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## **“Come brother Opie!”: Amelia Opie and the Courtroom**

In her biographical tribute *Memorials of the Life of Amelia Opie*, published in 1854, a year after her friend's death at the age of eighty-four, Cecilia Brightwell includes a piece written by Opie ten years earlier. Brightwell claims that “Reminiscences of Judges’ Courts” was ‘probably intended for publication, but never completed’.<sup>1</sup> The fragment captures its writer's lifelong fascination with the drama of the courtroom. Opie asks herself why she ‘and many others, can sit from early morning till evening in a court of justice, with still increasing interest? and the answer has been, that it proceeds from that general and enduring passion, the love of excitement’ (*Memorials*, p. 361). This excitement is generated by the diverse mixture of humanity and emotion found within the confines of the courtroom: ‘those courts are epitomes of human life, and their walls, within their bounded space, contain beings full of the passions, infirmities, resentments, self-deceits, self-interests, fears, hopes, triumphs, and defeats, incident to our common nature, and the proofs and results of which are there painfully brought before us’ (p. 361).

As Opie recalls these passions she appears to relive them, with a variety of stylistic strategies transporting her from the time of writing back into her experiences as she felt them. Having for example described her preference for the Civil over the Criminal Court she recreates a typical scene in the former:

And there I am, at a very early hour, in order to secure my favourite place in it, and before any preparations for business are begun. Nor is it without interest that I look round the empty Hall, and at the large table covered with green cloth, where the

barristers and attorneys sit, and think that soon the vacant seats will be filled with busy, anxious life, and the stillness exchanged for the hum of many voices! and absorbed and amused in the contemplation of the coming scene, I find the time of waiting pass imperceptibly away. But at length the solitude ceases – the necessary preparations are made by the attendants, and soon the bells and trumpets announce the approach of the great functionaries. To greetings, and the hum of voices, succeeds the silence of expectation; for silent become the bells and trumpets; and, in another moment, the Judge is in the Court; the barristers rise, as he courteously salutes them, and the business begins. (p. 358)

Here the use of the present tense, together with the dash and exclamation mark, conveys Opie's excited state of anticipation at the time, as she waits for the proceedings to begin. The repetition of 'soon' and the future time in 'soon the vacant seats will be filled with busy, anxious life' indicate her eagerness at the time as she awaits the start of proceedings. Finally, after the ceremonial bells and trumpets, 'in another moment, the Judge is in the Court'. Once the trial begins, Opie remains firmly centred in the time of the action, with free indirect speech capturing the energetic speech of the counsel for the defendant within the third person: 'No! his only weapon will be the force of truth; for he shall bring forward *facts*; facts which he shall prove by witnesses' (p. 359), and further exclamations indicating her emotion: 'Oh! bloodless fights! would that we should never hear again of any battles but these!' (p. 359).<sup>2</sup>

As further examples will testify, Amelia Opie was captivated throughout her life by these 'bloodless fights' of the courtroom. In this essay I will suggest that this excitement and involvement finds its counterparts in her fiction, specifically in her many tales which revolve around trial scenes.<sup>3</sup> Focusing on three examples in particular, I will argue that Opie's fictional

courtrooms demand an emotional engagement on the part of both characters and narrators, which in turn can be extended to that of the reader. Explorations of both the physical and the psychological space of the courtroom in Opie's fiction encourage a model of readerly participation which, I will argue, adds a new, affective dimension to traditional accounts of the relationship between early nineteenth-century literature and the law.

The intersection of Law and Literature has been a popular and fruitful area of interdisciplinary study since at least the early 1980s.<sup>4</sup> Identifying nine sub-fields of what he calls 'fertile cross-border travel', Kieran Dolin notes that 'the border between law and literature has become a bridge, which will enable even more connections to be discerned, and [...] produce further transformations in both fields'.<sup>5</sup> A considerable body of scholarship has focused on the connection between legal practice, realism and the rise of the novel, often taking its cue from Ian Watt's comparison of the reader of the early novel to a jury-member:

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 – the time and place of the occurrence; both must be satisfied as to the identities of the parties concerned, and will refuse to accept evidence about anyone called Sir Toby Belch or Mr. Badman – still less about a Chloe who has no surname and is 'common as the air'; and they also expect the witness to tell the story 'in his own words'. The jury, in fact, takes the 'circumstantial view of life', which T. H. Green found to be the characteristic outlook of the novel.<sup>6</sup>

Watt associates the early novel with this epistemological, ‘circumstantial view of life’ throughout. For him this is how early nineteenth-century critics thought of the early novelists too; he quotes both Lamb on Defoe: ‘It is like reading evidence in a court of Justice’ and Hazlitt on Richardson: ‘He sets about describing every object and transaction, as if the whole had been given in evidence by an eye-witness’ (*The Rise of the Novel*, p. 34).

Subsequent studies of the connections between the realist novel and the law have tended to apply a similar emphasis. Alexander Welsh argues that from the middle of the eighteenth century to the end of the nineteenth ‘narrative consisting of carefully managed circumstantial evidence, highly conclusive in itself and often scornful of direct testimony, flourished nearly everywhere – not only in literature but in criminal jurisprudence, natural science, natural religion, and history writing itself’.<sup>7</sup> In uncovering an institutional history of what he calls ‘strong representations’ he focuses in particular on the common-law trial, observing that ‘trials at law try very hard to ensure that facts are represented dispassionately and at the same time conclusively’, and that ‘for the past two hundred years, irrespective of their differences, Anglo-American and Continental courts of law have put primary emphasis on true representations of the facts’ (*Strong Representations* p. 10). Welsh identifies a parallel emphasis in the novel, noting that ‘in the larger eighteenth-century scene, confessions, memoirs, letters, and eyewitness history are giving way to more complex but connected narratives, in which even states of mind can be described from the outside’ (pp. 39-40), and associating the rise of ‘circumstantial evidence’ with ‘the movement in the English novel from first-person to third-person narratives’ (p. 40). Hal Gladfelder agrees that the ‘peculiar endlessness of circumstantial realism’ that he finds in the criminal trial is its ‘most *productive* legacy [...] to the fictions of Defoe and Fielding – and through, them, to what would become the canon of the novel over the later eighteenth and nineteenth centuries’,<sup>8</sup> while Jan Schramm similarly claims that the

novel and the law share a ‘mutual commitment to the language of proof, fact, doubt, judgement’.<sup>9</sup>

