

Reviews/Comptes Rendus

Sandra Macpherson. *Harm's Way: Tragic Responsibility and the Novel Form*. Baltimore: Johns Hopkins University Press, 2010. xiii+238pp. US\$55. ISBN 978-0-8018-9384-1.

Sandra Macpherson's *Harm's Way* is nothing less than brilliant and original, a remarkable study of the relationship between law and literature, in this case the effect of changing concepts of liability on the novel as it emerges in eighteenth-century Britain. Macpherson has immersed herself in the history of Anglo-American liability law, and her discussion of its development is rigorous and authoritative, indeed intimidating for a layperson, in its detailed grasp of the law as it evolves in the eighteenth century and into the twentieth. The results are fascinating and provocative, if difficult to follow and, for me at least, difficult to accept. Although it is impossible to paraphrase her results in a short compass herein, I will try to summarize her view of how the history of legal liability changes our understanding of the eighteenth-century novel (and especially of the characters who inhabit it) and turns it into what she insists is a tragic form.

She begins, innocently enough, by remarking that the novel is obsessively focused on “bodily injury rather than conjugal affection” (3). There is certainly plenty of violence in eighteenth-century novels and resulting bodily injury, but the opposition between such injury and conjugal affection is puzzling. What Macpherson means becomes clearer when she announces that her book “addresses the centrality of accident and injury to the realist novel by shifting attention away from contract—and from the marriage contract as the paradigmatic form of modern belonging—to liability” (4). She goes on to say that the realist novel “is a project of blame not exculpation” (13), and she takes the position that novelistic characters owe their being to their implicit conviction under the evolving law of liability. Thus, she argues, new interpretations of “strict” liability, which made masters responsible for the acts of their servants, led Daniel Defoe to expand the blame (oddly enough, she never calls it “guilt,” which is how they define it themselves) attached to his characters, just as legal developments later in the century, in the 1730s and 1740s, led Samuel Richardson to a similar broadening of responsibility whereby persons could be held accountable for the unintended consequences of their actions and also for the consequences of acts that they did not commit. Lovelace’s rape of Clarissa by this definition makes him responsible for her “murder,” and as Moll Flanders considers Mother Midnight’s negligence of the children left in her charge, she reasons in terms of liability law that the

mothers who leave them with her are guilty of murder. So, too, in *A Journal of the Plague Year*, as one might predict, infected individuals are responsible for the harm they do “insensibly” to others, and Macpherson notes that H.F. finds culpable negligence to be the case among those stricken by the pestilence who innocently infect others. And in *Roxana*, for Macpherson, the titular heroine is in legal fact responsible for the murder of her jeweller-husband because she persuades him not to take valuable jewels with him on a trip, and she is also responsible for the murder of her daughter that her servant Amy seems to commit. The organizing claim in all these discussions of how blame operates in eighteenth-century fiction is that these novels ask readers “to think of responsible persons as causes rather than agents” (57), which strikes me as an extremely elusive distinction, since agents can presumably also be causes. How this formulation differs from the classic terms in which novelistic exploration is evoked—freedom versus necessity whereby characters (or readers) come to see that freedom, as Marxists used to say, is the recognition of necessity—is not something I fully understand.

To her credit, Macpherson lays all her cards on the table right at the outset. She espouses what is to me a bleak materialistic anti-humanism that “conceives of persons as matter in motion” (23), and in so doing she rejects without missing a beat the great tradition of the novel, which goes back to György Lukács’s *The Theory of the Novel*, that understands it as “untragically exculpatory” (7). Macpherson quotes Terry Eagleton (disapprovingly) for finding that in the novel growth, change, and personality offer a promise of redemption. Macpherson seems to marshal recent work on the novel by critics such as Michael McKeon, D.A. Miller, Catherine Gallagher, Deidre Lynch, and Alex Woloch in support of what she calls their rejection of the liberal individual but then carefully separates herself from them by what she trumpets as her ultimate commitment “to abandoning the claims of the person” (16). Macpherson speaks with undisguised contempt of “the adventure of interiority” (23) and has no use for the traditional understanding of character as *Bildung*. Eventually, this leads her (in a book whose main stock in trade is the paradoxical and the counter-intuitive) to assert that Defoe’s and Richardson’s characters or persons are things who “move with the inertia of matter” (94). In part, her anti-humanism is supplemented by a feminism that leads her, as she contemplates Moll Flanders’s specifically female problems, to speak of the “entire system of reproductive heterosexuality” as “so dangerous that one is never delivered of its burdens: the burden of care and the corresponding burden of liability” (47).

