamilton portrays not the obstacles to Jacobin reform, such as custom, tradition and political institutions, but the damage inflicted by the theories themselves, at the hands of readers in whom the tendency of the work has provided fuel for their self-promotion and self-interest, where no new awareness or understanding or equality is produced but instead whose faulty education receives reinforcement, and an even more dangerous ability to evangelise for the false system.

In the case of Vallaton particularly, who best represents this double threat, the danger of misinterpretation is intensified by his ability to construct a plausible false testimony, not just once, as that which begins his influence over Julia, but repeatedly. In a brief sketch of his carefully-concealed past, the reader is presented with a criminal infant prodigy, duplicitous and adept at spinning a winning tale: "[a]t six years old he could, with wonderful adroitness, adapt his

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<sup>110</sup> Elizabeth Hamilton, *Memoirs of Modern Philosophers*. 1800. Ed. and introd. Claire Grogan (Peterborough, Ontario: Broadview Press, 2000) p. 89.

tale so as best to work upon the feelings of his auditors [...]a story he told so well, and with such apparent simplicity, that it more than once produced sixpence.”<sup>111</sup> His name, we are told, is a corruption of the endearment “the funny vagabond” by which the infant is known, and which his eventual patron rephrases as Vallaton; the nickname recalls George Walker’s anti-Jacobin novel of the previous year, *The Vagabond*, which features what Gilmartin calls the “spectacularly cruel and destructive Jacobin naïf, Frederick Fenton” as the new philosophy-infused villain, and signals to the reader to be alert to more of the same (or perhaps even worse) dangers that Fenton represented, in his (mis)application of *Political Justice*-based philosophy.<sup>112</sup> Like Walker’s protagonist, the wandering Vallaton is a manifestation of the contagion of novels; the viral metaphor discussed by Ellis is incarnated by anti-Jacobin novelists, where the threat of the virus is replaced by the danger of the vector itself, the destruction wreaked by those novel-readers as they move through society. In a subsequent fragmentary flashback we see Vallaton in Paris, taking advantage of the system of anonymous denunciation under the Revolutionary Tribunal to defraud an old man of the money he has been entrusted to deliver to him, by framing him for the guillotine. In a further anti-Jacobin twist, Vallaton uses Godwin’s doctrine of necessity as a balm for his uncharacteristically uneasy conscience:

[a]shamed of this weakness, he retired to his chamber to avoid the observation of his fellow-lodgers; he there recalled to his recollection every dogma of philosophy that was most eminently calculated to reassure his mind. What he had just done would, it was true, probably be the means of making an old man lose his head. What then? he was but the passive instrument; no more to blame than the guillotine which should behead him. His actions had, of necessity, followed their motives.<sup>113</sup>

This is an inversion of Godwin’s account from *Political Justice* of necessity, which is structured upon an understanding of motive and injustice, not an exculpation of self interest. Vallaton’s effortless misappropriation of Godwin’s terms, and his use of them to support his horrendous crime which leads to the old man’s death under the Terror in France, is shown to be as malevolent on English soil; the contagion spreads regardless. His manipulation of evidence and

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<sup>111</sup> Ibid., p. 52.

<sup>112</sup> Gilmartin, p. 153.

<sup>113</sup> Hamilton, p. 64.

testimony in relation to his seduction and abandonment of Julia result in her disgrace and destruction; a less bloody death, but no less the product of Vallaton's deliberate misinterpretation for that. The repetition of the trope of false testimony, both in revolutionary France and at home, alerts the reader to the need for careful reading of what is presented to them in the pages of other novels by less-scrupulous (Jacobin) authors lacking Hamilton's overt narration, and in the arguments of those they encounter. Hamilton's novel, Gilmartin suggests, works as a more sophisticated anti-Jacobin tale than is usual in the genre, as it presents what he calls "a saving ambiguity" in the work of the counterrevolutionary novelists who generally aim at easy satire of Jacobin personalities such as Godwin or Paine, rather than return with a generic investigation into their principles, or, "experimenting upon the novel as a narrative instrument for deflating revolutionary expectation."<sup>114</sup> Hamilton's combination of satire with investigation into testimony and interpretation inadvertently acts as an intensifier of these themes in the Jacobin novels she critiques, as by highlighting the dangers of reading within those texts, she exposes the authority of her own text to precisely that investigation, and thus may direct her audience into a different reading than that which was intended. As Gilmartin points out, "when Walker and others took up the novel as a fictional instrument for testing new philosophical speculation, they were working with contaminated instruments in a contaminated environment."<sup>115</sup>

Hamilton critiques the potential misapplication of Jacobin ideology by unreflecting or unscrupulous readers, yet the Jacobin novel itself is built upon the danger of reading and misreading. We will see in the following chapters how the Jacobin writers deal in different ways in the shared project of what Holcroft calls teaching moral political truth, and how this concern with education is predicated upon revealing the systems of mis-education that affect the novel's readership. The replacement of the narrator's authority with that of the reader is an important part of this process, but also the inherent unreliability of testimonies within the Jacobin novel is a

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<sup>114</sup> Gilmartin, p. 158.

<sup>115</sup> Ibid.

warning to the reader to judge carefully even those testimonies that seem most truthful and just. Educating the reader in the examination of evidence, in the culpability of the seemingly-innocent hero or heroine of a tale, and in the interrogation of all forms of authority, sets up a trial for Jacobin ideology. By borrowing the apparatus of the adversarial trial, overtly or otherwise, the Jacobin writers test their ideology within the novel that sets out to prosecute social and political failings, and also the failures of the act of reading. The reader is ultimately invited not merely to question the workings of fiction, in the sense that the law and politics and justice and rights are all fictions, but to include within that questioning the fictions of reform that offer a solution to flaws within the penal system as well as the current state of society: Jacobin reform itself. The ideology of gradual social reform through education, reason, and independence from authority is exposed to enquiry as thoroughly as the protagonists' testimonies are. In order to alter and amend the fictions of law, the Jacobins produce a narrative of it. The novel, they realise, provides a unique opportunity to reach a wide audience, and to include that audience in the political debate they initiate. The novel mirrors the adversarial trial in offering a space in which many voices can compete in the quest for truth. As the novels themselves document, adversarial and pre-adversarial trials could be an ineffective means to that end, but the framework is chosen and applied nonetheless. Such self-questioning is a risky decision on the part of the Jacobin novelists, but it is in keeping with the rigorous purpose of the ideology of reform, and we will now see how effectively the ideology defends itself in the ensuing trial of penal and legal reform.

## Chapter Three

### Godwin's Theatre of Calamity: Narrative, Defence and Surveillance

"I have as much conscience as another man. Because I laugh at assizes, and great wigs, and the gallows, and because I will not be frightened from an innocent action when the lawyers say me nay, does it follow that I am to have a fellow-feeling for pilferers, and rascally servants, and people that have neither justice nor principle? No; I have too much respect for the trade not to be a foe to interlopers, and people that so much the more deserve my hatred, because the world calls them by name."

"You are wrong, Larkins! You certainly ought not to employ against people that you hate, supposing your hatred to be reasonable, the instrumentality of that law which in your practice you defy. Be consistent. Either be the friend of the law, or its adversary. Depend upon it that, wherever there are laws at all, there will be laws against such people as you and me. Either therefore we all of us deserve the vengeance of the law, or the law is not the proper instrument for correcting the misdeeds of mankind. I tell you this, because I would fain have you aware that an informer or a king's evidence, a man who takes advantage of the confidence of another in order to betray him, who sells the life of his neighbour for money, or, coward-like, upon any pretence calls in the law to do that for him which he cannot or dares not do for himself, is the vilest of rascals."<sup>1</sup>

#### The Instrument of Law

Legal language and scenes of trial pervade *Caleb Williams*. It is the contention of this chapter that the novel is itself a trial, but a trial not only of a legal system and a government that Godwin vigorously opposed in his other writings. The novel's form also permits Godwin to interrogate the reformists', and his own, responses to that system. In chapters one and two I have described a political, philosophical, and legal context that proved both an object of debate for and an instrument against Jacobin novelists. It was precisely this context that moulded the production of Godwin's most significant public intervention in the debate: his novel, *Caleb Williams*. The instrumentality of the law is the key to *Caleb Williams*. Its utter lack of fitness as a corrective for the misdeeds of mankind, and the necessity instead for exerting private judgement, is the principle which the novel is devoted to examining and demonstrating. In *Caleb Williams* Godwin absorbs the terminology of reform and constructs a representation of these concepts in action, using the discussions of observation, confinement, solitude, remorse and rehabilitation as a means of investigation into state authority and control. Caleb's experience of life as "a theatre of

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<sup>1</sup>Godwin, *Caleb Williams*, p. 231.

calamity” is the result of the performance of authority, the enactment of these new measures for reform that offered such hope for a more equal administration of justice in the 1770s and 1780s.<sup>2</sup> The most dangerous of the intended reforms embodied in the novel is observation, stemming from Godwin’s intense opposition to the invasion of privacy privileged by Bentham’s theories: “We have a tyrant perpetually controlling us with his lash, with this additional horror, that he is acquainted with all our most secret motions, and sits like Jeremy Bentham, perched on top of his Panopticon, to spy into our weaknesses.”<sup>3</sup> The terms of surveillance and of legal language both define the novel, in legal and supra-legal contexts. Godwin shows how the reformist aims for this concept are inverted when put into practice, and how imprisonment and trial operate as instruments for the further tyranny and oppression of mankind, the means by which “the spirit and character of the government intrudes itself into every rank of society.”<sup>4</sup> *Caleb Williams*, which I have suggested in my introduction is the paradigm of the Jacobin novel, is based upon a sequence of trial scenes which address the use of evidence and testimony, and the various means by which these are prosecuted and defended. Legal discourse seeps into everyday encounters as in the exchange quoted at the beginning of this chapter, but this language itself is drawn from the reform debate that we saw in chapter one.

The plot of *Caleb Williams* is easy to describe, but difficult to produce a conclusive reading of, so unreliable is Caleb’s testimony and ever-changing his perspective. Caleb is the servant of Falkland, a country squire. Falkland’s behaviour hints at a mystery, which inflames Caleb’s lively spirit of curiosity, and the knowledge at first suspected and eventually confirmed as truth renders each man’s presence “a plague to the other.”<sup>5</sup> Falkland, whose story is told in an extended flashback by his steward Collins, has murdered the despotic Tyrell and by successfully framing Tyrell’s tenant Hawkins for the crime, becomes a despot himself. Caleb discovers the

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<sup>2</sup>Godwin, *Caleb Williams*, p.5.

<sup>3</sup>Unpublished paper attacking Providential authority by Godwin, quoted by Hindle, p. xxxii.

<sup>4</sup>Godwin, *Caleb Williams*, p. 3.

<sup>5</sup>Ibid., p. 128.

truth and makes an eternal enemy of Falkland, and so begins the cycle of persecution, flight and surveillance that comprises the majority of the novel. The novel as a whole functions as one of Alexander Welsh's "strong representations," one in which "the representation purports to be true" in the narratives supplied by Caleb, Collins, and Falkland, but it is a representation of truth that ultimately casts doubt upon the existence of truth itself, at least in relation to those truths produced by investigation within the legal sphere.<sup>6</sup> The apparent truths evinced by alternative systems of justice, however, are shown to be equally relative. In Godwin's account, law is not merely "not the proper instrument for correcting the misdeeds of mankind" but is shown to be an active weapon in the hands of the powerful, who perpetuate the misery already endured by those beneath them. Yet those who wield legal power are themselves enslaved by it; all those involved in a despotic system are enmeshed in tyranny. Falkland's astonishing powers of surveillance and control do not preserve his freedom, and Caleb's three attempts at securing justice, by sincere conversation with Falkland, by taking legal action against him, and by writing his memoirs to clear his name, all fail, because by the end of the novel Godwin's critique of law and punishment has destroyed not only Caleb's faith in legal redress, but in the very concept of justice. It is no longer a question of being "the friend of the law, or its adversary" but the question of beginning the search for a new philosophy of order and reform which may enable justice to be served. The novel presents us with the careful exposition and testing of ideas of Jacobin reform: truth is discovered by conversation and discussion; sincere speech has an inherent power; virtue is based in the exercise of private judgement. It also aims to demonstrate how political institutions perpetuate inequality and poverty, how error and vice are caused by environment and social inequality, how authority based on coercion rather than rational assent is tyrannical and corrosive. The principles of *Political Justice* are set in motion in *Caleb Williams* and the novel form acts as a type of prosecution of the wrongs of society, but also, as I have suggested in the previous chapters, of those ideas offered as solutions for its reform.

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<sup>6</sup>Welsh, p. 8.

Yet by adopting the trial format for a critique of the legal system, and attempting to prosecute society and defend Jacobin principles by positioning the reader as juror, Godwin runs a risk by making his case using the flawed form of the legal trial as a basis for his own critique, a similar action to those writers who uses the “contaminated instrument” of the novel genre to critique the novel, as discussed in chapter two. From faulty instruments results a faulty narrative. The trial scenes that are represented in the novel are not conducive to the production or discovery of truth. The innocent are punished, the prejudice of society blinds the court. Viewed in this manner, the failure of reform in the novel signified by the threefold defeat of justice may be less a problem of faulty radical idealism than a matter of using the wrong instrument, the wrong type of fiction by which to attack the fictions of law, authority and despotism. As with Holcroft’s encounter with the fiction of law in the previous chapter, systems work from within to promote and define themselves, so using a framework of legal fiction in a reform-based literary fiction may have the defeat of that reform already built in. But the problems attached to use of legal language and the trial framework are not restricted to the Jacobin novel’s appropriation of them. They are manifest in the legal system itself and bespeak a wider instability of authority in relation to prosecution and defence.

### **Framing Devices: The Search for a Trial Narrative**

Law and language occupy similarly contentious positions in the reform debates of the 1780s and 1790s, and legal reform is itself a problem of language, revolving around similar points of crisis of meaning to those that dominated the language debates in which John Thelwall and John Horne Tooke, amongst others, participated. The desire for a reformed, transparent system of language is the same desire that propels the movement for parliamentary and legal reform. Yet even as the need for reform is debated and contested, the fallacy of the existence of transparent and authoritative language is mirrored by the same fallacy of its existence in law. The liberal attorney Thomas Erskine represented the members of the London Corresponding Society and



of the Society for Constitutional Information accused of treason in 1794, as he had done (unsuccessfully) for Paine in his libel case the previous year. John Barrell explains that he, whose task it was to demolish the charge of imaginative treason constructed by the state for the show trials as part of Pitt's terror, relied upon a belief in the transparency of law and language that did not really exist:

for all Erskine's acknowledgement that any statute must be interpreted, he still indulges the Benthamite fantasy that the language of legislation is, or could be, a perfectly unambiguous and transparent language. On the one hand, the language of the statute of treasons is unambiguous because it is written, and therefore unalterable, while the judge-made common law is spoken, and survives only in the imprecisely remembered reports of oral pronouncements of judges. On the other hand, it 'is ever *present* to *speak* for itself: it has all the unambiguous authority which accrues to what is spoken in the present, as against the musty judgements of common law, which though once delivered orally, are now able only to be read, and survive in the form of words that occasion dictated, not in a codified form approved by sovereign power. By this two-way and contradictory binary, statute law has all the authority of writing and all the authority of speech, and the Common Law has no authority at all.<sup>7</sup>

The necessity to produce a defence against a charge of constructive treason forces Erskine into a position that threatens to destabilise the system he participates in. The charge of high treason had been developed from the commentaries on the original statute and the Common Law proceedings that followed it, rather than from the actual statute on treason itself.<sup>8</sup> By attesting to the transparency of the wording of the statute, Erskine implicitly contests the authority of Common Law, and so divides the system of law against itself: "[t]he task of defending Hardy, Tooke and Thelwall was a task which involved mounting a defence of statute law against a Common Law tradition which represented statutes as an inferior, clumsy kind of law."<sup>9</sup> The usual practice of interpretation of statute law and Common Law in order to prosecute or defend here becomes an investigation into the validity of interpretation itself, the very process of reading on which the legal system depends.

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<sup>7</sup>Barrell (1992) p.130.

<sup>8</sup>Ibid. p. 125.

<sup>9</sup>Ibid. p. 130.

In her recent study on language use and linguistic reform, Susan Manly investigates considerations of language, custom and law in the writings of 1790s radicals and conservatives, Tooke, Thelwall and Godwin, amongst them, and describes the Lockean tradition that informs them. Fascinatingly, the phrase “things as they are,” so important for the Jacobins, is traced to Locke.<sup>10</sup> Locke’s philosophy and writings on government combine “the arguments for popular sovereignty with arguments for the value of common creativity, public discussion and common language,” and present common speech and language-use, as understood, analysed and developed by these writers, as valid, clear and truthful in comparison to the language of political oppression and aristocratic rule.<sup>11</sup> During the 1790s debates on language, power and control, Tooke fully adhered to the Lockean belief that a government’s legitimacy “is derived from mass consent (the force behind law-making) rather than from abstract, unfounded claims to absolute power.”<sup>12</sup> In his work, *Epea Pteroenta, or, The Diversions of Purley*, Tooke attempts to dismantle the language of power, returning language to the “vulgar” and thus approaching egalitarian politics. He regards communication as the main purpose of language, to overcome the obscure legal jargon that entraps people, which most seriously in the 1790s’ liberty debates leads to seeming treason by (mis)interpretation of their words. That defence counsel had first been made available to those accused of treason, since the legislation of representation in 1696, is significant, as it suggests an awareness of this problem of legal language and unwitting self-implication when speaking in self-defence; representation reduces this risk. Yet by the 1790s the charge of treason can be conjured on the most unlikely grounds, that of the imagination; this piece of audacity on the part of the state as prosecutor must be equally matched by the defence.

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<sup>10</sup>Locke uses the phrase in his *Essay Concerning Human Understanding*. “if we would speak of Things as they are, we must allow, that all the Art of Rhetorick, besides Order and Clearness, all the artificial and figurative application of Words of Eloquence hath invented, are for nothing else but to insinuate wrong *Ideas*, move the Passions, and thereby mislead the Judgement; and so indeed are perfect cheat.” Quoted by Susan Manly from the edition edited by Peter H. Nidditch (Oxford: Oxford University Press, 1975), vol.3.10, p. 508. Manly, *Language, Custom and Nation in the 1790s: Locke, Tooke, Wordsworth, Edgeworth* (Aldershot: Ashgate, 2007) pp. 134-5.

<sup>11</sup>Ibid., p. 187.

<sup>12</sup>Ibid., p. 11.

For Godwin, writing in *The Enquirer*, dedication to a simplicity and clarity of language is paramount for all writers who wish for social progression and reform. Clarity of language is indivisibly linked to clarity of thought, and the critical awareness necessary for the overhauling of public institutions mired in tradition and class inequality is a direct consequence of the careful attention to language. Parliamentary oratory is the best example of the language of an institution representing its own obfuscatory and unreformed state; Godwin, by contrast, singles out newspapers and pamphlets for praise, as their “clearness, propriety, and compression,” as well as their purpose as vehicles of enquiry, render them suitable, in form and content, for the purpose of investigation and improving understanding.<sup>13</sup> For Godwin, reformed style and manner of writing are inseparable from writing about reform, and a criticism of language may in turn lead to a reform of that which the language itself has been used to construct. In his *Cursory Strictures on the Charge Delivered by Lord Chief Justice James Eyre to the Grand Jury*, the first of which was published in the *Morning Chronicle* on 21<sup>st</sup> October 1794 and subsequently reprinted as a pamphlet, Godwin systematically worked through each of the nine indictments that composed the charge read by Eyre. In his interpretation of the treason charge, Godwin produced a contestation of it which has been taken to closely resemble that defence which Erskine successfully used in court to secure the acquittal of the twelve by the end of the year.<sup>14</sup> By demonstrating that the charge of constructive treason was based upon a series of speculations and possibilities offered by Eyre to the grand jury, Godwin used the fiction of law against itself by dismantling the charge with the terms of its own grounds: possibility, impossibility, interpretation and ambiguity. The difficulty faced by the prosecution in shaping a narrative by which the charge can be laid is overcome by Godwin’s counter-narrative of the falsity of the prosecution’s account. However, John Barrell’s exhaustive study of the minute and obscure details of the treason trials, the statutes and the arguments for defence and prosecution between 1793 and 1796 at the height of their use to quell radical activity, produces a very different reading

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<sup>13</sup>William Godwin, “Of English Style.” *The Enquirer. Political and Philosophical Writings of William Godwin* vol. 5, p. 241.

<sup>14</sup>Philp, pp. 117-19.

of Godwin's success. Godwin's apparently devastating critique, heralded by Tooke as an effective dismissal of the charge, is in fact a confusing and fictitious polemic, more obfuscatory than even the notoriously opaque charge itself, which was grounded in a legal interpretation (admittedly very tenuous, but legitimate nonetheless) that Godwin in his ignorance of legal minutiae could not appreciate; he could offer an outraged response, but not a legal counterargument. Had Erskine actually followed Godwin's argument as laid out in the *Strictures*, and offered Godwin's reading of the treason statutes in place of his own professional understanding, the defence would have failed.<sup>15</sup>

Where Godwin's *Cursory Strictures* do succeed, Barrell demonstrates, is on polemical grounds of emotional appeal, swaying public opinion and exciting public opprobrium, as well as ensuring a welter of further response to the published *Charge to the Grand Jury*, thereby making the treason trials part of the circulatory print system as well as the legal one. But Godwin's critique may have served a more definite purpose in his contestation of narrative and fiction in the terms of the charge: "[i]f the *Strictures* was influential on Erskine's tactics in the trials, it was by the attack it launched on Eyre's conjectures on how a political society *might* 'degenerate' into treason [...] Godwin repeatedly suggested that all the imagining was being done by Eyre."<sup>16</sup> The charge of imagining the king's death was to be proved not by evidence of an actual conspiracy but a "constructive imagination" of the crime, "intended to be supported by evidence of an intention to depose him."<sup>17</sup> The first decision to be taken, however, was that of the grand jury's to either accept or refuse the charge; the authority to proceed with prosecution came from their acceptance of the charge, but this was guided by Eyre's presentation of the case to them. At the close of the charge the grand jury "thanked Eyre for his 'very excellent charge' and requested

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<sup>15</sup>John Barrell, *Imagining the King's Death: Figurative Treason, Fantasies of Regicide 1793-1796* (Oxford: Oxford University Press, 2000) pp. 302-06.

<sup>16</sup>Ibid., p. 306.

<sup>17</sup>Ibid., p. 286.

him to publish it; Eyre thanked them for this ‘great honour’ and agreed to do so.”<sup>18</sup> The grounds for the charge are therefore not presented, but *represented*, a representation that purports to be true, but one which is not accompanied by an alternative to it or a contested view of it. What Eyre had to achieve by his representation of the charge, Barrell writes, is to invite the jury “to ‘imagine’ how the activities of the societies *might* have become treasonable” but by this act of imagination Eyre himself “is imagining, in the weak sense, the king’s death, and inviting the Grand Jury to imagine it too – and to pass off their own fantasy of the king’s death as a regicidal intention conceived by the prisoners.”<sup>19</sup> In this act of imagination, Eyre is not appealing to the jury’s reason or inviting them to exercise their private judgement, as the Jacobin principle favours, but to adopt a set of legal fictions as truth. Before he can proceed with the trials, Eyre must first substitute the actual intention of the accused with his account of it, and have it authorised by the jury’s acceptance of it.

Trial transcripts were a popular print publication in the 1790s, and their presence further complicates the network of contesting authorities surrounding truth, intention and justice. Published trial transcripts may be said to have worked in a similar way to the active readership required by the Jacobin novel, vesting authority in the reader, not the system of trial or judgement itself. Keen has written the following of the reception of trial transcripts as literary texts:

The fluidity with which the trial’s audience spilled out beyond the space of the courtroom into the street reflected the way that the trials, as authoritative judgements on the nature of literature, were themselves recuperated as literary texts which invited readers to play the role of juries, deciding, within the sphere of the literary republic, on

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<sup>18</sup>Ibid., p. 288. Eyre delivered his charge on the 2<sup>nd</sup> of October, which was published by several newspapers. It was later published in pamphlet form by Daniel Isaac Eaton, who also republished Godwin’s *Cursory Strictures* after its first appearance in the *Morning Chronicle* on the 21<sup>st</sup> of October. Eaton published the subsequent *Answer to Cursory Strictures*, attributed to Sir Francis Buller, King’s Bench, after its initial publication in the *Times* on the 25<sup>th</sup> of October, and finally, when the *Morning Chronicle* refused Godwin’s *A Reply to an Answer to Cursory Strictures*, Eaton printed this too. Philp, introductory note to *The Charge Delivered by the Right Honourable Sir James Eyre [...] to Enquire of Certain High Treasons*, reprinted with *Cursory Strictures on the Charge Delivered by Lord Chief Justice Eyre to the Grand Jury, Answer to Cursory Strictures* and *A Reply to an Answer to Cursory Strictures*, in *The Political and Philosophical Writings of William Godwin*. Vol. 2, pp. 63-121, p. 65-66. After two unsuccessful prosecution attempts in 1793, Eaton was brought to trial in February 1794 on a charge of seditious libel, but was acquitted. Barrell and Mee, *Trials for Treason and Sedition, 1792-1794*, introduction, pp. xxi-xxx.

<sup>19</sup>Barrell (2000) p. 297.

the merits of what had transpired within the public space of the courtroom. The bottom line of public debate, these trials seemed to indicate, was the law. But publication of the trials, and the debates which inevitably surrounded them, suggested that the law itself, as fully as it ought to be respected, was none the less subject to the long-term influence of what Mary Favret has described as ‘a higher law, an ideology of the public will.’<sup>20</sup>

I suggest that what Keen, following Favret, denotes as a greater, public authority than that of Eyre or the court, can be usefully connected back to the Jacobin idea of private judgement, of the individual reader within that public mass who is granted the ultimate authority of interpretation, but who equally finds him or herself in the midst of wavering, even desperate accounts, which claim to need no interpretation, merely acceptance. The writer as well as the reader in the 1790s is becoming mired not only in contested narratives and disputed authorities but in a failing system of language. Miriam Wallace has pointed out the paradoxical argument that Godwin and Holcroft advanced in their writings on the treason trials:

The project of Godwin’s and Holcroft’s fiction, to reach a larger audience by means of an affective and popular genre, and to induce those readers to expand their reading matter to include history, biography and political philosophy, was at odds with Godwin’s argument in ‘Cursory strictures’ that ‘truth’ was endangered by the emotive and figurative language of the Chief Justice’s version of the law.<sup>21</sup>

The problem which Wallace identifies does not cancel out the work of the Jacobin novel, but it does suggest a vulnerability of the form to an attack on the grounds of its construction, and even inadvertently by the writers themselves. The problem, however, is less a matter of the destabilisation of truth by Eyre’s emotional and figurative language (and thereby, Wallace suggests, compromising the novels which are constructed on similar lines) than the status of Godwin’s *Cursory Strictures* as emotional, outraged critiques of misapplied fiction, which is defined in turn by the misapplication of fiction that it attacks, as Barrell has shown. In other words, it is not a question of truth versus emotion, but of a contest of fictions. The true difficulty for Godwin and Holcroft here, as for Eyre himself, is that the systems of fiction available to them are inadequate. The legal framework within which Eyre is working, and which Godwin and

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<sup>20</sup>Keen, pp. 69-70.

<sup>21</sup>Wallace, p. 209.

Holcroft appropriate for their novels, is itself the paradox. It is a self-governing fiction that assumes complete authority even as it offers that authority up for debate. It insists upon examining contesting evidence and testimony within a binary opposition of guilt and innocence, rather than allowing for a new truth to be struck out by the collision. It exists as a written law and an unwritten rule of practice, forcing the interpretation of it to be simultaneously defined by both systems. For Godwin to try and match this fiction with his own similar fiction is to make the mistake of using contaminated instruments. In contrast to Wallace's criticism, I suggest that this use of fiction does not undermine the project of the Jacobin novel, with its interest in reason and emotion, contestation of testimony, and refusal to operate as judge in place of the reader's authority. Guiding a reader in the production of private judgement is not the same work as an emotional polemic, nor should the workings of one be applied to or used to define the other. The real trouble lies in the appropriation of the legal format, which as we will see in relation to *Caleb Williams*, cannot produce truth or meaning regardless of who employs it.

The difficulty of finding a suitable framework for a reformist narrative is matched by the difficulties faced by those who wish to prosecute. As Barrell has recounted, the sedition trials in Edinburgh earlier in 1794 were dogged by the same problem that faced the London prosecutors: the construction of a narrative upon which to hang a charge for sedition or treason was a problem for them both.<sup>22</sup> In his detailed examination of the arguments that were used in the September trials in Edinburgh as well as the London trials from October onwards, Barrell puts forward a persuasive case relating to the charges:

if at the beginning of the year the law officers in England and Scotland were already in search of these arguments they had not yet discovered them [...] The arguments first emerged in September, in Edinburgh; and it may have been only when they were used in Scotland, and sanctioned by a Scottish judge, that the decision was finally made to prosecute the London radicals for high treason.<sup>23</sup>

The sedition and treason trials themselves are dependent upon the production of an argument or, as it may be described, the construction of a narrative. As Barrell, with Jon Mee, has

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<sup>22</sup>Barrell (2000), p. 130.

<sup>23</sup>Ibid.

recounted elsewhere, the rapid reinterpretations of the sedition and treason laws in the early 1790s in Scotland and England meant that the definition of the crime itself kept changing. If the Crown wished to prosecute for treason, then the law would have to be interpreted in such a way as to support that prosecution: “the law officers were faced with the problem of arguing that what it had been no more than sedition to do late in 1793, it was now high treason merely to plan to do in 1794.”<sup>24</sup> Government pressure to take action against the radical movement forced the law officers, Eyre amongst them, “to invent some novel legal arguments.”<sup>25</sup>

The most famous of the Edinburgh accused was Joseph Gerrald, a member of both the LCS and SCI, and the author of a 1793 pamphlet *A Convention the Only Means of Saving us from Ruin*. He was arrested, with six others, on a charge of sedition after the British Convention was held in Edinburgh in the autumn of 1793 to discuss parliamentary reform.<sup>26</sup> The appearance of Godwin’s *Caleb Williams* in May of 1794 could not have been more timely, nor, in its focus upon accusation and trial, could it be a more accurate anticipation of the London treason trials. Godwin’s awareness of the events in Edinburgh feeds directly into his representation of things as they are in England; the atmosphere of spying and accusation and the credence given to testimony by household spies in the trial of Thomas Muir in Edinburgh in 1793 may be equally applied to England – and so it proves. *Caleb Williams* was begun in March 1793, a year that saw the outbreak of the Reign of Terror in France in July, the sentencing to transportation of Thomas Muir and Thomas Palmer for treason and sedition in Edinburgh in September, and the arrest in the same city in December of Godwin’s friend Gerrald for membership of illegal societies. Caleb acts as a spy upon his master, and trials become a standard feature of Jacobin fiction from 1794 onwards; if the prosecution had difficulty in finding a narrative for their case, the prosecution format was readily adopted by the Jacobins as a way of prosecuting the law itself, and the opportunity to expound radical ideology at the beginning of what was to become a

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<sup>24</sup> Barrell and Mee, *Trials for Treason and Sedition, 1792-1794*, introduction p. xxix.

<sup>25</sup> Ibid.

<sup>26</sup> Barrell (2000) pp. 150-57.



dizzying cycle of trials in Scotland and England was eagerly seized by Godwin. As Hindle has pointed out, the language of Godwin's letter to the imprisoned Gerrald dated the 23<sup>rd</sup> of January 1794 reads like a passage from *Caleb Williams*; the form and language of legal narrative and fictional narrative become so tightly enmeshed in this year that a separation is impossible.<sup>27</sup> Yet Gerrald's real-life defence (or the prosecution of the state as enacted by his defence) ended in disaster. Represented by both a defence counsel and his own long speech, Gerrald was found guilty of sedition and sentenced to fourteen years' transportation, and died in New South Wales in 1796. Hindle suggests that one of the reasons for the alteration of the novel's ending in April 1794 may have been Gerrald's sentencing the previous month, thus proving too bitterly the failure of Godwin's language of sincerity, which he urged Gerrald to adopt yet which had ended in absolute failure in the original ending of the novel.<sup>28</sup> The revised ending offers scant possibility to the programme of reform, however, and what triumphs does not seem to be sincerity, but finally an excess of Falkland's remorse, rather than the sincerity of Caleb's defence.

It is impossible for Caleb to defend himself in the atmosphere of feudalism, obligation, hierarchy and the proper order of things that define the legal system as he encounters it, as to do so must inevitably engage the unfavourable prejudices of his auditors, the landed gentlemen and justices of the peace, that are at once the supporters of his enemy and the means by which he is meant to achieve justice against that enemy. The legal system is part of the wider system of society that condemns him. The strong representation offered by *Caleb Williams* is one which demonstrates the inefficacy of all the forms of representation available to the unjustly accused. Yet what *Caleb Williams* also shows, in Caleb's struggle firstly to structure his defence and then find a means of representing it, is that contact with the very system of representation condemned by the novel contaminates the once-innocent and wrongly-accused individual in question. The despotic nature of society, in Godwin's portrayal of it, destroys everyone. Caleb's defence become impossible not only because of the faults of the systems ranged against him, but because

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<sup>27</sup>Hindle, p. 355.

<sup>28</sup>Ibid., p. xxxvii.

he is no longer innocent. Sincerity has failed, and Caleb has in turn become an instrument of accusation and condemnation and his failure damns us all to the punitive system already in existence, seemingly unmoveable and irreplaceable by any other system. Telling his story and hoping for the best is what Caleb does in the end, and ultimately the “best” is realised: Caleb is exonerated of legal wrong-doing and his reputation is publicly cleared. But as is also clear to the reader in the concluding pages of the novel, wrong-doing, reputation, and exoneration exist on various levels apart from the one of legality. Justice is not a simple matter of a legal pronouncement. And the consequences of story-telling are always unpredictable, bound up as they are with both reason and emotion. The presentation of the narrative, at which Thomas Erskine excelled so famously in the London treason trials of 1794, was a professional one; while he was renowned for his “dramatic and emotionally compelling courtroom style,” Erskine’s was a professional representation, not a personal testimony.<sup>29</sup> Caleb’s defence is vulnerable to his own changing perspective on Falkland’s character. Endlessly alternating between a desire to preserve Falkland, and a determination to accuse him, Caleb announces his intention to finally “unfold a tale” that will put a permanent end to his trials: “I will tell a tale - ! The justice of the country shall hear me!” and he begins his final legal action against Falkland.<sup>30</sup> Yet one more change of heart remains, in the last trial scene:

I came hither to curse, but I remain to bless. I came to accuse, but I am compelled to applaud. I proclaim to all the world that Mr Falkland is a man worthy of affection and kindness, and that I am myself the basest and most odious of mankind! Never will I forgive myself the iniquity of this day. The memory will always haunt me, and embitter every hour of my existence. In thus acting I have been a murderer – a cool, deliberate, unfeeling murderer. – I have said what my accursed precipitation has obliged me to say. Do with me as you please! I ask no favour. Death would be a kindness, compared to what I feel!<sup>31</sup>

In such circumstances, the introduction of defence counsel cannot come quickly enough, as only a professional representation like Erskine’s seems to offer a solution to Caleb’s vulnerability as

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<sup>29</sup>Wallace, p. 208.

