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## The ‘inadequacy of her resistance’: Reading Eighteenth-Century Rape Trials in Peter Teuthold’s *The Necromancer*

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### Abstract

Once thought to be the fictitious creations of Jane Austen, the seven Gothic novels that comprise the ‘Northanger ‘Horrid’ Novels’ have been critically neglected since their rediscovery in the early twentieth century. This paper engages with ideas of absence and exclusion within the ‘horrid’ novel *The Necromancer* by Peter Teuthold, in order to consider the historical (mis)construction of women by male voices in eighteenth-century rape trials. Particular emphasis is placed on an embedded narrative within the text that subversely explores the ways in which the female voice is subsequently read and mis(constructed), so that the narrative is ‘structured’ and ‘arranged’ to construct a version of a woman at odds with femininity, one that ultimately deviates from ‘the natural order.’

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“Out of resentment against the female sex” – so declares the ‘ghost’ in Peter Teuthold’s *The Necromancer*, when the landlord of the novel’s haunted house demands to know the reason behind the apparition’s persistent haunting (Teuthold 150). Of course, the ghost in question is not real, but rather an illusion created by the novel’s eponymous character, Volkert. Part of the critically neglected collective known as the Northanger ‘Horrid’ Novels, *The Necromancer* frequently engages with the Gothic in order to recover narratives of those minority voices excluded by contemporary law, and thus from the narrative of male-authored history. In particular, this paper will explore how an embedded narrative within *The Necromancer* engages with the misrepresentation of testimony in eighteenth-century cases of rape, so that the source of ‘terror’ is located not in the traditional engagement of Gothic motifs, but rather, in the realities of eighteenth-century legal discourse. And while *The Necromancer* is largely absent of female characters, the brief instances where they do materialize suggests that further scholarship is needed, as such depictions ultimately complicate existing delineations of Male and Female Gothic.

## 1. Embedded Narratives

One anonymous contemporary reviewer wrote that “raising ghosts” is an “operation of frequent recurrence” in *The Necromancer*, and within the embedded narrative under analysis here, it is one that serves to signal something repressed (*The Monthly Review* 465). Throughout much of the novel, Volkert remains an elusive figure: characters in the novel continually speak about him but never to him, and are driven by their desire to locate his whereabouts and seek retribution for his crimes. Towards the conclusion of the novel, Volkert, caught, sentenced and soon to be executed for the crime of raising the dead, reveals his story in an embedded narrative to one such pursuer, the Lieutenant. Part of Volkert’s ensuing narrative concerns Helen, a girl with whom Volkert becomes acquainted when he takes lodging in her father’s reputedly haunted house. The haunting has persisted for six months upon Volkert’s arrival, creating a “general fear” among the townspeople so that most of the rooms remain unoccupied (Teuthold 144). However, Helen eventually confesses to Volkert that the true (and indeed, very corporeal) identity of the ghost is a man named Henry, another lodger in the house and the man her father refuses to let her marry. It is also the “unhappy” Henry who, under the guise of an apparition, began visiting Helen’s bedroom at night, “hurried by despaire into a resolution” that Helen claims has “destroyed” the “peace” of her mind (146). Helen professes that her:

heart was thrilled with terror at first, and several nights elapsed in unspeakable horror, before I knew that my Henry was the spectre that visited me every night, and made my blood run chill with awful dread. At length he undeceived me, but, alas! it was then too late; my virgin honor was gone for ever. (147)

Helen’s testimony suggests the novel’s engagement with contemporary notions that posit rape as humorous, as evidenced by the absurdity of her declaration that she initially believed a ghost, rather than a person, had violated her.