Given her assumption that legal arguments are somehow deeply embodied and enacted in the novel, perhaps the most convincing chapter is Macpherson’s second, “The Encroachments of Others,”

which deals in original if often knotty fashion with Richardson's *Clarissa* by making the case that Lovelace is guilty of "felony murder," an emerging legal concept in the eighteenth century that "affirms the liability of principals for the unsolicited acts of their agents" (65). And since Lovelace employs so many agents in his pursuit of Clarissa, this makes clear and useful sense. After discussing a number of cases in which the concept is developed from the eighteenth to the twentieth century, Macpherson goes so far as to say that Richardson realized more acutely than the lawyers how such liability works. Where jurists struggled with the notion that a person could be responsible for the acts of others and with the paradox that felony murder could be seen as a crime in which malice or premeditation was not a factor, Richardson in *Clarissa* understood that strict liability means for his characters, as Macpherson puts it, that there is nothing they can unequivocally claim is *not* their doing. As she summarizes matters, the novel distributes blame between Lovelace and Clarissa "and among all of those whose actions are, however accidentally, the sine qua non of the novel's tragic plot" (77). Clarissa is the only one in the novel who clings to agency, although she worries obsessively about Lovelace's "encroachments" and their erosion of her integrity. And yet for all its sometimes exciting paradoxes, Macpherson's intense reading of *Clarissa* hits the same note over and over again as she hammers home her anti-humanist thesis that "individuation and individualism are made casualties of responsibility" (94). In Macpherson's strenuous conclusion *Clarissa* is made to bear ultimate cultural significance. The tragedy of the novel signifies nothing less than a reversal of Enlightenment modernity (she cites Bruno Latour and Friedrich Nietzsche) whereby "causal thinking"—predicated on the distinction between a thinking subject and the object of thought—is dismantled as subjects are revealed to be objects "in all their mute and forceful simplicity" (97).

Once you set aside its considerable intellectual achievements, its revisionist daring and legal learning, Macpherson's approach to fiction is a matter of evaluating character and constructing a sophisticated thematics without paying much attention to language and form. Nor for that matter does she pay much attention to what is being represented, to the social, moral, and sexual relationships within which her drama of blame takes place. Hers is an essentially moralistic and indeed self-righteous approach, narrow in its special focus on legal perspectives on blame and guilt. Such bluntness is clear in her third chapter on Fielding, "Fighting Men." Shrewdly enough, Macpherson approaches *Joseph Andrews* and *Tom Jones* by considering all the fist-fighting in them, which she notes is rendered harmless by comedy. But her purpose is to interpret and thereby to diminish Fielding's comic and Cervantic version of the novel "as an attack on realism's tragic—its

feminist—logic of strict liability”(101). Showing a nice sense of humour by calling herself a “cheerless” feminist reader of Fielding (100), she finds among other exposures of his masculinist bias that in his fictional universe men are good natured, that is to say, willing to fight but never to blame or to accept responsibility. And, in pursuit of an original counter-intuition, Macpherson finds that in preferring “charity” to tragic liability it is Fielding and not Richardson who dives into the human heart. Thus, with a flourish I have to admire, she finds that to be a comic hero like Tom Jones a character has to be a person rather than a type, so that it is in Fielding’s characters rather than Richardson’s “that one must look for persons who are something more than forms” (115). As she explains, of course, such a counter-intuitive view is only possible from the point of view of liability law whereby Fielding’s heroes “do not imagine themselves to be nor are they made responsible for accidents” (155). One might respond that the rules of comic fiction do not allow such imagination, although she knows this and adds that in the case of Parson Adams, “even before the logic of genre absolves” him, he “has absolved himself for the apparent death” of one of his assailants (115).

For Macpherson, comedy like Fielding’s is “a masculinist genre,” and its defining distortion of the tragic reality that is the novel’s true subject is a highly suspect sentimentalism that exonerates characters by rendering “(women’s) harm and (men’s) responsibility as incoherent” (127). One example of this is from *Tom Jones*. When Mrs Waters cries “Rape!” as she is assaulted by her lover, the treacherous Ensign Northerton, the word has no specific meaning. A more troubling example, humourless as well as unconvincing, Macpherson offers is from *Joseph Andrews* when she notes that as Joseph and Fanny’s wedding night approaches he is “all Desire,” while Fanny’s wishes are “tempered with Fears.” Thus, writes Macpherson, “deforation will be experienced as a ‘Reward’ at once ‘great and sweet.’” Macpherson does admit at the end of this chapter that it may seem “churlish” to criticize Fielding for “the robust sentimentalism of his comic aesthetic” (132).