<sup>30</sup>Godwin, *Caleb Williams*, p. 325.

<sup>31</sup>*Ibid.*, p. 334.

his own defence counsel. In this classic form of the “accused speaks” trial that Langbein has discussed, Caleb speaks in his own defence only to implicate himself. Falkland responds to Caleb’s self-accusation, swoons in his arms, confesses and thus clears Caleb from any charge of wrong-doing; Caleb lives on, “the devoted victim of conscious reproach,” haunted not only by the memory of his final confrontation with Falkland, but by the figure of Falkland himself.<sup>32</sup> Instead of justice, the eventual redress attained at law has produced a new scourge, as Caleb’s final testimony produces the perpetual shadow of his guilt in Falkland’s haunting presence, and the destruction of the last remnant of his own innocence at law.

Yet the actual testimony which may be said to shadow Caleb’s is the one belonging to Joseph Gerrald. He unfolded a Jacobin tale in Edinburgh during the final months of Godwin’s work upon *Caleb Williams*, advocated by Godwin himself. The letter of January 1794 exudes idealism, encouragement and an eager awareness of the court room as stage and theatre: “I cannot recollect the situation in which you are in a few days to be placed without emotions of respect, and I had almost said of envy. For myself I will never adopt any conduct for the express purpose of being put upon my trial, but if I ever be so put, I will consider that day as a day of triumph.”<sup>33</sup> Gerrald’s trial, Godwin continues, offers an extraordinary opportunity to convert “thousands, and, progressively, millions, to the cause of reason and public justice.”<sup>34</sup> He writes of the “penetrable stuff” of which the jurors, as men, are made, and encouraging the means by which Caleb and Falkland destroy each other, tells Gerrald to: “probe all the recesses of their souls.”<sup>35</sup> He urges Gerrald to address the jury with the following speech:

I know [...] that you are packed, that you are picked and culled from all the land by the persons who have at present the direction of public affairs, as men upon whom they can depend; but I do not fear the event; I do not believe you will be slaves. I do not believe that you will be inaccessible to considerations irresistible in argument, and which speak to all the genuine feelings of the human heart. I have been told that there are men upon whom truth, truth fully and adequately stated, will make no impression. It is a vile and

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<sup>32</sup>Ibid., p. 336.

<sup>33</sup>Hindle, p. 354.

<sup>34</sup>Ibid., p. 356.

<sup>35</sup>Ibid.

groundless calumny upon the character of the human mind. 'This is my theory, and now I come before *you* for the practice.'<sup>36</sup>

Godwin's theory failed. Its practice was disastrous, the inadequacies of Gerrald's trial notwithstanding (the jury was packed with his counter-revolutionary opponents, those slaves of public prejudice), because his idealism does not take full account of the strength of that prejudice, of the unwillingness to attend to truth when it runs contrary to what is expected. It is almost impossible to read Godwin's representation of sincerity in action in his fiction, without recalling the result of the real-life practice of unfolding a tale. We know that Godwin left his manuscript untouched from January to April 1794, then completed the third volume by the 8<sup>th</sup> of May.<sup>37</sup> Gerrald had been sentenced to transportation on the 10<sup>th</sup> of March. His sincere testimony was unsuccessful, and Godwin's representation of one in the revised ending is deeply compromised in its uneasy location between different systems of education and conceptions of justice. All systems investigated in *Caleb Williams* end in destruction; even the principle of enquiry, fuelled by curiosity, collapses inwards. Although Caleb's testimony is eventually corroborated by Falkland and a sort of justice is served, it is a bitter justice that provides neither hope nor consolation for Falkland or Caleb, nor resolution for the reader either.

As Michael Scrivener has discussed, in the only two instances of the revelation of truth within the many trial scenes in the novel, the truth in both cases is discovered accidentally.<sup>38</sup> In the first, a murder trial attended by Falkland as presiding magistrate and with Caleb on anxious watch, is where Caleb divines Falkland's secret guilt as the true murderer of Tyrrel. Scrivener compares this scene to the play-within-a-play in *Hamlet*, functioning as a metaphor for confession but "legally all that is disclosed is Falkland's emotional involvement in the case, not

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<sup>36</sup>Ibid.

<sup>37</sup>Godwin, account of the composition of *Caleb Williams* from preface to 1832 Standard Novels edition of *Fleetwood*, reprinted by Hindle, p. 353.

<sup>38</sup>Michael Scrivener, "Trials in Romantic-Era Writing: Modernity, Guilt, and the Scene of Justice." *The Wordsworth Circle* 35.3 (2004) pp. 128-133, p. 131.

any specific culpability.”<sup>39</sup> In this case Caleb’s reading of the evidence is an accurate one; Falkland is guilty of the murder, and his behaviour provides an eloquent testimony: “he newstrung his nerves to stubborn patience. I could see, while his muscles preserved an inflexible steadiness, tears of anguish roll down his cheeks.”<sup>40</sup> Caleb’s observation of Falkland anticipates the subsequent horror of perpetual surveillance; his watch upon Falkland is tireless, and here seems able to penetrate his very body. As Scrivener remarks however, “the empiricism governing the rules of evidence and informing the rational reform of law is foreign to Caleb’s intuitive method of reading Falkland’s face, body, tone, and overall emotional being.”<sup>41</sup> Godwin’s critique of Bentham’s fictions replaces the external, omnipotent eye with something a good deal more terrifying and invasive: Caleb produces a reading of Falkland’s soul, but it is not a reading that leads to resolution or justice. It begins the cycle of persecution and degradation that Falkland inflicts upon Caleb as punishment for his knowledge. In the second discovery of truth, the final confrontation, Falkland’s confession is only publicly produced after Caleb’s self-recrimination; the cycle of surveillance and persecution is brought to an end not by Falkland’s actual confession but by the mutual acknowledgement of guilt and responsibility. In this there is no justice, merely an end to the most aggravating forms of persecution, but the actual trial continues, as Caleb lives on with his ghosts. The borrowed apparatus of legal trial is shown in *Caleb Williams* to be an unproductive method for striking out universal truth. Instead, the truth it uncovers inadvertently perpetuates the misery inflicted by the existing systems of authority, and leaves the reader with a critique of those systems that the Jacobin reforms cannot resolve.

### **“We Have No Bastille!”<sup>42</sup> Prison Reform and Solitary Confinement**

Godwin’s theories of reform, unlike those of Howard, Bentham and Beccaria, are less concerned with the reordering of the physical structure of prisons and the workings of the penal system

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<sup>39</sup>Ibid.

<sup>40</sup>Godwin, *Caleb Williams*, p. 135.

<sup>41</sup>Scrivener, p. 131.

<sup>42</sup>Godwin, *Caleb Williams*, p. 188.

than with the abolition of the legal and penal systems altogether. Book two of *An Enquiry concerning Political Justice* contains an outline of Godwin's theory of duty. He writes: "[d]uty is the treatment I am bound to bestow upon others; right is the treatment I am entitled to expect from them."<sup>43</sup> This theory supersedes all artificial modes of law and order and instead relies upon the natural character of man to support a general moral duty to others. In a perfected future state, duty will replace existing judicial systems: "[w]e are all of us endowed with reason, able to compare, to judge and to infer. The improvement therefore which is to be desired for one is to be desired for another. We shall be provident for ourselves, and useful to each other in proportion as we rise above the sphere of prejudice."<sup>44</sup> The capacity for individual judgement will render judge and jury obsolete, and the unfair legal system that enforces imprisonment, trial and punishment will be defeated by the triumph of reason and the complete enlightenment of each individual's behaviour, each working in disinterested benevolence for the happiness of all society, which constitutes true virtue.

Godwin's theories are often singular, but he is nevertheless fully involved in the contemporary debate on prison reform. In book seven of volume two of *Political Justice*, "Of Crimes and Punishments," the pro-reform arguments are strongly influenced by the writings of Cesare Beccaria. He fully supports Beccaria's enlightened condemnation of states that rely upon terror to control their populations, and agrees that for such a country to further its "refinements in barbarity"<sup>45</sup> is evidence of a government in crisis, one which must stoop to petty despotism and barbarity in the absence of any real understanding of its citizens, of concern for their welfare, or interest in their improvement. He follows Beccaria, whom he describes as "humane and benevolent,"<sup>46</sup> in his argument for the necessity of enquiry into the motivations and intentions of criminals, as only this type of investigation will focus attention upon the individual who has broken the law and the circumstances of his error. The usual impulse on the part of the

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<sup>43</sup>Godwin, *Political Justice*, p. 63.

<sup>44</sup>Ibid., p. 83.

<sup>45</sup>Ibid., p. 380.

<sup>46</sup>Ibid., p. 383.

state is to inflict an often arbitrary punishment, and in so doing, the penal code reduces the variety of motivation, compulsion and circumstance into a neatly-graded set of crimes, each accompanied by a punishment deemed suitable ever before a trial is held, and worse, indulges the habit of making an example out of one criminal's punishment as an example to the rest.

Yet Godwin's investigation into the legal system goes much farther than Beccaria's pleas for compassion, wisdom and fairness before the courts. Beccaria favours the careful calibration of punishment as befits the crime, enforced by a state committed to justice rather than terror and brutality. Godwin proposes to throw out criminal law and punishment in its entirety, in favour of an assessment of the intention of the offender at the moment of the crime, and with it a calculation of the "future injury to be apprehended," so that the best system of reform may be put in place for the offender's welfare.<sup>47</sup> As we have seen from the discussion of *Caleb Williams* above, Godwin regards the present legal system as inimical to justice. When Forester sets himself up as judge in *Caleb Williams* in order to hear Caleb's defence in the face of Falkland's accusation of robbery, he does so with a firm belief in the efficacy of the English legal system, with its impartiality represented in his own self, a member of the propertied class who also happens to be Falkland's brother. He assures Caleb that "it is a wise principle that requires the judge to come into court uninformed of the merits of the case he is to try," and vows to do likewise, but his judgement is severely prejudiced and the process of the law is too inadequate to deal with the peculiarities of the case.<sup>48</sup> Falkland's testimony is wholly false; Caleb's is, by his own admission, incomplete and obscure, with veiled threats to Falkland and emotional appeals to his fellow-servants to rise to his defence out of solidarity. The incriminating evidence of the robbery, which so greatly influences the case, is planted by Falkland, which Caleb views with despair: "I could perceive that the fervour with which I spoke made some impression upon every one that heard me. But in a moment their eyes were turned upon the property that lay before

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<sup>47</sup>Ibid., p. 385.

<sup>48</sup>Godwin, *Caleb Williams*, p. 169.

them, and their countenances changed.”<sup>49</sup> The judgement is further compromised by Forester’s social standing and class prejudice against Caleb the servant: “Defend yourself as well as you can, but do not attack your master [...] You cannot better serve your cause than by begging pardon of your master, and doing homage to rectitude and worth, even when they are employed in vengeance against you.”<sup>50</sup>

It is a legal system of awful intent that urges its victim to embrace the system’s errors and failings; it is a system not of justice but of tyranny. The abolition of this system will obviate the need for such stagings. Circumstantial evidence will no longer be admitted or required; personal testimonies will have their validity questioned as a matter of course. As frequently dramatised in *Caleb Williams*, and thoroughly expounded in *Political Justice*, even the honest and sincere plaintiff cannot be assured of a fair and impartial hearing, such is the prejudice of his auditors, the influence wielded by higher ranks, the general bias of the law against the offender in the case which regards him always as a villain but never as a potential victim of the political institutions, and the ruinous effects upon reason of punishment subsequent (and often, prior) to sentencing.

For Godwin, punishment cannot improve man’s condition, and therefore must be abandoned, as a system that only brutalises men further and renders them unfit members of society must not be allowed to continue: “Punishment...cannot improve his sentiments, or lead him to the form of right proceeding but by the basest and most despicable of motives. It leaves him a slave, devoted to an exclusive self-interest, and actuated by fear, the meanest of the selfish passions.”<sup>51</sup> Punishment is as inimical to reformation as the legal code is. Political systems must be founded upon reason and duty. Punishment can have nothing to do with an enlightened system of rule; society must bear the responsibility for the care and education of each individual, and individuals must be prepared to act, daily, for the good of society. In the execution of this duty, they must always be mindful of, as Smith phrases it, “the testimony of the supposed

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<sup>49</sup>Ibid., pp. 175-6.

<sup>50</sup>Ibid., p.179.

<sup>51</sup>Godwin, *Political Justice*, p. 401.



impartial spectator, of the great inmate of the breast.”<sup>52</sup> The disinterested individual must continually seek to ameliorate the conditions of society and of his fellow men. In *Caleb Williams*, when Tyrrel is cast out by his fellows at the Assembly, each society, in however small a grouping of it, must act against injustice and if the offender cannot be rehabilitated within that society, only then as a final measure, for the good of society and the offender himself, he shall be cast out.

Therefore, though Godwin views John Howard’s drive towards the reformation of the prisons with approval, he cannot agree with Howard’s proposal of solitary confinement as a correction to the evils of the prison system. He supports Howard’s contention that the current chaos in the prisons leads to a terrible deterioration in morals and refers to the structures as “seminaries of vice,” in a quotation from *The State of the Prisons*, but rejects the proposition of solitude as a solution to this.<sup>53</sup> Solitary confinement, according to Godwin’s anti-punishment theories, cannot effect any improvement in the condition of man as it removes him entirely from society, which is the only system that can ensure men’s reformation. It is “the bitterest torment that human ingenuity can inflict” and an act of extreme coercion.<sup>54</sup> Therefore the shunning of Tyrrel at the Assembly represents far more than a rejection by his peers. It signifies an utter dismissal of the individual by and from society. Society, especially for the illiterate classes who cannot rely on books for education, can only learn of virtue from each other, by example, instruction, and the opportunity to practise newly learned lessons of goodness and virtue: “What temptation has he to think of benevolence or justice, who has no opportunity to exercise it?”<sup>55</sup> To be cast out from society is to become a fugitive from any possibility of reform.

The more Falkland rejects the society of his friends and household, the greater his mania to preserve his reputation grows, and the worse his fits of “furious insanity” become.<sup>56</sup> He seeks

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<sup>52</sup>Smith, p. 156.

<sup>53</sup>Godwin, *Political Justice*, p. 404.

<sup>54</sup>Ibid.

<sup>55</sup> Ibid.

<sup>56</sup>Godwin, *Caleb Williams*, p. 109.

solitude with ever-increasing frequency as a vain attempt to preserve his secret and escape his consciousness of wrongdoing before society. He breaks these public absences only with sudden attacks upon Caleb in order to increase Caleb's misery and fear to prevent him from exposing Falkland's secret. All sense of obligation, society, proportion and virtue has been destroyed by solitude and its attendant seclusion from reformatory influences: "[w]ill his heart become much either softened or expanded, who breathes the atmosphere of a dungeon?"<sup>57</sup> Godwin's descriptions of the prison that Caleb is sent to, a veritable dungeon itself, could have been drawn directly from Howard's "A General View of Distress in Prisons": "prisoners crowded in close rooms, cells, and subterraneous dungeons, for fourteen or fifteen hours out of the four and twenty...In some of these caverns the floor is very damp; in others there is sometimes an inch or two of water. The straw, or bedding is laid on such floors; seldom on barrack-bedsteads."<sup>58</sup> This account exactly mirrors Caleb's experiences. Godwin shares Howard's horror at the conditions endured by prisoners, but instead of altering the space of their confinement he would abolish imprisonment altogether.

Caleb's periods of enforced solitude do not bring an Howardian reasonableness and reformation, but neither do they produce Falkland's aggravated madness. As Gregory Dart has argued, it is while imprisoned that Caleb discovers "a revolutionary spirit of resistance."<sup>59</sup> Though he has already tried to distance himself from Falkland's influence and his own great admiration and veneration for him, after an initial bitter despair the experience of imprisonment induces "a powerful revolution of mind; in a moment the last trappings of feudal deference have fallen from him, and he has resolved to defy the law and attempt his escape."<sup>60</sup> Caleb experiences an intense consciousness of his own power: "my mind, the clearness of my spirit, the firmness of my temper, are beyond his reach; is not my life equally so, if I please?"<sup>61</sup> The

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<sup>57</sup>Godwin, *Political Justice*, p. 404.

<sup>58</sup>Howard, pp. 4-5.

<sup>59</sup>Dart, p. 76.

<sup>60</sup>Ibid.

<sup>61</sup>Godwin, *Caleb Williams*, p. 194.

difference between Falkland's and Caleb's experiences of solitude in this part of the novel, however, is Falkland is a guilty murderer, and thus his condition resembles that of Smith's description of remorse given in chapter one. Caleb is innocent of any error or crime, apart from indulging his curiosity too far, and therefore his sense of himself is intact, and able for resistance. But during his later experiences in London, in solitude enforced by the necessity for obscurity under threat of legal curtailment of liberty, this spirit of defiance proves useless without any particular point to focus itself upon. Caleb's defiance against Falkland is passive, in that his chief determination is to evade pursuit and capture, rather than to orchestrate an overthrow of the political institutions or effect a prosecution like Falkland's. His previous attempt at prosecution had ended badly. Now pursued and confined, his once-defiant spirit turns in upon itself, and in an existence founded upon deceit, as with Falkland's, Caleb finds himself cut off from the improving and consoling effects of society:

In every human countenance I feared to find the countenance of an enemy. I shrunk from the vigilance of every human eye. I dared not open my heart to the best affections of our nature. I was shut up, a deserted, solitary wretch, in the midst of my species. I dared not look for the consolations of friendship but...was compelled to centre my thoughts and my vigilance in myself. My life was all a lie.<sup>62</sup>

As has been the case with Falkland in his solitude, Caleb in isolation grows unbalanced in his thinking and becomes the prey of those excessive emotions and outraged feelings that Smith warned against. Throughout the novel this link between the tendency of solitude to repress reason and cause the collapse of revolutionary zeal is made explicit. When Caleb determines to write his own narrative he does so out of grief, anger, desperation, and solitude. He acknowledges that his sufferings, during the number of years his writing project has been undertaken, have frequently deprived him of his senses: "I spent some years in this dreadful vicissitude of pain. My sensations at certain periods amounted to insanity."<sup>63</sup> Caleb's unreliable status as a narrator has been directly aggravated by his solitary ways, and in his isolated state,

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<sup>62</sup>Ibid., pp. 264-5.

<sup>63</sup>Ibid., p. 316.

whereby “sympathy, the magnetic virtue, the hidden essence of our life was extinct.”<sup>64</sup> He has been set dangerously apart from the rest of society, if not humanity itself: “Solitude, absolutely considered, may instigate us to serve ourselves, but not to serve our neighbours. Solitude, imposed under too few limitations, may be a nursery for madmen and idiots, but not for useful members of society.”<sup>65</sup>

Unexpectedly, Godwin’s criticism of solitary confinement chimes here with that of Bentham. Although Bentham believed that solitude had an important place in penal reform, as we have seen in chapter one, he too viewed it as a potential nursery for madmen. His main concern was that when left alone, the individual grows detached from reality, and the mind becomes a prey to literal phantoms:

When the external senses are restrained from action, the imagination is more active, and produces a numerous race of ideal beings. In a state of solitude, infantine superstitions, ghosts, and spectres, recur to the imagination. This, of itself, forms a sufficient reason for not prolonging this species of punishment, which may overthrow the powers of the mind, and produce incurable melancholy...[I]f greatly prolonged, it would scarcely fail of producing madness, despair, or more commonly a stupid apathy.<sup>66</sup>

As well as denoting a deep scepticism towards the power of the imagination as a means towards enquiry or reform, this passage also hints at the particular fears of Bentham himself, who, remarkably, believed in ghosts and was terrified of them since boyhood. For Godwin, however, the only phantoms likely to appear in the prison cell are those which are the result of the political system, making ghosts of men through persecution and deadening false ideology. Yet as Hal Gladfelder has written, there are other phantoms in the novel besides the ghostly presence of Falkland in Caleb’s thoughts at the end. As in Daniel Defoe’s account of Jack Sheppard from 1724, the public notoriety of the private man dislocates him from himself: “Both Sheppard and Caleb are hounded [ ...] by narrative doubles, ghost images of themselves circulating through publicly hawked broadsheets, which not only alienate them from what they feel to be the truth of

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<sup>64</sup>Ibid., p. 318.

<sup>65</sup>Godwin, *Political Justice*, pp. 404-5.

<sup>66</sup>From Bowring I, p. 426; quoted by Semple, p. 132. Bozovic points to the paradoxically crowded solitude of the Panopticon as a solution to this, Bozovic, p. 27.

their histories but, more damagingly, function as agents of the law to entrap them.”<sup>67</sup> Whether guilty of any crime or not, encounter with legal authority rapidly appropriates the individual’s narrative and presents the authorised version that is fully in the control of the authority, which in Caleb’s case is Falkland’s. Responding to the increasing incursions by the state into private life in the 1790s, with treasonous evidence obtained by spies infiltrating political societies and the private homes of those societies’ members intensifying the atmosphere of suspicion, Godwin has created in Falkland a more oppressive authority than one ever inflicted upon Jack Sheppard: the tyranny of surveillance.

### **“My Eye Upon You in All Your Wanderings:”<sup>68</sup> Spying and Surveillance**

The activities of the Crown in arresting certain dissidents, bringing them to trial under trumped-up charges glaringly irrational and implausible, and setting spies upon others in an increasing atmosphere of paranoia and suspicion, quickly manifested themselves in other novels by radical writers, but especially in those by Charlotte Smith. Harriet Guest has recently offered a reading of the themes of surveillance and spying in Charlotte Smith’s late-1790s novels as a new way of understanding the workings of society, as well as a way of enforcing control. After 1789, surveillance and paranoia quickly became normative in the climate of 1790s politics, hastened on their way by the trials for sedition and libel that incorporated the testimony of spies. Smith’s representations of romance as well as domesticity are imbued with the theme as early as *Desmond* (1792) and *The Banished Man* (1794). Surveillance becomes most prevalent and on a wider social scale in *Marchmont* (1796) and *The Young Philosopher* (1798). It is, Guest writes,

a characteristic of what is understood as a social organisation burgeoning in complexity, which can no longer be imagined as capable of being grasped or perceived from a single identifiable viewpoint, or surveyed as a unified prospect – a characteristic, then, of those changes in the means of acquiring social information that can be clustered together in

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<sup>67</sup>Hal Gladfelder, *Criminality and Narrative in Eighteenth-Century England: Beyond the Law* (Baltimore and London: Johns Hopkins University Press, 2001) p. xi.

<sup>68</sup>Godwin, *Caleb Williams*, p. 291.

narratives on the incipient modernity of Britain in the second half of the eighteenth century.<sup>69</sup>

The fragmentation of society brought about by modernity is inextricably linked to the concept of surveillance, which itself has arisen from the discussion on penal reform, and both the fragmentation of society and the utilisation of surveillance are mirrored by changes in literary narrative, with partial and subjective accounts replacing the previous fiction of an authoritative narrator. In relation to Smith, Guest locates these changes as the result of the fusion of the writer's personal experiences with her politics, and argues that this fusion "resulted in the formation of a kind of English novel, which [...] looks forward to the genesis of the national tale, questioning the dominance and unity of Englishness not from its colonial or postcolonial margins but within."<sup>70</sup> The multiple viewpoint that questions society from within is found in *Caleb Williams* and other Jacobin and radical texts as well as in Smith's, and in one way Godwin's innovations can be viewed as those of an author simply taking his place in the contemporary shift towards the multiple perspective and multi-voiced discourse, or a more overt polyglossia, that Guest identifies.

It is the combination of curiosity, pursuit and trial all at once, however, that renders *Caleb Williams* so remarkable, especially when we realise that the novel was completed four days before the suspension of *habeas corpus* and the ensuing arrests for treason and sedition that resulted in the notorious London trials later that same year, where Thomas Holcroft, as we shall see in chapter six, was acquitted before he could be brought to trial, but whose reputation as "the acquitted Holcroft" greatly damaged the success of his literary endeavours and destroyed his livelihood.<sup>71</sup> Though Charlotte's Smith's *Desmond* features scenes of covert observation of

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<sup>69</sup>Harriet Guest, "Suspicious Minds: Spies and Surveillance in Charlotte Smith's Novels of the 1790s." *Land, Nation and Culture, 1740-1840: Thinking the Republic of Taste*. Ed. and introd. Peter de Bolla, Nigel Leask and David Simpson. (Basingstoke: Palgrave Macmillan, 2005) pp. 169-87, p. 172.

<sup>70</sup>Ibid., p. 177.

<sup>71</sup>The information in this section relation to the composition and publication of *Caleb Williams* is drawn from Maurice Hindle's invaluable chronology in his edition of *Caleb Williams*, pp.li-lx. On the 30<sup>th</sup> December 1794 the Secretary of War, Sir William Wyndham, speaking in the House of Commons referred to the men formerly accused of treason in the recently-concluded trials as "acquitted felons." V. R. Stallbaumer. "Thomas Holcroft as a Novelist." *English Literary History* 15.3 (1948) pp. 194-218, p. 217. Holcroft was then branded in print as an

Geraldine by Desmond, they are more scopophilic than oppressive. Godwin's attentiveness to the political implications of theories of surveillance is much more profound. As we have seen in chapter one, the passing of the Penitentiary Acts and the permission granted to Bentham in 1794 to build his panopticon made it evident that penal reform grounded on confinement and observation was certainly a matter of political and social importance, even if its physical realisation was not quite so immediate. Semple's discovery that Dundas visited Bentham to view the plans and models for the panopticon in September 1792, and again in July 1793, this time accompanied by Pitt, suggests the direct influence of Bentham's theories of surveillance upon Pitt's increasing invasions of privacy in the mid-1790s.<sup>72</sup> Godwin's opposition to Bentham as well as Pitt is strongly manifest in the horror of continual surveillance in *Caleb Williams*. Such a concept as the panopticon could never have been conceived without Adam Smith's discussion of both the impartial, external observer and his hypothesis of the dual self, figured by Gladfelder as the haunted "doubling" of Caleb, but who in his final perpetual observation by the reproachful Falkland echoes Smith's description of observation:

We suppose ourselves the spectators of our own behaviour...when I endeavour to examine my own conduct, when I endeavour to pass sentence upon it, and either to approve or condemn it, it is evident that, in all such cases, I divide myself, as it were, into two persons; and that I, the examiner and judge, represent a different character from the other I, the person whose conduct is examined into and judged of. The first is the spectator...the second is the agent.<sup>73</sup>

For Godwin, however, Bentham's idea of continual surveillance and the fallacy of transparency and security it offers is not merely one more form of despotism, but one which proves to be almost diabolically effective as a tyrannical weapon. Caleb's "crimes" are continually brought before the public eye, via letters, personal warnings, ballad-writing based upon deliberately falsified accounts, handbills and so on, with the omnipotent Falkland behind every exposure, "enlisting magistrates, thief takers, and broadsheet printers – all unwitting of his design – to track

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"acquitted felon" by the anti-radical William Gifford, and he was unable to shake off the damaging appellation; Marilyn Butler refers to it as a "monstrous sneer" (1975) p. 48.

<sup>72</sup>Semple, pp. 109-10. See Barrell (2006) for the variety of new ways in which privacy was breached.

<sup>73</sup>Smith, p. 131.

down and annihilate the servant who chanced to discover his guilt.”<sup>74</sup> Falkland himself acts as a more literal reminder of Caleb’s wrongdoing, as his continued presence in Caleb’s life prevents the past from ever becoming past; Falkland’s existence for Caleb similarly acts as a perpetual spur to a guilty conscience, with no hope of appeasement or escape. Slave and tyrant become consumed by each other. The mutual metamorphosis into each other’s relentless observer and conscience is exacerbated for Caleb by Falkland’s agent, Gines, who becomes the agent of surveillance and a further manifestation of Caleb’s error, and Falkland’s power. The private as well as the public eye is continuously trained upon Caleb, and the law is repeatedly brought to bear upon him:

No words can enable me to do justice to the sensations which this circumstance produced in me. It was like what has been described of the eye of Omniscience pursuing the guilty sinner, and darting a ray that awakens him to a new sensibility at the very moment that, otherwise, exhausted nature would lull him into a temporary oblivion of the reproaches of his conscience. Sleep fled from my eyes. No walls could hide me from the discernment of this hated foe. Everywhere his industry was unwearied to create for me new distress. Rest I had none; relief had I none: never could I count upon an instant’s security; never could I wrap myself in the shroud of oblivion. The minutes in which I did not actually perceive him, were contaminated and blasted with the certain expectation of his speedy interference.<sup>75</sup>

The full terror implicit in Bentham’s panopticon is contained within this description. Yet Caleb is neither a murderer nor a felon; Falkland is, but Godwin demonstrates that by the workings of the unjust structures which order society, as well as the theories for their reform, innocence receives the same punishment as guilt. Falkland and Caleb share the same sense of persecution and restlessness, but only Falkland is truly guilty of a crime; Caleb’s guilt is created through association with Falkland, and precisely those forms of persecution and surveillance that are ranged against him. Contrary to Johnson’s belief in the efficacy of the powers of terror and transparency as criminal deterrents, as mentioned in chapter one, they compel Caleb to acts of increasing desperation, and he becomes adept at duplicity and disguise in his vain attempts to

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<sup>74</sup>Gladfelder, pp. ix-x.

<sup>75</sup>Godwin, *Caleb Williams*, p. 316.



evade the omniscient. Conversely, it is Falkland, who bears the eye of omniscience in the narrative, who has most to fear from exposure.

Curiously, Smith's "impartial spectator, the judge within" has become fully active within both Falkland and Caleb, yet the internal monitor of each man also acts as an external judge upon the other.<sup>76</sup> Falkland is under the continual surveillance of both his own internal conscience and, externally, his judgemental, volatile servant Caleb, who has dedicated himself to uncovering his master's secret. Falkland's self-control gives way beneath this strain, resulting in a curious new manifestation of Smith's theory. His impartial internal monitor becomes wholly partial and exteriorised, and focuses upon Caleb, now the new locus of Falkland's watchfulness lest his reputation be tarnished, beginning Caleb's ruin: "I was a victim at the shrine of conscious guilt, that knew neither rest nor satiety."<sup>77</sup> Inversely, though Caleb begins as a servant, a spy and then an external manifestation of conscience for Falkland, he is still conscious of his own innocence. It is Falkland's guilt that he is first sacrificed to, not his own.

The strength derived from conscious innocence sustains Caleb considerably, even during his solitary confinement in prison, till the relentless observation and accusation afforded him by his external judge compels him to err, and he is thus continually hounded by Falkland, then Gines, then finally his own conscience. This realisation dawns upon Caleb after Falkland's first public denunciation of him, when his offences (curiosity, tampering with private goods, artful conversation designed to goad and infuriate) are still relatively benign in a legal sense, if harmful in their consequences. Already Falkland's guilt has begun to disturb Caleb's equanimity, and as his own offences and crimes now increase from this point, so too does his own share of "conscious guilt," which is not long in developing into that overwhelming sense of shame and remorse articulated by Smith: "Though my prudence and discretion should be invariable, I must remember that I should have an overseer, vigilant from conscious guilt...the vigilance even of a public and systematical despotism is poor, compared with a vigilance which is thus goaded by

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<sup>76</sup>Smith, p. 156

<sup>77</sup>Godwin, *Caleb Williams*, p. 157.

the most anxious passions of the soul. Against this species of persecution I knew not how to invent a refuge.”<sup>78</sup>

In the 1790s’ culture of despotism and coercion, the judicial and penitential tools of surveillance, spectatorship and observation can only contribute to greater injustice and unhappiness. Falkland turns the eye of omniscience upon Caleb, and Caleb in turn tries to direct it against Falkland. Falkland concentrates society’s full power of surveillance upon Caleb – the full awe of the public eye – with all the influence afforded him by society due to his rank and wealth. Caleb, resisting, tries to do likewise, with justice, truth and sincerity on his side, but fails, as he does not know, unlike Falkland who can reckon upon it, that the law is neither impartial nor just. When he dies, Falkland does so in the full beam of private and public omniscience, finally brought to confess his crimes less from love of justice and truth than a guilty conscience, an excess of emotion, and a debilitated physical condition. As Gilbert D. Dumas argues, “Caleb’s innocence does not establish itself through the honest procedures of impartial justice but through the collapse and confession of Falkland. Truth, that is, innocence, triumphs by default, not by its own strength.”<sup>79</sup> In its destruction of an exhausted Falkland it is the system of surveillance that triumphs, not truth, nor even sincerity.

Caleb’s education in the interpretation of evidence and testimony is a painful one. Though his period of imprisonment engenders a spirit of defiance and independence, his belief in the fundamental justice of society and its political institutions proves the means by which he suffers further at the hands of the authorities. Each new encounter with the law proves the impossibility of receiving a just treatment; each attempt to claim justice only increases his misery. Even after he has endured a lengthy period of flight before the law and is misapprehended as an Irish felon, he remains confident that justice will prevail: “The intelligence that the whole proceeding against me was founded in a mistake, took an oppressive load from my mind. I

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<sup>78</sup>Ibid., p. 144.

<sup>79</sup>Gilbert D. Dumas, “Things As They Were: The Original Ending Of *Caleb Williams*.” *Studies in English Literature* 6 (1966) pp. 575-97, p. 585.

believed I should immediately be able to establish my innocence to the satisfaction of any magistrate in the kingdom.”<sup>80</sup> No magistrate featured in the novel ever displays a vestige of confidence in any of Caleb’s utterances; his final acquittal is achieved by Falkland’s testimony, not his own.

In April 1795 the *British Critic* rounded upon Godwin for his representation of legal impossibilities as evidence of legal oppression and his heaping of odium upon the laws and political institutions of England. Falkland’s and Caleb’s repeated trials for the same charges, even after an acquittal has been returned, and the treatment of the unfortunate Hawkins family under the Bloody Code, were cited as such impossibilities. Godwin responded in July with his insistence that the novel is intended to “expose the evils which arise out of the present system of civilised society...[it is an examination of] the administration of justice and equity, with its consequences, as it exists in the world at large, and in Great Britain in particular.”<sup>81</sup> Godwin’s reply casts a universal shade over the existence of justice, and, though the pessimistic result may tend to dismantle his own theories of reform in his trial of them in fiction, his intention to “launch [his readers] upon a sea of enquiry” into alternative modes of governance may yet be achieved, if only out of desperation to avoid the one that Godwin has represented.<sup>82</sup>

Dart indicates that, in tandem with Godwin’s own misgivings regarding the legal system and its punishments, Falkland and Caleb both recognise that “true justice transcends the formal categories of jurisprudence.”<sup>83</sup> They tacitly acknowledge that justice cannot be served to either man in society as it presently exists: “Caleb’s silence signifies, above all things, a refusal to put on the mantle of the judge, showing that his main aim is not the punishment of his persecutor, or a reform of the legal system, but the attainment of an entirely anti-institutional condition of justice.”<sup>84</sup> Yet as Clemit notes: “Caleb’s denunciations of tyranny and celebrations of

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<sup>80</sup>Godwin, *Caleb Williams*, p. 250.