Yet in Opie’s tales evidence and facts, ‘all the particulars’ in Watt’s terms, are not all that the courtroom participants, and, by implication her readers, are after. The inclusion of trial scenes in her fiction allows for much more than, in Schramm’s words, the ‘interrogation of various epistemologies’ (“The Victorian Novel and the Law”, p. 516). As we have seen in “Reminiscences of Judges’ Courts”, it is the opportunity for emotional engagement which drew Opie to the courtroom. The characters in her tales too are invited not just to witness, but to participate in its exciting, tense, often heart-rending scenes. This implies a model for readerly involvement which moves beyond that of Watt’s inquisitive jury member. Opie’s courtroom scenes, as I will demonstrate, present instead the powerful, terrifying potential for self-implication identified by Roland Barthes in his account of the trial of Gaston Dominici in *Mythologies*, first published in the same year as *The Rise of the Novel*.<sup>10</sup> Barthes notes that along with ‘the literature of repletion (which is always passed off as the literature of the ‘real’ and the ‘human’)', there was in the Dominici trial ‘a literature of poignancy’, explaining that ‘whatever the degree of guilt of the accused, there was also the spectacle of a terror which threatens us all, that of being judged by a power which wants to hear only the language it lends us. We are all potential Dominicis, not as murderers but as accused, deprived of language, or worse, rigged out in that of our ancestors, humiliated and condemned by it.’ (*Mythologies*, pp. 46-7).

Opie is aware from experience of the mesmerising draw of this ‘spectacle of terror which threatens us all’. In “Reminiscences” she raises an analogy of the court of justice to the stage, ‘the principal performers on which are the barristers’ (*Memorials* p. 361), only to revise it on

two grounds. The first advantage that the assize courts possess over the theatre is ‘the certainty we have, that all the emotions we behold are real, not acted, and springing from the exigencies of the moment’ (p. 362). The second difference is even more affecting:

There is another reason why, in my opinion, the interests in a Court of Justice come more forcibly to the heart than that of representations on the stage. It is that, while contemplating the dramas of real life, as exhibited in a Court of Law, we have an undefined consciousness that we are liable to be ourselves, one day, performers in similar scenes, and worried by the same difficulties, experiencing, either in our own person or that of those dear to us, the trials and anxieties we see there endured by others. (p. 362)

This fearful, first-person plural participation, the ‘undefined consciousness that we are liable to be ourselves, one day, performers in similar scenes’, lies behind both Opie’s life-long interest in and engagement with the courtroom, and her skilful representation of its human dramas in her fiction.<sup>11</sup>

As her most recent biographer Ann Farrant notes, Opie’s ‘interest in court procedures began at an early age, when she was taken by her parents to watch the time-honoured rituals which marked the arrival of the circuit judges in Norwich for the summer Assizes’.<sup>12</sup> Included in Brightwell’s *Memorials* is a passage from Opie’s notebook describing her early enjoyment of these rituals. She recalls that ‘to a girl fond of excitement it will easily be believed that the time of Assizes was one of great interest. As soon as I was old enough to enjoy a procession, I was taken to see the judges come in’ (*Memorials* p. 23). After she ‘found out that ladies were allowed to attend trials, or causes, I was not satisfied till I had obtained leave to enjoy this

indulgence' (p. 23), and she became a frequenter of the *nisi prius* court in particular, where civil cases were heard. One case involving one of the richest and oldest aldermen in Norwich on trial for usury is recalled in particular detail in the extract, with Opie reliving her horror that 'the accused, and the witness for the accuser, both swore in direct opposition to each other!' (p. 25). When the accused is found innocent the witness for the prosecution, an acquaintance of the Alderson family, who had the reputation of 'a worthy and honourable man', leaves the courtroom in disgrace, his reputation now stained with the assumption of perjury. The next day he is found dead, with the suspicion that he has committed suicide by poison. Opie recalls her distress: 'Even while I am writing, the whole scene in the court, and the frightful results, live before me with all the vividness of early impressions; and I can scarcely assert, that, at any future stage of life, I ever experienced emotions more keen or more enduring' (p. 27).

Though the emotions generated by this particular courtroom scene may never have been matched, Opie's life-long attachment to the drama of the courtroom emerges clearly from Brightwell's *Memorials*. Opie refers frequently herself to 'my love of attending courts' (p. 123). She was such a regular fixture at the Norwich assizes, which were held twice yearly from 1832, that she became well-known to both the barristers and judges, and to her delight was often invited to sit on the bench beside the latter (pp. 25, 122, 337). In 1844 she was even, to her surprise and pleasure, offered a lift home in the judges' carriage, which she was urged to accept in the most familiar terms: "'come brother Opie!'" (p. 355). She continued attending the assizes eagerly and indefatigably, from early in the morning until verdicts were delivered, almost up to her death; in 1850, aged eighty, she had to be carried into court by her relatives on a sedan chair.



One set of trials appears to have left a particularly lasting impression. In late 1794, while in her mid-twenties, she was a keen attender of the notorious treason trials of Hardy, Horne Tooke, Thelwall and others at the Old Bailey. Most of her letters home from this time were destroyed by her father, but a note written much later describes it as ‘the most interesting period of my long life, (or nearly such)’ (*Memorials* p. 49). She remembers the opening of Hardy’s trial with particular vividness: ‘when, on the 28<sup>th</sup> of the 10<sup>th</sup> mo., the trial of Thomas Hardy began at the Sessions-house in the Old Bailey, existence acquired, in my eyes, a new but painful interest; and, with the pleasing anticipations of the unexpected enjoyment awaiting me, were mingled some apparently well-founded fears of evil to come’ (p. 50). Again this ‘painful interest’ is brought to life in the telling as Opie’s sensations in the midst of these tumultuous events are put down much later on paper. She notes ‘how often [...] do I recall with all these alternate emotions of pain and pleasure, of disappointment and fruition, the last days of October, and the first five days of November, 1794!’ (p. 50).

