

**Testimony, Trauma, and a Space for Victims:
Mary Wollstonecraft's *Maria: Or the Wrongs of Woman***

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<1>Mary Wollstonecraft's *Maria: Or the Wrongs of Woman* was her last novel, left unfinished at the time of her death in 1797, and published posthumously in 1798 by her husband, William Godwin. Wollstonecraft's novel mainly focuses on the middle-class protagonist named in her title, Maria, but it also makes space to share individual, social, or legal "wrongs" committed against other female characters such as a sailor's widow, a shopkeeper, a boarding house owner, and, Jemima, a domestic servant and former prostitute. Readers both then and now might wonder, why should we listen to a prostitute or a survivor of abuse? What did Wollstonecraft imagine her readers could gain from hearing about the experience of a social outcast or criminal deviant, and how are her characters' voices still relevant today?

<2>Writing at the turn of the nineteenth century about individual rights, citizenship, and the reform of social institutions in her essays and nonfiction, Mary Wollstonecraft intervened in cultural debates regarding justice in her fiction as well. Seeking to disclose the "misery and oppression, peculiar to women, that arise out of the partial laws and customs of society" (21), Wollstonecraft's novel considers legal disadvantages facing late eighteenth- and early nineteenth-century women. *Maria: Or the Wrongs of Woman* tells the story of Maria Venables, a middle-class woman who is unjustly incarcerated in a private lunatic asylum by her husband, George. While she is incarcerated, she meets and hears the stories of Jemima, the laboring-class woman who works at the asylum, and Henry Darnford, another inmate who has been unfairly incarcerated (and with whom she eventually falls in love). Wollstonecraft emphasizes the legal disadvantages of gender by depicting Maria's incarceration as an effect of coverture, which excluded women from owning property, making laws, being tried by a jury of their peers, or entering the legal profession. As critics have noted, Maria's written testimony at the end of the novel challenges women's exclusion, based on property rights, from participation in the justice process and underscores the importance of granting individuals the right to be heard in a legal setting.(1)

<3>Beyond critiquing injustice toward middle-class women disenfranchised from the civil justice system, however, I argue that Wollstonecraft's novel also draws readers' attention to working-class women victims disenfranchised from the criminal justice system; Jemima, Maria's keeper at the asylum, is a victim marginalized by the criminal justice system because of class,

gender, and the nature of the crime committed against her. Jemima's narrative represents female victims in criminal law who, likewise, were overlooked and dismissed by the system. By means of Jemima's character, Wollstonecraft draws attention to the different threats, protections, and consequences of crime facing working class women victims. Further, she anticipates the restorative value that victim testimony may offer for both individual and community.

Critical contexts: Wollstonecraft's engagement with legal issues

<4>Wollstonecraft's attention to victim testimony and her contributions to criminal justice in *Maria* are significant because they are rooted during the historical era of reform that shaped Western criminal justice paradigms for the next two hundred and fifty years. On the heels of Enlightenment attempts at legal reform and radical fervor following the French Revolution, cultural debates regarding justice intensified at the turn of the nineteenth century in England. Considerable changes regarding justice processes and outcomes resulted from these debates. For example, among the broad shifts that occurred, cultural attitudes toward circumstantial evidence and direct testimony in the prosecution of criminal cases changed; during the Enlightenment, jurors tended to place great trust in material evidence during trial, but by the end of the nineteenth century, this confidence about circumstantial evidence was subsequently doubted as a means to certain proof of a crime (Welsh 198-201). Direct testimony gradually and informally transitioned from the "old format," an altercation between the victim and the accused before a jury, with the judge acting as sole arbiter, to the "new format," an adversarial system that set two legal advocates against each other, and finally culminated in the Prisoners' Counsel Act of 1836 (Langbein 2-3). Criminal justice reforms also took place regarding the desired outcomes of the justice process. As Foucault has so famously documented in *Discipline and Punish*, punishment gradually shifted from a public spectacle widely and severely applied in order to serve as a deterrent to a more privately executed, highly regulated penalty intended to rehabilitate the accused. This paradigm shift in punishment led to the development and modernization of the prison system, put forth by advocates such as Jeremy Bentham in his text *The Panopticon*, as well as the increased belief in the possibility of prisoner reform through solitary confinement, put forth by advocates such as John Howard in his text *The State of Prisons*.

<5>Written alongside these broad shifts within criminal justice, *Maria* also comes at a historical moment specifically instrumental to the future role of victims in the justice process. James Dignan's *Understanding Victims and Restorative Justice* explains, for example, that the late eighteenth and early nineteenth century is often referred to in contemporary criminal justice discourse as the "era of disenfranchisement" (63). According to Dignan, as "crime henceforth came to be viewed principally as an offense against the state . . . [t]he subsequent neglect of victims during the era of disenfranchisement came to be reflected in terms of their status, role, and entitlement to redress" (64). He claims that the adoption of formal changes to trial practice has resulted in a criminal justice system that has increasingly failed to acknowledge victims' suffering, denied them a formal role in proceedings, and essentially added to the trauma of their initial victimization by removing them from the process and furthering their feelings of powerlessness (65).⁽²⁾ But if, according to Dignan and other modern victims' rights advocates, these changes had far reaching consequences for contemporary victims, what about victims who were *already disenfranchised* leading up to formal changes?