<sup>81</sup>*British Critic* (July 1795) pp. 94-5.

<sup>82</sup>Ibid.

<sup>83</sup>Dart, p. 91.

<sup>84</sup>Ibid., p. 81.

independence are not set pieces of doctrine in Holcroft's manner, but words of a fallible character in an autobiographical memoir we cannot fully trust."<sup>85</sup> Caleb's account has begun as a vindication of character as well as a confession, composed in solitude, and he is ruled by his passions and possesses a nature easily as volatile as Falkland's own. His denunciations are subjective and passionate, and he is far too apt to make entire revolutions in opinion within a single paragraph to form any firm defence for the persecuted individual or allow Caleb himself to act as a radical ideologue or revolutionary mouthpiece within the text. And as a narrator of things as they are, Caleb presents a highly compromised account, especially when viewed according to Smith's recommendations for observation and judgement: "the soundest criterion of virtue is to put ourselves in the place of an impartial spectator, of an angelic nature, suppose, beholding us from an elevated station, and uninfluenced by our prejudices, conceiving what would be his estimate of the intrinsic circumstances, and acting accordingly."<sup>86</sup> The lack of these qualities in Caleb, however, is precisely what positions the reader into adopting Smith's recommendations and functioning instead as the locus of interpretation for the novel. Caleb's unfitness as judge invests the reader with that quality, and allows him or her to assume the authority of interpretation which in turn serves the purpose of private judgement and enquiry.

Falkland's relation to the law is more problematic. Though he manipulates the omnipotent power invested in him by society upon Caleb, it is a mistake to ally him too closely with the Benthamite theory of continual observation; as it is Caleb's close observation of Falkland that has revealed his crime, the revelatory powers of surveillance belong Caleb and not Falkland. Nor is it correct to see him as an allegory of Foucauldian surveillance and encroaching power. Falkland is not the representative of the law but is rather its true victim: the victim of the official system of legal justice, while Caleb suffers under Falkland's illegal system of justice, enabled by

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<sup>85</sup>Clemit, p. 46.

<sup>86</sup>Smith, p. 174.

Falkland's position of authority. The institutions that empower him will be the very same that will hang him, should the truth come to light.

However, following Godwin's argument in *Political Justice* of the necessity to consider motive and intention in the investigation and address of offences, Falkland's crime can be seen from a different perspective. Falkland's action in murdering Tyrell is literally tyrannicide. An investigation into motivation and impulse is directly related to the calculation of a man's worth. Though the crime committed may be terrible, his motivation for such an action may sufficiently explain, if not pardon, his actions; the intrinsic value of the individual in question, that is, his place in society and his general sense of duty and obligation towards others, will act as a mediating influence upon the horror of his crime. Captain Raymond, the sympathetic and principled leader of the band of thieves that Caleb falls in amongst, articulates this opinion with an indirect reference to the notorious case of Eugene Aram, who murdered his friend but otherwise led an exceedingly useful and industrious existence: "The institutions of countries...leave no room for amendment, and seem to have a brutal delight in confounding the demerits of offenders. It signifies not what is the character of the individual at the hour of the trial. How changed, how spotless, and how useful, avails him nothing."<sup>87</sup> By this reckoning, Falkland's crime takes on a new significance, as does Caleb's curiosity. Without his aggravating presence, Falkland could very easily have lived out the remainder of his days in that condition that Collins describes, with "a solemn sadness in his manner, attended with the most perfect gentleness and humanity. Every body respects him, for his benevolence is unalterable."<sup>88</sup> Falkland's conscious guilt and furious fits of suffering are punishment enough, and allied with a henceforth blameless life will expiate his crime. But Caleb's neglect of duty towards his master, combined with the performance of surveillance, makes this atonement impossible.

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<sup>87</sup>Godwin, *Caleb Williams*, p. 236.

<sup>88</sup> Ibid., p. 109

For Caleb is a spy; the Biblical resonance attached to his name and actions are quite deliberate, for as Ousby notes, in the Book of Numbers Caleb is sent out by Moses as both servant and spy: “Caleb’s twin identity as servant and spy is inherent in the Christian name.”<sup>89</sup> He is a “less than immaculate hero,” a “naïve hero, specifically a politically naïve hero,” and an unreliable narrator as we have seen, yet he serves a very important political function within the text.<sup>90</sup> Though Falkland embodies the tyranny and despotism enforced by contemporary government and the manner in which it creates slaves even amongst its masters, it is the character of Caleb who truly provides “a study and delineation of things passing in the moral world.”<sup>91</sup> Caleb’s spying is not merely a plot device to unleash Falkland’s fury and show despotism in action, nor simply an exposition of the ills accrued when sincerity is forsaken. It serves as a political allegory of contemporary developments in 1793 and 1794, to incite the reader to a repugnance and distaste for the activities of spies and informers, similar to those feelings experienced and expressed by Collins and Thomas in the novel: “For your sake, lad, I will never take any body’s word, not trust to appearances, tho’ it should be an angel...[you] spit venom all round you like a toad, and leave the very ground upon which you crawl infected with your slime.”<sup>92</sup>

As Ousby reminds us, the main prosecution witnesses at the 1794 treason trials were government informers: “no fewer than five spies gave evidence against Thomas Hardy and the eleven other radicals accused of high treason” and in Thomas Muir’s sedition trial in 1793 evidence was provided by Ann Fisher, Muir’s former servant.<sup>93</sup> Though Godwin does not support the system that Falkland represents, still less does he advocate the underhanded attack signified by Caleb’s cunning and affectation of candour, which “resemble that rash revolutionism

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<sup>89</sup>Ian Ousby, “‘My Servant Caleb’: Godwin’s *Caleb Williams* and the Political Trials of the 1790s.” *University of Toronto Quarterly* 44 (1974) pp. 47-55, p. 51.

<sup>90</sup>*Ibid.*, p. 47, Dumas, p. 585.

<sup>91</sup>Godwin, *Caleb Williams*, p. 3.

<sup>92</sup>*Ibid.*, p. 183.

<sup>93</sup>Ousby, p. 48.

which the author criticised in his fellow radicals.’<sup>94</sup> Godwin does not support the revolt of the serving classes as such a revolution would only replace the masters with the slaves and vice-versa: the order of things would not otherwise be disturbed. Godwin’s distaste for espionage notwithstanding, Caleb’s activities do uncover an important truth: Falkland has framed Benjamin Hawkins for Tyrrel’s murder, and he has received the death penalty that should have been Falkland’s punishment. In Godwin’s reckoning of motive and intent, this is the true crime, not the murder of Tyrrel, for in framing an innocent man Falkland acts deceitfully rather than sincerely. Caleb’s initial reading of Falkland’s behaviour is correct, in that he is concealing guilt, but spying is another example of misreading in the novel. Caleb’s investigation into Tyrrel’s murder only accidentally uncovers the truth about Hawkins.

The contrast in the representation between the domestic scene in the novel typified by Richardson’s *Pamela* in 1740 and Godwin’s in 1794, and then again between Godwin and Austen’s in *Northanger Abbey*, begun in the late 1790s, marks a significant, though temporary, shift in the type of threat inherent in the domestic space and the figure who is most at risk from it. In *Pamela* it is the young, virtuous servant who is at the mercy of the householder’s right to property: she is Mr’s B’s servant, and it is generally accepted, certainly by those in Mr B’s class, that Pamela is entirely at his disposal. She becomes a prisoner within his household, and suffers innumerable physical and mental persecutions. Catherine Morland’s novel-fed fancies of gothic intrigues and injustices are mirrored in Austen’s world of an England at war, which, Henry Tilney’s reassurances notwithstanding, has a very real atmosphere of secrecy and fear.

Remember the country and age in which we live. Remember that we are English, that we are Christian. Consult your own understanding, your own sense of the probable, your own observation of what is passing around you – Does our education prepare us for such atrocities? Could they be perpetuated without being known, in a country like this, where social and literary intercourse is on such a footing; where every man is surrounded by a neighbourhood of voluntary spies, and where the roads and papers lay everything open? Dearest Miss Morland, what ideas have you been admitting.<sup>95</sup>

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<sup>94</sup>Ibid., p. 54.

<sup>95</sup> Jane Austen, *Northanger Abbey*. 1818. Ed. and introd. Susan Freiman (New York: Norton, 2004) pp. 199-200.

Austen's novel is clearly informed by the decade's atmosphere of paranoia and surveillance, but here this read by Henry Tilney as a favourable development. Safety is enhanced by "roads and papers." For Godwin we have seen how the aforementioned newspapers and watchful eyes of neighbours are put to use not in the cause of greater truth, knowledge and transparency but are tools of the government to create a society that is wracked by literary censorship and charges of sedition, treason, and the suspension of basic rights. The discussions about Gothic novels in *Northanger Abbey* are also significant in that they function as a fulcrum which Austen can use to comment upon "the habits of mind which the different speakers reveal," suggesting the susceptibility of certain characters to credulity and hysteria, others to superficial, fashionable knowledge, and still others to simple literary interest.<sup>96</sup> Again, this offers a model of correct interpretation, founded upon the dangers of reading. But though the domestic horrors are proven to be imaginary, in Henry's denunciation of them by invoking the supposedly-reassuring network of neighbourly spies, the sense of a structure that could support despotism, even if it does not do so at present, is never quite dispelled.

Similarly, Godwin locates his scenes of despotism and tyranny within a domestic framework, but with some crucial alterations to the pattern of domestic oppression that signify the social and political context to it. Austen's voluntary spies are no longer neighbours, but the inhabitants of one's own house; newspapers become a weapon in the hands of the powerful to spread false reports and heap infamy upon the vulnerable. The shrinking heroine is replaced by the figure of a young, intelligent man of some independence who is nevertheless carried forcibly away from the house to prison. Godwin's innovations do not stop at merely making the young male secretary the apparent victim in a Gothic house of secrets and locked trunks, however. The pervasive sense of threat and persecution is broadened way beyond generic convention to include the master of the house himself. It is Falkland who suffers the greatest threat. The very figure who is conventionally the chief proponent of abuses of power, the shadowy, aristocratic

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<sup>96</sup>Butler (1975) p. 173.



head of the household himself, is at the mercy of his servants: “Are my passions to be wound and unwound by an insolent domestic? Do you think I will be an instrument to be played on at your pleasure, till you have extorted all the treasures of my soul?”<sup>97</sup> His home has become a place of surveillance and persecution but it is not he who is the initial instigator of this dynamic: Caleb begins the hunt, and before the balance of power is overturned, pursues him even during his flights into solitude, “when I lighted upon him after having sought him among the rocks and precipices, pale, emaciated, solitary, and haggard.”<sup>98</sup> For Caleb, as a spy and a servant the domestic scene of servitude and patronage has proved to be the location for his first agency, his first rebellion and self-government, though his thoughts and actions are entirely bound up with those of his master. For Falkland, this means that his servant, from whom he has received a metaphorical oath of fealty and who owes him “not just service in the literal sense, but also respect, deference, and loyalty,”<sup>99</sup> has become his investigator and judge, and the secrets of his mind, as well as his private possessions, are probed with increasing insistence.

Matters are further complicated by Godwin’s corrections to the novel between the first and second editions. His use of the words “master” and “servant” in the 1794 edition have been amended to “patron” and “secretary” in the later editions.<sup>100</sup> As master and servant, the opposition struck up between Falkland and Caleb, as well as the more general division between Falkland and Tyrrel on one hand, and Emily, Caleb and the Hawkinses on the other side of the class divide, is a clear-cut and recognisable one, and Caleb’s behaviour, given his station, is a definite transgression. The allotted roles of master and servant are not without agency. Not all members of the landed class punish and evict their tenants, and the role of servitude is not insurmountable, as Hawkins’ hopes for his son convey. But the repositioning of roles to patron and secretary denotes a more subtle relationship. There is less obligation on both sides, less codified behaviour and more independence allowed, especially for Caleb, as to occupy the

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<sup>97</sup>Godwin, *Caleb Williams*, p. 123.

<sup>98</sup>Ibid., p. 131.

<sup>99</sup>Ousby, p. 50.

<sup>100</sup>Hindle, p. 6.

position of secretary is to be invested with a greater portion of Falkland's trust and knowledge of business affairs than a mere domestic servant is afforded.

The contract entered into by Caleb and Falkland as master and servant is therefore rendered more serious yet by Godwin's amendments. When Caleb utters his vow not to become an informer and not to betray Falkland's trust, he is articulating an implicit bond of silence between him and his patron. It is an unnecessary articulation, as by accepting Falkland's patronage and his position as secretary, he has already promised his silence. And thus Falkland can quite correctly say, by the implicit codes of this system, that Caleb has sold himself by his curiosity: he has forfeited his rights by betraying his patron. But Falkland fatally errs in the execution of his own role: "his interest required that he should purchase my kindness; but he preferred to govern me by terror."<sup>101</sup> To begin to coerce Caleb is to antagonise him, and in *Political Justice* Godwin is very clear on the results of this:

Let us consider the effect that coercion produces upon the mind of him against whom it is employed. It cannot begin with convincing; it is no argument. It begins with producing the sensation of pain, and the sentiment of distaste. It begins with violently alienating the mind from the truth with which we wish it to be impressed. It includes in it a tacit confession of imbecility. If he who employs coercion against me could mould me to his purposes by argument, no doubt he would. He pretends to punish me, because his argument is strong; but he really punishes me because his argument is weak.<sup>102</sup>

Falkland misreads his own situation, and pursues the wrong course with Caleb. Having broken his code of honour by murdering Tyrell and framing Hawkins, he continues to err in his adherence to what remains of this code, his unblemished reputation, by exerting force to preserve it. Appealing to Caleb would invest their pact with a curious virtue of its own, and could even lead to the establishment of a friendship that supports each man and allows for the construction of that society proposed by Godwin wherein each learns from the other, and grows in benevolence and virtue. At the very least, Caleb could act as that support to Falkland's conscience that Smith recommends characters struggling to achieve strength of mind should

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<sup>101</sup>Godwin, *Caleb Williams*, p. 151.

<sup>102</sup>Godwin, *Political Justice*, p. 376.

seek. Despite the initial presence of sympathy, the struggle for power and authority destroys it. Benevolent intent is rapidly sacrificed to passion. After a particularly artful conversation directed against Falkland, concerning rage, passion and murder disguised as an innocent query regarding Alexander the Great, Caleb describes their relationship in compelling language: “The instant I had uttered these words, I felt what it was that I had done. There was a magnetical sympathy between me and my patron, so that their effect was not sooner produced upon him, than my own mind reproached me with the inhumanity of the allusion. Our confusion was mutual.”<sup>103</sup>

Caleb and Falkland are both led astray by their adherence to false and prejudicial systems that replace open enquiry and sincerity. *Caleb Williams* instructs the reader in the necessity for enquiry into all systems, most particularly those which purport to favour reform, even if it is Jacobin reform that is promoted. The trial and defeat of Jacobin ideology in the novel, represented by the apparent failure of reform in the concluding scenes, does not mean a failure of all reform. Instead it privileges the principle of private judgement and rational, unprejudiced enquiry into the nature of all things as they are, without ever exempting its own programme of reform from that enquiry. We will see in the next chapter how Inchbald deals with these principles of interrogation, trial and the opposition to authority.

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<sup>103</sup>Godwin, *Caleb Williams*, p. 117.

## Chapter Four

### Inchbald, Authority and the Domestic Space

Repressive or corrupting, the patriarchal structure that most novels depict reveals in the process of narrative exploration its institutional inadequacy for new forms of self-consciousness, but as such circumstances are transformed by narrative rendering they may also provide insights into personal or local ways of dealing with social change. Such domestic arrangements appear in much fiction as bulwarks against instability and moral corruption in the public world, and they also serve, by analogy that is sometimes explicit, to dramatize in their realignments and power struggles a larger restructuring of social and political authority.<sup>1</sup>

#### Generic Instability and the Voice of Authority

Elizabeth Inchbald's investigation into authority and the modes of "domestic and unrecorded despotism" is her primary contribution to the Jacobin novel's exposure of the imprisoning structures of society.<sup>2</sup> Whether Inchbald's first novel, *A Simple Story* (1791) qualifies as a Jacobin novel is a point of debate. Pamela Clemit states that "it would be a mistake to regard it as fundamentally shaped by the political debates of the early 1790s" given the novel's long gestation during the 1780s.<sup>3</sup> Gary Kelly's account of the influence of *A Simple Story* upon Holcroft and Godwin locates the novel firmly as an influence upon the Jacobin novel, rather than belonging to the subgroup itself. He writes: "[w]ithin a short time both Holcroft and Godwin had begun novels of their own. Not only did they imitate particular aspects of *A Simple Story*, they took up and made the most of the potential which Mrs. Inchbald's novel had made plain."<sup>4</sup> Kelly suggests that *A Simple Story* is better off in other hands, where its "potential" can be realised more fully. He makes clear, however, the sphere of mutual influence that these writers inhabited, and also the pivotal role played by *A Simple Story* in the development of the Jacobin novel in 1790s, by virtue of its moral ambiguity, violence, problematic ending, and utilisation of the reader's own sense of judgement.

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<sup>1</sup>Richetti, p. 7.

<sup>2</sup>Godwin, original preface to *Caleb Williams*, p. 3.

<sup>3</sup> Clemit, introduction. *A Simple Story*, p. xiii.

<sup>4</sup>Kelly (1976), p.11.

Shawn Maurer's discussion of the working relationships and friendships between Godwin, Holcroft and Inchbald locates Inchbald as a deft practitioner of Jacobin ideology, as integral to the novel's development as Godwin or Wollstonecraft themselves. Godwin actively sought Inchbald's opinion on his own novels. She advised Godwin to reduce the radicalism of *Caleb Williams* after reading the manuscript in 1794, a favour returned when Godwin offered a similar perspective on *Nature and Art* (1796) in manuscript that same year and counselled against publishing her translation of the French play *The Massacre*. Even after Inchbald cut Godwin socially because of his marriage to Wollstonecraft he solicited her opinions on *Fleetwood* and *Mandeville* (1817).<sup>5</sup> Holcroft was also a close friend and adviser, but Inchbald was as valued a reader and scrutiniser of Godwin and Holcroft's works as they were of hers: she reasoned, critiqued and judged for herself. The critical debate about Inchbald's agency as a writer and the question of influence is apt, given that concerns about authority and influence feature heavily in her novels, irrespective of the formal or political difference between the two texts. The overtly progressive tone of *Nature and Art* marks it as a clear candidate for radicalism. At one point originally entitled *A Satire on the Times* and at another, *The Prejudice of Education*, and brimming with critiques of social, political, legal and religious institutions and the injustice they enforce, Inchbald's opposition to established authority is obvious, and is sustained throughout the novel.

*A Simple Story*, however, seems devoid of the paradigmatic themes of the Jacobin novel. There is no circulation of ideas, no writing, no debate about fiction, no penal or legal reform, no surveillance or trial. What it does contain is a subtle and unsettling destabilisation of many varieties of authority: patriarchal, domestic, religious and educational. It also examines the forms of prosecution and defence in operation in the domestic sphere, where self-determination is impossible due to tyranny and confinement. The narrative voice in Inchbald's novels is coherent and omnipresent. There is no fragmentation of the text, nor multiple narrators to offer contrasting representations of experience, as in Godwin's and Wollstonecraft's novels. Unlike

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<sup>5</sup>Shawn L. Maurer, introduction. *Nature and Art*. By Elizabeth Inchbald. 1796 (London: Pickering and Chatto, 1997), p. xviii.

Holcroft's shift between polyglossic epistolarity and the more monoglossic form of the memoir, Inchbald's narration is always given in the third person, rather than the subjective voice used by Holcroft for Hugh and Bryan. In this, Inchbald's authorial self remains closer to the earlier generic model provided by Fielding, who guides the reader through the narrative and sums up the conclusion in a wry but unambiguous way. Yet Inchbald's authority is not precisely Fielding's, in the way that Alexander Welsh has described him as "managing the evidence" in the novels' representations to the reader. Inchbald's use of authorial control is more indeterminate. She points the reader towards an interpretation throughout but withholds the final judgement or instruction which Fielding provides.

When a definitive conclusion is offered, as with the exhortation to provide women with "A PROPER EDUCATION" in the final line of *A Simple Story*, the sudden shift from plot resolution (a marriage of equals and a hope for future happiness) to a resounding moral causes such a disturbance in the narrative that no charge of "management" can be sustained.<sup>6</sup> The "supplementary nature" of the moral is too intrusive, and its rupture of the preceding harmonious passages which have resolved the remaining obstacles to the characters' happiness overturn that apparently conclusive resolution.<sup>7</sup> The reader is perplexed by this sudden shift, not instructed by it, and the sense of closure is destabilised rather than reinforced. With a similar absence of management, the closing paragraphs of *Nature and Art* evince the refusal of authorial interference. In the two-page conversation that concludes the novel between Rebecca, her husband Henry and his father, the elder Henry, who comprise the moral heart or true "nature" of the novel, happiness in a cottage is expounded as virtue, and honest poverty is announced as preferable to ambition. The novel ends with the final line of dialogue: "Let the poor then (cried the younger Henry) no more be their own persecutors – no longer pay homage to wealth –

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<sup>6</sup>Elizabeth Inchbald, *A Simple Story*. 1791. Ed. and introd. Pamela Clemit (Harmondsworth: Penguin, 1996) p. 318.

<sup>7</sup>Jo Alyson Parker, "Complicating *A Simple Story*: Inchbald's Two Versions of Female Power." *Eighteenth-Century Studies* 30.3 (1997) pp. 255-70, p. 260.

instantaneously the whole idolatrous worship will cease – the idol will be broken.”<sup>8</sup> There is no authorial intervention or summation here, even of the abrupt type in *A Simple Story*. Henry’s statement is left unmediated for the reader to agree or disagree with, or to ignore completely, but again the lack of a conclusion draws attention to the ambiguity of Inchbald’s attempt at closure. As with other Jacobin novels, the reader is positioned as interpreter of the narrative, but Inchbald’s alternation between guidance of her reader and apparent indifference to him or her is a curious one. The voice of authority wavers throughout her novels, both in the fictional representation of fallible patriarchal control and in the authority of the narrative voice itself as it offers that representation.

In *A Simple Story*, the male figure of authority, Dorriforth, later Lord Elmwood, punishes his adulterous wife Lady Elmwood, previously Miss Milner, by banishment to an isolated estate where she lives out her days in solitude and remorse. This condition of imprisonment is mirrored in the treatment meted out to her innocent daughter Matilda, who endures a similar solitary confinement in her father’s own house. In *Nature and Art* by contrast, domestic tyranny and wrongdoing are exposed in a court of law. The destabilisation of authority begun in the first novel is extended further in Inchbald’s second, which dramatises the results of the domestic tyranny presented in the earlier novel in a legal setting, rather than a domestic one. The movement towards a full exposure of the destructive impact of the inherently unjust trial at law is matched by a revelation of the deceit that is engendered by involvement in the legal profession, which contaminates all those who participate in it.

In relation to John Richetti’s account of the representation of the patriarchal structure quoted at the beginning of this chapter, therefore, the power struggle within Lord Elmwood’s home receives its correction by the conclusion to the novel, where a new order of paternal authority is introduced when Lord Elmwood and Matilda are reconciled and Matilda is given in marriage to her cousin Rushbrook, her suitor and Lord Elmwood’s heir. The problematic

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<sup>8</sup>Inchbald, *Nature and Art*, p. 136.

patriarchal authority itself is not restructured, receiving instead a veneer of affection. Lord Elmwood retains authority over Matilda and Rushbrook, even if that authority is now exercised in a more benevolent fashion, and Matilda's return to her father's love is not a triumph of opposing will but the realisation of her dearest wish, which she has achieved not through action but passive endurance of her neglected state, rendered sentimentally through sighs, tears and emaciation. The opposition offered by Miss Milner to Dorriforth in the first half of the novel almost results in her disgrace, and when she resumes such behaviour as Lady Elmwood it brings about her banishment and death (though it is a slow death by remorse, over a period of twenty years). As Patricia Spacks has argued, rather than offer a compelling critique on the unjust patriarchal structure that surrounds her, Miss Milner's resistance to male authority represents the most excessive form of irrational female behaviour. Spacks writes:

[t]o show herself powerful, she conforms to every derogatory cultural stereotype. She flirts, deliberately buys extravagant and useless items, attends a masquerade in a revealing costume [...] Miss Milner risks her own happiness in her compulsive challenges to her fiancé partly because she is altogether dependent on his decisions. If the energy of her desire has drawn the man to her despite opposition and obstacles, kindling his answering desire, he yet retains the culturally assigned right of absolute choice. Miss Milner's challenges to him seem grotesque, petty, and inevitably futile. She can only play at power, constructing ineffectual fantasies.<sup>9</sup>

In Spacks's account, Miss Milner's attempts to wrest power away from Dorriforth are ineffectual, as he remains the locus of authority and power not only in their relationship but in the household they inhabit. Her challenges to him cannot be taken seriously as such, as the only damage to authority that Miss Milner can inflict is to her own. Her authority remains defined by the patriarchal sphere she exists within. That feminine form of power is derogatory, and is the form that Wollstonecraft attacks in *A Vindication of the Rights of Woman* as being no power at all, because it is given to women by men as the mere appearance of power. Exercising it perpetuates the structure of patriarchy. It degrades Miss Milner, and it is useless to her. Jo Alyson Parker refers to "two versions of female power" in the novel: Miss Milner's struggle for her prize,

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<sup>9</sup>Patricia Meyer Spacks, *Privacy: Concealing the Eighteenth-Century Self* (Chicago and London: University of Chicago Press, 2003) pp. 74-5.



“Dorriforth as a loving husband,” is mirrored by Matilda’s submission to her persecuted status resulting in the same prize being awarded, “Dorriforth/ Elmwood as a loving father.”<sup>10</sup> Both versions of power are played out through sensibility; Miss Milner’s excessive feminine whims, and Matilda’s exquisite, sorrowful suffering are two extremes of response to domestic patriarchal oppression, but neither poses an actual challenge to patriarchal authority. The discourse of sensibility traps those who participate in it as much as patriarchy does for the men and women engaged with it, or against it.

Where *A Simple Story* directly challenges domestic oppression is in its form. In place of the contested narratives presented in *Anna St Ives* and *Caleb Williams*, the feature that causes most disturbance to the authority of Inchbald’s text, aligned to her ambiguous narrative voice, is the formal arrangement of each novel into two parts, and the change in tone from satire to sentiment from the first part to the second. *A Simple Story* is broken in half by the generation gap that focuses upon Miss Milner in the first two volumes, and on Matilda in the second. Miss Milner’s death occurs at the beginning of volume three, where the satirical tone that defined the first two volumes is entirely replaced by sentimental tears, pathos and regret, as befits a death-bed scene. In the two volumes of *Nature and Art* a similar rupture occurs. Inchbald repeats the leap from one generation to the next, this time between two sets of brothers and their sons, and again the satirical attack on social niceties and unthinking prejudice in the first volume is replaced by the sentimental tone with which Inchbald describes the judgement and death of Hannah. Female suffering and death, in Inchbald’s narratives, seems best expressed through sentimental forms, and the wrongs of society exposed through the classical recourse to satire, as Jing-fen Su has recently argued.<sup>11</sup> But while the scene of domestic resolution that ends each novel functions as a conclusion to the last volume, the earlier satirical scenes are left unresolved, cut off mid-narrative and left for the reader to return to at leisure; the narrative does not make that return for

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<sup>10</sup>Parker, p. 257.

<sup>11</sup>Jing-fen Su, “London as the Inevitable Burying Place for the Seduced Maiden? Satire and Sentimentality in Elizabeth Inchbald’s *Nature and Art* (1796).” Unpublished conference paper. *Literary London*. Queen Mary University of London, 10<sup>th</sup> July 2009.

the reader. As Parker has noted, the ruptures in *A Simple Story* remain, even as the novel progresses to an apparently orthodox conclusion. Parker writes:

Although [Inchbald] revises her earlier tale of female defiance, she nonetheless lets that tale stand on its own, thereby practicing an aesthetics of accommodation, one that enables her concurrently to question and affirm the dominant values of her society and thereby reveal their contradictions. In sum, the violation of our aesthetic sensibilities is a sign that the text is doing its work.<sup>12</sup>

In *A Simple Story* the distinct separation in tone, form and content between the two halves of the novel enables Inchbald to perform a skilled attack on authority. She insinuates persistent female resistance to the conventional realignment of male authority at the conclusion of a courtship plot, and then provides a new critique of that same authority, before concluding the narrative in a way that refuses to validate either of the two critiques presented but also which withholds approval of authority, reformed or otherwise.

### **A Willing Captivity: Matilda's Imprisonment, Education and Influence**

By figuring the domestic sphere as a place of imprisonment, Inchbald at once recalls the unjust but not illegal confinements of Richardson's Pamela and Clarissa, and the eighteenth-century custom of legally-enforced confinement for debtors, especially gentlemen, in the bailiff's own home or other private dwellings. The space of the eighteenth-century prison was frequently a domestic one, from the private houses that imprison Wollstonecraft's Maria and Holcroft's Anna, to the rules or the verge of court that contained other prisoners, chiefly debtors, surrounding more formalised prison structures. But for women in fiction the domestic sphere features frequently as a place of confinement. Nancy Armstrong has written of what she calls "the panoptical conception of authority" manifest in the country house, "the same one Bentham would later represent as a political theory."<sup>13</sup> As a comparison between Bentham and Richardson's *Pamela* (1740-41) this is perhaps a little extreme, but Richardson's narrative certainly accesses the same eighteenth-century conceptions of the public gaze that dominated reform and

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<sup>12</sup>Parker, p. 264.

<sup>13</sup>Armstrong, p. 122.

control. Domestic surveillance is bound up in confinement and control, even when, as is the case with Matilda, the form of confinement she endures is predicated upon *not* being seen; she has been allowed to return to her father's house after Lady Elmwood's death on condition that she never enters her father's presence. She must remain unseen, in her confinement, to allow that confinement to continue, rather than risk the greater punishment of a second banishment. In a discussion of the Jacobin novel's incorporation of Gothic language and tropes, Robert Miles pinpoints *A Simple Story*'s aesthetic precisely when he writes that "Jacobin Gothics turn on a strong sense of the metaphors of imprisonment."<sup>14</sup> In Inchbald's work, this metaphor is employed far more subtly than in *Caleb Williams* or *The Wrongs of Woman*, but bears instead a perceptible link with the imprisonment scenes in Radcliffe's Gothic novels of the 1790s. There are no bleak gaols or madhouses in *A Simple Story*, no references to the Bastille, no speeches denouncing the oppressive state of the world and the trammelled existence of mankind. Instead the narrative is humorous and dramatic, but not overtly Gothic or Jacobin. Within this framework, however, quietly and almost unnoticeably at first, a destabilisation of patriarchy and domestic authority is exerted through repeated scenes testifying to the faulty judgement of Dorriforth, which renders him unjust, and unfit to rule, though it in no way diminishes his actual power in the household. Within the novel itself this destabilisation is so subtly phrased as to produce a most unsettling effect upon the reader, a disquietude that the novel itself never fully articulates but which it conveys through certain ambiguities, contradictions, and, throughout, the perpetual threat of force and violence that underlies everything.

Inchbald's treatment of domestic liberty and imprisonment is very different to Godwin's and Wollstonecraft's. One reason for this is her social range; much narrower than the other writers' excoriations of society and its institutions as a whole, Inchbald sets her narrative wholly within a handful of houses, all of which are either Lord Elmwood's property or places where his authority is uppermost. Godwin's exposure of society as one vast prison state begins from the

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<sup>14</sup>Robert Miles, "The 1790s: the Effulgence of Gothic." *The Cambridge Companion to Gothic Fiction*. Ed. Jerrold E. Hogle (Cambridge: Cambridge University Press, 2002) p.50.

unexpected scene of Falkland's house, where contrary to the established conventions of the sentimental and Gothic genres it is the master of the house, Falkland himself, who is the prisoner in the domestic sphere, as much as his servant Caleb. This domestic tyranny reverses itself and then expands until it covers all of the subsequent worlds that Caleb moves in, in which he is a "prisoner at large" with the continual threat of becoming "a prisoner in good earnest," as Gines informs him.<sup>15</sup> The depiction of incarceration is perhaps more conventional in *The Wrongs of Woman*, in that it takes place in a private madhouse, long a scene of intrigue in the popular imagination and beloved of sensational novelists, chief among them Eliza Haywood and her arrestingly-titled *The Distress'd Orphan, or Love In A Madhouse* (1726). Yet as is clear from the unfolding of the narrative and Maria's personal account of her sufferings, her existence has been circumscribed from birth, even before the act of actual physical imprisonment takes place; her childhood and early youth, oppressed by her elder brother, a "deputy tyrant" to her father, are described in terms not dissimilar to that of a prison regime: "the petty cares that obscured the morning of my life; continual restraint in the most trivial matters; unconditional submission to orders."<sup>16</sup>

Inchbald's representation of domestic confinement is closer to Wollstonecraft's, but it is rendered problematic by the passivity of the confined Matilda, in a repetition of her mother's punishment by similar confinement and banishment, but without Miss Milner's resistance to it. Miss Milner and Matilda are two contrasting personalities, and nowhere is this more clearly seen, difference of education, opportunity and temperament notwithstanding, than in their respective attitudes towards authority. Miss Milner struggles, submits, struggles again, wins, and struggles once more, only to end in disaster. Matilda always submits. In the crisis of her kidnapping when she is spirited away by an unwelcome suitor Lord Margrave, she continues her passive behaviour, unable to resist even this most obviously illegitimate action by male authority. All the while she has made a fetish of her father: "After listening with anxiety and joy to all she told, Matilda laid

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<sup>15</sup>Godwin, *Caleb Williams*, p. 324.