Opie’s emotional involvement in the treason trials has been taken to indicate her affiliation with the radical politics of the 1790s. Roxanne Eberle, for example, describes her as ‘an ardent admirer of revolutionary principles’, observing that in her letters from this time which do survive, including those to her friend Susannah Taylor, the then Amelia Alderson ‘exults in “radical” victories and scorns governmental treachery’.<sup>13</sup> Noting ‘Amelia Alderson’s commitment to radical politics throughout the 1790s’, Eberle describes her as ‘an enthusiastic member of the circle surrounding William Godwin, [Thomas] Holcroft, and Elizabeth Inchbald’ (p. 121).<sup>14</sup> Her ties to this group appear however to have been loosened by her marriage to the painter John Opie in 1798, and much contention surrounds her later political outlook. Her most well-known novel *Adeline Mowbray; or, the Mother and Daughter* (1805) has often been regarded as, at least in part, a roman-à-clef about Godwin and his circle, in the

course of which their radical philosophy does not emerge unscathed. Clayton Carlyle Tarr, for example, reads the stillbirth of Adeline's child as symbolic of the failure of the revolutionary principles of Opie's 'old associates'.<sup>15</sup> Anne McWhir agrees that by 1805, Opie was 'certainly less committed' to the radical cause than she had been eight years earlier: 'married to John Opie and part of a fashionable London circle, she had distanced herself from her radical friends'.<sup>16</sup>

Yet this narrative of Opie's move towards conservative politics after 1798 has come under challenge in recent years, especially by those approaching her work from a feminist perspective. Following Mary Poovey and Claudia Johnson, Eberle suggests that Opie's guise of the 'proper lady' following her marriage did not mean that she abandoned entirely the revolutionary principles which she had held dear in the 1790s ("Diverting the Libertine Gaze", pp. 125-6). These were sustained, according to Eberle, by her sympathy with one iconic radical figure in particular. She argues that *Adeline Mowbray* was written in part as a critical response to Godwin's revelations in *Memoirs of Mary Wollstonecraft* (1798), and the attacks on Wollstonecraft which resulted. Pointing to an admiring letter from Amelia Alderson to Wollstonecraft, together with a letter from the latter announcing her marriage to Godwin in 1797, Eberle claims that 'it is likely, based on the affectionate correspondence between the two women, that Amelia Opie would have been horrified at Godwin's naïve and often distorted portrait of his wife' (p. 126). According to Eberle, 'Opie's satire in *Adeline Mowbray* is directly aimed at the gendered assumptions which mar radical political theory in general and Godwin's *Political Justice* in particular' (p. 127), and thus the novel is not, as it has often been read, 'a condemnation of Wollstonecraft but rather a call for more texts like *The Vindication of the Rights of Woman* and *The Wrongs of Woman; or, Maria*' (p. 128).

Wollstonecraft's last, unfinished novel does indeed appear to have been an important model for Opie, especially in its concern with the rights of women under the law. In her own words Maria tells how she has fled her unhappy childhood home only to be trapped in a loveless marriage with an increasingly dissolute husband, George Venables, who violently mistreats her, tries to sell her to his friend and finally imprisons her in an insane asylum, taking away her newborn child. Here she comes into contact with a fellow prisoner, Henry Darnford, and, through the marginilia of the books they exchange, they fall in love. When Venables finds out he brings a lawsuit against Darnford for seducing his wife. At the close of what remains of the fragment Maria, having instructed her lover's counsel to plead guilty to the charge of adultery, but to deny that of seduction, 'took the task of conducting Darnford's defence upon herself'.<sup>17</sup> Having heard the accusations of her husband's counsel against her, Maria, animated by 'a strong sense of injustice', and determined to act according to 'those feelings which were the foundation of her principles' (p. 170), in words editorially inserted by Godwin 'eagerly put herself forward, instead of desiring to be absent, on this memorable occasion' (p. 171). For Kathryn Temple, the heroine's self-assertion at this point is the climax of the novella's 'agitated but progressive movement, the evolution of Maria from legal object to subject'.<sup>18</sup>

The scene which follows is however surprisingly lacking in the drama of what has gone before. In Temple's words, *The Wrongs of Woman's* 'gothic emotionality and its melodramatic action and characters are set against the final courtroom scene of cool, "rational" legal discourse' ("Heart of Agitation", p. 377). Maria does not speak her defence, but instead 'convinced that the subterfuges of the law were disgraceful, she wrote a paper, which she expressly desired might be read in court' (*The Wrongs of Woman*, p. 171). Having considered the evidence, the judge sums up, finding against Darnford, and declaring "'the fallacy of letting women plead her feelings, as an excuse for the violation of the marriage-vow. For his part, he had always

determined to oppose all innovation, and the new-fangled notions which encroached on the good old rules of conduct” (p. 174). Although it may be true that, as Temple observes, ‘in inserting this “paper” into the novella’s one scene of law and having a judge recognise it as worthy of comment, Wollstonecraft claims for herself a specifically agitated legal subjectivity, possible in fiction, but unrecognized in the English law of her time’ (p. 379), the scene itself is, as she acknowledges, ‘a surprisingly airless account of a legal proceeding, located in neither time nor place’ (pp. 377-8).

