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**Speaking relatively: a history of incest and the family
in eighteenth-century England**

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Abstract

Incest was not prohibited in eighteenth-century English society, or so the examination of statute law would lead one to think. This was not due to a lack of interest. In literary texts as varied as *Moll Flanders*, Horace Walpole's *The Mysteries of London* and Henry Neville's *The Isle of Pines*, incest played crucial roles. Nevertheless, historians have either overlooked its significance, or have assumed the universality of its prohibition. In fact, the eighteenth century had no concept of universal taboo, and the law did not specifically prohibit sexual relations within the nuclear family.

All of these factors: the lack of an idea of universal taboo, the complexity of the law, and its importance in literature are focuses of this thesis. This investigation of a hidden phenomenon has utilized a wide range of texts: imaginative productions; church and temporal court records; newspaper accounts; biblical commentary; and legal tracts. Unlike socially oriented studies of the family, all of these sources are read as produced texts in which incest provides a unique lens for viewing attitudes towards relationships between individual and collective identities. The mother who slept with her son, the father who raped his daughter, the brother and sister overcome by desire all contributed to the contemporary understanding of family life. The ability of incest to reveal underlying fault lines in ideas about authority, sexual relations and kinship ties makes it a promising topic.

The exploration of legal conceptions of incest examines contemporary prohibitions and their origin in biblical law. Intertwined with the legal discourse on the family were conceptions of natural law. The operation of the church law in the consistory courts and the temporal law in London's Old Bailey provides insight into the relationship between legal understandings and social practice. The Bible also provided moral illustrations through stories of incest which eighteenth-century commentators used to discuss perceived social issues. Translations and retellings of classical stories of incest performed a similar function. All of these various texts had audiences spanning a variety of social groupings. Their importance in portraying and constructing the individual within the family illuminates the process of naturalization of the 'modern' family and the incest taboo itself.

Across this wide range of texts incest explored the boundaries of experience, and disrupted cultural assumptions about the role of the family in society. The study of the phenomenon and understanding of incest is crucial to the historical inquiry into the meanings of cultural problems which surrounded the family – the primary unit of belonging in eighteenth-century society.

Chapter 1

Introduction

The individual is one of the central concepts of Western modernity. The well-documented rise of the individual subject has been traced through the early modern period into modern culture, often with the pivotal transition occurring sometime during the second half of the eighteenth-century. Modern cultures in the West have elevated personal freedom to such an extent, that its primacy has become functionally unquestionable. This paramount position in which the individual is placed has been so entirely assimilated into Western society as to seem natural and unavoidable. Many of the foundational stories of modernity rely upon and reflect this trend towards the individualized self. The Reformation's repudiation of the mediated relationship with the divine, the personal independence which accompanied the growth of industrial capitalism, and the psychoanalytic construction of subjective identity are all frameworks through which the rise of the individual has been articulated. In fact, the very possibility of seeking the historical origins of the subject is contingent upon the modern preoccupation with the individual.¹

This elevation has to some extent been achieved at the expense of the coherence and efficacy of communal social structures. In a cultural milieu in which the

¹ See P. Stallybrass, 'Shakespeare, the Individual, and the Text', in L. Grossberg, C. Nelson and P. A. Treichler (eds), *Cultural Studies* (New York, 1992), pp. 593-610 for a discussion of the development of the word 'individual'. D. Shanahan, *Toward a Genealogy of Individualism* (Amherst MA, 1992) surveys both recent scholarship and the history of the idea. See I. Watt, *Myths of Modern Individualism: Faust, Don Quixote, Don Juan, Robinson Crusoe* (Cambridge, 1996), pp. 121-2 on the characteristics of the Renaissance individual.

individual is paramount, all categories of belonging should become subordinate to the capacity for self-expression and agency. Consequently, acts or conduct which at one time had been considered violations should no longer be considered as reflecting on society. Although it could be possible for such violations to retain transgressive value, the weight of social obligation would be diminished. In other words, the atomized individual relieved of these burdens would also be absolved of social responsibility.

The precedence of the individual suggested in this very broad disquisition about the nature of belonging in Western society is, obviously, an ideal type. Not even Western culture has completely released the individual from social obligations. Continuing with this logic a bit further, and using it to conceptualize the relationship of the individual to the family, leads to some surprising implications. Specifically with regard to morality in such a society, the act of incest should have no social meaning. In other words the transgression of the boundaries of familial sexual relations should, in theory, have no conceptual foundation in a culture which releases the individual from the ties which emphasize family and kinship. Any society structured in this way could discard the category of incest, and deal with the remaining issues of exploitation under a general protection of children's sexuality.

This leap from personal freedom to the idea that incest should have little meaning in an individualist society is more than merely conjecture. Such reasoning about incest informs one of the most surprising and radical historical theses on the position of the individual in Western society. The assertion that from 'earliest times' the English 'seemed singularly unconcerned about incest' underpins the conclusion that individualist tendencies had a very ancient history in England.² The lack of interest in incest reveals a society much more concerned with freedom than with belonging at least as far back as the middle ages. In this story incest is a barometer through which

² A. Macfarlane, *The Origins of English Individualism: The Family, Property and Social Transition* (Oxford, 1978), p. 3.

to measure the foundations of English individualism, and the antiquity of the individually minded subject relies upon the idea that incest had little importance in English society. In other words, preoccupation with, or even interest in incest is an indicator of a society which places emphasis upon kinship. Little concern with the transgression of sexual boundaries within the family would be evident a society in which these social structures were of lesser importance. However, in the development of the modern individual, precisely the opposite happened; with the rise of the individual came a greater emphasis upon incest.

Modern Western cultural thought has magnified the meanings of incest to the point of seeing it as everywhere and always prohibited. The notion of a universal taboo arose in two distinct fields in twentieth-century thought. In the social scientific disciplines of anthropology and psychoanalysis the incest taboo is invested with ultimate responsibility for the development of humanity. It is given a priority which makes it necessary for the very existence of culture. In his anthropological analyses of kinship structures Claude Lévi-Strauss understood the taboo on incest to be fundamental to organized human society: 'The prohibition of incest ... is the fundamental step because of which, by which, but above all in which, the transition from nature to culture is accomplished.'³ This process works because Lévi-Strauss does not view the taboo as primarily a prohibition but as a positive injunction. Rather than an interdiction of sexual relations between family members the incest taboo is understood as an enjoinder to exogamic marriage. 'By resisting the separatist tendencies of kinship, the prohibition of incest succeeds in weaving networks of affinity which give societies their framework and without which none could sustain itself.'⁴ Without an injunction to create alliances outside the family, kinship networks

³ C. Lévi-Strauss, *Elementary Structures of Kinship*, trans. J. H. Bell and J. R. von Sturmer, rev. edn (1969), p. 24. (All works cited were published in London unless otherwise noted.)

⁴ C. Lévi-Strauss, 'Introduction' in A. Burguière, C. Klapisch-Zuber, M. Segalen and F. Zonabend (eds), *A History of the Family: Volume One Distant Worlds, Ancient Worlds*, trans. S. H. Tenison, R. Morris and A. Wilson (Cambridge, 1996), p. 4.

limit social association and prevent the formation of more comprehensive social groupings. The incest taboo provides a means for extending relations by promoting alliance through marriage to other kin groupings.

Sigmund Freud took a different route but arrived at essentially the same conclusion as Lévi-Strauss. His narrative of the ‘family romance’ attempted to explain the origins of the universal taboo through a notional story of original human conflict. In an idea borrowed from Darwin, Freud posited the existence of a ‘primal horde’. This pre-cultural social grouping was a family which was ruled by a single father figure. In order to maintain exclusive possession over the right of reproduction this tyrannical father exiled all other males – the sons – from the group. In order to end their enforced celibacy these sons murdered the father and instated a new social order based upon fraternity. Stability among the brotherhood was maintained by a prohibition against sexual congress with the women: the mothers and sisters. In other words, the incest taboo prevented these victorious offspring from murdering each other in competition for the women. The guilt among the brothers at their murderous act was allayed through a memorial or ‘totem meal’, which commemorated this ‘memorable and criminal deed’. For Freud, this meal is ‘perhaps mankind’s earliest festival’ and ‘the beginning of so many things—of social organization, of moral restrictions and religion’.⁵ The instatement of the incest taboo was nothing less than the origin of culture. Although Freud’s storytelling could not be more different from the reasoning of Lévi-Strauss, both come to the conclusion that the prohibition of incest makes society possible.

⁵ S. Freud, *The Standard Edition of the Complete Psychological Works of Sigmund Freud* Volume 13 *Totem and Taboo and Other Works* (1953), p. 142. For a clear explanation of Freud’s family romance see D. Dervin, ‘Incest and Human Origins: The Primal Horde Revisited’, *Journal of Psychohistory* 9 (Spring 1982), pp. 471–2. For a synthesis which brings together a range of modern theories of the taboo see R. Fox, *The Red Lamp of Incest* (New York, 1980).

These two arguments about the importance of incest for the origins of human culture, along with the scientific understanding of the biological imperatives of exogamic breeding, have dominated thought on the subject throughout the twentieth century.⁶ The idea of a timeless taboo against nuclear family incest comes out of intellectual traditions which search for universals by which to examine human behaviour. So, this view of incest is intrinsically contrary to cultural and historical specificity. However, this tendency in the work of Lévi-Strauss, Freud and others is itself an historical phenomenon. As a primary exponent of historically contingent meaning, Michel Foucault views these universal arguments in this light. The ‘endless reworking’ in anthropological thought of ‘the transcultural theory of the incest taboo’ is, itself, an example of the ‘theoretical discourse’ generated by the ‘whole modern deployment of sexuality’.⁷ The idea that incest is a precondition for cultural development in all societies is, for Foucault, a product of a specific discourse which itself has a history. In other words, it is one more aspect of the multiplication of the discourses of sexuality which attends modernity.

In all of these theories incest plays a significant role: as a consequential lacuna, a universally necessary condition, or a primary phenomenon for a particular social critique. The taboo obscures the contingent structures and meanings of sexual relations between family members and denies the specificity of configurations of its prohibition.⁸ Historical work which addresses these structures and meanings in specific settings would historicize the role which incest plays in human cultures.⁹ Through a detailed examination of the social and cultural meanings of incest in

⁶ For an overview of the biological justifications for the taboo see J. B. Twitchell, *Forbidden Partners: The Incest Taboo in Modern Culture* (New York, 1987), pp. 243–45.

⁷ M. Foucault, *The History of Sexuality* Volume 1 *An Introduction*, trans. R. Hurley (New York: 1978), p. 110.

⁸ For a persuasive argument on the problems of the idea of the ‘incest taboo’ see M. Mitterauer, ‘The Customs of the Magians: The Problem of Incest in Historical Societies’ in R. Porter and M. Teich (eds), *Sexual Knowledge, Sexual Science* (Cambridge, 1994), pp. 231–50.

⁹ Twitchell’s book addresses the origins of cultural taboo in modern Western culture: *Forbidden Partners*, pp. 38–40.

England in the long eighteenth century – the original modern society which underlies so much of this theorizing about modernity – incest will be shown to have had an significant but entirely different function from that which it develops in the modern period.

Because the eighteenth century was the fulcrum upon which the shift to modernity balanced, an analysis of the meanings of incest in this period will provide insight into the over-determined meanings which the phenomenon has acquired. The different social understanding of incest in this period also provides insight into specific contemporary ways of thinking about the interaction of family members. Because there was no concept of a universal taboo, incest could be seen as a very different form of social violation. This meant that incest was primarily a violation of marriage laws, rather than those which covered sexual behaviour. However, it was not the case that incestuous sex was ignored. Because incest was a violation of both sexual and marital relations which occurred at the heart of the family, its study allows insights into the family, sex and sexuality. So this thesis will delve into understandings of the family, as well as the meanings that the long eighteenth century attached to sexual behaviour between a range of men and women who were related by either blood or marriage.¹⁰

The method by which this conceptual world of sex within the family is brought to light in this project is through an analysis of the contemporary legal, social and cultural meanings and definitions of the limits of marriage and the violation of boundaries of sex within the family. This builds a picture of the inner workings of the family, and of its relationship to the polity and contemporary social structures. Close analysis of incest in the period beginning in the final third of the seventeenth century

¹⁰ Among many discussion of attitudes to sexual relations see T. Hitchcock, *English Sexualities, 1700–1800* (1997), pp. 24–42, and H. Abelow, ‘Some Speculations on the History of Sexual Intercourse during the Long Eighteenth Century in England’, *Genders* 6 (1989), pp. 125–30.

and finishing near the end of the eighteenth century has this twofold and intermeshed objective. First, the study of the specific historical meanings of incest in this period illuminates the position of the family in eighteenth-century society. Second, this analysis in turn sheds light upon the modern meanings which Foucault understood to be a product of history.

Historians who have looked at the understanding of incest in specific contexts have rarely followed Foucault's lead in viewing the creation of the idea of the taboo as an outcome of particular historical circumstances. Instead, the existence of a universal incest taboo has often been a starting point. One notable example is Lynn Hunt's *The Family Romance of the French Revolution*. Hunt views the ousting and subsequent execution of Louis XVI, followed by the establishment of a republican state based upon a notion of fraternity which articulated the position of women as marginal citizens, as an historical enactment of the Freudian family romance.¹¹ The role of incest in cultural productions which followed this upheaval is for Hunt part of this preoccupation with the killing of the father. In narrating the French Revolution as a cultural upheaval which mirrored Freud's tale of the origins of culture, Hunt takes for granted the universalizing aspects of the incest taboo. By allowing incest a role in revealing anxieties specific to the uncertainty of authority in the wake of the execution of the king, she relies upon understanding it as a universal reaction to the death of the father.

Despite her acceptance of the Freudian notion of taboo Hunt's book does illuminate the ways in which family life was expected to relate to order within the wider society. The notion of the interdependence of family and polity has a history which begins long before the eighteenth century.¹² Patriarchal thought was

¹¹ L. Hunt, *The Freudian Romance of the French Revolution* (Berkeley, 1993), pp. 8–9.

¹² G. J. Schochet, *The Authoritarian Family and Political Attitudes in 17th-Century England: Patriarchalism in Political Thought*, 2nd edn (New Brunswick, 1988), p. 19; S. D. Amussen, *An Ordered Society: Gender and Class in Early Modern England* (New York, 1988), pp. 37–8; M. J.

underpinned by the analogy between the king's relationship with his subjects and that between a father and his family, both of which were based upon the authority given to Adam by God. Monarchists in the seventeenth century used the analogy to justify doctrines of divine right and non-resistance. Robert Filmer's *Patriarcha* articulates these relationships as requiring absolute and unwavering fealty on the part of subjects and children.¹³ For Filmer, children were obliged to unerringly submit to the will of their parents. 'It is the favour ... of the parents only ... to remit some part of their fatherly authority.'¹⁴ In other words, there is no point at which children escape their parents' natural rule over their lives without consent. Many writers of conduct literature extended the analogy and emphasized the family rather than the state side of the equation. Children who did not obey their parents were said to be 'the greatest Rebels in the World, and the sin is as great as Treason in the Family you live in, as Sedition in a Kingdom is against the State'.¹⁵ How literally this was understood by many in this period is evidenced by the catechetic volume which taught the meanings of the word 'parent':

My Natural Parent, or my Father that begat me; my Political and Civil Parent, or the Magistrate that Rules over me; my Ecclesiastical Parent, or the Minister that instructs me; and my Domestical Parent, or the Master of the Family that provides for me.¹⁶

Hughes, 'Child-Rearing and Social Expectations in Eighteenth-Century England: The Case of the Colliers of Hastings', *Studies in Eighteenth-Century Culture* 13 (1984), p. 79. Examinations of similar attitudes in France can be found in J. Donzelot, *The Policing of Families*, trans. R. Hurley (1980), p. 48; S. Hanley, 'Engendering the State: Family Formation and State Building in Early Modern France', *French Historical Studies* 16 (1) (Spring 1989), pp. 26–7.

¹³ R. Filmer, *Patriarcha and Other Writings*, J. P. Sommerville (ed.) (Cambridge, 1991[1680]), p. 10.

¹⁴ *Ibid.*, p. 18.

¹⁵ J. Kirkwood, *A New Family-Book; or, the True Interest of Families*, 2nd edn (1693), preface, no p. numbers. This is quoted from the preface which was signed A. Hornek. Kirkwood's work is about familial obedience. The addition of a preface which relates this obedience to political philosophy, albeit crudely, reveals the importance of familial order to wider conceptions of social order.

¹⁶ W. Burket, *Family Instruction: or, Principles of Religion Necessary to be known by Family Governors, and Needful to be Taught their Children and Servants* (1704), p. 23.

Parents were not just birth parents; temporal and religious leaders were also thought of in terms of the language of the family. Authority was in turn based upon the metaphor of the family. This estimation of the origins of authority, stemming from God through the first parents to their offspring, was justification for the absolute subordination of children under their parents.

Locke's attack on Filmer's thesis in the first of his *Two Treatises on Civil Government* disagreed with the analogy between family and state, but still relied upon the family for his notion of social order. Filmer and Locke, although on opposite sides of a debate about authority, both saw the family as a key to social organization. Although Lockean ideas became very important for understanding government, few at the time were willing to take up his notion of familial order.¹⁷ The foundation of the conception of order in the long eighteenth century continued to be the family. The society conceived of itself through ideal family structures whether these were patriarchal or based upon Lockean notions of consent.

More than just being analogous, connections between family and polity were thought of in operational terms. The state mirrors the make-up of the family, but it is also ideally made-up of a conglomeration of well-regulated families, without which the state itself would collapse. So while 'families are but little societies, and societies are larger families' it is also consequential that 'the Welfare of a Common Wealth doth in a great measure depend upon the duties of relatives'.¹⁸ Any hope for stability within the polity relied upon familial order: 'If they, who have the care and government of these lesser societies, will not faithfully do their part; neither magistrates nor ministers, can expect success in doing theirs.'¹⁹ The family served as both a powerful metaphor for the state and as a central institution of discipline and

¹⁷ S. D. Amussen, *An Ordered Society*, p. 65.

¹⁸ *Family Lectures; or, Domestic Divinity, being a Copious Collection of Sermons...* (1791), p. 334; J. Kirkwood, *A New Family-Book*, preface, no page numbers.

¹⁹ *An Essay on the Happiness and Advantages of a Well-Ordered Family* (1794), p. 1.

self-knowledge. Authority – whether deriving from divine sanction or the concatenation of rights and responsibilities which became known as the social contract – was at the centre of the role the family was supposed to play in society. The location of this authority, while continually reiterated as residing in the patriarch, was often more difficult to position satisfactorily. As such it was always subject to pressures which threatened its utility as an organizing concept.

In Filmer's terms patriarchy was an absolute, and gave rulers and fathers unquestionable ascendancy, but the complexities of any system of social organization are open for wide interpretation. Throughout this thesis use of the word patriarchy in no way assumes a monolithic or unproblematic domination, but rather allows for constantly shifting meanings and divergences from contemporary social ideas. Patriarchy, as it functioned in power relations at every level, was uncertain and by no means monolithic. So although a problematic concept, it organized contemporary conceptions of social reality. The instability of male social and political domination actually increases the need to examine its structures and weaknesses. The points at which patriarchy reveals itself as inherently unstable are areas of inquiry which structure this project. Incest, as a violation of the core of the social order, provides a unique lens through which to view these instabilities.

Patriarchy was a central concept through which the broader category of authority was understood. The sources of authority, which organized the expression and exercise of power, were a central problem in the eighteenth century.²⁰ The family was closely linked to the polity not because of its affective and emotional aspects, but for the order which it provided: 'The Basis of Government is Authority: without that, in vain do we expect any Order in our Children, any Happiness to ourselves. Cities,

²⁰ J. A. Sharpe, 'Disruption in the Well-Ordered Household: Age, Authority and Possessed Young People' in P. Griffiths, A. Fox and S. Hindle (eds), *The Experience of Authority in Early Modern England* (Basingstoke, 1996), p. 187.

Armies, Kingdoms, all are sustain'd by it: and so too must private Families be.'²¹

Affectivity played a role in contemporary ideas about the family, but authority held sway. Emotional distance was required to maintain that authority. *The Advice of a Father*, published in 1688, recommended that parents 'Behave thy self so in thy Family, that those below thee may both love and fear thee; be not too familiar with thy servants ... This were to change the Relation, and make thy self the servant.'²² It was not uncommon for parents (usually mothers) to be admonished for allowing their children to become too close emotionally because such unguarded behaviour undermined parental influence: 'It too frequently happens that parents, through ... fondness or want of judgement, take off that restraint, and remove that bar of respect, which kept their children at a due distance'.²³ The consequences of such indiscriminate closeness were real and dangerous. When Thomas Bulker was sentenced to hang for robbery and assault, an account of his life related how 'his Mother and Grandmother were too fond, which made him obstinate and intractable'.²⁴ Affective associations were required to take a back seat to the necessity of authority.

Families were expected to maintain this delicate balance between affect and authority and to play many roles in the eighteenth century. They could be affective associations, economic units, kinship networks; but they were primarily thought of in terms of authority. Hierarchy, obedience and restraint were all central concepts which provided the buttressing for paternal and parental authority. That it was thought necessary by writers of parenting guides to warn against the dangers of affective attachment indicates the heavy pressures which were put on early modern and

²¹ J. Nelson, *An Essay on the Government of Children, Under Three General Heads: viz. Health, Manners and Education* (1756), p. 149.

²² *The Advice of a Father, or Counsel to a Child* (1688), p. 38.

²³ M. H. Cooke, *The Newest and Most Complete Whole Duty of Man, or Every Christian's Family Companion* (1773), p. 134. See also Lady (pseud.), *The Whole Duty of a Woman: Or a Guide to the Female Sex. From the Age of Sixteen to Sixty* (1701), p. 78 on the dangers of too much love for one's children.

²⁴ *The Ordinary of Newgate, His Account of the Behaviour, Confessions, and Dying Words of the Malefactors who were Executed at Tyburn, on Wednesday, the 4th February*, no. 1 (1736), p. 7.

eighteenth-century families. Affective and emotional attachments led to decreased authority. Parents who loved their children too much risked sacrificing their authoritative position. Parental attachments were supposed to combine the often conflicting values of affection and respect.

Emphasis was often placed upon parent–child interaction, but the boundaries of the family were defined by contemporary notions of belonging. Naomi Tadmor has argued that ‘when English people spoke or wrote about “families”, it was not the nuclear unit that they had in mind. “Family” in their language could mean a household, including its diverse dependents, such as servants, apprentices and co-resident relatives’.²⁵ Rather than being defined by blood or marriage, the family could include unrelated members of the household. In other words, servants and apprentices, as well as consanguineal and affinal relations, were members of the family. This understanding of the boundaries of the family meant that conduct of household members unrelated by blood or marriage were ‘very often understood as familial actions’.²⁶ What she terms the ‘household-family’ had boundaries defined by co-residence and authority. Compliance with the acknowledged household authority was central to the very idea of belonging to a family. The centrality of authority in contemporary conceptions of the family placed the familial ideal in a precarious position.

In light of the cultural investment in ordered relationships of authority, the examination of meanings of incest will be seen to elucidate fault lines in the structures of the family. In both the internal dynamics of the family, and the interaction between family and society, incest was understood as a breakdown of these structures at the most fundamental level. Because it took place within the heart

²⁵ N. Tadmor, ‘The Concept of the Household-Family in Eighteenth-Century England’, *Past and Present* 151 (May 1996), p. 112. See also A. Kussmaul, *Servants in Husbandry in Early Modern England* (Cambridge, 1981), p. 7 for a discussion of the meanings of ‘family’.

²⁶ Tadmor, ‘The Concept of the Household-Family’, p. 113.

of this already overburdened social and socializing family, inquiry into the ways eighteenth-century culture understood incest provides a perspective on issues of authority. The mother who unknowingly slept with her son, the father who raped his daughter, the brother and sister overcome by desire for each other all contributed to the breakdown of ordered authority in this closely watched and tightly controlled family. These eighteenth-century households could harbour unexpected surprises which threatened the stability of the family and society.

However, there is at least one noteworthy way in which unrelated members of the household were understood very differently from the way relations by blood or marriage were conceived. Sexual relations between masters and servants, while not unproblematic, were clearly a feature of eighteenth-century society. When George Carter was indicted for the rape of a servant maid at the Old Bailey in 1772, the complainant related how the morning after the attack she had reported the incident to his wife, who merely remarked that ‘he always served all his servants so the first night they came into his house’.²⁷ In the context of the household it seems unlikely that the wife would have been so direct and open had he done the same to their daughter. While such an argument does not invalidate what Tadmor’s argument reveals about the eighteenth-century family, it does point to the fact that even when looking at boundaries of authority, ideas of sexuality within the household differed greatly if those involved were connected by blood or merely by contractual agreement.

This family, upon which the social order was based but which could also threaten its stability, was defined by more than just co-residence; kinship was also a central factor in the way families were configured in this period. The importance of kinship

²⁷ *The Whole Proceedings upon the King’s Commission of Oyer and Terminer and Gaol Delivery for the City of London and also the Gaol Delivery for the County of Middlesex [Old Bailey Sessions Papers (OBSP)]*, 9 December 1772, no. 147.

ties in the early modern period is well documented by historians, and it is a commonplace that kinship defined the boundaries both within families and in the wider society. Even the household-family can be thought of in terms which broaden kin relationships beyond ideas of blood and marriage. Kinship is configured around a conglomeration of shared cultural ideas, some of which are culturally intelligible and others of which float below the surface of social understandings. The ‘meanings of relationships which ... have kin-specific content’, can change significantly over time so do not have to be restricted to blood and marital relations.²⁸ When kinship is thought of as a system of social and cultural meanings, legal considerations, including matrimonial and inheritance laws; social conditions such as household make-up and class-based custom and practice; and cultural factors such as the polyvalent meanings of ‘household’ and ‘family’ all perform a function. Its relationship to these factors makes clear that kinship is not independent but rather is interconnected with a range of cultural and social realms and practices.²⁹

Sexual relations, familial attachments, and household interaction were all linked realms of experience. The understanding of each was entirely reliant upon the others to such an extent as to be inseparable as considerations. This study of the meanings of incest in the long eighteenth century isolates a specific aspect of family life through which a history of these wider issues can be written. In doing so, this thesis takes an approach to the history of the family which examines the contexts through which experience was framed. As such this thesis does not attempt to insert itself into master narratives of change but rather looks specifically what Keith Wrightson has called ‘the interrelationship of *contexts* and *options*’.³⁰ This involves examining strategies

²⁸ L. Davidoff, ‘Where the Stranger Begins: The Question of Siblings in Historical Analysis’ in *Worlds Between: Historical Perspective on Gender and Class* (New York, 1995), p. 207.

²⁹ D. Sabean, *Kinship in Neckarhausen, 1700–1870* (Cambridge, 1998), p. 6.

³⁰ K. Wrightson, ‘The Family in Early Modern England: Continuity and Change’ in S. Taylor, R. Connors and C. Jones (eds), *Hanoverian Britain and Empire: Essays in Memory of Philip Lawson* (Woodbridge, 1998), p. 19.

by which sexual relationships, kinship associations and relation of authority were negotiated in the texts which were the main sources for this study.

Understandings of authority, sexual relations and kinship, and the lens of incest through which they are viewed in this project, are concepts for which inquiry into a wide range of cultural realms is necessary. Cultural meaning is created, displayed and preserved in a vast range of texts and practices. Incest in particular is a hidden phenomenon, about which the evidence is often buried deep in the traces of history. Even in sociological or psychological studies of incest in modern society reference is often made to a dark figure: it is an occurrence usually secret and concealed. The problem of how to do history which can adequately reconstruct meanings of a phenomenon which is not easily extracted from the historical record is a significant one. This is more than just a process of extraction; the meanings which are present in these texts are rarely overt. As such the reading of texts dealing with incest, and the placing of them is a process of bringing the covert meanings to the surface. Incest was used as a backdoor into wider issues because, as Jean Hagstrum argues, ‘incest, sometimes overt, sometimes prudently below the surface, was presented with surprising frequency as an inevitable, if not acceptable, attraction.’³¹

The methodology involved in this process of uncovering requires the broadest possible reading of sources for the history of the family in the eighteenth century, and this is the approach taken in this project. In other words, a picture of the understandings of and knowledge about incest can only be developed through an interrogation of the range of texts in which it arises. This project delves into a broad range of types of source for eighteenth-century family life. Materials as diverse as novels, theatrical writings, translations of classical literature, tracts and pamphlets on

³¹ J. Hagstrum, *Sex and Sensibility: Romantic Love from Milton to Mozart* (Chicago, 1980), p. 22.

family life, biblical commentary, ballads, criminal biography, published trial accounts, and archival records of court proceedings have all been read and interpreted. Through these readings, the project builds up a picture of the contemporary understanding of incest from various cultural angles. This allows a complex and historically revealing analysis of the problems which incest was used to address in the period.

It is of course true that each of these kinds of resources played diverse roles in culture and meaning making, but this is more complex than any crude distinction between representation and reality would allow. Although the methodology used here does not divide sources along the lines of texts which are purely representational and those which are event-based, it is necessary to make some distinction between types of texts and the cultural work they are made to perform. Each of the forms which are examined in this project has unique conditions of production. Ecclesiastical court proceedings, whose audience amounted to only a few officials, will inevitably have very different social functions from a newspaper report of the same trial. The cultural role of an Ordinary of Newgate's biography of a man condemned for incestuous rape will be different from a tragedy in which incest leads to the destruction of a family.³² The conditions of production and the intended audience shape the form and also the content of the text. Close attention to the ways in which all of these different kinds of texts produce meaning is crucial to this investigation. It is also necessary to try to work out what assumptions contemporary readers brought to their reading. This is a notoriously difficult problem, but one which is aided by the inclination of many eighteenth-century writers to be aware of what they saw as the moral implications of reading and writing.

³² P. Linebaugh, 'The Ordinary of Newgate and his Account' in J. S. Cockburn (ed.), *Crime in England 1550–1800* (1977), pp. 263–4.

In an age which saw the heyday of popular theatre and the burgeoning of new literary forms, the idea that novels, theatre and other literary forms transmitted and taught morality would have been well-known among eighteenth-century readers. The reading of novels (which, as a new form, was a particular focus of anxiety) and plays, and attendance of theatrical performances were widely held to elicit both positive and negative moral responses. In other words, there was thought to be a strong relationship between fiction and social morality.³³ A 1753 letter to a publication calling itself the *Spectator* shows how specific and genuinely felt such concerns could be. The correspondent wrote requesting advice on how to deal with a young woman in his care whom he had interrupted reading a contemporary story of sexual scandal. He is anxious about the influence of a story ‘larded with alluring, itching, and deceitful Pieces of Rhetorick’ on his ward, especially when he discovers it has been given to her by her uncle, a young man close to her in age.³⁴ This was one of many examples from a society which saw a clear moral danger in the reading of fiction. That this idea was widely held can be seen in another example from John Gay’s *Beggar’s Opera*, when Mrs Peachum blames her daughter’s notions of love and marriage on ‘those cursed play-books she reads’.³⁵ Gay was, of course, inverting the issue by turning the fear of seduction into an anxiety about marriage, but he made the same assumption about the effects of reading. Attendance at theatrical productions was thought to have similar effects, and the debate about the morality of theatre was prominent in eighteenth-century journals.³⁶

³³ N. Armstrong, *Desire and Domestic Fiction: A Political History of the Novel* (New York, 1987), pp. 15–16.

³⁴ *The Spectator. Volume the Ninth*, no. 688 (1753), pp. 272. Daniel Bond’s introduction to the 1987 edition of *The Spectator* explains that this work was purely an attempt to capitalize on the popularity of the name, with no connection to Addison and Steele’s famous original.

³⁵ J. Gay, *The Beggar’s Opera*, B. Loughrey and T. O. Treadwell (eds) (1986 [first perf. 1728]), p. 62.

³⁶ At the turn of the eighteenth century Jeremy Collier’s work *A Short View of the immorality and profaneness of the English Stage* inaugurated a public debate about the morality of theatre which centred around the role of theatre in providing examples for social behaviour. See D. Thomas (ed.), *Theatre in Europe: A Documentary History Volume 1 Restoration and Georgian England, 1660–1788* (Cambridge, 1989), pp. 174, 189, 394; K. Wilson, *The Sense of the People: Politics, Culture and*

However, the effects of such exposure were not always thought to be negative. Some forms of fiction were thought to play a morally educative role. Drama especially was thought to have positive effects upon its audience. So even stories which involved such immoral behaviour as incest could have a moral function. Many of the theatrical dramas and other types of fictive tales in which incest occurred were tragedies in which sexual relations within the family play a role in the destruction of a family.³⁷ The famous rhetorician Hugh Blair was specifically concerned with the ‘impressions left by [tragedies] upon the mind’. The effect of seeing or reading tragic tales was, Blair wrote, ‘on the whole, favourable to virtue and good dispositions.’³⁸ Another commentator was more explicit in extolling ‘the wonderful Effects which have been produced on the Minds of men who were present at the acting of good Tragedies, how Tyrants have forgot their Cruelty, the Ambitious been taught to moderate their Desires, the Slothful to earn Glory in the Service of their Countrey’.³⁹ Tragic stories, including classical drama, were thought to provide exemplars for moral behaviour, and to teach the most important virtues: ‘Love to their country; the parental filial and conjugal charities, resignation to the Divine will; superiority to the evils of life’ and so on.⁴⁰ Another wrote that the works of classical writers

Imperialism in England, 1715–1785 (Cambridge, 1995), pp. 31–32 has a discussion of attitudes to theatre and morality.

³⁷ This was not only true of incest literature of the eighteenth century, but goes as far back as the Oedipus myth and forward into modern Western literature. See Otto Rank’s magisterial volume *The Incest Motif in Literature and Legend: Fundamentals of a Psychology of Literary Creation*, trans. G. C. Richter (Baltimore, 1992 [orig. pub. 1912]), and D. W. Cory and R. E. L. Masters (eds), *Violation of Taboo: Incest in the Great Literature of the Past and Present* (New York, 1963). The authors use this anthology of incest literature from ancient Greece to the twentieth century to demonstrate that ‘ambivalence, not unvacillating outrage and censure, has typically characterized human responses to the idea and practice of incest’, (p. 1).

³⁸ H. Blair, *Lectures on Rhetoric and Belles Lettres*, 11th edn (1809), vol. 4, p. 274.

³⁹ G. Adams, *The Tragedies of Sophocles* (1729), vol. 1, preface, no p. numbers;

⁴⁰ J. Beattie, ‘Remarks on the Utility of Classical Learning’ in *Essays* (Edinburgh, 1776), p. 541. Note the order of the virtues which places familial obligations near the top of the list.

‘represented in our Theatres, of Sophocles, Euripedes, Aristophanes, Menander and others, form the Soul to Virtue, and Honour, and punish Vice’.⁴¹

Such knowledge taught qualities that were thought to be especially valued among elite males and much classical tragedy was of limited availability and aimed at teachers and students of Greek and Latin. Nevertheless dramatic tragedy had an audience beyond students of classical languages. One example, John Dryden’s and Nathaniel Lee’s rewrite of Sophocles’s classic tale of patricide and incest, was performed on a stage somewhere in London almost every year between its debut in 1678 and 1755. Such theatrical productions could be experienced in a variety of ways since they were both performed and published, and there is a close relationship between oral and literate culture in this period.⁴² Oral transmission, on the stage and in other forms, is a factor contributing to the proliferation of textual ideas in culture. Forms as diverse as the broadside ballad, newspapers and criminal biography had audiences beyond the social elite and middling sorts.

The moral authority, or perceived depravity, of such imaginative productions increases their value as a historical resource, but these sources obviously do not simply depict a particular historical situation; instead they interact with the discourses which surround contemporary concepts through which meaning is both grasped and formulated. Because incest is mostly hidden, when it does erupt into culture, it is an exceptional phenomenon in both definitions of that word: uncommon and extraordinary. Its occurrence does not frequently leave traces in the historical record. Martin Ingram’s work on seventeenth-century church courts reveals a dearth of

⁴¹ *The Fair Adulteress: or, the Treacherous Brother* (1743), p. 40; See L. Colley, *Britons: Forging the Nation: 1707–1837* (New Haven, 1992), p. 168 and K. Simonsuuri, *Homer’s Original Genius: Eighteenth-Century Notions of the Early Greek Epic (1688–1798)* (Cambridge, 1979), p. 81.

⁴² See R. Chartier, *Publishing Drama in Early Modern Europe* (1999), pp. 52–4 for a discussion of the politics of publishing theatrical writing.

prosecutions for incest in this period.⁴³ Ingram has taken this as an indication of the lack of interest in the phenomenon. While it may have been the case that there was little will to prosecute, it does not necessarily follow that incest had little meaning or interest for early modern society. For historians, like Ingram and Richard Adair, who came to similar conclusions about the small number of prosecutions, the infrequency of prosecution left little room for the interrogation of incest as a phenomenon.⁴⁴ The methodology used in this thesis takes an almost opposite approach.

The exceptionality of incest is one of the aspects which makes it a promising topic of inquiry. As Ludmilla Jordanova has put it, ‘Historians can find the exceptional valuable ... so long as they do not treat it ... as a simple reflection of the historical setting that produced it. It is more productive to see such exceptional cultural products as working in specific ways with themes of general historical importance.’⁴⁵ In other words, such stories should not be read as direct reflections of historical realities, but rather as illuminative of processes of the creation of meaning in a given culture. Because the thematic concerns of stories of incest provide insights into ambiguous or transgressive experiences within the family, they can illuminate the pressure points which either threaten or reinforce the social order.

Roger Chartier’s conception of how to explore the construction of social reality is applicable here. This current project also

concerns the classifications, divisions and groupings that serve as the basis for our apprehension of the social world as fundamental categories of the perception and evaluation of reality. These categories vary with social classes

⁴³ M. Ingram, *Church Courts, Sex and Marriage in England, 1570–1640* (Cambridge, 1987), pp. 245–9.

⁴⁴ R. Adair, *Courtship, Illegitimacy and Marriage in Early Modern England* (Manchester, 1996), pp. 160–162.

⁴⁵ L. Jordanova, *Sexual Visions: Images of Gender in Science and Medicine Between the Eighteenth and Twentieth Centuries* (Hemel Hempstead, 1989), p. 7.

or intellectual milieux and are produced by stable, widely shared dispositions within the group.⁴⁶

Although the notion that these arrangements are stable is arguable, communicability or cultural readability is a prerequisite for meaning making through such configurations – which almost invariably involve interplay between discourse and practice, text and context. Meaning, in the sense that it is used here, must be accessible to a given social grouping. Culture, understood as the means by which members of a society construct reality, is a process which is continually negotiated through myriad textual, practical and social interactions.⁴⁷

This understanding of the role which textual productions play in culture is fundamental to the way all of the sources used in this project are read, not just the most obviously imaginative productions. Textual records of actual cases of incest are used to gain a picture of the prosecution of and reaction to incestuous occurrences in contemporary society through close reading of newspaper accounts, published trial reports and court records.⁴⁸ Many court cases in this period were published, most notably in the *Old Bailey Sessions Papers* but also in volumes of criminal conversation and state trials. Because these were published records for general consumption which had a readership outside legal professionals, these works were also distillations which can readily be read as texts akin to fictional productions.

This way of reading these texts and thinking about them as sources in no way trivializes the suffering of those involved in what are often accounts of extreme family breakdown. Because the methodology which reads these as layered narratives – the products of several voices all of which operate within cultural parameters which make certain forms of speech intelligible in specific contexts – attention is paid to the

⁴⁶ R. Chartier, *Cultural History* (Cambridge, 1988), p. 4.

⁴⁷ C. Geertz, *The Interpretation of Cultures* (New York, 1973), p. 12.

⁴⁸ See P. Wagner, 'Trial Reports as a Genre of Eighteenth-Century Erotica', *British Journal for Eighteenth-Century Studies* 5 (1982), p. 17.

way causes were recounted, as well as the language used by the deponents. These types of texts also have particular and unique conditions of production which impact on the language and content of the material. Attention to the textual nature of these types of sources, and close reading of the language used by the historical actors allows a cultural analysis of the meaning of and reaction to incest.

This study begins with an analysis of a single story of incest which was retold numerous times and in a variety of forms during the long eighteenth century. The themes which run through this tale provide an entrance into the role which incest plays in eighteenth-century England in creating and policing the boundaries of the family. One of the areas in which these boundary lines were drawn was the law. The legal definitions and the influence of the law upon cultural meanings is the topic of Chapter 3. Incest law in the early modern period and through the eighteenth century was ecclesiastical rather than statutory. The ecclesiastical canons regulating which relations it was unlawful to marry had Old Testament origins. The Bible, in addition to its legal content, was also a source for stories about incest. The ambiguous origins of Cain's wife, and the incest between Lot and his daughters, which are examined in Chapter 4, allowed eighteenth-century thinkers on issues surrounding the family to discuss their own culture in the light cast by these iconic stories. The continuing importance of religious understandings of social interaction made the Bible, as well as related texts and commentary, a major source for contemporary knowledge about the complex interrelations of the family. Another area of knowledge in which incest was reflected upon were translations and rewritings of classical literature. The ways in which these stories of often unknowing incest related to contemporary stories and cases is studied in Chapter 5.

Issues of close kin marriage arise in classical stories of incest, as well as some biblical commentary about the lineage of Christ, and in looking at the issues which arise in these discussions the project examines ideas about kinship and alliance in the eighteenth century. As will be addressed in Chapter 6, kinship was a primary means of creating alliance and handling the transmission of property. Prohibitions of marriage served to regulate the boundaries of the family, and thus, how and within what limits alliance could be formed. These prohibitions, or degrees of marriage, were the subject of both theoretical debate and ecclesiastical prosecutions. Since incest was not a statutory crime in England until 1908, its prosecution remained in the hands of the church authorities throughout the eighteenth century. Chapter 7 examines incest and prohibited marriage cases in the records of the Diocese of London Consistory Court and the Court of Arches.⁴⁹ Although cases of sexual violence within the family were not prosecuted as incest, the records of the Old Bailey include prosecutions for rape and infanticide in which the father is either implicated or directly prosecuted.⁵⁰

In all of these broad range of sources incest reveals fault lines in the way the family was represented and conceived of during the long eighteenth century in England. It was a phenomenon that occurred at the very heart of the family, but about which it was often difficult to speak. Because of this its occurrence and representation were moments at which it was possible to articulate the inherent conflicts which underlay contemporary ideas about family life. Incest was a spectre which haunted the familial vaults upon which society was built.

⁴⁹ On the Consistory Court for the Diocese of London and the Court of Arches see L. Stone, *Road to Divorce: England, 1530–1987* (Oxford, 1990), pp. 33–41, 43–4. For a contemporary account of the Court of Arches see H. Consett, *The Practice of the Spiritual or Ecclesiastical Courts* (1685), pp. 4–5.

⁵⁰ For a detailed discussion of the law of rape see A. E. Simpson, 'Masculinity and Control: The Prosecution of Sex Offenses in Eighteenth-Century London' PhD, New York University, 1984.

Chapter 2

Mysterious motherhood: family breakdown in one eighteenth-century tale of incest

In the autumn of 1786 Fanny Burney and a group of friends held a private reading of Horace Walpole's play *The Mysterious Mother*, from a copy loaned to Burney by Queen Charlotte. On 29 November Burney described the play in her journal as 'Truly Dreadful!' but this was more than just a criticism of the merits of the drama. Despite her friendship with the author she wrote that the play had caused an 'indignant aversion' against 'the wilful Author of a story so horrible' whom she almost regarded 'as the patron of vices he had been pleased to record'. One of the others present, Leonard Smelt, said that Walpole was 'deserving even of punishment for such a painting of human wickedness.'¹ Upon returning the manuscript to the Queen, Burney's last word on the subject was to recommend that she 'never deign to cast her Eye upon it'. What was it about this tragedy which elicited such an extreme reaction? What were the horrific crimes which could even be thought to implicate the author? The 'vice' this gathering of literati was so repelled by was incest.² To a twenty-first-century reader, living in a society in which incest has been given the status of ultimate crime and universal taboo, Burney's reaction, although somewhat extreme, does not necessarily seem out of

¹ F. Burney, *The Diary and Letters of Madame D'Arblay*, (1842), vol. 3, pp. 234–5 (entry for 28 Nov. 1786). Leonard Smelt was a member of London literary society and friends with both Burney and Walpole.

² Walpole was very wary of such a reaction. He wrote that 'From the time that I first undertook the foregoing scenes. I never flatter'd myself that they would be proper to appear on the stage – The subject is so horrid that I thought it would shock, rather than give satisfaction to an Audience.' British Library, King's MS 305, H. Walpole 'Count Edmund or the Unhappy Marriage' (1791).

place. But was such a reaction characteristic of the contemporary understanding of incest?³

Compare the response of Burney and her friends with that of the author of a comment in the *European Magazine* published just one year later. In this critic's estimation Walpole had written a tragedy of 'very singular merit' unsurpassed 'in any other tragic effort of a modern date' about which 'the reader of taste ... will hardly be disposed to controvert our decision in its favour'.⁴ The *Monthly Review* also had high praise for *The Mysterious Mother*, comparing it favourably with Sophocles's *Oedipus Tyrannus*, widely held in this period to be the foremost example of dramatic tragedy.⁵ The article on the play in D. E. Baker's *Biographia Dramatica* published a few years later echoed these sentiments, 'we cannot but express our surprise that its author should wish to withhold it from the public'.⁶

Reviews, synopses and comments appeared in a variety of publications, and ran the full range from vociferous condemnation to effusive praise. The exaggerated reactions on both sides are revealing, but to understand these extreme reactions we must examine the plot of the drama and the history of the story on which it was based. This study will show *The Mysterious Mother* to be a useful text for understanding some of the contemporary possibilities for expressing ideas about family life.