That notions of rape as comical persisted throughout the eighteenth century can be located in the existence of *The Humours of the Old Bailey* (1772), a publication which featured a selection of trials that were considered “humorous” by the contemporary public. Out of the twenty-seven trials that were included within this volume, two dealt with felonies, two with bigamy, seven with rape and sixteen with ‘privately stealing’ (or theft from the person of another). The inset title reads:

Being a collection of all the many and diverting TRIALS for above these thirty years; particularly for Rapes and private Stealing: such as have made even the Judges on the Bench forge their wonteel [sic] Gravity; and caused scenes of Mirth very unusual in Courts of Justice. (*Humours of the Old Bailey*)

No alterations were made between the text that initially appeared in the *Old Bailey Sessions Papers* and the ensuing volume, with the selected trials simply representing those that inspired the most “mirth” in the courtroom. The interpretation of rape as humorous was grounded in the eighteenth-century belief that the act itself was “impossible,” as, according to one contemporary medical source, a woman “always possesses sufficient power, by drawing back her limbs, and by the force of her hands, to prevent the insertion of the penis” (Farr 42). This issue was further complicated if the woman became pregnant as a result of the rape. The same medical text observed that if a pregnancy did occur after rape, it “may be necessary to enquire how far her lust was excited or if she experienced any enjoyment [...] for without an excitation of lust, or the enjoyment of pleasure in the venereal act, no conception can probably take place” (42–43). This conjecture echoed contemporary notions that held female orgasm as necessary for conception, thus rendering rape impossible if a child were to result from the act. Thus, Jennie Mills argues that the public was taught – the ideology of which was reinforced by non-guilty verdicts of rape trials – that “the stories of rape and violence and forced sexual intercourse were not actually rape, but considered to be tales fabricated to convict an innocent man of consensual intercourse” (151).

## 2. Rape Trials and Peter Teuthold's *The Necromancer*

An initial reading of Teuthold's embedded narrative presents a farcical portrayal of Helen, one that not only coincides with notions of rape as impossible, but furthermore, following a sexual encounter between Volkert and Helen, raises “the spectre of woman as the more lustful sex, tempting man to his fate” (Hufton 264). Volkert is instantly drawn to Helen, noting that she was “adorned with charms which conquered every heart almost irresistibly” (Teuthold 144). Such “charms,” Volkert explains, include a pale complexion, a sick and weakly constitution, and the ability to “infuse” his heart with “innocent virtuous love” (144). However, Volkert also notes that Helen “could not be called a beauty,” for although “admirable,” she was “bewitching” in nature, leading Volkert to construe her appearance as a “deformity,” recasting her attractiveness as dangerous and untrustworthy (144). Despite Volkert's attempts to engage Helen in conversation, he notes that she “seemed to take the least notice of the attention” he paid her (145). In response to this silence, Volkert speaks to her in monologues, “to which her replies are always in “a pantomime, composed of a silent shaking or nodding of the head, accompanied every now and then by a gentle sigh” (145).

Helen's silence leads Volkert to admit that he has grown “tired of conversing with her,” and that he is willing to give up “such a lovely object” (145). This places Volkert in an interesting dichotomy, as the very reason he is attracted to Helen – that is, her pale, sickly countenance, one which restricts her to an “object” that

cannot reply – is also the reason he becomes uninterested. Whether such ruminations on the part of Volkert reflect an exploration of the subjectivity required by women who strove to embody the feminine ideal or instead the confirmation of woman's duplicitous nature, is complicated in Volkert's ensuing depiction of Helen – including a recitation of the sexual tryst that later occurs between them. Volkert thus recasts the innocent young Helen to whom the reader is first introduced as a sexually-licentious femme fatale. Indeed, throughout Volkert's testimony, there is a continued implication that Helen has tricked him into helping her, despite the fact that Volkert has himself built his life on trickery, a decision that has ultimately led to his impending execution. In addition, Volkert repeatedly observes that Helen is young, while he himself is already thirty-nine years of age, and yet his narrative persists in constructing a portrait of Helen as a seductive woman who has ensnared him. The shift in Volkert's depiction of Helen – one that ultimately problematizes his status as a reliable narrator – raises questions of narrative, truth and agency, thus exemplifying the difficulty faced by female victims in the prosecution of eighteenth-century rape trials.