In contrast, Opie’s courtroom scenes in her fiction, especially in her tales, are invariably replete with action and emotion. Legal discourse is frequently overwhelmed by characters’ reactions and the outbursts of spectators, who tend to be active participants rather than passive onlookers. Furthermore, unlike in the final scene in *The Wrongs of Woman*, the specifics of time and place are often crucial, and help to intensify the portrayal of the courtroom dynamics. Repeatedly in Opie’s fictional trial scenes the guilt or otherwise of the defendant, plus the motivations of all involved, are a matter for excited, urgent debate, as all those present experience, often collectively, the heightened feelings that she herself experienced at the Norwich assizes throughout her long life.

The impact of actual criminal and civil trials is evident throughout Opie’s fiction; many of those represented in her tales claim to be based on real-life cases. “Love and Duty” in volume II of *Simple Tales* (1806), for example, is introduced as follows:

The following tale is founded on a trial, given at length in the collection of French trials, called *Causes Célèbres*: - a trial which appeared to me so full of interest, and so replete with moral instruction, that I was desirous of making it generally known.

Therefore, as trials are interesting to few only, but tales to many, I have ventured to call in the aid of fiction to assist the progress of salutary truth; and I hope, by adding the *vraisemblable* to the *vrai*, I shall not have weakened the general effect of the narrative.<sup>19</sup>

The trial in question concerns a Parisian husband and wife, the D'Anglades, who were wrongfully found guilty of robbing their neighbour the count de Mongommery while he was away on holiday. It was reported at length at the end of the first volume of François Gayot de Pitaval's popular collection *Causes célèbres* (1734-43).<sup>20</sup> The case became widely known and retold throughout the eighteenth and nineteenth centuries.<sup>21</sup> Subsequent versions in English include that in Charlotte Smith's *The Romance of Real Life* (1787), which Opie claims at the end of "Love and Duty" she became aware of only as she was completing her own. She refers her readers to Smith's account 'for the true relation of those incidents which I have occasionally altered to suit my purpose.' ("Love and Duty", p. 299). At the start of the tale she offers a more detailed disclaimer: 'All the persons in the story, with the exception of three or four, are real persons, were actors in the scenes which I have related, and bore the names by which I have called them: and in that part of the story which I have translated from authentic documents, two or three facts only are all that I have ventured to alter' (p. 115).

There are several crucial caveats here. Not only have 'three or four' fictional characters been added, and 'two or three' facts changed, but Opie acknowledges that only part of her tale is 'translated from authentic documents' (presumably either Pitaval's original or a subsequent French version). Indeed one of Opie's most significant alterations was the addition of a significant, lengthy second act to the D'Anglades' story, in which after their deaths the wrongful verdict is challenged by their daughter Constantia, who falls in love with Eugene des

Essars, the son of the judge at the original trial. The young des Essars becomes her advocate, initially against the will of his father. After the true culprits are discovered, the innocence of the D'Anglades is established at a dramatic second trial, in which 'all Paris interested itself' ("Love and Duty", p. 266). As the real criminals are sentenced to death, and her parents publicly vindicated, Constantia waits anxiously in a room adjoining the courtroom, until Eugene and his father arrive to break the news:

Constantia instantly fell on her knees, and, raising her fine arms to heaven, exclaimed, "My God I thank thee!" – Then rushing into an inner apartment she shut herself from the sight of every one, in order to vent the agony which she experienced, even in the midst of her joy, when she reflected that her injured parents were not alive to see their honour vindicated, and their innocence proved.

("Love and Duty", pp. 272-3)

For Opie in "Love and Duty" then, adding 'the *vraisemblable* to the *vrai*' consists of greatly embellishing the daughter's story, giving her a romantic interest, and expanding on her efforts to prove her parents' innocence. Though Constantia is mentioned in both Pitaval and Charlotte Smith's version, her character is less developed; Smith simply comments that 'she was married to Monsieur des Essarts, a Counsellor of Parliament'.<sup>22</sup> Crucially, "Love and Duty" also demonstrates, through the addition of a second trial to prove the D'Anglades' innocence, Opie's fascination with the fictional possibilities of the courtroom and the emotions it can generate. These are explored further in the following two tales, which although not obviously based on real-life cases, clearly also draw on Opie's real-life experience of the human drama of the courtroom.

“Henry Woodville” in volume II of *New Tales* (1818) is set during the assizes at Abingdon, where the eponymous hero is staying on business. Although he is largely unmoved by all the entertainments surrounding the assizes, he is keen to attend the actual trials:

“I shall have no heart,” thought he, “for the public amusements of the week; but I shall be deeply interested in attending the courts of justice.” And he was so much interested, that on the first day of the assizes he was in court till the judges adjourned; and having returned thither when they did, he remained there till the business ended for the night.<sup>23</sup>

After work and the courts one evening Henry argues with a fellow worker, Bradford, who accuses him of stealing and slanders his sister. Bradford is then murdered in a robbery gone wrong by Everett, one of the servants of the inn where Henry and Bradford are staying in adjoining rooms. Hearing Henry awake, Everett frames him for the murder, leaving incriminating evidence. Henry is arrested and the trial is set to take place during the same assizes (a footnote assures the reader that this is not without precedent). The case is the talk of the town: ‘The causes then pending, however interesting, interested no longer; but the public mind was wholly fixed on this, which was to come at the end of the week, and with which the assizes were to conclude: and, as is only too usual on such occasions, the unhappy Henry was prejudged, and he was pronounced *certainly guilty*, before the merits of the case had been heard in a court of justice’ (“Henry Woodville”, p. 289).