Walpole's play was fiction, but he based it upon a purportedly true story which he related as follows:

³ For a recent literary analysis of Walpole's play see P. Baines, "'This Theatre of Monstrous Guilt': Horace Walpole and the Drama of Incest", *Studies in Eighteenth-Century Culture* 28 (1999), pp. 287–210. Critics have found the play useful for analyses of Walpole's psychological make-up, generally concluding that the incest motif indicates Walpole's mother-fixation. For a discussion of psychoanalytic uses of *The Mysterious Mother* see M. Mudrick's introduction to the 1966 edition of *The Castle of Otranto*. He dismisses *The Mysterious Mother* as 'a very bad play' which is evidence for Walpole's 'taste for freaks and marvels', quoted in J. A. D. Imm (ed.), 'Horace Walpole's *The Mysterious Mother*: A Critical Edition', PhD, University of Arizona, 1970.

⁴ *European Magazine and Monthly Review* 12 (1787), p. 193.

⁵ *Monthly Review*, 2nd ser., xxiii (1787), pp. 248–54.

⁶ D. E. Baker, *Biographia Dramatica, or, A Companion to the Playhouse* (1782) p. 247.

A gentlewoman ... had waited on Archbishop Tillotson, and besought his counsel. A damsel that served her had, many years before, acquainted her that she was importuned by the gentlewoman's son to grant him a private meeting. The mother ordered the maiden to make the assignation, when she said she would discover herself, and reprimand him for his criminal passion; but, being hurried away by a much more criminal passion herself, she kept the assignation without discovering herself. The fruit of this horrid artifice was a daughter, whom the gentlewoman caused to be educated very privately in the country; but proving very lovely, and being accidentally met by her father-brother, who never had the slightest suspicion of the truth, he had fallen in love with and actually married her. The wretched guilty mother learning what had happened, and distracted with the consequence of her crime, had now resorted to the Archbishop to know in what manner she should act. The prelate charged her never to let her son and daughter know what had passed, as they were innocent of any criminal intention. For herself, he bade her almost despair.⁷

The origins of this story are unknown, but versions were extant in European culture as far back as the sixteenth century, where it can be found in Marguerite de Navarre's *Heptameron*. In addition to Tillotson, the encounter with the incestuous mother was attributed to various religious figures, including Martin Luther.⁸ This chapter is concerned with the versions which were published in England from the mid-seventeenth through to the end of the eighteenth century. From Bishop Joseph Hall's version included in *Cases of Conscience* in 1654 to a ballad entitled *Death and Destruction* published at the very end of the eighteenth century, there were at least ten published versions in English – three tragic dramas, several chapbook

⁷ *Ibid.*, p. 247. John Tillotson was Archbishop of Canterbury from 1691 to 1694.

⁸ For a version of Marguerite de Navarre's 'A Tale of Incest' see D. W. Cory & R. E. L. Masters, *Violation of Taboo: Incest in the Great Literature of the Past and Present* (New York, 1963), pp. 100–104. Stories in which one incest leads to another were a medieval innovation according to E. Archibald, 'Gold in the Dungheap: Incest Stories and Family Values in the Middle Ages', *Journal of Family History* 22 (1997), p. 139.

tales, one in the *Spectator*, a ballad, and three in moral conduct literature.⁹ The number of versions, the types of cultural work it was made to do, and the reactions that the story elicited all indicate that it had strong contemporary resonances. The themes and concerns which were present in all of the various retellings were issues regarding modes of interaction within the family.

Many versions of this story emphasized the truth of the tale, or mentioned (like Walpole did) its origins in an actual event. One of Walpole's correspondents provided a version carved in stone from a French epitaph which he translated as:

Here lies the son, here lies the mother,
Here lies the daughter and the father,
Here lies the sister and the brother:
The husband and wife lie here,
And yet here but three bodies are.

The basis for this rather fantastical sounding carving was a version of the double incest tale which the author claimed was 'as strange as it is true'.¹⁰ This pattern was also followed by others who retold the tale. John Quick's 1703 version, which appeared in his book on the legality of marriage to a deceased wife's sister, began with the claim that the author had 'met with [the story] both in French and English'.¹¹ The anonymous author of *Eleanora; or a Tragical but True Case of Incest in Great Britain*, a version published in 1751, attributed the text to a 'Manuscript of my Grandfather's, written by his own hand' – a statement which relied on the written word and on familial ties for its truth claim.¹² The importance of the written word, which reinforced the supposed truth of the story, provided it with an enhanced authority and thus gave greater weight to its moral message. Since it was usually told in cautionary terms, the truth of the story bolstered its

⁹ The tale will be referred to generically throughout the thesis as the double incest tale.

¹⁰ W. S. Lewis (ed.), *Horace Walpole's Correspondence* (Oxford, 1983) vol. 41, pp. 308–9 (19 Aug 1775 letter from T. Beauclerk).

¹¹ J. Quick, *A Serious Inquiry Into that Weighty Case of Conscience, Whether a Man may Lawfully Marry his Deceased Wife's Sister* (1703), p. 31.

¹² *Eleanora; or a Tragical but True Case of Incest in Great Britain* (1751), p. ii.

aim of providing moral education by claiming that its subject was an actually existing family.

One critic of Walpole's play, who compared it with the narrative of Oedipus, felt that the familial themes of this play made the reaction to it far more enduring than the issues of tyranny and fate which he saw as central to Sophocles's play: 'the tale of domestic misery does not pass like a summer storm. However fatal and immoral, the attention becomes riveted to the stage, and the spectators silently consider the picture before them as figures representing in a greater or lesser degree, that which may happen within the pale of kindred.'¹³ The possibility of imagining such a disaster occurring within one's own family gave this story a powerful moral charge. It was the family which was at the heart of social experience and its breakdown could be said to have personal immediacy. For this reason, even a story as unusual as the double incest tale could illuminate social concerns. That it could be thought to reflect upon the author (as Burney had said) or even on the audience, meant that everyone could take caution from its message.

In all of the various versions of this story, this message was about the interplay between love and parental authority. For all of the authors, the retellings of the story allowed closely considered evaluation of the conflict between affective ties and authority in familial relationships. As the introduction has shown, the relative importance of these two elements of interaction within the family was a constant problem for eighteenth-century social commentators. Related to patriarchy and to contemporary concerns about the sources of authority, the negotiation of the balance between obedience on the one hand, and filial and parental love on the other was thought to be the key to family life. The extreme breakdown of norms in this tale set up a situation in which the boundaries of these concepts were addressed: in particular the problem of the relationship between mothers and

¹³ E. Brydges, *Censura Literaria* (1815) quoted in P. Sabor, (ed.) *Horace Walpole: The Critical Heritage* (London, 1987), p. 141.

unmarried adult sons.¹⁴ This one relationship in turn reveals a fundamental contradiction in the notional basis for familial – and therefore social – moral order.

1. Desire and disobedience

The initial event which raised the problem of a mother's relationship to her son, and which began the story, was the pressure which the young man placed upon his mother's attendant. Desire within the household was the crux of the story even before the incest occurred.¹⁵ This young man's desires, presented as illegitimate, fit into a contemporary discourse which saw unmarried young men as a threat to the social order, and a disruptive sexual presence.¹⁶ Their strong social presence as servants and apprentices combined with a notion of their unbridled sexuality was generally viewed as dangerous and destabilizing because it could overturn the systems which were in place to maintain a family-centred ideal. Such contemporary social issues as prostitution, the threat of sodomitical practices, and the preoccupation with masturbation were all seen through the understanding of sexuality outside of marriage as problematic.¹⁷ Even in light of the sexual double standard, which allowed outlets for unmarried adult males, there was still a sense that marriage conferred legitimacy on sexuality.¹⁸ Marriage and parenthood – which generally carried the ultimate responsibility over a household – provided

¹⁴ For an overview of ideas about maternity see R. Perry, 'Colonizing the Breast: Sexuality and Maternity in Eighteenth-Century England', *Journal of the History of Sexuality* 2 (1991–2), pp. 213–16.

¹⁵ For the role of desire, and more broadly of the relationship between psychic processes and social change see L. Roper, *Oedipus and the Devil: Witchcraft, Sexuality and Religion in Early Modern Europe* (1994), p. 7.

¹⁶ K. Thomas, 'Age and Authority in Early Modern England', *Proceedings of the British Academy* 62 (1976), pp. 218; L. Stone, *The Family, Sex and Marriage in England 1500–1800* (1977), p. 376 on the problem of controlling apprentices.

¹⁷ T. W. Laqueur, 'The Social Evil, The Solitary Vice, and Pouring Tea' in P. Bennett and V. A. Rosario II (eds) *Solitary Pleasures: The Historical, Literary, and Artistic Discourse of Autoeroticism* (New York, 1995), pp. 156–7; R. Trumbach, *Sex and the Gender Revolution Volume One Heterosexuality and the Third Gender in Enlightenment London* (Chicago, 1998), pp. 9–10. Trumbach argues that the fear of homosexuality affected all gender relations in this period.

¹⁸ K. Thomas, 'The Double Standard', *Journal of the History of Ideas* 20 (1959), p. 197; B. Capp, 'The Double Standard Revisited: Plebeian Women and Male Sexual Reputation in Early Modern England', *Past and Present* 162 (February 1999), p. 74.

anchors which held against the violent currents of the temptations of single adulthood. In light of this the son's pressuring of the servant would have crossed a line which regulated masculine desire, and this caused his widowed mother to take action.

When Bishop Hall related the double incest story in his widely published work *Cases of Conscience* this libidinous young gentleman was presented as being naturally lustful: 'now having passed the age of his puberty grew up as in stature, so in wanton desires'.¹⁹ The attainment of male maturity inherently carried the burden of lustful and illicit sexual desires. Although sexual longings are a natural outcome of adolescence, and ultimately necessary to the creative and settling process of family formation, such desire immediately endangered familial stability. In other words, desire without responsibility was seen as intrinsically destabilizing. Keeping this concern with male virility in mind, it is unsurprising that the encounter between mother and son was cast in terms of male aggression. It was primarily his desire which was thought to cause the incest. His first attempts at adult sexuality, although they did not succeed with the woman whom he desires, has momentous consequences.

The motivation for the story came from the son's desire, and his sexuality was seen as uncontrolled. When the mother attempted to both punish and educate her son about the threat he posed she was overcome. Confronted by his physical presence the mother 'yeilded to the lust of her son'.²⁰ His desire for the maid led his mother to attempt to take action, but she was unable to do so because the strength of his cupidity overwhelmed her. However, Hall displayed some ambivalence about whether it was the mother or son whose actions were responsible. In describing this encounter he unsurprisingly used religious language

¹⁹ J. Hall, *Resolutions and Decisions of Divers Practicall Cases of Conscience* (1654), p. 412 (pagination irregular).

²⁰ *Ibid.*, p. 412.

to describe the sin – ‘the Devil so farre prevailed’.²¹ Since Hall presented the son as the sexual aggressor in this account it would be expected that the Devil acted on the son, pushing him to instigate and effect the liaison. It is therefore surprising that it was the mother, rather than the sexually aggressive son, who was the victim of diabolical temptations. Despite the representation of the mother as acquiescent and submissive, Hall was unconvinced that the active role was entirely played by the son. Temptation would have no role in a scenario in which the son forced himself upon his mother.²²

In *Innocence Distress’d*, a dramatic version of the story which was never performed but was published in 1737, the encounter is cast in similar terms. After the mother had hidden herself in the maid’s bedchamber, her son,

Entring ... seiz’d on her,
With many an eager Kiss, while she, unable
To speak, or to resist,
Permitted him to ruin her for ever!²³

The mother was overcome by the son’s impetuosity and boldness, but she also gave in and allowed the incest to occur. The religious language which characterized Bishop Hall’s use of the story does not figure in this version, but the mother permitted the incest to occur. Male sexual aggression here was still the instigator, and the mother was unable to prevent the son from realizing his desires. Instead of resulting in a reprimand and moral lesson, the son’s adult sexual masculinity is inaugurated in his mother’s arms.

²¹ *Ibid.*, p. 412. Hall’s invocation of the devil is not unique. The reference to diabolical intervention was a stock phrase and appeared everywhere from volumes of this sort to criminal indictments.

²² Some of the many discussions on attitudes to feminine desire in this period include: A. Fletcher, *Gender, Sex, and Subordination in England 1500–1800* (New Haven, 1995), p. 5; P. Crawford, ‘Sexual Knowledge in England, 1500–1750’ in R. Porter and M. Teich (eds), *Sexual Knowledge, Sexual Science* (Cambridge, 1996), p. 86; P. G. Boucé, ‘Some Sexual Beliefs and Myths in Eighteenth-century Britain’ in P. G. Boucé (ed.), *Sexuality in Eighteenth-Century Britain* (Manchester, 1982), p. 41–4; R. Porter & L. Hall, *The Facts of Life: The Creation of Sexual Knowledge in Britain, 1650–1950* (New Haven, 1995), pp. 52, 76.

²³ R. Gould, *Innocence Distress’d: or, the Royal Penitents* (1737), p. 56.

A version of the double incest story which appeared in the *Spectator* was taken directly from Hall; nearly identical language appears in both versions. It is notable however that the wording which described the sexual encounter was one of the few changes which were made in this retelling. Here, rather than yielding, the mother ‘suffer’d herself to be embraced in his Arms’.²⁴ She allowed the incest to take place. Like Bishop Hall’s version, there is some ambiguity as to who is to blame, but changing this one word also slightly altered the tone. This seemingly slight alteration gave the mother a more active role in the incest. The son remained the dominant and active partner but the mother’s reaction to her son was not one of complete submission. The ‘embrace’ implied a more romantically charged encounter, with the image of two lovers in each other’s arms replacing a capitulation to lustful power. All of these versions of the incestuous moment in the story indicate an interplay between masculine sexual aggression, and feminine acquiescence. Although the son’s predatory sexuality was ultimately to blame for the incestuous encounter, it was the mother’s role which contemporary writers saw as problematic and ambiguous. Maternal sexuality presented a significant problem for writers of this story.

The Fatal Discovery, which was performed at Drury Lane in 1698, focused upon the mother’s motivation leading up to the incest. The play opens with the character of the mother, Berengaria, nervously anticipating the return home of her son Cornaro many years after the incest. She discusses the fateful night with a servant in whom she has confided about the incest:

I strove to charm him in another’s room

While Night and Darkness favour’d my Design ...

I wanted nothing but a wanton Love²⁵

Who is the ‘him’ that she ‘strove to charm’? The ‘wanton love’ that she desires sounds like a description of the incestuous act; under the cover of darkness she

²⁴ *Spectator. Volume the Ninth* (1753), pp. 274.

²⁵ *The Fatal Discovery; or, Love in Ruines. A Tragedy* (1698), p. 2.

seduced her own son. Berengaria is not, however, referring to the act of incest in this passage. 'Wanton love' refers not to a night of sexual passion with her son, but rather to her attempts to lure her husband back into her marital bed. It is not a son she attempts to charm but an errant husband. The 'design' which leads to the incest in *The Fatal Discovery* was actually a woman's desire for her husband. Berengaria attempted to trade beds with a maid who was her husband's lover and instead ended up in the bed of a maid with whom her son was involved. The following morning, when returning to her own bedchamber Berengaria passes her husband and in her realization that it was not him with whom she had spent the night, she comprehends that she had been with her own son. This is, in fact, the only version of the story in which neither partner is aware that they are committing incest. In all other versions of the story the son is innocent of a knowing misdeed while the mother is fully conscious of her crime.

Berengaria's subterfuge is made necessary because her 'cruel Husband left [her] Bed ... several Years before'. It is surprising that a woman's attempt to repair the rift in her marriage and to regain the conjugal love of a legal spouse was presented as wanton and ultimately dangerous. In this version of the story both the father and the son are adulterous. It would be obvious to blame them for the breakdown of this family, but it is the mother on whom the culpability is placed. A woman's desire for her husband, which would seem to be an integral part of sexuality within marriage and outwardly beyond reproach, destroys the fabric of the family.²⁶ The explanation for this anxiety is that Berengaria's crime was presented as clashing with and ultimately threatening her husband's authority. She tells her maid that 'Twas disobedience was the cause of it'.²⁷ Her attempt to restore the sexual element of their relationship is a violation of male sexual and familial prerogatives. Berengaria is a loving and dutiful wife, nevertheless, her

²⁶ Perry, 'Colonizing the Breast', p. 209. Perry argues that increasingly 'maternity came to be imagined as a counter to sexual feeling, opposing alike individual expression, desire and agency in favor of a mother-self at the service of the family and the state'.

²⁷ *The Fatal Discovery* (1698), p. 1.

husband is no longer sexually interested. Even though he was adulterous she has no right to question his actions. The call for restraint among wives of adulterous husbands can be also be found elsewhere. The Marquis of Halifax wrote in a letter to his daughter in 1700 that complaining about a husband's adulterous behaviour 'makes a wife much more ridiculous than the injury that provoketh her to it'.²⁸ Berengaria's transgression of the boundaries of authority causes the incestuous liaison; regardless of the father's and the son's extramarital engagements.

What is even more surprising than fixing the responsibility on the woman is that it was not the incest which was given centre stage in *The Fatal Discovery*. Conjugal issues of adultery and uxorial obedience were the problems which led to the incest, which only became a factor when a woman attempted to assert sexual agency. Incest, which has come to be viewed as the ultimate taboo in modern Western culture was secondary here to concerns about female chastity and authority. In fact, the condemnation for the incest took the form of disapprobation of a woman's disregard for her husband's authority. Modern assumptions of incest as the ultimate sexual transgression are confounded by an altogether different emphasis. In a period of hotly contested understandings of authority such a story as the double incest tale was invested with a variety of meanings about the nature of authoritative interaction and familial relationships; without being concerned with the violation of a taboo.

Bishop Hall made it very clear that the incest was of secondary importance in the interpretation of this story. He was of the opinion that the mother's greatest fault was not 'yielding to so abominable an act of incest with her Son' but rather 'in smothering the seasonable notice of it for the preventing of a worse incest with her Daughter'.²⁹ According to Hall the mother should have admitted to the incest in order to prevent the marriage of her children from occurring. The mother's greatest crime is covering up her sin rather than admitting to it in order to prevent

²⁸ Quoted in Thomas, 'The Double Standard', p. 196.

²⁹ Hall, *Cases of Conscience*, p. 391.

the second incest. The mother's incest, even though it was done with full knowledge of what she was doing, was 'transient'. For this reason, Hall was willing to overlook it. Even equivocation was given greater weight than temporary sexual inconstancy, even when that unfaithfulness led to incest.

Hall emphasized the mother's lack of honesty about the incest as her main transgression. In another retelling of this story female desire also leads to neglect of maternal duty. Walpole too emphasized maternal faculties and placed the mother's desire at the centre of her deficiency in this area. The Countess's explanation of her motivation relates to the return of her husband after an eighteen month absence. When a messenger announces his imminent return she is almost overcome by desire, 'Love dress'd his image ... In all its warmest colours'. In anticipation of his arrival her 'impatience grew almost to sickness'. Her desire is immoderate and unrestrained. Her eager anticipation is shattered when she learns that her husband has been killed. When the incest is revealed at the end of the play she explains that,

Grief, disappointment, opportunity,
Raised such a tumult in my madding blood,
I took the damsel's place; and while thy arms
Twin'd, to thy thinking, round another's waist,
Hear, hell, and tremble!—thou didst clasp thy mother!'³⁰

Excessive involvement in the sexual aspects of her relationship with her husband leads to the incest.

The satisfaction of the Countess's desire has the effect of blinding her to the suffering of others. Thinking back to before her husband's death she laments 'While Narbonne liv'd, my fully-sated soul/Thought none unhappy—for it did not think!'.³¹ As in *The Fatal Discovery* female sexuality, although confined solely to

³⁰ H. Walpole, *The Works Volume 1 The Mysterious Mother* (Hildesheim, 1975[1798]), p. 51. Walpole completed *The Mysterious Mother* in 1768 and published it himself.

³¹ *Ibid.*, p. 122.

desire for the husband, destroys her maternal capacities. She is blind to human suffering and eschews the charity which would have been seen as a prime virtue for a woman in the position of the Countess. After the incest, in an act of repentance, she becomes pious and charitable in an overtly motherly fashion: by taking in orphan children. There is a clear link here between maternal instincts and female sexuality. The Countess has lost sight of maternal responsibilities as a result of sexual satisfaction. This becomes abundantly clear when the cause of the incest is revealed.

The *European Magazine*'s review of Walpole's tragedy commented on this aspect of the play. Other critics, the reviewer wrote, had observed that 'the moment to which the guilt of our heroine is confined, was of all others such as could not fail to have unfitted her for the commission' of the incest.³² In other words, her grief at the death of her husband would have overcome sexual desire and made the seduction of her son impossible. This critic disputed this argument on the grounds that it is 'impossible ... when the disappointed passions of a daring and sensual female are in motion, to determine on what object they may repose'. Her sexual desire is uncontrollable and most significantly unpredictable; her immoderate desire for her husband leads to incest. Desire was once again the main issue, and the incest was an outcome of the variable and voracious nature of female sexual desire. 'Daring and sensual' women were a threat to stable familial relations; their sexuality was thought to restrict maternal instincts. It led to disobedience and drove them to extreme measures to gain satisfaction.

In most interpretations of the double incest tale authority was the central problem of the story. This placed incest in a position as catalyst rather than core issue. In the climax of *The Fatal Discovery*, at the moment in which the truth is revealed to everyone involved, the author emphatically reinforced the anathema of female authority. Eromena, the daughter of the incestuous liaison, having just

³² *European Magazine*, p. 191.

discovered her own incestuous origins, makes this acquiescent speech to her father/brother/husband:

I will, my Lord, obey you whilst I live; ...
Cou'd Wives but see how very odiously
Authority becomes 'em; how much more like
The Courtezan than Wife, it does appear,
They sure wou'd blush, that by their proud behaviour
They rank themselves with the most vicious Women.³³

Eromena, even though she is simultaneously the daughter, sister and wife of Cornaro, speaks only about the spousal relationship and reaffirms her husband's authority over her. Not only was the subordination of a wife's social position emphasized, but its articulation was put into the mouth of the child of incest. While the rest of the family is guilty of incest, adultery and worst of all disobedience, the offspring of incest is represented as the paragon of virtuous and obedient womanhood. This young woman, even in the light of the revelation which tears her life apart, remains obedient to the end. Eromena's words again placed breaches of authority as a greater violation of familial order than incest. Incest was the outcome of these breakdowns. This is not to argue that incest was unimportant but that it was utilized in ways which allowed it to illuminate more pressing social issues.

Far from inconsequential, the incest leads to a series of problems and the ultimate destruction of this family. Hall described the mother's initial transgression as 'transient' but its immediate outcome was anything but fleeting. The birth of a daughter from this incestuous union leads to the complications which make this such an extraordinary tale. *The Fatal Discovery* was not the only version in which the daughter was of such a high standing; nor were her qualities limited to obedience. In Bishop Hall's telling the daughter of the incest 'grew up

³³ *The Fatal Discovery*, p. 44.

to such comeliness, both of person and behaviour, that the sonne ... fell into passionate love with her'.³⁴ Another described her as a 'handsome pretty maiden'.³⁵ John Quick wrote that she was a young woman whose 'beauty and excellent Disposition' made her marriageable to a 'rich husband' despite her lack of a fortune.³⁶ Charles Povey, another religious writer who recounted the story in 1705, portrayed her as 'of so delicate a complexion, and of so obliging a behaviour', that her father/brother immediately fell for her.³⁷ Walpole provided the most instructive example of the possibility of portraying the offspring of incest as beautiful and desirable. Her father/brother describes her with the following hyperbole:

'beauty's type renew'd. Like blooming Eve
In nature's young simplicity, and blushing
With wonder at creation's opening glow',³⁸

In the eighteenth century the equating of the young woman to Eve was not just an allusion to a literary type but referred to an actually existing universal mother, who was created directly by the hands of God. The character who was elevated in this way is the offspring of a mother and son so while the incest is a breach of parental authority, it does not breed a monster. Her beauty, exceptional personality and submission to patriarchal authority were the invariable elements of all of the retellings.

We can compare this portrayal of the offspring of incest with one from a work published in 1600. The anonymous author of this pamphlet made clear the basis for the understanding of incest which underlay its conclusions in the title of the work: *A Most Straunge, and True Discourse, of the Wonderfull Iudgement of*

³⁴ Hall, *Cases of Conscience*, p. 412.

³⁵ J. Taylor, *Ductor Dubitantium, or The Rule of Conscience* (1660), vol. 1, p. 118.

³⁶ Quick, *A Serious Inquiry*, p. 33.

³⁷ C. Povey, *Meditations of a Divine Soul: or, the Christian's Guide Amidst the Various Opinions of a Vain World* (1705), p. 382.

³⁸ Walpole, *The Mysterious Mother*, p. 62.

God.³⁹ This related the story of Francis Browne, a yeoman's daughter from Herefordshire who worked as a servant in her uncle's household. While there she and one of her first cousins 'fell a lusting'. This was not, the author argued, 'good loue ... partly because hee was hir so neere kinsman'.⁴⁰ Their relationship led to sexual congress and eventually the birth of a deformed child: a 'monster'. God acts directly to punish the 'sinnes of whoredome, adulterie, fornication, incest'. Because of these violations he made this woman 'the mother of a monster, and not of an orderly birth'. The disorderly behaviour of the mother was reflected in the extreme deformities of her child, which were described in detail.⁴¹ The mother's sins were punished through her offspring, on whom divine retribution was meted out. This was an understanding of incest and sin in which the crime was transmitted across generations and was physically corrupting.

The monstrous figure of the offspring of this incest in no way resembled the almost perfect daughter of the mother-son alliance in the double incest story. The portrayal of the daughter of incest as the perfect beauty, likened to an angel or Eve indicates an understanding of incest as a moral wrong, but one which has no physical ramifications. The moral consequences of the mother's lapse of judgement were severe, but there were no deformities associated with the crime, nor was it passed down the generations. This was an understanding which was far more about moral probity and individual transgression rather than concepts of sin and monstrosity. The way in which the incest is passed down to the next generation and is ultimately punished is through the marriage of the son and his own daughter/sister. This brought the story back to issues of authority since this marriage was seen to be directly linked to the mother's inability to exercise authority. Her trespass against familial propriety initially leads to the birth of a daughter. Later, through a lack of control, she is unable to prevent the marriage.

³⁹ For an analysis of this case see R. Hole, 'Incest, Consanguinity, and a Monstrous Birth in Rural England, January 1600', *Social History* 25, 2 (2000), pp. 183–199.

⁴⁰ *A Most Straunge, and True Discourse, of the Wonderfull Iudgement of God* (1600), p. 3.

⁴¹ *Ibid.*, p. 5–7.

2. The absence of the father

In these stories masculine desire was thought to be difficult to control, but feminine desire was ultimately the object of censure. The authority which this chapter has examined up to this point has been that of a husband over his wife. This relationship was at the heart of patriarchal order, and widely discussed in the period. What was far less commonly addressed was what happened when the primary patriarchal figure, the husband and father, was not a part of the family. One of the most salient features of eighteenth-century family life was the fluidity of household makeup. Birth, sending out children into service, hiring in of servants and apprentices, marriage and remarriage, and of course death all contributed to this flux. Families which were broken up through the death of one or more members was an experience common to many in this period. The experience of children being raised by only one parent, or by step-parents was feature of life across all social levels. According to one estimate, in the eighteenth century lone parent families made up between 15 and 20 per cent of all households.⁴² Wrigley and Schofield also provide some information on the subject with their very rough estimation that 20 per cent of marriages were remarriages in the eighteenth century.⁴³ While these statistics do not distinguish between different situations which broke up families – for example, death or a mother raising illegitimate children alone – they give some idea of the prevalence of the experience of children living without one parent.

Paternal absence has been viewed by historians as a central problem in a patriarchal society. As discussed in the Introduction, Lynn Hunt, in her work on the French Revolution has placed a strong explanatory burden on the absence of

⁴² K. D. M. Snell and J. Millar, 'Lone Parent Families and the Welfare State: Past and Present', *Continuity and Change* 2, 3 (1987), p. 392.

⁴³ E. A. Wrigley and R. S. Schofield, *The Population History of England 1541–1871: A Reconstruction* (1981), p. 258; J. E. Smith, 'The Computer Simulation of Kin Sets and Kin Counts' in J. Bongaarts, T. K. Burch and K. W. Wachter (eds), *Family Demography: Methods and their Application* (Oxford, 1987), p. 262.

the father, as the execution of Louis XVI translated into a social anxiety about the sources of authority. In Hunt's analysis of the classic French incest tale *Paul et Virginie* the absence of the father was the catalyst upon which all of the action of the story was based.⁴⁴ An anxiety about paternity was, for Hunt, related to the social and political crisis in France in the years following the revolution. The absent father undoubtedly has distinct meanings in this setting, but in more general terms absent parents were an ongoing source of concern in a world which placed such strong emphasis upon the complementary roles played by parents in the upbringing of children.

In all of the versions of this tale the father is absent, and this absence allows the incest to occur. Even in *The Fatal Discovery*, the only version in which the father is still alive, the story revolved around his absence from the nuptial bed. In many of the brief versions of the double incest story which were told as true, such as the one which Walpole related about Archbishop Tillotson, no mention at all is made of the father. In the longer retellings he is usually dead, either before the story begins, or as part of the plot (as in *The Mysterious Mother*). The death or unavailability of the male parent allows the incestuous congress. The absence of the father, unsurprisingly, presented a dilemma for a society in which paternal power was the key to the structure of the family. In the versions of the double incest tale the lack of ordered and gendered parental roles provided a space in which representations of the extremes of familial life were explored.

When the Countess in *The Mysterious Mother* recounts to her son the events of the night when her husband died she tells him, by way of explanation 'my fancy saw thee/Thy father's image'.⁴⁵ Incest was presented here as an adultery in which the temptation was affection and desire for the woman's husband. Because her son was a younger simulacrum of his father the incest solved the problem of how to assuage a woman's unfulfilled desire in the image of the absent husband.

⁴⁴ L. Hunt, *The Family Romance of the French Revolution* (Berkeley, 1992), p. 35.

⁴⁵ Walpole, *The Mysterious Mother*, p. 121.

The son is sexually available, unmarried and pursuing a member of the household, and thus falls prey to his mother's machinations. None of this aims to argue that in social relations it might have been acceptable for a son to replace his father as his mother's nuptial partner. Nevertheless, it does reveal some of the anxiety around certain aspects of patriarchal order. This was an order which relied upon the son succeeding his father, but in which this replacement carried the danger of family breakdown.

The incest in John Quick's 1703 version was said to have occurred twelve years after the death of the father, and after as long a period of self-enforced celibacy by his widow. Because of her affection for her son, and in order to protect his inheritance she made what Quick described as a 'rash Vow of perpetual Widowhood'.⁴⁶ Her remarriage would jeopardize her son's rights of inheritance upon her death, and his position in the household as the replacement for his deceased father. Here again unfulfilled female desire, this time in the service of her son's hereditary rights, is the catalyst for the transgression. Through patriarchal succession the family was automatically recreated under the authority of a new head. The son as replacement for his father consisted socially in the hereditary ascendance of the son, but the fear was that such a shift endangered the order which was established by the original marriage. Although central to the social order, this system also unseated previously held positions. The anxiety which was present in this story was about how the son inheriting his father's role in the family could go wrong, and lead to an expectation of incest. The ultimate outcome of this was that the parental authority which the mother should have over her son was destroyed by the incest.

The author of *The Fatal Discovery* placed a strong emphasis upon the subordinate role of women in relation to their husbands: a position which is not altogether surprising. The male head of household had a paramount position in

⁴⁶ Quick, *A Serious Inquiry*, p. 31.

both the family and in wider social groupings. However, when the father was absent the family became complex and unstable: relationships of authority were unscripted. The centre of this conflict was a clash between parental authority and patriarchal order.⁴⁷ In the original story, as told by Walpole or Bishop Hall, the mother initially took the maid's place in bed in order to 'schoole the young man to purpose'; her aim being to prevent her son from committing an immoral act with her servant.⁴⁸ As the *Spectator* puts it, the mother bid her maid to make an appointment 'out of a Purpose to repress this wild Humour in her son'.⁴⁹ In most versions the mother's aim was honorable. It also fulfilled one of the central duties of a parent in providing moral education to her offspring. The reader can imagine that such a method would be highly effective in achieving its aim of providing guidance; it was certainly a strident course of action. When the son did approach his mother in bed, she was overcome with passion (for the variety of reasons discussed above) and succumbed to her lust, his power or even the devil. Because of the absence of the father the mother was forced to attempt to rein in her son's sexuality, the outcome was disastrous and her exertion of parental control failed. A woman's authority was seen as no match for a virulent male sexuality or patriarchal authority. When the mother endeavoured to 'reprimand him for his criminal passion' she was 'hurried away by a much more criminal passion herself'.⁵⁰ Her attempt to fulfill the parental responsibilities of both teaching morality and punishing offspring when boundaries were broken failed because it was the sexuality of an adult son.

The danger in maternal control of the family was represented in this story by the incest, and the act was both a result of the mother's attempt and a further cause of the disruption of relationships. In *Eleanora* the description of the incestuous

⁴⁷ On maternal authority see P. Crawford, 'The Construction and Experience of Maternity in Seventeenth-Century England' in V. Fildes (ed.), *Women as Mothers in Pre-Industrial England* (1990), p. 29.

⁴⁸ Hall, *Cases of Conscience*, p. 412.

⁴⁹ *Spectator*, p. 273.

⁵⁰ Baker, *Biographia Dramatica*, p. 247.

moment is particularly notable for the way it presented the breakdown of authority. Eleanora, ‘under the Infatuation of an irresistible Destiny, acquiesced, O HORROUR! to his incestuous enjoyment; from which Moment, her Mouth was for ever stopped from reproaching him’.⁵¹ Difficult to maintain at the best of times, maternal authority is completely undermined here. Her incestuous relationship with her son creates a new kind of relation between them in which she can no longer fulfill the parental role. The son has been elevated, not only in the sense of inheriting his father’s position in the social order, but also in taking on the role of husband. This singular act of incest transforms their relationship from one of mother and son to a much more ambiguous and difficult one. The incest was seen as the explicit cause of her loss of maternal authority.

Later in the story, Eleanora attempts to confront her son and daughter about their impending marriage but she finds that she lacks the authority to prevent it. Several other versions have scenes in which the mother attempts to prevent the union by exercising a parent’s right to prohibit an unsuitable marriage. The desire for marriage between the son and his daughter/sister reveals how little control the mother is able to maintain. In *Innocence Distress’d* the Duke asks that he be allowed to ‘chuse where Inclination bids’ in response to his mother’s command that he marry for political reasons.⁵² In *The Fatal Discovery* when Berengaria learns of the love between her children she resolves to ‘use a Mother’s Power’ to prevent their marriage.⁵³ In this story, the strength of the mother’s influence over her children is greatly reduced by her transgression.

Innocence Distress’d has the most notable example of the mother’s failure to exert her parental authority. When the Duke presents his would-be bride to his mother she pleads with him not to go forward with the marriage:

⁵¹ *Eleanora*, p. 11.

⁵² Gould, *Innocence Distress’d*, p. 11.

⁵³ *The Fatal Discovery*, p. 24. See Chapter 7 for a discussion of marriage and parental consent in this period.

I assume a Mother's Power: Tho' in Office

I am below, in Nature I'm above you,

And do command you leave her.⁵⁴

This stance by the Duchess, echoed in other versions, is the ideal formulation of parental authority in conflict with patriarchy. The mother is subordinate to her son as inheritor of his father's title, but superior according to the dictates of natural law. Instead of strictly favoring patriarchal authority and female subordination this passage presented a contested field of relations in which the patriarchal order came into conflict with parental jurisdiction over offspring. What made such an opposition so crucial was the idea that both are absolute, and central to order within the family. This revealed the highly contingent nature of a mother's influence over her sons, but the dilemma which it imposed was fundamental to the eighteenth-century family. It was intrinsic to an order in which social authority derived from male prerogatives, but in which the relationship of parent to child, or master to servant was held responsible for the maintenance of order.

Where the mother in *Innocence Distress'd* draws on maternal authority, in *The Mysterious Mother* she tries to override her son by claiming patriarchal power:

Thou art my son, and I will prove a mother.

But I'm thy sovereign too. This state is mine.

Learn to command, by learning to obey.

Tho' frail my sex, I have a soul as masculine

As any of thy race.⁵⁵

The strength of her command arises not from the obedience which a son owes her but from the role which she has played as sovereign since the death of her husband. In making this claim to authority she portrays herself as a masculine leader rather than a mother, a role which she puts aside. In this scene the Duke and

⁵⁴ Gould, *Innocence Distress'd*, p. 29.

⁵⁵ Walpole, *The Mysterious Mother*, p. 88.

his mother vie for political ascendancy over the state while also competing for control over his personal life choices. Significantly, although the mother's attempt fails outright in *Innocence Distress'd*, where the son openly disobeys her, Edmund in *The Mysterious Mother* resolves to agree to his mother's wishes. It is only when another character intervenes, deceitfully informing the son that his mother has changed her mind, that Edmund goes ahead with the marriage. The claim to patriarchal power on the part of the mother is initially more successful, although in the end the outcome is the same and the marriage goes ahead against the mother's wishes. Walpole's version of the story confirmed the preeminent position of patriarchal authority, and simultaneously made the mother powerless to exercise the authority she claimed over her son.

3. Conclusion

Patriarchy without the patriarch had no strength to uphold the burden of morality which rested on the family. This extraordinary narrative of double incest explored the boundaries of family relations, and placed a strong emphasis upon the negotiation of authority. The repeated retellings of this tale of double incest located the cultural problematic in the individual's experience of parental authority. The relationship between a mother and her adult son, in which patriarchal authority came into conflict with maternal and parental control and influence, illuminated a fundamental contradiction in the idea of patriarchal order. The lack of ordered, balanced and gendered parental roles provided a space in which representations of the extremes of family life were explored. So, what is the cultural work which these retellings were made to perform?

It was the contradictory pressures on the family which were revealed in the relationships with which the story was concerned. When the mother finds herself in a situation in which her husband no longer desires her she attempts to rekindle the love they once had, but the problem lies in the conflict between love and

authority. Marriage was a relationship in which love and authority should have coexisted but actually conflicted: an inherent problem in early modern patriarchal conceptions of marriage. Conjugal love was thought to be based upon a mutual attraction between both the husband and wife, however, when the husband in essence left the marriage it was the wife's responsibility to bow to his authority.

When the son took over as head of the household on the death of his father he was assuming a role which was expected of him. Likewise, when a mother reprimanded her son for behaving improperly she was doing the job expected of her as a parent. Everyone played their part in these ordinary family dramas, but what happened in these stories was that an invisible barrier between the legitimate and the illicit was crossed. The ease with which this happened indicates that the historically specific constellation of burdens placed upon the family in this period were too much to bear. Socialization through the family was uncertain and unreliable because the pressures of balancing forms of authority and affect destabilized a social institution that was thought to be secure.

The goal of these stories was to bring this fundamental problem into play in order to highlight it, not to resolve it and make it go away. Addressing the boundaries of experience made the articulation of these issues possible. In a climate in which the stable and socializing family was entirely naturalized, it was necessary to submerge the discussion of these problematics in stories of familial relationships in extremity. The double incest story explored the possibility that the fundamental tensions which underlay eighteenth-century familial relationships ultimately threatened the basis for social order. The next chapter will now go on to address the law of marriage and incest where these tensions will be examined through another cultural context.

Chapter 3

The law of the family: incest and natural law in eighteenth-century legal discourse

Some marriages and lusts unlawful be;
Incest, adultery and Sodomy¹

Behind its apparent simplicity this terse rhyme from 1671 conceals a complex structure of legal and social regulations which governed the family and sexuality in early modern England. While this verse makes the prohibitions appear straightforward, ideas about marriage and sexuality were anything but clearly articulated or easily understood. Custom and law encroached upon the experience of everyday life and played a role in the creation of cultural ideas about the social role of the family. The three violations listed here – adultery, incest and sodomy – were all transgressions which struck at the heart of order within the family. Although it uses the present tense, this couplet does not refer to late seventeenth-century legal restrictions. Instead it was written as a mnemonic device for remembering Chapter 18 of Leviticus. It was necessary to know the content of this chapter because, as the basis for the degrees of relation within which it was unlawful to marry, it was at the core of early modern and eighteenth-century ideas of incest. The codification of these prohibitions in English ecclesiastical law created a complex and contested set of restrictions, which in turn meant that familial attachments impinged upon decisions about marriage.²

¹ *A Good Help for Weak Memories: or, the Contents of every Chapter in the Bible in Alphabetical Dysticks* (1671), p. 8.

² R. Burn, *Ecclesiastical Law*, 4th edn (1781), vol. 2, 397–408.

In the wake of legal reform which occurred following the English Reformation the marital restrictions enumerated in Leviticus 18 were the basis for the restrictions on marriage partners in England; this chapter thus regulated relations which were defined as incestuous. Although it includes verses on sodomy, adultery, and even bestiality this biblical chapter was generally utilized for its list of relations to whom marriage was forbidden: what were known as the prohibited degrees. The volume from which the opening couplet is taken reduces every chapter of the bible to a rhyming *aide-mémoire*. Inexpensive works of biblical exposition and religious morality such as this, which aimed to make the Bible more easily understood, were widely published in the seventeenth and eighteenth centuries.³

By simplifying the restrictions, such distillations created and influenced morality and helped to define the boundaries of the family. The simplification of complex regulations aimed to create uncontested rules by removing ambiguity. By presenting a complex series of marital and sexual prohibitions as a straightforward dictum it had the effect of universalizing these particular sexual transgressions. By stating them as ‘unlawful’ rather than sinful, the author of this passage was presenting the law as unchanging. Despite ongoing processes of secularization in the late seventeenth and eighteenth centuries, the wide distribution of such works testifies to the continuing importance of the Bible in English society. Biblical law remained an significant tool for defining and interpreting society; this was especially true when it came to marriage and family life. The Mosaic law was the basis for the regulation and prosecution of the prohibited degrees of marriage.

³ T. R. Preston, ‘Biblical Criticism, Literature, and the Eighteenth-Century Reader’ in I. Rivers (ed.), *Books and their Readers in Eighteenth-Century England* (Leicester, 1982), pp. 98–9.

1. Looking back: eighteenth-century notions of the history of incest law in England

The great legal commentator William Blackstone clarified the role of the Mosaic law in regulating marriage when he explained that English statute law ‘considers marriage in no other light than as a civil contract. The holiness of the matrimonial state is left entirely to the ecclesiastical law: the temporal courts not having jurisdiction to consider unlawful marriage as a sin’.⁴ Because of this division of responsibility, the prevention, detection and punishment of ‘incestuous or other unscriptural marriage, is the province of the spiritual courts.’ For Blackstone, leaving the regulation of such a critical institution as marriage in the hands of the ‘feeble coercion’ of the ecclesiastical authorities had serious consequences for the moral standing of the nation.⁵ Blackstone was convinced that the problem was historical, and that responsibility lay with the original framers of the ecclesiastical regulations which outlawed marriages within the prohibited degrees. In other words, the men who set up this situation had immoral aims and ‘constrained celibacy’; the legacy of this could be seen in the weakness of the regulation of marriage in the eighteenth century. Blackstone’s commentary on this issue briefly outlined the aspects of the history of regulation of marriage which influenced eighteenth-century law and legal discourse.

The men whose sexual morality Blackstone impugned, implicitly including King Henry VIII, had been instrumental in reforming the English marital law in the Reformation. Until the English Reformation the regulation of matrimonial offences, including marriage within the prohibited degrees, was the province of the canon law and regulated by ecclesiastical courts under papal jurisdiction. For much of the middle ages, the church had insisted upon its right to regulate marriage on the grounds that this was an issue which was primarily about the salvation of souls, rather than a temporal concern. Prohibited degrees of marriage

⁴ W. Blackstone, *Commentaries on the Laws of England*, 5th edn (1773), vol. 1, p. 433.

⁵ *Ibid.*, vol. 4, p. 65.

had been expanded far beyond the restrictions outlined in the levitical degrees. A system of dispensations allowed anyone who could afford to pay to circumvent these restrictions.⁶ The reforms of marriage law in England made such dispensations illegal. However, these new restrictions were primarily attached to the politics of the Reformation and Henry's divorce from Catherine of Aragon. As a result, incest was never far from the surface of the politics of the Reformation.

The annulment of the marriage between Henry and Catherine through the use of the levitical degrees was made possible by her prior marriage to Henry's older brother Arthur. When Arthur died of consumption in 1502, only a few short months after his marriage to Catherine of Aragon, his death left Catherine a young widow and his brother Henry heir to the throne. The preservation of the alliance formed by Arthur's marriage was important to the regime. However, matrimony between a man and his brother's widow violated canon law which prevented her remarriage to Henry. However, a papal dispensation was obtained and Henry and Catherine were married in 1509. When, during the course of their marriage, Catherine did not provide Henry with a male heir, her prior attachment to his brother provided the canon law justification for the separation from her in 1533.⁷ The biblical prohibition of their marriage was first used to try to convince the papal authorities to allow their legal separation. When the Pope would not authorize an annulment, the levitical prohibition became the basis for the annulment of the marriage.

The law which decreed the annulment was passed during the fourth session of the Reformation Parliament in 1533. Henry and his advisors were able to use biblical interpretation to declare that since the marriage was 'definitively, clearly

⁶ J. Goody, *The Development of the Family and Marriage in Europe* (Cambridge, 1983), pp. 134–146. G. Duby, *Medieval Marriage: Two Models from Twelfth-Century France*, trans. E. Forster (Baltimore, 1978), pp. 15–22; F. Gies and G. Gies, *Marriage and the Family in the Middle Ages* (New York, 1987), pp. 84–5; E. Carlson, *Marriage and the English Reformation* (Oxford, 1994), p. 21.

⁷ J. J. Scarisbrick, *Henry VIII* (1968), pp. 163–197 explains in detail the canon law of the divorce.

and absolutely ... against the Laws of Almighty God' the marriage had never legally existed. The law simultaneously gave legal sanction to Henry's next wife, recognizing Anne Boleyn as Henry's 'most dear and entirely beloved wife'.⁸ More than just allowing Henry to end his undesirable marriage, the use of the levitical law had considerable implications. In the short term, by declaring the marriage void *ab initio* Henry also hoped to invalidate any future claim to the throne by children of that marriage. The long-term cultural ramifications of this law were also considerable. Leviticus 18, from which the regulation was taken, continued to have an impact on marriage law until the early twentieth century, with debates over the legality of marriage to sibling's spouse or spouse's sibling running throughout the eighteenth and nineteenth centuries.

