

## Conclusion

Punter comments that 'EIGHTEENTH-CENTURY FICTION is obsessed with the law: with its operations, with its justifications, with its limits.' This is undoubtedly true but his observation implies equal interest in justifications of the law as in criticism of its limits, and this is clearly erroneous: eighteenth-century fiction is indeed obsessed with the operations and limits of the law but it pays only cursory attention to genuine justifications of the law. Punter's comment rightly draws attention to the importance of the law but fails to explain one of the functions of eighteenth-century fiction: to discuss the problems and limits of the law.

Punter argues that the emphasis on the law was one of the major changes in fiction that Defoe introduced, changing the fictional environment from the seventeenth century romance, 'bounded and controlled by cosmic justice' to one 'limited by various manifestations of human law'(p.47). Yet this does not account for the awareness of the law amongst earlier writers. Penelope Aubin's novels of the 1720s certainly fall within the romantic framework of divine justice but they also take the law into account. Farquhar's *The Recruiting Officer* (1706) and *The Beaux Stratagem* (1707) present considerable debate on marriage and divorce law and work within this framework, not one of divine organization. Gay's *The Beggar's Opera* (1728) is clearly set within a satiric framework determined by legal and political realities, rather than a romantic one controlled by divine justice.

Mary Hearne's *The Lover's Week* (1718) and *The Female Deserters* (1719), which precede Defoe's *Moll Flanders* (1722) and *Roxana* (1724), deal explicitly with legal issues, particularly those bearing on marriage. Jane Barker's *Love Intrigues* (1713) and *A Patch-Work Screen For The Ladies* (1723), with their concern with women's vulnerability under the law, also suggest a longer and more generalised transition from romance to legalistic realism. Mary Davys's *The Reform'd Coquet* (1724) fits in the romantic tradition of wayward heroines and their progression towards moral improvement but it also discusses issues such as marriage and seduction in a recognisably legal context. Likewise Haywood's *The Rash Resolve* (1724) and *The Mercenary Lover* (1726) are predicated on legal and not romantic issues and justice is dispensed by human courts.

However, whereas novelists such as Aubin, Barker, Davys and Haywood blend romance with legal detail, Defoe's novels are set more exclusively within a realistic legal context. His novels clearly site themselves within a legal rather than a romantic framework for the predicaments and their resolutions find their explanations in law, not romance.

In Richardson's *Clarissa* (1747-8) the two genres coexist: Clarissa herself, with her emphasis on meditation, self-examination and Christian values, places herself within the Puritan tradition and, more generally, romance, but the novel also encompasses legal realism. Clarissa embodies this dialectic: the predicaments in which she finds herself are largely legal but she insists on viewing them in a spiritual context. She is encouraged to apply to the law but she steadfastly refuses, preferring divine justice. Lovelace may be seen as taking on the traditional rôle of tempter and in one sense he is struck down by divine justice in the form of the virtuous Morden. Yet Morden's action is also reminiscent of the old legal code which allowed immediate justice in the form of duelling.

In *Sir Charles Grandison* (1753-4) legal issues such as inheritance, marriage choice and abduction are discussed but resolved under the direction of the saint-like Grandison. As a wealthy and influential man, he is free to act within the legal process to achieve a resolution consistent with Christian ideology. He is part of the male-dominated social superstructure and so can live and act within a system in which the disempowered Clarissa and her absolute values cannot survive. Richardson may be associated with a Christian perspective but his novels are firmly grounded in law.

Punter is indeed right to say that eighteenth-century fiction is 'obsessed' with law, rather than simply interested in it. Maria Edgeworth writes in her Glossary to *Castle Rackrent* (1800), 'The English reader may perhaps be surprised at the extent of Thady's legal knowledge, and at the fluency with which he pours forth law terms', but we may say the same of many eighteenth-century

novels. Edgeworth explains, 'almost every poor man in Ireland...is, beside his other occupations, occasionally a lawyer. The nature of processes, ejectments, custodiams, injunctions, replevins...are perfectly known to them, and the terms are as familiar to them as any attorney. They all love law'.<sup>ii</sup>

Eighteenth-century fiction clearly reflects a similar kind of interest in the law on the part of contemporary readers; this explains the amount of legal terminology in novels and writers' assumptions that their readers will be relatively familiar with the legal context in which their works are set. Fielding in particular presents complicated legal questions, referring in detail to the relevant laws, assuming that the reader will recognise the importance of the law and be interested in it.

As twentieth-century readers, we may not understand the reasons behind this interest in the law but we must recognise its importance. Writers may choose to present situations in a fictional manner but this does not divorce them from their real legal context. Understanding the legal context unlocks both the comic and tragic potential of eighteenth-century texts, enabling us to appreciate more fully their colour and vitality but also their rôle in exploring some of the most important socio-legal issues of the period.

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<sup>i</sup> D.Punter, 'Fictional Representation of the Law in the Eighteenth Century', *Eighteenth Century Studies*, vol.16, number 1, Fall 1982, pp.47-74 (p.47).

<sup>ii</sup> M.Edgeworth, *Castle Rackrent* (1800), edited by G.Watson, Oxford: Oxford University Press, 1981, pp.108-9.