<sup>16</sup>Wollstonecraft, *The Wrongs of Woman*, p. 95.

hold of that hand she [Miss Woodley] said Lord Elmwood had held, and pressed it to her lips with love and rapture.”<sup>17</sup> She waits and she obeys, and then she is rewarded for her docility with her cousin’s hand and her father’s love. Matilda is a happy prisoner. Inheriting the role as Lord Elmwood’s fair tormentor from her mother Miss Milner, she entirely lacks any of her mother’s spirit, wit or irreverence. The narrative’s change in style and tone in the second half of the novel is mirrored by the replacement of the vivacious socialite by her insipid offspring. The careful exposition of the destabilisation of Dorriforth’s character and his increasing flashes of anger are substituted by full-blown and invariable tyranny. The long conversations are replaced with moody introspection and tearful description; the focus is no longer the delights of love and the social whirl but the quiet, relentless oppression suffered in the home. Yet the penultimate shift in the novel, its disintegration from satire to sentiment to hurried melodrama is less of an awkward detour and hasty denouement than an important metaphor for the novel and the world it depicts as a whole. A long period of stasis and stagnation in the narrow confines of an upper-class English Catholic household is enlivened by a sudden burst of activity, but the peace promised by eventual return to order is not guaranteed.

Inchbald’s depiction of feminine oppression and domestic subjugation by a paternal figure mirrors certain themes in the early novels of Ann Radcliffe, and anticipates Radcliffe’s development of them in her later works. Though Inchbald does not return to this theme in *Nature and Art*, it is an important one in 1790s Gothic fiction. Julia, the heroine of Radcliffe’s 1790 novel *A Sicilian Romance*, is menaced by her father in her home; he is revealed to have imprisoned her mother in the vaults of the ancestral castle (a form of banishment echoed by that of Lord Elmwood against Lady Elmwood, who sends her to live in his house in Scotland), and Matilda, like Julia, is forced to share her mother’s captivity, and to endure a substantial loss of freedom even when freed from the confines of the original place of banishment or imprisonment. Importantly, however, Matilda’s acquiescence in her imprisonment and the

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<sup>17</sup>Inchbald, *A Simple Story*, p. 214.

representation of her place of confinement as a space of safety, is present briefly in *A Sicilian Romance* (Julia shares her mother's prison to avoid detection by her father) but is only more fully developed in Radcliffe's later novels, most notably in *The Italian* (1797). Here, the place of imprisonment is simultaneously a space of confinement and liberty. Ellena, confined in a convent to prevent her marriage to Vivaldi, is allocated a chamber in which she can read, reflect, and observe the valley below from a large window:

she approached the windows, and beheld thence an horizon, and a landscape spread below, whose grandeur awakened all her heart. The consciousness of her prison was lost, while eyes ranged over the wide and freely-sublime scene without. She perceived that this chamber was within a small turret, projecting from an angle of the convent over the walls, and suspended, as in air, above the vast precipices of granite, that formed part of the mountain.<sup>18</sup>

At once confined within the convent and set apart from it, in her suspended eyrie over the ravine, Ellena is imprisoned but protected from the dangers of the precipice. Not merely her consciousness but her actual body is set free from her confinement; she is physically set apart by virtue of the cell's location, left in suspension as her fate is to be decided, but preserved from torment in her chamber. Here she is free from surveillance, and is instead in the position of observer. As Claire Wrobel has noted, Radcliffe's treatment of places of confinement is ambiguous, as enclosures can function as shelters: being locked in a room, as Ellena is, can be a threat, but can also ensure safety. The darkness afforded by pre-reform prisons, safe from the glare of Bentham's panopticon, allows the prisoner a certain degree of privacy, of the ability to observe without being seen.<sup>19</sup> In her captivity in her father's house, banished from his presence and confined to one wing of the house Matilda is assured of her physical safety, afforded protection under his roof. Lord Elmwood, though a domestic tyrant, oppresses through a lack of attention, rather than any more unsavoury variety. It is when Matilda accidentally infringes the conditions of her captivity, is seen by her father and is banished for a second time that she is kidnapped by the local lord who aims to conquer her virtue. Her captivity has rendered her safe

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<sup>18</sup>Ann Radcliffe, *The Italian*. 1797. Ed. and introd. Frederick Garber (Oxford: Oxford University Press, 1991) p. 90.

<sup>19</sup>Claire Wrobel, "Radcliffe, Penal Reform and the Panopticon." Unpublished conference paper. *Eighteenth-Century Gothic*. University of Sheffield, 25<sup>th</sup> October 2008.

and comfortable, and is preferable to her alternative existence: “she saw before her the prospect of a long youthful and healthful life, in which misery and despair were all she could discern; that despair seized her at once.”<sup>20</sup> Such is Matilda’s response to the news that her confinement in her father’s house is at an end.

Inchbald’s representation of education in *A Simple Story* problematises the Jacobin belief in the ameliorative powers of education. Paulson describes the essential defining feature of Jacobin writing as “a rational strain of literary – political – philosophical theorizing.”<sup>21</sup> This definition is drawn from Holcroft’s belief in the necessity for “unity of design,” his central view that, in literature as in life “the characters of men originate in their external circumstances.”<sup>22</sup> The formal result at its best was an unprecedented union of character and incident.<sup>22</sup> The ways in which individual character can be warped by environment and education is a dominant theme in *Anna St Ives*, *Hugh Trevor*, *Caleb Williams*, *The Wrongs of Woman* and *Nature and Art*, but Inchbald’s 1791 novel does not pursue this. Rather than debate the formation of character by external circumstance, as she does in the more radical *Nature and Art*, Inchbald interrogates the concept of character itself, and demonstrates a naive reliance upon the resilience of innate good nature which preserves its sweetness regardless of environment. Matilda emerges untarnished from her banishment and seclusion: her nature is not blighted by the neglect and persecution she has endured. Conversely, good example, wise counsel, and a rarefied domestic atmosphere cannot combat Miss Milner’s innate rebelliousness. Throughout the novel education is contrasted with nature, and nature repeatedly triumphs. The exception is the dutiful Miss Woodley, in whose character education reigns more powerfully than even nature can:

“[e]ducation, is called second nature; in the strict (but not enlarged) education of Miss Woodley, it was ever more powerful than the first.”<sup>23</sup> Sandford, doubly bound by his role as educator and

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<sup>20</sup>Inchbald, *A Simple Story*, p. 263.

<sup>21</sup>Ronald Paulson, *Representations of Revolution 1789 – 1820* (London and New Haven: Yale University Press, 1983) p. 228.

<sup>22</sup>Ibid.

<sup>23</sup>Inchbald, *A Simple Story*, p. 72.

religious instructor, is able nevertheless to negotiate his duties to the satisfaction of his nature: “When Sandford acted deliberately he always acted up to his duty; it was his duty to forgive Rushbrook and he did so – but he had declared he would never ‘be again in his company unless Lord Elmwood was present;’ – and with all his forgiveness, he found an unforgiving gratification, in the duty, of being obliged to keep his word.”<sup>24</sup> In relation to the other characters (and in anticipation of the deleterious effects of education in *Nature and Art*), in the clash between nature and education it is education that repeatedly comes off the worst. At every turn Inchbald points out the shortcomings of educators and education, of its failure as a mechanism to exert control over the wilder nature beneath, of the failure, in fact, of environment to substantially shape the innate character.

Related to the question of education is the role of influence. Like education it can be a powerful tool, but it is as fallible in its attempts to exert control over nature as education; it may contain nature, but cannot correct it. It is not Dorriforth’s education that leads to his assumption of a tyrannical role but his latent implacability that was but thinly masked by education and religious devotion. For Dorriforth, religion provides both his education and a controlling influence over him. His reverence and respect for Sandford and his schooling at the Jesuit seminary “bred at St Omer’s in all the scholastic rigour of that college,” are as easily renounced as his religious vows.<sup>25</sup> With his inheritance of the aristocratic title comes the unleashing of the worst qualities of the aristocracy; he reveals himself to be far more of a Tyrrel than a Falkland, in spite of his sensibility and addiction to duelling. Terry Castle has argued that the masquerade is a critical scene in the novel’s unfolding of the themes of power and dominance.<sup>26</sup> I suggest that it is not Miss Milner, the participant in the novel’s featured masquerade, but Dorriforth, who truly inhabits the mask:

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<sup>24</sup>Ibid., p. 247.

<sup>25</sup>Ibid., p. 5.

<sup>26</sup>Terry Castle, *Masquerade and Civilisation: The Carnavalesque in Eighteenth-Century English Culture and Fiction*. (Stanford: Stanford University Press, 1996) pp. 309-19.



Notwithstanding that dissimilarity of opinion, which in almost every respect, subsisted between Miss Milner and her guardian, there was generally the most punctilious observance of good manners from each towards the other on the part of Dorriforth more especially; for his politeness would sometimes appear even like the result of a system he had marked out for himself, as the only means to keep his ward restrained within the same limitations.<sup>27</sup>

Miss Milner is aware of the continual restraint upon her guardian's character, and, conscious of the change in his personality after he gains his aristocratic title, uses the metaphor of the masquerade herself when speaking of him to Miss Woodley: "why persuade Lord Elmwood to put on a mask, just at the time when he has laid it aside?"<sup>28</sup> One of the main faults of Dorriforth's education, or system of restraint, is that it is due to the influence of others. Influence is problematic because it is not engaged with principle. It does not alter the nature beneath, but only masks it. Sandford the moral exemplar, named after Thomas Day's paragon in the conduct book *Sandford and Merton*, gradually loses his influence over Dorriforth after he is released from his vows, and once Lord Elmwood begins to direct his own behaviour, he becomes a tyrant. When the narrator enquires, "[w]ould Sandford, who governed, or at least directed his almost every thought and purpose, not be consulted upon this?" the correction of "governed" to "directed" suggests that instead of inculcating his pupil with independent habits of reason and reflection, Sandford has sought to influence him from his position of authority.<sup>29</sup> When Dorriforth's status changes he becomes ungovernable, as Sandford's authority has been superseded and Dorriforth, trained in obedience, has no authority over himself. If domestic despotism is to be overthrown, a new form of legitimate authority must be cultivated to take its place, that of self-governance, rather than tyranny.

### **Proof and Observation in *A Simple Story***

Miss Woodley, for the first time, disobeyed the will of Mr Sandford; and as soon as Miss Milner and she were alone, informed her of all he had revealed to her; accompanying the recital with every testimony of sympathy and affection. – But had the genius of Sandford

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<sup>27</sup>Inchbald, *A Simple Story*, p. 25.

<sup>28</sup>Ibid., p. 144.

<sup>29</sup> Ibid., p. 214.

presided over this discovery, it could not have influenced the mind of Miss Milner to receive the intelligence, more exactly opposite to the intention of the informer. Instead of shuddering with fear at the menace Lord Elmwood had uttered, she boldly said, she 'Dared him to perform it.' 'He durst not,' repeated she.

'Why durst not?' said Miss Woodley.

'Because he loves me too well – because his own happiness is too dear to him.'

'I believe he loves you,' replied Miss Woodley, 'and yet there is a doubt if –'

'There shall no longer be a doubt,' – cried Miss Milner, 'I'll put him to the proof.'

'For shame my dear! you talk inconsiderately – what do you mean by proof?'<sup>30</sup>

*A Simple Story*, like *Caleb Williams*, is pervaded by legal language, observation, prosecution and trial. Unlike the latter novel, *A Simple Story* bears this content lightly, working through it metaphorically rather than literally. Disguised by Inchbald's social comedy and satire in the first half of the novel, the reliance upon legal terminology and scenes of cross-examination may be easily overlooked. Sandford is presented as Miss Milner's initial antagonist but eventually becomes her champion and the defender of her daughter in the face of Lord Elmwood's tyrannies, and so occupies positions of both prosecution and defence. He also functions as an unlikely manifestation of Adam Smith's watchful monitor. The discourse of prison and legal reform is present in this novel of sensibility, melodrama and doomed romance from the very beginning. Spacks has described the opening scenes of the novel in her wider analysis of privacy, as an example of "the intrusiveness of interpretation."<sup>31</sup> Before Miss Milner's appearance in the novel she is introduced through the testimonies of others, in the manner of character witnesses at a trial who attest to certain qualities as the judge, in this case Dorriforth, works through a list of what he deems will produce an effective picture of her as evidence by which he can judge her character. Mrs Horton and Lady Evans first present a "young, idle, indiscreet, giddy girl."<sup>32</sup> When Dorriforth expresses his sorrow at such a character, they seek to mitigate their representation of her by chorusing how Miss Milner will improve by Dorriforth's guidance, but such remarks constitute speculation, not evidence. His opinion is swayed by the appearance of the final witness, Mrs Hillgrave, who upon mention of Miss Milner's name offers a tearful

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<sup>30</sup>Ibid., p. 140.

<sup>31</sup>Spacks (2003), p. 73.

<sup>32</sup>Inchbald, *A Simple Story*, pp. 10-11.

testimony to the generosity and benevolence of Miss Milner's character. Real feeling, combined with direct experience, provides the most persuasive testimony, and Mrs Hillgrave carries the charge in Miss Milner's favour.

As Spacks notes, however, the two portraits of Miss Milner conform to impersonal stereotypes of the giddy flirt and ministering angel: "[t]o go beyond stereotypes in perception, as Dorriforth will temporarily do, requires a depth of understanding difficult to sustain."<sup>33</sup> Dorriforth withholds his final judgement on Miss Milner's character until he meets her in person, but that judgement does not remain constant. Her volatility and temperament prevent the delivery of a lasting verdict, unlike in a court of law, and the process of interpretation remains constant throughout the novel for Dorriforth and for the reader. Dorriforth's repeated misinterpretations prove that he has not learned to reason and enquire; he is equipped with the means to read, but not with the power to evaluate. This does not prevent the novels' characters from trying to fix a meaning upon each other. Miss Milner, by now engaged to Dorriforth who has been released from his vows as the new Lord Elmwood, determines to achieve proof of his love for her upon hearing that her behaviour causes him concern; he has vowed to Sandford that he will break their engagement unless she redeems herself. She attempts to obtain incontrovertible and lasting evidence of her power over him: she will test him by her outrageous behaviour, put his affection for her on trial, and then know definitively whether he is hers or not. After the crisis of Miss Milner's disobedience and attendance at the masquerade, Lord Elmwood breaks the engagement, and thus a definite verdict is reached. But this, in the climax of volume two, is overturned by their dramatic reconciliation and marriage. Neither Lord Elmwood's judgement nor Miss Milner's proof are permanent. A verdict, once passed, is vulnerable to further, possibly endless alteration, until death. Interpretation is a continual process, and emotion frequently clouds it, as Lord Elmwood discovers:

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<sup>33</sup>Spacks (2003), p. 73.

she, who as his ward, had ever been gentle, and (when he strenuously opposed) always obedient; he now found as a mistress, sometimes haughty; and to opposition, always insolent. – He was surprised, but the novelty pleased him. – And Miss Milner, whom he tenderly loved, could put on no change, or appear in any new character that did not, for the time she adopted it, seem to become her.<sup>34</sup>

The difficulty of making the correct interpretation is not matched by an awareness of the problem; by contrast, although Dorriforth, Miss Milner and Sandford are continually involved in judging each other, they do not demonstrate any consciousness of the necessity for caution. Even after the opening scene of conflicting testimony, and Dorriforth's repeated changes of opinion regarding his equally-mercurial ward, the thorny process of evaluation and judgement never becomes evident to the characters. They continue to judge, and judge mistakenly, and judge again, until forgiveness and sympathy provide the final resolution, rather than the production of an infallible, or at least more cautious, system of interpretation. The reader learns this lesson; Lord Elmwood and company do not.

The importance of judgement and interpretation in the novel is underpinned by an emphasis on observation, once more recalling Adam Smith's internal monitor. In Inchbald's engagement with the theory, those who observe externally suffer a form of blindness in relation to their own internal spectatorship. Both Lord Elmwood and Sandford set themselves up as Miss Milner's external monitors, yet neither man applies the rigour of his watch to his own behaviour. Sandford, possessed of astounding powers of penetration, is gifted with the perception of the internal monitor, if not quite sharing its disinterestedness:

He saw Miss Milner's heart at the first view of her person; and beholding in that little circumference a weight of folly he wished to see eradicated, he began to toil in the vineyard, eager to draw upon him her detestation, in the hope he could also make her abominate herself [...] [he] did not begin by wasting that reverence so highly valued upon ineffectual remonstrances, of which he could foresee the reception, but awakened the attention of the lady solely by his neglect of her.<sup>35</sup>

Sandford is a "rigid monitor."<sup>36</sup> His programme of reform, once decided upon, is unwavering, and achieves a certain degree of success, as Miss Milner's sense of self-worth is shaken by his

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<sup>34</sup>Inchbald, *A Simple Story*, p. 132.

<sup>35</sup>Ibid., p. 40.

<sup>36</sup>Ibid., p. 39.

disregard for her charms, but this proves temporary, and provokes her to spirited contestation of his observations. He is the wrong sort of monitor for Miss Milner, and instead of reforming her faults exacerbates them. In another twist on Smith's theory, Sandford's judgement of various situations and his advice to Lord Elmwood, while motivated by genuine concern and strict if somewhat self-satisfied benevolence, runs aground due to his own lack of monitoring. Accustomed to watch and judge others in accordance to his principles, he has not monitored those principles, nor concerned himself with forgiveness after judgement has been reached, but remains at the point of condemnation:

He constantly reproved faults in others, and he was most assuredly too good a man not to have corrected and amended his own, had they been known to him – but they were not. – He had been for so long a time the superior of all with whom he lived, had been so busied with instructing others, he had not recollected he himself wanted instructions – and in such awe did his severity keep all about him, that notwithstanding he had many friends, not one told him of his failings.<sup>37</sup>

Although the narrator expostulates upon the necessity for mercy when Lord Elmwood confides his intention to banish Miss Milner upon her next indiscretion (a threat he eventually carries out some years later, sending Lady Elmwood and the infant Matilda away), the pattern of misreading and harsh judgement continues. Sandford critiques the soft-hearted Miss Woodley with a curious piece of reasoning to justify his harshness: “You judge of things as they are in reality, not what they are by construction; the only way to judge of any thing.”<sup>38</sup> Miss Woodley is motivated by compassion, whereas Sandford is enmeshed in Jesuitical casuistry. Judging by “construction” leads inevitably to misconstruction. While not entirely condemned by the authorial voice, Sandford's methods are less preferable than that forgiveness and compassion which wins out at the conclusion, and which Sandford himself, by exhorting Lord Elmwood to act as a true father to his kidnapped daughter, promotes.

Though Sandford's prosecution of Miss Milner runs aground, his direct questioning of other characters does prove fruitful. Much of the interest in the novel comes from Inchbald's

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<sup>37</sup>Ibid., p. 135.

<sup>38</sup>Ibid., p. 137.

use of conversation or muted description of the characters' actions, in place of heavy exposition, as in the following scene where Sandford confronts Rushbrook, Lord Elmwood's heir, about the true nature of his interest in his fair cousin Matilda:

Rushbrook paused.  
'Do you think,' continued Sandford, 'the intelligence [of Rushbrook's esteem for Matilda] will give her any satisfaction?'  
'Perhaps not.'  
'Will it be of any to yourself?'  
'The highest in the world.'  
'And so all you have been urging upon this occasion, is, at last, only to please yourself.'  
'You wrong my meaning – it is she – her merit which inspires my desire of being known to her – it is her sufferings, her innocence, her beauty' –  
Sandford stared – Rushbrook proceeded: 'It is her' –  
'Nay stop where you are,' cried Sandford; 'You are arrived at the zenith of perfection in a woman, and to add one qualification more, would be an anti-climax.'  
'Oh!' cried Rushbrook with warmth, 'I loved her, before I ever beheld her.'  
'Loved her!' cried Sandford, with astonishment, 'You are talking of what you do not intend.'  
'I am, indeed,' returned he in confusion, 'I fell by accident on the word love.'  
'And by the same accident, stumbled on the word beauty; and thus by accident, am I come to the truth of all your professions.'<sup>39</sup>

Though this scene is quickly and clearly played out between Sandford and Rushbrook, it nevertheless catches upon the reader's imagination. Due attention has been paid to Inchbald's generic innovation as a novelist, with her successful introduction of theatrical devices such as gesture and movement into the political novel to take the place of overly-determined speeches.<sup>40</sup> In each of her reviews on Inchbald's novels in the *Analytical Review* Wollstonecraft makes subtle reference to Inchbald's effective stage training and experience: "some of the conversations are written with dramatic spirit"; "the plan of this novel is truly dramatic"; "the author even has the art to render dialogues interesting that appear to have only the evanescent spirit, which mostly evaporates in description, to recommend them."<sup>41</sup> When referring to these dialogues Wollstonecraft is nevertheless careful to preserve Inchbald's good character from any disreputable whiff of the theatre: "Lively conversations abound, and they are, in general, written

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<sup>39</sup>*A Simple Story* p. 279-80.

<sup>40</sup>See, for example, Katharine M. Rogers's "Inhibitions on Eighteenth-Century Women Novelists: Elizabeth Inchbald and Charlotte Smith." *Eighteenth-Century Studies* 11.1 (1977-78) pp.63-78.

<sup>41</sup>Wollstonecraft, review of *Nature and Art*, *Analytical Review* 23 (May) 1796; review of *A Simple Story*, *Analytical Review* 10 (May) 1791; *ibid.* From *On Poetry. Contributions to the Analytical Review 1788-1797*, p. 396, p. 370, p. 371.

with the spirited vivacity and the feminine ease that characterises the conversation of an agreeable well-bred woman,” yet the theatrical influence is unmistakable.<sup>42</sup> The confusion of the two men is referred to in the narration but it is through the dialogue, the short phrases, the bursts of eloquence, the interjections and the dry satirical note of Sandford’s character that the drama of the scene is expressed and the imagination of the reader stimulated. It is also an important example in the novel of the discovery of the truth by direct communication; neither Rushbrook nor Sandford expect the result of their conversation to be a confession of love for Matilda. Unlike *Caleb Williams* where the truth is only uncovered by accident when another cause is pursued by trial, here no trial but a simple conversation is required.

Sandford’s watch upon Miss Milner does not achieve personal reform or happiness; neither does that of Lord Elmwood. Suspecting a bias in Sandford’s representations to him, Lord Elmwood informs him that “I will meet no one – I will consult no one – my own judgement shall be the judge, and in a few months, marry or – *banish me from her for ever.*”<sup>43</sup> Lord Elmwood eventually ends up acting upon one of these resolutions, but his decision to cast himself apart from all other influences in judgement is significant here. From the very beginning of the novel the guardianship and then courtship of Miss Milner and Dorriforth has been carried out in a large part through intermediaries, chiefly Sandford and Miss Woodley. Miss Milner and Dorriforth rely upon testimonies and representation provided by third parties to help them reach decisions in moments of crisis (even their marriage is precipitated by Sandford’s sudden championship of romance), and this is the habit, as much as Lady Elmwood’s volatility, that leads to their final rupture. But as we see throughout, Lord Elmwood’s unaffected judgement is faulty, and he grows more tyrannical the more he shakes off the influence of others. In *A Simple Story*, neither the internal monitor nor its external supporter are shown in a greatly favourable light; testimony is a flawed resource, first- or third-person representation is unreliable, and the only thing that serves as guidance is innate good nature encased in self-control, the formula

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<sup>42</sup>Wollstonecraft, review of *Nature and Art*, p. 396.

<sup>43</sup>Inchbald, *A Simple Story*, p. 135.

meted out to Matilda: “what may not be hoped from that school of prudence – though of adversity – in which Matilda was bred?”<sup>44</sup> Crucially, it is upon the reader that the full weight of interpretation of this question and others lie, in what Michael Boardman has described as “[t]he reader’s chief joy [of] playing an elaborate game of inference,” evaluating the evidence and interrogating it even when being led by the narrative voice towards a possible interpretation.<sup>45</sup> Inchbald instructs the reader in the necessity of careful questioning in speech and also in the importance of interpreting speech as carefully as action, offering a subtle but distinctive training in judicial practice.

### **Judge and Be Judged: *Nature and Art***

Viewing *Nature and Art* as a serious continuation of Inchbald’s literary philosophy from *A Simple Story*, as Maurer does, offers a more rewarding interpretation than that gained by regarding it as a political or fashionable aberration. Its sombre, disruptive tone aptly reflects the worsening political situation of 1794 when it was written, and the attention to social and moral corruption is more suitable than a courtship plot for investigating the contemporary experience. As with Wollstonecraft’s *Mary* and *The Wrongs of Woman* Inchbald revisits certain themes and structures in her reworking of the earlier text. The division of the novel into two volumes where events and characters both mirror and oppose each other presents a central tragedy that is defined as such from the perspective of social reform rather than generic conventionality. Society’s attitude towards sexuality is represented as much more problematic and disturbing than in *A Simple Story*. Where Miss Milner’s adultery led to her banishment and death, in accordance with the generic convention of the erring female protagonist, in *Nature and Art* Hannah’s love and devotion lead to prostitution and eventually to criminal prosecution for forged bills. The female protagonist here is ruined not by her own folly, but by the socially-sanctioned seduction of lower-class

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<sup>44</sup>Ibid., p. 318.

<sup>45</sup>Michael Boardman, “Inchbald’s *A Simple Story*: An Anti-Ideological Reading,” *Ideology and Form in Eighteenth-Century Literature*. Ed. David Richter (Lubbock, Texas: Texas Tech University Press, 1999) pp. 207-22, p. 210.



women by upper-class men, by poverty, by hypocrisy, and by economic forces, all of which disinterestedly conspire to crush her. The tale may be hackneyed and sentimental enough, in the village maiden's loss of virtue and tragic end, but her appearance at trial and condemnation to death is a world away from the happy restoration to home and patriarchal order that awaits Miss Atkins, the penitent prostitute in Henry Mackenzie's *The Man of Feeling*, upon her rescue by Harley from her life of degradation.<sup>46</sup> There is no such rescue for Hannah, but loss of virtue does not lead immediately to disaster. After her son has been restored to her she lives happily at home for a number of years, before economic necessity sends her to London, and her eventual ruin.

As with Wollstonecraft's contention underpinning *A Vindication of the Rights of Woman*, that men and women are both degraded by the confined role allotted to women in society, Inchbald demonstrates that sexual exploitation of women by men is equally destructive. Maurer describes how the structure achieves this, "[s]eeming to evince a reverse curve, a negative equilibrium, between William's success and Hannah's destruction, the narrative ultimately reveals that both characters suffer from the consequences of his actions. Thus while society might allow, and even sanction, William's maltreatment of the working-class Hannah, his conduct destroys him along with her."<sup>47</sup> Jacobin ideology infuses every aspect of this novel, especially in its representation of gender. Maurer views English Jacobinism, or at least the critics who have previously discussed it, as too narrow a way of reading the novel, shackling its potential for interpretation.<sup>48</sup> I suggest, however, that instead of viewing the "prism" of Jacobinism as a restriction, it can be used to illuminate a broader understanding of *Nature and Art*, most particularly in relation to the themes of experience, evidence, testimony, and judgement.<sup>49</sup>

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<sup>46</sup>Henry Mackenzie, *The Man of Feeling*. 1771. Ed. and introd. Brian Vickers (Oxford: Oxford University Press, 1987) pp. 48-73.

<sup>47</sup>Maurer (1997), pp. ixx-xx.

<sup>48</sup>Letter to Inchbald from Godwin, cited in James Boaden, *Memoirs of Mrs Inchbald*. 2 vols. (London: R.Bentley, 1833) vol.2, p.354. Quoted by Maurer (1997) p. xv.

<sup>49</sup>Maurer (1997), p. xviii.

*Nature and Art* is structured around two generations of one family, with similar childhood experiences shared by the brothers William and Henry, and the very different formative experiences of their respective sons, the young cousins also named William and Henry. Each Henry represents nature, and each William signifies art. The elder Henry emigrates, while his brother William pursues fame in a career in the Church. The young Henry is sent to his uncle, and his wholly natural and instinctively questioning character is launched into a corrupt and artificial world. The differences between the characters of the young cousins are immediately apparent, in the simplistic opposition that Inchbald sets up. Within the external opposition, however, each boy's character consists of nature and environment combined, rather than straightforward innate vice or virtue. Thus environment plays a more significant role in shaping character here than in *A Simple Story*. William, the child of ambitious parents, is cosseted and spoiled by an army of fawning hangers-on. The system of education deemed suitable is a wholly deleterious one, and he survives it only thanks to a finer character than his circumstances have created:

Indeed, considering the labour that was taken to spoil him, he was rather a commendable youth; for, with the pedantic folly of his tutors, the blind affection of his father and mother, the obsequiousness of the servants, and flattery of the visitors, it was some credit to him that he was not an ideot, or a brute – though when he imitated the manners of a man, he had something of the latter in his appearance – for he would grin and bow to a lady, catch her fan in haste when it fell, and hand her to her coach, as thoroughly void of all the sentiment, which gives grace to such tricks, as a monkey.<sup>50</sup>

Before the young Henry arrives back to England from his life on the African island, to be viewed as something of a simpleton, if not a savage, due to his uncultivated upbringing, young William has already been introduced to the reader as tending towards imbecility and brutishness: not from any lack of cultivation, but because of it. His nature offers some resistance to the art that shapes him, but it is also notable that for the two brothers, William and Henry senior, who have shared the same upbringing, nature plays a very different role in each, with Henry's good-natured selflessness contrasting markedly to William's ambition, which corrupts his own innate goodness

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<sup>50</sup>Inchbald, *Nature and Art*, p. 17.

and affection. Alternative societies do not necessarily create better characters, but the absence of artifice, or cultivation, or polite manners, will result in an unspoiled character, at least.

Young Henry's innate sense of honour withstands his immersion in polite society in England, and he proves himself to be incorruptible, but Inchbald's representation of the influence of society, of innate characteristics, and goodness, is not as straightforward as may appear at first. The elder William struggles to subdue his brotherly affection in favour of public and professional gain; the young Henry quickly learns reverence for wigs, jewels, and other markers of social rank. No character is unmixed in its qualities: "[t]hey are human creatures who are meant to be pourtrayed in this little book: and where is the human creature who has not some good qualities to soften, if not counterbalance his bad ones?"<sup>51</sup> The question of circumstance and character is an important Jacobin principle, and is significant in the wider debate about crime and punishment. Both Godwin and Holcroft believed that experience shaped character and thus error was created by external forces; a man and his crimes should be viewed separately. The causes of the crime should be enquired into, rather than the individual suffering outright condemnation for them. In Inchbald's treatment of this, as in Holcroft's *Hugh Trevor* and *Bryan Perdue*, both nature and circumstance are held to account for the crimes or errors committed. The younger William, like Bryan, is a protagonist who repeatedly errs with full awareness of his actions. He does not possess the faith, optimism or genuine error of Caleb, but deludes himself willingly to allow full indulgence of his desires. But again, as in *A Simple Story*, the environment and influences that surround a particular character cannot eradicate the original nature of that individual:

[t]heir different characters when boys, were preserved when they became men: Henry still retained that natural simplicity which his early destiny had given him; he wondered still at many things which he saw and heard, and at times would venture to give his opinion, contradict, and even act in opposition to persons, whom long experience and the approbation of the world had placed in situations which claimed his implicit reverence and submission.<sup>52</sup>

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<sup>51</sup>Ibid., p. 14.

<sup>52</sup>Ibid., p. 40.

Henry represents the Jacobin tenet of individual enquiry, of careful examination and weighing up of evidence, of developing personal opinion instead of adopting other people's prejudices in lieu of reason and reflection. Yet this persistence of character traits complicates the Jacobin claim for the importance of circumstance in the development of character. If there are such innate qualities as good or evil nature, then Jacobin reform, predicated upon human perfectibility and social progress, will fail, as human nature will defeat it. Such pessimism echoes the despair in *The Wrongs of Woman*, but it also seriously questions the validity of Jacobin ideology, which is compromised by Inchbald's ambiguous representation of this central tenet. Given the centrality of education and experience in the novel, however, even if a positive conclusion cannot be drawn, the testing of theories of reform allows ample room for their examination and evaluation on the part of the reader.

Henry's arrival in England necessitates a new education, and the customs of the country must be explained. This causes some ridicule for him, but in the explanations Henry receives to his queries Inchbald provides herself with a sturdy frame for critiquing established society. An important aspect of Henry's character is his sense of curiosity:

[h]e walked into the room, not with a dictated obeisance, but with a hurrying step, a half pleased, yet a half frightened look, an instantaneous survey of every person present; not as demanding "what they thought of him," but expressing, almost as plainly as in direct words, "what he thought of them." For all alarm in respect to his safety and reception seemed now wholly forgotten, in the curiosity which the sudden sight of strangers, such as he had never seen in his life before, excited: and as to *himself*, he did not appear to know there was such a person existing: his whole faculties were absorbed in *others*.<sup>53</sup>

The guiding principle of curiosity and enquiry frees the individual from self-consciousness and fear, and immerses him instead in a world of interest, observation, and full participation in his surroundings, rather than in solipsistic self-absorption. Henry's curiosity threatens to shatter the very foundation of society, however, when he queries such basic facts as the division between rich and poor:

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<sup>53</sup>Ibid., p. 22.

“Come hither, child,” said the dean, “and let me instruct you – your father’s negligence has been inexcusable. – ‘There are in society’” (continued the dean) “rich and poor; the poor are born to serve the rich.”

“And what are the rich born for?”

“To be served by the poor.”

“But suppose the poor would not serve them?”

“Then they must starve.”

“And so poor people are permitted to live, only upon condition that they wait upon the rich?”

“Is that a hard condition? or if it were, they will be rewarded in a better world than this.”

“Is there a better world than this?”

“Is it possible that you do not know there is?”

“I heard my father once say something about a world to come; but he stopt short, and said I was too young to understand what he meant.”

“The world to come” (returned the dean) “is where we shall go after death; and there no distinction will be made between rich and poor – all persons there will be equal.”

“Aye, now I see that makes it a better world than this. But cannot this world try to be as good as that?”

“In respect to placing all persons on a level, it is utterly impossible – God has ordained it otherwise.”

“How! has God ordained a distinction to be made, and will not make any himself?”

The dean did not proceed in his instructions; he now began to think his brother in the right, and that the boy was too young, or too weak, to comprehend the subject.<sup>54</sup>

Inchbald’s balancing of the proverbial wisdom of the foolish or innocent, with Henry’s careful attention to the apparent logic of his uncle’s reasoning, provides an account at once gently humorous in its depiction of childish questioning and adult exasperation, and scathingly critical of the Burkean class system of the poor’s duty of servitude to the rich, in return for not being crushed by the ruling class for any show of independence. The pious reliance upon God’s will to excuse wealth and inequality (or even to argue in favour of inequality) is shown to be abhorrent, and insupportable when faced with any argument. But because it is the dominant tone of the society Henry is introduced to, it becomes the correct posture to adopt. Henry’s inability to follow the “logic” of this argument is easily blamed upon his imbecility, rather than his clear-sighted refusal to be duped by the lies that allow the perpetuation of inequality to be attested as God’s ordination of things as they are. Shortly following this discussion Henry runs aground again, when his aunt, Lady Clementina, is worried by an apparent libel in the newspaper:

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<sup>54</sup>Ibid., p. 27-28.