The long running debates about the legality of these marriages arose because passages of Leviticus 18, which Henry used to annul the marriage, did not necessarily have the meaning they were given during the Reformation. Leviticus 18:16 stated 'Thou shalt not uncover the nakedness of thy brother's wife: it is thy brother's nakedness'. Disputes arose as to whether this applied after the death of the brother. The levitical law was also directly contradicted by Deuteronomy 25. This text made the marriage of a brother's widow a specific obligation when the widow was left childless, a duty which aimed at securing the descent of the line of kinship. In order to make the annulment viable Henry's canon lawyers and theologians had to show that Leviticus 18:7 was binding while Deuteronomy 25 was not. By emphasizing the levitical degrees as the standard for marriage restriction, the 1533 Act of Succession highlighted cultural concerns about the boundaries of consanguinity and affinity.

The enduring relevance of the 1533 Act of Succession lay in its concern not only with the king's marriage and succession, but also with marriage restrictions more generally. In order to give the king's annulment wider credibility, showing

⁸ *Statutes at Large*, 25 Hen. VIII c. 22.

him to be subject to the same divine restrictions as his people, parliament broadened and specified the restrictions. ‘Since many Inconveniencies have fallen ... by reason of marrying within the Degrees of Marriage prohibited by God’s Laws’, it was necessary to outline these relationships and deny any possibility of dispensations which would allow such a marriage to take place. The act outlined fourteen different and specific relationships which were illegal under the law of God, and made these laws inviolable – ‘no Man, of what Estate, Degree or Condition soever he be, hath Power to dispense with God’s Laws’.⁹ This phrase was explicitly about the dominance the rule of law in the regulation of the family.

This act was followed in the next few decades by several decrees which dealt with both royal succession and legality of marriage, many of which had only short term implications.¹⁰ For eighteenth-century marriage law the most enduring of these was passed in 1540. ‘By this Act we declare all Persons to be lawful, that be not prohibited by God’s Law to marry ... and that no Reservation or Prohibition, God’s Law except, shall trouble or impeach any Marriage without the levitical Degrees.’¹¹ The wording used here made the protection of marriage twofold. Rather than stating what was illegal, it authorized all marriages outside the levitical degrees as acceptable, and stressed this protection by outlawing any attempt to prevent marriages outside these degrees. With the abolition of the possibility of circumventing these laws (at least ideally, if not always in practice) the relationship between the means of regulation and the families being regulated began to change. Henry VIII used incest and the biblical degrees as a means of ridding himself of and replacing wives, but in so doing the ecclesiastical authorities made it more difficult for others do the same.¹² A legal dictionary published in 1729 followed the logic of explaining which marriages were legal

⁹ *Ibid.*, 25 Hen. VIII c. 22.

¹⁰ R. B. Outhwaite, *Clandestine Marriages in England, 1500–1850* (1995), p. 6.

¹¹ *Statutes at Large*, 32 Hen. VIII c. 38.

¹² R. Houlbrooke, *Church Courts and the People During the English Reformation, 1520–1570* (Oxford, 1979), p. 74.

rather than delineating those which were unlawful: ‘All Persons of the Age of Consent to marry ... who are not prohibited by the levitical Degrees, or otherwise by God’s Law, may lawfully marry.’¹³ By leaving the actual relationships unstated the door was left open for varying and contradictory interpretations of biblical law to be the subject of intense debate for several hundred years.

Henry’s political machinations, especially in his use of legislation to remove one wife and marry the next, are remarkable for his repeated use of incest. In the case of Anne Boleyn the use of incest was twofold.¹⁴ Henry’s relationship with her sister prior to their marriage was again used to annul the marriage. Although she was accused of having had sexual relations with a number of courtiers, the most damning allegation was that she had ‘procured and incited her own natural brother ... to violate her’.¹⁵ On the strength of these charges the queen and her brother George were executed. Although it was the divorce from Catherine of Aragon that continued to attract attention in discussions of prohibited marriage in the eighteenth century, Henry’s use of incest provides an example of the importance of these degrees for family and kinship, especially among Europe’s aristocracy. Incest was an issue that was never far from the centre of authority in Europe throughout the early modern period. Aristocratic and especially royal marriages were diplomatic matters which led in many cases to close affinal marriages. Eighteenth-century views of these marriages will be discussed further in the chapter on kinship and alliance. Henry’s particular use of incest placed it in the centre of concerns about familial relationships for many years to come.¹⁶

The Acts of 1533 and 1540 continued to influence understandings of incest in the seventeenth and eighteenth centuries, and it was to this history that William

¹³ Examples include G. Jacob, *A New Law Dictionary* (1729), ‘marriage’, no page numbers.

¹⁴ H. A. Kelly, *The Matrimonial Trials of Henry VIII* (Stanford, 1976), pp. 242–4. Under early modern law, carnal knowledge was equivalent to marriage in creating kinship, so Henry’s affair with Mary Boleyn meant that Henry and Anne were affinal siblings before their marriage.

¹⁵ J. S. Brewer, J. Gardiner, and R. H. Brodie (eds), *Letters and Papers of Henry VIII, 1509–1547* (1862–1932), vol. 10, no. 876.

¹⁶ B. T. Boehrer, *Monarchy and Incest in Renaissance England: Literature, Culture, Kinship and Kingship* (Philadelphia, 1992), p. 44.

Blackstone alluded when dismissing the aims of the authors as immoral. However, it was not only the Henrican laws which drew Blackstone's derisive attention. In 1650 a law was passed by parliament by which 'incest and adultery were made capital offenses'.¹⁷ Although Blackstone clearly thought the eighteenth-century regulation of marriage was toothless, he did not see the severity of the 1650 statute as evidence of better regulation. Instead he thought 'the ruling powers found it in their interest to put on the semblance of a very extraordinary strictness and purity of morals'. However, his overall criticisms were aimed not only at the revolutionary leaders, but rather at moral authority in general. His discussion of the law of adultery here seems to indicate an hostility toward all moral authority. That he rejected all of the attempts of governing authorities to regulate marital morality indicates significant contemporary problems with the issues surrounding marriage.

The Commonwealth's act of 1650 made several sexual and familial crimes capital, and its opening paragraph focussed upon the definition and delineation of the prohibited degrees. Despite the new strictures, and probably because of the severity of the punishment, very few people were executed for adultery, so incest therefore must have been even rarer. There was little will to execute anyone for the violation of the boundaries of marital and familial morality.¹⁸ With the Restoration the earlier careless attitude prevailed, but Blackstone saw no great benefit in the change that occurred in returning to the previous laxity of regulation. Those who returned to power after 1660 were no better than the men who had framed the original laws. From the framers of the law of incest, to the authors of the 1650 statute, to the 'extreme ... licentiousness' of the Restoration,

¹⁷ W. Blackstone, *Commentaries*, vol. 4, p. 64; *An Act for Suppressing the Detestable Sins of Incest, Adultery and Fornication* (1650) s. s.

¹⁸ See K. Thomas, 'The Puritans and Adultery: The Act of 1650 Reconsidered' in D. Pennington and K. Thomas (eds), *Puritans and Revolutionaries: Essays in Seventeenth-Century History presented to Christopher Hill* (Oxford, 1978), p. 258, and S. Roberts, 'Fornication and Bastardy in Mid-Seventeenth-Century Devon: How the Act of 1650 was Enforced' in J. Rule (ed.), *Outside the Law: Studies in Crime and Order, 1650–1850* (Exeter, 1982), p. 3.

Blackstone held civil and spiritual authorities from the Catholic Church onwards responsible for the impotence of the English law on marriage. In Blackstone's comments on the inability of the law to prevent lewdness and uphold chastity is an implicit censure of moral authority in any form.

This was the legal history and context upon which the situation in the eighteenth century rested. The reliance upon a set of debatable biblical strictures meant that the interpretation of what constituted an unlawful and incestuous marriage was up for debate. It was a common perception that the forbidden relationships were ill defined and that this could lead to confusion over the legality of some marriages. Clear delineation of exactly which relationships were unlawful could not be found in Leviticus, so exegetical analysis was necessary to determine which relationships were prohibited. Biblical interpretation was central to ecclesiastical law and therefore to ideas about familial relationships.

Eighteenth-century biblical interpretation dealt with incest in two main ways: as a legal problem in the passages of Leviticus and Deuteronomy, and as a social issue through exegesis of stories in which incest was implied or explicit. Readings of the bible neatly separated the legal and moral passages from what were then understood as historical portions. Stories of incest from the Bible are addressed in detail in Chapter 4, which looks at the ways in which these tales were transmitted and refigured to fit contemporary concerns. Here, attention will be on the role which Mosaic law played in English family law in the eighteenth century. The vagueness of the Mosaic decrees, as well as of the ecclesiastical law based upon the Bible opened space for the possibility of debate. Marriages to deceased wives' sisters, first cousins, and even 'that such as are contracted between an Uncle and a Niece' were the focus of discussion about their questionable legality and therefore of the boundaries of the family.¹⁹ Affinal relationships could often be considered

¹⁹ J. Fry, *The Case of Marriages Between Near Kindred Particularly Considered* (1756), p. xi. A second edition of this work was published in 1773.

to have incestuous implications that were not unlike those of blood relationships. The debate over the legality of affinal attachments, most commonly but not exclusively siblings-in-law, provided a way into a variety of complex issues which surrounded the family.

2. Biblical law and sisters-in-law

Although the law of prohibited degrees and incest was based upon the restrictions which were delineated in Leviticus, other portions of the Bible also had a significant role in the understanding of incest. The implications of Genesis 2:24, which stated that a man and a woman became ‘one flesh’ after marriage, also played a role in the understanding familial relationships. The law of coverture and the non-existence of a married woman in the eyes of the law was based upon the notion that ‘The husband and wife are but one Person in Law, because they are one Flesh and one Blood.’²⁰ The *feme covert* had no legal status because she was the same person as her husband. Although the legal implications are manifold, affecting marital finances, a married woman’s legal culpability, and the social status of widows, it also has profound social implications.

An example of the social use of the ‘one flesh’ idea can be found in a late seventeenth-century tract on familial conduct. *A New Family-Book; or, the True Interest of Families* emphasized the importance of the corporeal bond in directing stepparents in the duties they owe to the family which they have just entered. While this volume delineated parents’ obligations to their children, the author saw no need to explain to parents why they must fulfill these obligations: it was assumed to be natural that they should do so. On the other hand, stepparents had to be encouraged to be responsible parents. Because they had no natural bond to the children of their new spouse the reasons why they should perform the role of

²⁰ G. Jacob, *Treatise of Laws: or, a General Introduction to the Common, Civil and Canon Law* (1721), p. 133.

parent had to be explained. Stepparents were obliged to consider ‘The Nature of their Marriage Relations, whereby they become one Flesh to those to whom they are married ... by Virtue of this near Relation ... they ought to have a tender regard for the Interests and Concerns of one another.’²¹ These ‘interests’ primarily referred to one another’s children. The biblical idea of ‘one flesh’ was used to emphasize the social bond between stepparent and child which made the fulfillment of parental duties as fundamental as if the children were one’s own. Since culturally so much was thought to depend upon the duties and obligations owed to each other by parents and children, the attainment of good relationships between stepparents and children was also seen to play a social role.

The legal understanding of this tie between husbands and wives was also used to explain incest law at the time. The legal status of husband and wife as a single individual was seen to play a role in their commitment to each other and to their children, but it also attached them to wider family groupings. In the words of one tract on laws concerning women, ‘The husband and wife being but one flesh, he who is relation to one by consanguinity, is related to the other by affinity in the same degree.’²² Marriage meant that relations were cemented in such a way as to make marriage or sexual relations with a spouse’s relatives as incestuous as those with own family members. A 1678 table of consanguinity and affinity explained ‘what Relation a Man may not marry his own Kinswoman, in the same he may not marry his Wife’s Kinswoman, or his Kinsman’s wife’ because ‘Husband and Wife are one Flesh’.²³ In the eyes of the law familial attachments created by marriage were the same as those with blood relations. Distinctions between blood and marriage were not as clear as they would later come to be seen to be.

²¹ J. Kirkwood, *A New Family-Book; or, the True Interest of Families*, 2nd edn (1693), p. 218.

²² *The Laws Respecting Women, as they Regard their Natural Rights, or their Connections and Conduct* (1777), p. 31.

²³ *Incestuous Marriages* (1678), s. s.

Affinal kin included a wide range of relations of which the boundaries were not always easy to define. Usually including aunts, uncles, nieces, nephews and grandparents by marriage, as well as stepchildren, the family into which one married involved a significant addition to one's relations and thus to the degrees of prohibition. However, the most culturally problematic of these relationships were affinal siblings – spouses of siblings and siblings of spouses. Randolph Trumbach has argued that these were relationships around which 'popular horror at incest centred'. Such women 'had been brought by marriage into the solidarity of a man's siblings, which lay at the heart of kindred. They therefore had to be treated like consanguineal sisters. They could not be married, and it was wicked but exciting to think of sleeping with them.'²⁴ Trumbach's argument provides little evidence for the excitement involved in breaking the taboo, but this relationship is undoubtedly highly charged in this period. *The Illegal Lovers*, a 'true history' published in 1728, told in great detail of a widower's growing desire for the sister of his wife. This tragic tale charted the downfall of a man whose love for his sister-in-law cannot be fulfilled because of restrictions on its legality. The story progressed through a series of approaches by Bellario, the widow, and rejections by his sister-in-law Lindamira. This was both a love story and a cautionary tale which highlighted the dangers of attraction to someone too closely related.

When his repeated attempts to woo Lindamira fail because she will not agree to an illegal and immoral marriage, Bellario obtains her agreement to appeal their case to a convocation of Protestant divines. The conclusion of these ecclesiastical authorities is that 'such a Marriage could not be, without, running Counter to the direct Laws of Christianity'.²⁵ When the divines refuse to grant permission, he tells Lindamira that if she allows he will 'procure a Dispensation for our Marriage

²⁴ R. Trumbach, *The Rise of the Egalitarian Family Aristocratic Kinship and Domestic Relations in Eighteenth-Century England* (New York, 1978), p. 19.

²⁵ *The Illegal Lovers, A True Secret History Being an Amour Between a Person of Condition and his Sister* (1728), p. 42.

from the Church of Rome'.²⁶ She is even more horrified by this suggestion than his other attempts to get her acquiescence. The suggestion by Bellario that an appeal to papal authority would be an acceptable route was designed to show the reader how far he has slipped beyond the boundaries of reason. When nothing works to convince Lindamira to marry him Bellario commits suicide. This final violation of God's law showed clearly how dangerous such familial affections could be.

The problem with which *The Illegal Lovers* was concerned was the negotiation of individual desire in relation to social restrictions upon conjugal attachment. The story was concerned with divine law and ecclesiastical authority, and emphasized the legal restrictions in relation to questions of love and desire. It was about the negotiation of the precarious relationship between individual desire and the social structures which regulated (but not determined) contemporary morality and family life. The deceased wife's sister could become a desired individual because of her proximity, but this was dangerous because it threatened social stability. The appeal to religious authorities in a story about the negotiation of restricted desire indicates that there was a strong sense of the legal issues surrounding marriage. The language with which Lindamira gently denies Bellario is riddled with references to 'the known laws of heaven and earth': a formulation of the social and religious restrictions on their desire.²⁷ In what was primarily a romantic tragedy, the relevance of the law is indication of the interdependence of the family and its regulation. The affinal sibling (referred to throughout this story as brother and sister; without making the distinction between blood and marriage) was a key relationship for understanding the boundaries of the family in this period.

²⁶ *Ibid.*, p. 44.

²⁷ *Ibid.*, p. 29.

Like *The Illegal Lovers*, tracts on marriage law, often dealing specifically with the legality of marriage to the deceased wife's sister, addressed the issues of personal autonomy and social regulation. John Quick's tract devoted to the question of marriage to a deceased wife's sister explained the origins of its importance in terms of the history of the overthrow of religious tyranny in England. 'The Case is of very Great Importance, and should be of very great Account with us Protestants. For it gave Occasion ... to the Abolition and Extirpation of the Papal Authority out of this Kingdom.'²⁸ Like Blackstone, Quick traced the contemporary situation back to the Reformation, and he was primarily concerned with religious restrictions on the marriage of siblings-in-law. The religious doctrine of marriage obtained meaning through its dependence on the historical origins of that law. The importance of prohibiting the marriage of affinal siblings lay in its relation to the Reformation and thus to English history. The rule of divine law was emphasized since 'no Man, no King, no Emperor, no Pope can permit ... the Marriage of Such near Relations'.²⁹ In this early eighteenth-century tract the author concluded clearly that such a marriage was impossible to justify on religious grounds. All of the discussion around this and other forms of incest concentrated on the relationship of English ecclesiastical law to biblical prohibitions. Quick's tract was purely a work of religious law, and exhibited no concern with individual situations or affective relationships.

Compare Quick's conclusions about close affinal marriages with those of John Fry, a mid-century commentator on the issue of marriage to a deceased wife's sister. Like the sources discussed earlier in this chapter Fry looks to the notion of 'one flesh' when analyzing the issue of affinal marriages. The creation of Eve from Adam's Rib meant 'that she was truly a Part of his Flesh before she became his Wife'.³⁰ In other words, God's decision to form Eve out of Adam meant that

²⁸ J. Quick, *A Serious Inquiry Into that Weighty Case of Conscience, Whether a Man may Lawfully Marry his Deceased Wife's Sister* (1703), p. 2.

²⁹ *Ibid.*, p. 10.

³⁰ Fry, *Marriages Between Near Kindred*, p. 3.

they were of the same flesh before they became ‘one flesh’. What is so surprising is that Genesis 2:24, which had been used to show how conjugality between affinal relations was the same as that between blood kin, here did the work of alleviating those same burdens. Fry did not use this passage to explain how affinal incest was wrong, but to show how the Bible encouraged certain forms of marriage between close kin. Marriage between near relations was not only not immoral it could be seen as intensely desirable, and this desirability is demonstrated by the fact that God chose to make Eve from Adam’s flesh. That she was a part of Adam was for Fry an indication that her status was one akin to sisterhood; God was therefore making a virtue of close associations.

For Fry the orthodox interpretation of Leviticus gave way to an expedience in thinking about these marriages. It would have been impossible to state it in terms clearer than to say that ‘marriage between near Relations is a Point of both a moral and practical nature’. He ultimately came down on the side of the latter.³¹ Thus, he placed incest in a far more questionable moral position than that expressed in either Quick’s work or in *The Illegal Lovers*. Bellario’s suggestion that different religious authorities be consulted when the first did not give him the answer he desired was evidence of immorality. Fry noted that on the topic of the levitical prohibitions ‘the Learned greatly differ; while some insist that it is a Prohibition of Marriage, others as absolutely deny it’. The difference of opinion here is evidence that the boundaries of incest were highly problematic, and practicality was far more consequential than morality. Fry advocated allowing a questionably legal marriage to stand: ‘if the parties so married should be permitted to live together unmolested, which evil can thence ensue? No one’s property would be invaded, no Persons injured; at the worst only a levitical Law *perhaps*

³¹ *Ibid.*, p. 1.

might be broken'.³² His concern with pragmatic issues outweighed religious morality, to the extent that he was even able to justify incestuous marriages.

Even Benjamin Franklin added his considerable weight to the debate about marriage to a deceased wife's sister, and his concern with the individuals involved was emphasized to the exclusion of all else. Regarding such marriages Franklin wrote that he could not 'conceive of any moral turpitude'.³³ He went on to explain how two marriages of this sort with which he was personally acquainted were 'happy matches' in which 'the second wives prov[ed] most affectionate mothers-in-law to their sister's children'.³⁴ For Franklin the children's aunt provided the perfect replacement when their natural mother was no longer alive to care for them. His primary concern, which overshadowed the legal and moral issues, was the care of the children. The ideal stepparent was one who had ties to the family before the marriage. The sister-in-law and aunt was 'naturally to be expected' to provide the care which only a blood relation was able to provide. The husband and wife being of the same flesh created a religiously sanctioned bond between stepparents and children. A sister-in-law's respect for and love of her deceased sibling provided insurance that she would perform the role of the mother and alleviated the anxiety associated with bringing someone new into the family.

There was a close interaction between this growing understanding of individual happiness as central to the role which the family played in society and the emphasis upon familial intimacy which arose in Franklin's writing on the subject. The integrity and stability of the household was seen to be of the utmost importance. This was the case when the aunt was recognized as the perfect stepparent. 'Experience teaches us that the aunt, however kind as such, becomes

³² *Ibid.*, p. 144.

³³ J. Alleyne, *The Legal Degrees of Marriage Stated and Considered in a Series of Letters to a Friend*, 2nd edn (1775), Appendix, p. 1. This second edition has a lengthy appendix of letters written to the author about the issue, as well as passages from works by Montesquieu and Hume relevant to the discussion. Excerpts from Franklin's missive were also published in the *Rambler's Magazine; or, the Annals of Gallantry, Glee, Pleasure, and the Bon Ton*, vol. 8 (1790), p. 192.

³⁴ Alleyne, *The Legal Degrees of Marriage*, Appendix, p. 2.

the more affectionate mother-in-law; the severe loss of the husband is in some degree mitigated; and the hopes of her children being tenderly bred, comforts in the moment of departure, the expiring mother.’³⁵ Similarly, one side of a debate in the *Gentleman’s Magazine* from 1746 argued that ‘no one can be supposed more proper or willing to take care of a young family than the sister of a former wife ... There is hardly any woman that would not be glad that her sister should be her successor’.³⁶

In these later examples of discussions of marriage to a deceased wife’s sister, the need for compassion and tolerance was crucial. The emphasis upon familial affect meant that breaking up families for religious principles was itself immoral. Ecclesiastical and social concerns about morality and propriety had no place in the intimacies of this problem. From an emphasis upon religious prohibition to a view which ignored the religious aspects entirely, the cultural emphasis shifted in these tracts. The point of view expressed in these tracts and letters held ideals of individual freedom and happiness to be more meaningful than religious understandings and clerical prohibitions. Somewhat speculatively, these texts display a long term change in the way in which the divine prohibitions were interpreted. The seventeenth-and early eighteenth-century discussions of the law of the family continually referred back to the Reformation to determine the legality of marriage to an affinal sibling. There was a trajectory in these types of texts which moved away from emphasizing Reformation legal thought towards an emphasis on familial affect and regulatory leniency.

These issues about individual freedom emanate primarily from the concerns of the higher levels of eighteenth-century society. This does not, however, mean that

³⁵ ‘Observations on the Following Question. Is it Lawful for a Man to Marry the Sister of his Deceased Wife?’, *Rambler’s Magazine; or, the Annals of Gallantry, Glee, Pleasure, and the Bon Ton*, vol. 1 (1783), p. 192. In this passage mother-in-law meant stepmother. It was also used in its modern sense.

³⁶ *Gentleman’s Magazine*, vol. 16 (1746), p. 544.

prohibitions of close kin marriage did not relate to society's lower ranks. As with any legal proscription, whether ecclesiastical or temporal, the levitical prohibitions were applicable across the social scale. Most cases of incestuous marriage which found their way to the consistory courts were from among the upper and middling ranks of society. However, much of the language which criticized the system of papal dispensations which operated before the English Reformation, expressly made the biblical laws of marriage as used in England applicable regardless of social status. Evidence about the extent to which the regulation of incestuous marriage was actually carried through is patchy.

According to the evidence for marriage within the prohibited degrees in Somerset presented by Polly Morris 'along side the canonical definition of incest, there existed a popular definition that was far less restrictive and distinguished very clearly between affinity and consanguinity'.³⁷ She argues that since marriages did occur within the affinal degrees, and not between blood relations, plebeian culture viewed kinship very differently from the understandings promulgated by the ecclesiastical authorities. Although plebeian cultural understandings may not have been the same as those which were codified in the canons of the Church of England, the application of these laws to marriage by legal authorities is evidence of their role in regulating matrimonial decisions.

When a table which set out the prohibited degrees was added to *The Book of Common Prayer* from 1681 onwards, it is likely that the idea behind such prominent placement was promulgation of its regulations across society. There had been an injunction in 1603, when this list was ratified, that it be prominently posted in all churches.³⁸ The publication of the table in *The Book of Common Prayer* may have been a response to the limited level of compliance among parish churches to the order to post the table. To prescribe that all churches prominently

³⁷ P. Morris 'Incest or Survival Strategy? Plebeian Marriage Within the Prohibited Degrees in Somerset, 1730–1835', *Journal of the History of Sexuality* 2 (1991), p. 252.

³⁸ E. Cardwell, *Synodalia. A Collection of Articles of Religion, Canons, and Proceedings of Convocations in the Province of Canterbury*, (Farnborough, 1966[1842]), p. 304.

display the table of prohibited degrees and then to further print them in the prayer book, was not a means of promoting their understanding among the elite who wrote about their concerns regarding affinal marriages, but was rather an approach by which the ecclesiastical authorities hoped to influence much wider strata of society. Whether or not plebeian culture held very different views about incestuous marriage than those of the church authorities, as Polly Morris argues, there was clearly a need felt among those authorities to disseminate these restrictions as widely as possible.

Why the church leaders felt a particular need to publicize the prohibitions in this way is a much harder question to answer. To argue that there was necessarily a relationship between the occurrence of illegal marriage and an anxiety about it among church officials would be to create connections where none exist. Of course, anxiety about social behaviour of the masses tells the historian much more about those who were anxious than it does about the conduct of the multitude. Chapter 6 will deal in more depth with individual incest causes in the consistory courts, but the history (as recorded in an early nineteenth-century case in the Court of Arches) of one late eighteenth-century family from the village of Harting in Sussex will illustrate how the church regulations operated and will allow some speculation about the ways in which the prohibitions of incest related to the lower classes of society.

Ann Oliver, with her first husband Thomas Walton, had a daughter Mary. After about ten years of marriage, Thomas Walton died and subsequently, in 1787, Ann married William Brider. This marriage lasted over twenty years, during which time Ann's daughter Mary lived with her mother and stepfather in the mill house in which the family worked and resided. After Ann Brider's death Mary continued to live with her stepfather. The records of the case indicate that Mary and William were sexually involved before their marriage, and that Mary became pregnant. Sometime after the child was conceived Mary 'did receive the Courtship

and Addresses in the way of Marriage of the aforesaid William Brider the lawful husband of her Mother the said Ann Brider formerly Walton deceased, who was then a Widower, and did consent to be married to him'.³⁹ The records of William Oliver's (Mary's uncle and Ann's brother) deposition reported that he had not the least doubt that they were married, Mary having 'become very visibly pregnant, and it having been much talk'd of at Harting ... that the said William Brider was the Father of the Child with which she was then pregnant.' The turn of events by which she went from being a stepdaughter to becoming a lover was not revealed in this case, but what was apparent to the court was that William and Mary were aware that their marriage was illegal. The circumstances of their wedding make it clear to the historian that they knew they had to be married away from the parish where they were known.

Rather than being married in the local parish church in the presence of friends and family they left Harting and went to Portsea, a village near Portsmouth. So they were married by a parish priest who had no prior knowledge of them or their affinal relationship. James Sirier, who was identified as a labourer from Portsea testified that he 'stood father' to this couple when asked to do so as he was passing a public house in the village. When Sirier asked Brider where he lived, Brider 'refused to tell [him] anything concerning himself or the person to whom he had been so married'. William Brider and his stepdaughter Mary clearly left the parish in which they lived and were married at a considerable distance from anywhere where they would have been known. Polly Morris indicates that prosecutions in Somerset for incestuous marriage usually took place in small villages, because larger towns protected anonymity and marriages were less likely to be uncovered by the authorities.⁴⁰ Knowing that they would be unable to be married in their local parish, Mary and William went to some trouble to avoid detection in their attempt to legitimize their relationship.

³⁹ Lambeth Palace Library [LPL], Court of Arches H274/12 (1815).

⁴⁰ Morris, 'Incest or Survival Strategy?' p. 246.

Whether or not the couple, or their kin, saw the relationship as incestuous is less easily determined. That they went to such a distance to avoid being known is indication they knew the authorities would not approve, so it is clear that at least in this situation the efforts of the church to make their regulations as public as possible were effective; despite the couple's disregard for the prohibitions.

William Oliver's testimony that the paternity of Mary's child was the subject of rumour gives some indication that there was local disapproval, but the language used to report on the testimony by William Brider's sister Ann Ridman was more revealing. The record of the trial reported that she was 'extremely offended at the Marriage of the said William Brider with his Daughter in Law'. She explained that she was so affronted that 'she never went near them and hath never seen them or the Children the issue of such their marriage since she heard of such their marriage.' An expression of disgust in a trial such as this was rare enough in these records for its appearance to seem like it came from the deponent rather than the clerk who recorded the trial. The court was only interested in proving the facts of the marriage, since that was all that was needed to separate an illegally married couple, and that they should record the personal opinion of the deponent, beyond what was necessary to prove the case, was unusual.

There were two levels of feeling about incest expressed in this case. The knowledge that such a close kin marriage was against the church's regulations appears to be fairly widespread among those involved. The couple themselves and their neighbours were aware that such a restriction existed. This was undoubtedly an illegal marriage which was understood as such by those involved and their kin and neighbours, but there was a further level which not only acknowledged that it was illegal but which also viewed it as offensive. At least for Ann Rider this was an alliance in which the couple was already too closely related. Their marriage was more than just a violation of ecclesiastical decree, it was a transgression against propriety and an affront to the community.

William and Ann went to some lengths to legitimate a marriage which they were legally prohibited from creating. Although family and neighbours were disapproving, there was little will to bring them to court to dissolve their marriage. However a further detail gives some insight into the motives of the authorities. A year before the church court trial James Sirier, the witness at the illegal wedding, had been called to the Quarter Sessions in Petworth, Sussex ‘in order if called upon, to prove his having seen’ the marriage between Mary and William.⁴¹ The Court of Arches record explains that the reason why he was called upon in this fashion was because there was a dispute arising between Harting and the neighbouring parish of Rogate ‘in consequence of ... their children having become, or likely to become chargeable to one or the other of the aforesaid parishes’. It is likely that the settlement laws were the motive behind the initial promotion of this cause. Dissolving the marriage would have shaped the outcome of any question of settlement rights and therefore access to parish relief.

The authorities in this case used the incest as a means to prevent this couple from claiming relief for their children. The operation of the law of incest was one possible means by which such control could be exercised. Marriages within the prohibited degrees among society’s lower orders, gave the authorities the power (if they chose to exercise it) to dissolve marriages. Making such marriages illegal meant that a broad range of relations were forbidden to marry. The outcome of such regulations was that the household and family were caught in a web of restrictions on family life. The control of the family, at a range of social ranks, was the ultimate consequence of these regulations.

The deponents, including William Brider’s sister and brother-in-law, reveal a household and family embedded in a wider local network of social acceptance or censure. At some point, unspecified by the records of the trial, what should have been an affinal father–stepdaughter relation became conjugal, and William Brider

⁴¹ LPL, Court of Arches H274/12 (1815).

and Mary Walton were illegally married. This overstepping of the boundaries which governed the family was what the table of kindred and affinity in the *Book of Common Prayer* was designed to prevent. The fear that household relations would become something more underlay the display of this table in churches and prayer books. There was, however, a sense in which Mary's succession of her mother as the conjugal partner of her stepfather was a logical extension of the role which she was likely to have played in the household after her mother's death. When the parish authorities prosecuted the couple for their incestuous attachment, they were doing so in order to protect the parish from settlement claims. The couple, however, seem to view their relationship as legitimate and go to lengths in order to be married, albeit against the regulations of the church.

3. The law of nature and the nature of incest

Although the debate about the legality of marrying sisters-in-law had a very different focus from this case of actual incestuous marriage, both were manifestations of an understanding of affinal marriages in this period. It would be too simple to argue that the distinction was between popular and ecclesiastical distinctions, since the reactions were more complex than such a distinction would allow for. The writings about the legality of marriage to a deceased wife's sister had several focuses. In addition to being about the relationship between the individual and the social structures, issues around natural law were considered. Whether or not such marriages were forbidden by natural law, and what impact, if any, nature had upon incest prohibitions more broadly were issues through which familial attachment was discussed and interpreted. John Alleyne's book, in which Benjamin Franklin's letter first appeared, was one of the main texts which argued for a view of sister-in-law marriage emphasizing the personal situation of those involved, rather than the religious prohibitions. Alleyne argued that marriage to one's deceased wife's sister 'adds to the mass of human happiness—Nature

approves and encourages it—natural law adds its sanction, and the feeling heart laments the rigour of such positive system as forbids the union’.⁴² Rather than violating any natural prohibitions the contribution which such marriages made to happiness meant that they should be seen as beneficial rather than prohibited and punished.

Another of the letters which Alleyne printed in the second edition of his work, signed R. Tremlet, stated that ‘It is as natural for a man to love the second sister as the first; the parties are competent judges of the means of their own felicity’.⁴³ This correspondent even went so far as to deny the natural prohibition of marriages in the ascending and descending line. Restrictions on marriage to family members were not, Tremlet argued, the province of natural law but were rather ‘good policy’; on this Alleyne disagrees.⁴⁴ The prohibition of incest was for Alleyne ‘not the mere creature of policy, —it has its foundation in nature,—and the law of nature has fixed certain limits, as degrees, within which, parties should not intermarry’.⁴⁵ The laws of nature, not those of politicians, ultimately set the limits of marital propriety when it came to close kin marriages. For Alleyne this was one argument for the legalization of marriage between a man and his deceased wife’s sister. Since this prohibition could in no way be argued on the grounds of the law of nature, the laws which prevented such marriages were purely the creation of political institutions. So when Alleyne and his correspondents argued in favour of legalizing these marriages they claimed that such laws had no grounding in natural law.

How did this natural prohibition operate, and in what ways did it influence family life, sexual relations and morality? For eighteenth-century thinkers interested in this subject the answer to these questions was often arrived at

⁴² Alleyne, *The Legal Degrees of Marriage*, 1st edn (1774), p. 12.

⁴³ Alleyne, *The Legal Degrees of Marriage*, 2nd edn, Appendix p. 3. Letter from R. Tremlet.

⁴⁴ *Ibid.*, Appendix p. 2. Letter from R. Tremlet.

⁴⁵ Alleyne, *The Legal Degrees of Marriage*, 1st edn, p. 6.

through a series of comparisons. The theologian Matthew Poole, in his commentary on the levitical prohibition of parent–child incest wrote that ‘even nature teacheth thee to abhor such incest. Yet the Persians used to marry their mother, therein worse than the very Camels, whom no force will drive to act with their dams.’⁴⁶ The comparison to camels, showed how humans were capable of ignoring the laws of nature in ways in which it was impossible for animals to do. Humans through an ignorance of natural and religious morality could violate nature in ways that made them worse than animals. These animals were thought to act directly according to the laws of nature, rather than through the mediation of reason and morality. According to Poole’s reasoning animals had no barriers which distanced them from the natural law, and so their example could provide a measure of the types of behaviour that violated natural prescription.

The story of the camel was reproduced elsewhere in discussions of incest, and the instinctive aversion to incest among these mammals was often cited as an example of the natural prohibition. A family Bible published in Aberdeen in 1769 followed Poole in using the camel’s abhorrence of incest as a means to show immorality among heathens: ‘The Canaanites, Egyptians and Persians, were guilty of this execrable and unnatural custom ... a practice so contrary to nature, that even the brute creation abhors it. No force will drive a camel to copulate with its dam.’⁴⁷ This assumption was based upon an earlier story in which a blindfolded camel ‘was brought to horse his dam, but in the action, the cloth falling from his eies, and he perceiving what he had done, presently seized upon his keeper and slew him, in detestation of the act he had committed.’ The lesson here was that ‘If this sinne be so hatefull in brute beasts and unreasonable creatures, how much more ought it be avoided in men and women, and which is more, Christians.’⁴⁸

⁴⁶ M. Poole, *Annotations upon the Holy Bible* (1683), *Leviticus* 18:7.

⁴⁷ *The Family Bible, or an Illustration of the Scriptures* (Aberdeen, 1769), p. 165.

⁴⁸ T. Heywood, *The General History of Women, Containing the lives of the Most Holy and Prophane, the most Famous and Infamous in all Ages, Exactly Described not only from Poeticall Fictions, but from the most Ancient, Modern and Admired Historians, to our Times* (1654), p. 245.

If beasts abhor incestuous conduct, and will even go to lengths to avenge the act, how are we to understand the eighteenth-century idea that incest was widely practiced among non-Christian societies? Although the law of nature was thought to be the basis for laws created by societies, humans were capable of transgressing these natural bounds to behaviour in ways that animals were not. There was a divide here between the understanding of social behaviour among humans and that among other species. However, humanity was itself divided between Christians and non-Christians. Being human did not prevent the occurrence of incest, but rather heightened the possibility because of the uniquely human ability to contravene nature. According to these commentators, there were various levels of moral behaviour which were dictated by natural law. Humans who did not have the benefit of Christian morality to teach them the boundaries of natural law were liable to be more immoral than animals who were governed by a strict natural code. This is an example of the often contradictory pressures which were placed upon incest in this period. On the one hand animals had an aversion to incestuous contact, so incest was prohibited by the universal laws of nature. Nevertheless, humans were more than capable of both individual immorality, and mistaken adherence to cultural norms which allowed incestuous marriages. Incest could be thought to be unnatural without being universally prohibited or taboo.

Animals were not always thought to have a natural aversion to incest. References to the animal kingdom could also be used to show that prohibitions against incest were not the product of nature but rather were specifically human, and therefore unjust. In Mary Delarivier Manley's *New Atalantis* a young man who has fallen in love with his female twin exclaims 'happy instinct ... forbids not the brothers and sisters of that feathered kind to indulge their appetites to each other.'⁴⁹ Instinct in this case did not prohibit close kin associations, but rather left birds free of such restrictions. In terms of prohibition this was the direct opposite

⁴⁹ M. D. Manley, *New Atalantis*, R. Ballaster ed. (1991[1709]), p. 143.

of the camel who killed its master because of aversion to incest. Although incest was avoided by the camel and ignored by the birds, both conform to a view of the role of natural law in human society. Humans were able to commit incest because they are further from a natural state than beasts, for the incestuous twins this was something to be desired – a fantasy of lovebirds free from human restrictions. For the moralizing authors who used the example of the camel human society was corrupting because of this distance. The intervention of morality, or a cultural immorality separated humanity from the laws of nature.

Unlike the vengeful camel, beasts could also provide examples of promiscuity which was to be avoided by humans. This was an idea in which natural law did not set restrictions, but by which instinct provided for free sexual association. Free love amongst animals was seen as the opposite of desirable human behaviour.

Brutes have a promiscuous Copulation and Conjunction with each other, according to their own proper Motion and Impulse ... without any certain Kind of Reason, but by natural Instinct alone; for they do not understand, what is fit and decent to be done. But Man has rational Judgement and Understanding, and ought to use and exercise the same ... in the Copulation of Male and Female.⁵⁰

This fundamental difference between humans and animals makes clear how rationality interacted with natural behaviour. Nature operated differently for beasts and humans because of the capacity for reason. Animals were thought to behave by natural instinct which allowed them to copulate without moral considerations, but the same natural understanding prevented humans from behaving in promiscuous ways.

Neither the representations of beasts nor human societies provided a stable understanding of the operation of natural law. Nevertheless the role which nature

⁵⁰ *Dissertation on the Law of Nature, the Law of Nations, and the Civil Law in General* (1726), p. 35.

played in social interaction was often cited in discussions of incest. A variety of types of incestuous relationships was assessed for their natural prohibitions, and discussions of natural law relative to the family addressed problems such as origins of affection between parents and children, the boundaries of familial belonging, and of course the acceptability of close kin marriages. Natural law was understood to be eternal and inviolable and would overturn any human law which was made contrary to it. In the eighteenth century natural law was usually thought to arise out of the divine, but it also had a relationship to reason, which was a mediating factor. In an ideal situation natural law was ‘the Foundation of the Law of Man; being that which Nature has taught all living Creatures’.⁵¹ Civil or national laws must conform to the dictates of natural law in order to have validity and moral strength. ‘All national Institutions must be try’d by the great Law of Nature.’⁵²

These national institutions, as Poole’s understanding of the promiscuous marriages of Persians has shown, could be in direct violation of the natural law. Christian morality was thought concur with natural law in many of these texts. For Louis de Gaya, whose book *Marriage Ceremonies* was published in 1704, incest outside the Christian world was complex, and allowed for the fact that some cultures had stronger restrictions than the English. The Chinese ‘think it unlawful to Marry Sisters, or other near Relations; and observe not to take a wife of their own Name, tho’ of no relation to them’.⁵³ At the other end of the scale the Druse of Syria ‘indifferently marry their Daughters, Mothers and Sisters’.⁵⁴ Some cultures could be more prohibitive than England, while others had no sense of restrictive sexual morality, but De Gaya (unlike religious writers) was resigned to a notion of cultural difference when he concluded his discussion of familial

⁵¹ *Ibid.*, p. 7.

⁵² *London Magazine or Gentleman’s Monthly Intellegencer* (1732), p. 461.

⁵³ L. De Gaya, *Marriage Ceremonies* (1704), p. 135.

⁵⁴ *Ibid.*, p. 135.

matrimonial practices with the question: 'what shall we say to the long retain'd Customs of Countries'.⁵⁵

National custom was exactly what Bernard Mandeville was concerned with when he raised the question of what lay behind the prohibition of incest in any given society. It was generally accepted by eighteenth-century thinkers that there was a wide variation in the ways in which cultures could conceive of incestuous practices. There was a widespread understanding that cultures outside the Christian world practiced incest of various sorts, but ideas of why this was the case differed. The prohibition was a specific command which had been passed to Christianity through the ancient Jewish biblical laws. It was possible that incest was prohibited in these other parts of the world even though they did not have the benefits of Christian moral education, but close kin marriages (even among the closest relations) were thought to be central to the way in which some cultures created alliances. Mandeville asked if it was nature which prohibited such close familial associations, or something else? In his discussion of what would today be called cultural relativity, incest provided the ultimate example of a case in which morality was based upon the wholly chancy problem of specific cultural prohibitions.

In the east formerly Sisters married Brothers, and it was meritorious for a Man to marry his Mother. Such Alliances are abominable; but it is certain that, whatever Horror we conceive at the Thoughts of them, there is nothing in Nature repugnant against them, but what is built upon Mode and Custom.⁵⁶

This was a far more complex understanding of such prohibitions than that exhibited by Matthew Poole. The comparison with the camel left only room for

⁵⁵ *Ibid.*, p. 135.

⁵⁶ B. Mandeville, *The Fable of the Bees: or, Private Vices, Publick Benefits* (Indianapolis, 1988 [1705]), vol. 1, p. 330.

understanding the prohibition as naturally instated. For Mandeville, the horror of the act of incest only arose from the customs of a given society. There seems to be a contradiction here because he called brother–sister marriage in the east abominable, but also says that nature does not prohibit such acts. So if such marriages were meritorious in a given culture, how can they be judged to be abominable?

He went on to explain how custom, through a comprehensive conformity based upon education and habit, could imitate nature. Cultural prohibition created the sense, among individuals within a society, that the prohibited act was against the law of nature. In the words of another contemporary commentator on the subject ‘this Abhorrence does not arise so much from any innate Principle, as from long Use and Custom, which often counterfeits Nature’.⁵⁷ Forbidden behaviour in a specific setting, was often seen as natural and universal. For many of these eighteenth-century thinkers culture, not nature, was responsible for the prohibition of incestuous marriage.⁵⁸

In the passage quoted above, Mandeville even went so far as to use what many saw as the most extreme form of incestuous transgression – sexuality between mothers and sons – as an example of a customary prohibition. As this chapter will go on to show, this was counter to the way many other thinkers understood parent–child incest. Nevertheless, Mandeville’s perspective is notable for how it overturned the assumptions of nature’s role in social processes. The horror and abomination which he saw in incest was an outcome of the phenomenon of custom imitating nature. His commentary also reveals an additional layer to the problem. The aversion to incest was an internal reaction which was built up as a result of custom. Social morality bound the individual to cultural and customary sensibilities, and in doing so internalized the moral injunctions against familial

⁵⁷ Gentleman (pseud.), *A Critical Essay Concerning Marriage* (1724), p. 167.

⁵⁸ For an overview of philosophical thought on incest in the eighteenth century see A. O. Aldridge, ‘The Meaning of Incest from Hutcheson to Gibbon’, *Ethics* 61 (1951), pp. 309–13.

sexuality, by imitating a natural prohibition. The Christian individual abhorred incest did so because of the modes of behaviour which grew out of the levitical prohibitions. Despite being the basic process of prohibition being social, the aversion was felt as instinctive.

Like Mandeville, Francis Hutcheson also pondered the problem of whether or not incest prohibitions were an outcome of cultural norms or natural aversion, but he initially came to a very different conclusion. The problem for Hutcheson revolved around how to understand conflicting human morality. Behaviour which was abhorred by one group could be seen as innocent or even honourable by another society. Could any behaviour which was understood as abhorrent by one part of humanity and acceptable and even beneficial by another be against nature? The word Hutcheson used was 'nation', but like Mandeville and the other examples given here he was concerned with the bases of religious morality, and the distinctions between Christian morality and those of other societies. He rehearsed the argument which was made by Mandeville when he reasoned that the 'abhorrence' of incest 'cannot be from Nature, since in Greece, the marrying of half sisters was counted honourable; and among the Persian Magi, the marrying of Mothers', but Hutcheson's understanding was more complicated than this.⁵⁹ Ingeniously, he found a way to make the abhorrence of incest simultaneously natural and cultural. He argued that it could be naturally forbidden in some cultures while being acceptable in others.

His argument relied upon a notion of benevolence, which he described as a 'love of others'. This idea allowed him to argue that in cultures where incest was providentially forbidden nature banned close kin relations. Incest was internally prohibited because of an aversion to harming others. The avoidance of such behaviour became natural rather than social, 'since we must apprehend the

⁵⁹ F. Hutcheson, *An Inquiry into the Original of our Ideas about Beauty and Virtue*, 2nd edn (1726), p. 212.