<6>As I argue, Wollstonecraft was concerned with marginalized victims and sought an equitable, participatory justice system even before changes in the criminal justice procedures further disenfranchised victims. Her contribution to justice debates in *Maria* is significant, then, because it not only comes during a historical moment of both broad criminal justice reforms and reforms specific to victims, but also because her novel recognizes the way that working-class women victims were already severely disenfranchised from the justice process. Through Jemima's narrative, Wollstonecraft emphasizes the value of recognizing and redressing crimes committed against an individual regardless of social status, and, significantly, she offers testimony as one possibility for such recognition. Further, she anticipates the demand of modern victims' rights advocates by demonstrating that the opportunity to speak about private abuse, and be heard, aides in an abused individual's conception and recovery of self. Finally, she suggests the need for a public space to acknowledge abuse in order to expose and correct legal and social injustice.

<7>An analysis of Wollstonecraft's representation of victim testimony in *Maria* offers a unique perspective relative to other critical discussions surrounding this era of legal changes. Several current scholarly studies underscore how professional advocates altered the participatory role of the accused and reduced the significance of first person testimony, but attitudes towards victims' testimony during this transitional moment in criminal justice—and responses of authors of fiction to these attitudes—has not been critically addressed.⁽³⁾ Wollstonecraft's novel *Maria* offers one entry point for such reflection. Further, critical discussion of Wollstonecraft's legal contributions, particularly in terms of Jemima's character in *Maria*, has been relatively limited considering the breadth of scholarship available on her texts.⁽⁴⁾ These critical considerations confirm what Moira Ferguson notes, that, “the maid Jemima...is so often passed over by critics” (13); neglect of Wollstonecraft's representation of Jemima suggests a critical gap that needs to be filled.

<8>While Wollstonecraft's investment in individual rights, citizenship, equitable political opportunity, and greater legal inclusion for the marginalized is well documented in her political tracts *A Vindication of the Rights of Man* (1790), *A Vindication of the Rights of Woman* (1792), and *An Historical and Moral View of the Origin and Progress of the French Revolution* (1794), her contribution to criminal justice theory has perhaps been limited because scholars believed her knowledge of criminal justice to be minimal. But while neither Wollstonecraft's political tracts nor her fiction engage directly with criminal justice debates, she seems to have had factual knowledge of criminal legal issues, as well as social and economic conditions, affecting disenfranchised individuals. For instance, Gary Kelly identifies *Newgate Calendar* and Bladon's *Trials for Adultery* as possible sources and further notes that:

Maria includes much factual material appropriate for a continuation of *A Vindication of the Rights of Woman*: on the legal situation of women; their property and marriage rights; divorce and child custody; employment opportunities; wages and working conditions; prostitution and policing; charitable institutions; control of the poor through parish relief and workhouses; crime and punishment. (211)

Aside from this knowledge, which perhaps shapes her representation of Jemima, Wollstonecraft's reviews in Joseph Johnson's periodical, the *Analytical Review*, indicate that she both read and commented on texts that addressed legal and penal reforms.

<9>For example, in the *Analytical* she reviewed *Speculations upon Law and Lawyers; Applicable to the Manifest Hardships, Uncertainty, and Abusive Practice of the Common Law*. Her review tells us that “[t]he principal object of the author, as he informs us in the introduction ‘is to point out a variety of glaring abuses, preposterous proceedings, oppressive measures, scandalous fictions, enormous exactions and increasing evils to the subject and to the state, arising from infamous practice’” (Volume II, 1788). Beyond her knowledge of critiques aimed at lawyers and legal professionalization, she also reviewed literary works addressed to issues of penal reform. Her reviews of *Verses to John Howard, F.R.S. on his State of Prisons and Lazarettos* (Volume VI, 1790), *The Prison, a Poem* (Volume VII, 1790), and *Juvenile Poems, with Remarks on Poetry, and a Dissertation on the Best Method of Punishing and Preventing Crimes* (Volume X, 1791) indicate her awareness of debates surrounding prison conditions and the move toward rehabilitation through solitary confinement put forth by John Howard.

<10>Aside from these reviews, her review of *A View of England towards the Close of the Eighteenth Century* comments in particular about a section entitled “On the English Laws, Courts of Judicature, and the Manner of Administering Justice,” stating that, “[a]fter some just encomiums the author adds a few strictures on some obvious abuses which strike every thinking mind;—the carelessness or the levity with which oaths are taken and administered in English courts; the sanguine complexion of our laws; and the manner of executing criminals” (Volume IX, 1791). Finally, her review of *On the Prevention of Crimes, and on the Advantages of Solitary Imprisonment* suggests a skepticism regarding solitary confinement as a means to deter crime and reform criminals. Wollstonecraft’s review observes:

The humane writer of this tract recommends solitary imprisonment as the best method to prevent crime. Much may be said on this subject, which comes home to every bosom; but to confine ourselves to the present point, we shall submit a few hints to the consideration of those who are concerned in the regulation of prisons. We have always doubted, excepting in the case of murder, whether solitary imprisonment would effect any permanent reformation, unless the offender were taught some trade. (Volume XIII, 1792)

Like her husband, William Godwin, who critiques the effectiveness of solitary confinement in both *Caleb Williams* and *An Enquiry Concerning Political Justice and its Influence on Modern Morals and Manners*, Wollstonecraft seems to doubt the reformative power of solitary confinement because she sees isolation as further alienation, rather than a useful means for rehabilitation. In *Maria*, Wollstonecraft reveals the way that solitary confinement can contribute to a stronger propensity for defiant behavior or cause emotional damage when she depicts the sullen, resentful, and even angry attitudes that Maria and Darnford develop during the early part of their imprisonment. On the other hand, Wollstonecraft conveys her belief in the social nature of repairing harms in the way she depicts Maria, Darnford, and Jemima, as a community healing through listening to, and interacting with, each other. The vastly different consequences that result from these different procedures for detention indicate that Wollstonecraft shared and extended Godwin’s belief in criminal reformation as a communal process.