Quite another sort of sentimentalism is the subject of the last and in some ways most remarkable (and difficult) chapter, “The Rape of the Cock.” Macpherson calls Frances Sheridan’s *Memoirs of Miss Sidney Bidulph* (1761) “an odd sort of sentimental novel,” and she transforms it into something even more odd. Brandishing considerable critical virtuosity and paradoxical verve, she makes it a novel about male rape, that is to say, men being raped in a sense by women. Normally, as Dr Johnson complained—when he said to the author, “I know not, Madam, that you have a right, upon moral principles, to make your readers suffer so much”—readers have found the weepy centre of the novel in the heroine’s horrendous and Job-like sufferings in failed relationships stemming from her initial refusal, at the urging of her mother, of the

man she loves, Faulkland, when she discovers that he has impregnated and abandoned one Miss Burchell. Macpherson shifts the centre of the narrative by virtue of her approach to characterization, informed in this chapter by the special history of “object liability” (which she traces in an exceedingly technical manner) that leads to her strongest affirmation that in Sheridan’s novel “objecthood is the form that persons, and ethics, take” (138). Tracing the recurrence of words such as “fault” (28 times) and “blame” along with “blameable” (21 times), Macpherson balances her radical diminution of traditional notions of character with persuasive close readings of moments in Sheridan’s novel to prove her point that its central concern is “the problem of agency and accountability” (161), since characters appear as both victims and perpetrators of harm, “simultaneously faultless and at fault” (165).

Macpherson notes, shrewdly, that Faulkland does not deny that he has impregnated Miss Burchell but claims he was surprised and seduced into it. Citing other details of the encounter in which Faulkland evokes his entrapment into sex (and adding other stories of female seduction by Miss Burchell’s aunt, the femme fatale Mrs Gerrade, who plays a large role in the novel), Macpherson asserts that Sheridan’s novel “transforms the iconology of sentimental fiction, replacing the violated female body with the violated male body” (135). Her chapter title is thus explicit, a play on Alexander Pope’s poem, and her analysis is provocative: “Is an erection an emblem of an intentional or mental state? Is it, like the lock, a synecdoche of the human person that it represents and for whom it stands? Or is the penis a different creature altogether, an alien machine whose action is an instrumental effect of the way the thing is made?” (135). Despite the sensationalistic ring of this formulation, these are crucial questions for Macpherson’s argument, and I think here she makes the best case in the book. Macpherson introduces us to the law of deodands or thing liability, whereby when an injury is caused by a thing—normally carts, wheels, horses, etc., but eventually concentrating on railway accidents—the object is forfeited to the crown. This is the only context in which Sheridan’s treatment of Faulkland as both innocent and guilty can make sense. Faulkland’s penetration of Miss Burchell qualifies as a harm under the terms of thing liability: his penis has, despite his intentions, caused harm for which he is liable. Thus, as Macpherson argues, Sidney and her mother are right to refuse him.

Readers of Sheridan’s novel will recall that Faulkland, guilty and disappointed, marries Miss Burchell, but, when he finds her in adultery, he kills her lover (in what looks like self-defence) and thinks (erroneously) that he has killed her as well. This sequence leads Macpherson to a dazzling series of questions about agency and accountability in this history: “Is the first malfeasance *his* seduction or Miss Burchell’s? Is it Miss Burchell’s extralegal maternity? Is it her subsequent adultery?”

How can one vindicate a wrong he himself has caused?" (161). Here and throughout her book, the answers to these questions add up to a repudiation of what she calls the masculinist norms of interiority by "making states of mind irrelevant to the question of harm and compensation" (173). I am simplifying a dense argument when I say that Macpherson ends by calling her equation of persons and things humane because it objectifies harm, makes harm—"even harms complicated by the presence of affection, desire, or consent, even harms produced by good people and experienced by bad—*matter*" (174). Her legal understanding of agency and responsibility provides her with a liberating neutrality that cancels moral ambiguity.

My attempts to paraphrase as much of Macpherson's complicated arguments as possible reflect my great admiration for her mind and for her ambitious attempt in *Harm's Way* to redefine the moral and social project of the English eighteenth-century novel. I think this is an important and powerful book that everyone interested in the novel and in the eighteenth century will want to read. Macpherson's book is persuasive but not, to my mind, in the final analysis at all convincing. There is just far too much in her argument that is merely paradoxical and counter-intuitive. Sometimes the truth about narrative is simple rather than complex, and traditional understanding is not, as she would have us believe, totally benighted or wrongheaded. And of course her assumption that there is a direct connection between what novelists represent and the state of the art in legal thinking is to say the least arguable. I have to say, as well, that her rejection of Enlightenment modernity is facile and rather depressingly trendy, especially in its disparagement of the liberating potential of the novel. For someone who disdains personhood and agency, at least as the novel may be said to represent them, Macpherson is very much a person with a superb intellect whose independence of mind and spirit would seem to contradict her idea that characters are things. Or is it simply that the novel—Lawrence's bright book of life and Lukács's hopeful exploration of the hopelessness of modern life—needs to be redefined by these tragic determinisms that cancel agency and reduce individuals to things, at least in the novel? Macpherson's book will provoke and stimulate, perhaps even outrage, but I do not think it will change our understanding of novelistic character.

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