Incestuous, as exposing an Associate, who should be dear to him by the Ties of Nature, to the lowest State of Misery, and Baseness, Infamy and Punishment'.⁶⁰ Because such behaviour would expose the sexual partner with whom one was committing incest to divine and social retribution this was a natural prohibition. In other words, to endanger the partner went against this moral sense of benevolence and violated nature by jeopardizing the family member's well being. In societies which did not have a divine injunction against incest, the same did not apply because 'no natural Evils attend it'.

For both Hutcheson and Mandeville the incest prohibition allied the individual subject with the social realm. Their understanding of the role which culture played in prohibiting incest made the individual's awareness of the prohibition the core of the problem. If culture imitated nature it did so through the internalization of the prohibition. The internal moral sensibility which Hutcheson saw as natural to humanity performed a social function in preventing behaviours which would imperil another person. The avoidance of jeopardizing those to whom the individual was supposed to have the closest 'Ties of Nature' made this benevolence act as a natural bar to incestuous sexuality. For Hutcheson, the internal morality operated in a social context. The apprehension of how one's own actions influenced the family specifically and humanity in general, led that individual to avoid the harmful behaviour.

Hutcheson's notion of the evils of incest changes dramatically in his later book *A Short Introduction to Moral Philosophy*. In this work the grounds of the argument he made had shifted to looking at specific incestuous relationships and the moral issues associated with them. Here he argued that sexuality between parents and children was fundamentally against the law of nature 'because the conjugal affection and intimacy seems quite inconsistent with that reverence

⁶⁰ *Ibid.*, pp. 213-4.

implanted by nature towards parents'.⁶¹ His commentary here hinted at concerns similar to those of the double incest story because parent–child incest disrupted ordered familial relationships. He did not view collateral kindred such as siblings as having such a strong basis in nature, but attributed laws prohibiting this sort of incest to the idea that humanity benefits from the goodwill created by diffusion of relations through marriage.⁶² This discussion was much more in line with contemporary legalistic understandings of nature, and the operation of natural law in society than his previous argument had been.

Mandeville and Hutcheson had very different ideas about what lay behind the prohibition of parent–child incest, but neither found it to be acceptable. Unsurprisingly, no one who addressed the question of incest in the eighteenth century saw anything redeeming about the notion of sexuality between parents and children. The operations of the natural boundaries were not universally understood and differed according to the relationship involved. Incestuous behaviour between siblings was also usually seen as impossible to condone, but this prohibition had very different issues attached to it than that of parent–child incest. Beyond these two sets of relations the boundaries which prevented familial sexuality were seen as ultimately fluid and difficult to determine, and the place at which these boundaries were set varied according to the interpretation of the law by individual nations and states. John Alleyne explained how ‘the difficulty of fixing, with precision, the limits of natural law, calls for the interposition of legislatures in every country’.⁶³ David Hume echoed this in his discussion of the boundaries of incest: ‘the precise point, where we are to stop, can scarcely be determined by natural reason; is therefore a very proper subject of municipal law

⁶¹ F. Hutcheson, *A Short Introduction to Moral Philosophy, in Three Books; Containing the Elements of Ethicks and the Law of Nature*, 2nd edn (1756), p. 251. This was originally published in Latin in 1742.

⁶² The relationship between incest and the necessity for the diffusion of social relations is discussed in Chapter 6.

⁶³ Alleyne, *The Legal Degrees of Marriage*, 2nd edn, p. v.

or custom'.⁶⁴ So, although incest was thought to be prohibited by the laws of nature, the specific relationships which were defined as incestuous varied, and were correctly regulated by the state. Legislation on the family arose out of, but also supplemented, the law of nature. This version of how civil or municipal law interacted with nature made possible the debate over marriage of deceased spouses' siblings and cousins. It emphasized public utility over divine sanction and addressed the question in relation to the way in which societies organized family life, rather than being a product of rules applicable under all social circumstances.

Hume himself discussed how under Athenian law 'one might marry a half-sister by the father, but not by the mother'. This, he explained, was a result of the specific organization of Athenian households, whereby a man only had access to women who lived in his mother's apartment. In other words, the law outlawed marriage to the half-sister with whom it might be possible to undertake an incestuous congress, but did not bother with those whom a man had no opportunity of contact. This instrumental explanation was typical of the way in which incest could be seen as primarily a problem of public utility. In a society in which there was no access to women in the family it was unnecessary to outlaw it. Each culture defined incest as best suited its own situation.

A similar argument was made about the reasons for divine prohibition of marriage within certain degrees of relation. A correspondent who wrote to the *London Magazine* in 1736 argued for the legality of marriage to a cousin on the grounds that it was not prohibited by God. God outlawed certain degrees of consanguinity and affinity because 'the Consequence of such Marriages would have been unhappy to his Creatures, and destructive to the Peace and Good of Society'.⁶⁵ These prohibitions were made when 'Mankind liv'd in Tents ...

⁶⁴ D. Hume, *Essays and Treatises on Several Subjects* (1772), vol. 2, p. 396.

⁶⁵ *London Magazine* (1736), p. 567.

[where] a numerous Set of Relations liv'd promiscuously'. The levitical laws outlawed marriages between relations who lived under the same roof to prevent unchaste behaviour among family members. Such restrictions prevented the 'confusion and misery' that would have been caused by the resulting 'frequent debaucheries'. This instrumental explanation mirrors that put forth by Hume about the make-up of ancient Greek households. The details of household organization were thought to play a part in the way family law was structured. Because first cousins, were 'not naturally or usually the Constituents of one Family' there was no prohibition against their marriage. Again, both the definition of incest and its operation was related to the cultural conditions which existed in a society at a given point in time.

The laws which governed kinship and marriage were thought to have been (or at least should have been) directly in line with the realities of life in a specific social setting. Benjamin Franklin's argument in favour of allowing marriage between a man and his sister-in-law focussed on the social benefits of such an arrangement. Hume and the *London Magazine* correspondent also viewed prohibitions in light of cultural and social realities in a specific setting. Because natural law did not cover all the relationships and situations, the civil or municipal laws of a nation should fill in the gaps to prevent unchaste social behaviour.

There was an idea, which can be seen in the concerns exhibited by these authors, that families were prone to sexual transgression, and that restrictions against incest were necessary to prevent such violations. Chastity and incest were intertwined because sexual appetites had to be regulated through legal and moral codes. The incest laws were designed to prevent violations that would naturally occur within families were such prohibitions not in place. Much of the discourse about incest was directly about the maintenance of chaste relationships between family members. Legal prohibitions were seen as a security against promiscuous familial relationships, which would make it impossible for women to be virgins at

marriage. The laws against marriage between family members were thought to prevent the growth of intimate relationships which would naturally arise out of the close filial and sibling attachments. Adultery and chastity before and during marriage were serious social concerns, and incestuous transgressions were often understood under the rubric of adultery. The public utility argument made by many of these commentators reflects the importance of chastity, since in most cases it was an argument about morality within a household. However, it was also about the proper ordering of relationships.

As stated earlier, there was general agreement that marriage and sexuality between parents and children was the most serious violation of natural order within the family, and thus of natural law. Parent–child incest was ‘a going Backward to the order of nature ... and so Unnatural’.⁶⁶ Any ‘marriage in the right ascending and descending line, is ... prohibited by the law of nature’.⁶⁷ These marriages included not only parents and children but also grandparents and upwards without limit (although of course there were limits according to life span) This was the most fundamental of the prohibitions of incest and it was generally seen as abhorrent. According to one commentator such associations were forbidden because ‘they [parents] are the Cause ... of their [children’s] Being’.⁶⁸ This was issue of generation (both in the sense of reproduction and of descendants) since parents and children were thought to be forbidden to marry by the law of nature.

This natural prohibition was also extended to non-natural parents, such as guardians and stepparents. In one commentary on Leviticus 18 incest with a stepmother ‘is so hateful, that the very naming it is a Condemnation’. Invective of this calibre was unusual in contemporary discussions of incest law. The author

⁶⁶ E. Wells, *An Help for the More Easy and Clear Understanding of the Holy Scriptures* (Oxford, 1724), p. 53 (section on Leviticus).

⁶⁷ Fry, *Marriages Between Near Kindred*, p. 67.

⁶⁸ Gentleman, *Critical Essay*, p. 165.

went on to justify this by explaining that such a transgression was the same as the ‘prime Natural Law, which prohibits the Conjunction of Parents and Children’.⁶⁹ Even though the relationship between a man and his stepmother was one of marriage rather than blood, this prohibition had the same strength of force as that which prohibited a similar relationship between a biological mother and son. In one way such a conflation of marriage and blood ties is not surprising from a theologian of this period. The notion of man and wife as one flesh was powerful enough to cover up distinctions between consanguine and affinal relations. There was however a much more important reason which ran through discussions on incest in this period. The natural order which was so central to these arguments, and which made ‘step’ relations as fundamental as parentage, was not primarily about any of the issues which have been addressed so far. Notions of familial chastity, reproduction and difference of age were all secondary to the most fundamental problem which incest created: the confusion of relationships of authority.

We can recall the immediate outcome of the incest in *Eleanora*, the version of the double incest tale published in 1751. The incestuous mother’s ‘Mouth was for ever stopped from reproaching’ her son.⁷⁰ Because of their incestuous encounter she could no longer exert the maternal control which was her duty as a parent. The incest undermines authority and prevents her from performing her appropriate role. The discussion of the double incest tale demonstrated how issues of authority were central to eighteenth-century ways of understanding incestuous relationships. Overturned rather than abused authority was the core problem raised by incest in these legal tracts. For this reason relationships between stepmothers and sons were as problematic as those between sons and mothers because they were reversals of the natural order of authority within the family.

⁶⁹ S. Patrick, *A Commentary Upon the Third Book of Moses, Called Leviticus* (1697), p. 329.

⁷⁰ *Eleanora; or a Tragical but True Case of Incest in Great Britain* (1751), p. 9.

In the discourse on natural law the link between incest and authority and the problem of a mother's authority over her son was explicitly discussed by no less a figure than the Baron de Montesquieu in his *De l'esprit des lois*, which was translated as *Spirit of Laws* and published, coincidentally, in the same year as *Eleanora*. Montesquieu began his discussion of the marriage prohibitions by agreeing with the earlier commentators about the difficulty of determining the limits of appropriate matrimonial prohibitions. 'It is a thing extremely delicate, to fix exactly the point at which the laws of nature stop and where the civil laws begin.'⁷¹ He went on from there to attempt to determine some basic principles behind the rules which excluded marriages between consanguineous relatives. In the case of fathers and daughters, Montesquieu's view of incest and the modern idea which concerns itself with sexual abuse and misuse of authority are related. Montesquieu saw the problem of incest between a father and daughter as one of family morality. It was presented as a violation of a father's natural duties to his offspring. However, the problem was not one of abuse of authority, but rather of the preservation of a daughter's chastity. The father's duty to his children was primarily the preservation of their moral sexual integrity.

What is particularly interesting here is that for Montesquieu a father's defloration of his daughter was less dangerous than sexuality between a mother and a son. Father-daughter relationships were not exempt from prohibition and were 'contrary to nature'. The two forms of parent-child incest were not, however, parallel. Marriage or sexual interaction between a father and his daughter was 'less contrary' to natural law than the same transgression between a mother and son.⁷² Both were violations of nature, but mother-son incest was worse than father-daughter. This emphasis upon mother-son incest mirrored the reasoning behind the enduring horror at incest in the double incest tale.

⁷¹ Secondat, C. L. de (Baron de Montesquieu), *The Spirit of the Laws* (1751), p. 179 (bk 27, ch. 14).

⁷² *Ibid.*, p. 180.

Montesquieu explained that ‘the son ought to have an unlimited respect to his mother, the wife owes an unlimited respect to her husband; therefore the marriage of the mother to her son, would subvert the natural state of both’.⁷³

It was natural law which ordained this social order within the family. For Montesquieu, the prohibition of incest was far more concerned with the problem of mother–son incest than with the same transgression between a father and daughter. He even went so far as to say that the former was a greater violation of natural law – because it overturned relationships of authority in a way that the latter did not. As a proof of his assertions about the distinction Montesquieu gave his audience the example of heathen marital practices. ‘The Tartars, who may marry their daughters, never marry their mothers.’⁷⁴ These were thus natural boundaries set by nature and inscribed in its law even outside the realms in which Christian morality operated. The Christian world had set specific boundaries based upon the law of God, but societies which did not have the benefit of God’s direction were regulated by a looser set of guidelines. The benefit of looking at these for someone like Montesquieu, who investigated natural law, was that it provided a view of man in a state closer to nature. The Tartars outlawed mother–son incest because it violated natural restrictions against children gaining authority over their parents.

There was an inherent conflict which incest brought to light. The conflict was between maternal authority over her offspring and the patriarchal ascendancy of a husband over his wife. Incest between a mother and son overturned familial relationships and order based upon authority. For contemporary thinkers on the issue this was far more dangerous than the violation represented when parental authority was abused. The main issue when incestuous behaviour was contemplated was that of authority, even to the extent that it was a greater

⁷³ *Ibid.*, p. 179.

⁷⁴ *Ibid.*, p. 180.

problem than pre-marital chastity. Incest was freighted with contemporary baggage which placed the negotiation of a hierarchy within the family as the central consideration.

High enlightenment thinkers like Montesquieu were not alone in this emphasis upon the mother–son incestuous relationship. A 1724 essay on marriage went even further than the influential author of the *De l'esprit des lois* in explaining this same problem. 'A parent cannot obey a Child, and therefore it is unnatural that a Parent should be Wife to a Child. A Parent, as a Parent, has a natural Right to command and correct a Child; and that a Child, as Husband, should command and correct the same Parent, is unnatural.'⁷⁵ As with Montesquieu, the idea here was that a mother should not marry her son because it overturned a natural order by which families and societies were organized. Unlike the later thinker this author at no point grappled with the parallel problem of father–daughter relationships. The inherent assumption in the language was that the parent was a mother and the child was a son. Fathers and daughters did not figure in the problem. The only problem worthy of consideration was the overturning of authority, and Montesquieu's concern with chastity did not arise. We may compare this with modern conceptions which make father–daughter sexual abuse the central incestuous problem in society.⁷⁶

Symon Patrick, Bishop of Ely from 1691 to 1707 and the author of a series of works of biblical commentary, also provides historical evidence of the importance of ordered social relations between parents and children.⁷⁷ The concerns of this late seventeenth-century biblical commentator were very similar to the later Enlightenment thinkers that have been discussed so far. Like the author of the essay discussed above, Patrick's commentary on the levitical prohibitions ignored

⁷⁵ Gentleman, *Critical Essay*, p. 165.

⁷⁶ J. L. Herman, *Father-Daughter Incest* (Cambridge MA, 1981), p. 3.

⁷⁷ Patrick's 10 volumes of commentary on the books of the Old Testament from Genesis to the Song of Solomon were published from 1695 to 1710.

the father–daughter issue when examining a verse which was concerned with all parental incest. Leviticus 18:7 states that ‘the nakedness of thy father, or the nakedness of thy mother, shalt thou not uncover’. When the theologian looked at this verse his interest was purely in the nature of the incestuous transgression between a mother and son – ‘This is the very first prohibition, it being a going back in Nature for a Man to marry his Mother’.⁷⁸ Here again the natural prohibition ensured ordered relations of authority, and was considerably less concerned with parental abuse. According to Patrick, God himself has instated this as the first prohibition because it was the most critical. ‘Going back in Nature’ was the worst of crimes, and mother–son incest was the most profound overturning of relationships of authority.

The importance of ordered relations based upon authority was emphasized by the possibility that certain forms of incest were condonable in eighteenth-century thought. As long as the natural order was maintained, it was possible for incestuous marriages between even consanguineous relations to be accepted. John Fry presented an interesting, if somewhat specific, case which emphasized the issue of authority in relation to the possibility of marriage between an uncle and niece. The example he gave posited a large family, where there was a broad range of ages among siblings. In such a case the youngest brother might be just a few years older than his eldest sibling’s daughter. Fry argued that the marriage between an uncle and a niece who were close in age would be ‘likely on all accounts to be agreeable and happy’. The proximity of their ages (the assumption is that the husband is the senior – if only by a few years) would remove issues of authority, and made this not just a possibility but a desirable match: ‘What Marriage, in such Circumstances, can be supposed more fit and proper?’.⁷⁹ The idea that incestuous marriage could have been ideal rather than a violation would have offended someone with a more religious sensibility, but according to much

⁷⁸ S. Patrick, *A Commentary Upon the Third Book of Moses, Called Leviticus* (1697), p. 328.

⁷⁹ Fry, *Marriages Between Near Kindred*, p. 79.

contemporary thought on the subject of incest, close kin marriage within certain parameters was desirable rather than horrific.

The same could not be said about the marriage of an aunt to her nephew, for much the same reason that mother–son incest is so much more problematic than the case of father–daughter. Bishop Turner, the author of several late seventeenth-century tracts on marriage law explained the difference between aunt–nephew and uncle–niece relationships:

Nor does it follow ... that, because Aunts and Nephews are forbid, therefore Uncles and Nieces are. For the Case is Different. If the Nephew should marry the Aunt, then she who is by nature his superior, is made as she is his wife, his Inferior; but the Niece is alwayes below the Uncle, and so the order of nature inverted.⁸⁰

In these terms, although the Bible forbids conjugality between an aunt and her nephew, it was not necessarily the case that the parallel relationship in which the genders were reversed was also prohibited. Marriage between an uncle and niece, like that proposed by Fry, could conceivably be acceptable, whereas that between an aunt and nephew created the same problems as that of mother–son. When the uncle–niece or aunt–nephew relationship was understood as being *in loco parentis* the latter was a violation of ordered authority and an offence against the natural order, while the former was harmless at best, and a minor transgression at worst. A clearer articulation of the inequality of relations, and the importance of maintaining gendered authority will be difficult to find.

4. Conclusion

Competing and complementary legal systems played an considerable role in the formation of knowledge about family life. Biblical legal traditions, which were the

⁸⁰ *The Marriages of Cousin Germans, Vindicated from the Censures of Unlawfulness and Inexpediency* (1673), p. 82.

foundation for family law, have been examined for the ways in which religious traditions and church authority shaped attitudes. Because contemporary discussion of marriage law related actual legal restrictions to wider juridico-philosophical discussions of divine, natural and universal human law, the discussion here has looked at how commentators addressed these issues. When such issues were contemplated in contemporary texts, they tested the boundaries of the family. Incest, for many of these writers provided a way into issues of the nature of the family. Considerations of kinship and the maintenance of authority were at the heart of all of these discussions. The interaction between definitions of incest and legal theory has shown how the central familial problem throughout the eighteenth century was an apprehension about the sources and maintenance of authority.

What is remarkable is how in a variety of different types of sources the same concern repeatedly arose. Montesquieu's prominent and influential work of legal theory, the writings of biblical commentators, pamphlets which dealt primarily with incestuous marriage, and the various versions of the double incest tale all addressed the issue of authority, and all came to the same conclusion. The problem of ordered authority crossed boundaries of textual practice and genre. Incest was thought to be more of a problem when it represented an inversion of authority than when it was an abuse of authority. These texts examined incest in light of wholly contemporary concerns about the sources of social authority. Parent-child relationships were governed by natural law which was supplemented by a concern with reason and moral education. Incest allowed the exploration of the boundaries of familial law. That many of these legal texts began with a specific problem or relationship (such as deceased wife's sister or first cousin), and broadened out into a much more general discussion of incest is indication of the importance of these marital prohibitions for eighteenth-century society. These legal prohibitions provide a framework for the way in which the family was understood in the period, and this was reflected in the specific emphases which

were taken by these authors. Natural law was thought to be primarily concerned with the ordering of authority. Mother–son incest took primary importance when the natural law of incest was considered because it represented the family which was unable to conform to the social expectations of ordered authority. Father–daughter was also thought to be unnatural, but represented significantly less of a problem.

This chapter has examined the trajectory of ideas about marriage and forbidden kin relations which began with the Henrican marriage laws and developed into a complex analysis of familial authority in the eighteenth century. The analysis here has concentrated upon incest between parents and children, but this is by no means the only problem which incest posed for contemporary thinkers. Incestuous relationships between brothers and sisters were harder to reconcile with ideas about natural law than those between parents and children. No family manifested this problem more acutely than the original family in the Garden of Eden.

Chapter 4

Where did Cain find his wife and other stories: contingent morality in the interpretation of incest in the Bible

The first book which Emile was given as part of his exemplary life instruction was not a volume of Platonic philosophy nor Aristotelian science. Rousseau chose instead to have his tutor use *Robinson Crusoe* as the text with which to start Emile's literary education. This was, of course, not designed to be read as literature, but rather as an instructional guide from which Emile was expected to learn valuable lessons. This story of isolation provided – for the author who thought 'everything degenerates in the hands of man' – an ideal example for his student. For Rousseau this story of individual survival was the ultimate example of natural education. The state of nature which was central to Defoe's novel provided a commentary on human nature. However, despite Rousseau's aversion to society, Emile was not meant to live a solitary life, and Rousseau admitted that the one drawback of this novel was that Crusoe was not an example of 'social man'.¹ Nevertheless, the desert island was an experimental environment in which the individual could thrive without the interference of corrupt society.

Defoe's use of the shipwreck was not in itself what distinguished this first English novel.² Because desert islands allowed authors to contemplate man in a state of nature, they were a popular tool used by early modern and eighteenth-century authors. Both a means of exploring contemporary social issues, and source of fascination in this age of the expansion of global empires, these were

¹ J.-J. Rousseau, *Emile, or on Education* (1991[1762]), p. 184.

² M. Novak, 'Defoe as an Innovator of Fictional Form' in J. Richetti (ed.), *The Cambridge Companion to the Eighteenth-Century Novel* (Cambridge, 1996), p. 48.

stories of shipwreck and survival far from the boundaries of the Christian world. One such story which might have provided Rousseau with an example of social man was Henry Neville's shipwreck tale *The Isle of Pines*. Unlike Robinson Crusoe, George Pine is not the sole survivor from his ship. Four of his fellow travellers, all of whom are women, survive the disaster. While *Robinson Crusoe* allowed Defoe to explore the possibilities and dangers open to the atomized individual, the position of the family and its social status was the focus of Neville's work, an issue which was widely grappled with in texts of the period.

Although *The Isle of Pines* was concerned with survival in a state of nature, the problem for the narrator of Neville's work is the creation of a viable society on this new island. The narrator explains that after six months of comfortable living, the island furnishing all of their material needs, 'Idleness, and Fulness of every thing, begot in me a Desire of enjoying the women'.³ He has sexual relations with all four of the women on the island, including the black slave woman who had belonged to one of the men who perished in the wreck. All four of these women soon become pregnant, and the family which is the inevitable result of the sexual congress between George Pine and his four fellow castaways formed the basis for this new society. Although the *Isle of Pines* was about a family separated from the contexts of community and state, reproduction and order were still deemed to be significant considerations.

Under the patriarch's benevolent direction, as the family grows through several generations, the offspring are divided into families and sent off to dwell in various parts of the island. In forty years of promiscuous polygyny George Pine fathers 47 children and becomes grandfather and great-grandfather to an extended family of over 500. Once the family has grown to this extent, George Pine gathers his progeny around him and institutes a new social order based upon the

³ H. Neville, *The Isle of Pines: or a Late Discovery of a Fourth Island in Terra Australis Incognita* (1668), p. 10.

regulation of marriage: 'I took off the Males of one Family, and married them to the Females of another, not letting any to marry their Sisters, as we did formerly out of Necessity.'⁴ Neville was notably matter-of-fact in his handling of this issue. These incestuous marriages have been occurring for many years before they are mentioned in the narrative, and there was no original declaration making sibling relationships allowable. These liaisons, which are the basis for this culture, were presented as necessary and unremarkable. In contrast, Neville gave much more narrative weight to the relationship between the white man and the black slave, and to the 'fine white girl' that is the outcome of this liaison.⁵ While the parent-child incest discussed in the previous chapter was a violation of the natural order, the problems associated with sibling marriage in the eighteenth century were very different.

Because of the necessity of carrying on the family and building a new society the survival of this small branch of humanity depends upon incestuous marriage between siblings. When the family grows to a size which makes the incest no longer essential for survival, the prohibition is established by the patriarch, and alliances are formed from further afield. As it was the only means by which this family could be carried on, for Neville, the incestuous reproduction was not sinful and was scarcely even noteworthy. Before the establishment of the law there was not even an attempt to make sure that conjugal relationships only happened between half-siblings.

In the allowance of sibling marriages as a means of populating the isle, contemporary notions of the first human family were mirrored. Henry Neville's story of a new society intentionally reflected the Western origin myth derived from the Old Testament.⁶ The biblical story of creation mentioned only a single

⁴ *Ibid.*, p. 14.

⁵ *Ibid.*, p. 12.

⁶ S. Wiseman "'Adam, the Father of All Flesh.'" *Porno-Political Rhetoric in and after the English Civil War*, *Prose Studies: History, Theory, Criticism* 14 (1991), pp. 134–57.

original pair who were the parents of three sons. This limited pool of potential progenitors created what was seen to be a significant dilemma in human history. The divine creation of only a single pair of original parents presented consequential problems of marriage and reproduction. Before going on to look at the issue of brother–sister marriage in the Bible some conclusions need to be drawn from the *Isle of Pines*. In order to do so this chapter will now look at another story of social isolation and reproduction from the eighteenth century.

First published in *The Lives and Actions of the Most Famous Highwaymen* in 1734, ‘The History of Sawney Beane and his Family’ was related as true story and republished numerous times over the next few decades, several times as a chapbook tale in its own right.⁷ This story of ‘monsterous and unparalleled barbarities’ was presumed to have occurred during the reign of Queen Elizabeth in England. Its central character, Sawney Beane, notwithstanding an upbringing by poor but honest and hardworking parents, was ‘very much addicted to idleness and not chusing to be confined to any honest employment, left his father and mother and ran away into the desert part of the country taking with him a woman as viciously inclined as himself’.⁸ This barbaric couple and their children survived by highway robbery, murder and cannibalism. Their reign of terror lasted twenty-five years. When they were finally discovered and arrested ‘Sawney’s family ... consisted of himself, his wife, eight sons, six daughters, eighteen grandsons, and fourteen grand daughters, begotten in incest’.⁹ When isolated from a wider community this family sank into a state which was little better than that of animals. Their separation from society ended with a brutal public execution in the centre of Edinburgh.

⁷ *The Lives and Actions of the Most Famous Highwaymen* (Birmingham, 1734), pp. 31–3. See S. Hobbs and D. Cornwell, ‘Sawney Bean, The Scottish Cannibal’, *Folklore* 108 (1997), pp. 49–54 for a discussion of the origins and versions of this tale.

⁸ *The History of Sawney Beane and his Family Robbers and Murderers* (c. 1800), p. 3.

⁹ *Ibid.*, p. 7.

What was the fundamental difference between these two families? What was the key familial and social problematic that these two stories highlighted? Both began with tales of isolation from civil Christian society. Both also told of families which multiply through incestuous means and whose origins were in a single father figure. It was this last similarity – the father figure – which was ultimately the difference. The contrasting characters of George Pine and Sawney Beane led to the dissimilarity between the clans. The inclination of one clan to civility and the other toward barbarity was directly attributed in both works to the paternal figure. Where the Pine family was headed by a strong yet benevolent founding father, the Beanes were the offspring of man ‘addicted to idleness [and] ... viciously inclined’. George Pine instructed his offspring ‘of the manners of Europe’ while Sawney Beane’s children were ‘brought up after their own manner, without the least notion of humanity or civil society’. Both had incestuous origins but murder and cannibalism on the one hand, and well-ordered families on the other hand were outcomes of the success or failure of the patriarch. Incest could be used to highlight this problem because it did not have predetermined outcomes. In Sawney Beane’s family it was another symptom of their moral deficiency, but it was not causal. In *The Isle of Pines* it caused no problems for this well-regulated society. As a means by which to reproduce it was neither inherently bad nor was it ever wholly acceptable. This ambiguity could even be possible in eighteenth-century interpretations of the stories of sexual relations and marriage between close kin in the Bible.

Considering the critical role the Bible performed in eighteenth-century society, that incest among members of the first family could be read as acceptable had profound implications for the meanings of incest and family relationships. Commentary on biblical stories of incest examined several historical and contemporary cultural themes. The preservation of chastity, both within the family and outside, was the most culturally weighty of these issues. Humanity was

thought to be so prone to adulterous behaviour that the danger even existed within families. Sexual purity within the family was often seen to be as hard to maintain as that outside. Incest was subsumed under this larger cultural problem of pre-marital virginity and matrimonial constancy. Of course constancy was thought to be a bigger problem among women than men. This was because women were more prone to sexual indiscretion, but also due to the fact that if their indiscretion led to pregnancy there would be confusion of paternity and inheritance. This placed reproduction at the heart of the issue because of the need for carrying on lines of kinship and preventing the diffusion of relations. Incest was also used to highlight the vexatious problem of the knowability of paternal and kinship ties. In the circumstances of specific cases of Biblical incest these issues were considered. The contemplation of such cultural issues was possible because brother–sister and even father–daughter incest in the Bible could be excused as the outcome of particular situational problematics rather than universally vilified.

1. Marriage partners east of Eden: Brother–sister incest in the original family

Although the meanings were not predetermined by any notion of incest as universally immoral, it was not an insignificant problem, and biblical stories were used as a filter through which to understand myriad situations. The authority of the Bible meant that it was a tool for argument in a wide range of textual arenas and these stories appeared in a variety of cultural contexts. From theological discussions of morality in biblical commentary, to discourses about marriage and familial sexuality, and even to scandalous and erotic literature of the time biblical stories performed the cultural functions of delineating family and social boundaries. The Bible related a series of events which were read, analysed and understood as events in the early history of humanity. Sacred history, or the Bible, was often implicitly compared with what was referred to as fabulous history, or the mythologies of ancient Greece and Rome. Looked at in this way both were

thought to have cultural relevance, but only the Bible related events which had occurred in the past. So it was possible to claim that ‘the true character of Moses is that of an historian’.¹⁰ This notion had an impact on ways of reading and understanding, as well as the authority of the Bible. Because of this the use of the Bible in genres outside theological writing furnished ‘patterns that provided Christian meanings to the situations of the contemporary world’.¹¹ The ways in which such stories related to the interpretation of everyday events provides insights into how meaning was made out of the experience of marriage and familial life. Even in secularized cultures the Bible, as a source of tales through which contemporary experience was filtered, could provide points of moral reference.

Aphra Behn’s *Love Letters between a Nobleman and His Sister* (1694), a work far from the realm of theology, used biblical example in such a moral context. This epistolary fiction told the story of Silvia and Philander, a young couple exploring love which violated contemporary prohibitions. On 23 November 1682 a high profile case of seduction was tried in London. Ford Lord Grey was brought to court for seducing his wife’s sister, Lady Henrietta Berkeley.¹² This affinal relationship was not only adulterous but was both legally and culturally represented as incestuous. Aphra Behn exploited the elements of family betrayal and incestuous desire in her interpretation of the motivations behind the events.¹³ In Behn’s work Philander seduces his wife’s younger sister Silvia, and they run away from the family to carry on their affair. Early on in the story, one of Philander’s letters attempts to convince Silvia of the futility of the laws against

¹⁰ *An Essay on the Mosaic Account of the Creation and Fall of Man* (1753), p. 4.

¹¹ T. R. Preston, ‘Biblical Criticism, Literature, and the Eighteenth-Century Reader’ in I. Rivers (ed.), *Books and their Readers in Eighteenth-Century England* (Leicester, 1982), p. 118.

¹² *The Trial of Ford Lord Grey of Werk* (1716).

¹³ This trial continued to interest readers long after its conclusion and several accounts were published during the eighteenth-century. See e.g. F. Plowden, *Crim. Con. Biography: or Celebrated Trials in the Ecclesiastical and Civil Courts for Adultery and other Crimes Connected with Incontinency* (1830), vol. 1, pp. 54–5.

their relationship. In doing so he makes clear reference to the example of Biblical ancestors: 'let us love like the first race of men, nearest allied to God ... Brother and Sister met ... and counted it Religious coupling, and 'twas encouraged by Heaven it self'.¹⁴ Philander makes reference to the Biblical original family to argue that the love between himself and his sister-in-law was not only allowable but mirrored the behaviour of the original family, in which incestuous desire was acceptable.

Similarly, the bawd in a 1766 prostitute biography made reference to the original family in the context of a conversation with a prostitute.¹⁵ In this story the fallen heroine, Maria, returned one evening to the bawdy house with a client. She found herself inexplicably reluctant to entertain this man and stated that 'it was with the greatest reluctance that I indulged him with an embrace'. When the man undressed she noticed a 'remarkable mole' which made her realize that he was her brother. Upon this discovery she 'jumped out of bed, and screaming flew ... to the room of Mrs. Maillot', the bawd.¹⁶ When Maria explains her agitation Mrs Maillot reasoned 'it would have been no sin to have committed incest, as we cannot suppose the children of Adam could have had any other wives than their daughters and sisters.'¹⁷ Here again, the Biblical story is used to justify incest. If incest was legal and a viable form of marriage in Genesis how could it now be seen as sinful?

These two stories, Behn's scandal fiction and the prostitute memoir, were of course available only to literate society. The following example will illustrate that biblical stories provided models which were available beyond these social boundaries. In 1801 a case was brought before the London Consistory Court in

¹⁴ A. Behn, *Love-Letters between a Noble-man and his Sister* (1694), p. 2.

¹⁵ For a discussion of prostitute narratives see V. Jones 'Scandalous Femininity: Prostitution and Eighteenth-Century Narrative' in D. Castiglione and L. Sharpe (eds), *Shifting the Boundaries: Transformation of the Languages of Public and Private in the Eighteenth Century* (1995), pp. 54–70.

¹⁶ *Genuine Memoirs of the Celebrated Miss Maria Brown. Exhibiting the Life of a Courtesan, in the Most Fashionable Scenes of Dissipation* (1766), p. 67.

¹⁷ *Ibid.*, p. 70.

which William Burgess was accused of living incestuously with his niece, Anne Lyde, at his house in Great Portland Street. After being widowed, Anne Lyde had gone to live in her uncle's house. According to the indictment, sometime during their cohabitation, the relationship became intimate, and the defendants began living as a couple.¹⁸ During one of the depositional interviews John Rodd – a shoemaker who lived in Bishop's Nympton and William Burgess's first cousin – responded to a question about how he viewed their relationship. In answering this question he first said that he did not know whether or not Lyde and Burgess shared a bedroom. He then denied having said that he 'saw no harm in their living together for that our first parents did the same.'¹⁹ This exchange, which indicates that he was thought to have reflected upon this relationship in terms of the story of Adam and Eve indicates a much wider currency for the story than just biblical commentators. Bible stories could be interpretive tools through which a wide cross section of society could understand and view the actual experience of incest.

These three texts were far removed from theological writing or biblical scholarship. In the eighteenth century biblical tales played a much larger social role than just among the religious elite. However, what is remarkable about these uses of the Bible is that the biblical incest was not raised in attempts at prevention of immoral behaviour. Philander uses the story of the first family in an attempt to convince someone to commit incest and adultery. The bawd does so in order to encourage her Prostitute to 'not to be so prudish' if her brother returns, and the context in which it was used in the incest trial was similar. In all three the reference to the Adam and Eve or the first family was used in order to excuse incest, not to prevent it. Biblical stories were not always presented as examples of viable family morality, but were rather used by the characters and people in these stories as justification for their acts of incest. The cultural currency of Biblical

¹⁸ London Metropolitan Archive [LMA], London Consistory Court Records DL/C/186/39–41 (1801).

¹⁹ LMA, DL/C/287/135 (1801).

stories of incest allowed them to provide both positive and negative examples for familial behaviour.

It was the sort of immorality which was exhibited in these stories which was the object of the invective poured out in the pages of *The Self-Interpreting Bible* in 1778. The author's reaction to Chapter 18 of Leviticus, for example, began with the words, 'What a sink of shocking pollution is our world!' and continued in this manner for several paragraphs.²⁰ Many other passages were followed by similar 'reflections' which vilified humanity for every sin imaginable. This fire and brimstone interpretation 'avowedly' aimed to distill the principle substance of Biblical commentary for the 'poorer and labouring part of mankind'.²¹ This author saw obvious danger in allowing readers to interpret biblical stories in their own fashion. By berating the reader for the sinfulness of the world, the author intended to provide unambiguous interpretation, so that the Bible could be widely understood without the danger of using it for immoral means.

This vituperative approach was one solution to the possibility of readers taking immoral lessons from the Bible, another was to recommend that the dangerous passages be avoided altogether. *A Family Index to the Bible* tried to prevent the untutored reader from even encountering the aspects of the Genesis story which allowed the above situations to be interpreted in morally problematic ways. This single sheet aimed to encourage family Bible reading. It simultaneously attempted to steer new readers toward particularly instructive portions, and to warn them off difficult or morally suspect passages.²² The reader following these directions was instructed to read the creation story, but only had to read as far as Genesis 4:16 before encountering the first passage to be avoided. Verse 17, which opens with

²⁰ J. Brown, *The Self-Interpreting Bible* (Edinburgh, 1778), Leviticus 18. Many eighteenth-century Bibles have no page numbers. In cases where the pages were numbered these will be given, otherwise the reference will be to the chapter and verse to which the author's commentary was connected. Brown's Bible was a very popular volume and was republished continually throughout the rest of the eighteenth and through the nineteenth century.

²¹ *Ibid.*, p. 1.

²² *A Family Index to the Bible* (1739), s. s.

the words ‘And Cain knew his wife’, initially appears harmless enough. So what was it about Cain’s marriage that an unenlightened reader of the Bible should avoid? How could this straightforward passage raise difficult questions?

The problem lay in the identity of Cain’s wife and the biblical silence regarding her origins. If, as the Bible makes clear, there was only a single set of original parents, who did their children marry, and how was humanity propagated and the world populated? This was not merely a scholastic question but one that had implications in a society which read the Bible as a source for the history of humanity. The reason why the author of the reading guide discussed above suggested that readers avoid this passage seems to have been because of the possible conclusion that Cain must have married his sister. We have already seen the uses to which this assumption could be put in a variety of cultural contexts. In leaving open the possibility of interpreting this passage to mean that Cain married his sister, the Bible could actually be thought to encourage and justify immoral behaviour. This was nevertheless the most common conclusion that was drawn from this passage.

There were several other possible answers to the question of who Cain could have married. One solution was to assume that by the time Cain comes of age, there was ‘no reason to suppose her his sister, there being numbers of women in the world beside’.²³ Another annotated Bible explained that Cain would not have needed to marry his sister ‘there being women enough in the world’.²⁴ The reasoning was that by the time Cain married the world had been in existence for 129 years, so there was a large population from which it was possible to choose a wife. There was little attempt to explain the origin of these masses to whom Cain could have been married, and this solution ignored the problem that if there was

²³ *A New and Complete Family Bible: containing the Old and New Testament at Large* (1770), Genesis 4:17.

²⁴ S. Humphreys, *The Sacred Books of the Old and New Testament, recited at large: and Illustrated with Critical and Explanatory Annotations* (1735), p. 16.

only one original pair, incest would have been necessary at some point. Another possibility lay in the conclusion that the Bible did not tell the whole story. God could have created others besides Adam and Eve from whom suitable unrelated partners could have been found. The author of a letter to *The Post-man and The Historical Account &c.* wrote about a discussion that he had overheard in a tavern over whether there had been men in the world before Adam. ‘Those that asserted that there was Man before Adam said ... where could Cain have a Wife, if there was no Man before Adam was’.²⁵

The response of those involved in this debate for whom the idea of men before Adam as wrong and potentially blasphemous was to argue ‘that altho’ we do not read of any Daughters that Adam had, yet that doth not prove that he had none, and therefore Cain might Marry his own Sister’.²⁶ Those on the side of the tavern debate who thought Cain married his own sister had significant support from contemporary biblical commentators. ‘Cain must have married one of his sisters’ wrote Francis Fawkes in *The Complete Family Bible* in 1761, and a revision of the Douai Bible published in 1750 agreed that Cain’s wife ‘was a daughter of Adam, and Cain’s own sister’.²⁷ What could potentially be thought to be the most contentious solution to the problem – Cain’s marriage to his own sister – was often presented as the common sense answer. If incest were a central problem and an ultimate taboo it seems likely that other conclusions would have been drawn about the origins of Cain’s wife. That incestuous marriage between brothers and sisters was the most common solution is indication that incest had

²⁵ *Post-man and The Historical Account*,. Interestingly, in the nineteenth century the conclusion that there were men before Adam allowed racist ethnology to posit a separate origin for non-whites without abandoning the biblical narrative of creation. See e. g. A. Winchell, *Preadamites* (1880).

²⁶ *Post-man*, no. 5124, Saturday 7 February 1729.

²⁷ F. Fawkes, *The Complete Family Bible: Containing the Sacred Text of the Old and New Testament at Large. With Notes Theological, Moral, Critical, Historical, and Explanatory* (1761), Genesis 4:17; R. Challoner, *The Holy Bible Translated from the Latin Vulgat* (Dublin, 1750), Genesis 4:17. The Douai Bible was the translation used primarily by the Catholic Church in Great Britain, so this was a conclusion that crossed denominational lines.

complex and contradictory meanings. This is not to argue that it was altogether ignored, because as this chapter will go on to show, the incest which was assumed to have occurred required significant justification.

Some commentators gave highly specific accounts of Cain's sister and her birth, naming the daughters of Adam and Eve, and explaining the circumstances of their birth:

Eve brought forth a Son and Daughter; Adam, who did the Office of Husband, Midwife and Nurse received them in his arms and gave the Name of Cain to the Son and that of Calamena to the Daughter ... Eve afterwards had Abel and Delbora.'²⁸

While this author did not go on to conclude that these sisters were also wives, others who dealt with the question did. Far from the possibility that Cain married a distant relative or even someone to whom he was unrelated, the assumption in these interpretations was that Cain married either his own twin or that of his brother. In the interpretations which asserted the existence of twin sisters of Cain and Abel, an ingenious solution to the problem of incest was found. One author, who identified the sisters as Azrun and Owain, argued that 'Adam would have Cain marry Abel's Twin-Sister, but he would not, because his own was more beautiful.'²⁹ Cain's refusal to follow parental marital dictates were indicative of the rebelliousness of his spirit. The intransigence which led to Cain's murder of his brother here is compounded by both filial disobedience, and his desire to marry his own twin rather than the sister he was not as closely related to.

According to Symon Patrick, the author of a series of commentaries on the Pentateuch, two sets of twins allowed Adam, as the patriarch of a traditional

²⁸ *The History of Adam and Eve, Cain and Abel: or, an Historical and Critical Account of the Origination and Fall of Man* (1753), p. 7.

²⁹ A. Purver, *A New and Literal Translation of All the Books of the Old and New Testament* (1765), p. 11; W. J. Chamberlain, *Catalogue of English Bible Translations* (New York, 1991) refers to this as the Quaker Bible.

family, to arrange marriage between the sisters and brothers who were furthest apart: ‘such was their Caution, not to match with those that were nearest in Blood ... Cain was not suffered to marry his Twin-Sister, nor Abel his’.³⁰ Although they both marry sisters, a fine distinction was made between twins and just sisters. Another degree of even closer kinship was introduced into the story in order to exculpate the incest. This set of dual twins allowed for a marriage between brothers and sisters in which concerns about incest could be allayed because Adam was thought to have been as cautious as possible in avoiding incestuous marriages. This differentiation was used to show how there was a desire to avoid close kin marriages among the original progenitors of humanity.

It was also thought to be consequential that the situation was not of Cain’s own making but rather a consequence of the divine will. John Fry argued ‘had there been any *Impurity* in such Marriages, we may be very certain, that infinite Power, directed by unerring Wisdom and Goodness, would never have instituted Marriage at first, between Persons of the same Flesh, and ... made Marriage betwixt Brother and Sister necessary when he could as easily have made two, or more Pairs’.³¹ Because God created only a single pair of parents, this brother–sister marriage could be written off as not even being incestuous. What made it possible to think about brother–sister marriage among the original family was the narrow limits of humanity. Because there were only brothers and sisters to marry such marriages were not thought to have been defined as incest. Brother–sister marriage ‘was no Incest at that time’.³² Understanding these marriages as incestuous would be to read back the levitical prohibitions to a time before they were instated. The need for offspring outweighed the prohibition against incest. However, commentators could not escape the closeness of the parties to this marriage. As the elaborate argumentation used by these commentators has shown,

³⁰ S. Patrick, *A Commentary Upon the First Book of Moses, Called Genesis* (1695), p. 101.

³¹ J. Fry, *The Case of Marriages Between Near Kindred Particularly Considered*, (1756), p. 4.

³² *The Post-man*, Saturday 7 February 1729.

incest was a concern, but the emphasis was upon its necessity over any possibility of moral danger. The allowance and even acceptance of this brother–sister attachment ignored the dangers of incest and made all humanity descendent from incestuous parents. Incest illuminated the importance of the divine injunction to marry and the need for the population of the earth.

Beyond setting up the issues of marriage and propagation, the acceptance of the idea of Cain’s marriage to his own sister made it difficult to condemn such attachments in all situations and across time. Because close kin marriages ‘must have been made between the children of our first parents’ such incest could not be understood to be ‘repugnant to the law of nature’.³³ John Quick also argued that there ‘cannot be a moral natural law [against sibling incest] binding and obliging all universally. For then Mankind must have perished in their Root.’³⁴ As in the bawdy stories looked at earlier in the chapter, these authors use the necessity of incest among the first family to demonstrate that this form of incest was not universally forbidden. This had implications for eighteenth-century understandings of the family. While parent–child liaisons were usually quickly condemned as unnatural, the prohibition of brother–sister incest was harder to universally proscribe. This allowed latitude for anyone, such as John Alleyne and the others looked at in the previous chapter, who wanted to argue in favour of legalizing marriage between spouses’ siblings. Alleyne stated that ‘the children of the first man were necessitated’ to marry so it cannot therefore ‘be absolutely unlawful’.³⁵ One of the outcomes of differentiating parent–child incest from that between brothers and sisters was to place authority at the centre of the problem. When issues of hierarchical family order were not at stake it was almost impossible to make incest unproblematically forbidden.