<11>Wollstonecraft blends her knowledge of criminal justice debates and her desire for political reform in her fictional intervention into the legal abuses practiced against women, *Maria: Or the*

Wrongs of Woman, by drawing attention to a lower-class woman marginalized and silenced by the justice system. Nancy E. Johnson explains that “[t]he novel enabled her to reveal the impact of legal abuses on women who are unprotected by rights to reach an audience that might not have had exposure to [her] essays” (14). In her representation of Jemima, Wollstonecraft imagines a space to recognize and give voice to the disenfranchised. She underscores the significance of acknowledging all victims within the justice process, and she suggests the restorative possibilities of testimony for individual and community alike.

Historical Contexts: Property, Individual Rights, and Autonomy in *Maria*

<12>Before connecting Jemima’s episode to the novel’s demand to expand individual rights to women and disenfranchised victims, it is first important to understand its larger critique regarding gendered legal abuses and women’s civil status. To begin, Wollstonecraft deemed individual autonomy, regardless of gender, as critical to a healthy community. Wendy Gunther Canada explains that “[c]oming of age in an era of democratic revolution, Mary Wollstonecraft was the first to make an explicit and systemic argument for women’s political rights as autonomous citizens with duties to themselves and their countries” (10). As Gunther Canada indicates, for Wollstonecraft being an autonomous citizen meant being an individual with a developed subjectivity and a sense of duty to the larger community. Wollstonecraft proposes that this greater autonomy could be granted to women through educational reform. In her earlier, non-fiction tract, *A Vindication of the Rights of Woman* (1792), she argues that rather than an education bent on shaping women to be romantic, impractical flirts, women should be encouraged to develop subjectivities rooted in reason and civic duty—in order to be good wives and mothers, first and foremost, but also to be good citizens. While she proposes educational reform as a means to achieve this autonomy in *A Vindication of the Rights of Woman*, her fiction envisions another way to translate this theory of autonomy and civic duty into practice: by granting women the opportunity to take part in the justice process.

<13>In *Maria*, Wollstonecraft represents the autonomy that should be granted by giving women greater legal and political rights. She attacks “male primogeniture as the principal support for political rights,” thereby highlighting the injustice of denying individuals the opportunity to claim legal rights because they are denied the opportunity to claim ownership of property (Falco 9). As Johnson has suggested, Wollstonecraft examines the links between autonomy and individual rights in her novel by means of Maria’s demand to be heard in the justice system despite her exclusion based on gender and, therefore, her ability to claim legal status as an owner of property. Johnson describes Wollstonecraft’s critique of the individual rights denied to women based on property ownership as an attempt to extend an understanding of property to include ownership of the self beyond ownership of mere material goods: “In *Wrongs of Woman*, Wollstonecraft argues that without an inalienable claim to ownership of the self, recognized by civil society, women were not only excluded from the process of justice but unable to ‘own’—that is, direct the management of—property” (140). Johnson claims that Wollstonecraft implies a definition of “property” that would allow women greater individual rights and political recognition, a definition in which “property” implies autonomy and ownership of self.

<14>One of the ways that Wollstonecraft suggests this ownership of self can be acknowledged and granted is through institutional admission of individual experience. Wollstonecraft stresses the importance of recognizing individual experience, that is, the value of being heard, by means of Maria's personal history to her daughter, which makes up a large part of the novel, as well as by means of Maria's insistence on submitting a written testimony during the novel's final trial scene, which she asks to be read to the court and which details the abuses of her marriage. Although both Adam Komisaruk and Elaine Jordan have acknowledged the validity of the criminal conversation suit brought against Darnford at the novel's unfinished conclusion (Komisaruk 34; Jordan 222), both have also noted Wollstonecraft's fantastical construction of Maria's written testimony (Komisaruk 48; Jordan 224); in criminal conversation cases, neither the plaintiff nor the defendant was allowed to testify, and the woman was not represented at all since the charge was leveled from the husband at the seducer of his wife. Despite its fantastical nature, Komisaruk describes the "confidence with which [Maria] defies convention by insisting that her voice be heard" (54), and Jordan adds that "Maria's self-representation offers two vindications of a woman. . . . It's important that one of these vindications fantasizes a woman able to speak judiciously in public" (224). Extending their analysis of Maria's unconventional public testimony, Wollstonecraft makes the episode more significant because, despite its impossibility, she imagines granting a woman the autonomy to be recognized in a public forum when such legal participation was not a reality.

<15>By insisting that Maria's story be told and heard, Wollstonecraft emphasizes that a critical element to granting women individual autonomy consists in allowing their narratives to be disclosed and acknowledged in a legal setting. Moreover, by also including Jemima's private narrative, she extends the notion of autonomous subject by recognizing the stories of women even further removed from legal or propertied status. Johnson has explained the relationship between private experience and autonomy in the fiction of Wollstonecraft's era through the rationale that "subjectivity was essential to enfranchisement" (17). Similarly, Wollstonecraft indicates in Jemima's private narrative that recognition of subjectivity is essential to enfranchisement, and it is also essential to individuals regardless of social status. Perhaps even more importantly, it is essential to victims of crime. While Maria asserts the value of granting women legal autonomy in a civil justice system, Jemima draws attention to the value of granting female victims the opportunity to participate and receive recognition in a criminal justice system.