Further examination into contemporary trials suggests that rape was a notoriously difficult crime to prosecute in the eighteenth century, with the uncertainty surrounding its legal definition just one of the many factors contributing to the complexity of achieving a successful conviction. While William Hawkins wrote *In a Treatise of the Pleas of the Crown* (1716) that the legal definition of rape was the “unlawful and carnal knowledge of a woman, by force and against her will,” there was a question of whether “carnal knowledge” required both penetration and emission or just the former (122). Gregory Durston suggests that at the Old Bailey confirmation of penetration was often sufficient, although “evidence of ejaculation was highly desirable” for conviction (170). Regardless, the obtainment of a guilty verdict depended almost entirely upon the representation of the female victim inside the courtroom, with trials of rape ultimately placing the accuser, rather than the accused, under interrogation and creating an atmosphere that Simon Dickie describes as “a plaintiff pleading her fruitless case before a sneering crowd and an incredulous male jury” (193). This attitude is illustrated in Volkert's tale as the shift in his depiction of Helen can be located within the scene where she first describes the assault she has endured. Volkert's embedded narrative is one that requires a disruption in the linear time of the novel, as the events have occurred years prior. The process of looking back into the past allows Volkert to rewrite his narrative, and thus Helen's, so that her transformation runs parallel to the articulation of her testimony.

In order to make a successful case, women were expected to submit to the criteria outlined by William Blackstone in his *Commentaries on the Laws of England* (1765). In addition to being considered of “good fame,” Blackstone writes that “if she presently discovered the offense, and made search for the offender; if the party accused fled for it; these and the like are concurring circumstances, which give greater probability to her evidence” (214). If, on the other hand,

she be of evil fame, and stands unsupported by others; if she concealed the injury for any considerable time after she had opportunity to complain; if the place, where the act was alleged to be committed, was where it was possible she might have been heard, and she made no outcry; these and the like circumstances carry a strong, but not conclusive, presumption that her testimony is false or feigned. (Blackstone 214)

Durston writes that these factors were applied to rape trials “in an almost mechanistic fashion,” so that the absence of a recent complaint or an inadequate show of resistance was almost certain to end in acquittal (24). Such confirmation demanded that the victim provide intimate details of the assault in order to dissuade the aforementioned contemporary notion that held rape to be “impossible.”

Contributing to the jury’s underlying mistrust of accusations of rape was Blackstone’s echo of seventeenth-century jurist Matthew Hale’s comments that although “rape is a most detestable crime,” it “must be remembered, that it is an accusation easy to be made, hard to be proved” (215). Both Anthony Simpson and Laura Edelstein have written extensively on the topic of rape and malicious prosecution. While Simpson has concluded that charges of rape brought by female victims were part of a system in which women hoped to receive compensation, Edelstein argues that this thesis is “fundamentally mistaken” and that charges of malicious prosecution were “part of a defendant’s deliberate and conscious strategy to raise questions about the motives behind the rape prosecution and shift the focus of the trial away from the defendant to the prosecution’s case” (Simpson 45–46; Edelstein 353). Despite the judge’s assurance that the alleged victim’s testimony was both necessary and permitted within the confines of the courtroom, the stigma associated with women who engaged in conversations about sex persisted, as “the very act of repeating incontinent language in court placed women in an ambiguous position” as it “attested to the sexual irregularity of the alleged victim” (Walker and Kermodé 13; Mills 145). This troubling paradox is best exemplified when the accuser, Mary Batten, testified that the prisoner “lay” with her:

COURT. Lay with you! What, did he lay down by your side?

BATTEN. No, he lay upon me.

COURT. And did he do anything to you?

BATTEN. Lord bless me! What must I say?

COURT. You must tell the court what he did. – There’s a necessity of speaking plain in such cases. –The life of a man is at stake [...] You ought therefore to express yourself in such terms as may signify what you intend, and nothing else: and, though decency might not admit of it on other occasions, it is requisite on this, and cannot be dispensed with. (*Humours of Old Bailey* 27)

Batten’s hesitancy to voice the details of her alleged rape illustrates the reluctance of victims to engage in sexual discourse, as the very accusation of rape worked to ensure that the woman’s “reputation was destroyed [...] and with it her good character and the validity of her testimony” (Mills 156). For this reason, J. M.