On the day of the trial the ‘court was crowded at a very early hour; and even ladies were led (as they believed) by indignation against the *crime*, to bear to listen to the trial, and perhaps to

the condemnation of the *criminal*' (p. 300). Once the prisoner is led in, however, the mood of the 'public mind', especially its female component, begins to change:

His youthful appearance, his uncommon beauty both of face and person, the sweetness of his countenance, which not even his trying situation could obscure; and the calm yet manly resignation of his manner, had such an instantaneous effect on every one present, that indignation against the crime was forgotten in admiration of the supposed criminal; and when he replied "Not guilty," according to the usual form, he uttered the words in a voice so touching, and in a manner so assured, yet so unassuming, that many a bosom heaved with pity and alarm for him, which had before beaten with anger at his name; and many a one wished to hear him proved innocent, who entered the court earnestly desiring to hear him pronounced guilty. ("Henry Woodville", p. 302)

Opie's representation of a public, specifically female, collective consciousness here, which switches rapidly from certainty of Henry's guilt, to admiration of his person and manner, to pity and alarm, to fervent hopes for his acquittal, offers evidence for Alan Palmer's argument for the existence of 'intermental' thought in literary narrative, which he describes as 'joint, group, shared, or collective thought'.<sup>24</sup> It is clearly a female group perspective which approves of Henry's 'calm yet manly resignation', and which judges that he utters the words "Not guilty" 'in a voice so touching, and in a manner so assured, yet so unassuming'. Yet 'contrary to the general *expectation*; contrary now, also, to the *general hope*' ("Henry Woodville", p. 312), Henry is found guilty, largely due to the eloquence of the prosecutor, who is compared to the famous barrister Thomas Erskine (later Lord Chancellor), whom Opie had heard at his most persuasive at the Norwich assizes in 1805. As he is led to his execution the same crowds who



had previously followed Bradford to the grave, ‘with every possible demonstration of pity for him’, evince for Henry ‘even greater compassion and greater regret’, with their ‘ever-vacillating feelings’ now proclaiming him innocent and calling for mercy: ‘even the words of “Rescue!” and “Let’s save him!” were heard amongst the crowd assembling to behold the execution’ (p. 320).

A collective consciousness, which can at times similarly be inferred as female, is also prominent in “The Robber” in volume I of *Simple Tales* (1806). This tale concerns a Mr. Sedley who thwarts an attempted robbery against him by an apparent criminal, Theodore. Much to his servant Allen’s disapproval, Mr. Sedley refuses to prosecute Theodore, instead having pity on him and taking him into his service. Allen’s distrust of Theodore grows as a number of suspicious events follow, including a fire in which some of Mr. Sedley’s papers and valuables go missing. Shortly afterwards Allen disappears and Theodore is widely suspected to have murdered him. Mr. Sedley is reluctant to go along with the prevailing opinion, but, egged on by his formidable new wife, he is finally persuaded, not least after a body is found, to have Theodore arrested. Anticipation is high in the courtroom on the first day of trial:

The day appointed for the trial at length arrived, and the court was crowded at an early hour. When Theodore appeared, every eye was turned upon him with eager curiosity, and Mr. Sedley could with difficulty be kept from fainting; while even Mrs. Sedley herself felt her animosity against her husband’s *protégé* considerably softened, when she saw in the imagined culprit, a handsome, tall, graceful youth, whose deportment was calculated to excite respect, whose countenance invited confidence, and whose large dark eyes sparkled with intelligence. “I hope he will

be acquitted,” was the general whisper throughout the court, and Mr. Sedley, overhearing it, devoutly cried “Amen”.<sup>25</sup>

Again an intermental consciousness is apparent here, from ‘every eye’ turning to Theodore, to ‘the general whisper’ represented in direct speech. The appreciation of Theodore’s appearance and manner implies, as in “Henry Woodville”, a female group perspective. Within this Mrs. Sedley’s impression of Theodore is also given. Whilst she shares in the general admiration, her point of view differs from that of the crowd; although her animosity towards him is ‘considerably softened’ she still wants him convicted.

To ‘universal’ surprise in the courtroom Theodore, who is defending himself, calls Allen, the supposed victim, as a witness. The judge not surprisingly dismisses the trial immediately, not even allowing Allen to explain how he is alive, but after he has left Allen steps up to the witness bar and tells his story anyway to the ‘attentive and crowded audience around him’ (p. 326). It transpires that he left Mr. Sedley’s service to tend to his dying father, who had also been wrongly accused of a crime and transported to New South Wales. On the voyage out he met Theodore, who had gone to look for him, and the two were fully reconciled, with Theodore then helping him Allen look after his father. In return Allen agreed to return to England to clear Theodore’s name. The audience is greatly moved by the behaviour of both men, with one exception:

Mrs. Sedley, meanwhile, had stolen unobserved out of court. She had prided herself on making her husband accuse Theodore, in order that she might prove her power over him; and believing implicitly in her own sagacity, she had persuaded herself that he was guilty, and that his conviction would tend to confirm more than ever the

general opinion of her superior intelligence. Nor, to do her justice, was it possible for any one not to own, that after the discovery of the body, which so many circumstances seemed to prove to be the body of Allen, though it afterwards turned out to be that of one William Althorpe, it was an act of necessary justice in Mr. Sedley to take up Theodore on suspicion of having murdered him, and so far she was perfectly right in instigating her husband to take the steps which she did. But she was not right in detailing every where, with eager and indefatigable minuteness, all the circumstances which had attended Mr. Sedley's acquaintance with Theodore. She was not right in endeavouring to prejudice the minds even of his jurymen against the unhappy youth, and in causing paragraphs relating to the whole business to appear in the provincial and other papers; and her conscience now whispered her that she had done this, and in so doing had acted the part of a malignant persecutor. And wherefore had she done it? Merely out of opposition to her husband, and because he persisted in believing that he had acted right in not giving up the youthful criminal to justice.

(“The Robber”, pp. 338-9)

It is not clear who is reflecting on Mrs. Sedley's actions here after she slips out of the courtroom. The sentence beginning ‘She had prided herself’ could either be her own or the narrator's summary of why she had persuaded herself of Theodore's guilt. In the next sentence ‘to do her justice’ suggests an external perspective; the narrator seems here to be justifying her behaviour as reasonable given the discovery of the body, and judging that ‘so far she was perfectly right in instigating her husband to take the steps which she did’. It is ambiguous though whether this same perspective continues to judge in the following two sentences, in detailing what she had done that was ‘not right’. The mention of her whispering conscience

suggests that these could be her self-condemnations, and the question ‘And wherefore had she done it?’, together with the response, may also be hers.