³³ Gentleman (pseud.), *A Critical Essay Concerning Marriage* (1724), p. 173.

³⁴ J. Quick, *A Serious Inquiry Into that Weighty Case of Conscience, Whether a Man may Lawfully Marry his Deceased Wife’s Sister* (1703), p. 14.

³⁵ J. Alleyne, *The Legal Degrees of Marriage Stated and Considered, in a Series of Letters to a Friend*, 2nd edn (1775), Appendix, p. 27, letter from Arthur Lee.

Cain was allowed and even required to marry his sister because such a liaison was necessary to preserve humanity and populate the world. His marriage to his own sister was thought to have been allowed because ‘God had created only one man and one woman’ and so ‘such marriages were necessary’.³⁶ The ‘first plantation of the world’ was a special case and sibling or collateral incest was not yet illegal because without this allowance there ‘could have been no humane generation’.³⁷ For all of the many thinkers who concluded that Cain must have married his sister, ‘necessity’ caused by God, was the only possibility ‘for the propagation of the human race’.³⁸ It was absolutely necessary that Cain and later Seth, Adam and Eve’s third son, marry and reproduce for the survival of humanity. In the story of the first family, the consequences of not marrying were more disastrous than those which would arise from incest: ‘[Cain] had none but his own Sister to marry, and he must either marry her or burn’.³⁹ As with the Pine clan, discussed in the beginning of this chapter, the primary problem was propagation and population, and this overshadowed any sin that incest might represent. Such a situation could even, in extreme circumstances, be thought to allow incest in a contemporary setting. Even John Quick, who was opposed to marriage to a deceased wife’s sister acknowledged an exception to the rule: ‘Were a man’ he wrote ‘in the Isle of Pines, out of all possibility of commerce with the rest of Mankind, there would be some Shadow of Reason for such a Plea’; this plea was for marriage between blood siblings.⁴⁰

According to the anonymous author of one pamphlet, although such marriages were ‘lawful because then necessary for the Propagation of Mankind’; they were nevertheless ‘promiscuous’.⁴¹ Although there was no prohibition against these

³⁶ Fawkes, *The Complete Family Bible*, Leviticus 18.

³⁷ J. Hall, *Resolutions and Decisions of Divers Practicall Cases of Conscience* (1654), p. 335.

³⁸ J. Johnstoun, *A Juridical Dissertation Concerning the Scripture Doctrine of Marriage Contracts and the Marriages of Cousin-Germans* (1734), p. 5.

³⁹ Quick, *A Serious Inquiry*, p. 17.

⁴⁰ *Ibid.*, p. 17.

⁴¹ Gentleman, *Critical Essay*, p. 174.

relationships, which only later became incestuous, they were still thought of as immoral. It was the relative necessities against which it was weighed that made it acceptable. If incest was not universally or naturally prohibited, and was originally responsible for all procreation, what were the explanations for why it later became illegal? What were the justifications of why it was forbidden in eighteenth-century society? In a cultural climate in which Biblical prohibitions were analysed for their relationship to natural reason, it was no longer enough just to say that God allowed them in the beginning but subsequently forbade such close kin alliances. The rationalizations which were associated with these prohibitions were carefully dissected and compared with conclusions about natural law and reason.

John Fry argued that marriages between brothers and sisters were not naturally impure. In doing so he almost went as far as to condone marriages between brothers and sisters, but he ultimately avoided such a conclusion. Surprisingly it was not an abhorrence of incest which was behind his reasoning. Instead chastity and extra-marital sexuality were the reasons he advocated the avoidance of such liaisons: ‘the Familiarities and Freedom with which they converse together, would give occasion to Fornications and Adulteries, if such Amours might terminate in a lawful Marriage’. In the words of the author of a tract on the civil law, sexual liaisons between brothers and sisters,

tho’ perhaps not forbidden by any natural Law, seem to be grounded upon this reason, viz. lest by a daily and necessary Conversation, and unobserved familiarity, opportunities might be given to such Persons to commit Adulteries and Fornications amongst themselves⁴²

The primary problem here was how to maintain chastity when it was hard to constantly regulate the interactions between family members. John Alleyne thought that without the prohibition of incest ‘every house will become a

⁴² T. Wood, *A New Institute of the Imperial or Civil Law* (1704), p. 38.

brothel'.⁴³ Even David Hume thought that family members 'have such frequent opportunities of license ... that nothing could preserve purity of manners, were marriage allowed among the nearest relations'.⁴⁴ Avoidance of incest was thought to lie in the stringency of marital regulation. Hume's formulation of the problem viewed illicit sexual intercourse as being reliant upon the possibility of eventual marriage.

The prohibition of incest was not specifically aimed at familial sexuality, instead it was instrumental for the prevention of unchaste behaviour more broadly. The need for such familial restraints was about maintaining a curb on promiscuity, because humanity was prone to sexual transgression. Within families the restraints that prevented men and women from becoming intimate before marriage could not function because of the proximity of members of the household. The prohibition against incest guarded against the violation of these boundaries by preventing sexual contact in an environment in which it would otherwise be perennially on hand.

The 'marrying of sisters' was seen to be 'immoral' because 'if Brothers might regard their Sisters as other women, the Consequence would be, considering the early and constant Opportunities they had of being together in private, that few would come chaste unto the Arms of their Husbands'.⁴⁵ Sex among women outside marriage raised the problem of paternity.⁴⁶ The prohibition against familial sexuality aimed at keeping women virginal at marriage in order to ensure legitimate patrimony; unnatural liaisons were not the problem, as they were claimed to be with parent-child incest. Just the opposite was true. Such promiscuous brother-sister attachments were not abnormal or violations of nature, but were expected, if not accepted, outcomes of proximity and affect among

⁴³ Fry, *Marriages Between Near Kindred*, p. 70; Alleyne, *The Legal Degrees of Marriage*, 1st edn (1774), p. 9.

⁴⁴ D. Hume, *Essays and Treatises on Several Subjects* (1772), p. 272.

⁴⁵ *London Magazine; or Gentleman's Monthly Intellegencer* (1732), p. 461.

⁴⁶ K. Thomas, 'The Double Standard' *Journal of the History of Ideas* 20 (1959), pp. 195-216.

siblings. ‘If such relations had not been taught an Abhorrence of such Mixtures ... as they had daily and hourly Opportunities, and free access to each other, and from a long Intimacy would contract a Familiarity, which would take off all Restraint’.⁴⁷ The consequences of such attachments would be detrimental to both the individuals and the wider society. Prospective marital partners of women who lived in such affectionate families would undoubtedly be jealous of their brothers-in-law. The occurrence of brother–sister incest was dangerous, but in no way unnatural.

This is one of the primary contradictions of eighteenth-century understandings of incest. It was often over shadowed by other familial and social issues, yet the family was thought to be inherently incestuous. Incest was nothing more than natural family ties taken too far. Without a prohibition of familial sexuality there was always the danger that households would deteriorate into dens of sexual promiscuity and protean jealousy. Both filial and sibling incest avoidance required moral education and constant vigilance. Chiefly with regard to brother–sister liaisons, the danger was not incidental, but was rather a direct outcome of familial affect. Tenderness and friendship between siblings of the opposite sex, without taught restraint, were prone to become lustful and ultimately incestuous. The affection between the twins in Manley’s *New Atalantis* discussed in the previous chapter grew into incestuous desire because ‘they were ever together and too often alone’.⁴⁸ Sexual attachments between family members loomed over all affective relationships. It was possible to regulate this desire through prohibition, but it was not naturally controlled.

The Leeds Tragedy, a folk ballad which was published in the eighteenth century told of a nobleman’s much courted daughter who resolved ‘a maid to live

⁴⁷ *London Magazine* (1736), p. 567.

⁴⁸ M. D. Manley, *New Atalantis*, R. Ballaster (ed.) (1991[1709]), p. 144.

and die', out of a sense of familial duty.⁴⁹ Although her obligation to her father and brother (her mother was deceased) was laudable, this ballad made her rejection of wedlock, in the service of this duty responsible for a terrible familial violation:

so dutiful was she;
Her brother fell in love with her,
which caus'd this tragedy.⁵⁰

This tragedy was her rape and murder at the hands of her own brother. His sexual desire for her grew as a result of her devotion to the family. Here again natural familial obligation and affection was the provocation for the incest, which in this case was violent and ended in murder. This was very similar to the version of the double incest tale in which the mother made a 'rash vow of perpetual widowhood' and her pent-up desire led to the incestuous act with her son.⁵¹ As with that tale, there was a relationship here between incomplete families and incestuous misbehaviour. The mother's resolution not to remarry, or the daughter's decision not to marry at all, were both done out of a duty to the family in the absence of a parent. However it was these decisions that eventually caused the incest. While the mother was directly to blame for the incest, the rape in *The Leeds Tragedy* appeared to be the fault of the brother, but his sister was not presented as irreproachable. Her decision not to marry was what raised the brother's ardour to this dangerous height. Duty, as an obligation of familial attachment, had the outcome of turning acceptable familial love into sexual desire.

In this ballad natural and acceptable sibling relations grew beyond what was permissible and socially desirable into a dangerous and destructive force. The rape and subsequent murder of the sister was a product of masculine sexual desire

⁴⁹ P. G. Brewster, 'The Incest Theme in Folksong', *FF Communications* vol. 80, no 212 (1972), pp. 3–36.

⁵⁰ *The Leeds Tragedy: or, The Bloody Brother* (1720?) s. s.

⁵¹ Quick, *A Serious Inquiry*, p. 31. See Chapter 2 for a discussion of this mother–son incest.

which flaunted the boundaries of familial love. The relationship between brother and sister almost naturally developed into romantic attachment. The danger was not in any outside force, but rather in the very dynamics of the relationship. The rape actually appears to avoid the problem by making the sexuality coercive, but brothers and sisters could be seen as almost uniquely suited to each other, rather than prevented by the closeness of their blood relationships. The sibling of the opposite sex, and especially a twin, was sometimes presented as a mirror of the individual in which ideal partners could be found. The mother–son incest of the double incest story revealed an inherent flaw in conceptions of familial order; the conflict of the parental with the patriarchal. Brother–sister liaisons exposed a very different kind of cleft. Although the distinctions between types of affective relationships are meant to guard against this danger, brothers and sisters were thought to be prone to become closer than familial propriety allowed.

2. Lot's children: understanding father–daughter incest

Thomas Stackhouse, in his influential *New History of the Holy Bible*, argued that ‘it was at that Time a universal Law ... that Marriage should be contracted within the Family’.⁵² This went much further than other commentators and theologians who, as this chapter has shown, saw these marriages as necessary in light of the limited scope of possible marriage partners, but far from universally acceptable. Stackhouse viewed close kin marriages as more than just a short-lived necessary expedient, but as a universal law, which served purposes beyond just the survival of humanity. What makes his claim to the universality of close kin marriages even more remarkable is that he was looking not at the very earliest marriages of Genesis between collateral kin, but rather at a much more extraordinary biblical story of incest; that between Lot and his daughters. While Cain's incestuous

⁵² T. Stackhouse, *A New History of the Holy Bible, from the Beginning of the World to the Establishment of Christianity* (1737), p. 248. This work was republished numerous times over the course of the century, and enjoyed wide influence and sustained popularity.

marriage was the product of interpretation and inference, the other main story of incest which this chapter will now discuss was explicit and far more difficult for eighteenth-century commentators to reconcile.

In the Genesis narrative, after escaping from Sodom and losing his wife 'Lot removed to a cavern in the mountain with his daughters: who make him twice drunk with wine, and lying with him alternately, the eldest became Moab's mother, the other Benammi's'.⁵³ Although this 'history' related the story in direct and unashamed language, the index which recommended against reading the verse on Cain's wedlock, also proscribed reading past Genesis 19:30.⁵⁴ The chapter up to that point deals with the moral story of sin and wickedness in Sodom and the divine destruction of the cities of the plain, but the final verses are this tale of incest. Volumes such as *An Abridgement of Scripture History designed for ...Children* (1772) tell the whole of the Sodom and Gomorrah tale but leave out the incestuous conclusion. Children and untutored lay readers were here again advised against reading the morally ambiguous portions of the story.⁵⁵

This avoidance of learning about the morally ambiguous incest tale was by no means universal. The volume of mnemonic verses which began the discussion of Leviticus in the previous chapter made it seem as if incest were a much larger part of the tale than it is:

Two Angels rescue Lot: his wife's turn'd salt.

His Daughters make him drunk: Incest's his fault.⁵⁶

⁵³ W. Williams, *Primitive History from the Creation to Cadmus* (Chichester, 1789), p. 392.

⁵⁴ *A Family Index to the Bible*.

⁵⁵ *An Abridgement of Scripture History Designed for the Amusement and Improvement of Children* (1772), pp. 13–14. Other examples which leave out the incest include *The Holy Bible Abridged: or the History of the Old and New Testament. Illustrated with Notes, and Adorned with Cuts for the Use of Children* (1791) and S. Trimmer, *Sacred History Selected from the Scriptures, with Annotations and Reflections, Suited to the Comprehension of Young Minds* (1782). Notably where Trimmer's famous text discusses Cain's wife it did not speculate upon who she was but rather emphasized her wifely duty in following him into exile.

⁵⁶ *A Good Help to Weak Memories: or, the Contents of Every Chapter in the Bible in Alphabetical Dysticks* (1671), p. 2.

Similarly a catechetical volume for teaching the Bible to children and servants clearly related the story of the incest:

Q. Whither went [Lot] then?

A. Into the Mountains.

Q. What befel him there?

A. His two Daughters made him drunk, and lay with him.

Q. What fruit came of this incestuous act?

A. There were two children born, Moab and Ben-ammi, the Fathers of two cursed nations, the Moabites, and the Ammonites.⁵⁷

A 1682 volume also treated the story lightly in making it the subject of a riddle which read ‘Two Sisters standing over a Tomb, thus bewailed the dead therein interred. Alas here lies our mothers husband: our husband, and the Father of our children, and our Father: How could that be?’ The answer, of course, was that it was Lot’s daughters standing over the grave of their father.⁵⁸

So the incestuous portion of Lot’s story was not universally proscribed, although it does appear from these examples that it was easier to discuss the incestuous portion for the consumption of children and learners in the late seventeenth century than it was to become by the end of the eighteenth century. Such a conclusion would be in line with the historical understanding of a stricter attitude to sexual morality which operated in English society by the late eighteenth century. The impulse in these earlier texts seems to be an aim to teach about sinful sexual acts as cautions against such behaviour, whereas by the end of the period it does not seem to be something that children are supposed to have any access to at all.

⁵⁷ E. Pagit, *The History of the Bible: Briefly Collected by Way of Question and Answer* (1682), p. 23.

⁵⁸ *A Help to Discourse: or, More Merriment Mixt with Serious Matters*, 17th edn (1682), p. 112.

The author of the *Self-Interpreting Bible* used his reflection on Genesis 19 to warn against drunkenness rather than dwelling upon the incestuous nature of the daughter's crime: 'How dangerous is drunkenness, and how readily to issue in whoredom and lasting shame'.⁵⁹ Ignoring that the intoxication was merely a means which the daughters employed to attain their goal, Brown emphasized the dangers of drink as a cause of immoral behaviour. His concern was less with the outcome than it was with the wine consumption which allowed it to occur. Not only did he dwell upon the dangers of drink, but he ignored the fact that the immoral behaviour is father–daughter incest, simply referring to it as whoredom. The enduring humiliation was said to arise from neither the incest nor the offspring of the incest, but from the fornication and drunkenness which are incidental to the story.

In these volumes of religious instruction for children and adults it was possible to either ignore the incest entirely, seemingly because the intended readers of these volumes should not be exposed to descriptions of licentiousness, or to make it explicit as a warning against such behaviour. In these kinds of texts there was little, if any, ambiguity in the actions of Lot's daughters. In more sophisticated exegesis, aimed at a theological or educated lay audience, the conclusions were very different. The daughter's assumptions about the world after the destruction of the cities of the plain, their intent, and even the long term effects of life in Sodom were analysed when commentators tried to account for these perplexing acts of familial sexual transgression.

Since the Bible makes it clear that the daughters performed this act with reproductive rather than lascivious aims, much of the commentary related closely to the interpretations of the identity of Cain's wife. The daughters' hope that through such an act they could preserve their family lineage in the absence of any

⁵⁹ J. Brown, *The Self-Interpreting Bible* (1778), Genesis 19. There were six editions of this work published between 1778 and 1792, and it continued to be a popular volume through the nineteenth century.

other men with whom they could mate. Like the Pines and the sons of Adam they are completely isolated from any other contact with humanity: ‘These two Maids...seeing their own City and Country destroyed by Fire imagined, that the Seminary of Mankind remained only in their Father and Them ... what they did was upon this supposition, That there was no other way to restore the World.’⁶⁰ Again the need for population of the world was thought to outweigh the need for familial chastity, but in this case the perpetrators were incorrect in thinking that their actions were acceptable. Matthew Poole’s *Annotations upon the Holy Bible*, published in 1683, directly related this story to that of the original family. Lot’s daughters ‘thought it was made lawful by the supposed necessity, as in the beginning of the World the Marriage of Brethren and Sisters was lawful, because necessary, and when it ceased to be necessary because of the increase of mankind, it became incestuous’. Incest was the crime, not familial sexuality, so there was a distinction made between the lawful and necessary reproductive intercourse with a family member and incest. Poole referred back to marriage between the first brothers and sisters, not to excuse the actions of Lot’s daughters, but rather to make it very clear that these women had committed ‘an incestuous and abominable act’.⁶¹

Poole argued that the daughters’ behaviour was unjustifiable because the world was more populated than it had been in the beginning. However, in his commentary on *Genesis* 20:12 – in which Abraham and Sarah are revealed to be half-siblings, having the same father – Poole explained how before the institution of the levitical law of marriage ‘there were larger allowance for Marriages’.⁶² This brother–sister marriage was not one which seemed to cause much concern among Biblical commentators, and Poole did not see this as incest. Although he did not make it explicit, the aversion appears to relate to the type of incestuous

⁶⁰ S. Patrick, *A Commentary Upon the First Book of Moses, Called Genesis* (1695), p. 321.

⁶¹ M. Poole, *Annotations upon the Holy Bible* (1683), vol. 1, *Genesis* 19:32.

⁶² *Ibid.*, *Genesis* 20:12

relationship with which each story was concerned. Poole thought that brother–sister marriages were allowed in the early period, but not those between parents and children. For him parent–child incest violated natural law in a way that similar actions between brothers and sisters did not.

Poole blamed not only the daughters for their active sin but also Lot, whose drunkenness made him complicit in the actions which were perpetrated on him. Poole’s view was, however, more extreme than that of most commentators who drew meaning from the tale. Although even the most moderate commentators ultimately condemned these women, their transgression was rarely seen as a lascivious and immoral act. If these women were thought to be immoral, the environment in which they were raised was blamed. That they were reared in Sodom was thought by some to have accustomed them to sin: ‘It is natural to suppose that the daughters of Lot, having long seen the unbounded licentiousness that reigned in Sodom, had no great horror for the crime of incest’.⁶³ Aversion to incest was undone or never instilled because of the amorality of the community in which they lived. The women did not see the harm in what they were doing, and they felt that their actions were extenuated by the situation in which they found themselves. Rather than condemning the women, this view related this aspect of the tale to the larger story of the destruction of Sodom. This did not excuse the incest, but did to some extent explain it away by making it a part of a wider discussion of divine reaction to immorality.

Regardless of the fact that the incest was a ‘most unlawful commission’ of which they were unashamed because of their upbringing in an immoral society, it was entirely possible to argue that these were not lascivious women, and to view their actions with some moderation of tone.⁶⁴ ‘Lot and his daughters are censured by some; while others labour to apologize for their conduct with too much

⁶³ Fawkes, *The Complete Family Bible*, Genesis 19:31.

⁶⁴ T. Pyle, *A Paraphrase with Short and Useful Notes on the Books of the Old Testament* (1717), vol. 1, p. 111.

indulgence. Both these extremes are to be avoided.’⁶⁵ Although ‘we cannot think on that Action of them without horror ... the Innocence of their Intention did much lessen the guilt’.⁶⁶ That it was possible to encourage readers of the story to take a middle ground in trying to understand their actions is remarkable, and goes against all of the many claims that incest between parents and children was the most unnatural form of incest. However, it has already been shown that incest could be excusable if it was merely a disruption of ordered authority rather than an inversion. It was possible to excuse this incest in this story because it was within the boundaries of familial order.

Several writers looked carefully at the women’s actions in order to show that they were moral, if not wholly licit. Their chaste behaviour while living amongst the sinful masses in Sodom, their lack of interest in sexual relations with their father during their mother’s lifetime, their collusion in the act, and that they did it only once, all serve as evidence of the purity of intent if not the legality of the act.⁶⁷ Although they did not act out of lust but rather from a perceived necessity, neither Lot nor his daughters were thought to be without blame, but the reaction was rarely one of horror at the incest. Most eighteenth-century writers who commented upon this story seem to agree that the incest, although a sin, was committed with the best intentions. In this reading incest did not necessarily undermine the family because it was done in order to preserve the heritage of the family in an extreme situation. This did not wholly excuse the actions, but neither did it make the incest entirely outside the boundaries of explainable familial behaviour.

Thomas Stackhouse, whose concept of the universality of close kin marriages before the institution of the levitical prohibitions began this discussion of Lot’s

⁶⁵ *The Family Bible, or an Illustration of the Scriptures* (Aberdeen, 1769), p. 27.

⁶⁶ S. de Royaumont (pseud.), *The History of the Old and New Testament* (1705).

⁶⁷ S. Humphries, *The Sacred Books of the Old and New Testament, Recited at Large, and Illustrated with Critical and Explanatory Annotations* (1735), p. 58.

incest, is exemplary of the argument which took into account the women's motive. 'They had the Plea of Necessity on their Sides to excuse if not to justify them: And ... were not led by any Spirit of uncleanness to this Action'.⁶⁸ He rejected the argument that the women thought that they were the last inhabitants of earth, but gave an explanation which was wholly in keeping with contemporary ideas of incest. The intent which made their actions excusable was the necessity of carrying on the family name. Close kin marriages, according to Stackhouse, were obligatory because of the need to 'preserve Inheritances, and to avoid the Mixture of Seeds'. Incest was much more than an expedient which allowed the continuation of the human race in the absence of others to whom these original parents could be married. Close kin marriages – usually between half-siblings, as in the case of Abraham and Sarah, or first cousins (which was legal under both the levitical prohibitions and English ecclesiastical law) – were ideal for early modern conceptions of lineage and kinship ties. Protection of inheritance rights and pure familial lineage were more crucial to conceptions of family than avoiding sexuality between family members. This argument, in the specific circumstances in which Lot and his daughters found themselves, could even relate to sexuality which in most circumstances was a violation of natural law. While there were no commentators who saw the incest between a father and his daughters as wholly acceptable, there were equally very few who, like Poole, condemned it entirely.

One idiosyncratic, but nonetheless noteworthy, vision of the incest between Lot and his daughters was held by the critic John Dennis. In his defense of the morality of the theatre Dennis provided another example of how the Lot story did not appear to eighteenth-century commentators as an unequivocal condemnation of the incestuous action. This reference to the incest between Lot and his daughters arose in a discussion of morality in the theatre. Even though he was an advocate for the theatre, Dennis conceded that passages which encouraged

⁶⁸ Stackhouse, *New History of the Holy Bible*, p. 248.

lasciviousness should be ‘banish’d from the Stage for ever.’ However such passages could conceivably have some social benefit. Because, in Dennis’s words ‘the execrable sin of Sodomy is spread so wide, that the foresaid Passages might be of some Use to the reducing Mens Minds to the natural Desire of Women.’ In other words, depictions of sexuality would encourage men to desire women, rather than other men. His invective referred back to the destruction of Sodom by calling sodomy ‘a Crime that ... obliged even righteous Lot to prostitute his two chaste and virgin Daughters, in order to prevent it.’⁶⁹ In other words, the incest which occurred between Lot and his daughters was a lesser crime than the sodomy for which God rained down such destruction. The need to avoid sodomy made the incestuous transgression – which was again not characterized as incest but merely as fornication – excusable. Dennis’s reading of this passage was unique, but did resemble the other analyses of this story in making incest a crime which could be excusable, if not acceptable, in specific circumstances. Incest was by no means a harmless transgression, but it could be allowable in situations in which other concerns arose.

The sense that sexual conjugation between parent and child was universally against the law of nature was undermined by the attempts to understand the mitigating circumstances which occur in this story. Considerations of lineage overshadow the claims of morality and chastity. Distinctions were clearly made by Montesquieu and others separating incest which overturned familial patriarchal and parental authority from other forms. Such considerations were taken into account in the consideration of Lot’s incest. Although the women were actively incestuous, while Lot was unaware of his actions, it was still a father–daughter relationship which became incestuous. Since the preservation of Lot’s lineage was

⁶⁹ J. Dennis, *The Stage Defended From Scripture, Reason, Experience, and the Common Sense of Mankind for Two Thousand Years. Occasioned by Mr. Law’s Late Pamphlet against the Stage-Entertainments* (1726), in E. N. Hooker (ed.), *The Critical Works of John Dennis* (Baltimore, 1939), vol. 2, p. 314.

at stake, and the daughters were the only possibility for carrying this on after the death of their mother, it was possible to overlook the immorality of their actions. Parent–child incest was undoubtedly the most difficult to reconcile, but if it was between a father and daughter it was easier than in the comparable case which involved a mother and son. The father’s seed was thought to be doubly carried on by the incestuous regeneration since ‘To each of which Sons, Lot was both Father and Grandfather’.⁷⁰

Like the incestuous procreation which brought them into being these sons and grandsons of Lot provoked differing reactions from biblical commentators. That the sons were named by their mothers, rather than by the patriarch who was their father could be evidence that Lot ‘abhor’d this incestuous breed’.⁷¹ The names they were given, Moab and Ben-Ammi, reflect their incestuous origins: Moab meaning ‘from my father’ and Ben-Ammi meaning ‘son of my people’. By referring to the incest these names emphasized kinship and lineage. Opinion of theologians was mixed as to whether or not these offspring carried the taint of their incestuous origins. Bishop Hall wrote that ‘Lots incestuous copulation with his daughters sped well; two famous nations sprang thence, & one of them, the gracious progenitrix of the Saviour of the world.’⁷² On the other hand the catechism quoted above viewed the offspring of the incest as fathers of two ‘cursed’ nations. For the most part, the daughters’ seduction of their father was seen as a highly ambiguous act, which was neither wholly condemnable nor possible to condone, and the offspring of the incest were reacted to in the same way. That the sons’ names refer to the incest could either be seen as a sign that the mothers were ‘impudently glorying in their sin and shame’, or it could be evidence of the importance of reproduction: ‘they seemed so far from being

⁷⁰ T. Ellwood, *Sacred History: or, The Historical Part of the Holy Scriptures of the Old Testament* (1705), p. 27.

⁷¹ L. Howel, *A Compleat History of the Holy Bible, Contain’d in the Old and New Testament* (1716), vol. 1, p. 48.

⁷² Hall, *Resolutions and Decisions*, p. 386.

ashamed of what they had done, that, in the Memory of it, they named their Children by Words that might express the very Thing they aimed at', the carrying on of the family name.⁷³ In the second of these the need for reproduction outweighed prohibitions against close kin sexuality. A parallel of the reasoning behind the marriage between Cain and his sister, the emphasis here was upon the requirements of kinship rather than the violation of familial sexual boundaries.

Not only was there a need to carry on the family name, but the daughters of Lot were also thought to have the lineage of the messiah in mind when they used their father to impregnate them. Their aim was 'to have a chance for bringing into the world the promised seed, which was to break the serpent's head'.⁷⁴ Concern with both 'their anxiety to preserve the seed of their father' and 'from an eager desire after the messiah, who, they might hope, would spring from them' was said to have led to the daughters' misguided actions.⁷⁵ The incestuous origins of these two sons brought to light considerations in the prophecies of the lineage of the messiah. The importance of lineage and the need to preserve pure kinship lines, in biblical as well as other cultural contexts, will be the subject of the next chapter. Here it is just notable that the Messiah provided further mitigation for the crime, but without excusing them of their sin. Yet again the view was taken that while the two women were wrong to pursue this incestuous course, their actions were not altogether misguided.

Although there are no instances of mother-son incest, several biblical characters have conjugal relationships with their fathers' wives or concubines. Commentary on the levitical prohibitions discussed in the previous chapter of the thesis confirms the strength of feeling around this form of incest, even though it is not a blood relationship. Leviticus 18:8, which specifically outlaws sexual

⁷³ Pyle, *A Paraphrase ... of the Old Testament*, p. 111; M. Poole, *Annotations upon the Holy Bible*, Genesis 9:38.

⁷⁴ *The Christian's Complete Family Bible* (Manchester, 1767), Genesis 9:31.

⁷⁵ *The Family Bible, or an Illustration of the Scriptures* (Aberdeen, 1769), p. 27.

relationships with a father's wife, encouraged some of the strongest invective about incest. Genesis 35:22 explains how Israel's son Reuben lay with his father's concubine. Francis Fawkes's *Complete Family Bible* (1761) described Reuben's sexual transgression as an 'unnatural crime'.⁷⁶ This language is echoed in *The Christian's Complete Family Bible* (1767) which calls this an 'unnatural action' rather than a crime. One 1717 paraphrase was particularly vociferous in its explanation of why Reuben was deprived of his birthright by Jacob. His 'act of audacious Incest' was the 'wicked' result of his 'Lust and Vanity'.⁷⁷ Most significantly it was seen as an 'indignity' against his father.⁷⁸ Some interpretations charged Noah's son Ham with a crime similar to that of Reuben.

When Ham 'saw the nakedness' of Noah in Genesis 9:22 some commentators interpreted this figuratively rather than literally. Because the language was the same that was used to describe incest in Leviticus 18 – 'The scripture phrase to see or uncover his father's nakedness, signified to lie with his father's wife.' – some commentators concluded that this meant that he was guilty of the crime of 'committing incest with his father's wife'.⁷⁹ In this interpretation, and the commentary on Reuben's incest, the violation was understood as being against the father. In sleeping with his father's wife Reuben confused the relationships of authority within the family, not just by turning a maternal figure into a sexual partner, but through usurping paternal sexual prerogatives. The actions of sons who were adulterous within the family were far more problematic than the other types of incest which have been described here. The interpretation which saw Ham's crime as incest rather than immodesty went to the very heart of understandings of the family since it was thought to violate parental authority rather than propriety. There were no mitigating circumstances which could excuse

⁷⁶ Fawkes, *The Complete Family Bible*, Genesis 35:22.

⁷⁷ Pyle, *A Paraphrase ... of the Old Testament*, p. 289.

⁷⁸ Humphries, *The Sacred Books*, p. 99.

⁷⁹ Fawkes, *The Complete Family Bible*, Genesis 9:22.

the crimes of Reuben and Ham because this was the crime which violated familial order. This was another take on incest with the mother or stepmother. Such relationships overturned authority by allowing the son a position superior to the mother in the familial hierarchy, but also directly threatened the right of the father to patriarchal supremacy.

3. Conclusion

In the various versions of the double incest story, mother–son incest did the work of revealing a significant fault line in the familial order. The conflict between patriarchal and parental authority was highlighted when the mother allowed her son to usurp her position in the family. Concerns about the law of nature and its reflection in both Leviticus and eighteenth-century English law also emphasized the problem of authority in this fashion. Mother–son incest was, according to Montesquieu and others, far more dangerous than that which occurred between other family members. These two cultural contexts reinforced each other in representing the family as requiring orderly relationships which prevented the kinds of inversions which would create these crises of authority.

The same is true of the biblical stories addressed in this chapter, and the Bible was a particularly potent medium through which to contemplate moral situations. When compared across a range of biblical commentary and other contexts in which Biblical stories arose, the various types of incestuous relationship were not thought of as equal. The violation of biblical proscriptions exemplified by both brother–sister and father–daughter incest were often thought to be excusable, if not wholly acceptable, in circumstances where other considerations made such relationships necessary. The possibility that Cain could have married his own sister was not cause for a condemnation of all human generation, but rather elicited discussions of kinship and the necessity of reproduction. Similarly the incest between Lot and his daughters, although never thought to be excusable, was

explained as a reaction to a variety of extreme situations. However, the one form of incest which did not give rise to discussions of situational considerations was that which occurred between a man and his father's consort. This relationship overturned familial prerogatives by placing the son in a position of authority. The son who would violate his father's bed was also undermining his father's authority. Only this transgression was unreconcilable in the minds and writings of eighteenth-century theological thinkers.

The problems which these stories presented were not solved in any uniform fashion. This reflected both the broad range of Biblical scholarship, and the wide variety of readings of the family which were possible in this period. These considerations brought to light highly specific cultural concerns about authority, kinship, and propriety. In doing so they placed incest in a position which allowed the interrogation of these issues. As such incest became simultaneously a problem in itself and a tool which could highlight more pressing contemporary issues about the conception of the family. This chapter has shown the ways in which the Bible as interpreted in the eighteenth century handled these problems. Another tradition through which social issues were interpreted was that of Classical literature. It is to incest in the stories of ancient Greece that this thesis now turns.

Chapter 5

Fatal marriages: unknowing and unknowable incest in society and the interpretation of classical tragedy

Upon opening the 1 July 1788 issue of *The Times* to page three the reader was confronted with a headline which read ‘Fatal Marriage!’. This sensational story, which the paper explained had occurred within the last few days, told the story of a woman who was left pregnant by her deceased husband. This unfortunate woman gave birth to twins – ‘a fine boy and girl’ – but died in childbirth.¹

Because they were orphans the children were separated. The son was adopted by a gentleman and raised in America, while the daughter remained in England. As a young man the orphaned son, with the permission of his adoptive father, sailed to England. Upon arrival he ‘happened to take lodgings at a house in which his sister lived, but neither of them had the least knowledge of each other’. After meeting, affection grew between the twins, and their relationship developed into one of mutual love. Being unaware of their relationship, they were privately married.

This brother and sister ‘lived together two years in the greatest felicity, which was heightened by two fine infants, the fruit of their innocent incestuous marriage’.

The article left the events by which it happened unexplained, but eventually the husband became convinced that his wife was also his sister. The revelation that he had married his twin sister had ‘such a melancholy effect upon his mind, that the next day, he put an end to his existence’. The sister and widow he left behind followed him to the grave three days later ‘having died from an excess of grief’.

¹ *The Times*, 1 July 1788, p. 3.

A similar tale was recounted in a volume of anecdotes about ‘fashionable’ life which was published in 1799. The outcome of this story, which was said by its author to have occurred in Scotland in the 1770s, mirrored that of *The Times*’ report on the incestuous twins. An unmarried fourteen-year-old girl from Glasgow found herself pregnant. In order to hide her pregnancy she travelled to Edinburgh. While there she gave birth to a boy whom she left in the care of a ward. At the age of twelve, her son ran away from his guardians and went to sea. In the meantime, his mother had set up a house in Glasgow ‘to which the better class of sailors in the merchants service generally resorted’.² A few years later, unknown to either of them, her son, who was the master of a vessel in the West-Indies trade, took up lodgings in the house which his mother ran. As in the story of the twins ‘a mutual attachment ensued, which was cemented by matrimony’. They were married for three years and had three children ‘as the reward of their conjugal fidelity’. Inevitably, ‘one morning, the husband putting on his shirt in the presence of his wife, she discovered a mark on his shoulder, by which she knew him to be her long-lost son’. Although this story does not end in the death of the couple, both were driven into states of incurable madness and delirium as a result of the revelation that their marriage was incestuous.

We can compare these stories with a verse tale published in the late eighteenth-century which told of another young nobleman who had been raised by adoptive parents. At the age of nineteen, he left his home to travel and gain experience of the world. While travelling he argued with and killed a man he was passing on the road. He eventually spent some time living in a foreign court. While there the young ‘prince fell in love with the beautiful queen’ and they were married soon afterward.³ The family about whom this story was written was ill-fated. The man with whom the prince had argued and killed was his own father,

² L. T. Rede, *Anecdotes and Biography, including Many Modern Characters in the Circles of Fashionable and Official Life* (1799), p. 217.

³ *A New History in Four Parts. Being an Account of a Monarch of Greece* (Newcastle, 1780), p. 5.

and had been husband of the queen who the prince subsequently married. So in addition to parricide this young prince was also guilty of incestuous marriage. This was revealed when suspicion was raised by a seer, and the queen 'open'd his bosom, where plain to her view/ The mark he was born with declar'd it was true'. The story ends with the queen murdering their four children and herself. The distraught king 'continued disturbed in mind', until he too died.

This last story was, of course, a contemporary retelling of the classical Greek tale of Oedipus, the ill-fated king who murdered his father, married his own mother, and sired four incestuous children. These three tales, and the others which will be discussed in this chapter, all have several aspects in common. Whether between parents and children or brothers and sisters, these were tales in which family members unknowingly developed close conjugal relationships which led to their eventual downfall. The unknowing incest which was the central problem in all of these stories occurred in families which had been broken up and in which children were raised away from the home of their birth. The issues raised by unknowing incestuous congress, in families that been separated were dealt with through these tales. The families created by these incestuous marriages were apparently built on solid and reliable bases which guaranteed security. The devastation which was wrought when the revelation occurred exposed the insecurity which was thought to underlay all familial relationships in this period. Knowledge of one's social position and origins allowed greater stability, but in the increasingly fluid social world of the eighteenth century these stories revealed anxieties about the bases of social belonging. Fundamentally these stories were concerned with knowledge, and with whether it was possible to know one's social origins. Incest was an ever present danger because it could lurk behind the seemingly stable familial order in ways that were difficult to detect.

The variety of eighteenth-century interpretations, translations, and commentary on the classical stories of Oedipus and Phaedra, and contemporary

incest which dealt with similar problems were cultural sources through which this problem of social belonging was interrogated.⁴ Like the biblical stories of incest, these were tales which had their origins in sources which had strong cultural currency. The numerous English language versions of Sophocles's *Oedipus Tyrannus* and Euripides's *Phaedra* which were translated, written, published and (in some cases) performed from the late seventeenth century through the end of the eighteenth century suggest some of the possible interactions between family, authority and sexuality in these stories of family breakdown and unknowing incest. The themes which were dealt with through the use of the stories of Oedipus and Phaedra were highly relevant to eighteenth-century understandings of the relationship between the individual and the family.

1. Revelation and realization

There was a significant expansion of interest in the Oedipus myth in European arts and literature from the beginning of the long eighteenth century. Based upon the bibliographical lists provided by *The Oxford Guide to Classical Mythology in the Arts* it appears that classical stories dealing with the family were particularly popular from the late seventeenth century onwards.⁵ Starting the count with Dryden's and Lee's rewriting of the myth in 1679 there were at least 28 different artistic and literary uses of the Oedipus story across Europe in the eighteenth century. This contrasts with only 16 versions or uses in the preceding 300 years. A similar count of occurrences of the myth of Phaedra and Hippolytus (the story of a woman's infatuation with her husband's son) shows that there were only 24

⁴ Classical literature had an significant cultural role in the eighteenth century as evidenced by works such as H. Felton, *A Dissertation on Reading the Classics, and Forming a Just Style* (1713) which explained the importance of classical learning. A wide range of reference works were also published, e. g. W. Holwell, *A Mythological, Etymological, and Historical Dictionary; Extracted from the Analysis of Ancient Mythology* (1793), and H. Priest, *The Young Ladies' Pocket Companion, Being a Short Dictionary of Arts, Sciences, Geography, Heathen Mythology, &c.* (New York, 1801).

⁵ J. D. Reid, *The Oxford Guide to Classical Mythology in the Arts 1300–1990s* (Oxford, 1993).

different uses before the late seventeenth century and 36 from 1677 through the end of the eighteenth century. While this expansion may seem attributable to the explosion of print in this period, comparison with classical myths that did not involve familial situations reveals a notable difference. For example, the myth of Orpheus and Euridice was the subject of 61 interpretations prior to 1680 and only 28 in the period from 1680 to 1820. Where Oedipus and Phaedra were tales of familial breakdown, the Orpheus myth dealt with conjugal attraction. While the interest in classical stories of family breakdown was increasing, stories which concentrated on romantic love did not have a similar impact.

By 1783 it was possible for the author of a dictionary of Greek myth to write that 'There are few who have not heard of the names of ... Oedipus, Jocasta and the like'.⁶ The main source for the story of incest in this period was Sophocles's tragedy *Oedipus Tyrannus*. The story begins with a plague that was afflicting Thebes, the kingdom over which Oedipus rules. The drama involves the discovery of Oedipus's true origins and the unfolding story of parricide and incestuous marriage. This process of discovery reveals that before Oedipus's birth an oracle foretold that a son born to the Theban royal couple Laius and Jocasta would murder his father and marry his mother. In an effort to avoid this fate, when Oedipus was born he was to be allowed to die of exposure. Found by a shepherd, Oedipus was adopted and raised by the king and queen of the neighbouring kingdom of Corinth. Knowing nothing of his true origins, Oedipus is one day disturbed by the rumour that he was not a native of Corinth, so he leaves to try to find his true identity. While travelling, he unknowingly meets, quarrels with and kills his own father. However he also correctly answers the riddle of the Sphinx which had plagued Thebes. As a reward he is given the hand of the queen in marriage, and ascends to the throne as king. His downfall comes with the attempt

⁶ *The Gentleman and Lady's Key to Polite Literature; or a Compendious Dictionary of Fabulous History* (1783), no pagination. Oedipus and Jocasta appear here at the end of a list of names such as Jupiter, Juno, Mars and others.

to determine the cause of the plague and to find out who had murdered the previous king. In doing so Oedipus uncovers the truth of his birth and that he is responsible for the famine which is plaguing Thebes because of his unknowing parricide and incest.

In the modern period the story of Oedipus has become among the most culturally current of the narratives of classical antiquity. The tragic character lends his name to a primary concept of Freudian psychoanalytic theory: the Oedipus complex. According to the Freudian idea Oedipus's tragic life mirrors that of the male infant who experiences attachment to the mother and unconscious rivalry with the father.⁷ The contemporary cultural importance of the tale has overshadowed the fact that the story, despite the princely position of its central hero, is primarily a domestic narrative. Oedipus is not a conquering hero. He comes to rule Thebes through his superior intellect – the throne and the marriage to the queen Jocasta are rewards for his solving the Sphinx's riddle – not through military victory. Sophocles's story centres around internal familial strife and its effect upon the wider social order. Oedipus's search for the killer of Laius is very explicitly a search for his own identity.

In the moment when Oedipus discovered that he was guilty of parricide and incest one eighteenth-century translator of Sophocles's play interpreted his words as 'Tis done; the tenfold mystery bursts to light'.⁸ This author, who described his work as a 'free translation' saw the climactic moment of the play as a substantial moment of revelation. Similarly, Father Brumoy, the French Classical scholar whose works were published in English in 1759, translated this moment as, 'the horrid mystery is unveiled.'⁹ Revelation, and the process by which it happens, is

⁷ For an explanation of Freud's theory see J. Bristow, *Sexuality* (1997), pp. 72–4; and M. Ellmann (ed.), *Psychoanalytic Literary Criticism* (1994), p. 5. G. R. Taylor puts the Oedipus Complex to interesting if idiosyncratic use in *The Angel-Makers: A Study in the Psychological Origins of Historical Change, 1750–1850* (1958), pp. 353–4.

⁸ T. Maurice, *Poems and Miscellaneous Pieces, with a Free Translation of the Oedipus Tyrannus of Sophocles* (1774), p. 219.

⁹ P. Brumoy, *The Greek Theatre of Father Brumoy*, trans. C. Lennox (1759), p. 55.

the central aspect of Sophocles's play. The whole of the drama builds toward the final exposure of Oedipus as patricidal and incestuous. As Hugh Blair wrote 'When such discoveries are artfully conducted, and produced in critical situations, they are extremely striking'. This process of uncovering the truth was 'the whole subject of his *Oedipus Tyrannus* ... which is, undoubtedly, the fullest of suspense, agitations, and terror, that ever was exhibited on any Stage.'¹⁰ For Blair, it was this revelation that made *Oedipus Tyrannus* such a powerful play.¹¹

Father Brumoy also saw the process of discovery and exposure as the aspect which gave the play such enduring appeal. 'What can be grander or more interesting than that the preservation of a whole kingdom should depend upon the discovery of a secret?'¹² The concentration on the revelatory aspects of the story gave this play some of its resonance in the eighteenth century. Incestuous marriages, when unknowing, were often thought to be harmless or at most to have minimal repercussions, but the discovery of the incest had significant repercussions. Emphasizing the discovery made the problem primarily one of knowledge. Incest was harmful when it was known, but could be free of consequences when it remained hidden. The revelation could overturn the stable family which had existed free of problems. In this way the story of Oedipus, as told in the eighteenth century, was connected to contemporary stories of incestuous marriage.

The double incest story, in its guises as dramatic tragedy, had similarities to the Oedipus story. The tragic consequences in both stories were the result of the revelation of the incestuous attachments, rather than an immediate product of the incest itself. As Walpole had heard the story, Tillotson had recommended that the mother never reveal the truth of the incestuous union of her children, because

¹⁰ H. Blair, *Lectures on Rhetoric and Belles Lettres*, 11th edn (1809), vol. 4, p. 292.

¹¹ For a discussion of how a classical story could be reworked to 'ignore ... and highlight' aspects depending upon contemporary concerns see I. Donaldson, *The Rapes of Lucretia: A Myth and its Transformations* (Oxford, 1982), p. 8.

¹² Brumoy, *Greek Theatre*, p. 69.

doing so would have destroyed a marriage between two people whose attachment to each other was loving and innocent, and whose stable relationship would be forever ruined.¹³ When in the course of the dramatic versions the truth was revealed by the mother the results were devastating. The family continued to exist for many years after the initial incest, but its exposure led to its almost immediate dissolution.