Poor Henry's confined knowledge of his native language tormented him so much with curiosity upon this occasion, that he went softly up to his uncle, and asked him in a whisper, "What is the meaning of the word libel?"

"A libel," replied the dean, in a raised voice, "is that which one person publishes to the injury of the other."

"And what can the injured person do" (asked Henry) "if the accusation should chance to be true?"

"Prosecute." Replied the dean.

"But then, what does he do if the accusation be false?"

"Prosecute likewise." Answered the dean

"How, uncle! is it possible that the innocent behave just like the guilty?"

"There is no other way to act."

"Why then, if I were the innocent, I would do nothing at all, sooner than I would act like the guilty. I would not persecute – "

"I said *prosecute*." (Cried the dean in anger) "Leave the room, you have no comprehension."

"Oh yes, now I understand the difference of the two words – but they sound so much alike, I did not at first observe the distinction. You said "the innocent *prosecute*, but the guilty *persecute*." He bowed (convinced as he thought) and left the room.<sup>55</sup>

William's susceptibility to anger when faced with Henry's enquiries suggest the dislocation between the individual's innate sense of justice, and his acceptance of society's version of justice, with the tension between belief and custom running very close to the surface of his outward acceptance. Again Henry's linguistic confusion provides some humour, again Inchbald uses the form of the innocent abroad, as Voltaire does with *Candide*, as a tool with which to dissect the hypocrisies and corruption of the legal system of accusation and defence, of ideas of honesty and guilt. It is a world devoid of sincerity, where the innocent, via the legal and social forces that accuse them, are displaced from truth, reason and sincerity into a place where only varying degrees of falsehood exist. Language has become corrupt, as Horne Tooke and Thelwall claimed, and in its corruption expressions of innocence or justice become nonsensical, as they cannot be expressed any other way than by the language of guilt or injustice. Fair judgement, either in the legal courts or in the individual's own language use, ceases to exist, as the language in which to debate it has been replaced. It is thus impossible to speak honestly in this world, to testify, to defend. There is only linguistic and legal trickery, and those who, like Henry, do not participate in the trick, find themselves outlawed from the society that sustains the deception.

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<sup>55</sup>Ibid., p. 33-34.

Testimony is related to the problem of language and custom, and in *Nature and Art* honest testimony is shown to be not merely in short supply, but devoid of all power to be believed on the few occasions when it is present. In the Jacobin novel the simple act of telling a story is transmuted into a political reflection upon the state of society and the language that underpins every action within that society. If the veracity of the narrative is doubted, whether by the unreliability of the narrator or the prejudice of his or her auditors, the proffered narrative no longer functions merely as a straightforward account, description or experience but becomes a testimony, a defence. The later scenes of contested narratives and trial at law in the novel are foreshadowed by the letter from Henry to his brother William, in which he entrusts his son to his brother's care. Henry has survived the slaughter (justified, says Henry, for what business had the emigrants to invade their territory?) of his party by the island's native population due to his violin playing, which has met with favour on the island:

“Now, dear William, after being in this island eleven years, the weakness in my hand has unfortunately returned; and yet there being no appearance of complaint, the un-informed islanders think it is all my obstinacy, and that I *will not* entertain them with my music, which makes me say that I *cannot*; and they have imprisoned me, and threaten to put my son to death if I persist in my stubbornness any longer.”<sup>56</sup>

Here Henry expresses the impossibility of producing evidence when wrongly accused. A certain interpretation, offensive to the islanders, or dominant society, has been placed upon his action. He is unable to prove to them that the accusation is unjust or untrue, and so, in the absence of evidence, his testimony and the eleven years of service provided are ignored, and he is imprisoned. The individual's character does not speak for him, language is useless when it is disbelieved, and so defence is impossible.

The problem of language is connected to the main crisis in the novel, which rests upon the cousins' differing attitudes to women. Henry regards love as something based upon honour, respect, sincerity (extending to all linguistic exchanges), and integrity, with Rebecca as his choice. William separates love into sexual passion and advantageous marriage; he persuades the naive

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<sup>56</sup>Ibid., p. 19.

Hannah to become his mistress, while accepting a politically motivated, arranged match with Miss Sedgley, the niece of local dignitary Lord Bendham. Henry's sincerity and transparency is inimical to William's behaviour in both cases. His planned marriage is kept secret, as is his entanglement with Hannah:

While William was cautiously planning, how to meet in private, and accomplish the seduction of the object of his passion, Henry was endeavouring to fortify the object of *his* choice with every virtue. He never read a book from which he received improvement, that he did not carry it to Rebecca – never knew a circumstance which might assist towards her moral instruction, that he did not haste to tell it her – and once when William boasted  
“He knew he was beloved by Hannah;”  
Henry said, with equal triumph, “he dared not to take the means to learn, nor had Rebecca dared to give one instance of her partiality.”<sup>57</sup>

The modest, chaste behaviour of Henry and Rebecca is mechanically contrasted to William's secretive licentiousness and the results are conventional enough: happiness for Henry and Rebecca when they have proved their worth, doom for the naive, unguarded Hannah and, eventually, bitter remorse for William. Henry and Rebecca's tentative courtship is based not merely upon propriety, but education, mutual moral encouragement and support, and a strong emphasis on sympathy, respect and reason over physical attraction or sexual fulfilment, whereas Williams' exploitation is kept hidden by the appearance of propriety.

Maurer views the most significant and political passages in the novel as those centring on Hannah's prosecution for fraud, where the presiding judge is none other than her former seducer William, now Lord Chief Justice. The dramatic irony of this scene, coupled with the near-illiterate Hannah's pathetic attempts to write to him once more after her sentencing and beg for her child's security from the man who has destroyed both their lives, renders these passages as a scathing attack upon society's creation of its criminals through exploitation and abandonment. By contrast to this, I suggest that Inchbald's most sustained, subtle and more important critique of the interlinked systems of social and legal injustice and prejudiced judgement is unfolded in an

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<sup>57</sup>Ibid., p. 45.



earlier scene, which is of greater importance because of its location in the domestic sphere and its dependence upon contestation of testimony and of misinterpretation of evidence. The abandoned son of William and Hannah is discovered by Henry, who entrusts this surprising burden to Rebecca. When the baby is discovered hidden in her father's house, Rebecca's sisters conclude that it belongs to Rebecca and Henry, and harrowing scenes of accusation, persecution, cross-examination and false confession follow. The self-educated Rebecca, who has developed her understanding by application to her father's books ("this excellent library taught her to *think*, and reflection fashioned her mind to bear the slights, the mortification of neglect") believes Henry when he tells her that he found the baby by the roadside.<sup>58</sup> Both characters speak sincerely and value language as a means to truthful communication, enacting Bentham's fiction of transparency. Their philosophy of sincerity in language is not found in their wider society, which Rebecca realises too late:

[t]hat account which Henry had given Rebecca "of his having found the child," and which her own sincerity, joined to the faith she had in his word, made her receive as truth, she now felt would be heard by the present auditors with contempt, even with indignation, as a falsehood. – Her affright is better to be conceived than described.<sup>59</sup>

Rebecca and the baby are hauled before her father, and a terrifying trial scene rapidly unfolds: terrifying, because although it is not a legal trial, and the accusation carries no legal punishment, the domestic trial mirrors the legal procedure exactly except that it occurs in secret, with no hope of defence allowed to Rebecca. Her jury is packed from the outset:

[i]n her father and sisters, she saw, she knew the suspicious, partial, cruel, boisterous natures by whom she was to be judged; and timid, gentle, oppressed, she fell trembling on her knees, and could only articulate  
"Forgive me."<sup>60</sup>

Defence is impossible for Rebecca here, as her fate has already been decided, by no less a person than her father the curate. Her body's response to the shock is taken as physical proof of guilt, her trembling as evidence of guilt and shame. The infant itself cannot speak, and so is easily

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<sup>58</sup>Ibid., p. 46.

<sup>59</sup>Ibid., p. 73.

<sup>60</sup>Ibid., p. 74.

used as evidence of her prostitution, the physical proof of her guilt. In the pre-adversarial trial, the accused speaks either to clear herself or hang herself, as John Langbein has noted, but guilt or innocence is often decided by the court in advance. Such is the form of trial that Rebecca endures that she condemns herself, despite her conscious innocence, as she knows the guilty verdict has already been passed. She is acquiescent in the court's injustice. Rebecca endures a form of prosecution by her sisters, "[b]eguiled by solicitations, and terrified by threats, like women formerly accused of witchcraft, and other wretches put to the torture," till she is forced to make a false confession, identifying herself as the mother and the gallant Henry as the father.<sup>61</sup> Her false confession is believed, but not her later retraction; as with witch trials and inquisitions, and even the pre-trial procedure of eighteenth-century England as has been discussed in chapter two, the only verdict that is accepted at trial is that which the court has already predetermined.

Henry's frank sincerity, when told of his disgrace, is nearly successful in convincing his accusers of their mistake. His innocence nearly provides that adequate defence that Serjeant William Hawkins suggests it always will, in *Pleas of the Crown*. Henry's speech as well as his actions attests to his innocence:

on the charge against him being exhibited, his countenance changed – yet, only to the expression of surprise! He boldly asserted his innocence, plainly told the real fact; and with a deportment so perfectly unembarrassed, that nothing but the asseverations of the curate, “that his daughter had confessed the whole,” could have rendered the story Henry told suspected.<sup>62</sup>

Yet again the power of the false confession and the determination to prove an individual guilty of a crime, are too powerful for innocence to overcome, and the two churchmen, aided by young William, draw up an affidavit for Rebecca and Henry to sign, confessing their guilt. The abandonment of a baby, as Hannah has done, was a crime that received the death penalty, and concealment of a baby, as Rebecca attempts, was punishable in the same way, as both actions

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<sup>61</sup>Ibid., p. 75.

<sup>62</sup>Ibid., p. 77.

were viewed as attempted infanticide, especially in cases of illegitimacy.<sup>63</sup> When William announces that, in the event of Henry's tale being the truth, he should not have endeavoured to hide the crime attempted by the infant's mother, Henry replies compassionately but with exacting reason that it is not the mother who should suffer under the law, but the father: "the poor woman had abandoned only *one* – the man, in all likelihood, had forsaken *two*."<sup>64</sup> The parentage of the infant is unknown at this point to the novel, except to the reader, but in a few sentences which will be overturned in the later, legal trial, Hannah is effectively exculpated and William's guilt made plain. Inchbald's narrative voice suggests that the injustice suffered by Hannah at William's hands is a greater crime than her attempted infanticide, prostitution and forgery. In line with Godwin's account of motive and impulse in *Political Justice*, the actions of the desperate individual are shown to be less criminal than those of one who acts deliberately. The eventual result of William's seduction, the destruction of Hannah, reinforces Godwin's argument in favour of considering the crime not only from motivation but from end result, regardless of intention; William is thus doubly criminal. This point is expressed much less subtly in the trial that takes place later in the novel, when after a gap of eighteen years Hannah is brought before William to be tried for a different crime.

Between these two trials features another, again in private, but this time one where the truth of the matter is spoken, heard, and believed. Hannah, now the acknowledged mother of the five-week-old infant, is brought before the local magistrate, William the dean, the unwitting grandfather of her baby, on a charge of abandonment. When the elder William is made aware of his son's responsibility in the matter, prosecution is withheld and the case hushed up. The law

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<sup>63</sup>See Josephine McDonagh's fascinating account of child murder, infanticide and the debates surrounding population control in *Child Murder and British Culture 1720-1900* (Cambridge: Cambridge University Press, 2003). The 1624 act 'To Prevent the Destroying and Murthering of Bastard Children' (21 Jac. I c.27) was not repealed until 1803 (43 Geo. III c. 58) when infanticide attained the same status as other murders, meaning the burden of proof was on the Crown to produce, rather than having the defendant produce evidence to prove innocence of the accusation. The 1828 Offences Against the Person Act (9 Geo. IV c.31) extended the charge of concealment to married women, ending the association of the crime with illegitimacy, and the 1861 Offences Against the Person Act (24/25 Vic. C.100) made concealment of a birth into a separate offence, to ensure that the guilty would be punished adequately, in cases where a guilty verdict was not passed due to the severity of the punishment. In such cases, therefore, the accused was guilty until proven innocent. McDonagh, pp. 3-4.

<sup>64</sup>Inchbald, *Nature and Art*, p. 79.

punishing child abandonment that has been loudly invoked is not impervious to wealth and position. The clerk and constables who witness this legal misconduct (for it is not compassion that pardons Hannah) acquiesce to this with the class-conscious reply that “His honour was a gentleman, and of course must know better how to act than they.”<sup>65</sup>

In the final trial scenes the official and corrupt legal procedure is fully represented. William, now a powerful judge, presides over the assizes and addresses Hannah, to her wonderment, with all the gentleness and encouragement that art can convey, but even in the court room she is duped once again by his art, “the art of his occupation; which, at times, is but a copy, by the unfeeling, from his benevolent brother of the bench. – In the present judge, tenderness was not designed for the consolation of the culprit, but for the approbation of the auditors.”<sup>66</sup> The result of William’s false representation of sympathy and tenderness is that Hannah is struck dumb, and once again testimony and narrative are called into play:

“Recollect yourself – Have you no witnesses? No proof in your behalf?”  
A dead silence followed these questions. [...] After a short pause, he asked  
her, in the same forcible but benevolent tone  
“Have you no one to speak your character?”  
The prisoner answered,  
“No.”  
A second gush of tears followed this reply, for she called to mind by *whom* her  
character had first been blasted.<sup>67</sup>

For Hannah at court, fair representation is impossibility: when all power and mastery of language is ranged on one side, innocence can have no defence against it. The lack of character witnesses weakens her chance of a fair representation further. Although Hannah is guilty of all the crimes she has been accused of – attempted murder, abandonment, and fraud – at every step in her narrative Inchbald has shown how society has allowed an innocent character to fall, unsupported, at every hurdle, and then blamed her for falling, after placing those hurdles in her path. As Gladfelder has noted, “William’s legally constituted power to pronounce the death sentence against Hannah only authorises him to repeat in the form of a public ritual his earlier

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<sup>65</sup>Ibid., p.93.

<sup>66</sup>Ibid., p. 116.

<sup>67</sup>Ibid.

abandonment.”<sup>68</sup> William’s inability to perceive his responsibilities to his victim and the nature of true justice is a personification of “the unprejudiced blindness of justice, held up as an ideal within the discourse of the law,” a form of double blindness, moral and legal, that the supposed impartiality of the law allows, and which Inchbald recognises as a failure of law.<sup>69</sup> The pamphlet that circulates after her death which contains the details of her execution concludes with the formulaic assertion that Hannah “freely forgives all persons who have done her injury, or given her sorrow, from the young man who first won her heart, to the jury who found her guilty, and the judge who condemned her to death.”<sup>70</sup> Here “all persons” are represented in one; not only by the figure of William, who has acted as her judge throughout, but by the impervious face of a massed, unified society that condemns its weakest and most innocent members to desperation and destruction, and then writes the rules that condone this condemnation.

The broadside travesty of Caleb’s character that usurps his authority over his own narrative and replaces it by Forester’s is contrasted here by the final circulation of Hannah’s narrative. It is this pamphlet that informs William of the result of his actions, and causes him to take up the unread petition which Hannah addressed to him after her conviction. In it she begs forgiveness and mercy for her crimes, and asks that her son be provided for. She acknowledges once again her guilt, as well as her honesty: “I swore whose child he was, before the dean, and I did not take a false oath. Indeed, indeed, my lord, I did not.”<sup>71</sup> She does not write of her son’s paternity, but she and William both know the truth of it. Hannah’s oath is received here, as it was before the dean, as truthful, not because she has sworn but because her testimony is supported by William’s corroboration of it, and by the dean’s understanding of his son’s behaviour. Speech alone will not suffice. Speech supported by written testimony, however, does; the combination of pamphlet and petition finally accomplishes what Hannah could not do by spoken defence alone. William is fully possessed by remorse, because he is now fully aware of

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<sup>68</sup>Gladfelder, p. 219.

<sup>69</sup>Ibid., pp. 218-19.

<sup>70</sup>Ibid., p. 118.

<sup>71</sup> Ibid., p. 121.

the effects of his actions; the news of his son's death from grief intensifies his remorse and makes reparation impossible, and this terrible realisation accompanies him to his death: "his reported sleepless, perturbed nights; and his gloomy, or starting, and half-distracted days; when, in the fullness of *remorse*, he has complained – 'of a guilty conscience! of the weariness attached to continued prosperity! the misery of wanting an object of affection!'"<sup>72</sup>

Remorse is the only suitable punishment offered by Inchbald for the various crimes, legal or otherwise, that are committed in her novels, and in line with Adam Smith's description of the horrors experienced by he who feels remorse, there is no worse punishment than to live unrelieved in this state. William's fate is more terrible even than Hannah's:

in the consciousness of having done a mortal injury for which he never now by any means could atone, he saw all his honours, all his riches, all his proud selfish triumphs dance before him! They seemed like airy nothings, which in rapture he would exchange for the peace of a tranquil conscience! He envied Hannah the death to which he first exposed, then condemned her – He envied her even the life she struggled through from his neglect – and felt that his future days would be far less happy than her former existence. He calculated with precision.<sup>73</sup>

Not only is this the worst punishment possible for William, which justly does finally fall to him, it is the only one possible. Society will not condemn him for his actions, and the law will not prosecute. The crime of exploitation of others is not covered by legislation, and legal redress, as in *Caleb Williams*, is not a way of ensuring justice. Formulating a judgement on wrong criteria because of prejudice, self-interest or a lack of compassion, however, is also a crime as much as is seduction or abandonment.

The warning to the reader of *Nature and Art* is clearer than in *A Simple Story*, but the emphasis on the importance of careful reading, judgment, and paying due attention to testimony and evidence is sustained throughout. Here the necessity for a moral system that exists separately from legal jurisdiction or social convention is brought to the fore, even though the final paragraphs seem to offer love in a cottage as the solution to all evils. As with *A Simple Story*

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<sup>72</sup>Ibid., p. 133.

<sup>73</sup>Ibid., p. 121.

however, this is a false conclusion. The true purpose of Inchbald's novels, in their differing degrees of radicalism, is to promote the separate moral system. It is one which may eventually subsume and replace the other fictions in operation in society, even as the contrasting interpretations of these systems are used to demonstrate which fictions to avoid.

## Chapter Five

### The Prisoner of Nature: Genre and Gender in Wollstonecraft's Fiction

I scarcely know where I am, or what I do. – The grief I cannot conquer (for some cruel recollections never quit me, banishing almost every other) I labour to conceal in total solitude. – My life therefore is but an exercise of fortitude – continually on the stretch – and hope never gleams in this tomb, where I am buried alive.<sup>1</sup>

The time elapsed too quickly, and she gave him her hand – the struggle was almost more than she could endure. She tried to appear calm; time mellowed her grief, and mitigated her torments; but when her husband would take her hand, and mention anything like love, she would instantly feel a sickness, a faintness at her heart, and wish, involuntarily, that the earth would open and swallow her.<sup>2</sup>

#### Mary and Maria: Revision of the Text from Fiction to Fragment

The eighteenth-century genre of the novel frames Mary Wollstonecraft's career as a professional writer, with her first novel *Mary: a Fiction* published in 1788 and her last unfinished novel, *The Wrongs of Woman*, published posthumously in 1798.<sup>3</sup> The novels have traditionally been set in opposition to each other. While it has been argued that the 1788 novel lacks the political concerns of that of 1798, the link between the two is their engagement with imprisonment. The manner in which each novel engages with confinement and incarceration illuminates the representation of these themes in the other novel, and it is the prison that marks at once the continuities and the differences between these two novels.<sup>4</sup> The particular version of imprisonment manifested most strongly throughout Wollstonecraft's writings is that of the confining structure of nature, both in the sense of the natural world and as human nature. The body is a place of confinement for the spirit, the spirit works in opposition to the mind, and the great "universal blank" of the natural world surrounds it all.<sup>5</sup> My examination of

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<sup>1</sup>Mary Wollstonecraft, letter to Gilbert Imlay 27<sup>th</sup> November 1795, from *The Collected Letters of Mary Wollstonecraft*. Ed. Janet Todd (London: Penguin and Allen Lane, 2003) p. 332.

<sup>2</sup>Mary Wollstonecraft, *Mary: A Fiction*. 1788. Reprinted in *Mary and Maria*. Ed. and introd. Janet Todd (Harmondsworth: Penguin, 1992) pp.1-53, pp. 52-3.

<sup>3</sup>Though *Mary* is published in 1788, Wollstonecraft's first publication is the non-fiction *Thoughts on the Education of Daughters*, 1787. The unfinished "Cave of Fancy" also dates from this year, as does the composition of *Mary*.

<sup>4</sup>In a wide-ranging account of Romantic fiction, Gary Kelly refers to *Mary* as the source for Wollstonecraft's "revision" of the novel as *The Wrongs of Woman*. Kelly, *English Fiction of the Romantic Period 1789-1830* (London: Longman, 1989) p.39. *Mary* has recently been recovered by Breen Hammond and Sean Regan as an important stage in the development of the sentimental novel, *Making the Novel: Fiction and Society in Britain, 1660-1789*, pp. 189-94.

<sup>5</sup> Wollstonecraft, *Mary*, p. 31.



Wollstonecraft's two novels in this chapter is juxtaposed with a reading of *Letters Written During a Short Residence in Norway, Sweden and Denmark* (1796).<sup>6</sup> Written from a feminist perspective and drawing heavily upon autobiographical material, especially in the non-fiction travel narrative, Wollstonecraft repeatedly problematises the body, the female gender, and human nature itself, articulating a series of interlocking spheres of confinement that defy her best efforts to escape. In *The Wrongs of Woman* testimony and narrative play significant roles, building upon previous Jacobin writers' experimentation with such features. Wollstonecraft's understanding of the limitation of representation and the effect this has upon her painstaking construction of the narrative of *The Wrongs of Woman* produces a novel that retains its ambiguity even as it evangelises for legal reform. This allows Wollstonecraft to articulate her reservations, to test her ideology of reform, and to theorise an escape from the prison of nature.

In *Mary: A Fiction* the protagonist is "the forlorn wanderer," and suffers from a wearying sense of confinement from which neither sympathetic friendship, nor extensive travel, succeeds in liberating her.<sup>7</sup> 1798's Maria is confined in a private madhouse by her brutal husband, so that he can control her fortune and her daughter's inheritance; Maria makes repeated attempts to evade him and escape the imprisoning and degrading domestic sphere, depicted in the novel as woman's inescapable fate, before she is incarcerated more literally. Contrasted to this, *Mary* may seem to be almost apolitical, but in fact it contains the essence of the political concerns which Wollstonecraft returns to in *The Wrongs of Woman*, and which imbue all her writings. The later novel revisits the sentimental core of the first, but instead of negating the earlier text Wollstonecraft expands upon it, using it as a basis for the creation of a much more nuanced but equally unsettling fiction. It not only employs the Gothic conventions synonymous with radical

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<sup>6</sup> This is the original title of Wollstonecraft's work, but it has often been abbreviated or altered in critical editions. I quote from the 1987 Penguin edition of the text, edited by Richard Holmes and entitled *A Short Residence in Sweden, Norway and Denmark*, which is shortened to *A Short Residence*. The most recent edition, by Jon Mee and Tone Brekke, is published under its original title, but abbreviated to *Letters Written in Sweden, Norway and Denmark*. To avoid confusion with Wollstonecraft's private letters from which I also quote I refer to the travelogue by the title *Letters Written During A Short Residence* throughout this chapter. *A Short Residence in Sweden*, ed. and introd. Richard Holmes (Harmondsworth: Penguin, 1987); *Letters Written in Sweden, Norway and Denmark*, ed. and introd. Tone Brekke and Jon Mee (Oxford: Oxford University Press, 2009).

<sup>7</sup>Ibid., p. 39.

and subversive works, but invests the layered and multi-perspective narrative with a troubling ambiguity in its questioning of the value or even the possibility of the reform of woman's role in society. It grapples more directly with concerns about liberty, but denotes a greater understanding too of the complexities surrounding these issues, and of the difficulties of overcoming the obstacles to women's freedom. With *Mary* Wollstonecraft engages with precisely these concerns, but as its conventional form and stable narrative voice do not provide the same free-ranging critique as *The Wrongs of Woman* its subversive content has been obscured. As we shall see, a combination of generic diversity, political upheaval and personal experience enables Wollstonecraft to rewrite *Mary*, more fully articulating the political concerns already inherent in the earlier novel, and furthering the literal and figurative confinements endured by the female protagonist between 1788 and 1798.

Wollstonecraft's continual concern in her work, the need for social reform and the difficulty of the individual's struggle for freedom, is expressed most effectively in *The Wrongs of Woman*. The novel's thematic concerns have important precedents in Wollstonecraft's previous works. This unfinished text resounds with the rage that burned within the two *Vindications* earlier in the decade, but her focus has shifted resolutely outwards, developing out of the fusion of deep, melancholy introspection with objective, social enquiry that Wollstonecraft perfected in her travelogue of 1796, *Letters Written During a Short Residence in Sweden, Norway and Denmark*. Maria, the protagonist in *The Wrongs of Woman*, is part of a more equally-balanced cast of characters than in the first novel, and Wollstonecraft is careful here to produce a narrative descriptive of the history of womankind, rather than focusing solely upon Maria, as was the case with the protagonist in *Mary*. The preface to *The Wrongs of Woman* reads: "the history ought rather to be considered, as of woman, than of an individual."<sup>8</sup> Maria's narrative of oppression functions as the female protagonist's subjective account and also as the embodiment of a universal condition of captivity. Her narrative is supported by several others, either given

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<sup>8</sup> Wollstonecraft, *The Wrongs of Woman*. 1798. Reprinted in *Mary and Maria*, pp. 55-148, p. 59.

directly or mediated through Maria's own narrative. At times the novel reads almost like a collection of case studies of various women, drawn from different classes, of different abilities, industry and wealth, and of the various degradations that befall each and every one of them: "Women must be submissive," said [Maria's] landlady. "Indeed what could most women do? Who had they to maintain them, but their husbands? Every woman, and especially a lady, could not go through rough and smooth, as she had done, to earn a little bread."<sup>9</sup> Maria's sympathetic landlady continues her tale with details of her husband's theft of her money and goods, including her clothes, but complaint is useless, "[i]t was all one, my husband had a right to whatever I had."<sup>10</sup> Within this narrative the landlady addresses Maria's presumable ignorance of such sufferings, despite the fact that George VENABLES, her husband, has just tried to force her to return home with persuasion, threats and the presence of an attorney. She tells Maria: "madam, these are misfortunes that you gentlefolks know nothing of; - but sorrow is sorrow, let it come what way it will."<sup>11</sup> Yet Maria's situation is the same as her landlady's, class difference notwithstanding. Maria is an heiress, but her wealth is transferred to her husband upon their marriage; with the full support of the law he has stolen her property as effectively as the landlady's husband has stolen hers. When the pregnant Maria determines to leave her licentious husband, he hunts her through a series of lodgings, in a manner reminiscent of Gines's pursuit of Caleb. Maria disguises herself and changes her name, but she is repeatedly discovered, "hunted like an infected beast," impeded further by an advertisement in a newspaper that threatens anyone who assists the runaway Maria with legal action.<sup>12</sup> The exploitation of a genteel woman is no different to that of a poor working woman, for the same legal and social prejudices that decide in their husbands' favour govern them all: "I know so well, that women have always the worst of it, when law is to decide."<sup>13</sup> Rich women are as open to degradation as poor, the

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<sup>9</sup>Wollstonecraft, *The Wrongs of Woman*, p. 130.

<sup>10</sup>Ibid.

<sup>11</sup>Ibid.

<sup>12</sup>Ibid., p. 131.

<sup>13</sup>Ibid.

married as vulnerable to abuse and sexual exploitation as are prostitutes, the skilful and able as powerless to improve their condition as the truly wretched and degraded. Each woman's experience is described in different levels of detail, but they are all united by misery, by their enslaved state in a patriarchal society.

In relation to themes, literary execution, vigour of expression and tone, the two novels bear little similarity. *Mary*, according to Godwin's description in his *Memoirs of the Author of 'The Rights of Woman'*, is a work wherein "the feelings are of the truest and most exquisite class; every circumstance is adorned with that species of imagination, which enlists itself under the banners of delicacy and sentiment" and Godwin also claims that "this little work, if Mary had never produced any thing else, would serve, with persons of true taste and sensibility, to establish the eminence of her genius."<sup>14</sup> More recent critical opinion has disagreed with this opinion, while sharing Godwin's estimate of its "littleness": Diane Hoelever scathingly dismisses *Mary* as "as crude a piece of fiction as one is likely to read."<sup>15</sup> Wollstonecraft's two attempts at fiction, one wholly sentimental, one relentlessly antagonistic, are an unlikely pairing at first glance, and, due to puzzling ellipses and ambiguities in the texts, are both equally resistant to the production of any totalising or generalising argument. It is the comparison of each to the other that helps to construct a full picture of the most important progressions, and patterns of continual concern in Wollstonecraft's engagement with imprisonment.

Both novels are concerned with resisting confinement and enclosure. In *Mary* this resistance is almost wholly subjective, whereas as we have already seen in *The Wrongs of Woman* it is a much more general and more outraged resistance to incarceration, moving beyond Maria's individual and domestic enclosure to a wider economic, social, and political confinement. Each novel expresses an anxiety regarding spiritual confinement; not merely in the religious sense of the word, but also expressive of the individual's mind, temperament, and intellect. As Mary's

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<sup>14</sup>William Godwin, *Memoirs of the Author of 'The Rights of Woman.'* 1798. Ed. and introd. Maurice Hindle (Harmondsworth: Penguin, 1987) p. 222.

<sup>15</sup> Diane Long Hoelever, "The Construction of the Female Gothic Posture: Wollstonecraft's *Mary* and Gothic Feminism." *Gothic Studies* 6.1 (2004) pp. 30-44, p.31.

sense of the divine evolves largely from her own experience, reflection, and reason, the novel also supports an interpretation as a plea for religious freedom; Barbara Taylor identifies Mary's increasing unorthodoxy as the novel progresses as the movement of "a typical Enlightenment intellectual, eschewing blind faith and evangelical purism in favour of 'rational religious impulses' and liberal toleration."<sup>16</sup> That the novels are similar is signalled immediately in the names Wollstonecraft gives to her protagonists (Mary, in 1788, and Maria in 1798) in each novel, the figure of the uncongenial husband is followed by a man named Henry, who promises protection, affection and love, but who cannot ultimately assist the heroine in her plight. The similarities are not merely nominal. Although Mary articulates strong, orthodox religious beliefs, her inward suffering is not very different to that of Maria, who is similarly plagued by an inability to pursue her own course in life, though without Mary's support of religion in her ordeals. Each woman is a wealthy heiress, neglected in favour of a darling older brother; each is married off unwillingly for the sake of her family's honour or threatened indigence, "thrown away" as Mary laments, "given in with an estate," in a straightforward repetition of the standard eighteenth-century novel's plot device, but one which, for all its conventionality, is still no less applicable to 1790s society than it was at the time of *Clarissa* in the 1740s.<sup>17</sup> Already in 1788 Wollstonecraft aligns the state of wifhood with slavery; Maria's memorable speech about the marriage state having bastilled her for life, in 1798, is prefigured by Mary's refusal to return to her previously-absent husband and begin living with him as his wife: "I will work, she cried, do any thing rather than be a slave."<sup>18</sup>

Thus far, Kelly's assessment of *The Wrongs of Woman* as a revision of *Mary* is apt, but beyond providing a basic structure for the later novel to adopt, in a similar pattern to that which Inchbald set herself, *Mary* also supplies an invaluable text wherein Wollstonecraft's early attempt at articulating her philosophy of personal autonomy provides an excellent companion to her later

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<sup>16</sup> Barbara Taylor, *Mary Wollstonecraft and the Feminist Imagination* (Cambridge: Cambridge University Press, 2003) p.103.

<sup>17</sup>Wollstonecraft, *Mary*, p. 25.

<sup>18</sup>Ibid., p. 40.

work, one which invites and provides illuminating comparisons not only between the stages of Wollstonecraft's thoughts relating to imprisonment but also her technical ability to describe and interrogate it. In *Mary*, the protagonist is a passive character, in that she seeks freedom through avoidance of her husband Charles and the marriage contract itself. In place of this she seeks an equal friendship, one that is a meeting of sympathetic hearts and feeling minds rather than a material contract. Henry, who later becomes her beloved, but not her lover, first pledges his affection by offering his company as that of a father figure, a guardian. On the occasion when he first offers his friendship to Mary he describes himself as "dead to the world," evincing the passivity exemplified by Mary as a response common to men of sensibility as well as women, and suggesting a melancholic outlook that will gently chime with Mary's.<sup>19</sup>

As Taylor has noted, this introduction of the romantic male lead in the guise of a parental role is extremely problematic, and is an ambiguity that the text itself can scarcely contain, never mind resolve.<sup>20</sup> After a particularly fervent conversation wherein he offers his consolation and sympathy on her friend's death, Henry gazes upon Mary and, "with the most insinuating accents, asked 'if he might hope for her friendship? If she would rely on him as if he was her father; and that the tenderest father could not more anxiously interest himself in the fate of a darling child, than he did in her's.'"<sup>21</sup> This remarkable conflation of friendship with fatherhood is rapidly followed by an account of Mary's emotional turmoil:

Her heart longed to receive a new guest [...] she never asked herself what kind of an affection she had for him, or what it tended to; nor did she know that love and friendship are very distinct; she thought with rapture, that there was one person in the world who had an affection for her, and that person she admired – had a friendship for. He had called her his dear girl; the words might have fallen from him by accident; but they did not fall to the ground. My child! His child, what an association of ideas! If I had a father, such a father! – She could not dwell on the thoughts, the wishes which obtruded themselves. Her mind was unhinged, and passion unperceived filled her whole soul.<sup>22</sup>

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<sup>19</sup> Wollstonecraft, *Mary*, p. 29.

<sup>20</sup> See Taylor's excellent discussion of Wollstonecraft's problematic recognition of the father figure as love object, pp. 114-15.

<sup>21</sup> *Ibid.*, p. 30.

<sup>22</sup> *Ibid.*

It is indeed an unforeseen association of ideas. Mary has already determined to leave Lisbon, but now with the promise of earthly happiness experiences a “tempest” in her soul: “it was not the contending elements, but *herself* she feared!”<sup>23</sup> Wollstonecraft’s use of something approaching free indirect style, as well as the sense of turbulence created by her habitual manner of punctuation, renders the reasoning behind this passage opaque. Evidently, the juxtaposition of the father with the friend and then the lover is a position that the text does not reject, and neither does it horrify Mary, though she experiences such an emotional storm in its aftermath; the storm is caused rather by a sense of thwartedness than disgust. However, this juxtaposition receives no further discussion. Mary’s understanding of the difference between love and friendship is not examined in the text, but whether or not Wollstonecraft discriminates between the two is unclear. Wollstonecraft’s writing is often overwhelmingly didactic, but interestingly, this particular fiction escapes such a charge. Startling ideas, such as feeling overwhelming passion for a father-figure, are given space, but authorial commentary is absent. The narrative progresses, but the unexpected, challenging or deeply problematic nature of its content is not overwritten or contradicted by authorial interference, and it retains its ambiguity for the reader to puzzle over unhindered by management or guidance.