There is also a third possibility. The judgements of Mrs. Sedley here may also be those of the audience in the courtroom, who, having indulged in ‘the strongest feelings of pity and admiration’ for Theodore and Allen, turn to the person who has been largely responsible for bringing the case and who attempted to prejudice the jury by placing articles in the newspapers. Again then, as in the courtroom in “Henry Woodville”, a collective, evaluating consciousness may be present. Deprived of witnessing the trial play out, the courtroom participants may here be taking on the role of judge and jury themselves, identifying and condemning the real villain of the piece. Though she has exited the courtroom, Mrs. Sedley cannot escape its judgements, and it is she who is on trial here both before her own conscience and the ‘public mind’.

The invitation to the public audience, specifically its female element, to participate in the courtroom drama of Opie’s tales is also extended to the reader. She too is encouraged to weigh the evidence presented, and come to a judgement of the characters involved. As has been suggested throughout, an appeal to more than the bare facts, ‘all the particulars’ in Watt’s words, is involved. Like that of Opie herself throughout her lifelong fascination with human vicissitudes of the courtroom, the judgement of the reader participating in the scene will at least potentially be influenced by powerful, often fearful emotions, including pity and sympathy with the accused, and a poignant terror that we ourselves may one day be in their place.

A final example of a first-person narrative in which a character is on figurative, not literal trial illustrates further the quality of readerly participation Opie’s tales invite. The narrator of “The

Mysterious Stranger. A Tale Founded on Fact” in volume III of *Tales of Real Life* (1813) describes himself at the outset as an eye-witness of the events which are going to follow:

Still I am very well aware that, though my veracity would not, nay could not, be doubted by those to whom I am known, I might be deemed by strangers not entitled to unqualified belief, because the story which I am going to tell, though certainly the vrai, is not the vraisemblable”.<sup>26</sup>

Again there is an emphasis on the real, the ‘vrai’, though, unlike the introduction to “Love and Duty” this time the narrator claims not to be adding the ‘vraisemblable’. References to real-life trials in “The Mysterious Stranger” confirm this attempt to convey the real, and although there is no courtroom scene of the kind prevalent in Opie’s fiction, the reader is encouraged to engage with and judge a complex, flawed character who is suspected of murder. Yet the fact that her story is mediated by a suspicious, sometimes unreliable narrator, makes the process of judgement fraught and uncertain, leaving the reader frequently confused and in the dark.

The tale opens with the narrator resolving to try to help alleviate the grief of his former school-fellow and friend, Lord D., after the death of his wife and son, to whom the narrator had been a tutor. When Lord D. proposes travelling around Europe, the narrator agrees to accompany him. While waiting at Falmouth to embark for Lisbon the two meet a mysterious, beautiful lady who says she was born Rosabel St. Clair but is now Mrs. Macdonald. Lord D. falls instantly in love and the two attempt to befriend her. She is very elusive however and doesn’t give much away about her family and friends, or her motive for travelling on her own, which causes the narrator to be suspicious. Lord D., in contrast, is full of trust:

It may be thought surprising, and even impossible, that I could discern so easily the defects in this lady's character, and see so evidently the marks in her of some mysterious sorrow, some probably guilty secret, while Lord D – remained perfectly unconscious of both. To this I reply, that Lord D – was a man wholly devoid of suspicion, and not gifted with much penetration. He was, on the contrary, even blind to the faults of those he loved; and, being wholly free from guile himself, was never apt to suspect it in others. (“The Mysterious Stranger”, p. 182)

The narrator adds that ‘whatever were *my* ideas relative to this *mysterious woman*, as she appeared to me, I soon found that they were confined to myself alone, and that Lord D – ’s confidence in her was equal to his admiration.’ (p. 183). His suspicions increase further when they learn that her husband has died suddenly:

Reader, though well convinced that a suspicious is an unamiable temper, I must honestly confess that, at this moment, a suspicion of a most horrible nature took possession of my mind, while my more generous patron remained as confiding as before, and saw, in the strong emotion of Mrs. Macdonald, nothing but a very natural distress at hearing the sudden death of her husband alluded to. But then he was in love, and I not; and a man who chooses a wife under the delusions of passion, appears to *me* to be no more a rational judge of the results of his actions, than a man who inlists for a soldier when in a state of intoxication.

(“The Mysterious Stranger”, pp. 191-2)

The address to the reader here at least invites her to align herself with the narrator's growing doubts concerning Mrs. Macdonald's innocence. She is similarly in the dark and likely to be

sceptical of Lord D.'s irrational trust, blinded as he clearly is by passion for his new love. Yet the narrator's perspective cannot be fully trusted either. When the two do indeed get married soon after they reach Lisbon the narrator reveals his suspicions are partly based on Mrs. Macdonald's nationality:

[...] but now, in spite of myself, my old aversion to the Scotch nation returned, and I thought of Catherine Nairn, who was privy to the murder of her husband, till I felt my prejudices against Scotch women get a-head of me with frightful strength – And the new Lady D – was born a St. Clair, and married to a Macdonald! and her first husband had *died suddenly!* He had also been an unfaithful and bad husband, and his death ought to have been a relief to her, it seemed! Yet she was not only wretched beyond any hope, she said, of ever being happy again, but had *evidently* a weight upon her mind; a weight that *sorrow only* could not create!