In the two stories with which this chapter began, the same importance was placed upon the revelation of the incestuous relationship. The marriage of the twin brother and sister was described as being of ‘the greatest felicity’, and their happy state of wedlock brought them two ‘fine’ children. Before the husband/brother discovered that they were incestuously married the family was successful and secure. This was also true of the Scottish mother–son couple. Their married life continued for several years ‘without interruption of their domestic felicity’, and their children were represented as blessings of their parents love and devotion to each other. In both of these families it was the discovery which led to either death or madness. The incest in itself had no harmful effects upon either the couples or their children. It was the revelation of the incestuous relationship which led to the destruction of the family.

Daniel Defoe’s novel *Moll Flanders* provides the clearest example of the importance of the revelation in this process. Having married a plantation owner, moved to Virginia, and become the mother of three children, Defoe had Moll describes herself as ‘the happiest person alive’.¹⁴ Her conjugal bliss comes to an end when her mother-in-law relates the story of how she ended up in America. When Moll hears how her mother had been in Newgate, pled her belly, and was subsequently transported to North America, she realizes that her mother-in-law is also the mother who had given birth to her. This of course means that she is

¹³ See Chapter 2, p. 26.

¹⁴ D. Defoe, *The Fortunes and Misfortunes of the Famous Moll Flanders* (1989 [1722]), p. 133. A cheap chapbook abridgment of Defoe’s novel was published under the same title in 1750.

married to her own brother. Her feelings are about this marriage and the untroubled life she leads in the North American colony were overturned by this relationship. Upon this realization her outlook on the situation was entirely reversed:

I was now the most unhappy of all Women in the World, O had the Story never been told me, all had been well; it had been no Crime to have lain with my Husband, since as to his being my Relation, I had known nothing of it.¹⁵

Her outlook immediately changes from one of domestic comfort, matrimonial happiness and maternal care, to a desperate desire to be free of her obligations to her husband and their children. The incest itself has no outward consequences until it is revealed, and Moll even wishes that things had been as they were before she knew the truth. Defoe's implication was that their relationship could have continued as before had the revelation never occurred.¹⁶

In all these incestuous families the lack of knowledge of the incest made them innocent of any criminal or sinful behaviour. Awareness of their consanguinity led at least to distraction and more commonly to madness or suicide. Ignorance protected them; knowledge destroyed their marriages and ultimately them as well. The knowledge that the family was founded upon a forbidden relationship affected the place of the individual and the family in concrete ways; marriages within the prohibited degrees could be dissolved, the couple separated and any children bastardized. However such effects were only part of the consequences of incest. In all of these cases incest played the pivotal role of upsetting apparently stable familial structures, and in doing so disrupted long fought for social position, the social standing of the individual, and a conception of self which was

¹⁵ Defoe, *Moll Flanders*, p. 136.

¹⁶ J. DeRitter, 'Blaming the Audience, Blaming the Gods: Unwitting Incest in Three Eighteenth-Century English Novels' in T. DiPiero and P. Gill (eds), *Illicit Sex: Identity Politics in Early Modern Literature* (Athens, GA: 1997), pp. 226–9.

constituted primarily by the individual's location within structures of belonging. In other words, a notional place within the family, community and society was formative of a self-conception which was profoundly sundered by the revelation of incest, an event that often occurred many years after the act or the initiation of the incestuous relationship.

During the course of the long process of discovery of the incest and parricide, Oedipus receives word from a messenger that his adoptive father, whom he still thinks is his real father, has died of natural causes. This relieves him of some of the anxiety about the prophesy since he thinks he cannot now be guilty of murdering his father. However, he still thinks that the marriage to his mother could be possible. Jocasta, in an attempt to allay his fears, tells Oedipus that such worries are common and that many men have dreamed of maternal incest but were able to shake off the nightmare when they awoke. In the translator and tragedian Lewis Theobald's 1715 version Jocasta's words were translated as:

Men oft have in their sleep enjoy'd their Mothers;
Yet Shaking off the guilty Dream with Night,
Laugh'd at the Coinage of fantastick Slumbers.¹⁷

In the prose version translated by G. S. Clarke in 1790 Sophocles's language was rendered as 'it hath already been the lot of many men in dreams to have thought themselves the partners of their mothers' bed. But, he passes most easily through life, to whom these circumstances are trifles.'¹⁸ Like most other eighteenth-century translations of the play these two were similar. However, we can compare this reading to that of John Dryden and Nathaniel Lee in their late seventeenth-century version of the play.¹⁹ This was a modernization and retelling of the story

¹⁷ Sophocles, *Oedipus, King of Thebes: A Tragedy*, trans. L. Theobald (1715), p. 48.

¹⁸ Sophocles, *Oedipus, King of Thebes, A Tragedy*, trans. G. S. Clarke (1790), p. 58.

¹⁹ After its debut in 1679 this play was performed regularly on London stages for over sixty years.

rather than a translation of Sophocles's text.²⁰ Dryden and Lee used the same basic story but added a sub-plot in which Jocasta's brother Creon plots to take over the throne of Thebes but also desires his own niece Eurydice. This addition adds a knowing incestuous desire to the original story. In doing so Dryden and Lee made the incest a much more central part of the story.²¹

When Dryden and Lee rewrote the passage in which Jocasta tells Oedipus that men often dream of sexual contact with their mothers, they dramatically changed the emphasis. Oedipus tells Jocasta that he has had actual dreams that she is his mother. So the notional dreams of men which appeared in Sophocles were turned into actual dreams which gave Oedipus knowledge of the incestuous marriage.

None e're in Dreams was tortur'd so before,
yet what most shocks the niceness of my temper;
Ev'n far beyond the killing of my Father,
And my own death, is, that this horrid Sleep
Dash'd my sick fancy with an act of Incest:
I dreamt, Jocasta, that thou wert my Mother'²²

In transfiguring this portion of the play the authors made the problem of incest much more direct than in translations undertaken by their contemporaries. That incest was seen as the most shocking and disturbing is notable. This is another example of a sense of horror at incest which did not necessarily translate into an idea of natural aversion, or universal taboo. The dream state reveals to Oedipus the truth of his situation, and foreshadows his eventual discovery. This was a contemporary way of rewriting the revelatory processes which were at the heart of

²⁰ For Dryden's explanation of the forms of translation see his essay 'On Translation' which precedes *Ovid's Epistles, Translated by Several Hands*, 3rd edn (1683), pp. xi–xvii. See also T. Francklin, *Translation: A Poem* (1753).

²¹ Translation of classical texts was a competitive business in the eighteenth-century. The author of one version of Sophocles's play described Dryden's and Lee's version as 'the wild rants of [a] madman', T. Francklin, *The Tragedies of Sophocles, from the Greek* (1793), p. 315.

²² J. Dryden and N. Lee, *Oedipus: A Tragedy. As it is Acted as His Royal Highness the Duke's Theatre* (1679), p. 28.

the original tragedy. In highlighting the incest, Dryden and Lee appear to be mirroring the anxiety which arose in the stories of incest with which this chapter began. Incest led to the breakdown of what had been, on the surface, a close and comfortable marriage. The security which was expected to be part of and support family life was undermined by the unknown which was ultimately revealed.

Another radical change in Dryden's and Lee's play took place after the revelation of the incest. In their version of the story, rather than Jocasta immediately committing suicide upon learning that her son was her husband, there is a climactic scene in which the couple meet knowing the truth of their relationship. Dryden's and Lee's play throughout made the interaction between Jocasta and Oedipus complex in its romantic, conjugal and parental associations, as evidenced by Oedipus's dreams of incest with Jocasta. The preoccupation with the interconnectedness of romantic and parental love reached its climax with this final dialogue between the lovers. The authors showed that they were very aware of the danger of reuniting the couple at the end of the play when Jocasta says,

Methinks, at such a meeting, Heav'n stands still;
The Sea nor Ebbs, nor Flows, this Mole-hill Earth
Is heav'd no more: the busie Emmets cease²³

This realization did not however prevent the authors from writing a highly emotional exchange in which Jocasta begs Oedipus for forgiveness and love: 'Pardon me then, O greatest tho' most wretched'.²⁴ This beg for pardon from her son reveals some of the difficulty of unnatural familial relations. A mother should be very much the superior of her son in terms of parental authority over offspring. However, Jocasta here still relates to Oedipus as her husband, who has natural authority over her. Jean Hagstrum in his book on sensibility gives this scene of reconciliation a central place in the history of European understandings of

²³ *Ibid.*, p. 70.

²⁴ *Ibid.*, p. 71.

sexuality. He sees it as emblematic of the shift from a concept of divinely animated sexual restriction to one which is based strongly in a concept of the self. He argues that,

It is difficult to overstress the importance of a scene that brings Oedipus and his mother-spouse together in full knowledge of their relation but also in an access of tenderness and emotional affinity. The scene is part of a tendency that reached its climax in the Enlightenment and in Romanticism, to move incest from Milton's column of evil to a position of human sensibility.²⁵

However, the language of the dialogue here is equally, if not more remarkable than the presence of the passage itself.

Oedipus's response to Jocasta's request for pardon is at first hesitant and then wholehearted when Jocasta proclaims their innocence and reaffirms their conjugal relation,

Swear I am
And I'll believe thee; steal into thy Arms,
Renew endearments, think 'em no pollutions,
But chaste as Spirits joys; gently I'll come,
Thus weeping blind, like dewy Night, upon thee,
And fold thee softly in my Arms to slumber²⁶

Oedipus talks of an unpolluted marital relationship, in which they could live together as husband and wife, the emotional register here is unmistakably that of a parent comforting a frightened child; with Oedipus taking on the parental role. Jocasta asks Oedipus to reaffirm their conjugal relationship, and allows him the authority of the husband, which is presented by Dryden as the more fundamental of the two kinds of relationship in which this unfortunate pair is entangled. In the

²⁵ J. Hagstrum, *Sex and Sensibility: Romantic Love from Milton to Mozart* (Chicago, 1980), p. 56.

²⁶ Dryden and Lee, *Oedipus*, p. 71.

face of critical familial collapse Oedipus ‘feel[s] the pangs of Nature’ which draw them to each other as husband and wife rather than as mother and son. It would seem safer to reassert Jocasta’s role as the mother in order to eliminate the danger of reuniting an incestuous couple. However, the authors reaffirm the relationship which made this reunion dangerous and Jocasta boldly states ‘You are still my Husband’.²⁷

However, before the revelation, Oedipus dismisses the possibility that Jocasta is his mother despite his dreams of incest, and his anxiety is displaced onto the possibility that he might still develop an incestuous relationship with his adoptive mother. In the original play it is Oedipus’s adoption and growth to maturity away from his Theban origins which makes the parricide and incest possible. For Dryden and Lee this was transferred to an anxiety about Oedipus as an apparent outsider. Creon, when plotting to overthrow Oedipus’s rule is involved in a long discussion with his co-conspirators lamenting that Thebes was ruled by a foreigner. During this passage Creon says about Oedipus ‘That word stranger, I confess/Sounds harshly to my Ears.’²⁸ This idea of strangers raised contemporary notions about belonging and attachment to the community and family.

The same anxieties were exhibited in the incest story from *The Times* (noted on page 126) as well as the Glaswegian mother and son who unknowingly married. Both of these stories involved families separated by an ocean. The twin brother was adopted by a Gentleman and brought up in America. Upon his return to England he lodged in the same house where his sister lived. Similarly, the son who married his own mother had been involved in trading with the West Indies and also lodged in the house of his future wife in Glasgow. In these stories the distance and anonymity created by involvement in colonial enterprise led to the breakdown of familial security. It was impossible to know if one was marrying a

²⁷ *Ibid.*, p. 71

²⁸ *Ibid.*, p. 3.

relation because of the fluidity of contemporary society. Incest was an extreme manifestation of these problems. It did not have to be likely for such a marriage to occur for it to be presented as a dangerous possibility.

In Defoe's novel Moll's move across the Atlantic and the new geographical position presents an opportunity to create a positive new set of alliances and a better social situation, and Moll's happiness at this stage in the story arises from this. However, the danger of detachment from the known realm of social relations is immediately apparent. Her unknowing marriage to her brother happens because of the lack of connection to a wider community which would have prevented such links from occurring. Before Moll's mother unwittingly reveals herself as such, she is discussing how many transported prisoners had become prominent figures in colonial society: 'we have ... several Justices of the Peace, Officers of the Train Bands, and Magistrates of the Towns they live in, that have been burnt in the Hand'.²⁹ For Defoe the opportunities presented by the New World were undoubtedly exciting, but there was also the danger which this social fluidity gave rise to. This confusion of classes and categories is what makes possible Moll's incestuous marriage.³⁰

However, the problem which was being dealt with in texts such as these was not just one of distance and anonymity, but also of familiarity and what happens when familial affect becomes too strong. As in the double incest story, the unknowing incest between family members showed the danger which was inherent in familial relationships. In stories where the incest occurred knowingly it was a step too far; it was natural family ties which developed into sexual desire, rather than an attachment which occurred in violation of nature's laws.

Unknowing incest had very similar implications. The brother and sister, and even

²⁹ Defoe, *Moll Flanders*, p. 134.

³⁰ It was a similar anxiety that led polemicists who wrote about the dangers of masquerades to use unknowing incest as an example of what could happen in the charged, and disguised, atmosphere of the masquerade. T. Castle, *Masquerade and Civilization: The Carnavalesque in Eighteenth-Century English Culture and Literature* (1986), p. 81.

mother and son who married or had incestuous relations were often drawn together by the 'voice of blood'.³¹ This was the idea that relations were somehow attracted to – or repelled by – each other even when they did not know of their consanguinity. In some cases this led to the pair developing a romantic relationship and then discovering before their marriage that they were brother and sister, while in others they were married while still being unaware of their association. The prostitute who narrowly avoided sleeping with her brother in the story of Maria Brown, felt a distinct aversion to her client despite not immediately realizing that he was her brother.³² The idea of this phenomenon shows how indistinct the dividing line could be between natural sibling or familial affect and incestuous transgression.

2. Incest and social belonging: the dislocation of the individual

In a form of worst case scenario, texts which dealt with unknowing incest explored the possibility that a much loved husband also turned out to be a brother, or that what seemed like ideal romantic love was actually an innate familial love for a sister. The disruption of seemingly stable family structures which occurred in these narratives was related to the fear of actual disruption within the family. The frequency with which similar scenarios occur in these texts seems to indicate that it addresses two kinds of concerns; one social and one individual. The individual anxiety revolved around the inability to rely upon the density of familial supports because they were constantly being undermined by both nature and society. Conversely the social problem lay in the inherent unreliability of the structure which was the basis of order and the common good. The substitution of step-parents or adoptive guardians for what were seen as natural family relationships

³¹ W. D. Wilson, 'Science, Natural Law, and Unwitting Sibling Incest in Eighteenth-Century Literature', *Studies in Eighteenth-Century Culture* 13 (1984), p. 255.

³² *Genuine Memoirs of the Celebrated Miss Maria Brown. Exhibiting the Life of a Courtesan, in the Most Fashionable Scenes of Dissipation* (1766), p. 67.

led to significant anxiety about the position which the individual occupied in society.

The problem of integrating new family members into the structures was a serious one. The inclusion of a new wife or other parental figure was often the cause for reflection and in some cases upheaval. The step relationship which was created by the remarriage of a surviving parent was often discussed in eighteenth-century discourse about families. The chapter on family law looked at the ways in which the role of the stepmother was naturalized through the connections made by marriage. This chapter will now go on to examine incest between stepmothers and stepsons and the dangers associated with this relationship.

A short fiction published in chapbook form in 1733 entitled *Modern Amours: or a Secret History of the Adventures of Some Persons of the First Rank*, told the story of a love affair between Sophia and her stepson Alexis. The title would lead the reader to think this was a typical story of aristocratic dissipation, but the moral language used in this work was more complex than the usual tales of indulgence among the upper ranks of society. While it was of course impossible to glorify such a relationship, the anonymous author of this piece came as close as was possible to celebrating the erotic attachment that grew between them. Only once did the author use specifically condemnatory language when describing their love affair. Sophia herself was presented as being aware that the world viewed her seduction as wrong, and that in her words ‘I dissemble with my lovely Son’. However, the author had her describe her love as a combination of a ‘Mother’s Tenderness, a Lover’s softer Wishes, and a sincere Friend’s Advice’.³³ Her desire for her son-in-law combined a range of types of sexual, conjugal and maternal affection. In fact, their familial relationship was reinforced by their sexual

³³ *Modern Amours: or a Secret History of the Adventures of Some Persons of the First Rank* (1733), p. 158.

relationship: 'nearness of Blood, and Kindred, were best prov'd in the close Embraces of Love'.³⁴

Although 'detestable', their love and affection for each other was presented as genuine and enduring. There was no sense in the language used that either of them was punished for their transgressions, and the husband and father never discovered their relationship. Even her death at the end of the story was not presented as a conclusion which was the outcome of their deception. One side-effect was that Alexis who had been 'rather inclin'd to fierce Mars, than a Votary of Venus' was, as a result of his relationship with his stepmother, 'lost in all of the Effeminacies of a young Adonis'.³⁵ The relationship was feminizing for the seduced young man, but no more so than any relationship with a woman was thought to have been.³⁶

This story was based upon another classical Greek tale of incest which was adapted and popularized in this period. The tragic love of Phaedra for her stepson Hippolytus was originally dramatized by Euripides, and several translations and modernized versions were also written for the stage during the long eighteenth century. The first of these was Racine's *Phèdre* which was performed in Paris in 1677. Edmund Smith's *Phaedra and Hippolytus*, which was an English language adaptation of Racine's work rather than that of any of the classical writers was performed in London in 1707. Like Dryden's and Lee's rewrite of the Oedipus tale, Smith's version was radically changed and updated.

Briefly, the story of the destruction of this family through forbidden desire is as follows. Phaedra marries the hero Theseus after he abandons her sister Ariadne, who had helped him escape from the Minotaur's labyrinth. Direct intervention by the goddess Venus instigates Phaedra's passion for Theseus's son Hippolytus.

³⁴ *Ibid.*, p. 160.

³⁵ *Ibid.*, pp. 155, 160.

³⁶ M. Cohen, 'Manliness, Effeminacy and the French: Gender and the Construction of National Character in Eighteenth-Century England' in T. Hitchcock and M. Cohen (eds), *English Masculinities, 1660-1800* (1999), p. 50.

Because Hippolytus was interested in the hunt, he worshipped only Diana, and neglected to venerate Venus. With the aim of punishing Hippolytus for his lack of worshipful attention, Venus makes Phaedra fall in love with him. Phaedra is wracked by this forbidden love and would rather die than reveal it. Her nurse, or maid-servant, in an attempt to save her mistress tells Hippolytus that his stepmother has fallen in love with him. His reaction to this is revulsion and intense condemnation of his stepmother. Phaedra, in revenge for his rejection, hangs herself, leaving a note saying that she had committed suicide out of shame after Hippolytus had attempted to rape her. Through all of this Theseus has been away, but when he returns to find his new wife dead, he banishes Hippolytus for the crime of rape. As Hippolytus rides away he is thrown from his chariot and killed.³⁷

While the stepmother's desire in *Modern Amours* leads to a long and enduring love affair which was based upon motherly love and sexual desire, Phaedra's attraction to Hippolytus is an affliction. In the original story she resolves to starve herself rather than to face the indignities of this forbidden love. This is a prime example of the problems which were associated with step families: 'by your death you destroy your children, who will have no share in their paternal inheritance. I swear it by the warlike Amazonian Queen who brought forth an illegitimate son with the sentiments of a lawful heir, to be lord over your children.'³⁸ This family presented a useful cautionary tale for a culture in which such problems as illegitimacy and paternity had implications for the lives of many people. Phaedra's children were seen to have a greater claim to the inheritance than Hippolytus because Theseus and his mother were never married; however, their prerogative could be usurped by an older and stronger Hippolytus.

³⁷ W. Smith (ed.), *Dictionary of Greek and Roman Biography and Mythology*, vol. 2 (1850), p. 490.

³⁸ M. Tuomy, *A Literal Translation of Euripides's Hippolytus and Iphigenia* (1790), p. 13.

In Smith's version of Racine's retelling, the maternal neglect of her infant child because of desire for her stepson was emphasized through the language of helplessness and lack of maternal care.

Oh! Shou'd you die (ye Pow'rs forbid her Death)
Who then wou'd shield from Wrongs your helpless Orphan?
O! he might wander, Phædra's son might wander,
A naked Suppliant thro' the World for Aid;
Then he may cry, invoke his Mother's Name.
He may be doom'd to Chains, to Shame, to Death,
While proud Hippolitus shall mount his Throne.³⁹

The loss of the mother was thought to be about both protection and parental love. Crying out for its mother, Smith saw the child as condemned to a life of misery which was both the result of the unbridled ambition of Hippolytus for the throne and Phædra's abandonment of her son. When Phædra hears these words she reacts not to the image of her helpless and abandoned child, but to the name of the stepson whom she desires. This was the danger which a stepmother presented to the family. Her incestuous desire was thought to undermine her maternal faculties. Just as conjugal love had made the mother in Walpole's version of the double incest story neglectful of her maternal duties, the incestuous desire here leaves Phædra uninterested in her child's well-being.

Another way in which this desire overturned the expectations of family life was in the confusion of desire between a father and son. The new wife and stepmother in these stories had her conjugal affection diverted from the proper and expected object of her affection, her husband, to his son. Sophia desired Alexis because he was 'young and beautiful'. When the mother in Walpole's play explained her actions to her son she told him 'my fancy saw Thee/ thy father's

³⁹ E. Smith, *Phædra and Hippolitus. A Tragedy* (1709), p. 5. Smith spells the name as Hippolitus. For consistency I have used the more common Hippolytus except in direct quotations.

image'.⁴⁰ Both Dryden's and Lee's *Oedipus* and Smith's *Phaedra* used similar language which conflated the father with the son.

In Smith's play *Phaedra* talks of her desire in words which attach her desire for her stepson to her love for her husband.

Forsake my Food, my Sleep, all Joyes for Theseus,
(But not that Hoary venerable Theseus,)
But Theseus, as he was, when mantling Blood,
Glow'd in his lovely Cheeks; when his bright Eyes
Sparkl'd with youthful Fires; when ev'ry Grace
Shone in the Father, which now crowns the Son;
When Theseus was Hippolitus.⁴¹

Hippolytus is attractive to *Phaedra* specifically because he is a younger, more virile version of his father. Dryden and Lee gave a similar interpretation to *Jocasta's* interest in *Oedipus* when Creon says of *Jocasta*:

... she stands provided of a Lajus
More young and vigorous too, by twenty Springs.⁴²

The son was explicitly a dangerous figure because he was a younger and more virile version of his father. The marriages of Theseus and *Phaedra* and of *Oedipus* and *Jocasta* are both marriages of unequal partners. *Phaedra* marries a much older Theseus, and *Jocasta* a much younger *Oedipus*, and the age difference was seen as relating to the downfall of both of these families. Here was another example of incestuous desire being presented not as unnatural and abominable but as a deviation from normal familial attachments. The wife was supposed to desire her husband, and youth made men desirable. The sexual interest in the son or stepson was associated with a woman's attachment to her husband. This did not mean that

⁴⁰ Walpole, H., *The Works*, vol. 1 *The Mysterious Mother* (Hildesheim, 1975 [1798]), p. 121.

⁴¹ Smith, *Phaedra*, p. 13.

⁴² Dryden and Lee, *Oedipus*, p. 3.

it was acceptable. In fact, the incestuous desire was all the more dangerous because it was for a younger version of the husband.

Despite emphasizing the incestuousness of the erotic attachments in this play and the dangers of female desire, Smith seems at points to be permitting Phaedra her desires. The epilogue was a strong apology for Phaedra's supposedly unnatural love. First the author argued that if they were presented with the 'youthful handsome Charioteer' even contemporary women would be 'As e'er inspir'd [as] the ancient Grecian Dames'. In other words, Phaedra's attraction to Hippolytus was not unusual but was instead timeless and universal. Furthermore,

Phaedra liv'd as chastly as she cou'd,
For she was Father Jove's own Flesh and Blood;
Her aukward Love, indeed was odly fated;
She and her Poly were too near related:
And yet that Scruple had been laid aside,
If honest Theseus had been but fairly dy'd'⁴³

Phaedra's crimes are the result of her lineage since Jove was married to his own sister, but the epilogue here makes it clear that if Theseus had actually been dead then she would not have been guilty and that her desire would have been legitimate. Although the eventual outcomes were the same, and the characters suffered because of their incestuous desires there was space for the view that in both of these stories the transgressions were mitigated by the circumstance.

The reconciliatory meeting between Oedipus and Jocasta, the encounter between Phaedra and Hippolytus, and the story of erotic love combined with maternal care told in *Modern Amours* indicate an openness to the possibility of contemplating affective relationships which were fundamentally transgressive and even ultimately destructive of socially constructed boundaries. This phenomenon in these texts could be related directly to changes in the way families were

⁴³ Smith, *Phaedra*, p. viii.

understood. The stress which eighteenth-century society placed upon the family and specific configurations of authority interacted with such works as Dryden's *Oedipus* and Smith's *Phaedra* – texts which confronted notions of social order by overturning meanings – in order to relieve these burdens. Classical stories of incest were particularly effective at bringing this out because illicit sexuality within the family was disastrous while having ambiguous legal and social meanings.

Anxieties about stability in the family were played out through these stories of incest in two ways which have already been discussed. First, unknowing incest, when revealed, could lead to the dissolution of familial structures. This appears to have been about the fear that what was seemingly solid could vanish at any moment, and was thus a playing out of fears about the uncertainty of eighteenth-century family life. Second, the incest by which sons usurped their father's positions created rifts in the structure of the family through the disruption of ordered relationships. Stepmothers presented a problem because their relationship to the family was not the same as that of mothers. In addition, there was a third way in which incest was seen as particularly problematic for the stability of the family. This too is illustrated by *Modern Amours*. Sophia and her stepson Alexis were 'free ... from busy Spies, nor could any suspect any criminal Correspondence between an indulgent Mother, and obedient Son: the oft-repeated Kisses and kind Glances were imputed to a Parent's Tenderness'.⁴⁴ Their relationship was both adulterous and incestuous, with the latter preventing knowledge of the former. Incest masqueraded as legitimate parental and filial affect. Here the issue of knowledge had an additional dimension. When unknowing incest occurred it allowed the perpetrators to remain innocent of their criminal behaviour because they were unaware of the relationship which made

⁴⁴ *Modern Amours*, p. 160.

their sexual or marital relationship illegal. Those who committed incest knowingly were fully aware of their crimes; it was the rest of the world (and specifically members of the household) that were deceived. In this contemporary retelling of the story of Phaedra, the incest remained hidden behind a veil of parent–child affect. The husband and father never suspected that his wife had given her stepson ‘access to his father’s bed’.

The reality behind ‘appearances of familiarity’ could be easily masked by the familial and household relationships which would make any affectivity appear to be legitimate rather than dangerous. Knowledge of the incest was easier to hide than other forms of adulterous behaviour because affective attachment within the family was expected, and could mask the illicit nature of the relationship. This preoccupation is notable for two reasons. First, because it reveals that to some extent the concern about incest in this period was subsumed under the category of adultery or extra-marital sexuality. Second, similar to the way brothers and sisters could be understood as prone to, rather than abhorrent of, sexuality with each other, incestuous adultery revealed the ever present problem of how to prevent familial affect from becoming sexual desire. The anxiety about the incest here was one in which the acknowledged head of the household was unable to control his family because the desires and actions appeared to be legitimate familial affect. Incest was hidden from the eyes of those who were associated with the incestuous couple because it was unexpected and therefore difficult to detect. This anxiety was an aspect of the debate about marriage to a deceased wife’s sister. Because of the fear of this dangerous form of adultery, it was often cited as the impetus for the prohibition against marriage with a deceased wife’s sister. John Alleyne’s question – ‘Why should a man be more likely to commit adultery with his wife’s

sister, than with her fifth cousin, or the dairy-maid who may live with him?’ – was asked in opposition to this idea.⁴⁵

The trust, or lack of it, which was at the heart of this type of questioning was a factor in the language used in criminal conversation trials. The injury done to a man by the wife’s adulterous partner was the basis by which damages were awarded, so household knowledge and responsibility were at the heart of these causes. In 1792 the *Bon Ton Magazine* retold the events of a trial for criminal conversation between James Duberly and General Gunning, the former accusing the latter of adultery with his wife. The report explained how the plaintiff’s lawyer argued his case by suggesting that Duberly ‘had very little reason to suppose, that a man whom he had permitted from *time to time to come into his family* ... would be a candidate for the affections of’ his wife.⁴⁶ The emphasis upon the transgression which occurred between Gunning and Duberly’s wife was around the trust between the two men. The adultery represented was expressed as a violation of the household in which familial affect was paramount. When the adultery was also incestuous the household itself became the locus of this distrust and dishonesty.

This anxiety infused cases of adultery in which the relationship took place between affinal relations to an even greater extent. When the lawyer in Rochfort v. Rochfort, a trial which occurred in the 1740s, invoked the household it was with the aim of getting a large settlement in a criminal conversation trial between two brothers. According to the lawyer, Arthur Rochfort spent a lot of time in his brother’s house. When the husband was away on business his brother was ‘always so obliging as to stay within and keep company with his sister.’ (As in many other stories, there was no distinction made between sisters and sisters-in-law.) It was during these periods that an illicit relationship between them was started, but

⁴⁵ J. Alleyne, *The Legal Degrees of Marriage Stated and Considered, in a Series of Letters to a Friend*, 2nd edn (1774), p. 56.

⁴⁶ *The Bon Ton Magazine* (1791), vol. 1, p. 483. Italics in original.

because they were affinal relations no suspicion arose. ‘What suspicions could a worthy and generous man entertain in leaving a wife to whom he was the best of husbands, in the care of his own brother, for whom he had the greatest affection’.⁴⁷ The language used was that of mutual and interlocking affections between husband and wife and between brothers; both of which were violated by the incestuous adultery. This cause had one of the largest settlements ever recorded for a criminal conversation trial. The jury awarded the plaintiff £20,000; this was a phenomenal sum.⁴⁸

The dislocation brought by distance could also manifest itself in another type of insecurity. This was the uncertainty bred by separation from one’s wife. Like the incestuous Scottish son who lived in his mother’s boarding house, the aggrieved husband in an early eighteenth-century case was a sailor. John Webb was an officer, a navigator on HMS Hampton Court, and was thus away from home for long periods of time. As sometimes happened in situations like these, during one of his absences his wife gave birth to a child. What was unusual here was that the father was John’s brother George Webb who lived with his sister-in-law while her husband was away at sea.⁴⁹ The protection which was supposed to be afforded by having a member of the family in a household in which the head was absent, was actually subverted by the member of the family. Although she initially stated that the child was begotten when she became intoxicated while in the presence of a ‘messmate’ of her brother’s, one of the pieces of evidence which was presented during the trial was a sworn statement by Elizabeth that her brother-in-law was the father of the child.⁵⁰ This case was a realization of the issues which were implicit in the stories discussed earlier in the chapter. The husband was away from home for long period as a naval officer, but obviously felt

⁴⁷ F. Plowden, *Crim. Con. Biography: or Celebrated Trials in the Ecclesiastical and Civil Courts for Adultery and other Crimes Connected with Incontinency* (1830), vol. 1, p. 22.

⁴⁸ S. Staves, ‘Money for Honor: Damage for Criminal Conversation’, *Studies in Eighteenth-Century Culture* 11 (1982), p. 284.

⁴⁹ London Metropolitan Archives [LMA], London Consistory Court Records DL/C/155 (1712).

⁵⁰ LMA, DL/C/253.

secure in leaving his wife in the care of his brother. The adulterous relationship which developed was obviously a violation of that trust, but also represented a breakdown of household relations. The wife was eager to deny that the violation occurred with her brother-in-law and initially placed the blame elsewhere. The relationship which turned incestuous and adulterous was the one on which the well-being of the household was supposed to rest in the absence of the husband. These were problems which were thought to be real enough to warrant comment outside the specific court cases in which it arose. The husband who would only allow his wife to 'go abroad' in the presence of a kinsman was courting disaster: 'As if a Kinsman were such a guard to a womans honesty; when if we rightly consider'd it, the Proverb tells us, *The nearer Akin, the deeper in.*' Not only was a brother or some other relation not a guard of a woman's marital chastity, he presented a very real danger.⁵¹

3. Hidden offspring

Much of the danger in this kind of hidden incest lay in exactly what happened in the case of Webb v. Webb, the birth of a child. This occurrence disrupted strongly held ideas about paternity. In all three of the stories with which this chapter began there were offspring from the unknowing incest. Moll Flanders also had several children by her own brother. The problem of incest which led to children was a serious one in a society which was organized around paternal lineage. The lineage and inheritance aspects of this issue will be dealt with in Chapter 6. Here the thesis will look in more depth at how incestuous offspring were understood. In the double incest story it has been shown that incest did not carry the biological implications which it developed in the nineteenth and twentieth centuries. The double incest story, of course, gave light to one of the worst possibilities which the birth of a child such could lead to, but the child of the incest itself was not

⁵¹ *Fifteen Real Comforts of Matrimony* (1683), p. 33.

perceived as having suffered any ill effects. Her disadvantages in life were all social ones which arose from the fact that she was brought up as an orphan. She thus had no family or wealth to support her beauty in attracting a suitable husband. Of course, this problem was overcome when her own father/brother fell for her, but her incestuous origins were not responsible for any deformity of person or character.

Although physical deformity in offspring was an unusual facet of texts which dealt with incest in the eighteenth century, it was not something that was presented as being outside the realm of possibility. The Scottish landlady's realization that she was married to her own son occurred because she saw an identifiable mark on her son's body. Compare this with a similar story told in the broadside ballad *The Guernsey Garland*. Folksongs which told stories of incestuous sexuality and its dire consequences were a genre which can be found in numerous European cultures, including England and Scotland.⁵² This was also a story where familial stability was disrupted when a marriage turned out to be unknowing incest. After a series of coincidences brought a woman and her son (each unknown to the other) into the same household, they were married. On the night of their wedding,

To bed this bride and bridegroom went ...

But in the morning, when 'twas light,

As she her husband's side lay by,

Upon his breast she did espy

The mark as I before told you,

Whereby to her great grief she knew

He was born of her own body.⁵³

⁵² P. G. Brewster, 'The Incest Theme in Folksong', *FF Communications* vol. 80, no 212 (1972).

⁵³ *The Guernsey Garland*, (1712?), s. s.

This story was a mirror of the double incest story, with a young girl having been sexually abused by her father, from which a son was born, whom she later married. In this case the mark which she saw on their wedding night was more than merely a birthmark; the evidence of the son's incestuous birth was literally written on his body,

Upon whose breast did plain appear

These words at large in letters blue,

I AM YOUR SON AND BROTHER TOO

Even in this story in which there were biological implications, although of a very peculiar sort, the graven child 'grew up a very comely lad'. As a young man he was apprenticed to a goldsmith in London, to whom his mother/sister was married. When his mother's husband died the apprentice and his own mother fell in love and were married. Because he bore this obvious reminder of her earlier rape by her father, which made it clear that he was her offspring, their marriage led to the final destruction of a family which was originally created through incestuous congress.

Another story of incest and scandal will further illustrate this point about deformity. According to *A Brief Account of the Life and Family of Miss Jenny Cameron*, an obviously virulently anti-Jacobite work, when Jenny Cameron went to live with her brother in Scotland their relationship grew beyond the bounds of licit sibling affect and became incestuous. Cameron was the reputed mistress of the young Pretender and both she and her brother were strong supporters of the Jacobite cause, so this was a scandalous libel which was meant to discredit them. This relationship was said to have lasted for many years during which time 'she had several Children, the Fruits of this incestuous Commerce'.⁵⁴ Their hidden relationship led to the birth of several children whose paternity was doubtful, and

⁵⁴ *A Brief Account of the Life and Family of Miss Jenny Cameron The Reputed Mistress of the Pretender's Eldest Son* (1746), p. 68.

the story referred to the eldest son of this brother as 'little more than an idiot'. However, this heir was a legal and acknowledged son had by the brother and his wife, not the offspring of incest. No indication was given that the children of the incest suffered any ill effects, where the child of an acceptable marriage was mentally deficient. In a story of incest which includes offspring, it is notable that the child which suffered ill-effects was not one born of the incestuous congress.

It was much more usual that problems which occurred for the lives of the offspring of incest were social. The encounters between Oedipus and his daughters at the end of the tragedy exemplified the consequences of incest for offspring who were the direct result of an incestuous relationship. At the conclusion of Sophocles's tragedy, after the revelation, Jocasta commits suicide and Oedipus stabs out his own eyes. In this mutilated state he requests to be allowed to speak to his daughters, Antigone and Ismena. In this speech he first informs them of the truth of their parentage and then expresses his concern about their future and the difficulty which they will have as the offspring of an incestuous marriage.

Not surprisingly, Oedipus can foresee only misery and loneliness for his daughters as a result of their parentage. The problem which Oedipus presented regarding the fate of his daughters was seen to be a social one. Various eighteenth century translations presented the two possibilities for how the incest was thought to prevent the daughters from finding suitable spouses. The difference revolved around the issue of parental or personal choice about marriage partners. One translation had Oedipus saying to his daughters,

Who then can court

Your ignominious Nuptials? None, my Girls;

But Desolate, and Barren you shall live;

And to the Grave descend unblest with Offspring!⁵⁵

⁵⁵ Theobald, *Oedipus*, p. 70.

This passage left the responsibility for the choice of the spouse in the hands of the individual suitor, who would reject the daughters. Another version of the play translated his words as,

... Ye must never taste
The sweets of Hymen, nor with eager eyes
Gaze on a smiling progeny; for who,
Who will receive pollution to his arms⁵⁶

These two versions present the story as one in which the individual suitors would reject the women because of their incestuous origins. The decision in these was individual rather than familial.

Compare this reading with the language used in the following prose translation. 'Who is he who will cast away his Children, to bear those Reproaches which are charg'd upon our family'.⁵⁷ The language of the following version was similarly concerned with the parental rather than individual choice:

... when riper years
Should give you the nuptial bed, who then,
Careless of fame, will let his child partake
The infamy of my abhorred race⁵⁸

Here the parent makes the final decision about marital suitability, and prevents such a union because of familial concerns and social prohibitions. These two versions present the marital decision, or rejection of Antigone and Ismena, as the responsibility of the parents. The difference here was how the translators saw the would-be courtiers of Antigone and Ismena (women who, before the revelation, were princesses and would have made highly desirable wives). On the one hand individuals made the decision not to marry the daughters of incest, while on the

⁵⁶ Maurice, *Poems and Miscellaneous Pieces*, p. 243.

⁵⁷ G. Adams, *The Tragedies of Sophocles*, (1729), vol. 1, p. 245.

⁵⁸ Francklin, *The Tragedies of Sophocles*, p. 384.

other familial considerations were the impetus behind the rejection of the offspring of incest. That this passage could be interpreted in precisely these two ways suggests a close connection between such representations and existing understandings of marriage as being primarily about either familial connections or individual conjugal attraction and devotion.

Subtleties of difference also reveal other, more fundamental concerns than that of parental consent. It is easy to see that the distinction between a parent preventing their child from marrying the offspring of an incestuous relation, and the individual rejecting such a person was about social and familial authority. Less apparent is that this opposition amounts to a view of incest, and incestuous offspring, as either unnatural or anti-social. When the parent must intervene to prevent marriage between their child and the progeny of the incestuous relation, the possibility remains that individual desire may overcome social barriers. Parental concerns only reflect socially constructed obstacles to such a union. On the other hand, personal rejection of the child of the incest indicates more primal abhorrence of this crime.

This abhorrence of the offspring of incest played a much greater role in the conclusion of Dryden's and Lee's *Oedipus* than it had in any of the translations which retained the original story. Where Sophocles had Oedipus asking to see his daughters, Dryden's Oedipus shuns his children with the words,

What, Sons and Brothers! Sisters and Daughters too!

Fly all, begon, fly from my whirling brain;

Hence, Incest, Murder; hence you ghastly figures!⁵⁹

Although an anxious reconciliation with Jocasta was possible, the offspring became nightmarish reminders of the incest. The fate of the children in Dryden's play indicates the problem of incestuous offspring in the eighteenth century: an uneasiness about the very existence of children who could not be easily classified

⁵⁹ Dryden and Lee, *Oedipus*, p. 69.

and assimilated into the social order. Dryden's play had a very different outcome from the original. Jocasta not only committed suicide but she 'Acted Murders that amaze mankind' hanging her daughters and stabbing her 'little sons' through the heart.⁶⁰ Their deaths, however unnatural, eliminate the thorny problem of incestuous offspring and their future marriages. The children were not physically tainted by their incestuous origins but their social existence was problematic because of the difficulty of determining their social position. Dryden and Lee solved this problem by ending the children's lives.

The Abbé Banier, author of *The Mythology and Fables of the Ancients* based what he saw as the historical Oedipus on Homer's account, rather than Sophocles's tragedy, and claimed that 'in Fact 'tis literally true that Oedipus married his Mother' however 'it appears that he had not the four Children whom Sophocles gives him.'⁶¹ By telling the 'true' history Banier revealed an anxiety about the lengthy incestuous marriage and the very existence of the offspring. In Banier's account Oedipus continued to reign over Thebes and suffered no consequences for the incestuous relationship with his mother. The offspring were actually the children of Euriganea, whom Oedipus married after the death of Jocasta and with whom he reigns over Thebes for many years. Because Banier saw himself as removing the fictional elements introduced by Sophocles he also saw it as necessary to remove the more disturbing parts of the story. In telling the truth about ancient Greek myths Banier made the story much more threatening to eighteenth-century ideas about offspring and parental responsibility. Since the eighteenth century burdened the family heavily with expected modes of procreation and social interaction, the very existence of offspring which did not fit this mould was problematic.

⁶⁰ *Ibid.*, p. 77.

⁶¹ A. Banier, *The Mythology and Fables of the Ancients, Explain'd from History* (1739), vol. 4, p. 186.

However, it is necessary to remember that these issues were not necessarily ones raised by incest that was seen as unnatural. The children of the incestuous relationships were primarily a social problem, rather than biological monstrosities. Whether the children of Oedipus, or the offspring of contemporary unknowing incest, their social presence was problematic for two reasons. First, in being the children of incest, their relationships to their parents were difficult to define. Oedipus's children were his sons and daughters and his brothers and sisters. This ambiguous position produced a situation in which familial order was disrupted. The lack of representations of deformed or monstrous children, whether the real offspring of incest or fictional children, would appear to support this idea. Children born to incestuous couples were more often 'fine' or even 'comely' than they were marked in some way by their incestuous origins.

Second, children of unknowing incest were problematic because of the issues of familial stability with which this chapter began. Families which had been previously thought to be solid and stable were disrupted by the vagaries of these unknowing marriages. Children which had formerly been thought to have been 'rewards of ... conjugal fidelity' were now reminders of the disruption of the family. Children who were supposed to be objects of parental affection, and also to carry on the familial lineage were now tainted by their parental origins. If it was possible to marry a sister or even a mother without knowing it, and if, when it were revealed the entire structure of the family dissolved, then what appeared to be a substantial basis for social order was actually inherently flawed.

This could also be true of incest which was known to those involved, but hidden from the rest of the world. When John Webb's wife had a child with his brother, it undermined his position in his own family. As in unknowing incest, this type of hidden incest could be seen as a disruption from within the family. Because it was a transgression which was easily disguised as acceptable familial love, incest was seen as a form of adulterous behaviour which was especially

difficult to detect. A child born from such a violation did have the effect of revealing the adultery, but it nevertheless undermined the stability of the family. Kin were simultaneously beneficial in creating a network of belonging, and dangerous in that they were often not what they appeared to be. It is to the configurations of that network which the thesis now turns.

Chapter 6

Blood lines, alliance and property: incest in eighteenth-century ideas of kinship and community

While poring over the Bodleian Library catalogue for works which dealt with incest, a 1750 tract entitled *An Essay on Collateral Consanguinity, Its Limits, Extent and Duration* caught my eye. From the title this looked to be a work which specifically set out the legal and social boundaries of the family and the extent of consanguinity for the purposes of marriage restrictions. When the book arrived, its pages had never been opened, but when I carefully cut apart the adjoining folios, this volume turned out to be something entirely unexpected. Far from being an exposition of the degrees of marriage, this work dealt with the specific problem of admittance of some unnamed individuals to All Soul's College, Oxford. The author, who had written the tract to argue against the acceptance of these applicants, was concerned with the limits of blood ties for reasons which had little to do with marriage or incest. The individuals whose admission the author was trying to block were arguing their rights based upon ancestry. According to the tract, the founder of the college, Archbishop Chichele, had established rules which gave 'a certain Degree of Preference in the Election of Fellows to his Kinsmen'.¹ In other words, ancestral legacy gave individuals closely related to the founder special rights of admission.

Delving further into the author's argument revealed that my efforts were not entirely wasted. The author argued that the individuals in this case were too distantly related to be entitled to the privileges claimed by blood ties to the

¹ *An Essay on Collateral Consanguinity, Its Limits, Extent, and Duration* (1750), p. 1.

founder. The problem was articulated in terms of mathematical calculations of blood ties which were based upon the distance of the relationship. Kinship was expressed through the specific amount of blood that an individual would have in common with an ancestor.

A person, for instance, one of whose Ancestors in the fifteenth Degree is the Founder's Father, has 32767 other Ancestors in the same Degree: That share of his Blood therefore, which he derives from the Founder's Father is only one 32768th part of his whole Mass ... a proportion it is, which the Canon Law does not so far regard, as to adjudge it an incestuous Mixture.'²

Even though this author was not writing on marriage or incest, considerations of consanguinity were never entirely separable from these concerns. The author here made an argument which reduced the claims of blood ties to absurdity, but the idea that kinship could be so minutely calculated in terms of per cent of blood indicates the importance of blood relationships for eighteenth-century society. Concerns about ties of blood did not preclude the importance of households or other forms of alliance, but worked in conjunction with them as part of a system of understanding and creating kinship boundaries. Here the notion of incest arose as a way of underlining the author's point about the limits of kinship. Mixtures which were considered incestuous were the boundary of kinship attachments in this argument. The biblical restrictions were useful for this author's argument because they supported his denial of an inherited claim to privilege. The canons which regulated incest had a fundamental role in a society in which authority could often derive from these inherited rights.

