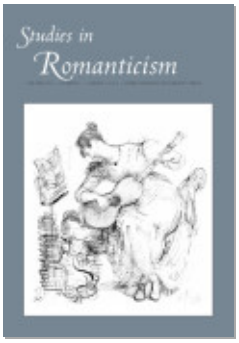
Defending Privilege: Rights, Status, and Legal Peril in the British Novel by Nicole Mansfield Wright (review)



Anne Frey

Studies in Romanticism, Volume 60, Number 1, Spring 2021, pp. 113-116 (Review)

Published by Johns Hopkins University Press
DOI: *https://doi.org/10.1353/srm.2021.0008*

overall utility going forward. That is, how will this book influence the language we use to talk about freedom, slavery, modernity, and the persistence of theology? Certainly, *Black Prometheus* deserves its already significant and engaged readers. Whether it will reshape the field within its image remains to be seen.

Michael Drexler
Bucknell University

Nicole Mansfield Wright. *Defending Privilege: Rights, Status, and Legal Peril in the British Novel*. Baltimore: Johns Hopkins University Press, 2020. Pp. 224. $94.95 hardcover; $34.95 paperback.

In changing the way we narrate the history of novels, social class, and reform, Nicole Mansfield Wright's *Defending Privilege* provides a timely and illuminating read. Wright argues that conservative novelists of the Romantic century (1750–1850) use the language of rights, reform, and victimization that we often associate with humanitarian appeals to defend instead the legal and economic status of the privileged. In chapters focused on Tobias Smollett, Charlotte Smith, Walter Scott, and on anonymous and pseudonymous pro-slavery novels, and with significant research into Romantic-era debates over legal access, Wright demonstrates that even writers who call for reform often limit and condition how and whether the lower classes and racial others find justice.

The novelists that Wright discusses identify flaws in the legal system. However, they protest these flaws when downtrodden members of the upper class are the system's "victims," and they critique as upstarts the middle-class lawyers who attempt to infiltrate high society. Smollett (in his less-discussed mid-career novels *Ferdinand Count Fathom* and *Sir Lancelot Greaves* and his comic drama *The Reprisal*) recommends a two-tier legal system, in which legal consequences are reduced for deserving upper-class citizens; he will admit foreigners into the ranks of these privileged beneficiaries, but only if they demonstrate the requisite manners, education, and ability to contribute to the community. When Charlotte Smith complains about women's inability to represent themselves in the courts, she does so with the aim of regaining for herself and her children the upper-class status into which she was born. Walter Scott argues for the importance of providing legal representation for the lower classes, but with the intent that educated advocates should filter the demands and frivolous claims with which he assumes lowly individuals would otherwise clog the justice system. And pro-slavery novels argue that enslaved blacks should be able to testify in cases against whites, but only

when the black individuals are trustworthy and emotionally transparent, and only with the goal that loyal blacks will report on disloyal slaves and Methodist ministers who attempt to stir revolt. In all of these cases, novelists note injustices in the legal system, but trust that benevolent authority figures will adjust problematic practices just enough to reward those deemed unjustly deprived, without changing the system as a whole.

Wright's approach is especially convincing because she grounds her law-and-literature scholarship in a well-researched history of changing legal practices and of specific legal and legislative battles over what she terms legal agency, the question of who could speak in and through the courts. Scott's discussion of legal representation, for example, looks ahead to the 1836 English Prisoners' Counsel Act, which provided advocates for defendants but required those defendants to stay silent. And Charlotte Smith, Wright demonstrates, complains specifically and accurately about the way in which the escalating costs of legal representation increasingly reserve legal access for the well-to-do. In a welcome contribution to Smith scholarship, Wright argues that Smith's novels (including *Emmeline*, *The Old Manor House*, and *Marchmont*) and her selections and translations of French real-life legal stories, the *pitavals*, incorporate "didactic primers in the guise of sentimental romances"; Smith portrays male and female characters interacting with the law to show female readers how to deal with specific legal situations "from refusing a request for a warrantless search of one's home to negotiating the fees of legal counsel" (56, 60). But Smith writes her "field guide to an exploitative legal system" to help individuals like herself, poor descendants of upper-class families (80).

The readings in *Defending Privilege* are also impressive when attending to how the form of the novel works with and against an author's conservative aims. Wright's reading of Scott's *Redgauntlet* is especially ingenious in arguing that Scott's sections in epistolary form (a form that had widely fallen out of use) enact what his vision of law recommends: "the voices of the lowly ought to be embedded in, and contained by, the authorized expression of the educated," such as the educated lawyer and letter-writer Alan Fairfield (84). And when Darsie is kidnapped by his uncle Redgauntlet, who demands that Darsie lend his voice to the Jacobite cause, Scott switches to omniscient third-person narration and to Darsie's first-person diaries to demonstrate "the dangers of entrusting justice to the powerful in contexts where there are no institutional structures or processes in place to safeguard the vulnerable" (95).