(“The Mysterious Stranger”, p. 194)

In freely admitting his ‘prejudices against Scotch women’ the narrator casts doubt on his reliability as a judge of Mrs. Macdonald, leaving the reader even more confused. Mixed with the narrator's feverish speculations and exclamations here is an element of the ‘vrai’; Katherine Nairn was found guilty of poisoning her husband, and conspiring with his brother with whom she had been committing adultery, in a famous trial in Edinburgh in 1765.<sup>27</sup> In a later conversation with Mrs. Macdonald the narrator raises this case explicitly in an attempt to put her off-guard:

Amongst other topics, I one day started that of remarkable trials; and I had *nerve* enough to ask her if she had ever read the trial of her countrywoman Catherine

Nairn for the murder of her husband. With great quickness, and an unembarrassed smile, she replied, "I shall, in return, ask you whether you ever read the trial of your countrywoman, Mary Blandy, and for murder also; even the murder of her father; for crimes are not confined to countries, my dear sir, but free citizens of the world."  
(“The Mysterious Stranger”, pp. 215-16)

Mary Blandy was another famous female criminal, an Englishwoman found guilty of poisoning her father with arsenic in 1751 after he refused to let her marry her lover. Mrs. Macdonald’s swift response and raising of this trial leaves the narrator ‘more bewildered and certainly more *suspicious* than ever’ (p. 218).

For all the uncertainty and confusion she generates, and all the suspicions of guilt she arouses, the narrator nevertheless gradually develops a sympathetic bond with Mrs. Macdonald as they spend more time together. When the travellers bump into two Scottish ladies at Lausanne, he sees her suddenly turn ‘pale as death’:

I concluded therefore that she knew the moment of detection and discovery was now arrived; and that, whatever her story was, a meeting with these ladies would disclose it. Wherefore then was I not eager to expedite this moment? and why did I shrink from a scene that I had so long desired? for I *did* shrink from it, and I trembled with apprehension equal to that of the unfortunate Rosabel. No doubt my predominant feeling was a dread of my patron’s happiness being destroyed by the discovery: but I suspect that pity, and a sort of unconscious interest which I felt in her fate, made me thus averse to what I had before desired; and while she lay nearly fainting on Lord D.’s arm, with her face hidden on his shoulder, I was contriving



how I could screen her from the observation of those to whom her evident indisposition made an introduction, when we landed [...]

(“The Mysterious Stranger”, pp. 205-6)

At the very moment then when Mrs. Macdonald’s crime, if she has indeed committed one, could be revealed, the narrator shrinks from the discovery. He has gone from observing her impartially, attempting to weigh the evidence as to her innocence or guilt, to feeling pity and an ‘unconscious interest which I felt in her fate’, and becoming sympathetically involved in her mystery. He admits that the more time that they have spent together the more she ‘she had become as great an object to me as to Lord D -- , though it was interest of a totally different sort’ (p. 218).

Finally Mrs. Macdonald’s story is discovered when the group meet a Mrs. Douglas who tells them of a Mrs. Macdonald who has run away from her husband after wrongly suspecting him of infidelity and having a child with his maid servant. After her identity is revealed, and she has learnt that her first husband was not after all unfaithful, ‘the lost Mrs. Macdonald’ collapses. On recovering she tells the narrator that she longs for death:

How to answer her I knew not, for I felt that I could not wish her to live. She had by giving way to the passion of a moment wrecked the peace of two amiable men, the one my friend and benefactor, and I thought her death was the only reparation she could now make to either. But she softened my heart towards her the next minute by saying, “Believe me, dear sir, that though often pained and perplexed by the acuteness of your observations, I have always done you justice, and estimated as it deserved that attachment to Lord D., which led you to be so suspicious of me,

and so watchful of my looks and words. Oh! I have often regretted that before I accepted Lord D. I did not confide my sad secret to you. If I had, instead of now being the most miserable, I might still have been one of the happiest of women, and restored to that husband I adored with almost idolatrous passion.”

Nothing was more necessary than this appeal to my self-love (so weak was my nature, and perhaps so weak is human nature in general,) to melt my heart even to woman’s weakness in behalf of this afflicted being; and instead of answering her, I burst into tears. (“The Mysterious Stranger”, pp. 262-3)

According to a cold, hard, objective assessment of the facts Mrs. Macdonald deserves no sympathy from either narrator or reader; her ill-advised decisions to flee her first husband and to compound this by marrying Lord D. have brought misery to both. Although she has not committed the murder of which the narrator suspected her, she is guilty of bigamy and deception. Yet nevertheless her expression of remorse, coupled with her compliments of his perspicacity and loyalty, move the narrator to pity her and cause a sudden outburst of emotion. The sympathetic bond between them has been strengthened by the disclosure of her behaviour; his heart is melted ‘in behalf of this afflicted being’.

Mrs. Macdonald has been on trial throughout the tale and finally the verdict is given. Yet the narrator’s judgement of the defendant is unavoidably a subjective, emotional one, governed by the weakness of his nature, and of human nature in general. His changing response recalls that of the female admirers of Henry Woodville, who vacillate from conviction of his guilt to certainty of his innocence and fervent entreaty for his safety following his appearance in the courtroom. In “The Robber” too, the audience is greatly moved by the defendant Theodore’s

countenance and deportment and, following the account given by Allen at the witness bar, turns its ire on the person they now regard as the true villain of the piece, Mrs. Sedley.

In each case the reader too is invited to engage with those under literal or figurative trial, and participate collectively, along with the other fictional witnesses, in their often heart-rending vicissitudes of fortune. The courtroom context, whether real or metaphorical, encourages her also to experience what Opie calls ‘the passions, infirmities, resentments, self-deceits, self-interests, fears, hopes, triumphs, and defeats, incident to our common nature’ (*Memorials*, p. 361). She too must exercise judgement, though, as Opie’s fiction continually suggests, judgement of human character always necessarily involves more than a cold-hearted assessment of the evidence. The cases of Henry Woodville, Theodore and Mrs. Macdonald indicate the inescapable role of sympathy and feeling in judgement, and hence in the reading of character more widely. A model of reading that extends the long-accepted epistemological emphasis in accounts of the realist novel and the law is thus proposed implicitly, and at times explicitly, by Opie’s tales. The courtroom is the key site for this kind of affective engagement throughout both her literary career and her long life. The feminine weakness of the sympathetic narrator who bursts into tears at the end of “The Mysterious Stranger” recalls the breathless excitement of Opie herself, both the wide-eyed teenager and the wise old woman of eighty, sat in her favourite place on the bench beside the judge at the Norwich assizes, engrossed by and fully involved in the unfolding human drama of the courtroom.