Beattie asserts that there was a “discouragement to prosecution,” as the possibility of trial meant that women were faced with the “embarrassment and pain” of discussing the attack in a public setting (124). This is reflected in the paucity of rape trials that occurred during the course of the 1790s at the Old Bailey. Of those nineteen trials, seven received guilty verdicts and of these, six involved children. The focus here is on rape, rather than assault, for while women who fought back were able to recover their status in society, there was no such route available to women who had been raped as the “inadequacy of her resistance” translated to a ruined status (Mills 143). Additionally, rape trials under analysis here focus on women who are above the age of legal consent, which was twelve years of age during the eighteenth century, as different issues arise with the representation of children in the courtroom. For, of the seven cases that received non-guilty verdicts, four involved females under the legal consent, two involved children barely older than the age of consent, and one included no information regarding the age of the victim. Ultimately, this suggests that different standards existed for children, as the court was quick to convict the accused in cases that involved those under the legal age of consent. Further differentiation can be located in the court’s printed materials, as reporters tended to censure information pertaining to children, while cases featuring women over the age of consent were less restrictive in the details they allowed to be printed. Information on the twelve cases that received non-guilty verdicts is problematic, as the *Old Bailey Sessions Papers* often failed to produce extensive details and contemporary newspapers were irregular in their trial reporting. For while the majority of rape trials were relegated to what John Langbein has termed ‘squib’ reports, in which only the barest of facts, including the name of the accused, defendant and the ensuing verdict, are included, others, most notably those in the beginning of the eighteenth century, were presented in surprising detail, portraying stutters, pauses and other vocal tics (43).

The shift between these two contrasting styles occurred over the course of the eighteenth-century, with such extensive detailing disappearing by the latter half. While the *Old Bailey Sessions Papers* provide information about all trials, their “level of detail varies,” as, “after c.1790, the Court itself often responded to increasingly delicate public sensibilities by expressly forbidding the publication of all but the most basic facts about rape hearings” (Durstun 167). Anna Clark locates this censure as occurring after 1796, when the “Old Bailey Court began to suppress the publication of transcripts of sexual crimes,” as “presumably, judges wished to protect the public from exposure to such ‘offensive’ testimony” (17). Printed testimony was also subject to “much deletion and compression,” as Thomas Gurney, the official Old Bailey shorthand writer from 1748–1769 testified:

it is my method, if a question brings out an imperfect answer, and is obliged to be asked over again, and the answer comes more strong, I take that down as the proper

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evidence, and neglect the other [...]. It is not to be expected I should write every unintelligible word that is said by the evidence. (Howell 488)

Indeed, Langbein argues that “*most* of what was said at an Old Bailey sessions must have been omitted,” based upon the length of trials and the corresponding size of the pamphlet (271). The brevity of squib reports, coupled with a non-guilty verdict, not only trivialized the validity of such accusations, but also suggested that there was little, if any, evidence presented within the courtroom. Langbein has written extensively on the problematic nature of the *Old Bailey Sessions Papers*, including their lack of details. He concludes: “The generalization that emerges is this: If the OBSP report says something happened, it did; if the OBSP report does not say something, it still may have” (Langbein 25). However, the existence of judges’ notes – or, the judges’ personal written analysis of the trial that was then circulated exclusively amongst their peers – challenges the suggestion of limited evidence. Langbein argues that judges’ notes, by which he means “the minutes written down in court by the presiding judge as he conducted the oral public trial,” offer “narrative trial reports” that can be cross-checked with the *Old Bailey Sessions Papers* to provide a more complete narrative (5). Furthermore, Francis Oldham states that both Lloyd Kenyon and Francis Buller, judges who presided over rape trials at the Old Bailey during the 1790s, were known for copious amounts of written commentary, that Kenyon himself deemed “fuller or better than what was in print” (Oldham 41). By withholding these details from the public, the judicial system ultimately contributed to the misconstruction of rape victims, for while various other official records exist that detail the charges and outcomes of those who stood before the Old Bailey Court, these documents, including “indictments, trial rosters, recognizes, depositions and so forth,” do not include a narrative of the trial (Langbein 5).

### 3. Monstrous (Mis)constructions

Therefore, while narratives of rape do exist within contemporary publications, their problematic nature lies not in the existence or otherwise of information, but in its composition and dissemination, as narratives of female rape victims were first shaped and then later conveyed by male voices. These inconsistencies are exemplified in the three reports that exist on Ann Cadwell, as the fractured pieces of her narrative can only be read through male voices that both ventriloquize and condemn her. Appearing in court on 27 October 1790, Thomas Bolton was indicted at the Old Bailey Court for a rape on Ann Cadwell, a charge for which he was found not guilty. Following this verdict, the *Old Bailey Sessions Papers* printed the following details:

Thomas Bolton was indicted for rape on Ann Cadwell.