Mary’s presumable repugnance regarding the physical side of marriage is never made explicit, but the rejection of unequal male/female relationships and the favouring of a romantic friendship with men and women based on sympathy and companionship, allied with an attempt to re-evaluate existing relationship models such as that of the guardian or father, strongly implies this. Yet running parallel to this latent unease surrounding physical intimacy is an awareness that the marriage which sanctions and demands such intimacy operates as a system of imprisonment. This “dreadful misfortune” of her marriage, as Mary comes to regard it as her education progresses and “as her mind expand[s],” repeatedly manifests itself in her thoughts as a form of

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<sup>23</sup>Ibid., p. 31.

oppression.<sup>24</sup> It leads to unavoidable misery, a state of enslavement as threatening to Mary as any physical prison. Marriage is a sentence of imprisonment, and the idea of physical possession by one's husband connotes a spiritual degradation, an erasure of the self. When Mary is eventually reconciled to her husband her desire for an escape persists. If a legal or personal liberation is impossible, then a physical one is not. She wants the earth to swallow her up, but the use of the conventional phrase here suggests not a metaphorical escape but a preferred condition of living entombment. Conditions of imprisonment cannot be escaped, only exchanged.

Maria, by contrast, only feels repugnance for her husband, and for the marriage contract which forces her to submit to him. She is disgusted by *his* caresses, but not by sexual love. Rather than pursue, as Mary does, a course of avoidance, she commits adultery with Henry Darnford, a fellow-inmate in the private mental asylum, and Wollstonecraft describes this in what Chris Jones has called “almost sacramental terms,” in an “iconoclastic” inversion of the language of delicacy and sensibility.<sup>25</sup> Maria revolts strongly and actively against the restrictions of the unequal marriage roles by setting out an alternative mode of conduct, one which is unthinkable for Mary. Mary starves her body and sits up in all-night meditations on God, disciplining her yearnings like a medieval saint, with her dreams of death and an eternity in Heaven, “where there is neither marrying, nor giving in marriage.”<sup>26</sup> Maria, by contrast, pursues active, earthly happiness, motivated by the same principles of revulsion for arranged matches that violate the tender sentiments of the heart which motivate Mary's flight. To this principle Maria aligns an active revolt in both a social and legal context, to the extent where she prepares a speech for the judicial court, where she defends her behaviour by attacking the oppressive

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<sup>24</sup>Ibid., p. 16.

<sup>25</sup>C. Jones, p. 106.

<sup>26</sup>Wollstonecraft, *Mary*, p. 53.



marriage laws, opposing legal justice with natural justice to legitimise her adultery. Seduction produces radicalisation and leads to a deeply threatening destabilisation of the patriarchal order.<sup>27</sup>

Wollstonecraft's initial celebration of rebellious subjectivity in *Mary* dwindles into a paralysing negation. Mary originally rebuffs convention, but her selfhood consistently wanes; the exhilaration experienced on board ship to Lisbon, where Mary "surveyed the boundless expanse before her with delight," is followed by an account of our heroine's social diffidence: "If her mind were not occupied by any particular sorrow, or study, she caught reflected pleasure, and was glad to see others happy, though their mirth did not interest her."<sup>28</sup> Her effusions are exclusively for nature or for God's work, not society or politics, and so her initial resistance is based upon withdrawal from the world, not the active reform of it. Within this narrative construct, Wollstonecraft also dismisses the concept of the dashing male hero but lacks a suitable replacement: female companionship, though promising, proves unsatisfying: "Ann and she were not congenial minds, nor did she contribute to her comfort in the degree she expected."<sup>29</sup> Though the male protagonist is more of an invalid than a hero, he is the character who represents the greatest chance for happiness and independence offered to Mary, but one which must inevitably be thwarted. There is a sense throughout the novel that Mary's fate is indeed inevitable, trapped by the conventional topos of the female victim in distress that belongs to the sentimental novel. Though she embarks upon an unusual course of behaviour, in separating from her husband to travel with her friend, her discomfort at her situation in Lisbon is not much of an improvement. Ann and Mary differ in their interests and choice of society; Mary nevertheless continually reshapes her desires to meet Ann's. When the heroine lacks the belief in her own agency, it is difficult for the reader to be persuaded that the narrative can offer an ending that conforms to anything other than convention: the chastened wanderer returns to a

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<sup>27</sup>This is precisely in accordance with the rubric identified in Nicola Watson's study of the genre, which associates the seduction narrative with revolt. See *Revolution and the Form of the British Novel 1790-1825: Intercepted Letters, Interrupted Seductions* (Oxford: Clarendon, 1994) passim.

<sup>28</sup>Wollstonecraft, *Mary*, p. 19, p. 20.

<sup>29</sup>Ibid., p. 16.

narrow horizon, the husband is endured, the property is secured. Taught by her experience of the world that no alternative is available to her within society as it currently exists, Mary goes home, to finally assume the role allotted her by society but in eager anticipation of death. Her existence is one of solitude and confinement, but there is no revolution in this prison. There is no reform. There is only the hope of a better, future state, which does not bode well for the improvement of society as it currently stands.

### **Between the Novels: “Days of Weariness” and the Prison of Nature**

Within the lexical field of the titles given to Wollstonecraft’s works, the movement in intention and declaration is notable. From her first works, the fictional compositions *Original Stories from Real Life* (1788), an educational work for children, and *Mary*, to the statement of intent declared by *A Vindication of the Rights of Men* (1791) and *A Vindication of the Rights of Woman* (1792) and their companion in polemics and didacticism *An Historical and Moral View of the French Revolution* (1794), we can see a marked shift from an engagement with narrative to a commitment to truth, investigation and exposition. The title of Wollstonecraft’s *Letters Written During a Short Residence in Sweden, Norway and Denmark* suggests a further change, a return from the objectivity striven for in *An Historical and Moral View* towards a literary style of greater subjectivity and intimacy more suggestive of and identifiable with Wollstonecraft’s always-personal writing, and also a movement towards fiction. Letter writing in the 1790s, as Nicola Watson argues, is an act of transgression within novels, a means of commencing or continuing a forbidden connection.<sup>30</sup> It is an act that is also particularly associated with active female sexuality and the expression of desire that society condemns in women. The frequency with which letter-writing features in radical 1790s novels is, for Watson, part of an attempt by the female novelists “to prise open the equation of letters with sensibility, of sensibility with female sexual desire, and of female sexual desire with a plot of certain ruin and death,” and so find a way of enacting and articulating

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<sup>30</sup> Watson, pp. 12-14.

female desire within the discourse of sensibility.<sup>31</sup> Wollstonecraft's decision to structure her travel account as an epistolary narrative grants her the licence to investigate her own experience of desire and narrowly-avoided "ruin and death," in the form of letters of observation and report from Scandinavia that are imbued with heartbreak, dejection, and determination to reason her way out of the impasse that desire has brought her to. *Letters Written During A Short Residence* is Wollstonecraft's most heartfelt and passionate account of the desire for freedom and the fear of multiple forms of imprisonment. The forms of confinement are mental, through a neglected or wilfully damaging system of education, intent on rendering women incapable of reason; physical, incurred by a debilitated physical state, a literal spatial confinement, and also geographical or natural barriers; social, due to repressive laws and customs, and emotional, from the imprisoning states of desire and despair. A dualism of desire and fear pervades the text, one inextricable from the other. Though the despair engendered by the failure of the French Revolution and its disintegration from republican idealism to bloodthirsty terror is mentioned only briefly in the text, this despondency continually echoes throughout the letters.

The letter-writer sends her accounts to an unnamed former lover from various destinations on her tour of northern Europe, in language redolent with tarnished idealism, blighted hopes, despair of mankind ever reaching a state of harmony and grace, and angry reproaches against a false seducer. Her personal despair at a frustrated love-affair reads symbolically of her response to failed political and social revolution. The rewriting of original letters written to Gilbert Imlay, Wollstonecraft's erstwhile lover and father of her daughter Fanny, is another example of Wollstonecraft's reusing of a text to redefine the progression of her philosophy. As Mary Favret has written, *Letters Written During a Short Residence* "deliberately rewrite[s] and replace[s] the love letters, transforming Wollstonecraft's emotional dependence and personal grief into a public confrontation with social corruption."<sup>32</sup> The protagonist here is

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<sup>31</sup>Ibid., p. 40.

<sup>32</sup>Mary Favret, *Romantic Correspondence: Women, Politics and the Fiction of Letters* (Cambridge: Cambridge University Press, 1993) p. 101.

also Mary, closer to Wollstonecraft than the other autobiographical protagonist in *Mary*, but one that is not quite Wollstonecraft herself. Although the travelogue is not a fictional text, the deliberate reshaping of the real letters into a narrative that at once reveals the original heartbreak of their author and obscures the cause of their composition presents us with a managed text.<sup>33</sup> While the letters cannot be viewed as a novel, they are a type of fiction nonetheless, a fiction which exists within the particular conventions of eighteenth-century travel literature with its addresses to the reader, its implied familiarity, its moral concerns and its omniscience.<sup>34</sup> It is, as Vivien Jones has noted, a work “which defies any easy categorisation by either content or genre.”<sup>35</sup> The travelogue provides an invaluable bridging-point between Wollstonecraft’s two novels both in terms of experimentation in relation to generic convention and the discourse of sensibility, as well as the representation of systems of imprisonment. It supplies a useful counterpoint to the thematic and generic development of Wollstonecraft’s fiction.

In a text of full of subjective anger and heartbreak, and passionate yet objective interrogation of corruption and social stasis, Wollstonecraft’s engagement with the theme of imprisonment is of a more metaphorical variety than either Godwin or Inchbald’s, or even in her own novels, with their descriptions of physical incarceration as well as invisible but palpable forms of confinement. Yet the confinement experienced in Scandinavia is also a physical condition. Wollstonecraft’s Mary in the travelogue enjoys an exceptional degree of female liberty. Gifted with an enhanced subjectivity she is also moved by the spirit of scientific enquiry and thus provides a more illuminating depiction of the broader experience of universal confinement than those who, like Caleb Williams or Inchbald’s hapless Matilda, suffer unjust persecution and imprisonment at home. The deep unease and sense of claustrophobia suffered

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<sup>33</sup>Brekke and Mee supply a thorough account in their introduction of the “murky commercial background” which caused Wollstonecraft to undertake her Scandinavian journey. *Letters Written in Sweden, Norway and Denmark*, p. xvii, pp. ix-xvii.

<sup>34</sup>For a detailed discussion of female-authored travelogues and the conventions of the genre see Elizabeth A. Bohls, *Women Travel Writers and the Language of Aesthetics, 1716-1818* (Cambridge: Cambridge University Press, 1995). Angela Keane’s account of travel, exile and the desire for home discusses Wollstonecraft, amongst others, in *Women Writers and the English Nation in the 1790s: Romantic Belongings* (Cambridge: Cambridge University Press, 2000).

<sup>35</sup> Vivien Jones, “Women Writing Revolution: Narratives of History and Sexuality in Wollstonecraft and Williams.” *Beyond Romanticism*. Ed. Stephen Copley and John Whale (London: Routledge, 1992) pp. 178-199, p. 179.

by Wollstonecraft's Mary in 1796 are of greater significance than those more spectacular disturbances represented by Godwin, and Wollstonecraft's delineation of the everyday experiences in the culture of the 1790s, especially for women, provides a distinctive engagement with the theme of imprisonment which marks an important progression between her two novels. After the call to arms of the two *Vindications*, and the reinforced objectivity of *An Historical and Moral View*, Wollstonecraft finds a new approach to the concerns of universal social justice and equality central to these earlier works, and occupies herself more subjectively with the individual's pursuit of liberty. Wollstonecraft's *Letters Written During a Short Residence* muses upon the varying degrees of freedom possessed by the Scandinavian peoples, upon their industries, and the emerging age of enlightenment in contrast to that currently experienced within Britain and France as befits the countries' different positions of advancement through the stadial theory, the progression towards a commercial economy, which dominated Enlightenment thinking. This depiction is filtered through a highly subjective account of the travels. At times it is as if, in the face of the Terror in France and the defeat of the republican ideology that the British Jacobins adhered to so enthusiastically, Wollstonecraft falls back upon her earlier, more subjective interests in personal happiness and the difficulty of finding true friendship in a fallen world.

The protagonist in the travelogue is a wanderer; the individual isolated once more, an older, more resilient, but no less despairing version of 1788's Mary, accompanied by dependents in an uncongenial society and essentially, deeply alone. Though a travel journal rich in description and detail of the northern countries she travels through, and thus forming a marked contrast to the usual Mediterranean countries represented in such eighteenth-century travel accounts, the character of Mary places her emotions, her despair, and her struggle with faith in mankind at the centre of the narrative. The polemical tone and general critique of society of her previous three works has been substantially altered here. It begins starkly: "Eleven days of weariness on board a vessel not intended for the accommodation of passengers have so

exhausted my spirits [...] that it is with some difficulty I adhere to my determination of giving you my observations.”<sup>36</sup> Immediately a sense of struggle is present, of the effort required to marshal one’s energies in order to fulfil the commitment of observation and enquiry. A sense of loss emerges quickly. It results not merely from the traveller’s recent exhaustion and sense of disorientation but from a more established personal and historical displacement, which sees her seeking and occasionally finding fleeting glimpses of “the simplicity of the golden age in this land of flint,” in the aftermath of the failure of the French Revolution.<sup>37</sup> It is a muted inquiry into human nature, a plumbing of the depths of the soul and of the very reason for existence, unsupported by the firm belief in Heaven and future perfection that the fictional Mary of 1788 relies upon. The Mary who travels through Scandinavia has no recourse to such comforts. She yearns for comfort, harmony and perfection, but has experienced an almost catastrophic failure of hope, and looks backwards now to a golden age, rather than into futurity. Wollstonecraft has not yet abandoned all belief in future progression: “Futurity, what hast thou not to give to those who know that there is such a thing as happiness!”<sup>38</sup> Repeated vacillation of thought in this text and others impedes the production of a straightforward, stable definition of Wollstonecraft’s concept of futurity but by 1796 she seems to have rejected her earlier reliance upon a celestial future, as expressed in *Mary*, for a wavering belief in the possibility of earthly happiness through social and political progression. Later in the text Wollstonecraft returns to the theme of the golden age, but this time with scepticism:

The description I received [...] carried me back to the fables of the golden age; independence and virtue; affluence without vice; cultivation of mind, without depravity of heart [...] – I want faith! My imagination hurries me forward to seek an asylum in such a retreat from all the disappointments I am threatened with; but reason drags me back, whispering that the world is still the world, and man the same compound of weakness and folly.<sup>39</sup>

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<sup>36</sup>Wollstonecraft, *Letters Written During a Short Residence*, p. 63.

<sup>37</sup>*Ibid.*, p. 66.

<sup>38</sup>*Ibid.*, p. 70.

<sup>39</sup>*Ibid.*, p. 149.

The successes and failures of reform have made confidence in it very difficult to preserve, and thus Mary in Scandinavia experiences a confusion, a disgust with the present, and a fear for the future as great as that as felt by the protagonist in *Mary*, but without the ultimate hope of perfectibility in heaven, or indeed anywhere else. The revolutionary tone of Wollstonecraft's polemical works, the belief in progress, and the simple but resilient faith in humanity are here threatened and nearly overwhelmed by a deadening despair that turns the whole world into "a vast prison," an echo of the "universal blank" feared by Mary in the earlier fiction, but presented here with an ominous, more prophetic ring of doom for the society in whose perfection and progress Wollstonecraft had believed in so ardently a few short years before.<sup>40</sup>

The narrator of the travelogue, though a free and extremely active agent, suffers almost continuously from claustrophobia, depression, and despair, lending a curious air of narrow enclosure to this highly-mobile travel memoir set upon ships and stormy seas, in wide forests and pleasant open country. She sails, she rows, she clammers up slippery slopes and down craggy cliffs, moves freely through Scandinavian society with remarkable ease, and communicates with apparently little difficulty, observing and noting the customs and manners of the nations and partaking in their festivities. But her physical and mental confinement is ever present. Bustling, commercial towns are places of discomfort: "[...] the disagreeable feelings I experienced the first night of my arrival at Hamburg, leaving the open air to be shut up in noise and dirt [...] Hamburg is an ill, close-built town, swarming with inhabitants."<sup>41</sup> Bedchambers are stuffy and enclosed; remarkably, even the feather quilts that dress the beds in Swedish inns suggest a tomb: "[i]t seemed to me that I was sinking into a grave when I entered them; for, immersed in down placed in a sort of box, I expected to be suffocated before morning."<sup>42</sup> Though surrounded by a landscape that continually delights, elevates and enthrals, the direction of Wollstonecraft's inward eye has changed from gazing onward into futurity and perfectibility to a haunted, backward

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<sup>40</sup>Ibid., p. 130; Wollstonecraft, *Mary*, p. 31.

<sup>41</sup>Wollstonecraft, *Letters Written During a Short Residence*, p. 190.

<sup>42</sup>Ibid., p. 86.

glance infused with an aching nostalgia; to look forward is to fear. Throughout, human nature is trapped within a body that suffers even when the environment is congenial, and a yearning spirit cannot be set free from it. The body becomes a prison, but one from which escape is impossible, try as Wollstonecraft might.

What Nancy Yousef has identified as one of the “unifying elements” in the *Letters Written During a Short Residence*, that of the continual reiteration of the sublimity of the landscape, is what first hints at the deeply-rooted anxieties within the text and suggests a discomfort and unease that becomes increasingly overt and acute as the narrative progresses.<sup>43</sup> The sublimity of landscape, as evidence of God’s creation, has always been bound up with a sense of possible perfectibility for Wollstonecraft but there is a marked shift from the tone of her earlier writings to the despair and fear of annihilation implicit in her later accounts of similar scenes. The emphasis upon nature moves from sensibility in *Mary* to sublime fear in *Letters Written During a Short Residence*. Concern for humanity reflects back upon Wollstonecraft’s relationship with nature. It reflects and refracts this to the point where in Risør, after her dealings with the lawyers and the repeated failures of her professional and personal enterprise, she views the “bleak shores” of the Norwegian coastline as a veritable Bastille: “Talk not of bastilles! To be born here, was to be bastilled by nature – shut out from all that opens the understanding, or enlarges the heart.”<sup>44</sup> The passage following this outburst is imbued with the causeless claustrophobia that pervades the text: “I felt the confinement, and wished for wings to reach still loftier cliffs...I felt my breath oppressed, though nothing could be clearer than the atmosphere.”<sup>45</sup> The intensity of Wollstonecraft’s discomfort is something that is exacerbated by her surroundings, rather than engendered by them; her discomfort is less a product of her northern environment, bleak though it may be at times, than her persistently troubling experiences and opinions regarding the French Revolution, a discomfort symptomatic of the

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<sup>43</sup>Nancy Yousef, “Wollstonecraft, Rousseau and the Revision of Romantic Subjectivity.” *Studies in Romanticism* 38.4 (1999) pp. 537-57.

<sup>44</sup> Wollstonecraft, *Letters Written During a Short Residence*, pp. 130-31.

<sup>45</sup> Ibid.



radical's heavy disillusionment in the later 1790s. The symbol of the Bastille still looms large in her imagination in the summer of 1795, to the point where it suggests itself as a suitable metaphor not merely for a literal prison, but, much more troublingly, for nature itself.

Perhaps encouraged by her distance from mainland Europe, Wollstonecraft's ambivalence towards France receives much more of an exploration and resolution in *Letters Written During a Short Residence* than in previous accounts, as she contrasts French customs favourably with those of more northern countries. Her personal anguish is evinced not only by her frequent exclamations of bitterness and disappointment, "oscillating from remonstrance to self-pity and back again," but also by a pervasive sense of imprisonment posed by society.<sup>46</sup> She exhibits severe anxiety to remove herself from social occasions, is excessively revolted by the gatherings of lawyers in Larvik with their "visages deformed by vice" and "accounts of chicanery that were continually embroiling the ignorant," by the crowds at various inns, by the confinement threatened by the landscape, and by herself.<sup>47</sup> Her philosophy has failed her. Later that year in a letter to Imlay dated 27<sup>th</sup> November her sense of enclosure has increased to the point of entombment: "the grief I cannot conquer (for some cruel recollections never quit me, banishing almost every other) I labour to conceal in total solitude. —My life therefore is but an exercise of fortitude, continually on the stretch — and hope never gleams in this tomb where I am buried alive."<sup>48</sup> For Wollstonecraft, then, suffering, solitude, endurance and enclosure are all inextricably linked, drawn together by continually-returning memory, to the point where the individual subject experiences all the agonies of solitary confinement and imprisonment, regardless of her physical location.

As well as presenting a testimony to a shattered, defeated idealism Wollstonecraft gathered a great deal of economic, geographic (rather than solely lyrical or descriptive) and quasi-scientific information on Scandinavia, drawn from her conversations, inquiries and observations.

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<sup>46</sup>Yousef, p. 543.

<sup>47</sup>Wollstonecraft, *Letters Written During a Short Residence*, pp. 123-4.

<sup>48</sup>Wollstonecraft, *The Collected Letters of Mary Wollstonecraft*. Ed. Janet Todd (London: Penguin and Allen Lane, 2003) p.332.

It is a curious mix, although characteristic of the eighteenth-century travel narrative. In Letter 8, Wollstonecraft provides a Rousseavian description of reflections upon existence and solitude engendered by rowing:<sup>49</sup>

My train of thinking kept time, as it were, with the oars, or I suffered the boat to be carried along by the current, indulging a pleasing forgetfulness, or fallacious hopes. – How fallacious! yet, without hope, what is to sustain life, but the fear of annihilation – the only thing of which I have ever felt a dread – I cannot bear to think of being no more – of losing myself – though existence is often but a painful consciousness of misery.<sup>50</sup>

Yet, with the awareness of Wollstonecraft's suicide attempt earlier that year and the second attempt that would soon follow the conclusion of her Scandinavian travels, this moment of the contemplation of existence, this assertion of life experienced as frequently nothing more than "a painful consciousness of misery" becomes almost unbearable: Mary's "fear of annihilation" will not prevent Wollstonecraft from seeking to lose herself again. There is always this division in Wollstonecraft's writing, always the intense polarisation between two extremes of reason and emotion, rendering the assumption of a trenchant position on her writing, or even within her writing, such an elusive exercise. But then this passage, rendered so poignant by our knowledge of the two suicide attempts that border the undertaking of the journey north, immediately turns from meditations on mortality to a wonderful and precise description of a new discovery, which the reader recognises as jellyfish :

They look like thickened water, with a white edge; and four purple circles, of different form, were in the middle, over an incredible number of fibres, or white lines. Touching them, the cloudy substance would turn or close, first on one side, then on the other, very gracefully, but when I took one of them up in the ladle with which I heaved the water out of the boat, it appeared only a colourless jelly.<sup>51</sup>

The ever-present subjectivity within Wollstonecraft's writing is newly matched in the *Letters* with scientific objectivity such as this, and the text continually alternates between reflection and description and personal subjectivism, sometimes to disconcerting effect. Yet this intertwining of two strands of narrative periodically alleviates the despair and claustrophobia within the text,

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<sup>49</sup>See Yousef, *passim*, on the echoes of Rousseau's *The Reveries of the Solitary Walker* in Wollstonecraft's *Letters*.

<sup>50</sup>Wollstonecraft, *Letters Written During a Short Residence*, p. 121.

<sup>51</sup>*Ibid.*

by providing necessary space for the reader as much as for the writer in which to look beyond narrow confines to a broader field where investigation, observation, reflection and therefore progress, are all still possible. Studying jellyfish, examining how their graceful opacity is reduced to a shapeless translucence upon their removal from their natural element, provides Wollstonecraft with a subtle metaphor for her own experiences. The broad scope of scientific enquiry afforded her by her travels, with the exposure to nations existing outside the sphere of British Enlightenment and revolutionary disenchantment, allows her to once more re-evaluate her own philosophy, and crucially, provides her with a new discourse of revitalisation. The fusion of objective and subjective vision enables Wollstonecraft to regain some of her faith in cultural progression and the project of Enlightenment within the text; her meditations upon her observations provide her with a wider sense of history and progress than those with which she began her account, and thus bring about a stabilisation of her deep personal unease. Yet her travels and activities prove the durability of the sense of imprisonment, rather than produce an alleviation of it; Wollstonecraft's sense of confinement is not something that can be easily eluded, or even identified. It seems to be the product of a knotty tangle of nature, environment, experience, futurity, gender, and the body: as such, a resolution to this conflict is not one the text is able to offer, and it concludes with the continuation of the traveller's journey, returning home but still in search of a way forward.

### **Bastilled for Life: The Wrongs of Woman, Imprisonment and Trial**

By 1797 Wollstonecraft had matured as a writer. Her professional experience of the literary and political culture of the 1790s had familiarised her with a variety of literary forms: reviews, translations, polemics, travelogues, and educational tracts. She had spent nearly a decade working through and mastering a variety of genres, and brings this structural awareness and complexity of discourse to her later novel, successfully harnessing the force of a Jacobinical

multi-perspective narrative to support the two main interlocking narratives belonging to Maria the inmate and Jemima the gaoler in the madhouse, by weaving in other voices redolent with the language of sentimental, Gothic and analytical texts. Wollstonecraft also had direct experience of prisons herself. During her residence in France from 1792 to 1795, her time in Paris was spent between the literary and radical salons, and the prisons where her fellow radicals were locked up. As an English radical, she had to flee Paris for her own safety, and lived in a state of domestic confinement in both Paris and Le Havre, though one enforced by her pregnancy and the threat of public disorder rather than any patriarchal tyranny. She had experienced years of suffering and oppression, which resonates powerfully through each woman's narrative in *The Wrongs of Woman*. It is a reality which her character in *Mary* only ever knew as a vague but continual sense of dislocation or, in Jacques Khalip's description, "[w]hat the female melancholic evokes is a dissatisfaction with the ideological underpinnings of identity," and this unease is one that does not lead to action.<sup>52</sup> The most significant departure between Wollstonecraft's first novel and her last is this movement from passive disillusionment experienced in the wider world to the activity of reform, engendered by experience of an actual prison. By setting out to examine society she constructs a frame within which she can locate the causes, and articulate the solutions, to the wrongs of woman. While far from utopian, a discernibly improved existence for women is possible by the end of the novel.

John Whale has written that, "[f]or Wollstonecraft, then, the present is at worst seriously flawed, at best provisional."<sup>53</sup> He goes on to describe how Wollstonecraft's careful and rather wearied view of the limited possibility for individual and social happiness is not predicated solely on Christian futurity and guaranteed bliss in heaven: "Wollstonecraft's strategy is by no means as simple or as clear as this. She is well aware of the dangers of opting out of the present, of

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<sup>52</sup>Jacques Khalip, "A Disappearance in the World: Wollstonecraft and Melancholy Skepticism." *Criticism* 47.1(2005) pp. 85-106, p. 87.

<sup>53</sup>John Whale, *Imagination Under Pressure, 1789-1832: Aesthetics, Politics and Utility* (Cambridge: Cambridge University Press, 2000) p. 84.

putting off action by hoping for eternal ecstasy. False forms of hope are familiar to her.”<sup>54</sup>

What Wollstonecraft succeeds in achieving in *The Wrongs of Woman* however, is an alternative to precisely this danger of “opting out of the present.” The fatal passivity engendered by Mary’s belief in Heaven’s rewards which renders the novel *Mary* such a paralysing and frustrating read is entirely displaced here by a very urgent desire to live, to escape not only the manacles of the prisoner’s cell, but the shackles that constrain a woman’s life within society as it is currently structured. Religious belief is not absent in the later novel, but it is no longer synonymous with passive endurance and muted, martyred hopes. In the place of endurance is an act of great social and religious transgression, adultery, which is figured in the novel in such a way as to represent the action of a woman who is fully complicit in this affair, who finds herself in this position not through coercion or desperation but by glad and willing choice. Juxtaposed with recollections of her husband’s heavy-handed and disgusting caresses is a delicate account of Maria’s dawning realisation of what a true and equal partnership means, figured in terms of far greater purity and sincerity than any marriage represented in the novel.

Wollstonecraft’s support for marriage is only given when the condition of married life is re-evaluated in terms of a woman’s right to dissolve an unhappy union. In a journal kept for her daughter’s eventual perusal wherein she will receive an education first-hand of the wrongs of womankind, Maria writes the following:

The marriage state is certainly that in which women, generally speaking, can be most useful; but I am far from thinking that a woman, once married, ought to consider the engagements as indissoluble (especially if there be no children to reward her for sacrificing her feelings) in case her husband merits neither her love, nor esteem. Esteem will often supply the place of love; and prevent a woman from being wretched, though it may not make her happy. The magnitude of a sacrifice ought always to bear some proportion to the utility in view; and for a woman to live with a man, for whom she can cherish neither affection nor esteem, or even be of any use to him, excepting in the light of a house-keeper, is an abjectness of condition, the enduring of which no concurrence of circumstances can ever make it a duty in the sight of God or just men.<sup>55</sup>

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<sup>54</sup>Ibid.

<sup>55</sup>Wollstonecraft, *The Wrongs of Woman*, p. 143.

The institution of marriage, therefore, will no longer render women Bastilled for life, if it is understood that divorce is a condition of a rational marriage contract. In the novel, Maria defends this point in court, when she is sued for adultery by her husband. She loses her case, with the judge referring to “the fallacy of letting women plead their feelings, as an excuse for the violation of the marriage vow[...] We did not want French principles in public or private life – and, if women were allowed to plead their feelings, as excuse or palliation of infidelity, it was opening a flood-gate for immorality. What virtuous woman thought of her feelings?”<sup>56</sup> Here the last fragmented chapters of the novel end, with some sketches of the remainder, the last of which runs simply “Divorced by her husband – Her lover unfaithful – Pregnancy – Miscarriage – Suicide.”<sup>57</sup> Maria seeks her escape from her environment and the trap of gender, but in the second volume of the novel, where Maria and Darnford become lovers, the woman’s body has been reclaimed as a location of freedom and agency, and so an escape from the prison of that body has been successfully, if temporarily, achieved.

Yet one final fragment remains. Instead of ending in the terrible act of suicide, which Mary in the earlier novel contemplated indirectly but a desperate, utterly broken Maria here sees as her only escape, a last paragraph recovered by Godwin when he edited this novel describes a moment of miraculous rescue and restoration. Jemima has discovered Maria’s child, previously supposed dead but living after all, and helps Maria recover from the effects of the laudanum she has swallowed. An all-female sphere of sincere affection and reasonability, of living for each other and with each other and founded upon motherhood and friendship, is projected. “The conflict is over” Maria exclaims, holding her baby in her arms, “I will live for my child!”<sup>58</sup> The fictional resurrection of Maria is effected through Godwin’s editorial intervention, and the image of a grieving husband struggling to recover his dead wife through recovery of her work is a

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<sup>56</sup>Ibid., p. 145.

<sup>57</sup>Ibid., p. 147.

<sup>58</sup>Ibid., p. 148.

poignant one, although Rajan views his intervention in an almost wholly negative light.<sup>59</sup> There is a literary as well as a real-life precedent for this liberating, alternative social structure that Wollstonecraft sets up at the end of *The Wrongs of Woman*. Such a female sphere is already idealised in the 1790 novel *Julia* by Helen Maria Williams, which Wollstonecraft reviewed in that year.<sup>60</sup> In *Julia*, a love triangle involving the virtuous Charlotte, her best friend the virtuous Julia, and Charlotte's husband, the passionate Frederick, is unexpectedly disrupted when Frederick most unconventionally dies, thereby dismantling the triangulation of power, rivalry and threat and allowing Julia and Charlotte to set up an alternative female sphere of supportive parenting for the child of Charlotte and Frederick's marriage. It is an unorthodox substitution of a generic plotline for a radical one. Instead of the restoration of order and the stabilisation of marriage, we see a self-supporting female community that has rejected the entrapment of masculine desire and finds freedom through motherhood and a new ordering of the domestic space.

Wollstonecraft rejected female friendship as a solution in *Mary*, leaving Mary separated from male and female companionship alike, but after Maria's legal appeal has failed, and when sentimental romance has betrayed her once again, the female sphere remains as the only realistic alternative to society.

### **The Affect of Testimony**

*The Wrongs of Woman* is constructed in a much more formally challenging way than *Mary*. These formal innovations allow the text a greater sophistication when dealing with ideology and the act of writing, to the point where the text can absorb and articulate the anxieties surrounding the progressive ideologies therein expounded. In doing so, it strengthens the impact made by such

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<sup>59</sup>Rajan describes Godwin's presence as editor in the text as an obstacle not merely to Wollstonecraft's own voice but to the possibility of an hermeneutic process. His framing devices of advertisement, preface and concluding note lock an historical interpretation into place, provided by Godwin himself, the text's "first explicit reader." Rajan (1988) pp. 234-38, p. 237. By contrast, I regard Godwin's devices as features which open the text up to wider interpretation by allowing the reader access to Wollstonecraft's sketches and draft conclusions, thus implicating the reader more strongly in the production of meaning.

<sup>60</sup>*Analytical Review* 7 (1790) pp. 97-100. From *On Poetry. Contributions to the Analytical Review 1788-1797*, pp. 251-23.

ideologies, because instead of presenting them as fully finished and guarantors of social justice, the novel opens them up, through the ambiguities in the text, and allows for a fuller understanding of their possibilities, one that is not weakened through too much reliance on idealism at the expense of practicality. Instead, there is a concern for real practicality in the novel, for actual assistance as well as notional reform amongst those who are struck by the inequalities of society. During the telling of Jemima's narrative, Maria and Darnford's well-meaning utterances appear as philosophically vague and useless generalisations, after the precision of Jemima's tale. Upon hearing the account of Jemima's blighted life, containing the almost unrelieved horrors and degradations she has known from birth, Darnford can do no more than blandly pronounce that he has not "an opinion more firmly fixed by observation in my mind, than that, though riches may fail to produce proportionate happiness, poverty most commonly excludes it, by shutting up all the avenues to improvement."<sup>61</sup> This is followed by Maria's contribution, supported by a sigh: "And as for the affections [...] how gross, and even tormenting do they become, unless regulated by an improving mind!"<sup>62</sup> Jemima's narrative comprises twelve pages of the novel, and it runs on uninterrupted for the first nine of that total, until Maria provides the first interjection. Jemima, Maria and Darnford converse briefly, but do so in terms which speak of impersonal pronouncements more than an active involvement with each other's opinions. Jemima continues her narrative for three more pages, with another rehearsal of tired idealistic rhetoric by Maria and Darnford before its conclusion.