Intriguingly, Wright demonstrates that even as these novels address the law to shore up privilege, the novel was not always the most logical form for such aims. In the novel, "producing compelling protagonists entailed suggesting that such characters had a rich inner life not visible at the surface

level" (122). When they realistically portray characters and situations that they wish to denigrate, the authors at times advocate for broader legal access despite themselves. This argument is especially convincing in the chapter on two pro-slavery novels, *Hamel, the Obeah Man* (by pseudonymous author Cynric R. Williams, 1827) and *Marly; or, A Planter's Life in Jamaica* (published anonymously in 1828 but perhaps written by John Stewart). Wright notes that contemporaneous anti-slavery novels often emphasize enslaved blacks' emotional depth to encourage readers' sympathy, but at the cost of making blacks at times seems childlike in their emotional transparency. The pro-slavery novel, in contrast, portrays intelligent blacks who can master their emotions and speech to work against their enslavers. And in the novel *Marly*, a complex enslaved character begins to assume the role of protagonist that had belonged to the white characters at the novel's outset. Wright convincingly demonstrates, then, that "[i]t is in the proslavery novel, of all places, that a new type of black protagonist emerges: an enslaved black man . . . [whose] formidable powers of reason and strategic intellect enable him to threaten to seize control from the white ruling class and call into question the most fundamental premises of the British colonial race-based legal hierarchy" (123).

Although much of *Defending Privilege* analyzes the opposition between conservative and "humanitarian" discourse, the epilogue notes that conservative and humanitarian writers align in opposing authoritarian worldviews. Wright distinguishes conservatives, who depict "initiative, honesty, and emotional control as criteria for the acquisition of legal agency by the marginalized" from authoritarians who emphasize loyalty and restrict rights to certain demographic groups; in Wright's definitions, conservatives emphasize behavior, authoritarians identity (151). In Wright's readings of the novels, though, I at times wished for more discussion of the ways in which humanitarian, conservative, and authoritarian discourse might blend into one another, or how politics and privilege coincided and conflicted. The term "privilege" works well for Wright precisely because it is sufficiently capacious to acknowledge the multiple different advantages that individuals and social groups receive: at times privilege means inherited wealth, at times education, at times character or ability; at times privilege is open to individuals born to lesser social classes who prove the requisite character and ability, and at times privilege excludes all intermeddlers as unsavory upstarts. I wondered, though, whether it might be possible to distinguish amongst the types and strands of privilege, and whether any political stances might better allow the shabby-gentile writers to align their interests with those of lower classes? Wright's readings do note some cross-class sympathies. In Smollett's *Sir Lancelot Greaves,* she suggests, "unexpectedly, it is vocalization through an aristocratic character that conveys some measure of the types of

ignominy endured by those deemed 'equivocal characters'" but overall his novels "neglect to muster similar rancor for violations of the legal agency of the poor" (53). Wright's epilogue closes with the suggestion that humanitarian and conservative approaches might together oppose authoritarianism, and it would be interesting to further explore to what degree any of these novels might present a strategy for doing so.

Take the case of Charlotte Smith who, Wright notes, benefited from an elite education and evoked her birth rank to claim the status of victim and appeal to her readers' sympathy. Despite these real and rhetorical advantages, however, Smith published her first work in debtors' prison, was unable to keep her husband from spending the money she earned from her writing, and sold her books to avoid returning to debtors' prison after her separation from her husband. Moreover, critics have called novels like *Desmond* and *The Young Philosopher* "radical" or "Jacobin" for their support for the French Revolution and advocacy for expanded rights. For all that Wright's original contribution is precisely to demonstrate that Smith's call for rights first and foremost focuses on the downfallen upper classes, I nevertheless would have liked to know the relationship between Smith's personal agenda and her more politically radical stances. When Smith implies that her loss of privilege gives her the "moral clarity" to critique injustice, does she combine humanitarian and conservative rhetorics (58)? Or does her focus on upper-class characters impede or render hypocritical her more abstract political agenda?

This query, however, in no way diminishes the compelling explanatory force of Wright's argument. This is a book that students of Romantic-era law and the Romantic-era novel will need to engage for its histories of legal agency and for its convincing account of the ways that the language of victimhood can bolster privilege. *Defending Privilege* urges us to ask whether the Romantic novel's vision might in the end demonstrate not the triumphant rise of the liberal individual over a repressive society, but rather the liberal individual's failure to allow society to rise as well.

Anne Frey
TCU

Emily B. Stanback. *The Wordsworth-Coleridge Circle and the Aesthetics of Disability*. London: Palgrave Macmillan, 2016. Pp. v + 337. $84.99 hardcover.

Disability studies scholars have for decades challenged the stability and efficacy of normalcy as a cultural and biological category. Now, the first full monograph with specific critical focus on Romanticism and disability,