Representations of Justice: Unacknowledged Victims and Jemima's Marginalization

<16>Jemima's narrative is significant, generally, because it draws attention to the plight of a woman even further disenfranchised than Maria. When Wollstonecraft constructs and includes Jemima's narrative within her novel, to "show the wrongs of different classes of women" (22), as she says in her Preface, she underscores the value of women's autonomy regardless of status. Johnson acknowledges that Jemima is "one of the few lower-class characters of central importance" (148) in English Jacobin texts, and, while Vivian Jones recognizes her story as part of fairly common "eighteenth-century prostitution narrative[s]" (201), she also grants Wollstonecraft credit for avoiding the sentimentalism typical of the genre and giving Jemima more agency than was typical of this "redeemable victim" trope (201). Jones locates Jemima's agency in her "independent skepticism rather than. . . . passive sensibility—and never in abject

penitence” (211). Importantly, she also notes that “Maria, the middle-class audience for Jemima’s narrative, is both present in the novel, and similarly, though not equally, the object of abuse . . . drawing attention to the similarities—and the negotiated differences—between speaker and listener” (211). Wollstonecraft includes Jemima’s narrative to underscore the different vulnerabilities, abuses, and consequences that women of lower social statuses suffered in the legal and criminal justice systems. As we will see, including Jemima’s narrative also allows Wollstonecraft to underscore the value of community recognition of such disparities.

<17>If Jemima’s narrative generally draws attention to the different circumstances that disenfranchised women faced, it also particularizes the multiple crimes unacknowledged, and seemingly permissible, against working-class women victims. Jemima suffers beatings from her father, she is raped—repeatedly—by her master, she is physically assaulted by her master’s wife, she is subjected to harassment and bribery by the police, and she is forced to undergo experimentation by the medical community. Throughout each of these crimes Jemima lacks the status to protect herself. Ferguson explains the validity of these crimes: “The specific misfortunes Jemima faces may be implausibly long. But the individual misfortunes were all common enough and real enough so that she is a compelling composite picture of the plight of poor women in Wollstonecraft’s time” (15). Among these misfortunes, Wollstonecraft’s depiction of Jemima’s rape by her master becomes particularly important when considering victims marginalized from the criminal justice system. It serves as one example of the way Wollstonecraft suggests that lower class women were distinctly disenfranchised and oppressed within the legal system.

<18>Wollstonecraft’s depiction of disparities toward Jemima draws readers’ attention to the way that gender and the nature of the crime, as well as social status, contributed to inequalities in the justice system. Moreover, her depiction of Jemima’s silent suffering as her rape is not reported, acknowledged, or penalized by the justice system realistically represents the circumstances facing many victims of sexual crime during the late eighteenth and early nineteenth centuries. In her important study, *Women’s Silence Men’s Violence*, historian Anna Clark looks at over one thousand cases of sexual assault between 1770 and 1845 in London and the Northeast of England (15).(5) Her study supports Wollstonecraft’s depiction of these disparities, explaining that the “legal system served the interest of the propertied classes by ensuring the submissiveness of working people” (46). Clark’s study helps contextualize justice processes and outcomes for victims of rape, which women facing circumstances similar to Jemima’s would have confronted; it also reveals Wollstonecraft’s emphasis on the harmful repercussions women faced regarding the legal definition of property.

<19>Just as middle-class Maria’s abuses stem largely from legal definitions of property (not only is she denied political opportunities, all that she materially owns and even her right to make decisions about her daughter and her own body is subsumed by her husband), working-class Jemima is likewise marginalized and abused by cultural attitudes regarding property rights. Attitudes about the nature of rape as a crime were strongly related to a woman’s right to claim ownership of her body. Although “rape was a capital crime up until 1841,” Clark explains,

. . . the justice system only punishe[d] rape if it infringe[d] on another man’s property rights in a woman. . . . [I]f a man believed he had a right to sex from a woman, and she refused, he

could rape her, seeking sexual satisfaction and violent revenge despite her lack of consent. Men did not rape because they had an uncontrollable sexual urge; rather, men who raped believed that sex involved the ‘taking’ of women and that they had a right to women’s sexuality. . . . [T]he notion of women’s sexuality as property . . . blocked women’s efforts to articulate rape as a crime committed against them. (6-8)

This attitude toward women’s bodies was harmful to women of all classes. As we see with Maria, “husbands could sue their wives’ lovers for ‘criminal conversation’; fathers . . . could sue their daughters’ seducers, ostensibly for loss of services” (Clark 48). As pointed out earlier, Wollstonecraft stresses her critique of this definition of property, which stripped women of control over their own bodies, when Maria insists on her own agency in her affair with Darnford during the final trial. But if she suggests the injustice that this definition presented for middle-class women, Wollstonecraft also underscores how legally defining women’s sexuality as men’s property was particularly harmful to a woman of Jemima’s status.

<20>Jemima’s narrative illustrates that working-class women faced greater danger and less legal protections as victims of rape. The relationship between sexuality, property, and class placed working-class women in greater danger because their sexuality was less valued and often considered a shared commodity. Clark explains that “[e]veryday rapes of laboring women stirred little sympathy . . . for some men, the low value placed on chastity of poor women, and public indifference to their fate, may have encouraged libertinism which excused rape” (21-22). Jemima’s rape by her master reflects the attitude that laboring women’s sexuality could be exploited without consequence. She is vulnerable to attack because she is a subordinate in her master’s home. As Clark documents, “Most young working class women were domestic servants . . . [and] masters seemed to believe that they had a right to their servants’ or apprentices’ sexual favours, a right that they would claim by force if their servants did not acquiesce” (40).(6) When Jemima recounts her rape, she confirms the vulnerability of her status within her master’s house, explaining:

My master had once or twice caught hold of me in the passage; but I instinctively avoided his disgusting caresses. One day however, when the family were at a methodist meeting, he contrived to be alone in the house with me, and by blows—yes; blows and menaces, compelled me to submit to his ferocious desire. . . . I was obliged in the future to comply, and skulk to my loft at his command, in spite of increasing loathing. (57)

Wollstonecraft’s representation of Jemima’s rape demonstrates the way that attitudes about laboring women’s bodies placed them at a higher risk of abuse. Her master exploits her sexuality because of her status as his servant, and she is “compelled . . . to submit.” Despite this eventual forced submission, Wollstonecraft’s representation of Jemima’s fervent resistance to this sexual abuse belies notions that working-class women placed less value on their sexuality than women in the middle rank.