Their responses epitomise what Vivien Jones has described as the "imaginative sympathy" that prostitution narratives are intended to produce: "personal testimony [...] evokes pity rather than utilitarian indignation: imaginative sympathy becomes the mechanism which invites reform, and which draws the prostitute back into the social body."<sup>63</sup> As Jemima recounts her history however, she seems to anticipate such responses from her auditors, and evinces no

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<sup>61</sup> Wollstonecraft, *The Wrongs of Woman*, p. 88.

<sup>62</sup> Ibid.

<sup>63</sup> Vivien Jones, "Placing Jemima: Women Writers of the 1790s and the Eighteenth-Century Prostitution Narrative." *Women's Writing* 4.2 (1997) pp. 1-20, p. 4.



desire to be drawn into a society beyond her immediate one, or to be rehabilitated. She is continually aware of her audience, and of the content of her story; she curtails her description of her childhood, saying: “I will not attempt to give you an adequate idea of my situation, lest you, who probably have never been drenched with the dregs of human misery, should think I exaggerate.”<sup>64</sup> The irony of this is that Jemima, “born a slave, and chained by infamy to slavery during the whole of existence,” is speaking to two fellow prisoners.<sup>65</sup> Her narrative is prefaced by Darnford’s account of his imprisonment and is followed by Maria’s, which like Jemima’s deals with the miseries particular to the lives of women. This placement of the narratives provides effective thematic continuity between Jemima’s and Maria’s, but the following of Darnford’s account with Jemima’s immediately undercuts Darnford’s sufferings, as his difficulties – restlessness, dissatisfaction, the inconstancy of women, relatives jealous of his fortune – are quietly criticised by the text’s structure through the juxtaposition of the two narratives. Although he has fallen prey to society’s ills, and is a prisoner in a private madhouse, the indignities suffered by Darnford are brief and mild compared to the life-long catalogue of degradation that comprises Jemima’s history.

Jemima’s awareness that her narrative may fail to impact upon her listeners is well founded. Her account is freely and sincerely given, but is partially circumscribed by her previous experience of the failure of sincerity and true suffering to produce any affect on the hearer: “I shall not [...] lead your imagination into all the scenes of wretchedness and depravity, which I was condemned to view.”<sup>66</sup> She knows that even the powers of the imagination cannot be harnessed through stimulating description into social action. Her ardent testimony has failed before. She recounts how she had written to an acquaintance, who sounds suspiciously Godwinian in his beliefs, who was “an advocate for unequivocal sincerity; and had often, in my

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<sup>64</sup>Wollstonecraft, *The Wrongs of Woman*, p. 82.

<sup>65</sup>Ibid., p. 83.

<sup>66</sup>Ibid., p. 86.

presence, descanted on the evils which arise in society from the despotism of rank and riches.”<sup>67</sup>

Yet he replies to Jemima’s request for advice on how to deal with her impossible situation of looming poverty and increased degradation with “a long essay on the energy of the human mind, with continual allusions to his own force of character.”<sup>68</sup> This response to Jemima’s narrative suggests that it has been read disinterestedly as a literary text containing a philosophical problem, and so a philosophical essay is a suitable answer. It is an utterly unhelpful one, however, and recalls Alexander Welsh’s contention that strong representations may be made, but once made their effect cannot be predicted or controlled. Maria and Darnford’s responses are similar to that of the philosopher. The main issue at hand is not the compassion or horror that the testimony produces, but a generalised reflection upon suffering: not even the imaginative sympathy that such narratives were conventionally aimed at is produced.

Similarly, when Maria tells Jemima of her wrongful incarceration, she is met with a mixture of indifference and suspicion. The urgent plea for assistance because she has been wronged produces no sympathetic response in Jemima, despite Maria’s best efforts: she has “determined to speak mildly” to her gaoler, and addresses her “with a tone of persuasion,” but such calculation falls flat.<sup>69</sup> Initially Jemima spends time with Maria because her curiosity has been piqued, but at the mention of her baby daughter, however, who “only four months old, had been torn from her, even while she was discharging the tenderest maternal office,” Maria unwittingly succeeds in unearthing Jemima’s long-buried sense of fellow feeling: “the woman awoke in a bosom long estranged from feminine emotions, and Jemima determined to alleviate all in her power [...] the sufferings of a wretched mother, apparently injured, and certainly unhappy.”<sup>70</sup> The subtle qualification of deserving sympathy, of different degrees of suitability for pity or assistance, is evident here; not all prisoners are created equal under the present system, and even those who are innocent cannot guarantee that, either in the fictional world or in reality,

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<sup>67</sup>Ibid., p. 87.

<sup>68</sup>Ibid. p. 89.

<sup>69</sup>Ibid, p. 62, p. 63.

<sup>70</sup>Ibid., p. 64.

their stories will be responded to, or their cause championed. Here Jemima becomes Maria's deliverer not because Maria is imprisoned but because she is a mother. It seems as though Jemima's act results less from reason than from a sympathetic chord unpredictably struck within her, more by coincidence than by design. Those who offer their testimonies, as Caleb and Hannah have already demonstrated, cannot rely upon the effect that the truth or sincerity of their personal narratives may have.

While Maria's narrative eventually receives a sympathetic audience, Jemima's does not, at least amongst her auditors in the novel. She recounts it in spite of previous indifference to it, showing a persistent faith in the importance of testimony. Her improved fortune has come about through another's desire to employ her as a gaoler and thus profit from Jemima's determination and shrewdness, not from any attention paid to her narrative. Her previous attempts at seeking assistance and release from her miserable plight have resulted in repeated scenes of rejection and imprisonment. As Gladfelder phrases it, "she becomes the inmate of a grim sequence of carceral institutions: hospital, prison, house of correction, workhouse."<sup>71</sup> The only way Jemima can prevent herself from becoming a prisoner again in that system is to accept its converse, the role of gaoler, though still trapped by the same system of oppression. There is no alternative to the order of masters and slaves: testimony and narrative, while it may make the character sympathetic to the reader, achieves nothing for the character within the novel. All Jemima can do is to maintain her position of "criminal revolt," in her intellectual opposition to this system, while she perpetuates the degradation of others engendered by it.<sup>72</sup> Maria's attention is divided between Jemima's tale and her own reflections, and her final interruption ends as follows: "[t]he culture of the heart, ever, I believe, keeps pace with that of the mind. But pray go on," addressing Jemima, "though your narrative gives rise to the most painful reflections on the present state of society."<sup>73</sup> Jemima continues as bidden, but with a disclaimer: "[n]ot to

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<sup>71</sup>Gladfelder, p. 213.

<sup>72</sup>Ibid., p. 214.

<sup>73</sup>Wollstonecraft, *The Wrongs of Woman*, p. 89.

trouble you [...] with a detailed description of all the painful feelings of unavailing exertion.”<sup>74</sup>

The structuring of the two women’s dialogue renders the individual narrative and the wider text immediately problematic because in undercutting Maria’s remark by using the same adjective Jemima undermines the general didacticism of the text as a whole. In the midst of conveying to the reader the horrors of the existence of woman, Wollstonecraft incorporates scenes where descriptions of such horrors produce no effect upon the reader or listener other than sentimental affect (one expects Maria to shed a tear amongst her sighs as she listens) or the production of a philosophy equally ineffectual. There is no suggestion, or expectation, of an active, progressive response, because there is no possibility of change.

Maria herself is trapped by narrative: inasmuch as she offers her own testimony to Jemima and writes it for her daughter’s education, the myth of romance has impressed her much more vigorously than any other account in the novel. Reading Rousseau’s *La Nouvelle Héloïse* produces a type of reverie that enables her to escape briefly from her immediate surroundings of pain and confinement, but ultimately, in preparing her for a new love affair with her meditations on romance and affection, Maria is almost destroyed anew. Reading has set her up with harmful habits and a dangerous reliance upon men – her uncle, her husband, her lover – even while she deplores the “partial laws” that confine her to their patronage. When Maria reads Rousseau in her prison cell and muses upon the as-yet unseen Darnford, the owner of the book, she falls back into romantic daydreams instead of channelling her strength into improving her condition and planning an escape. As Mary Poovey has suggested, Maria is mired in the sentimental narratives that she reads, and behaves like a wilting heroine dependent upon male protection. Her learned, text-shaped responses are difficult to shake off even after she has determined to create a new narrative of woman’s existence. In pleading for a divorce to make marriage to Darnford possible she is still confining herself to legally-sanctioned male authority, instead of

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<sup>74</sup>Ibid.

seeking a freedom outside of patriarchal-controlled law and imprisoning sentimental narratives.<sup>75</sup>

Tried for adultery and then possibly cast off by her lover, the concluding sketches overwhelmingly suggest that this disappointment causes her final destruction, which even imprisonment and the loss of her daughter could not achieve. Here, then, though the body is less a place of confinement than in *Letters Written During a Short Residence*, the mind's susceptibility to false narratives proves even more pernicious than previously represented, even though the energy that opposes it, by way of contrast to Mary's, is greater than before.

Jemima's narrative has a destabilising effect upon the Jacobin project of reform, upon the Godwinian notions of perfectibility and sensibility articulated in *Caleb Williams*, and upon Jacobin ideology as a whole. Jemima, like Caleb and Hannah before her, discovers that sincerity has a minimal effect for those that society deems are unfit to join it. Throughout her narrative Jemima demonstrates an awareness of the limits of affect that a sincere testimony can produce, having lost her illusions at a much earlier age than Caleb, or rather, having never had any illusions to lose at all. Wollstonecraft's consciousness of the limited power of narrative is evident throughout the novel. The ambiguous conclusion typical of the Jacobin novel is exaggerated here, to the point that even the representation of reform does not seem possible. Yet, as I have suggested throughout, the Jacobin novel is as interested in testing Jacobin reformist ideology as it is representing that ideology in action. In *The Wrongs of Woman* the Jacobin reliance upon sincerity, testimony and the production of readerly enquiry is vigorously tested, but the project itself still offers hope. Considering *The Wrongs of Woman* as Wollstonecraft's response to the failure of writing the revolution or achieving reform is to view the novel genre itself as her solution to the difficulty of honestly representing the project of reform. Her experimentation with other genres has led her back to her initial choice of the novel as forum for debate. In *Mary*, the sentimental and conventional narrative form leads Wollstonecraft to produce a sentimental and conventional text, albeit one fully cognisant of the perils and faults of such

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<sup>75</sup> Mary Poovey, *The Proper Lady and the Woman Writer* (Chicago: University of Chicago Press, 1984) pp. 97-112.

writings: self-absorption, irrationality, physical weakness, romantic fancies in friendship and the attempted construction of a refuge in a physically unthreatening, paternalistic embrace. With *The Wrongs of Woman* awareness of generic and narratological limitations prevents the text from falling prey to generic faults, even if the characters themselves often fail to establish new codes of behaviour. The characters in *Mary* seem irresistibly compelled towards a certain inevitable ending in the narrative, shaped and controlled as they are by a particular form: deaths occur with equal convenience and frequency to propel the plot forwards. Wollstonecraft has employed the form of the sentimental novel, but has not mastered it; *Mary* is a simple engagement with fiction writing, not an experiment.

The unexpected but successful mixture of fiction, autobiography, philosophy and travelogue that is *Letters Written During a Short Residence*, however, ably demonstrates Wollstonecraft's capability by 1795 to shape a genre – in this case, travel writing, though it could as easily be regarded as a fictionalised autobiography, or even an epistolary novel – exactly to suit her own purposes. In the case of *Letters Written During a Short Residence*, what is still recognisably a work of travel writing has been transmuted into a simultaneous exploration of the psychological consequences of the defeat of republican ideals. It is the fruit of Wollstonecraft's years of hack work, her translations, her polemical tracts, her reviews and essays, her educational works and histories, but it is *The Wrongs of Woman* that represents the harvest of many years of generic experimentation, producing a genuinely innovative novel. The heavily-shadowed Gothic opening section expresses the confusion on the part of the main character as to her location, her arrival there and the events of her recent past that have brought about such an occurrence. The same confusion is engendered in the reader by these descriptions as in the mind of the character. No explanation for her treatment is supplied until later in the text: the explanation is denied to the characters as well as the reader, leaving all participants in this drama in the same position of bafflement. The individual narrations in *The Wrongs of Woman* are repeatedly interrupted and fragmented within the larger fragment; Poovey attributes this to Wollstonecraft's awareness of

the powerful effect that reading a fragment has upon the reader, “that the narrative contract established by the text is drawing the reader into stories that are patently not true and whose aesthetic closure would artificially resolve whatever politically effective emotions the stories might arouse.”<sup>76</sup> Wollstonecraft’s unfinished novel is a gift, from this perspective, existing as it does in a state of perpetual fragmentation. To adhere to its spirit, the reader cannot realistically produce a happy ending for Maria involving, for example, the painful death of George Venables, the union of Maria and Darnford, the resuscitation of Maria’s child and Jemima’s installation as contented nursemaid in the happy domestic sphere, without pushing the novel into farce. The narrative is far too violent and problematic to allow any such conclusion. Instead, the reader is forced past the easy happy ever after, forced to engage fully with Wollstonecraft’s concerns about the marriage laws, financial independence, uxorial oppression and control and the economic value of a woman’s body, before any solution can be raised. The failure of testimony and narrative within the fragment does not mean that the wider narrative itself cannot succeed. And so, the reader is completely absorbed into the unsettling, fragmentary nature of the text, which causes him or her to participate in the reflection upon the narratives that the text encourages or refuses, and is provoked into a thoughtful response to the text that can then be acted upon for the beneficial reform of society.

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<sup>76</sup> Ibid., pp. 106-7.

## Chapter Six

### “The Tale Never Dies!”: Holcroft, Writing and Conversation

“Will it ever be forgotten that I have been a malefactor? Can I forget it myself?”

“Not as a thing that has happened; but, as a subject of personal disgrace, yes: nay, like the mass of dark in a picture, it will make your future virtues more luminous and delightful!”

“The world knows no such nice distinctions: it does not reason, but it feels, it remembers, it relates. The tale never dies!”<sup>1</sup>

#### Holcroft’s Trial and *A Narrative of Facts*

The persistence of “the tale” is both an asset and a pitfall for Thomas Holcroft, in literature as well as in life. As Caleb discovered, once a tale has been told, it is open to interpretation and judgement by others and takes on a life of its own. In Holcroft’s *Memoirs of Bryan Perdue* (1805) Bryan, quoted above, laments his ruined reputation as an acquitted felon: “I could no longer walk erect and hail the liberal air in open day and unabashed. Every human being, that seemed to eye me, looked reproaches, and uttered language killing to the heart! ‘Behold that fellow! see how he hangs his head! He was tried at the Old Bailey, and narrowly escaped the halter!’”<sup>2</sup> The public eye once again casts its judgement, and its prejudiced glare makes it impossible for the innocent Bryan to live with his former freedom and ease. The tale has been carried before him; truth and justice are impotent before public prejudice, even when supported by the legal verdict of innocence. The weight of public opprobrium in Holcroft’s novel forces his protagonist into exile. Holcroft, also bearing the shame of an acquittal, found himself in a similar situation following the treason trials. He bore a remarkably optimistic faith in the inevitability of social improvement as a result of the expanded print market, as discussed in chapter two. He energetically pursued every possible opportunity for writing, thereby increasing society’s general “virtue” and “wisdom” by adding to its “general information.”<sup>3</sup> Yet Holcroft could not write his escape from the tale that pursued him. The narrative that the popular press as well as public

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<sup>1</sup> Holcroft, *Memoirs of Bryan Perdue*, vol. 3, p. 171.

<sup>2</sup> Ibid., p. 166.

<sup>3</sup> *Life of Thomas Holcroft*, p. 143.



opinion provided for him proved impervious to Holcroft's challenges. While Godwin's *Cursor* *Strictures* enjoyed acclaim for its demolition (apparent or otherwise) of the charge of constructive treason, Holcroft's treason trial writings, published as *A Narrative of Facts, Relating to a Prosecution for High Treason including the Address to the Jury which the Court Refused to Hear* (1795), plunged him into a mass of public conflict which made his circumstances even more difficult.

His difficulty was the same as that which absorbed and puzzled Bentham. The fictions of law, working amongst and against the various systems of language in society, make universal truth almost impossible to utter or to recognise. Tackling these fictions in such an open manner, as Holcroft does in his speeches in court and public letters, bears testament to a belief in the connection between information, wisdom and virtue. As he described in his *Life*: "No Titus Oates could now impose his execrable fictions on mankind. Or is it possible that sophistry may have convinced itself that it is better twelve men, the partisans of reform, should die, than the Government should seem to have disgraced itself by asserting the existence of a treasonable conspiracy without any proof?"<sup>4</sup> As Hazlitt remarks in his commentary on this statement, Holcroft's idealism does not prevent him from fearing the worst, when informed of political manoeuvring that belies the existence of truth, evidence, or justice: "At one moment he could not believe himself in danger: at the next, the facts that stared at him in the face destroyed every ground of rational calculation, and left the mind bewildered in suspense."<sup>5</sup> Holcroft's bewilderment was swiftly replaced by his usual, active dedication to truth and information, as his subsequent behaviour shows. However, in his attack upon the legal system and the fictions of lawyers in his treason trial writings, Holcroft seeks to address the mistake he made in the dock. He cannot reform the law court from within that court, and certainly not by speaking from the position of the accused. In the adversarial form of the treason trial, it is Thomas Erskine, as Holcroft's attorney, who occupies the position of making representations and challenges to the court. Holcroft's personal strategy of active opposition from his first appearance in court is

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<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

flawed, in that he tries to oppose the deceptive fictions of law with universal truth and justice, rather than recognising that such concepts as he understands them do not exist within the court. They are not part of the legal system that has accused him of an invented crime and will acquit him on a point of argumentative sophistry, which will itself become illegal the following year.<sup>6</sup> They belong to a different system, that of Holcroft's philosophy, of Jacobin idealism, of radical politics. They do not belong in the established legal system, and Holcroft's attempt to introduce them by impassioned speeches and painfully-literal responses to questions posed by Lord Chief Justice Eyre, as we will see below, was not a success. Holcroft is not the governing authority of the legal system, and so cannot change it. He makes the same error as Godwin does in his advice to Joseph Gerrald: fiction cannot be reformed by an opposing fiction. In 1805 Holcroft hit upon a different way of reforming the court in *Bryan Perdue*, but in 1794 and 1795 to grapple with the law from an opposing political and philosophical viewpoint is to fail.

Holcroft, a member of the Society for Constitutional Information, read in the *Morning Post* of the 30<sup>th</sup> of September that a warrant was to be issued for his arrest on the charge of treasonable practices. The first three volumes of *The Adventures of Hugh Trevor* had been published that summer (the remaining three followed in 1797). The novel's sustained attack on corruption in the university, the Church and the legal system may have prompted the government to finally issue the warrant that Holcroft had been expecting since Thomas Hardy's arrest on the 12<sup>th</sup> of May spread alarm among radical writers, publishers and agitators. It is more probable, however, that Holcroft's membership of the SCI was grounds enough for his arrest. The threat of Holcroft's arrest had "seemed almost to have sunk into forgetfulness" after months of speculation and the apparent inability of the Crown to produce a definite charge of

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<sup>6</sup> Barrell and Mee note that part of Erskine's defence of the radicals accused of treason in 1794 hinged upon the argument that "even if the prosecution succeeded in proving the overt acts stated in the indictment, it was still a matter of fact, to be decided by the jury, whether those acts amounted to high treason." The Treasonable Practices Bill introduced in 1795 changed acts that had previously been regarded as "overt" to "substantive", expanding the grounds on which treason could be prosecuted and rendering Erskine's successful defence of 1794 impossible by 1795. See *Trials for Treason and Sedition, 1792-1794*, introduction, pp. 35-6.

treason against the radicals detained in the Tower of London.<sup>7</sup> Holcroft's first action upon reading this report was to write to his daughter to inform her of his safety and of the impossibility that "this [treason] or any other crime against the Government can be proved on me."<sup>8</sup> He is secure in the utility of his transparent behaviour as self-defence: "my principles and practice having been so totally opposite to such supposed crimes [...] the charge is so false and so absurd, that it has not once made my heart beat."<sup>9</sup> He attributes the charge to "the guilt of ignorance" of those who "think they are doing their duty," but asserts that "the virtuous man has no need to fear accusation."<sup>10</sup> He reckoned without Eyre's determination to prosecute for treason the members of political associations such as the LCS and the SCI who supported parliamentary reform. Eyre further increased the weight of accusation against Holcroft and his fellow-prisoners with a redefinition of the laws against treason, as set out in Eyre's charge to the grand jury, delivered on the 2<sup>nd</sup> of October and published in the *Morning Chronicle* on the 21<sup>st</sup> of October. When the grand jury accepted the charge of treason, it was supplemented by further indictments made on the 6<sup>th</sup> of October.<sup>11</sup>

On the 30<sup>th</sup> of September Holcroft did not yet know what was his crime, as the law officers had not yet worked out adequate grounds for the charge. On the same day that Holcroft wrote to his daughter he addressed a letter to the *Morning Post* in which he stated his willingness to participate in any enquiry: "I have no wish to influence the public opinion, by a previous affirmation of my own innocence: I desire only to appear before my own country."<sup>12</sup> His eagerness to seize the publicity for radical propaganda, which a trial promised, is as clearly expressed as his belief that any charge is unproven and untrue. Both of these letters articulate with brevity and clarity Holcroft's immediate aims upon receiving notification of the warrant: to

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<sup>7</sup> *Life of Thomas Holcroft*, p. 143.

<sup>8</sup> Letter to Sophy Cole and family, 30<sup>th</sup> September 1794. *Life of Thomas Holcroft*, pp. 143-4, p. 143.

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.* p. 144.

<sup>11</sup> Philp, introductory note to *The Charge Delivered by the Right Honourable Sir James Eyre*, in *The Political and Philosophical Writings of William Godwin*. Vol. 2, p. 65.

<sup>12</sup> Letter to the *Morning Post*, 30<sup>th</sup> September 1794. *Life of Thomas Holcroft*, p. 144.

know the accusation and investigate the apparent proof behind it, and to make his own representation at court.

The content of these two letters, one public and one private, is also suggestive of Holcroft's views on writing. There is no division between his public and private audiences. Though the letter to his daughter may be expected to be more reassuring or affectionate in tone, there is no distinction made in terms of content. The philosophical message is the same in both. Holcroft believes in transparent, rational, comprehensible language, the very qualities so conspicuously lacking in legal language. He privileges the act of written or spoken communication. His entire literary output, in public letters, easily-accessible pamphlets, and the popular forms of drama and fiction, is further evidence of this. Holcroft's faith in the ameliorative effects of writing and the subsequent dissemination of information, which he always views as beneficial for society, is mirrored by his profound faith in human perfectibility. His fiction demonstrates a markedly durable optimism when contrasted to that of Godwin and Wollstonecraft. Despite the suppression of hopes for radical reform by counter-revolutionary forces, Holcroft never becomes disillusioned. By contrast, his faith in reform is strengthened as his opposition to social, political and institutional tyranny intensifies in his novels, particularly in *Hugh Trevor* and *Bryan Perdue*. In Holcroft's philosophy, individual reform is not dependent upon revolution or political change. It begins in self-awareness, and proceeds by knowledge. When mankind falls into error, which is the only evil that exists (and one that is caused by circumstance, not the fallible human nature of Christian instruction), knowledge leads to reform. Turl, one of the arbiters of social reform in *Hugh Trevor*, provides a pertinent account of Holcroft's system of reform:

The world is unjust: and why? Because it is ignorant. Ought that to excite either complaint or anger? Would not the energies of intellect be more worthily employed in removing the cause, by the communication of knowledge? [...] Look at the mass of evil, by which you are surrounded! What is its origin? Ignorance. Ignorance is the source of all evil; and there is one species of ignorance to which you and men like you have been egregiously subject: ignorance of the true mode of exercising your rare faculties;

ignorance of their unbounded power of enjoyment [...] How may this advantage be made general? [...] [M]ake the acquirement of knowledge the grand business of life.<sup>13</sup>

Holcroft's opportunity to speak for himself in court and to provide his testimony is thus a crucial part of the wider project of social reform. On the morning of his first appearance in court on the 7<sup>th</sup> of October, Holcroft's eagerness to query the charge laid against him and expose the convoluted and impenetrable language of the law court plunged him into ridicule. In chapter three we saw how Godwin's *Cursory Strictures* opposed the charge on the grounds of language. Holcroft seems to have been inspired to attempt something similar. He began conventionally enough, placing his trust in the publicity of the court room. Addressing Lord Chief Justice Eyre, Holcroft announced his hope that "if I am a guilty man, the whole extent of my guilt may become notorious; and, if innocent, that the rectitude of my principles and conduct may be no less public," and followed this with an avowal that "there is nothing on earth, after which, as an individual, I more ardently aspire than a full, fair, and public examination."<sup>14</sup> Finally, Holcroft enquired whether the accused is allowed to speak in his own defence, the presence of defence counsel notwithstanding. Eyre informed him that "the accused will be fully heard by himself, as well as by his counsel," swiftly suppressing Holcroft's intention to speak at trial.<sup>15</sup> When Eyre concluded his response by asking Holcroft to confirm his identity as the indicted Holcroft, in the discussion that followed Holcroft involved himself in an almost absurdist dialogue about whether or not he, Thomas Holcroft, was really the Thomas Holcroft accused of treason:

Eyre: "I do not know whether you are or are not Thomas Holcroft. I do not know you; and therefore it is impossible for me to know whether you are the person stated in the indictment."

Holcroft: "It is equally impossible for me, my Lord."<sup>16</sup>

Though the exchange easily reads as an extract from one of Holcroft's comedies, it demonstrates Holcroft's awareness of the danger inherent in identifying himself as the traitor named in the indictment. He cannot identify himself as Thomas Holcroft the accused without validating the

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<sup>13</sup> Holcroft, *Hugh Trevor*, p. 252.

<sup>14</sup> *Life of Thomas Holcroft*, p. 146.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid., p. 147.

assumption of guilt; if he assents to the identification of his character, then he also assents to the charge. The exchange here between Eyre and Holcroft is prudent, and both men are aware of the implications of identification. There is a confusing alternation here in Holcroft's behaviour, however, between working with the legal system, and working against it, with the result that instead of contesting the powers of the court and the fallacies of language, as he seems to wish to do by speaking in his own defence, he weakens his own authority by now following court procedure, now opposing it. The debate with Eyre made its way into the papers, and what Hazlitt calls "an act of true fortitude, arising from conscious integrity" became "the vapouring of a hypocrite" in print, and thus began the blasting of Holcroft's reputation which almost destroyed his livelihood.<sup>17</sup> From the very beginning of Holcroft's status as prisoner or accused, his attempt to question the charge, to understand the crime he is accused of, to provide his own testimony and to speak his own defence, was obstructed, and his attempts merely strengthened the case against him. He was powerless to redress the impression that had been given of him:

To be thus publicly accused, and not as publicly heard, to have it supposed throughout the kingdom that he was involved in transactions, which though surely not treasonable, were such as he could not but highly disapprove, and of which he never heard till the reports of the Secret Committee were published, this was an evil which he would have given his right hand to have avoided.<sup>18</sup>

On the 1<sup>st</sup> of December, in the company of John Augustus Bonney, Stewart Kyd and Jeremiah Joyce, Holcroft was called to trial. He had prepared his defence despite having counsel assigned to him, yet such action was doubly unnecessary as the attorney general, Sir John Scott, dismissed the case in his opening address: the trial jury had acquitted the accused in the previous treason trial, which was based on the same charge and similar evidence. Lord Chief Justice Eyre then instructed the jury to pronounce the prisoners not guilty, and Holcroft was acquitted without a hearing. He immediately attempted to address the jury, whereupon Eyre informed him that he had no right to speak, but that the privilege would be granted. When Holcroft requested the space of half an hour the privilege was withdrawn, and Holcroft then retired, promising to

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<sup>17</sup> Ibid., p. 148.

<sup>18</sup> Ibid., p. 151.

publish his statement and scorning Eyre's advice to proceed cautiously with the rejoinder: "I am very willing to suffer in what I think right."<sup>19</sup>

As a prisoner Holcroft had lost all agency, and even as a free man acquitted of the charge of treason, he was prevented from speaking. By offering the opportunity to speak as a privilege, rather than a right, Eyre prevented Holcroft's address from being heard, as Holcroft could not make a legal appeal against the withdrawal of something that was not a legal right. In *A Narrative of Facts* Holcroft discusses this point at some length, debating the use of the word "honourable" in descriptions of court procedure, especially in relation to the attorney general's decision to acquit the accused as described by Serjeant Adair, the state prosecutor.<sup>20</sup> Holcroft offers this argument to Scott, the attorney general, as a response:

Honourable is the word on which these eulogists have most dwelt, and most delighted in. And what is honourable? Is it something more, or something less, than right? If, sir, this very honourable dealing were something more than right, to me for example, was it not something wrong, to others? that is, to men in general? And can any man prove that to do wrong to men in general is to do right, nay more than right, to an individual? What hypocrisy, what falsehood is it that lurks under such common-place expressions? Do they mean any thing, or do they mean nothing? But honourable, that is, more than right, is inadequate to the expression of your merits; and forbearance, or more than more than right, is brought in as an auxiliary, to strengthen the insufficient praise. It is strange that the profession of a lawyer, which in so many instances seems to oblige the professor to study with uncommon attention the accurate meaning of terms and phrases, should yet beget the perplexity and inexplicable contradictions which we so often find to be its offspring.<sup>21</sup>

This instance of non-legal language or imprecise "common-place expressions" betrays the essential injustice which Holcroft identifies at the heart of the legal system. In spite of the apparent impartiality of blind justice, ideas of honour permeate the court and its language. The existence of "right", of "more than right" and of "more than more than right" evinced by the language used by Serjeant Adair destroys the pretence of justice in the court. As Godwin shows in *Caleb Williams*, universal justice is unobtainable by law. It does not exist in court. The place of

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<sup>19</sup> *Trial of Mr. John Thelwall. Trials for Treason and Sedition, 1792-1794*, vol. 8, p. 9.

<sup>20</sup> Holcroft, *A Narrative of Facts*, p. 191.

<sup>21</sup> *Ibid.*, pp. 191-92.

justice is occupied by differing levels of “right,” which is itself not of fixed value but mutable according to prejudice.

Holcroft was prevented from using the court of law to propagate his ideas, but the development of general public happiness and wisdom was also hampered by the suppression of debate, argument, and information. He views his silencing as an admission of failure on the part of the Crown, and sums up his account to Scott as follows:

Sir, the substance of this address is, that I have been accused by you of high treason; that the accusation was a flagrant breach of justice, for you had no proof whatever against me, but essential evidence in my favour; that, by the management of the prosecutors, of whom you are officially at the head, the indictment was returned a true bill; that I have suffered all the evils of imprisonment, family alarm, wasting of substance and loss of time; that, in addition to these, you inflicted a wrong greater than them all, you refused to let me be heard in my own defence by refusing to bring me to trial; that you did this to avoid the disgrace of having indicted a man for the enormous crime of High Treason contrary to evidence; and that you sat and by your silence acquiesced in the praise that was bestowed upon you, for the last and greatest of these acts of injustice.<sup>22</sup>

By silencing his voice, for however brief a time, the court effectively renders him a victim who occupies a position worse than even those represented in the Jacobin novels: accused but silenced, denied the opportunity to offer his testimony, ignorant of the “crime” he has committed, and reliant upon the partial prejudiced judicial system that accused him in the first place to act as his deliverer. Detained in Newgate for eight weeks, in 1794 Holcroft embodied a heightened version of the figure that the Jacobin novel sought to liberate through the promotion of social, political and institutional reform: the prisoner. Justice does not exist at law. Given his personal experience of this reality, it is worth considering whether Holcroft’s political principles, particularly his philosophy of recognising error and rehabilitating man based on rational principles rather than Christian or utilitarian ones, can plausibly promote universal truth and justice in his fiction. Holcroft had discovered first-hand that the law harboured its own unsettling fictions and an implacable authority. But as a writer of Jacobin novels, Holcroft was able to represent an alternative system of fiction, one where language is transparent and

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<sup>22</sup> Ibid., pp. 204-5.



conversation enlightening, and where reform is not only possible, but is a practical scheme designed to succeed. *Anna St Ives* (1792), *Hugh Trevor* and *Bryan Perdue* is each in its own way constructed upon a programme for reform, moving from a representation of the enlightened domestic sphere in *Anna St Ives* to a broader portrait of the wrongs of society and the difficulty, but not impossibility, of reforming them in *Hugh Trevor* and *Bryan Perdue*. As the crisis in *Bryan Perdue* is based upon a dramatic sequence of arrest, imprisonment, trial and acquittal, I will now turn towards this novel, the fiction that is most closely linked to Holcroft's treason trial writings and experiences.

### **Confinement, Conversion and Conversation: *Memoirs of Bryan Perdue***

Like Caleb Williams, Bryan Perdue is a young man of excellent abilities and ungoverned passions. Bryan's reckless career as a man of fashion comes to a sudden halt when he is accused of forgery by his employer, Mr Hazard. The scenes of Bryan's crisis of solitary confinement and representation in court sharply turn the novel from a Sternean satire to a radical call for the reform of current practices of imprisonment and the abolition of the death penalty. Holcroft's representation of the legal trial distinguishes him from the other Jacobin writers, as Bryan's trial is in the adversarial format. As discussed in chapter two with reference to the work of John Langbein, this format was intended to alter the individual judge's control over the jury's interpretation of a particular case. It was an important development in the impartiality of the criminal trial compared to the previous accused-speaks format, where the claims of justice were more vulnerable to the imposition of a single, biased authority, the judge. The codification of the law of evidence increased the need for professional representation. Yet the anxiety that Holcroft, in particular, bears on the subject of the suppression of the voice of the accused, is exacerbated by this professionalization. In his preface Holcroft is quick to disclaim any

connection to actual legal practice, stating that “[t]he precise scenes, as here described, or nearly the same, might have happened, and that is sufficient for the purposes of a novel.”<sup>23</sup>

Without straying into biographical speculation or discussing the legal discrepancies, certain subtle links can be detected between *Bryan Perdue* and Holcroft’s treason trial. Committed to Newgate, Bryan is on trial for forgery because he has endorsed a bill, intended for his employer, to pay off his own debts. It is an act of writing which has disastrous consequences when Hazard, to punish Bryan for previously preventing an attempted fraud, withdraws the power of attorney that he has granted Bryan, thus rendering the endorsement a criminal offence. Although he has been framed for the crime, Bryan should not have endorsed the bill for five hundred pounds for his own use: his action at the time was legal, but morally wrong, as it was motivated purely by self-interest. Forgery is a treasonous practice, hence punishable by death. Legally, however, treasonable forgeries were counterfeiting gold and silver coinage and the Great Seal; Bryan’s forgery only exists as a treasonable offence within Holcroft’s novel. The adversarial form of the forgery trial silences Bryan a second time: he has already lost the power of writing by the charge of forgery, and now he loses the power of speaking in his own defence by the provision of professional representation. He is left without any means by which he can make his own representation, and is therefore utterly at the mercy of the law, with the third form of silencing, death, before him.