## Notes

1. Cecilia Lucy Brightwell, Memorials of the Life of Amelia Opie (Norwich: Fletcher and Alexander, 1854), p. 356.
2. The use of free indirect speech here recalls Jonathan Grosman's argument about how the layering of voices in the criminal courts led to the development of free indirect style; see Jonathan Grosman, The Art of Alibi: English Law Courts and the Novel (Baltimore and London: The Johns Hopkins University Press, 2002), pp. 22-3.
3. Opie's tales have tended to be neglected in comparison to her novels; yet as Gary Kelly notes, they 'contain brilliant touches of dialogue, characterization, and incident, equal at times to Austen and very similar in character' (English Fiction of the Romantic Period, 1789-1830 (London and New York: Routledge, 2013), p. 84).
4. Foundational works include Richard H. Weisberg and Jean-Pierre Barricelli, "Literature and the Law," in Interrelations of Literature, ed. Joseph Gibaldi and Jean-Pierre Barricelli (New York: MLA, 1982), pp. 150-75 and Carolyn Heillbrun and Judith Resnick, "Convergences: Law, Literature, and Feminism", Yale Law Journal 99 (1990), 1913-56.
5. Kieran Dolin, A Critical Introduction to Law and Literature (Cambridge: Cambridge University Press, 2007), p. 11.
6. Ian Watt, The Rise of the Novel: Studies in Defoe, Richardson and Fielding (London: Pimlico, 2000 [1957]), p. 31.
7. Alexander Welsh, Strong Representations: Narrative and Circumstantial Evidence in England (Baltimore and London: The Johns Hopkins University Press, 1992), p. ix.
8. Hal Gladfelder, Criminality and Narrative in Eighteenth-Century England: Beyond the Law (Baltimore: Johns Hopkins University Press, 2001), p. 71.

9. Jan-Melissa Schramm, “The Victorian Novel and the Law” in The Oxford Handbook of the Victorian Novel ed. Lisa Rodensky (Oxford: Oxford University Press, 2013), p. 508.
10. Roland Barthes, “Dominici, or the Triumph of Literature” in Mythologies (London: Vintage Books, 2009 [1957]), pp. 43-7. In 1952 the French farmer Gaston Dominici was found guilty of murdering Sir Jack Drummond, his wife and daughter.
11. Opie’s ‘undefined consciousness’ here draws on eighteenth-century theories of sympathy, especially that of Adam Smith, who claims that ‘as we have no immediate experience of what other men feel, we can form no idea of the manner in which they are affected, but by conceiving what we ourselves should feel in the like situation’ (The Theory of Moral Sentiments, ed. D.D. Raphael and A.L. Michie (Oxford: Clarendon Press, 1976 [1759, 1790], p. 9).
12. Ann Farrant, Amelia Opie: The Quaker Celebrity (Hindringham: JIG Publishing, 2014), p. 49.
13. Roxanne Eberle, “Amelia Opie’s Adeline Mowbray: Diverting the Libertine Gaze; or, The Vindication of a Fallen Woman”, Studies in the Novel, 26, nos. 1/2 (1994), 121.
14. See also Gary Kelly, “Opie [*née* Alderson], Amelia (1769-1853)”, Dictionary of National Biography [<https://doi-org.sheffield.idm.oclc.org/10.1093/ref:odnb/20799>]
15. Clayton Carlyle Tarr, “Stillborn Plots: Revolution, Imagination and the Failure of Romanticism”, Nineteenth-Century Literature, 74, no.4 (2020), 429-30.
16. Anne McWhir, “Introduction” in Adeline Mowbray; or, The Mother and Daughter, A Tale ed. Anne McWhir (Peterborough, Ontario: Broadview, 2010), p. 23.
17. Mary Wollstonecraft, The Wrongs of Woman; or, Maria ed. Gary Kelly (Oxford and New York: Oxford University Press, 2007 [1798]), p. 170. The text’s engagement with contemporary legal debate is also the subject of chapter 1 of Kristen Kalsem’s In Contempt: Nineteenth-Century Women, Law, and Literature (Columbus: The Ohio State University Press, 2012), pp. 17-28.

18. Kathryn Temple, “Heart of Agitation: Mary Wollstonecraft, Emotion, and Legal Subjectivity,” The Eighteenth Century 58, no. 3 (2017), 379.
19. Amelia Opie, “Love and Duty” in Simple Tales, vol. II (London: Longman, Hurst, Rees and Orme, 1806), p. 114.
20. Gayot de Pitaval, “Histoire du malheur du sieur d’Anglade & de la femme” in Causes célèbres et intéressantes avec les jugemens qui les ont décidées (Paris: Chez Poirion, 1734-43).
21. Versions included Narcisse Fournier’s melodrama La Famille d’Anglade; ou, Le Vol, first performed in Paris in 1816.
22. Charlotte Smith, The Romance of Real Life vol. I (London: T. Cadell, 1787), p. 201.
23. Amelia Opie, “Henry Woodville” in New Tales, vol. II (London: Longman, Hurst, Rees, Orme and Brown 1818), p. 259.
24. Alan Palmer, “Social Minds in Fiction and Criticism,” Style 45, no. 2 (2011), 213.
25. Amelia Opie, “The Robber” in Simple Tales, vol. I (London: Longman, Hurst, Rees and Orme, 1806), pp. 311-2.
26. Amelia Opie, “The Mysterious Stranger. A Tale Founded on Fact” in Tales of Real Life, vol. III (London: Longman, Hurst, Rees, Orme and Brown 1813), pp. 155-6.
27. See The Trial of Katherine Nairn and Patrick Ogilvie, For the Crimes of Incest and Murder (London: T. Becket and P.A. De Hondt, 1765).