<21>Jemima’s rape by her master also underscores Wollstonecraft’s suggestion that lower class women faced less protection from, or legal redress against, such abuses. Clark says that “gentlemen could rape poor women with impunity” (40), and Wollstonecraft conveys this

exemption from punishment when Jemima describes the aftermath of her rape. Not only does her master's crime go unpunished, Jemima is actually turned out of doors after this repeated abuse—pregnant, beaten, and destitute—once her mistress finds out that the servant “had wheedled her husband from her” (58). In her mistress's mistreatment of Jemima, Wollstonecraft implies that cultural attitudes about lower-class women's sexuality also shaped middle-class women's perceptions about rape; her mistress blames Jemima for being “born a strumpet” (58) rather than seeing her as a victim of her husband's aggressive sexual advances, suggesting that women were also complicit in maintaining a system that denied working-class victims protection against sexual violence. The pervasiveness of these cultural attitudes towards working-class women's sexuality affected criminal justice processes and outcomes regarding rape. The discourse of shame surrounding rape and devaluation of women's sexuality meant that many victims never reported the crime at all. For example, Wollstonecraft emphasizes Jemima's silence about her abuses throughout her narrative. Jemima explains, “I was the filching cat, the ravenous dog, the dumb brute, who must bear all; for if I endeavored to exculpate myself, *I was silenced, without any inquiries being made*” (56, my emphasis). Wollstonecraft underscores the neglect of disenfranchised victims in Jemima's passage, but she further highlights the active suppression of their experiences. For instance, after she has become forcibly impregnated by her master and has nowhere to go, Jemima tells that “[o]ne of the boys of the shop passing by, heard my tale, and immediately repaired to my master . . . he touched the right key—the scandal it would give rise to if I were to repeat my tale to every enquirer” (58, my emphasis). Jemima's explanation here reveals the reason for her suppression—to protect the reputation and social standing of her ruling class offender. Wollstonecraft points out how this silence is maintained at little cost when Jemima's master extends temporary and conciliatory help in order to prevent her from talking.

<22>According to Clark, even amongst the women who did feel strongly enough to report the crime, most rapes were never prosecuted (50). Charges on behalf of laboring women were even less likely to be prosecuted, since judges and juries “considered that such women did not have chastity worth damaging” (Clark 56). The reality of Wollstonecraft's representation of working-class women's limited redress of rape is substantiated by Clark's claim that “no master was punished for rape in the eighteenth-century records examined” (41).(7) Attitudes that deemed women's sexuality the property of men, as well as criminal justice processes and outcomes that served the interest of the ruling class, failed to protect women with a social status such as Jemima's.

<23>While other literary texts of the time often upheld and maintained prejudicial attitudes towards women's sexuality, Wollstonecraft's depiction of Jemima performs a different function. Unlike authors such as Richardson who used rape as a literary motif to encourage women of the middle rank to protect their sexuality (Clark 21), Wollstonecraft's representation of Jemima's rape draws readers' attention to the way working-class women often had little means for such protection. Moreover, unlike the prostitution narratives, which sought “to contain the prostitute as redeemable victim” (Jones 201), Wollstonecraft depicts Jemima as a victim of crime but a *survivor* of rape. She is not abject, helpless, or prone to vice (Jones 215). Instead, as a woman who shares the crimes perpetrated against her, Jemima educates readers about the institutional and systemic causes contributing to her vulnerability and victimization.

<24>Wollstonecraft empowers Jemima as an agent that gains autonomy through the novel not only because she allows her character first-person control over her own narrative, but also because she gains confidence and develops trust in others as she tells her story and her experiences are recognized. Rather than representing Jemima's victimization as an apparatus to attack the aristocratic libertine (Clark 15) or using her literary text to "silence so-called fallen women" (Krueger 174), Wollstonecraft makes Jemima the subject of her own experience and exposes the far reaching abuses practiced against working-class women.(8) Moreover, as the next section demonstrates, by giving Jemima ownership of her narrative, Wollstonecraft suggests the restorative value of giving testimony, that is, the way in which the opportunity to speak about private abuse, and be heard, can aid in a victim's conception and recovery of self.

Testimony and Trauma: Restoring Justice by Making Space For Victims

<25>Despite the discouragement for working-class victims to seek prosecution during the late eighteenth and early nineteenth centuries, Wollstonecraft creates space in her novel for Jemima's private account of her abuses, just as she imagines the possibility at the end of the novel for Maria's public response to the criminal conversation charges against her. In Jemima's case, Wollstonecraft perhaps scales back the scope of her imaginings by making Jemima's testimony private not only because sexual crimes were so infrequently reported but also because the few victims that did pursue prosecution for rape were often the individuals on trial rather than the accused and therefore trial testimony was not an opportunity to gain agency. For most victims, but particularly for working-class women who already faced pejorative cultural attitudes about their sexuality, public testimony was an opportunity to be undercut and reduced, rather than vindicated. Beattie reports that, aside from "the embarrassment and pain" of having to prove in court that there had been penetration, and the priority placed on reporting an attack immediately, "a woman bringing a charge and giving evidence in court opened herself to an investigation into her life, for if the defense could show that she was not of good character, doubt might be thrown on the accusation. . . . [T]he credit of the witnesses and particularly the woman who brought the charge was very often the leading issue in the trial" (126). This character attack on victims made instituting a prosecution even more difficult for a working-class woman with few financial resources and little perceived credibility to begin with, and yet, Wollstonecraft underscores the value of allowing victims to disclose their trauma and receive recognition by depicting Jemima's private testimony. First, the novel depicts the effects of the harm caused by the crimes perpetrated against Jemima and acknowledges the severe trauma they inflict. Next, it suggests the restorative possibility of testimony for survivors by dramatizing the way that harm is partially repaired by allowing Jemima the space and recognition to tell her story.(9)