Once confined, however, the potential for the radicalisation or politicisation of the self comes to the fore. As with Caleb’s first experience of imprisonment, and Maria’s realisation of the extent of her captivity, Bryan experiences a moral reform and a renewed sense of purpose in a manner that is at once dependent upon the effect of solitary confinement, and strongly critical of it. The rehabilitative effect of solitary confinement upon Bryan’s previously careless and self-interested character would have delighted Jonas Hanway, John Howard or Jeremy Bentham had it occurred in reality. Before he even enters Newgate Bryan is plunged into “the dread, the

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<sup>23</sup>Holcroft, *Bryan Perdue*, vol. 1 p. viii.

horror, the bitterness of reflection, at the sight of these horrid walls!”<sup>24</sup> The sublimity of the prison’s aspect is not lost upon him now as formerly. Conscious guilt has rendered the place terrifying to him. Full awareness of his folly and his life-long irresponsibility quickly follows:

Oh, how did I call to memory the wicked scenes through which I had lately passed, the absurd desires that I had so rashly gratified, and, as the cause of them the pernicious principles which I had encouraged! I regarded them all with abhorrence! Never, till that hour, did my eyes appear to have been opened; and then, I had a full view of the dreadful horrors, which are the certain consequence of the indulgence of perverse desires, irregular appetites, and vicious passions.<sup>25</sup>

So far, Bryan’s reaction is thoroughly in line with the theories of late eighteenth-century prison reformers that I described in chapter one. His rehabilitation begins from the moment of incarceration, spurred on effortlessly by the united forces of terror and reflection, and he experiences all the torments of mind supposed to be inflicted by the guilty conscience in solitude. Surveillance is markedly absent here, however. Neither Bentham’s panopticism nor Adam Smith’s impartial spectator play any role in Bryan’s rehabilitation. In Holcroft’s representation of solitude and reform, knowledge occupies the role given to observation in Bentham and Smith’s system. The simple awareness of the result of his behaviour seems to be the fuel for Bryan’s remorse, not any concept of observation by an unseen spectator, or the establishment of an internal monitor. His reformation is further assured by the support offered to him by his friends, chief among them the enlightened Henry Fairman, who has acted the part of Bryan’s conscience since their schooldays. As with Maria’s conversations with Jemima, the place of incarceration provides a space for radical discourse and emotional support, unexpectedly affording the prisoner the moral and intellectual benefit of “sweetly conversing in the walls of a prison,” as Bryan describes it.<sup>26</sup>

Yet there are suggestions within this apparently text-book case of prisoner reform that the results are not entirely beneficial, and that such results, even where positive, are not the inevitable product of the prison system. The ever-present terror that works relentlessly upon

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<sup>24</sup> Ibid., vol. 3, p. 103.

<sup>25</sup> Ibid., p. 104.

<sup>26</sup> Ibid., p. 119.

Bryan's thoughts is not only the workings of remorse from conscious guilt, but the threat of capital punishment. Faced with the increasing likelihood that he will be convicted at trial of forgery, Bryan's reflections develop a pronounced hysteria:

How fortunate was I, in my imprisonment! I heard none of that blasphemy, which hardens the human heart! I had no intercourse with men, who stimulate each other to act of dangerous atrocity, by the relation of their own wiles, their own successes, and the glory with which they were crowned! I was not excited first to inflame, and then to stupefy, all the faculties of my soul, by repeated potions of inebriation; liquors that were grateful to the palate, but poisonous to life and understanding! I was not exposed to the vulgar and odious ribaldry of extreme ignorance, educated in extreme wretchedness! I was surrounded by the enlightened, who gave me instruction, and the humane who stretched out the arm to save me; for mortal was the danger in which I stood!

Oh, that criminals might ever more have these advantages! Oh, that the watchful eye of wisdom, and the benignant hand of power, might henceforth and for ever be their protectors! Oh, that the guilty might be sent, like patients afflicted with dangerous disease, to hospitable mansions, that might be humanely constructed for their reception and their reform! [...] While I am writing these memoirs, I cannot forget that I have been subjected to hang, by the neck, till I was dead! dead! dead!<sup>27</sup>

In these passages there is scarcely a single line unsupported by exclamation marks, denoting the sustained fear, anger and regret experienced by the captive. The relentless proliferation of punctuation also raises the possibility of burgeoning insanity engendered by the prospect of death. As Bryan has known from the beginning of this episode that forgery is a capital offence, it is impossible to separate the rehabilitative effects of solitude, remorse and rational conversation from the destructive effects of the threat of capital punishment. It is also significant that Bryan has been placed in a solitary cell upon the insistence of Hazard; his separation from the contaminating influence of the prison mob is due to this intercession, which is not the usual circumstance of incarceration although it was general practice for political prisoners in the 1790s, like Thomas Hardy and Holcroft himself.<sup>28</sup> Bryan's benevolent visitors are his friends, not the prison staff or fellow inmates. His experience of the ideal, reformed prison, with its solitary confinement and enlightened visitors, is not a typical one, neither for general prisoners in Newgate nor for Bryan himself, who has previously been held in a debtor's prison for an

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<sup>27</sup> Ibid., pp. 126-28.

<sup>28</sup> Ignatieff, p. 123.

unrelated offence. Universal prison reform in line with Howard's suggestions of 1777 is thus shown to be as urgent a necessity, in the early nineteenth century, as it ever was in the eighteenth.

Bryan's exclamations may be interpreted as attempts to render his experience educational, reflective and beneficial ("How fortunate was I, in my imprisonment! [...] Oh, that criminals might ever more have these advantages!"). His utterances are rendered pathetic by the rising note of hysteria in his voice, the trail of exclamation marks denoting his increasing desperation. Such proliferation interferes with the impact of his actual words, however, and his subtle depiction of the horrors of the common prisoner's experience, here articulated by a series of negatives ("none of that blasphemy," "not exposed to the vulgar") is overwhelmed. This confusion threatens the novel's reformist ideology and its condemnation of the penal system, which Holcroft has marked out in his preface as the aim of his "specific moral purpose" in writing the novel: it is intended "to induce all humane and thinking men, such as legislators ought to be and often are, to consider the general and the adventitious value of human life, and the moral tendency of our penal laws."<sup>29</sup> The effect of Bryan's language risks the destabilisation or even the negation of this purpose. When Bryan calls on the legislators of society to "[d]eal not in human blood" and asserts that the voice which speaks in his memoirs is "the voice of humanity, [...] the voice, I say, of swarming generations that adjures you"<sup>30</sup> sounds more like a deranged cry, or worse, a satirical riposte, than a serious call for penal reform.

In offering these scenes in support of penal reform, Holcroft risks sinking his own argument by showing how effectively the unreformed prison, with its spectacle of terror, the majesty of the law and the fear of capital punishment, produces the proper sense of guilt and repentance. Perhaps Holcroft wishes to show that Bryan's rehabilitation makes capital punishment unnecessary: he has suffered considerably, and has reformed himself. But it is difficult to distinguish Holcroft's critique from his approbation here. Godwin's representation in

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<sup>29</sup> Ibid., vol. 1, p. iii.

<sup>30</sup> Ibid., vol.3, p. 129.

*Caleb Williams* of the theories of penal reform in practice, such as surveillance and solitary confinement, increase the horror already inflicted by the unreformed prison system. Holcroft, by describing the beneficial effects of imprisonment defined by the terms of the prison-reform movement, risks appearing acquiescent in the perpetuation of this system of incarceration and punishment, rather than ranging himself as the opponent of all systems of illegitimate authority and coercion, as he has done in his treason trial writings.

There is potential for a more profound analysis of Holcroft's views in Bryan's trial scene, which is represented in a more temperate and controlled manner. The details of it suggest that Holcroft, defeated by the fictions of law in his own encounter with the legal system, has learned from his unsuccessful strategy of opposition, and here he has framed a subtle and effective response which, while debating the legal aspects of the case on its own terms, suggests a solution to the problem of the fictions of law within law. Bryan is represented in court by Henry, whose abilities, fortunately for Bryan, "were acknowledged to be superior to those of any man at the bar."<sup>31</sup> Henry has secured a two-fold benefit from his visits to Bryan: he has been able to support and educate his friend through rational discourse, and, "in conversing with me, he had continually made notes, of such things as had casually started to his mind, as well as from my words as from recollection."<sup>32</sup> The collision of minds engendered by conversation has provided Henry with the information he needs to argue successfully for Bryan's acquittal, by Bryan's naive recollection that Hazard had formerly issued him with the power of endorsing bills, and had then revoked this power and destroyed the procuration note that would have provided evidence for Bryan's defence. This is the legal point that Henry needs to acquit Henry, but in Holcroft's court room the fiction of law is not the only system in operation.

Theatricality and performance were inseparable from the eighteenth-century courtroom. The accused was viewed and interpreted in a similar way to the condemned prisoner on the platform, as an object of pity, of interest, of horror, as a deterrent, and as the provider of a

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<sup>31</sup> Ibid., p. 141.

<sup>32</sup> Ibid., p. 142.

legally-endorsed, indeed, a legally-created, spectacle of suffering. Within what Judith Pascoe has called “the continuum of romantic era stacy trials,” the most long-running of which was the seven-year impeachment trial of Warren Hastings where Edmund Burke and Richard Brinsley Sheridan wept, swooned and thundered their way through the prosecution, the language and behaviour of judges and counsel, as well as that of the accused, offered a rich tableau for the interpretation of its spectators.<sup>33</sup> As on the scaffold, and within the same massive framework of the law, private suffering is spectacularised by the conventions of the court. The spectators of this suffering, by the act of witness and the process of interpretation, become participants in the scene of distress. Add to this the workings of sympathy (either natural or managed), and the court room is prepared as the perfect theatre for terror and the sublime. Julie Peter Stone has described the audience of the eighteenth-century trial as “trained in theatrical sympathy.”<sup>34</sup> Watching trials in person and receiving instruction from prosecution and defence, or reading the transcripts and commentaries of the trials, or as Stone suggests, applying the lessons learned from the actual theatre, enabled the spectators to “transfer” sympathy “to a distant spectacle of suffering,” in the case of an absent victim, or a more immediate one, literalised in the body of the accused.<sup>35</sup> It is no wonder that Holcroft so bitterly resented his inability to speak to the court, given the potential for influence inherent in such addresses.

For the reader, interpreting the court room is a complicated process, as the scene is layered with several systems of fiction operating simultaneously: law, sympathy, and appearance. The doomed Gerrald embodied his political principles in court by “a dramatic sartorial display” which, given that long unpowdered hair signified radical sympathies, spoke for him before he uttered a word.<sup>36</sup> Bryan Perdue, by contrast, is dressed soberly, “in a mourning suit” as though to signify the severance between his present self and his old life, with his hair, “in the fashion of

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<sup>33</sup> Pascoe, p. 35.

<sup>34</sup> Stone, p. 19.

<sup>35</sup> Ibid.

<sup>36</sup> Pascoe, p. 56.

the times, but modest” making its own declaration of suitability and sobriety, not radicalisation.<sup>37</sup>

He is aware of the impression his appearance makes in court:

my youth, my deportment, and my figure, produced such an effect upon the court that there was a universal murmur. All eyes were fixed on me: the number of ladies was extraordinary, and their white handkerchiefs, waving through the air to their eyes, almost all at the same instant, had an effect that was truly magical. It was not for feigned misfortune that they wept.<sup>38</sup>

Before the commencement of the legal defence, Bryan has already begun to play his part, conscious of his role as an actor in this theatre of life and death. Though his performance is sincere, it is nevertheless a performance: it may not be calculated but the effect of it is worthy of Erskine’s celebrated manipulation of the court room audience.<sup>39</sup> In demonstrating his awareness of an alternative system of representation in the court room that exists alongside the deadening fictions of legal language, Holcroft finds a new method of navigation through the court that proves more successful than his strategy in 1794. Sympathy has been set in motion by appearance, but Henry’s opening speech is strict in its adherence to the legal argument at hand: “[h]e made no attempt to lessen the nature of the crime of forgery. Neither did he breathe a word of those humane principles, which he secretly maintained, concerning the sacred nature of the life of man: for he knew that such doctrine would not, could not, be listened to in a court of law; but that, on the contrary, it would injure my case.”<sup>40</sup>

The professionalization of Bryan’s defence here means that he is provided with a purely legal argument which will stand in a court of law, rather than the sympathetic appeal that Caleb presents at his final trial which is not, strictly speaking, a legally-compelling argument, or the mute acquiescence offered by Hannah by her inability to offer any other response. It is a lesson learned from the treason trials: the charge of constructive treason, laboriously framed, may have been absurd but it was a legal charge, and it had to be as painstakingly dismantled by Erskine and his counsel as it had been constructed by the law officers. Henry’s professional representation is

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<sup>37</sup> Holcroft, *Bryan Perdue*, vol. 3, p. 148.

<sup>38</sup> Ibid.

<sup>39</sup> Pascoe, *passim*.

<sup>40</sup> Holcroft, *Bryan Perdue*, vol. 3, pp.151-2.



not devoid of emotion. While providing his account of Bryan's blameless life he breaks off, choked by the tears produced by his own eloquence and the pathetic scene he describes. The spectators are moved by Henry as much as by Bryan, and the court is almost entirely won over. In his concluding speech Henry fuses his initial legal argument with every aspect of the emotional and sympathetic manipulation that the theatre of the court allows, "appealing as well to their justice as to their humanity, showing that not only rectitude but the letter of the law were in [Bryan's] favour."<sup>41</sup> Although the judge instructs the jury to dismiss as irrelevant any argument that has "no weight in the eye of the law," Henry's manipulation of law, sympathy and performance is successful on each ground. Bryan is acquitted. By working with the fictions of law rather than in opposition to them, and supplementing, or even supplanting the legal system with sympathy and performance, Holcroft frames the reform of the trial, and writes his way out of the failure of his narrative in 1795.

### **The Moral Purpose of Novels: Writing and Reform**

Though he was able to make a precarious living by writing dramas, Holcroft's novels did not sell well.<sup>42</sup> Most passed immediately out of the print market and away from the sphere of influence, though Mary Shelley's journal notes that she read *Hugh Trevor* in 1817, before commencing work upon *Frankenstein*.<sup>43</sup> The scene in the charnel-house in volume four, "the most dismal human slaughterhouse that murder and horror ever constructed, or ever conceived"<sup>44</sup> may have a possible influence upon Shelley. Yet however one chooses to view Holcroft the novelist, either as political or philosophical, ideologically radical or generically conservative, as the writer of "the first full-blown revolutionary novel" in *Anna St Ives* or the scribbler of a "desert of dreary

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<sup>41</sup> Ibid., p. 157.

<sup>42</sup> *The Road to Ruin*, easily Holcroft's most successful play, was first performed in 1791 and ran to ten editions the following year. See Seamus Deane's introduction to *Hugh Trevor*, p. xviii. Many of Holcroft's dramatic characters share his own financial difficulties: sudden wealth and blighting poverty feature frequently.

<sup>43</sup> Cited by Baine, p. 95. Holcroft had to sell off his possessions, mostly books and pictures, to pay off debtors in 1799 and again in 1807, as well of the failure of his own printing house in 1803. *Life of Thomas Holcroft*, pp. 167-8, p. 234.

<sup>44</sup> Holcroft, *Hugh Trevor*, p. 291-2.

declaration and propagandist puppet-mongering,” the impact and importance of that novel’s publication in 1792 in relation to the Jacobin novels subsequently published remains significant.<sup>45</sup> Its appearance, the year after *A Simple Story*, introduced readers to an English novel of ideas with a thoroughly-worked out theory of rationality and social responsibility. Important concerns such as education, filial and social duty, rational friendship and marriage are considered in great detail, and from differing perspectives; the protagonists argue and discuss with a high degree of eloquence and detail, and as Wollstonecraft phrases it, “truth and many just opinions are so strongly recommended, that what they [young readers] must read with interest, will not fail to leave some seeds of thought in their minds.”<sup>46</sup>

Formally, *Anna St Ives* comprises seven volumes of letters circulating within a narrow social and familial group. The chief correspondents are Anna, her father Sir Arthur, his steward’s son, Frank Henley (who lives up to his name and is unsurpassed for candour), his father Abimelech, Anna’s friend Louisa and Louisa’s brother Coke Clifton, variously Anna’s suitor, her special project for reform, would-be seducer and eventual friend. Certain events are represented severally, from various correspondents’ perspectives, approaching a true polyglossia and destabilisation of authority that is unmatched by the single-voiced narration of Holcroft’s subsequent novels. This leads to a certain repetition of material, which differs from the single narrative thread woven from the diachronic accounts of events in Smollett’s *The Expedition of Humphry Clinker* (1777), for example, where the story progresses as it is narrated by each correspondent in turn with minimal overlapping, but Holcroft’s manipulation of the form provides an important model central to all subsequent Jacobin novels. Multiple perspectives as employed in *Caleb Williams* and *The Wrongs of Woman* enable the novelist to represent “things as they are”, and involve the reader in challenging the established order. As Jonathan Sachs phrases it, the reader is granted “the advantage of superior perspective achieved by comparing all of the

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<sup>45</sup> Tompkins, p. 300, 302.

<sup>46</sup> Wollstonecraft, review of *Anna St Ives*. From *On Poetry. Contributions to the Analytical Review* vol. xiii 1792. *The Works of Mary Wollstonecraft* vol. 7, p. 439.

letters”, and may draw a conclusion quite different to that of a particular correspondent, as in Sachs’s example of Coke’s regular sneering disparagement of Frank’s many acts of heroism.<sup>47</sup>

The standard formal structure of *Anna St Ives*, however, belies the radical ideology contained therein. Holcroft may not be as triumphant a generic innovator as Godwin, for instance, but his first major novel is made to bear a very heavy ideological burden, and it does so successfully. It emerges from the generic plots and sentiments of the eighteenth-century tradition successfully bearing the standard for what Hazlitt described as “a system [...] relative to political and moral questions, considerably different from those which are generally received, or at least acted upon by the world.”<sup>48</sup> Holcroft is not a formal innovator, but his version of Jacobin fiction is committed to the representation of a completely articulated ideology of moral reform. Holcroft devotes the majority of his literary output to the popular and accessible genres of plays, pamphlets and novels. This adherence to existing models in fiction is apt when one considers that he aimed to be populist in his approach through his choice of genre; his aim was to propound a new concept of social order, not to introduce literary innovations or reforms, unlike Godwin, and utilising a familiar model has the virtue of not alienating or perplexing the general public.

Within the established structure of the epistolary novel, the utility of Holcroft’s repetition is most straightforwardly illustrated by a comparison of the accounts of the St Ives travelling party upon its arrival in France in volume one, where knowledgeable observation (Anna, Frank) is contrasted with ignorance and narrow-mindedness (Sir Arthur). Later, when Coke, Frank and Anna become involved in their three-cornered discussion of love, passion and duty, the differing accounts, various reflections and contrasting moralities provide a thorough discussion-ground for the reader as well as the author, by virtue of the repetition, the reversals of opinion, and the

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<sup>47</sup>Sachs, p. 255. His reference here to Frank’s heroism provides an excellent example of the different perspectives given to the reader; a pattern or response develops amongst the protagonists as Frank’s good deeds accumulate: Anna swoons and praises, Frank blushes and demurs, Coke scorns and jeers. The reader is invited to decide which response is the most just, or if indeed all bear some truth and validity. The repetition of such scenes intensifies their effect of encouraging reflection.

<sup>48</sup>*Life of Thomas Holcroft*, p.127.

investigation into the structures of argument. In these passages, Holcroft seems less interested in constructing a narrative than in educating his readers in the workings of logic and argument. He instructs them in the formation of opinions based on reason and reflection, the structure of a successful argument and, crucially, to beware of having one's own ideologies turned against one persuasively but destructively, as happens to Anna when she tutors Coke in rational thought. Holcroft's awareness of the danger of a silver-tongued philosopher is here presented much more subtly and profoundly problematically than in any anti-Jacobin fiction, notably Elizabeth Hamilton's grotesque philosophers, or the ever-present conflation in late-1790s anti-Jacobin fiction between free thinking and free love.<sup>49</sup> Godwin privately berated Holcroft for supplying their political enemies with the model for turning their own radical arguments against them, but in reality the anti-Jacobin novelists were more interested in parodying the characters of the Jacobin writers, not seriously engaging in philosophical debate. In *Anna St Ives* Holcroft repeatedly demonstrates his commitment to truth and sincerity, even at the expense of his own ideologies. But ideologies need to be tested, and such a trial cannot impair the truth, as Anna avows: "The only danger is in the feeble or false colouring which the defenders of truth may give it, and not in truth itself."<sup>50</sup>

Holcroft's firm philosophy of mind, which the *Edinburgh Review* described as his "universal and permanent code of ethics,"<sup>51</sup> is not represented unproblematically in his novels, in spite of his tendency towards didacticism which has prompted Virgil Stallbaumer to pronounce *Hugh Trevor* "a practical guide to social perfection."<sup>52</sup> In the movement from the private domestic sphere of *Anna St Ives* to the public social spectrum of *Hugh Trevor* and *Bryan Perdue*

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<sup>49</sup> As well as Vallaton and Mr Myope in *Memoirs of Modern Philosophers*, Hamilton also features disinterested and destructive philosophers *Translation of Letters of a Hindoo Rajah*, in Mr Axiom, Mr Puzzledorf and Mr Vapour. *Translations of the Letters of a Hindoo Rajah*. 1796. Ed. and introd. Pamela Perkins and Shannon Russell (Peterborough, Ontario: Broadview, 1999). Novels by the conservative or anti-Jacobin writers Charles Lloyd, Charles Lucas, Isaac D'Israeli, Jane West, George Walker, and Amelia Opie, among many others, feature anti-Godwinian, lothario philosophers in their critiques of radical ideology. Holcroft, by contrast, was characterised more prosaically as Mr Glib, in D'Israeli's *Vaurien: or, Sketches of the Times* (1797).

<sup>50</sup> Holcroft, *Anna St Ives*, p.172.

<sup>51</sup> *Edinburgh Review* (April 1804-June 1804) vol. 4 p. 84.

<sup>52</sup> Stallbaumer, p. 210.

Holcroft's reformist zeal is modified. Wollstonecraft and Inchbald suggest in their later novels that the small, enlightened sphere, whether it is a traditional family structure as in *Nature and Art* or a radical female sphere in *The Wrongs of Woman*, becomes the place from where reform can spread. Holcroft introduces this idea in *Anna St Ives*, where the establishment of Anna and Frank's domestic sphere signifies the beginning of wider progress. The ills of society are represented by a small cross-section of individuals, where reform occurs on the basis of conversation, example, and reason. Enlightenment transmits itself from one character to the next, slowly and steadily with uniform success by the novel's conclusion. Holcroft and Godwin shared a belief that the reform of society was best secured by one individual reformation at a time, rather than by any existing political process or governmental rule; society is thereby best represented by individuals, and the process of reform most clearly articulated by the individual experiences of a handful of characters. Given this, the widespread public reform necessary in *Hugh Trevor* and *Bryan Perdue* is harder to theorise, as it is a departure from Holcroft's principle which rendered the fusion of ideology and narrative so successful in *Anna St Ives*. The respective educations of Hugh and Bryan occur in society. The process of education is the same for each character: personal weakness is allowed to flourish in spite of occasional checks and misgivings; repeated personal disappointment in social, religious and professional systems gradually form the basis for a disinterested belief in the necessity for reform; conversations with progressive thinkers strike out the old flawed ways of thinking and render the theorisation of general reform possible, and personal reform definite.

Removed from the domestic sphere and the support of principled friends, each protagonist finds himself adrift in a world that resists easy interpretation, and is far too keen to misinterpret the acts of the protagonist. On one occasion, Hugh accuses a man of theft, who is enveloped by a mob and taken for a ducking. The man returns and challenges Hugh, who is drawn into a public brawl that leaves both contestants badly beaten. The report that makes its way back to Hugh is a dramatic mass of false testimony and misinterpretation of the evidence:

The strangest rumours ran: of which these my fast friends were predisposed to select the most unfavourable, and to believe and report them as true [...] the chief of them were, that I had falsely accused a man of theft, had seized him by the collar, dragged him to the water, and been the principle person in ducking him to death. The brother of this man had discovered who I was; and had followed me, with his comrades, to have me taken before a magistrate: but I had artfully talked to the people round me, had got a part of the mob on my side, and then had begun to beat and ill use the brother. They added that I had stripped like a common bruiser, of which character I was ambitious; that the brother had fought with uncommon bravery; that he had been treated with foul play, by me and my abettors; and that, in conclusion, I had killed him: that, in addition to this, I had prevented a subscription, for the widow and *nine* young children.<sup>53</sup>

The exaggeration of Hugh's actions edges towards the farcial here, but the ease with which corroborative evidence and character witnesses are produced to support the manipulated testimony strikes a chilling note, as it embodies the ease with which reports were altered and witnesses intimidated by counter-revolutionary forces in the 1790s.

In *Hugh Trevor* the difficulty of writing for social reform is discussed in an important exchange in volume three between Hugh and Turl. At this point in the novel Turl is not yet Hugh's close friend and mentor, but exists as Hugh's burgeoning social and political conscience. Maurer has described Turl as occupying a higher position on "a vertical axis" of morality in the novel than Hugh, who marks the height to which Hugh's reformed character must reach in his progression from ignorance to virtue.<sup>54</sup> Turl publishes an answer to a pamphlet on religious articles which has been written by Hugh but passed off as the work of his patron. Hugh's outrage at Turl's critique, combined with the loss of his authority as the author of the pamphlet and his determination to immediately publish and write a reply to the answer, provides the starting point for a debate about writing, progress, and the public. In a dialogue that contains a foreshadowing of Holcroft's attempts to clear his name in 1795, Turl begins:

"The excess of your anger perverts your judgement, and you cannot write such a narrative without keeping your passions in a vitiated state. Owing to the prejudices of mankind, you will impeach your own credibility. Moderate men will think you rash, the

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<sup>53</sup> Holcroft, *Hugh Trevor*, p. 277.

<sup>54</sup> Shawn Lisa Maurer, "The Politics of Masculinity in the 1790s Radical Novel: *Hugh Trevor*, *Caleb Williams* and the Romance of Sentimental Friendship." *Enlightening Romanticism, Romancing the Enlightenment: British Novels from 1750 to 1832*. pp. 87-110, p. 95.

precise will call you a detractor, and the partisans, who are numerous, of the persons you will attempt to expose will raise a cry against you, that will infinitely overpower the equivocal proofs you can produce. It will become a question of veracity, and yours will be invalidated by the improbability, if not of the guilt, at least of the folly of your persecutor's conduct. You cannot reform them, will do yourself much harm, and the world no good. You will not only misemploy your time for the present, but impede your power for the future."

"If such be the consequences of honestly speaking the truth, what is the conduct that I am to pursue? Am I to be a hypocrite, and listen with approbation while men boast of their vices, glory in their false principles, and proclaim the destructive projects they mean to pursue?"

"No."

"Is not silence approbation?"

"Yes."

"Yet your system will not allow me to speak!"

"You accuse my system unjustly: it is the manner of speaking to which it attends. The precaution of speaking so as to produce good, not bad, consequences is the doctrine I wish to inculcate [...] Speak, but speak to the world at large, not to insignificant individuals. Speak in the tone of a benevolent and disinterested heart, and not of an inflamed and revengeful imagination! otherwise you shall endanger yourself, and injure society."<sup>55</sup>

At this point Hugh has not progressed far enough to see the wisdom of Turl's philosophy. He has not yet learned to moderate his emotion with reason. He regards prudence as a species of falsehood, and so determines to write his response to the pamphlet, heedless of the further damage it may cause him and impatient of Turl's query, "Do you conceive you are now speaking in the spirit of justice, or of revenge?"<sup>56</sup> As much as Holcroft constructs his novels around the importance of conversation and debate for the promotion of reform, he does not represent the process as an easy one. Again as in *Anna St Ives* Holcroft makes the inherent danger in conversation explicit. Learning the restrictions of speech and writing is a slow and humiliating process, and the overwhelming force of social prejudice, and Hugh's personal prejudice in this scene is such that it negates the effect of all evidence and proof, to the detriment of progress and improvement. Hugh experiences philosophical and moral perturbation in his encounters with Turl, "whom I knew not whether to admire, love, or hate" due to Turl's phlegmatic rectitude, steady benevolence and opposition to Hugh's hot-tempered and ego-driven course through life.<sup>57</sup>

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<sup>55</sup> Holcroft, *Hugh Trevor*, p. 206.

<sup>56</sup> Ibid., p. 207.

<sup>57</sup> Ibid., p. 204.

Hugh attains the higher position on the axis of morality only when he learns to govern his passions, to live a life motivated by disinterested benevolence, and to accept the limitations of society as Turl advises, while never ceasing to work towards its improvement by application of a different system, much as Henry manipulates the court in *Bryan Perdue* in his work within the restrictions of the legal system so that it can be improved by the application of an alternative ideology.

Jacobin fiction is rarely successful in representing strong feelings other than destructive ones. Yet emotion, however violent or ridiculous, is always granted its full power and importance. As Peter Faulkner argues, contrary to the impression some readers gained of Holcroft the radical as “coldly rationalistic” because of the love dilemmas in *Anna St Ives*, Holcroft does not seek to negate the value of passion, but is interested instead in the balance “not so much between reason and passion as between altruism and egotism.”<sup>58</sup> The Jacobins are interested in the representation of and investigation into minds disordered by love as much as by persecution and suffering. To this end, the English Jacobin position is one more concerned with balance and accommodation, and temperate and steady reform, than with violent revolution or an unfeeling, mechanistic application of reason.

In chapter three I discussed Miriam Wallace’s exploration of the paradoxical nature of the arguments used by Godwin and Holcroft in their treason trial writings. Wallace argues that using imaginative fiction to attack social injustice undermines their opposition elsewhere to emotive forms of language that imperil the truth. I have already suggested in chapters two and three that the issue is not one of the opposition of truth with emotion or imagination. The contest of fictions is the true problem. The Jacobin system is one in which impartial reason operates in balance with understanding of the effect of emotion. The flexibility which makes emotion so readily manipulated in the exercise of coercion and oppression also works for ameliorative and enlightening ends. The moral power of novels, after all, was one harnessed by

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<sup>58</sup> Peter Faulkner, introduction, *Anna St Ives*, p.xii.



radical and conservative writers alike in the 1790s and beyond. Wallace concludes her critique with the following:

Godwin's and Holcroft's strict separation in this case [the treason trial writings] between an authentic truth of intent and an illicitly imaginative charge undercut their future projects, making their literary work politically suspect because its rhetorical power and designs on its readers were evident to a post-trial readership. Ironically, by overly delimiting the territory proper to figuration and that of empirical truth, they undermined their own powerful project of using popular, figurative and affective writing to impact and shape public reception of national, discursive and political ideas."<sup>59</sup>

Wallace's reading of the politics of Jacobin fiction is perceptive, in that it offers a further explanation of the risk of using what I have previously referred to as contaminated instruments, using Gilmartin's term. Critiquing a system, such as the judiciary, and then constructing a new programme of reform based within a legal framework, is problematic. Attacking emotional and figurative language for the threat it poses to the truth, and then using precisely that language to expound the truth, is a risky manoeuvre. But the arguments issued by Godwin and Holcroft in favour of separate spheres for figurative language and rational language, which Wallace views as having destabilising implications for political fiction, are outweighed, I believe, by the consistent consciousness shown of the force of emotional language throughout the Jacobin novel as written by Godwin, Holcroft, Inchbald and Wollstonecraft. The novels show by their fusion of figurative and rational language how difficult the separation of the two systems is, but also that such a step is not necessary. Emotive and rational language can work in tandem. What the reader needs to be aware of is how they work, which returns us once again to the process of interpretation.

To paraphrase Bryan Perdue's lament quoted at the beginning of this chapter, society knows no such nice distinctions as the separation of figurative language from empirical truth. The world does not reason, but it feels, it remembers, it relates. Emotion is inseparable from testimony and narrative, regardless of how rationally the narrative may be constructed or

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<sup>59</sup> Wallace, p. 209.

expressed. What the Jacobin novel exposes is the extent to which emotion sways interpretation, sometimes in favour of reform, sometimes not. Emotion is not a barrier to reform, but when it is used to obstruct or overpower reason, as with Burke's sentimental onslaught in *Reflections on the Revolution in France*, or Eyre's charge to the grand jury, it becomes dangerous. A narrative's emotional force is not a threat in itself, but its unreliable effect is. The Jacobin novel alerts the reader to the manner in which this force can be used as well as the danger of using it. As Wallace suggests, the Jacobin novel is suspect because its "rhetorical power and designs on its readers" were rendered more clearly to its readership in the aftermath of the treason trial debate, but this works in the novel's favour. The reader of the Jacobin novel learns to be cautious, to guard against the unthinking response, but also to understand the power of emotional appeal. Rather than undermining their political fiction by the arguments advanced in their non-fiction writing as Wallace suggests, Godwin and Holcroft actually intensify their philosophy by an emotional representation, and so strengthen the case of the Jacobin novel overall.

*Memoirs of Bryan Perdue* once seemed to signify "the end of the Jacobin novel," and the failure of the form.<sup>60</sup> When viewed as a test of ideology, the Jacobin novel does not fail, and there is no end. Jacobin fiction sets up the perpetual process of reform, thus resisting closure. It offers its readers a way of interpreting all other systems, by training them in the practice of questioning the authority of the systems that surround them and encouraging the development of their private judgement. It confers agency upon the individual by educating him or her in the workings of reason, argument and enquiry and beginning the long process that may result in that individual's reform, political radicalisation, or rejection of Jacobin principles. The instability of testimony, narrative and interpretation is a troubling but essential feature. Jacobin fiction uses this instability to enable the intellectual freedom of its readers. Its own authority and value has been closely questioned and often subverted at times, but the importance of its central principle,

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<sup>60</sup> Kelly (1976) p. 196. Tompkins views *The Wrongs of Woman* as the final attempt at Jacobin fiction or "the revolutionary novel," stating that after the publication of Mary Hay's *Memoirs of Emma Courtney* (1796) and the second part of *Hugh Trevor* (1797), *The Wrongs of Woman* "concludes the revolutionary testimony." Tompkins, p. 300.

that of enquiry, is paramount. The interpretation of narrative may continuously alter, but Bryan's exclamation of despair now becomes the writer's triumphant cry: the tale never dies.

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