So although this was not a work about marriage law or the boundaries of incest, it emphasized lineage and the ways in which ideas of kinship relied upon blood ties. In doing so it connected conceptions of the family with wider concerns

² *Ibid.*, p. 46.

about the make-up of communities. The prohibitions of incestuous marriage were used as a barometer by which to measure the closeness of kinship associations, and these alliances in turn bounded the wider community. Incest in this case could be linked to kinship and lineage because it was thought to be primarily a problem of marriage rather than one of sexuality. Similarly, while the two problems discussed in depth in the chapter on biblical stories of incest – marriage to a deceased wife's sister and the origins of Cain's wife – were both grounded in controversies over whether or not they were incestuous, neither were primarily discussions of sexual morality. The focus instead was upon considerations of marriage and the necessities of alliance and reproduction.

The deceased wife's sister debate and considerations about the identity of Cain's wife were concerned with incestuous marriage rather than sexual transgression. There were, however, situations in which the analysis of the problems related to incest did appear to relate to sexuality. As the Bible stories have shown, the illegality of brother–sister incest, in which patriarchy and authority were not the issue, was thought to have been instituted to prevent unchaste familial sexuality. This was also given as the reason why fathers and daughters were prevented from marrying. Montesquieu's conception of chastity and the incest prohibition was discussed in depth in Chapter 3: 'Fathers, always employed in preserving the morals of their children, must have a natural aversion to every thing that can render them corrupt.'³ Here the incest between a father and daughter was portrayed as a breach of familial morality rather than an abuse of patriarchal authority. The same argument was made of brother–sister incest in many of these sources. Only mother–son incest violated contemporary ideas of authority. Chastity within the family was seen as the ultimate reason for the avoidance of marriage between such near relations.

³ Secondat, C. L. de (Baron de Montesquieu), *The Spirit of the Laws*, trans. T. Nugent (1751), p. 179 (bk 27, ch. 14).

Fathers were charged with the moral education of their daughters and sexual relations between them, or even between their children, was a failure on the part of the patriarch to control and regulate the family. Similarly, the biblical incest between Lot and his daughters was cast in terms of sexual virtue. This incest could be understood as, if not excused by, a reaction to mitigating circumstances. It was nevertheless called an ‘abominable act’ and these women’s ‘unnatural design’ upon their father was a breach of chastity within the family.⁴

Commentators who defended the daughters’ actions argued that they were guilty of ‘rather an Error in Judgement ... than any libidinous Desire’.⁵ The distinction between the two lay in the view of the daughter’s motives, but both understandings were concerned with desire and sexuality. Desire and lack of chastity were thought to be either the motivation for the daughter’s actions or completely absent from their calculations. On the surface at least, incest in this case was about the regulation of sexual desire, rather than prohibited matrimony.

However, although these situations appear to have been about sexual purity the problem was more complicated than this and marriage considerations were never far from the issue being considered. The possibility of sexuality between family members could mean that ‘Men ... as chose Wives in a Family where there were many nigh relations of the Male Kind ... would look with an evil eye on every innocent Freedom and loving Behaviour ... from a Father to his Daughter, Brother to his Sister, or Uncle to his Niece.’⁶ Prohibitions which would appear to be about familial sexuality were actually related to the virginity of women at marriage. The sin of Lot’s daughters was not their unchaste behaviour but rather their ‘eager and immoderate desire of continuing their family and Posterity’.⁷ In other words the women were not acting from lustful desires, but were rather

⁴ *The Holy Bible: Containing the Old Testament and the New* (1683), p. 15; T. Ellwood, *Sacred History: or, The Historical Part of the Holy Scriptures of the Old Testament* (1705), p. 27.

⁵ *An Illustration of the Holy Scriptures, by Notes and Explications on the Old and New Testament*, 7th edn (1761), p. 57.

⁶ *London Magazine or Gentleman’s Monthly Intelligencer* (1736), p. 567.

⁷ T. Pyle, *A Paraphrase with Short and Useful Notes on the Books of the Old Testament* (1717), vol. 1, p. 111.

contriving to have offspring in a situation in which there were no viable partners for them to marry. The preservation of chastity was related to the importance of knowable patrimony and kinship.

Kinship, alliance through marriage and the ownership of property were central issues for the contemporary understanding of the family and incest had a complex relationship to all of these.⁸ The legal proscription of close kin marriages had a profound effect upon ways in which kinship was conceived. Ideas of the family in eighteenth-century culture revolved around issues of the transmission of property.⁹ It is impossible to overstress the importance of this point. Because incest was fundamentally about matrimony rather than sexuality it was directly related to eighteenth-century concepts through which the family was understood. Incest and close kin marriage had a profound impact upon kinship and ultimately on property relations in society.

These two related problems are the focus of this chapter. First the chapter will examine the meaning of kinship and who was considered kin in this period. This was closely related to the discourse on the relative benefits and disadvantages of marriage within and outside the family. The debate over whether it was better to marry close relations or someone from another family placed considerations of incestuous marriage at the heart of the family, by emphasizing social stability through external marriage or property protection. Highly dependent upon social status, the ways in which close kin marriage was understood had a bearing on notions of property. Incest, mainly understood as the prohibition of marriage within the levitical degrees, played a central role in the transmission of property, and several cases of incest and their relationship to inheritance will be examined. Although there were two main strands of understanding of incestuous alliance

⁸ For a general discussion of the relationship between property and kinship see D. Sabeau, 'Kinship and Property in rural Western Europe before 1800' in J. Goody, J. Thirsk and E. P. Thompson (eds), *Family and Inheritance: Rural Society in Western Europe, 1200–1800* (Cambridge, 1976) pp. 96–111.

⁹ See S. Staves, 'Resentment or Resignation?: Dividing the Spoils Among Daughters and Younger Sons' in J. Brewer and S. Staves (eds), *Early Modern Conceptions of Property* (1996), p. 195.

which this chapter will trace, both stances concerned themselves less with incest than with the problem of how familial alliance related to wider social stability. Marriage of kin both within and outside the restrictions was part of a discourse around the stability of communities and societies, and the distribution of social and material assets across generations. The close relationship between incest and property relations is revelatory because it uncovers the interconnectedness of ideas of incest and notions of kinship which characterized the eighteenth-century family.

1. Strangers or cousins: contrasting benefits of marriage within and outside the family

The link between kinship and marriages between close relations arose in discussions of the lineage of the central figure of Western culture. The ancestry of Jesus of Nazareth was related in two of the four gospels and was necessary to link him to messianic prophecy. When the Gospels give the lineage of Christ it is necessary that his descent be traceable directly back to King David, in order to fulfill Old Testament prophecy about the family tree of the saviour. Considering that ancestry was patrilineal it is unsurprising that it is Joseph's genealogy which is related in Matthew 1:2–16 and Luke 3:23–28. However, Joseph is, of course, no more than a stepfather to Mary's son. In the eighteenth century such an anomaly aroused interest from biblical commentators and required an explanation. The conclusion was drawn that 'the Virgin Mary was married to her Cousin German Joseph',¹⁰ for otherwise it could not 'be made out how Jesus was of the Tribe of Judah, and the family of David as was prophesied for him'.¹¹ Joseph is not the father of the saviour and so the lineage must end with Mary. The conclusion that they were first cousins made them as closely related as possible without violating the levitical laws. Although this was not defined as incest because it was not

¹⁰ R. Dixon, *The Degrees of Consanguinity, and Affinity. Described and Delineated* (1674), p. 6.

¹¹ *The Marriages of Cousin Germans, Vindicated from the Censures of Unlawfulness and Inexpediency* (1673), p. 24.

illegal, the idea that Christ could be born of such closely related parents did more than just make such alliances acceptable: it raised them to the highest possible cultural status.

This close kin relationship between the parents of Christ related closely to the eighteenth-century understanding of Lot's daughters' actions. While the marriage between Mary and Joseph was allowable and the other was a violation (although a problematic one), they both recognized the advantages of close kin marriages. The creation of close kin alliances was advantageous because it preserved ancestry and allowed reproduction from among a limited pool of relations. In the eighteenth century this understanding of family organization was very important in certain elements of society, in which close kin marriages allowed the transmission of wealth and status within a narrow group. Familial order was not displaced by these close kin associations, but was rather reinforced by making alliances with the family rather than outside it. This was by no means the only way of understanding matrimonial alliances, and a prevalent competing understanding was also expounded by contemporary thinkers. Nonetheless, in these biblical texts the notion of close kin associations as ideal for the preservation of lineage is an indication of a conception of incest which, while abhorring the inversion of authority, made other forms of attachment possible and even desirable.

This solution to the problem of Jesus's lineage favoured a notion of kinship built around close kin marriages which avoided the introduction of foreign elements to blood lines. Although on the surface this appears similar to racial purity arguments (which did not arise until the nineteenth century) the concerns were very different. Rather than notions of racial superiority the concern was with retaining the ties of kinship, and the transmission of prerogatives within limited groups. However, in opposition to the emphasis upon reproduction within the boundaries of relations and close kin, there was a widespread idea of the importance of marriage outside the family group. This argument favoured the

creation of attachments outside close kin groups in order to establish new alliances and social ties. Through marriage outside the family the boundaries of alliance were extended which created strong social attachments. It was argued that this process was vital for the survival of a society.

Among some thinkers these two systems of alliance were not necessarily irreconcilable. Instead they were thought to be historically related. In an early period of human history the overall population was small, so close kin marriages were desirable, but when more people meant greater choice it became obligatory to search further abroad for a spouse with whose family an alliance could be created. While marriages between brothers and sisters had been allowed in the beginning, ‘when the bounds of men and beleevers came to be enlarged, the greater elbow room opened a wider liberty of choice’.¹² More than allowing greater latitude in the selection of a conjugal partner, the growth of humanity made marriage outside the family an obligation rather than a positive choice. Once the considerations of population and purity of the lineage of the Messiah were no longer a concern, it became necessary to create ties to other social groups away from the immediate and affinal family. To not do so was dangerous not only to the individual’s social position, but to the very survival of society.

Bishop Turner, in his 1682 tract on cousin marriage, used the example of the Amorites, a Canaanite tribe defeated by the Israelites during the conquest related in Genesis.¹³ According to Turner, their defeat was only partially attributable to the divine assistance received by the Israelites. This tribal group was ripe for the picking because of the narrowness of its alliances. ‘Being ... guilty as they were of incestuous Copulations, their Friendships and their Interests were confined within so small a compass, and they were so divided among themselves, that they became an easie Prey to the Conqueror’.¹⁴ Turner appears to take their incestuous

¹² J. Hall, *Resolutions and Decisions of Divers Practicall Cases of Conscience* (1654), p. 335.

¹³ *Interpreter’s Dictionary of the Bible* (New York, 1962).

¹⁴ J. Turner, *A Letter of Resolution to a Friend Concerning the Marriage of Cousin Germans* (1682), p. 7.

alliances for granted, but this is his addition to the story. No other commentator from this period specifically draws on the Amorites as an example of incestuous attachments, nor does Genesis give this as a reason for their defeat. The use of this story as an example of incestuous alliances which were responsible for the destruction of a society involved a notable leap on the part of the author. In order to strengthen his argument about the necessity for avoiding these marriages, Turner fabricated a story which demonstrated the dangers of close kin alliances. While in the case of Mary and Joseph close kin attachments were thought to protect a family lineage, for Turner they were perilous not only for those involved but for a whole society. The maintenance of close familial relationships in this case was seen as having a sinister outcome. Rather than allowing for the preservation of lines of kinship lines, these close relationships divided the society 'into so many petty Principalities, each of which was no better than one pretty large Family'. Too many close kin marriages were thought to fracture society into small groups with competing interests.

While marriage within families fragmented society by creating bonds which isolated families, the ties made by marriage outside the bounds of the family had the beneficial effect of creating tightly woven webs of alliance. Societies could not function without the bonds created by marriage between rather than within families. There were not

any Friendships so trusty, nor any Interests ... that may so safely be relied upon, as those which depend by Consanguinity upon the Obligations of Nature, or by Affinity upon the Matrimonial Contract; and if we should suppose all Families to marry within themselves, he must be blind that cannot see, that there would be almost so many divided and disagreeing Interests in the World.¹⁵

¹⁵ *Ibid.*, p. 8.

In a work published two years later Turner further developed this argument. The spreading of alliance was not only necessary to prevent social fragmentation, but ‘the propagation of Interests and Dependencies, and ... the spreading and continuance of Friendship among Men’ was the fundamental reason for the divine prohibition of close kin marriage.¹⁶

This theme was often repeated in discussions of marriage. Alliances made across family lines extended relationships and strengthened society through the linking together of families. The negative example of societies which married too closely provided the reasoning behind the positive injunction to create ties across families in order to strengthen social bonds. The ‘conjugal union produces family compacts, the extending of which, forms a chief link in the great chain of society’.¹⁷ Whether one married close kin or searched further afield for a partner had a bearing not just on the life of the individual, or the well-being of the family, but on the viability of the bonds which held a society together. This was a vital responsibility, and it was thought to be ensured through the biblical laws of Leviticus and civil legal restrictions.

The levitical laws were thought to play a role in creating a situation in which families were connected through marriage to strangers rather than close kin: ‘It is for the interest of society not to allow families to marry within themselves, but to diffuse the obligations of social love, by joining in alliance with such as were not related to them before.’¹⁸ As with the discussion of God’s destruction of the Amorites, an assumption of instrumental reason underlay the contemporary understanding of biblical prohibitions. Preventing families from becoming disconnected from the wider society was thought to be the rationale behind the

¹⁶ J. Turner, *A Resolution of Three Matrimonial Cases* (1684), p. 3.

¹⁷ J. Alleyne, *The Legal Degrees of Marriage Stated and Considered, in a Series of Letters to a Friend*, 1st edn (1774), p. 55.

¹⁸ F. Fawkes, *The Complete Family Bible. Containing the Sacred Text of the Old and New Testament at Large. With Notes Theological, Moral, Critical, Historical and Explanatory* (1761), Leviticus 18. *The Christian’s Complete Family Bible* (Manchester, 1767) and *A New and Complete Family Bible: containing the Old and New Testament at Large* (1770) both echo the language used by Fawkes in his influential commentary.

institution of the levitical prohibitions. This could provide a way of thinking about prohibitions which were outside the intimacies of household familial attachments. The injunction to diffuse relationships could account for the outlawing of marriage among relatives ‘in the more remote Degrees of Consanguinity, where other moral Considerations are less obvious’. Because marriage created cohesion across family lines ‘it is proper for the greater Good of Society, that men should seek to enlarge the Ties of Friendship and social Affection, by matching, not with those to whom they were before related, but with those of different Families’.¹⁹

Although this chapter is concerned with ideas of alliance and close kin marriage which were held during the eighteenth century, it is possible to see traces of the need for the diffusion of family ties much earlier than the period covered here.²⁰ The importance of creating social alliances beyond the family was a common feature of discussions of close kin marriages throughout the long eighteenth century. A 1673 tract arguing in favour of the legality of first cousin marriage explained the motives behind the restriction of such marriages. The author explained that marriage between first cousins could be objected to on the grounds that such conjugal links could hinder ‘the Spreading of society and Friendship, which is enough among naturall Relations already, and so, by Marriages further from home, should be rais’d up and nourish’d in others’.²¹ Although willing to admit that this argument carried some weight and could be completely dismissed he was more concerned with individual choice than the well-being of society. For this author the allowance of first cousin marriages was about the freedom of the individual. He admitted that it was ‘better generally for others to Marry then Cousin Germans’, but ‘the pleasures of ... Life’ were more important than the ‘principle of scattering Friendships abroad’.²² Despite the

¹⁹ *An Illustration of the Holy Scriptures, by Notes and Explications on the Old and New Testament*, 7th edn (1761), p. 227.

²⁰ D. Sabeian, *Kinship in Neckarhausen, 1700–1870* (Cambridge, 1998), p. 64. In European culture Sabeian credits this idea to Augustine.

²¹ *The Marriages of Cousin Germans*, p. 31.

²² *Ibid.*, p. 34.

championing of individual freedom and conjugal happiness over the building of social relationships through marriage outside the family group, he showed the significance of the idea that family ties created social bonds.

Close kin marriages, particularly those between brothers and sisters were thought to be unlawful not only because of the problem of chastity, but also in light of the realization that

by this means new Friendships, and stricter Bonds of Amity, should be contracted between Families and Persons not nearly related in Blood, from whence a large Diffusion of Friendship and Kindness proceeding from this Relation, might be spread among Persons, not of the same Commonwealth, but of divers Nations.²³

For Turner, Amorite society had been fractured by too many close kin marriages, and this weakened them when they were assailed from without. Marriage could also be a powerful tool for the creation of stability across boundaries; whether familial or national. Marriage outside the family was of great importance and created ties between those who might otherwise have been enemies. This widespread idea even arose in advice literature. The father who wrote *Advice to a Young Lord* in 1691 described what he called ‘Cross Marriage’ as those between ‘Great Families that have been at enmity together’; such matrimonial ties were ‘the best cement to glue and fasten them to Love and Concord’.²⁴ The need for ties between families created bonds which were thought to overcome any animosity between them. The development of such alliances created stability by cementing relationships across political boundaries, not just within any single nation.

As earlier chapters have argued, understandings of incest in this period were profoundly different from those which arose in the West with the advent of modern scientific and social modes of thought. However, ideas about the incest prohibition within one field of the social sciences have similarities to these much

²³ Gentleman (pseud.), *A Critical Essay Concerning Marriage* (1724), p. 175.

²⁴ *Advice to a Young Lord, Written by his Father* (1691), p. 50.

earlier notions of the creation of alliance between families, within societies and across social boundaries. The principles of kinship outlined by Claude Lévi-Strauss in *The Elementary Structures of Kinship* are based upon a system of exchange which is 'the fundamental and common basis of all modalities of the institution of marriage'.²⁵ Exogamy is a means by which family groups are linked together and through which the danger of fragmentation into small, socially isolated groups is avoided. This formulation, within which the incest prohibition creates systems of exchange, in this ethnographic context relies upon the exchange of women for the creation of stability. The early modern formulations of this exchange did not analyze this process, but there does seem to be a relationship between these eighteenth century formulations of alliance and those which arose with the development of modern social sciences. The tracing of the development of these ideas is a project which may provide further insight into the means by which incest becomes a central problem for modern Western thought.

The idea of alliance through marriage, in which families were expected to intermarry for the benefit of society and humanity, positioned ideas of kinship in a close relationship with those of friendship. Kinship created strong friendship relations which were reliant upon either consanguineal or affinal attachments, and friendships built upon these bonds were thought to be stronger and more enduring than other forms of association. The relationship between these two conceptions might even be thought to privilege the importance of friendship ties over those of kinship. The creation of kinship bonds themselves was not the ultimate aim but was rather a means to an end, a way of creating friendships which would strengthen society through interrelation. Kinship was merely a cement which created strong bonds of friendship. The cultural work which kinship performed in these conceptions was one of preventing the growth of a fractured and fragmented society, which would be unable to defend itself in times of crisis (and would

²⁵ C. Lévi-Strauss, *The Elementary Structures of Kinship*, rev. edn, trans. J. H. Bell, J. R. von Sturmer & R. Needham (Boston, 1969), p. 479.

probably be the source of crises itself). Kinship was thought to be the ideal method of creating these alliances; it was not a goal in itself.

Although the creation of these webs of alliance through marriage supported society, there was a limit to the breadth of alliance that they advocated. The author who advocated 'Cross Marriages' specifically argued for marriage between 'Great Families' as a way of ending feuds between them. Implicit in such an appeal was the importance of limiting these alliances within a specific social strata. In other words, the inclusionist vision of these authors was confined within the upper ranks of society; there was a tacit exclusion of those at lower social ranks. Kinship, like class, was understood in the seemingly contradictory fashion of simultaneous incorporation and exclusion. Individuals and groups to whom one was related by kinship ties (and these relationships were always culturally conditional) were integrated into a system of alliance. Anyone outside this system was excluded from the list of possibilities. Association with members of certain groups, in this case through the creation of kinship, implied the creation of culturally understood boundaries around these groups. These attachments and alliances depended as much upon the limits of genealogical ties as they did upon their articulation and reproduction.

The tract with which this chapter began articulated the dichotomy of exclusion and inclusion which alliance engendered. The individuals arguing for acceptance as fellows of All Souls College did so based upon the rights that one notion of kinship provided, while the author of the tract used another understanding to exclude them. The wider issue of the formation of alliance among families of the same rank had the implicit effect of preventing such associations across class. If understood in this way, arguments against close kin marriage which emphasized the need for alliance across family boundaries had a very similar rationale to those in favour of marriages which preserved authority and property in tightly-knit kinship groups. These were not just opposing arguments which viewed alliance

very differently, but rather were closely related ways of understanding the role which marriage played in society. Culturally sanctioned kinship bonds were also barriers beyond which associations were allowable. Both ways of understanding kinship ultimately created close networks of kin, through which property and authority were transmitted.

2. Kin alliances and the transmission of property

That kinship included certain persons and groups and excluded others in culturally specific ways is significant for understanding how these arguments for exogamy could sit closely with similar ideas about the desirability of close kin marriages. Although there was a strong sense that exogamous marriage as instituted in Leviticus was the means by which social relationships outside the family were solidified, close kin marriage held a significant attraction in eighteenth-century society. As with many other issues discussed so far about which incest did the cultural work of highlighting fault lines in the social order, here again contradictory pressures contended for ascendancy. On the one hand society relied upon alliances which built stability and prevented fragmentation, while on the other alliance within the family allowed the retention of social prerogatives within specific social realms. The levitical degrees prevented many close kin marriages by making them illegal, but at the same time these marriages were attractive for several reasons.

The allure of marriages between close family members was twofold. The first reason, which arose in the analysis of Christ's family tree, was that of carrying on lineages. The second reason, which relied upon the first, was that such marriages had distinct material advantages. Marriage to a family member, whether related by birth or marriage, allowed the retention of property within the family and kinship group. While marriages between 'Great Families' were thought to cement relationships, the need to avoid allowing property to leave the family was a

compelling reason for close kin alliances, especially in the higher ranks of society. In these situations the transmission of property became a paramount consideration, and incestuous marriage was seen as an ideal means by which wealth could be retained. When the biblical commentator Thomas Stackhouse explained the actions of Lot's daughters he was clear that the law encouraged the contracting of marriage within the family in order to 'preserve inheritances', but also that this was a peculiarity of the period in which Lot lived.²⁶ However, matrimonial alliances which transmitted property within the family remained attractive despite the prohibitions against them.

One contemporary possibility was to argue in favour of first cousin marriage. This form of close kin alliance kept property from leaving the family without violating levitical and ecclesiastical laws. The author of a tract arguing for the legality and desirability of first cousin marriages provided an example of a situation in which such a marriage could be desirable. If 'an Heiress of an Estate ... has a Cousin German whom she can love, and who is not unworthy of her, it will not be only convenient, but expedient they should Marry'.²⁷ If it was the case that the woman stood to inherit the family's wealth (presumably in the absence of any male heirs) a marriage to a first cousin prevented the property from passing into the hands of another family. Since there was no biblical prohibition against it, first cousin marriage was the nearest acceptable relation which allowed property to be retained within the family.

This idea had a close relationship to the theological idea that Mary and Joseph were first cousins. By the slight of hand which directly connected Joseph's relatives to Mary by blood and not just marriage contemporary commentators avoided this problem. Assuming that their relationship was that of first cousins put them within the closest possible kin without violating prohibitions against familial

²⁶ T. Stackhouse, *A New History of the Holy Bible, from the Beginning of the World to the Establishment of Christianity* (1737), p. 248.

²⁷ *The Marriages of Cousin Germans*, p. 112.

marriage. The young woman who could marry her first cousin to retain wealth in the family was said to do the same in economic rather than genealogical terms. Her marriage to her cousin kept the wealth in the family and solidified familial ties without violating any marital laws.

The author of this tract was also concerned that the woman in question be inclined towards an affective relationship with her cousin and prospective mate. This was a third reason for the attractiveness of close kin marriages. Although the possibility that the heiress could love her cousin was a concern, it does not appear to have been too much of a worry because first cousins were thought to be naturally prone to have a preference for each other, and once married to have a better chance of having successful marriages. ‘Cousin Germans have more reason to know one anothers Tempers and Humours from their dayly converse ... And so being throughly acquainted their Marriages are not so much Lotteries as others are.’²⁸ Because of their knowledge of each other before the marriage, first cousins were thought to make better partners for each other than two people from different families who did not have the advantage of a close upbringing.

It was not just desirable that the cousins destined to marry for material reasons were able to have a loving marriage; affect and the transmission of property were intimately linked. The fact that these two speculative partners came from the same family meant that they would be ‘free, for the most part, from those jarrs that arise from the reflexions on the Meanness and Greatnesse of Parentage’.²⁹ In other words, in addition to the retention of property, that they were of the same rank before marriage removed what the author saw as a significant bar to the possibility of matrimonial satisfaction. One possible barrier to happiness was perceived inequality of rank and status, and this would be eliminated when the relations were cousins. Affective relationships between husbands and wives were

²⁸ *Ibid.*, p. 106.

²⁹ *Ibid.*, p. 111.

intimately attached to parental status, and a clear link was made here between close kin marriages, property and status, and successful affective relationships.

The emphasis upon affect in these relationships added a further dimension to the issue dealt with in Chapter 4 in which sexual relationships between a brother and sister were understood as more than just incidental aberrations, but were the direct outcome of familial proximity and sibling affection. Cousins could become ideal marital partners for each other because of their regular contact. This familial closeness allowed members of the same family to know and understand each other better than those outside, so marriage between cousins potentially had a better chance of success. Like brothers and sisters whose incestuous sexual attraction naturally grew out of appropriate sibling affect, the locus of sexuality resided within a familial context. Relatives of the opposite sex were more knowable than any possible partner from outside the family and were thus likely to make better marital partners.

The added dimension here was property, and the role which kinship was thought to play in its transmission. Incestuous desire was not just an outcome of familial affective relationships and a cultural consequence of the ideal of a close-knit familial structure. The idea that close kin could be attractive to each other and be ideal conjugal partners – within certain limited boundaries – made possible the retention of property within the family. Remarkably, the outcome of this additional factor entirely reversed the understanding of such relationships. When an isolated or too powerful affective attachment between close kin turned to sexual desire the outcome was disastrous. Although incest was lurking behind these close relationships between siblings it was, except in extreme situations like the Isle of Pines, a step too far. However when the preservation of inheritances and property were taken into consideration, the location of sexuality within the family served a purpose and was not censured.

Although brother–sister marriage was prohibited, there was no bar to first cousins marrying. This legal situation allowed some writers to advocate the latter while condemning the former, but attraction between cousins or brothers and sisters was thought to arise from the same source: familial affectivity which could lead to sexuality. Brothers and sisters could never marry and any conjugal desires which arose between them were necessarily problematic. Cousins were allowed to marry and so their desires could become lawful and socially sanctioned. However the assumptions about both stemmed from the same location: the position of sexuality within the family rather than in the wider community or society. The extension of familial attachment into a conjugal and sexual relationship became acceptable when it performed the additional function of safeguarding heredity or property.

When Bishop Turner wrote his tract on first cousin marriage he took the opposite view to that of the anonymous author discussed above. Turner was strongly against such marriages, as his use of the Amorite example has shown. The need for matrimonial alliances across family lines was thought to be crucial to the building of stable social relations and by extension strong national ties. This was part of the argument in favour of the creation of stability through marriages between families rather than within them. Too many connections within families would fracture society by creating insularity among families. Interest in the health of the polity was implicitly at the core of such concerns and expectations. The Amorites and other societies which allowed close kin associations were prey to their stronger neighbours who outlawed such practices.

Considering the importance of marriages external to the family in Turner's argument it is interesting that he allowed one exception to the rule. Like the heiress whose cousin made an ideal partner, the exemption from the injunction not to marry a first cousin came from the upper ranks of society and depended wholly upon status: 'whatever the case of Private Persons may be, I do allow, that it is

part of the natural Prerogative of Princes and Persons nighly related to the Crown, to Marry a Cousin German, and this I speak without any Court Flattery or Parasitical Design'.³⁰ Close kin marriages, according to Turner, were acceptable only among the very highest ranks of the social order. There could be several reasons for this exception. While close kin ties among the masses were seen as socially isolating and detrimental to the stability of society, the opposite was true of monarchs. Marriage with cousins in such a situation allowed the concentration of power, increasing rather than sapping the ability of a society to defend itself. Among members of the royal family 'Intermarriages should take Place between some of their near Kindred. The consequences ... may be not only conducive to their own personal Satisfaction and felicity, but likewise intimately connected with the National Security, and the Establishment and Enlargement of the Protestant Interest.'³¹ The personal happiness of the monarch was a factor, but national welfare was the most beneficial outcome of close kin marriages among the ruling class.

Close kin marriages were attractive among the higher ranks of society because such alliances provided for the transmission of wealth and authority. Like Lot's daughters, some eighteenth-century commentators were concerned with the preservation of lineage. To this end some raised a biblical passage which was a counterpart to Leviticus 18:16 which outlawed marriage to a sister-in-law. Chapter 25 of Deuteronomy, makes marriage to a sibling-in-law a specific requirement in one precisely delineated situation. If a man dies leaving a widow but no children, the obligation of carrying on his branch of the family falls to his brother. The deceased man's brother is required to marry his widow, and any offspring from this marriage is understood to be the offspring of the deceased man. Although the codification of levitical law into ecclesiastical canons

³⁰ Turner, *A Letter of Resolution*, p. 27.

³¹ J. Fry, *The Case of Marriages Between Near Kindred Particularly Considered* (1756), p. viii.

precluded this practice of levirate marriage from playing an role in English society, it nevertheless arose in discussions of marriage and property.

This injunction was usually seen by eighteenth-century commentators as customary and therefore not a binding law of God, but it was cited as an example of how close kin marriages protect inheritances, whether symbolic or material. One correspondent who engaged in a discussion running in the *Gentleman's Magazine* argued that 'by means of these marriages, families were less subject to become extinct, their genealogies less confused'.³² Although the writer goes on to say that 'all such marriages are, and ought to be pronounced incestuous', the interest in a marriage which prevented the dissipation of genealogical links and extended familial lineage is easily understood. It was possible to see marriages of this sort as incestuous but still make a virtue out of close kin alliance. Since the practice of levirate marriage was thought to be designed to preserve a family's lineage it had the added advantage of retaining property within the family. As one of John Alleyne's correspondents noted, the 'Express command for a man to marry his brother's widow ... seems calculated to preserve estates in particular families, as well as to prevent the extinction of the families themselves'.³³ Authors on both sides of the debate cited the biblical practice of levirate marriage and had similar understandings of its purpose. The transmission of property within the family was thought to be enabled by close kin marriages, despite their illegality in modern society. Biblical passages were cited as evidence of a practice which had strong resonance for contemporary society, even if it violated a fundamental restriction.

This is fundamental for the understanding of the various roles which families played in society. Affect was only one aspect of eighteenth-century family life, and even this was connected to the way in which property was understood to be passed through generations. The two possibilities which this chapter has so far

³² *Gentleman's Magazine*, vol. 16 (1746), p. 545.

³³ Alleyne, *The Legal Degrees of Marriage*, 2nd edn (1775), Appendix, p. 29.

outlined – the need for exogamous marriages to create affinal alliances and therefore to strengthen social bonds or the opposite requirement of matrimonial ties within groups already understood as related – were not viewed as opposite and exclusive. Both ways of thinking about such marriages existed shoulder to shoulder. In some cases this took the form of advocating such marriages in the ranks of society in which transmission of wealth was of the greatest concern, or in which close kin marriage concentrated authority as well as wealth. In others, while outlawing close kin marriages throughout society, there was a distinct notion of the attractiveness of these prohibited alliances. The explanation that external marriages created a stable society did not necessarily mean that the same author could not see the cultural value of concentrating wealth and authority among a narrow elite.

Both sides of the debate over marriage placed incest in a discourse about social stability which was reliant upon families. The primary concern was for the outcomes of incest, not the incest itself. In the case of exogamy versus concentration of wealth the outcome was primarily concerned with posterity. Property transmission, kinship networks and alliance depended upon the offspring among whom wealth was distributed. Children, who carried on family names and inherited wealth, were a necessary to this process. So how do the actual descendants of these families fit into the discourse? Any close kin relationship which produced offspring must always be a legal relationship. Children of marriages which took place within the prohibited degrees were illegitimate and therefore ineligible to inherit property and carry on the family line. This was one area where ideas from civil law played a larger role than the biblical or ecclesiastical laws which prohibited the marriage. The idea that children of incestuous marriages were not eligible to inherit property arose from similar restrictions in the civil law tradition. Indeed ‘Children born in Incest ... according

to the Rigor of the Civil Law, are not to be maintain'd'.³⁴ Roman severity was thought to have given way to a more humane treatment under 'the Ecclesiastical Law, whereby not only Adulterous, but Incestuous Issue also, is made capable of so much as is sufficient for convenient Maintenance'.³⁵

Although in the eighteenth century not to support children of incestuous relationships was seen as inhumane, there were still fairly rigorous attitudes toward inheritance by such offspring: 'Bastards begotten in Adultery or Incest, are wholly incapable to succeed to the Estates of either Father or Mother. Neither can they so much as claim a Maintenance from them by the Civil Law. Their Blood is stained'.³⁶ While the requirements of maintenance of children had changed, the laws continued to concern themselves with financial legacies. Under the Puritan adultery and incest law passed in 1650 'Children begotten between such persons, notwithstanding any contract or solemnization of Marriage [are] illegitimate, and altogether disabled to claim or inherit any Lands or Inheritance whatsoever'.³⁷ Biblical commentary took a similar stance on inheritance by the offspring of incest. In the story of Noah and Ham, when Ham's discovery of his father's nakedness was interpreted as incest with his father's wife, the commentator concluded that the incest was the reason why 'Noah, enraged at this base action, ordered that Canaan, the issue of that incestuous commerce, should be wholly deprived of the inheritance'.³⁸ As the offspring of incest Canaan had no right to his share of his father's inheritance.

Not only were the children of incest prohibited from inheriting wealth or even receiving support from their parents under the civil law, the contracting of an incestuous marriage meant that a man was forbidden from disposing of 'Goods or

³⁴ *A Dissertation on the Law of Nature, the Law of Nations, and the Civil Law in General* (1726), p.37.

³⁵ J. Brydall, *Lex Spurorium: or, the Law Relating to Bastardy* (1703), p. 25.

³⁶ G. Jacob, *Treatise of Laws: or, a General Introduction to the Common, Civil, and Canon Law*, (1721), p. 262.

³⁷ *An Act for Suppressing the Detestable Sins of Incest, Adultery and Fornication* (1650), single sheet.

³⁸ F. Fawkes, *The Complete Family Bible*, Gen. 9:22.

Chattels by his Testament or last will to his Children begotten in such Incestuous Marriage, or to any other person, saving to his Children begotten in lawful Marriage, (if he have any by a former Wife) or to his Parents, or to his Brother or Sister, or to his Uncle or Aunt'.³⁹ Contracting an illegal marriage, under the civil law, created barriers to personal disposal of wealth, which were designed to prevent covert transmission of property to the incestuous offspring. Because under English ecclesiastical law any marriage within the levitical degrees was deemed never to have been a lawful marriage, no rights were gained through such an alliance. 'Such marriages, as being unlawfully had, are void *ab initio* ... [and] can give no right in any property'.⁴⁰

Inheritance was factor in a story of incest which was reported to have happened aboard a ship called the Marquis of Rockingham during a passage from India to England in 1791. Two of the passengers were a man and a woman travelling together who were an uncle and niece. Near the end of the voyage the relations 'were detected in a situation too intimate for their kindred to admit, or for us to relate with propriety!'⁴¹ Note the use of the word kindred in this phrase; it did not refer to the incestuous couple but rather to their relations who would be ashamed to hear of the intimacy between them. Kinship was about a wider social grouping affected by this act of impropriety, rather than about the connection which prevented any lawful conjugal relationship. As a result of their discovery and the gossip on the quarter-deck, the couple could not bear their shame and 'a very short time after the discovery, they fell the victims of their own reproach. The weapons were pistols; and both shots were instantly fatal.' Although this story included incestuous attraction and a grisly suicide, in which the damage done to the woman's head by the pistol was explicitly described, the conclusion of the article was about neither of these sensational details. The piece was primarily

³⁹ Brydall, *Lex Spurorium*, p. 10.

⁴⁰ *The Laws Respecting Women, As they Regard their Natural Right, or their Connections and Conduct* (1777), p. 28.

⁴¹ *The Historical Magazine; or, a Classical Library of Public Events* (1791), vol. 3, p. 376.

concerned, neither with the incest nor the suicides (although these were important aspects), but rather with the issues of inheritance that were brought into question by the actions of this unhappy pair:

Before he embarked for England he had made his will, which has been now proved ... five thousand pounds to his niece ... She being now no more, a dispute is likely to arise whether her executors are entitled to the legacies, and which of them died first; if both at the same instant, it is a lapsed legacy---and this dreadful affair must come into the courts of law.⁴²

The issue upon which the author of this story chose to concentrate was the validity of the will in light of the dual suicide. The incestuous nature of the relationship was not the core of the story – the inheritance did not depend upon an incestuous relationship – but even though this case had such scandalous and sensational elements the central problem was the property which was involved.

Matrimony between an uncle and niece, whether by birth or affinity, did not entitle the illegal spouse to any property rights. John Alleyne, the advocate of legalizing marriage to a deceased wife's sister, implied that heirs were able to use the prohibition of these sorts of marriage as a way to reclaim inheritances. According to Alleyne, opponents of marriage to a sibling's spouse claimed 'that to alter the present system, by confirming these marriages, might bring many titles to estates in question, which have devolved on the heirs at law, on bastardizing the issue of a *supposed* incestuous marriage.'⁴³ The offspring of such relations, on nullification of the marriage, legally became bastards and lost their rights to claim property through inheritance. The legitimate heirs were able to lay claim to property to which they would otherwise not have had a right. Changing the restriction, and allowing marriages which had previously occurred to be confirmed would confuse the rightful inheritance of estates which were claimed

⁴² *Ibid.*, p. 376.

⁴³ Alleyne, *The Legal Degrees of Marriage*, 1st edn (1774), p. 53. Italics in original.

by heirs from two marriages; one legal and the other unlawful. Such confusion could only be socially detrimental.

This story of an incestuous uncle and niece highlighted the incest, but then unexpectedly turned to the material considerations which arose as a result of the uncle's attachment to his niece. The disorder caused by their incestuous relationship manifested itself as a problem of inheritance. A similar uncle–niece case was briefly related by the *Times* in 1789, although this one involved actual marriage. In this cause 'A Major of Militia, seducing his own niece, in violation of the laws of God and Man, has aggravated the crime by a subsequent marriage, which the heirs at law are now proceeding to invalidate.'⁴⁴ The need for invalidation of this marriage was not just the rectification of a sinful alliance, but also the claim to inheritance by his legitimate heirs. This story appeared in *The Times* because it ended up in court. This to some extent predetermines the concerns, since financial issues are likely to be played out in the court room. Nevertheless, the link made here between incestuous marriage and inheritance is real and indicates the connection between close kin marriage and inheritance.

The problem of distribution of, and rights to property through marriage also arose in a case of aunt–nephew marriage which appeared in the London consistory courts in 1789. George Seton and Clementina Moray had been married by license on 9 December 1786 in the parish of St James Westminster when he was 25 and she 28 years of age.⁴⁵ They continued to live together for almost a year and a half before they were separated. Moray had previously been married to Alexander Moray, George Seton's mother's brother, who had been dead only a month when the marriage took place between his nephew and widow. Although Clementina and George were not blood relations their marriage was certainly within the bounds of the prohibited degrees. When Moray brought a case against her

⁴⁴ *The Times*, 7 July 1789, p. 3.

⁴⁵ London Metropolitan Archives [LMA], London Consistory Court Records DL/C/561/123 (1789).

husband before the consistory court for nullity by reason of affinity, one of the stated reasons for doing so was ‘the recovery of three Notes of Hand given by the said Clementina Moray which had been obtained by the said George Seton sometime after ... Marriage had taken place between the said Persons’.⁴⁶

Although the trial gave few particulars about the reason for their marriage, it did clearly take place under some secrecy, and it appears that the parties knew that their marriage was illegal.

Any money left to Clementina by her husband would have become the property of George Seton on their subsequent marriage, but because such a tie was illegal Seton had no rights over Clementina’s property. The annulment by reason of affinity meant that their marriage had never actually occurred – in the formula used by the courts it was a ‘shew or effigy of a marriage’ – and so the property must be returned to Moray. Moray’s suit was successful; the marriage was nullified and George Seton was responsible for the court costs. The ultimate fate of the notes was not recorded.

The conflicting voices which either argue in favour of close kin marriage as a means by which property and power are transmitted within the family or against it on the grounds that such marriages may have the effect of bringing the legal transmission of power into question both deal with the social and cultural role of such marriages in the upper ranks of the social scale. The meaning of close kin marriages differed, in the eyes of the writers of these tracts, depending upon the social status of the family involved. Turner argued that only the monarch and his closest family members should be allowed to marry cousins because marriage within the family concentrates political power within a divinely determined coterie at the highest levels of the social scale. The heiress for whom a cousin would make the ideal partner also depended upon the idea that among the higher ranks there was a need to avert the dispersion of property. The male cousin

⁴⁶ LMA, DL/C/283/606 (1789).

provided a member of the family to whom the heiress could legally be married while keeping the wealth as close to its source as possible. In the causes discussed so far from the consistory courts and newspapers the individuals involved were all wealthy. George Seton and Clementina Moray were members (by birth and marriage respectively) of a wealthy family of Scottish gentry. George's father, James, was governor of the island of St Vincent in the West Indies. Finally, the will brought into question by the uncle–niece double suicide reported in the *Historical Magazine* was worth five thousand pounds. By definition any source which looks at issues of posterity and inheritance was concerned with the upper ranks, as these were the only members of society who left inheritable wealth.

3. Regulating degrees: prohibited marriage and the community

Mary and Joseph could be thought to have been close kin because marriages between first cousins did not violate levitical prohibitions, whereas the affinal link between George Seton and Clementina Moray made their marriage illegal. The boundaries of which close kin marriages did or did not violate the prohibited degrees were regulated by the church and tried in the consistory courts. The role played by the prohibited degrees of marriage was one of delineating the gradations of kinship and the obligations attendant upon familial ties; but how did this actually operate? The rest of this chapter will examine specific cases of consistory court prosecutions of incestuous marriage in order to further develop an analysis of the regulation of incest in eighteenth-century England.

Although incest between fathers and daughters appeared in temporal criminal courts such as the Old Bailey (cases which will be dealt with in the final chapter of the thesis) these were not tried as incest, but rather were usually rape cases which happened to also be incest. The only place in which cases were actually tried as incest was in the consistory courts, where cases of illegal marriage like that between Seton and Moray could be heard. Throughout the eighteenth century

the church maintained its right to regulate the laws of marriage. It was cases which were brought before the consistory courts in which the degrees of marriage were defined in practice.

Cases in the Consistory Court of the Diocese of London, on which the research for this section of the thesis has mostly concentrated, could be brought to the court in two ways. Some were prosecuted either by someone outside the family, usually a church-warden, or by a member of the family.⁴⁷ In these sorts of cases there was little indication in the records of what prompted the church to prosecute. The instigation which made the church-wardens act against a couple who were illegally married remained opaque in most of the cases of this sort. In the cause of Blackmore and Thorpe vs. Waltham, which was heard at the Court of Arches on appeal, the church-wardens appear to have promoted the prosecution because of a concern about the possibility that the children of this marriage between William Brider and his stepdaughter Ann Waltham might become chargeable on the parish.⁴⁸ The prosecution which aimed to nullify the marriage was attempting to clarify which parish was responsible for the maintenance. The concern was less for the moral wellbeing of the couple and the community, than for possible expense to the parish.

Unlike this specific problem for most of these types of cases there was little or no indication of why the church-wardens sought to prosecute the couple. Although when the Reverend Euseby Cleaver voluntarily promoted a case against Thomas Wooldridge and Mary Ride, two residents of his parish, the language of the indictment referred to the 'soul's health' and 'the lawful correction and reformation of his manners and excesses' it is far from clear that this was the

⁴⁷ It could also be seen as the responsibility of the constable to be aware of marriages within the prohibited degrees. *The Complete Constable*, 6th edn (1724), p. 98.

⁴⁸ Lambeth Palace Library [LPL], Court of Arches H274/12 (1815). See the discussion of this case in Chapter 3, p. 66.

primary impulse behind the cause.⁴⁹ With cases which were brought by members of the family it was usually easier to determine the reason for the promotion.

Occasionally there were family members who felt that such an alliance among near kin was detrimental to their own interests. In the long and complicated case of *Burgess v. Burgess*, in which there were over twenty deponents, William Burgess and his brother's daughter Ann were accused of living as man and wife in the parish of Saint Marylebone. This was specifically a prosecution for incest, not illegal marriage because the couple had never been formally married. The undertaking was pursued by John Burgess who was William's Nephew and Ann's brother. John Burgess died before the cause was completed, but his brother Hugh reported that the object of the suit was to compel William and Ann to separate or leave the neighbourhood. George Burgess had been asked by his brother to go to the house in Oxford Street where Ann and William were living 'to explain them the injury he the said John Burgess sustained in his profession in consequence of their disgraceful mode of living for that it was supposed he connived at such their conduct'.⁵⁰ John Burgess was in the practice of law and had thought that having his sister and their uncle living together as if married would jeopardize his professional standing. He felt that the reputation of the whole family was at stake when he pursued this case. George Burgess attempted to persuade the couple to separate but when this failed the legal cause was undertaken. Issues of credit and reputation became tied up with familial propriety.

However, the most common situation in the London Consistory Court was causes which were brought by one of the parties to the marriage which was being broken up. The ecclesiastical authorities provided a *de facto* divorce court in these types of cases. When John Dance carried on a relationship with his sister-in-law – a crime which amounted to incest as well as adultery – his wife Catherine Ann brought a divorce suit against him. The consistory felt that his physical cruelty

⁴⁹ LPL, Court of Arches Aa83/3, 1788.