<26>In *Maria*, Wollstonecraft depicts the effects of the harms inflicted on Jemima, particularly the way Jemima's abuse leads to her alienation and withdrawal. From early in the novel, Jemima disconnects from other human relationships. For example, Jemima is mistrusting of people and isolated; the narrator says that "[Maria] failed immediately to rouse a lively sense of injustice in the mind of her guard, because it had been sophisticated into misanthropy" (28). She describes Jemima as "an insulated being . . . she despised and preyed on the society by which she had been oppressed, and loved not her fellow-creatures" (31). She depicts Jemima's frequent shift between a desire to trust Maria and a complete withdrawal from human affections, such as when we are

told, “when [Jemima’s] heart appeared for a moment to open, some suggestion of reason closed it before she could give utterance to the confidence Maria’s conversation had inspired” (34). Wollstonecraft’s depictions of Jemima’s isolation, withdrawal, and mistrust reveal the consequences of her abuse and anticipate what modern victims’ rights advocates and violent crime survivors identify as symptoms of trauma. For example, Susan Brison, trauma theorist and a survivor of a murder attempt and sexual assault, notes that, “[w]hen the trauma is of human origin and is intentionally inflicted . . . it not only shatters one’s fundamental assumptions about the world and one’s safety in it, but also severs the sustaining connection between the self and the rest of humanity” (40). Jemima’s initial behavior suggests this severed connection and allows Wollstonecraft to imply the far-reaching consequences of ignoring disenfranchised victims: alienation from the community further removes victims from being functioning members of society, exasperating the trauma caused by the initial crime.

<27>Beyond withdrawal, Wollstonecraft shows that the resultant harm from unacknowledged crimes can lead to a fractured subjectivity for disenfranchised victims. For instance, Jemima exhibits numbness, displacement of emotion, and a desire for death several times throughout her narrative as she recounts not only the trauma of her rape, but the traumas induced by her social circumstances. She describes numbness after her first severe taunting by peers when, “sullen pride, or a kind of stupid desperation, made me at length, almost regardless of contempt” (56) and again when she refers to feeling like “a ghost among the living” (63). After her rape she explains her changed outlook and displaced emotions: “the anguish which was now pent up in my bosom, seemed to open a new world to me: I began to extend my thought beyond myself” (57). At one point, she explains how she tries to end her own life by swallowing a “potion that was to procure abortion” (59). In each of these representations, Wollstonecraft underscores the severe suffering inflicted on working-class women victims of crime, which only increases because it remains unrecognized. Aside from this splintered subjectivity, the effects of Jemima’s unacknowledged traumas suggest what modern victim’s rights advocates refer to as “secondary victimization,” or the way that being silenced and ignored by legal and social institutions furthers a victim’s feelings of objectification (Dignan 23).

<28>Aside from the individual harms caused by ignoring victims, Wollstonecraft also underscores the potential for community wide repercussions. For example, Jemima explains that at times she resorts to stealing, lying, and yielding her body to men she detested as mechanisms for survival. She confesses, “[t]o save myself from these unmerciful corrections, I resorted to falsehood” (54), “I picked the pockets of the drunkards who abused me” (59), “became a thief from principle” (68), and “[d]etest[ed] my nightly occupation, though valuing, if I may so use the word, my independence, which only consisted in choosing which street to wander” (60). In these examples of Jemima’s subsequent actions, Wollstonecraft suggests that further criminal activity is one result of an inequitable justice system that fails to address and recognize harms against disenfranchised victims. Jemima’s narrative emphasizes that her behavior changes after her victimization and she acts out in destructive ways, for both herself and the health of her community, in order to survive.

<29>After emphasizing the potential harms to individual and community, Wollstonecraft suggests the restorative possibility of recognizing victim experiences so that these harms might

be at least partially repaired.⁽¹⁰⁾ First, by allowing Jemima the space to speak about her traumas, Wollstonecraft further develops the notion that she initially suggests with Maria: the potential autonomy achieved by granting women the agency to tell their stories. Second, by granting Jemima the space to pause, look back, put in order, and shape all of the many abuses committed against her, Wollstonecraft shows the benefits of allowing a victim to tell her story so that she may become the subject of her own experience again, after her agency had been taken from her. Brison helps explain the benefits of allowing victims to testify to their trauma, which Wollstonecraft anticipates, explaining that, “it is an act on the part of the narrator, a speech act that defuses traumatic memory, giving shape and temporal order to the events recalled, establishing control over their recalling, and helping the survivor to remake a self” (40). By giving Jemima the space to look back and remember, to recount her experiences, and to regain control over them, Wollstonecraft suggests the significance of allowing victims greater participation in their justice process.