Not Guilty.

Tried by the second Middlesex Jury before Mr. Baron Hotham.

(*Old Bailey Proceedings*)

As the lone court record produced on the trial of Thomas Bolton, this document neglected to provide any details pertinent to the accusation and acquittal. Instead, particulars of the trial were divulged to the reading public by two London-based newspapers. While the *Gazetteer and New Daily Advertiser* addressed the details of the alleged rape, reporting Ann Cadwell's testimony that "on the 21<sup>st</sup> of June she was at work for a Mrs. Bolton, the prisoners grandmother," when the prisoner "came up to her and without any ceremony, put her hands across, threw her down, and committed the offence stated in the indictment," *Argus* omitted these details entirely (Issue 19313; Issue 513). Indeed, the focus of both articles was not Cadwell's testimony, but on the manner in which she conveyed it to the court. The *Gazetteer and New Daily Advertiser* reported that Cadwell described "the circumstances" of the rape with "great volubility and effrontery," with the Judge observing, "he had never recollected a witness in a case of rape give her evidence in a manner more flippant and incredible" (Issue 19313). The *Argus* made similar claims, writing that Cadwell relayed the "transaction and crime" with "such a degree of fluency and boldness" that the Judge claimed to "never during the time he had sat in [his] court heard any evidence which had less weight with him" (Issue 513). Although Cadwell's actual words were never recorded, the judge's accusation of "fluency" and "boldness" in Cadwell's speech exemplifies the inherently problematic aspect of reading contemporary rape trials. For while legal codes "forced" the female victim to "abandon the normal prohibitions and protocols placed upon her speech by the codes of proper femininity," this language ultimately "violated the codes of female sexual behavior" (Mills 156). As such, the depiction of Ann Cadwell typifies the troubling dichotomy experienced by female rape victims within the courtroom: viewed through the lens of eighteenth-century patriarchy, Cadwell is seen as "bold," or "obscene," her character vilified and her testimony subsequently rendered invalid.

Similarly, Volkert's narrative presents a (mis)construction of Helen. Volkert recounts to the Lieutenant how, one night, just as he was about to retire to sleep, "a white figure" appeared in his apartment and Volkert "seized the phantom with a powerful hand" (Teuthold 146). The "apparition" responded by exclaiming: "Jesu Maria [...] for God's sake be quiet" (146). Volkert immediately recognized the voice as belonging to Helen, whose verbally aggressive introduction here stands in sharp juxtaposition to the weak and sickly woman previously described. Volkert notes that Helen "groans" her words, implicitly suggesting something guttural, sexual, and unrefined – all associations that once again problematize Volkert's previous observations. In the next instant, Volkert observes how Helen switches to

a “whisper,” using a “faltering accent,” when she assures him that it is only Helen who has appeared at his door, thereby reinforcing the suggestion of her duplicitous nature (146). Following Helen’s admission about Henry, she invokes Volkert’s aid in the matter, declaring that he “shall save [her] from destruction” by winning her father’s “sanction” for her love (146). Volkert, hesitant to help Helen, as it means engaging with the tricks of necromancy that he has since abandoned, is forced to reconsider when Helen pays him a second visit and reminds him “of [his] promises, and of ---” (148). A suggestion of what has previously occurred between them is recounted by Volkert’s confession that:

she pressed me to her heaving bosom, her burning kisses thrilled the very pulses of my heart with voluptuous rapture, her lily arms encircled my neck, her whole lovely form seemed melted into one with mine – but you may easily guess what was the consequence!” (147)

It is worth noting here that Helen’s narrative is not recounted through her own voice, but rather through that of Volkert, a man whose advances she has dismissed and with whom she engages sexually only in order to serve her own purposes.

The motivation behind Helen’s sexual relationship with Volkert is not desire, then, but rather one of survival. Helen acknowledges that if she is unable to marry Henry, “disgrace and ruin will seize [her] with merciless fangs,” with the Old English for “fang” holding meanings of “booty, plunder, spoils” as well as a “catching or seizing” (147; “fang”). Here, Helen is an “object” that Henry has “seized,” for, whether or not Helen was complicit in the act, her reputation has still been taken from her by decree of patriarchal law. Consequently, Helen expresses not a desire but rather a need to marry Henry, as a result of the rape that he committed on her. Such sentiments are echoed in one of the trials that appear in the *Humours of the Old Bailey*, in which the accuser, Mary Hicks, is asked by the Judge if she would like to see the prisoner hanged, to which she responds: “No, I had rather marry him than hang him” (11). Although the reading public of the eighteenth century was amused by Mary Hicks’ answer (for the statement itself does seem comically absurd), there is an undeniable practicality in her words. After publicly declaring her rape, Mary Hicks is rendered unmarriageable, her body unwillingly transformed as patriarchal authority declared that a “deflowered woman was devalued as a moral and social entity” (Hufton 303). Helen’s seduction of Volkert suggests that she is similarly aware of the grim future that awaits her if she is unable to secure her marriage to Henry. That Volkert is conscious of this precarious position and still engages with her sexually, ultimately challenges the reliability of his narrative. In particular, Volkert’s declaration that “the lover of the afflicted disconsolate girl did not deserve [his] assistance” presents the possibility that Volkert’s testimony has been influenced and shaped by Helen’s preference for Henry – epitomized in Volkert’s inconsistent portrayal of Helen

(Teuthold 148). His simultaneous (and silent) attack on the character of Helen's father – as Volkert continually refers to him as a 'simpleton' or a 'simple superstitious man' – suggests that Helen's behavior is not that of a "monstrous" femme fatale, but rather a desperate woman who realizes the realities facing a woman in her situation (149). Although the house in question is reputed to be haunted "by a spirit, who disturbed the tranquility of the inhabitants, though he never had injured any body," Volkert himself notes that Helen has in fact "suffered most from the dreadful apparition," that is, she has been injured in the irreparable damage to her reputation (144).

#### 4. A "unique version of the Female Gothic"

Volkert's eventual consent to help – and the form in which such assistance materializes – complicates existing paradigms of the 'Male Gothic.' For although the ghost that Volkert "manifests" is a male who has been wronged by "the cruelty of a lady he had been in love with" during life, the ghost is invoked in order to aid a woman who has been wronged – if not by a man, than certainly by the laws of man (Teuthold 150). As such, the ghost demands the reconciliation of two lovers separated "by a cruel parent's tyranny" (recalling the conventional plotline of various female-penned Gothic novels) in order to cease his ghosting (150). Throughout *The Necromancer*, Volkert "raises" a number of female ghosts, including one who has been "assassinated" by her husband. While Jeffrey Cass notes in his *Introduction* to the recent 2007 Valancourt Edition of *The Necromancer* that "[the ghost] does not call for justice to which 'she' is entitled," but only wishes for "easeful death and obscurity," he neglects to explore the implications of the ghost's initial formidable presence upon being disturbed and her agreement to leave only when Volkert promises assistance: "unhappy spirit, betake thyself again to rest; by my power; which every spirit dreads, he shall disturb thee no more – be gone (Cass xxiv; Teuthold 41). When the ghost of the assassinated woman's husband does arrive, demanding forgiveness from his wife, Volkert exclaims: "How darest thou claim it, reprobate villain? Return to thy damned companions in hell" (Teuthold 43). Once in disguise, Volkert frequently assumes the role of defender of women, as evidenced here, performing what Cass refers to as Volkert's "unique version of the Female Gothic" (xxiv). As such, when the ghost raised by Volkert to help Helen responds that his reason for haunting is "out of resentment against women," his haunting can be read, not as a result of anger *against* women, but rather, as a result of anger *on behalf* of women (Teuthold 150). Therefore, the ghost's haunting is manifested, or made possible, as a result of the resentment incurred by law's continual exclusion of women, represented in his subsequent demand: the reunion of a couple parted by a "parent's tyranny" (Teuthold 150). That the word "tyranny" refers implicitly

to a male figure reinforces the notion that the ghost's haunting functions to illuminate and right the wrongs perpetrated by patriarchy against Helen, and thus eighteenth-century women.

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