<30>Wollstonecraft implies, however, that allowing disenfranchised victims the space to speak about crimes committed against them is only one aspect of improving the justice process. Her representation of Jemima’s recovery underscores the relational nature of giving testimony; in Maria and Darnford’s willingness to *listen*, she emphasizes the value, and need for, a space in which victims can speak and *be heard*. Brison supports Wollstonecraft’s emphasis on the value of such recognition, explaining, “how (and even whether) traumatic events are remembered depends on not only how they are initially experienced but also how (whether) they are perceived by others, directly or indirectly, and the extent to which others are able to listen emphatically to the survivor’s testimony” (42). Maria and Darnford’s willingness to hear Jemima profoundly affects her attitude, behavior, and sense of self. For example, at the conclusion of Jemima’s confessional chapter, the narrator intervenes to explain, “Maria took her hand, and Jemima, more overcome by kindness than she had ever been by cruelty, hastened out of the room to conceal her emotions” (69). In Jemima’s reaction, Wollstonecraft suggests how the process of testifying and bearing witness can help victims to reintegrate and move toward recovery. We see this shift and reintegration in the way Jemima experiences a positive change in attitude, begins to trust Maria, and begins making decisions about her future. Wollstonecraft also underscores the significance of the reciprocal healing process Jemima, Maria, and Darnford share. Both Maria and Danford disclose their experiences and traumas, as well—with each other, with Maria’s disembodied daughter, and with the legal counsel at the novel’s end—still unwilling to bear witness.

<31>In addition to revealing the need for listening to victims in order to expose trauma, Wollstonecraft exposes problems and injustices of the social and legal systems. Jemima’s narrative discloses abuses of the justice system, which fails to protect and defend. Describing the “watchmen,” or proto-law enforcement that harass and exploit prostitutes, Jemima says, “[y]ou can scarcely conceive the tyranny exercised by these wretches considering themselves as the instruments of the very laws they violate” (60). She reveals private charity’s inadequacies by describing how the men who had formerly treated her as a companion overlooked her and refused her help when she approached them (63). She exposes the wrongs of workhouses, which are “but prisons, in which many respectable old people, worn out by immoderate labour, sink into the grave in sorrow, to which they are carried like dogs” (68). And she shows the shortcomings of a medical system that, rather than being “expressly endowed for the reception of

the friendless,” conducts “experiments on the poor, for the benefit of the rich” (67). In describing these systemic problems, Jemima’s narrative reveals the need for a space in which to disclose private abuses because they also illuminate the need for and demand public reforms. Krueger explains, “[b]y telling her story, and understanding its significance, Jemima becomes a reliable witness to her own wrongs and a forceful accuser of the persons who, and systems which, have maltreated her” (115). Allowing marginalized victims the opportunity to testify to abuse, therefore, is not only critical in repairing harm to an individual victim but also critical in revealing wider, institutional disparities that need to be addressed.

Conclusions

<32>Although Wollstonecraft died before finishing *Maria*, she nevertheless leaves readers a rich text to appreciate, which contributes her own unique addition to late eighteenth- and early nineteenth-century notions of justice reform—the need to listen to and incorporate disenfranchised victims in the justice process. Johnson tells us, “[b]y encoding the political principles and controversies in narrative events and characterizations, the English Jacobin authors were able to show the dire need for everyone (but especially the most vulnerable) to claim individual, inalienable rights because everyone requires protection against a government comprised of fallible systems of law” (17). Wollstonecraft draws attention to the most vulnerable in *Maria* by highlighting the need to grant individual rights and protections to female victims of crime. Her belief in individual rights, her desire for reform of “partial laws,” and her recognition of the trauma women’s stories help to expose and contain, collide in Jemima’s testimony. In this collision, Wollstonecraft seems to anticipate and demand a public space for disclosing victim’s stories—in order to help individual and system alike. Twentieth-century victim and survivor Susan Brison reinforces this demand. She describes:

. . . after my assault I experienced moments of reprieve from vivid and terrifying flashbacks when giving my account of what happened—to the police, doctors, a psychiatrist, a lawyer, and a prosecutor. Although others apologized for putting me through what seemed to them a retraumatizing ordeal, I responded that it was, even at that early stage, therapeutic to bear witness in the presence of others who heard and believed what I told them. Two and a half years later, when my assailant was brought to trial, I found it healing to give testimony in public and have it confirmed. . . . (46)

Jemima’s fictional narrative suggests the many actual victims of trauma who were never given the opportunity to tell their stories or have their experiences and identities confirmed. It underscores Wollstonecraft’s commitment to rational *and* emotional methods of reform. And it reminds us of how important it is to continue advocating for victim participation in the justice process so as to create a public space in which to tell private stories, for the benefit of both spheres. Robin West, contemporary legal scholar and supporter of “the relevance of storytelling (and story listening) to the larger project of changing law to make it a more just and humane social world” (10), describes that “by forcing into the public discourse descriptions of women’s subjective, hedonic lives, the conception of the human being assumed by that discourse . . . might change so as to actually include women” (247). Remarkably, Mary Wollstonecraft seemed intimately aware of West’s notion when she forced Jemima’s narrative into the public space of

the novel more than two hundred years ago. Furthermore, she anticipates modern criminal justice reforms and restorative justice ideals, which seek greater recognition of victims' experiences.

Endnotes

(1)For a discussion of Maria's exclusion from the legal process, as it is linked with property rights, see, for example: Nancy E. Johnson's *The English Jacobin Novel on Rights, Property and the Law: Critiquing the Contract* (140-52), Gary Kelly's *Revolutionary Feminism: The Mind and Career of Mary Wollstonecraft* (211-22), Wendy Gunther-Canada's *Rebel Writer: Mary Wollstonecraft and Enlightenment Politics* (127-51), and Elaine Jordan's "Criminal Conversation: Mary Wollstonecraft's *The Wrongs of Woman*" (224).(^)

(2)Dignan cites changes such as the greater role of advocates at the expense of a minimized role of victims, as well as prosecutions brought in the name of the state rather than the individual (63-4).(^)

(3)For instance, John Beattie's and John Langbein's legal histories consider how these shifts empowered professional agents of the state, thereby silencing the voice of the accused during trial. See Beattie's *Crime and the Courts in England: 1660-1800* and Langbein's *The Origins of the Adversary Criminal Trial*. Additionally, Alexander Welsh's and Jan-Melissa Schramm's literature and law studies examine the way eighteenth-century novelists replicated the initial fascination with circumstantial evidence in their realism, gradually giving way to the value of individual experience by granting a voice to the accused in Victorian-era fiction. See Welsh's *Strong Representations: Narrative and Circumstantial Evidence in England* and Schramm's *Testimony and Advocacy in Victorian Law, Literature, and Theology*.(^)

(4)For example, Nancy E. Johnson's *The English Jacobin Novel on Rights, Property and the Law: Critiquing the Contract* discusses *Maria* in connection with Wollstonecraft's concern for women's political agency and legal recognition, but her discussion focuses mainly on Maria, only touching on Jemima's role and not considering her representation as a victim or the significance of her testimony within criminal justice debates. Adam Komisaruk and Elaine Jordan both discuss Wollstonecraft's engagement with the legal action of criminal conversation in *Maria*, but while both of their articles suggest Wollstonecraft's interest in legal matters, they limit discussion to the civil action of criminal conversation, rather than focusing on marginalized victims in the criminal system. Hal Gladfelders's *Criminality and Narrative in Eighteenth-Century England: Beyond the Law* comes closest to examining Wollstonecraft's contribution to criminal justice debates, noting the novel's final trial scene as a forum that "allows the airing of oppositional and often dangerously popular ideologies whose articulation is otherwise suppressed" and validating Maria's use of "the legal mechanism set in motion to restrain her, to call for a radical overturning of the laws to which women and the poor are so peculiarly

subject” (218). Despite the value of Gladfelder’s discussion of *Maria*, it takes up just a third of the epilogue within his larger study of eighteenth-century criminal discourses and the political messages they promoted. Most recently, Christine Krueger’s *Reading for the Law: British Literary History and Gender Advocacy* addresses Wollstonecraft’s intervention into legal debates, but likewise, does not focus on Jemima.(^)

(5)Clark looks at court transcripts, depositions, and local newspapers. She notes that “from 1796, the Old Bailey Court began to suppress the publication of transcripts of sexual crimes” (17). This suppression underlines the dominant attitude toward silencing and marginalizing victims of rape, which Wollstonecraft depicts.(^)

(6)Clark reports that “[t]wenty-percent of the Old Bailey rapes...involved masters and servants” (40).(^)

(7)However, Clark’s findings regarding guilty verdicts for rape, regardless of the status of the victim, don’t suggest much higher rates. She reports that “[i]n the London Old Bailey Court between 1770 and 1800, out of forty-three men tried for rapes of females over twelve, only three were found guilty (and two of them had raped fourteen-year-old-girls)” (58).(^)

(8)Related to these criticisms, Cora Kaplan combines and extends them in her article, “Pandora’s Box,” when she argues that nineteenth-century middle and upper class women authors, such as Wollstonecraft, “understood and represented their own being” by “projecting and displacing on to women of lower social standing and women of colour . . . all that was deemed vicious and regressive in women as a sex” (871). She claims middle-class women authors depicted working-class characters as either corrupting agents or brutalized victims in order to distinguish their own identity and behavior from these social “others.” I agree with Kaplan that Wollstonecraft does sometimes convey these attitudes about working-class women in both her private writings and her *Vindication*. Less than the symptom of a desire to differentiate herself, I think these sentiments are an unfortunate reflection of her cultural and historic era as well as a rhetorical move to instigate a reaction. Furthermore, Wollstonecraft indeed *is* representing Jemima as victim, but she is doing so in order to represent actual social and legal injustices that were occurring, and *differently* affecting women of different classes. Finally, as mentioned, Wollstonecraft represents Jemima as a survivor, not only a victim; she appropriates her voice but not in order to further objectify her. Rather, by representing the first-person testimony of a working-class woman, Wollstonecraft highlights the need to make legal space available that would recognize the subjectivity and autonomy of women of all classes, as this article hopes to demonstrate.(^)

(9)In Diane Long Hoeveler’s reading and analysis of *Maria*, she considers narrative “as” trauma. Or, to put it another way, she considers the ways the narrative form and content of *Maria* reveal the author’s own recurring trauma. Hoeveler describes how Wollstonecraft’s fictions “provide one test case for revealing the cognitive value of trauma as a source for literary creativity” and claims that “[Wollstonecraft] attempted in *Maria* . . . to reshape and replay her life and its major crises almost as if she were turning an object around in her hand, looking at her wounds from different angles in order to understand and control them” (388). In the context of understanding

Wollstonecraft's preoccupation with victim autonomy and restorative justice processes, it is also possible to read Jemima's private testimony as a narrative "of" trauma—that is, an attempt by a character *within* her text to "understand and control" past experiences.(^)

(10)My claims about the "restorative" processes and outcomes that Wollstonecraft imagines connect to a larger project of mine, in which I argue that the Godwin-Wollstonecraft-Shelley family fictions imagine historically progressive criminal procedures that prioritize the victim's, the accused's, and the community's participation in complex and convoluted truth-seeking processes. I also assert that they envision outcomes that attempt to repair harm through dialogue, accountability, and consideration of social disparities, rather than solely punishment or deterrence. Therefore, as the term "restorative" suggests, while I root my discussion in nineteenth century justice debates, I also seek to connect their texts with twenty-first century conceptions of "restorative justice."(^)

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