⁵⁰ LMA, DL/C/287/94 (1801).

toward her and the egregious manner of his adultery with her sister was worthy of separation *a mensa a thoro* ('from bed and board') the nearest thing to a divorce that the consistory could grant in this period.

Adultery or cruelty were not the only possible reasons for separation, and there are several cases in which the court granted a nullity (so that the marriage in effect had never existed) rather than a separation, which allowed the couple to live apart but prevented remarriage while the spouse was still alive. This was the distinct advantage in proving an alliance within the prohibited degrees. Since it was illegal, the marriage was considered never to have happened. In these situations it was one of the members of the couple who brought the suit for nullity. In some situations this occurred soon after the marriage. Rebecca Poole, who had married her sister's widowed husband James Hurst in ignorance of the prohibition against such marriages, broke off the relationship 'as soon as [she] was informed and understood that the said Marriage was unlawful and incestuous'. She further claimed that the marriage was never consummated. James Hurst, on the other hand stated that Rebecca was well aware of the situation and that he did not entice her against her will.⁵¹ It is impossible to know which side of the story is nearer the truth (although the fact that Rebecca's father was the rector of the community in which the family lived is an interesting detail) but for some reason the marriage was broken off, and incest used as a reason for the nullity. Similarly Elizabeth Durrant married her aunt's widowed husband but 'so soon as [she] was informed and understood that her aforesaid marriage ... was unlawful and incestuous' she left his company. In this cause the documents of the case stated that they lived together for 'about a Week and not longer.'⁵²

Cases like this, in which the suit for nullity occurred soon after the marriage, were fairly straightforward, and required little evidence and few depositions.

⁵¹ LPL, Archbishop's Peculiars, VH80/30/1-16. The couple was married on 28 Feb 1736 and she left 'the company and society of the said James Hurst' on 15 April.

⁵² LMA, DL/C/176/194 (1769).

There were also no real lasting or complicated consequences involved in such dissolutions. Other causes of nullity brought from within dissolved marriages which had existed for at least a few, and in some cases many, years. In 1778 Edward Turner Bennet was married to his uncle's widow in a ceremony which was attended by members of the family; it was not until 1796 that the trial was heard in the Diocese of London Consistory Court.⁵³ The cause occurred at the instigation of Edward Turner Bennet, and despite the marriage having lasted for almost twenty years, the reason given for the claim was affinity. The fact that the Edward Turner and his aunt openly acknowledged each other as husband and wife, makes this a case in which the court authorities connive with the couple to allow what is essentially a divorce through a legal loophole.

As with the debates about incestuous and close kin marriages and their relationship to kinship the bulk of the cases which were heard in the Diocese of London involved families from society's middle ranks and above. A consistory court prosecution amounted to a significant expense. Participants were from among the upper ranks in society in all of the causes which were promoted from within the marriage. Families involved in nullity or separation cases were usually middling sorts: Ann Burgess's two brothers were lawyers and William Burgess was a tax collector, Rebecca Poole was the daughter of the vicar in the village of Esher in Surrey, Edward Turner Bennet and his aunt and wife were shopkeepers, through John Dance's marriage to Catherine Ann Dawes he had inherited his father-in-law's fruit and vegetable business in Oxford Street.⁵⁴ Other causes in the London Consistory Court and the Court of Arches involved gentry families, public house owners and the wife of a naval officer. In causes promoted by church-wardens this was not necessarily the case, as has been demonstrated by the

⁵³ LMA, DL/C/182/144 (1796).

⁵⁴ Although actual financial details were rare in these causes there were a few interesting figures provided. William Burgess at one point claimed to have spend over £200 on attorneys fees, LMA, DL/C/287/86 (1801). In *Dance v. Dance*, when Catherine Ann Dance sued for divorce on the grounds of adultery with her sister, her proctor stated that the business which her retired father had passed on to her husband was worth over £1,000, DL/C/182/374 (1798).

examination of the cause involving William Brider and Ann Waltham, in which the issue of settlement and therefore responsibility for poor relief was at stake.

The reason the question of what prompted the promotion of the case needs to be asked is that it was not a given that a marriage within these degrees would necessarily be brought before the courts and nullified. Marriages within the prohibited degrees could last for years before they were brought to the attention of the consistory courts. In light of the lack of uniformity of prosecution, and the apparent lack of direct interest in the transgression of these laws it seems likely that there were marriages which occurred within the prohibited degrees which never drew the attention of the ecclesiastical authorities. Without outside intervention such marriages could well have continued undisturbed until the death of one of the members, although the existence of such marriages is speculative because, by definition, they left no historical trace.

This lack of specific interest in prosecuting these cases is notable in itself. As with many of the other cultural realms dealt with so far in which incest arose, it was neither entirely ignored, nor did its occurrence evoke instant and unwavering censure. The status of incest made it an ideal medium for the interrogation of contemporary issues. Although certain forms of incest drew the attention of pamphlet writers, or the courts, or even balladeers, in these texts incest served to highlight other social issues, such concerns as the sources of authority, or the role played by alliance in the stability of society. These causes are no different. The central social problem which was raised in these cases relates to the reaction of the community to these cases of incestuous marriage.

In 1707 the Court of Arches heard the case of Sheppard v. Edisbury in which Joshua Edisbury and his niece Elizabeth Glegg (he was her mother's sister's husband, an uncle by marriage) were prosecuted for illegal marriage. Elizabeth had lived and worked in her uncle Joshua's house as a housekeeper. Thomas Dykes, one of the deponents in the cause who was steward and butler to Joshua

Edisbury, had an intimate knowledge of the household. He reported to the court that he did not ‘observe any thing whilst he lived with them to induce him to believe that they ... were married together he constantly calling ye said Elizabeth Betty and she calling him Unkle’. According to Dykes’s deposition, within the household their relationship had at least the appearance of propriety. However, within the wider community Dykes explains that ‘it was comon talk in ye County about Erthig that ye the said Elizabeth and Joshua were married’.⁵⁵ John Rose, another uncle by marriage of Elizabeth’s, also deposed that he had ‘heard from several persons’ that the two were married.⁵⁶ While none of the deponents in the case themselves testified to knowledge of any marriage or carnal relationship between Joshua and Elizabeth, all related that they had heard that there was a marriage that had taken place between them. The hearsay implicated the couple in a marriage which violated the ecclesiastical regulations.

A mid-century court in the diocese of Bath and Wells had excommunicated Ann and David Williams for a similar offence. Ann had been married to Nicholas Williams, and after his death had married his nephew David. When the cause was appealed to the Court of Arches the articles of the case repeatedly invoked the community in which the incestuous couple lived. Ann and David were said to be ‘commonly accounted reputed and taken to be [married] by their neighbours relations and all other persons who were acquainted with them’.⁵⁷ The language invoking the community was even stronger when the couple was admonished for their illegal relationship: ‘there hath arose and still continues amongst the grave and better sort of persons in the parish ... a public voice, fame and report to the scandal and offense of all good Christians’.⁵⁸ The court emphasized their role as one of responding to a dissatisfaction or outrage within the community and in doing so legitimized the prosecution through the invocation of community

⁵⁵ LPL, Court of Arches, Eee10/145 (1707).

⁵⁶ LPL, Court of Arches, Eee10/147.

⁵⁷ LPL, Court of Arches, D291 (1769).

⁵⁸ LPL, Court of Arches, D291.

morality. The claim was made that the need for punishment arose out of the community's disapprobation of the marriage, not as a result of the church authorities' disapproval.

Another affinal marriage between an aunt and nephew which was brought to the London court at the end of the century had testimony from a neighbour which echoed the language used by Thomas Dykes in the Edisbury cause. Thomas Truman deposed that 'he well remembers the Report of the marriage of the said Edward Turner Bennet with Mary Bennet Widow of his Uncle which was very much the conversation of the neighbourhood'.⁵⁹ The deponents in another cause from the end of the century, like other cases of this kind, were required to establish their credentials as witnesses to the illegal marriage by explaining their position in the community. When the carpenter Thomas Woolridge of the parish of Petworth in Sussex married his deceased wife's sister, and the marriage was brought before the consistory courts, the witnesses gave elaborate explanations of their social position in the village. They established their credibility by placing themselves and the couple involved in the unlawful marriage in a community based social context. On the surface this context established the witnesses as creditable and credible, while having the underlying outcome of firmly embedding the family within the community.

When the issue of a marriage within the prohibited degrees arose, it was not primarily a situation in which individual choice was being contested, but rather the rights of the community to become involved in the state of matrimony. The ecclesiastical authorities understood matrimony, and its prohibition, as a state in which the moral health of both the individual and the community were at stake. The punishment of the crime of incestuous marriage reinforced this idea. The case of Mary Ride and Thomas Woolridge was a prime example of the communal punishment which was meted out in these cases. Standing in the church porch,

⁵⁹ LMA, DL/C/287/257 (1796).

Woolridge was required to ask forgiveness of the parish's Sunday parishioners while dressed in a white sheet. Afterwards he was to stand in front of the congregation and 'confess and acknowledge his Offense'. The penance, which was not unique to convictions for incestuous marriage, and was instituted by the ecclesiastical courts for a variety of offenses in which communal morality was thought to be at stake, involved humiliation and public apology.⁶⁰ Such a punishment again positioned the crime and the offenders within a community setting and aimed to make the issue one of morality which touched every member, rather than being an internal familial and personal problem.

To some extent it is possible to see the relationship between ecclesiastical regulations and popular opinion about prohibited marriages, although it is not clear how they influenced each other. Both Thomas Dykes and Thomas Truman emphasized 'common talk' and community 'conversation' in their reports on these illegal relationships. William Bridger's sister Ann Ridman was so disapproving of her brother's illegal attachment to his stepdaughter that she explained to the court that 'she never went near them and hath never seen them or the Children the issue of such their Marriage since she heard of such their Marriage'.⁶¹ Whether the idea that incestuous marriages were a violation of public morality arises initially from their legal status, or from some less easily defined source is impossible to determine, but the records of these cases indicate a public as well as an official problem with such marriage.

It is, however, notable that no distinction is made between affinal or consanguineous incest. Although most causes which appear in the records that have been utilized for this chapter were affinal in nature, there was no specific aversion to consanguineous attachments as being more problematic than those between affines. Ann Ridman avoided her brother and his stepdaughter as well as

⁶⁰ Public penance was a more common punishment in early modern Europe but continued as late as the early nineteenth century. G. R. Quaife, *Wanton Wenches and Wayward Wives: Peasants and Illicit Sex in Early Seventeenth-Century England* (London, 1979) p. 193.

⁶¹ LPL, Court of Arches, H274/12 (1815).

their children, and the neighbourhood's conversation took in marriages in which there was no blood relationship between the man and woman before their marriage. This lack of distinction between affinal and consanguineous incest reinforces the idea that this was a crime against the community. Rather than emphasizing any separation between blood and marriage, these causes dealt with the reactions of both the authorities and the communities. This was a violation of morality which went beyond the two people involved in the incestuous relationship and implicated wider members of the family and community.

In addition, although there was public fame surrounding the marriages in question, many lasted for years and even decades before they were brought before the ecclesiastical authorities and annulled as violations of the prohibited degrees. Joshua Edisbury and Elizabeth Glegg were married for over twenty years. Ann Williams was married to her nephew for six years and had three children by him before their prosecution. Edward Turner Bennet, who himself promoted the case as a means to a divorce, was married to his uncle's widow in 1778 and the cause for annulment did not take place until 1796; so it was almost twenty years before the marriage was dissolved, and then only at the instigation of the Edward Turner Bennet himself.

The story here was one of contradiction. While the authorities, and even some of the witnesses, claimed to be concerned with the morality of the community the marriages often lasted for many years (and some may never have been prosecuted). The language of community, and the understanding of how individual marriages could undermine not just the morality of those involved, but also of their relations and neighbours, was much stronger than the will to actually separate married couples. Such a discrepancy is not altogether surprising, but it does indicate that incestuous transgression was not something which the ecclesiastical authorities viewed as so morally problematic that it had to be eliminated at all costs. Like Archbishop Tillotson in the story which inspired

Walpole's *Mysterious Mother*, it appears that the church did not see the benefit of punishing such marriages in most cases. That the ecclesiastical authorities were willing to collaborate with couples who wished to use the degrees of marriage as a legal loophole through which to obtain a divorce, indicates a pragmatism in dealing with incest. Despite the language of gossip and rumour within the community, and the church's own use of words such as 'scandal' and 'fame', other considerations were more significant than the dissolution of families. Just as the 'common talk' positioned these couples in a social setting which saw illegal marriage within their midst as worthy of discussion, the flexibility of its prosecution reveals the importance of community in building an idea of marriage and the limits of familial attachment.

4. Conclusion

It might seem that it is a given that the consistory court reacted to cases in ways which were thought to reflect upon the wider community. There were undoubtedly cases which were tried by the ecclesiastical courts which did not involve incest or illegal marriage, but in which community values were implicated. Incest and incestuous marriage however, were unique in that one might have expected them to be purely matters of familial propriety, which would not primarily be thought to have an impact upon the wider community. However, the community became involved in the dissolution of these marriages, and expressed strong, although sometimes conflicting, interest in the relationships which created these marriages. Community was also a factor in the importance of kinship. Ties between families were thought to create connections which created communities which in turn strengthened societies. The notional alliance between an heiress and her cousin combined the ideal of affective marriages with a conception of the family which guaranteed the maintenance and transmission of wealth.

Ideas of alliance and inheritance in this period were positioned at the heart of a family which was affective as well as instrumental. By giving the kinship group a position in ideas about the transmission of property, eighteenth-century society created a problem which positioned close kin alliance in direct conflict with ideas of appropriate affectivity. On the one hand there was a proliferation of relations which, according to the ecclesiastical canons, were prohibited to marry, while on the other there was a distinct need to retain wealth and authority within the kinship group. So in such a system, how can property and social prerogatives remain concentrated within the kin without violating the boundaries of prohibited marriage?

By locating both affectivity and alliance within the family the system of kinship which operated in this period created a problem which mirrors the paradox which arose in the analysis of the double incest story. Where that story raised the issue of a fundamental contradiction at the core of parental and patriarchal authority, the texts under consideration in this chapter reveal an inconsistency inherent in contemporary notions of family life. While the ideal of spreading social relationships in order to create alliances across families rather than within them worked easily alongside ecclesiastical marital restrictions, the transmission of wealth benefited from close kin alliances. The location of affect within family relationships made the second option an attractive one. Those who married within the realm of close kin were logically fulfilling the outcome of a system of alliance which placed the family at the heart of affective relations, and then outlawed marriage within these limits. The other type of incest which was tried in London courts in the eighteenth century did not raise questions of kinship and alliance but rather dealt with the abuse of authority. It is these that are the subject of the final chapter.

Chapter 7

Incest in the Old Bailey: paternal responsibility and the abuse of familial authority

So far this thesis has mostly focussed upon incest which was either consenting or unknowing, and there has been very little discussion of familial sexual relationships which were coercive. Except for a few examples, the stories and cases of incest have involved questions unrelated to concerns of sexual abuse. The double incest story, the biblical and classical stories, and the range of legal material, all addressed incest which had little to do with modern ideas of coercion and familial sexual abuse. This reflects the ways in which incest was understood in the period, and the contexts in which it arose. To some extent the lack of a specific statutory prohibition of incest, as well as the hidden nature of the crime, meant that the bulk of the discussions of incest came from other cultural contexts. Even where they were the product of prosecutions, these were usually for incestuous marriage which was also very different from modern secularized and sexualized understandings of this transgression. The final chapter of this thesis will now turn to a form of incest which has much more in common with the violation as understood in modern legal and social discourse; but even here, the meanings and understandings will be shown to be historically specific.

One of the moments which was brought to the fore when the double incest tale was retold in the eighteenth century was the mother's attempt to prevent the marriage between her son and the daughter that had been born of the original incest.¹ Several versions of the story made this a pivotal moment. In these

¹ see Chapter 2, pp. 44ff.

interpretations the mother was given an opportunity to influence her son's decision. In her endeavors to avert them from their plan, she variously requests, pleads, and commands that the son call off his plans to marry his own sister, but does so without revealing the truth. The dispute between mother and son was framed in terms of a debate over the individual's rights versus familial obligation. The son claims the right to choose his own spouse while the mother either requests or demands the parental privilege to influence or even arrange a suitable partner. That his choice of partner was already both his daughter and his sister focussed the problem squarely within the family.

When the son and mother in the double incest story engaged in this power struggle they were playing out a prominent eighteenth-century concern about who had the legitimate authority to make decisions about matrimonial choice. This was the subject of a broad ranging discourse, in which parents and children vied for power. A contention over relative familial and personal authority, it was also about the types of strategic choices which were the focus of the previous chapter. The decision about marriage partners often had much to do with the transmission of property, and as such was an issue which involved entire families rather than just individuals. Strategies of alliance through marriage became the subject of parliamentary debate and when Hardwicke's Marriage Act was passed in 1753 parental consent for the marriage of a minor became statutory.² Concern among society's upper orders about the possibility that their daughters could be lured into marriages which would be damaging to the position of the family was evident among the advocates of Hardwicke's bill. The need for parental control in these types of situations, in which children were thought to be likely to make unsatisfactory decisions based upon affect rather than familial responsibility, was

² L. Stone, *Road to Divorce: England, 1530–1987* (Oxford, 1990), p. 124.

legally asserted by the men who passed this bill. This was a strict assertion of parental, and specifically paternal, claims to authority over their children.³

Outside this legislative arena, however, there was a parallel and opposing discourse which emphasized the rights of children to have some influence in the decision regarding their marriage partner, and disputes between parents and children were apparently on the rise.⁴ While Hardwicke's act did not prevent this, its strongly patriarchal view of the process of choosing a partner gave the parent primary control over the decision. The language of cultural, as opposed to legal, discussion of marriage and choice emphasized the damage that a parent could do when trying to force a child into an unwanted attachment. 'Parental Tyranny', a cautionary tale published in the *Bon Ton Magazine* is an example of this argument against coercion. Emilia, a young woman, who was in love with a man of her own age, was forced by her parents to marry a much older, wealthy neighbour. She 'suffered herself to be forced' into this arrangement, and this 'fair victim of parental authority' was taken by her parents and bridegroom to the church 'as privately as possible'.⁵ As the newly and unhappily married young woman left the church after the wedding she saw her young lover, the man whom she had wished to marry. The shock of seeing him sent her into a downward spiral of fits and convulsions, and after nine days she 'expired a virgin bride, the melancholy victim of Parental Tyranny, and the cruel tortures of ill-fated Love.'

A similar tale in the *Rambler's Magazine* called 'The Tyrannic Father' told of young woman named Julia, whose father had betrothed her to Lord Manly, 'a vain, supercilious wretch, who had wasted all his estate in the gaming house'. She was not as acquiescent as Emilia and pleaded with her 'cruel, inexorable father ... not to sacrifice his daughter; for that she could never love Lord Manly sufficiently

³ D. Lemmings, 'Marriage and the Law in the Eighteenth Century: Hardwicke's Marriage Act of 1753', *Historical Journal* 39 (1996), p. 341.

⁴ J. R. Gillis, 'Conjugal Settlements: Resort of Clandestine and Common Law Marriage in England and Wales, 1650–1850' in J. Bossy (ed.), *Disputes and Settlements: Law and Human Relations in the West* (Cambridge, 1983), pp. 261–286.

⁵ *Bon Ton Magazine*, (1794) vol. 4, p. 264.

to make him her husband'.⁶ He was unwilling to give in to his daughter's pleas and commanded that she marry the man regardless of her objections. However, Julia's fate was far more positive than Emilia's. Julia's beloved Captain Trueman interrupted the wedding and forced Manly to bow out by right of the £1,000 owed to Trueman by Manly. The stubborn father's plans were in the end only frustrated by the intervention of Julia's gallant. It is notable that this young woman was saved not by parental compassion and that her fate was decided through the discharge of a gambling debt.

These sentimental stories were a warning to parents against subjecting their children to marriages against their will. The obvious message was that children be allowed to choose their own matrimonial partners, and to command them to do otherwise was to invite disaster. The individual will and desire was given priority, and the parents' wishes were reduced to the status of avaricious demands which ignored the well-being of their offspring.⁷ Parental responsibility was wholly corrupted by greed. Marriages which were undertaken purely for material concerns were a social danger, and the main interest in such alliances was presented as coming from the parents. The character of the father in the latter of these stories was described as 'positive, tenacious', terms which were wholly negative in this context. By defining the parents as greedy and willing to sacrifice their daughter for financial gain, these stories denied that there could be other motives for parental supervision of matrimonial choice. In doing so they elevated personal choice over such base considerations. Parents who were driven by financial interests were vilified and labelled as tyrannous. The language used in the first – 'parental authority' – is notable for how it overturns the notion of authority which was seen as beneficial in most considerations of parental roles in society.

⁶ *Rambler's Magazine; or, the Annals of Gallantry, Glee, Pleasure and the Bon Ton*, vol. 6 (1788), p. 149.

⁷ J. Fliegelman, *Prodigals and Pilgrims: The American Revolution against Patriarchal Authority, 1750–1800* (Cambridge, 1982), p. 4.

Authority was in most cases the prerogative of parents and their ultimate duty to both their family and society. Children were expected to obey parents, and to follow parental guidance. As the author of one late eighteenth-century epistolary advice book wrote ‘There is no ... advice which seems to come with more peculiar propriety from parents to children, than that which respects the marriage state ... At the same time, it is found to be that in which advice produces the least effect.’⁸ Children who disobeyed parental authority were often described as ‘unnatural’. These stories of parents abusing their power overturned that idea, and showed the autocratic side of the absolute authority which parents were said to possess. These highly sentimentalized stories provide a view of the way in which familial authority was understood. On the one hand the parental permission aspects of Hardwick’s Act demonstrate the patriarchal desire for control, but these stories demonstrate the importance of allowing for individual choice. The negotiation of this balance, which had to be seen in light of increasingly significant subjective considerations, gave rise to a discourse which helped to shape the way in which this subject was understood. The family, in which this balance was primarily negotiated, was one of the primary focuses of this discourse.

These stories are also notable for their consistent use of women as the victims of unreasonable parental demands. The daughters in these stories were acquiescent, and gave in to the will of their parents. The ability of a daughter to avoid the fate of an unwanted marriage was much less than that of a son, but that daughters were the subject of these stories relates this perceived problem to the concerns which led to the inclusion of provision for parental consent in Hardwicke’s act. In both of these stories the women were the victims of parents who hope to increase their own wealth through the marriage of their daughter. The need for parental control arose from the perception that daughters’ marital choices

⁸ J. Aiken, *Letters from a Father to his Son, on Various Topics, Relative to Literature and the Conduct of Life* (1793), p. 330.

could influence the social position of the family in society, but in these stories this realization was destructive to the family. Parents who demanded that their daughters marry in order to bring wealth into the family allowed greed to overwhelm their parental concern.

In light of this it is not surprising that the problem of how families negotiate decisions in regard to the marriage of their daughters was emphasized by conduct literature which dealt with the issue of filial obligation and marriage. This problem, which occupied writers throughout the century, highlights for historians how central marriage was for the way in which society was conceptually and socially structured. When individuals broke away from the family of the patriarch to form new familial entities the moment of choice was emphasized and the parental role in that decision was reiterated repeatedly. Not all writers took the side of the oppressed daughter. Instead of placing a burden of tractability upon parents *The Whole Duty of a Woman*, published in 1737, emphasized the need for parental involvement in the decision about marriage partners. Where stories of parental tyranny considered the importance of individual choice and conjugal affect, this work expected daughters to seek parental consent for their marriage partners. Not do so 'is one of the highest injuries they can do their Parents, who have such a native Right in them that 'tis no less an Injustice than Disobedience to dispose of themselves'.⁹ The obligation which was stressed by this author rested with the child rather than the parent. The daughter was naturally beholden to her parents, and to chose a partner without their consent was a defiance of her natural responsibility to her parents. This was significantly different from the stories which placed an emphasis upon parental resignation and flexibility.

Stories which highlighted parental cruelty over filial disobedience served a dual purpose. First, they portrayed what was understood to be the possible danger in the exercise of a theoretically sanctioned patriarchal and parental authority.

⁹ *The Whole Duty of a Woman, or, an Infallible Guide to the Fair Sex* (1737), p. 82.

Second they portrayed a contested realm of familial authority and control, in which individuals sought to control central decisions in conflict with obligation to a corporative familial ideal. This reflects a struggle between the individual and the social. In these stories parental control is portrayed as potentially damaging and dangerous, whereas affective marriages – in the form of the ideal partner, a figure in both stories – were upheld as the acknowledged ideal. While in these stories the parental villain is destructive and filial acquiescence is regrettable but necessary, in some advice literature of the same period children were recommended to disobey their parents in such a circumstance. Much of this literature found it impossible to authorize filial refractoriness in all but the most extreme cases. Disobedience of any kind had to be very carefully handled so as not to become defiance or rebellion. As such, authors concerned with this problem sought to try to draw lines around the points at which a child could legitimately disobey a parent's orders. In doing so they aimed to provide guidelines on how to express disagreement with parents about a suitable marriage partner. Despite the danger which unchecked parental authority could pose, a heavy burden rested upon the child who would disobey the dictates of their parents.

The anxiety about filial disobedience was strong, and children were thought to be constantly resisting parental control, a situation which had dire outcomes. The author of *The Path-Way to Perfection* clearly viewed the parent–child relationship as one which should be governed by submission on the part of children. His reference to the biblical way of dealing with disobedience makes it clear that he thought things were out of control: ‘This unnatural Sin of Disobedience to parents, was by the Law of Moses Punishable by Death, *Deut.* 21.19 but if Fathers and Mothers now a days should be so severe with their Children; Oh what great numbers would make themselves Childless thereby.’¹⁰ The author almost appears to lament the passing of the stringent biblical punishments for filial disobedience,

¹⁰ J. S., *The Path-Way to Perfection: Shewing the Duty of Children to their Parents* (1698), p. 3.

which allowed parents the ultimate penalty for such disrespect. This was the other side of the story. Children's obligations to their parents required unwavering concern for their demands.

Despite the caution about the possibility of parental authority being overwhelming it was nevertheless necessary that children maintained filial respect even when the parent was making excessive or outrageous demands. Even writers who agreed with Filmer's patriarchal structure of authority allowed an outlet for children's grievances when the authority commanded something which the child could not morally sanction. The advice given by Matthew Henry Cook in his family conduct manual was a prime example. He invoked God in recommending filial obedience, who 'to shew us how necessary it is to obey our parents, calls himself the Father, and from that relation calls our obedience likewise.'¹¹ The ultimate authority comes from God, and the arrangement of the relationship between God and humanity was a clear indication of the parallel arrangement in families. However, Cooke allowed for cases in which it was possible or even necessary to disobey parents. Such situations arose when a parent demanded something illegal or immoral of a child. It was not only thought to be right but obligatory that the child disobey his parents, but such defiance should not be undertaken lightly. 'When we disobey in such cases, we must do it with great modesty and tenderness ... for, even in a righteous cause, the language of the children must be humble to their parents.' Disobedience could easily lead to rebelliousness and so must be done with the utmost respect.

It is in these terms that children were advised to deal with the problem of a parental command to marry someone unsuitable. When 'parents offer to their children what they cannot possibly like, and what all considerate people cannot but disapprove ... children may refuse; and if their refusal be made with decency

¹¹ M. Cooke, *The Newst and Most Complete Whole Duty of Man, or Every Christian's Family Companion* (1773), p. 136.

and humility, that it will not fall under the head of sinful disobedience.’¹² Refusal may on some occasions be necessitated by a parent’s demands, but the offspring who disobeyed must make themselves subservient to a morality which was higher than that of their parents, and so must never defy without displaying the humility of an obedient child. When justly executed parental authority was still a paramount good, but the recognition that it could be dangerous when unjustifiable left room for legitimate disobedience. However, this too could have dire outcomes in a society which understood itself to be based upon the obedience of children to their parents. Any disagreement with a parent’s demands must only be undertaken in extreme circumstances and then only with the undiminished respect for both the parent and the social ideal of the hierarchical family.

1. Tyrannical fathers: the dangers of overwhelming patriarchy

Even in cases when the focus shifted from the obedience children owed parents to the parent’s responsibility to be respectful of their children’s affective desires, the emphasis upon authority remained. The child who disobeyed parents – even in what was viewed as a situation which warranted it, the demand to marry an unsuitable husband – must not threaten defiance or rebellion. Words such as humility, respect and decency were used to describe the way a child was expected behave in such a situation. Although the authors of these stories and tracts were able to condone disobedience in specific situations, children must never take a defiant attitude that could threaten the stability of the family. Relationships of authority were expected to be respected at all costs. The daughter in a story of parental cruelty from the end of the eighteenth century exemplified the way in which children were expected to deal with such parents. Ann Jones’s words to her father are a prime example of the way in which a child imploring a parent to be merciful was expected to behave. ‘I am ever, and am still ready to obey you but to

¹² *Ibid.*, p. 137.

this I can never consent, which is odious and aggravating'.¹³ Ann, although unyieldingly set against her father's wishes was portrayed as having presented her desires in almost obsequious language. As with the marriages proposed and forced upon their daughters in 'Parental Tyranny' and 'The Tyrannic Father' the father's demands were presented as unreasonable. However, Ann's father was not 'tyrannic' as in the appellation given the father in the earlier stories. He was instead, in the title of the work in which their story appears, a 'lustful' father; his demands were not for his daughter to marry someone against her will, but to give in to his sexual advances and allow him to treat her as his wife.

This story appeared in a chapbook published in London around 1780. Richard Jones was 'a man of great substance, who ha[d] sometime since buried his wife'. Before she had died his wife had given birth to their daughter, Ann – a 'beautiful and well educated' girl. In the absence of his wife his sexual desire was displaced onto his daughter, and he demanded gratification from her. Even in this extreme situation the daughter was presented as having calmly reasoned with her father. She strongly rebuked his demands, but did so only after affirming her enduring obedience. The delicate balance of the ideal patriarchal family required filial duty as much as it demanded benevolent parental control. The father may have been unnatural and lustful, but he was still the head of the household, and members of the family were required to accede to his authority. Incest was not a natural outcome of his position in the household, but an abuse of his proper role. Nevertheless the daughter was expected to behave deferentially. This story was not sanctioning incest by any means, but it is notable that the patriarchal relationship was affirmed despite his extreme demands. This was because any disobedience, even when virtuous, could be thought to undermine patriarchal order. Anne carried out her responsibility to resist an immoral request from her

¹³ *The Lustful Father: or, God's Judgement Upon Incest* (1799?), pp. 2–3.

father, with the ‘decency and humility’ recommended by the conduct book discussed above.

Despite his desires, and violation of parental and sexual morality, Ann still owed her father obedience, and was expected to underline her refusal to submit with a reaffirmation of this obedience. What is notable was that even in light of his behaviour the daughter was still required to maintain her fealty. The reassertion of parental authority was necessary, but Richard Jones’s demands were presented in a very similar fashion to the parents who made unreasonable marriage demands. Both were unnatural in their treatment of their children. In the story of Emilia’s marriage her parents were blamed for her death by forcing this marriage upon her, while Julia’s father was called ‘cruel and inexorable’. Richard Jones by comparison was described with the words ‘wicked’ and ‘lustful’. In all of these stories the parents were misusing their parental and patriarchal authority. The incestuous father was not presented as drastically different from the parents in the earlier stories. This does not mean that his incestuous desire was an unimportant transgression, but that it was viewed as a similar violation to that committed by these parents who forced their children into unwanted marriages. In other words, both were significant abuses of parental authority. The acquiescence of the daughters, or the humble requests with which they attempted to dissuade their parents, meant that the misuse of power did not also become an assault upon the familial order. Like many other stories of incest, the actions of both Richard Jones and his daughter, highlight the necessity of maintaining the patriarchal order within the family, even in extreme circumstances.

This exceptional situation began with the death of Ann’s mother; part of Richard Jones’s persuasion of his daughter was to say that ‘he would never remarry while she was alive, and when he died, he would leave her all that he had’.¹⁴ The father attempted to gain his daughter’s agreement to a sexual

¹⁴*Ibid.*, p. 2.

relationship by promising to protect her position in the family while he was alive and to guarantee her inheritance when he died. He used these aspects of familial belonging in order to convince his daughter that she should give in to his advances. Like the mother in the version of the double incest tale who vowed to protect her son's inheritance by never remarrying, Jones offered the same deal to his daughter, but the condition made his aim sinister, rather than loving. In the end Richard gave up on his attempts to persuade his daughter to take the place of his wife and raped her. Ultimately the father's abuse of authority had implications beyond the relationship between him and his daughter. She conceived a child by him and the story resolved itself with the birth of a monstrous child, who died along with its mother and father/grandfather in the tragic and moralistic conclusion.¹⁵

Parental restraint was required for the success of the familial ideal, but when this broke down it was up to the children to behave in such a way as to not seem rebellious when resisting their parents wishes. Such necessary restraint was applied regardless of the parents demands. That there was little difference in the portrayal of these things is significant for two reasons. First, it demonstrates the lack of specific concern with the crime of incest, even when it involves parental violence. The story involved rape, rather than a situation in which the sexual relationship was either consensual or unknowing. In light of this contemporary understanding, incest in these stories – and the court cases which the chapter will go on to discuss – provided a way of investigating issues which related to familial stability and authority. Whilst earlier chapters have discussed the problem of authority which is overturned or subverted through the inversion of natural roles within the family, here the thesis is investigating the limits of authority and responsibility in the patriarchal ideal. Patriarchy, which has so far been shown to

¹⁵ In addition to being badly deformed, the son born of Richard and Ann Jones's incest had blue writing on his chest which read 'Mother I am your Son and Brother' and underneath these 'Father the Lord will punish you'. These were very similar to the words used in the incest ballad *The Guernsey Garland*. See chapter 5, p. 153.

have unstable foundations because of its reliance on the ideal family, was threatened by the very attribute which was supposed to make it unwavering. The absolute nature of patriarchy was itself a problem when the patriarch was unreliable. Parents who forced their daughters into unwanted marriages, and those who sexually abused their daughters were not a reliable basis upon which to build a structure of authority. Fathers who transgressed the ideals which made families viable are the heart of this problem. This was always an abuse of patriarchal prerogatives upon which not only individual happiness and familial order, but the entire fabric of society, was thought to rest.

The methodology of this chapter, which has been discussed in the introduction, combines the use of imaginative productions and actual cases of incest from contemporary criminal courts. Because, as William Blackstone lamented, the temporal courts did not involve themselves in marriage considerations, and incest was primarily defined by biblical marital regulations, there was no statute law by which the temporal courts could punish incest. Because of the legal situation, indictments rarely mentioned the relationship between the perpetrator and his victim. The cases in which it arose in these courts were prosecutions for other crimes, usually rape or infanticide. This can be demonstrated by an examination of the language used in the indictments of men who were accused of raping their daughters. When Job Wells was brought before the Hertford summer Assizes in 1753 the indictment read ‘he the said Job Wells with force & arms ... against the will of the said Maria then & there violently and feloniously did ravish and carnally know’.¹⁶ No mention was made in the indictment itself that she was his daughter. When Philip Sherwin was accused of the rape of his daughter, the indictment again did not indicate their relationship.¹⁷ Even in *Old Bailey Sessions Papers* the opening of the case stated only that he was ‘indicted for a rape upon the body of Mary Sherwin, spinster’.¹⁸ Without

¹⁶ Public Record Office [PRO], ASSI 35/193/4 (1753).

¹⁷ London Metropolitan Archives [LMA], Old Bailey Sessions Rolls OB/SR.185, 13 January 1779.

¹⁸ *Old Bailey Sessions Papers* [OBSP], 13 Jan 1779, no. II, pt III, #129.

reading further the reader did not know the relationship between the indicted man and his victim.

The *London Evening Post*, which published an account of Philip Sherwin's trial did make it clear from the outset that this was a case of incest. This detail was provided at the beginning of the article, and it is clear that this aspect of the case made it newsworthy. The legal situation meant that it was rape, not the incest, for which Sherwin was on trial.¹⁹ The case itself and the report in the *Sessions Papers* also addressed the incest as an aspect of the details of the event. It was not however universally true that indictments ignored the relationship between the perpetrator and the victim. One case in the Assize records stated that Thomas Harris made 'Assault upon Ann Harris spinster the daughter of him the said Thomas'.²⁰ However, this detail was not wholly necessary to the case, and in the majority of causes which involved incest there was no mention of it in the actual indictment.

The lack of statute law which would allow the prosecution of incest was lamented by judges and legal representatives. The *Times* reported on a case which had been prosecuted in Ireland against a Mr. Robert Parsivol, who was tried for a violent assault on his daughter in Dublin in 1785. The prosecutor for the crown, the *Times* reported, told the court he was 'unhappy, that the indictment was laid only for the assault: he wish it had been so laid, as that prisoner ... might suffer the punishment justly due to his superlative enormity'.²¹ The crime for which the counsellor wanted to be able to prosecute the father was incestuous congress with his daughter, but no law existed under which he could do so. Using similar language to Blackstone's when he lamented the lack of severity in the legal punishments for incest, this report of the trial showed a prosecutor critically evaluating the possibilities for penalizing someone who was accused of incest.

¹⁹ *London Evening Post*, 12–15 December 1778, #8853.

²⁰ PRO, ASSI 5/97/1 (1759).

²¹ *The Times*, 20 April 1785, p. 3.

In a case of incestuous adultery that saw the light in a criminal conversation trial heard by Chief Justice Lord Kenyon at Westminster Hall in February of 1793, the issue of the prosecution of incest was brought up several times. The counsel for the defendant argued that the point of the criminal conversation case was not ‘to punish the defendant criminally for any crime or any offense’.²² This minor cause célèbre was a civil trial brought by a Captain Charles Colin Campbell against his wife’s Uncle, Major Archibald Hook, for adultery with Campbell’s wife.²³ In this trial and the divorce case which followed – reported in the *Times* and also reproduced in several scandal journals of the time – Hook and Harriet Campbell (his sister’s daughter) were accused of carrying on an incestuous sexual relationship. In one account of the divorce trial, which occurred three years after the criminal conversation suit, the author commented that ‘the crime of incest has not concern in the present proceedings, the cause only involving an accusation of adultery against Mrs. Campbell, without the least regard to the consanguinity between her and Mr. Hook’.²⁴ However, despite the lack of legal interest in the incest, it was thought to play a role in helping to decide the facts of the case. So although it was not legally at issue, it did have a bearing on the case. In the words of the report on the divorce, it was necessary to

exclude the consideration of incest ... except where it may be necessary to introduce the mention of it, with a view toward determining the probability either of a conspiracy of Mr. Campbell against his wife and her uncle, or of real guilt on the part of the lady.

²² *The Cuckold’s Chronicle: Being Select Trials for Adultery, Incest, Imbecility, Ravishment, &c.* (1793), vol. 1, p. 183.

²³ As with many divorces among the upper ranks of society, the suit for criminal conversation was the first step in proving that a spouse had been unfaithful. This suit was heard by Lord Kenyon and a special jury at Westminster on 26 February 1793, and was briefly mentioned in the Law Report in *The Times* on the following day, *The Cuckold’s Chronicle* and the *Bon Ton Magazine* both retold the story in the same year, the latter with more scandalized amusement. The divorce trial took place in February and March of 1796 and was also covered by the *Times*, 17 Feb. 1796, p. 3; 30 Aug. 1796, p. 3; and again when a self-defence was published by Harriet Campbell on 20 Sep. 1798, p. 3. An account of the divorce appeared in R. Gill, *A New and Complete Collection of the Most Remarkable Trials for Adultery* (1802), pp. 1–31.

²⁴ Gill, *A New and Complete Collection*, p. 9.

In other words, the accusation of incest could have been a significant factor in determining guilt or innocence. Incest, although not the subject of the case, was thought to provide evidence about the truth of the accusation. How this worked was left unclear, but it appears that the incest was expected to provide jurors with information about the believability of the events around which the trial revolved. Does the fact that it was a relationship between a man and his niece make it more or less believable?

Hook himself used the fact that their relationship would have been incestuous as a means of arguing his innocence. In his self-defense, which was published after the jury had found in favour of the plaintiff and ordered Hook to pay £3,000, Hook argued that ‘it would require very consistent, correct and credible testimony to establish the belief of a story so singular and improbable’.²⁵ Because the accusation was for incest, rather than just adultery, Hook argued that the proof had to be greater. A letter written by Hannah More in the same year as this criminal conversation trial made a similar argument about a more famous case. Referring to the trial of Marie Antoinette she wrote, ‘and as to the accusation respecting [incest with] her poor child, it is so diabolical, that if they had studied an invention on purpose to whitewash her from every charge, they could not have done it more effectually’.²⁶ The idea of incestuous commerce, in this case between a queen and her son, was for More so absurd an accusation that its inclusion in the indictment absolved Marie Antoinette of all of the charges against her. This was obviously a monarchist and anti-revolutionary comment on More’s part, but her conclusion appears to be the same as that which Hook argued. The incest could provide

²⁵ *The Cuckold's Chronicle*, vol. 1, p. 259.

²⁶ W. Roberts (ed.), *Memoirs of the Life and Correspondence of Mrs. Hannah More*, 2nd edn (1834), vol 2, p. 385 (letter dated Nov. 1793). See *A Full True, and Most Authentic Account of the Trial, Condemnation, and Execution of the Unfortunate Queen of France* (1793) pp. 3–4 for a similar reaction to the charge.

evidence of innocence since an accusation of the sort made against him was so far fetched.²⁷

The legal status of incest as unrecognized by the statute law of England went beyond legal theory as discussed earlier in the chapter, and also extended further than the indictments which made no mention of the relationship between the defendant and victim. Its lack was commented upon and used by both prosecutors and defenders of individuals involved in cases in which incest was a factor but could not be part of the trial. The counsellors who mention the inability to prosecute for incestuous behaviour were aware that the law restricted the ways in which these men could be tried for their crime, but there was also an element of lawyerly argumentation in evidence here. The counsel for the plaintiff in *Campbell versus Hook*, the famous eighteenth-century adultery lawyer Thomas Erskine, began the suit by stating to Lord Kenyon and the jury that he did ‘not know any situation more unpleasant, that when it falls to the lot of an advocate to state transactions which bring a reproach upon human nature itself’.²⁸ Incest was used as part of these cases, although not ultimately the centre of the prosecution, to influence the minds of the juries. In the Dublin case the prosecuting counsellor used the father’s abominable behaviour as a means by which to emphasize his cruelty in order to secure a conviction.

The legal status of incest confined it to the peripheries of the case, but did not prevent it from being a factor in the prosecution. It was however used to emphasize depravity and lack of attention to parental and paternal responsibility, not as a crime itself. This position gave incest a somewhat ambiguous status in that was an abhorrent act which demonstrated a lack of fatherly affection for the

²⁷ The accusation of incest was sometimes used in pamphlets to libel political leaders. The Jacobite tract *To a Thing they Call the Prince of Wales* (1718), p. 7 defamed the Prince by saying ‘thy Wife, was with Child by her own Brother’. The implication of lack of control over the family was evidence of his unfitness to rule.

²⁸ *The Cuckold’s Chronicle*, vol. 1, p. 175. For a discussion of the role of Kenyon and Erskine in the rise of crim. con. trials in the 1780s and 90s see L. Stone *The Road to Divorce: England, 1530–1987* (Oxford, 1990), pp. 273–77.

victim, but was nevertheless beside the central issue of the trial. It could be argued that this demonstrates that incest was popularly understood as nefarious, and the law was out of step with the popular perception, but this was only part of the story. The role it played in the trials of Parsivol and Hook indicates that incest could occupy a position in which it was both horrifying and borderline. In Hannah More's evaluation of the accusations against the Queen of France, the idea that she could have an incestuous relationship with the Dauphin was so ridiculous that it was evidence of the corrupt nature of all of the charges against her. By the same token the incest in the Hook case was thought to play a role in the determination of guilt. This situation, in which incest was unable to be tried directly but was thought to have an almost portentous truth-telling role, was a direct result of the cultural attitude toward the incestuous transgression in general. The contradictions which arose out of this dual position were what allowed incest to do the cultural work that it was made to do. That it could perform the function of a test which had the power to reveal underlying problems was a function of its ability to address familial problems and reveal the underlying issues beneath familial belonging.

Incest, however, was not always seen as surprising and unbelievable. Frances Cook, a London midwife was very quick to come to the conclusion that the infant in a 1733 case of infanticide was the offspring of incest between a father and daughter. She testified at the Old Bailey trial of Mary Doe for the infanticide of her 'Male Bastard Infant, by strangling and choaking it with both her hands', that she did not hesitate to tell Doe's father that she thought he was 'he was Father to the Child, as well as Grandfather'. She made this conclusion based upon the man's behaviour toward her and his daughter. Her testimony, and that of other members of the community in which the Doe family lived provides an insight, albeit mediated by the court, into the difficult situation in which this family found itself. That he committed incest with his daughter appears to have been generally accepted by everyone involved. In the cases mentioned above the accusations

were understood to be difficult to believe, but here it almost seems to be a foregone conclusion that the man had been sexually involved with his daughter and murdered their child. Speculatively, the difference here may be a product of the relative social status of the participants. The Doe family was clearly from the lower echelons of society's ranks. While it was profoundly difficult to imagine Marie Antoinette debasing her own son it was not such a leap of imagination to contemplate the possibility of a man from the lower ranks of society abusing his familial authority.

The report of Mary Doe's trial is an excellent example of how careful reading of individual causes takes seriously the difficult situations in which members of these families found themselves and the specific concerns of those involved. The midwife's testimony painted a picture of a young woman who was in a state of distress, and trying to reconcile her situation in her own mind:

I was sent for to the Prisoner, and found she had been delivered of a Child. She said, something (she knew not what) was come from her, but it was no Child. I ask'd her, what she did with that which came from her? she said she did not know where it was. I told her ... I was sure she had had a child ... she confess'd that it was a Man Child; but said it was born dead, and that her Father took it from her.²⁹

Later in the testimony an acquaintance of the family, Susan Glover, described her shock when she heard about Mary Doe's 'having had a Child; I talk'd with her about it—she complain'd of her Father for deluding her, and said she had indeed had a Child, but that her Father took it from her, and she did not see it more'. Over the course of the testimony given by the various deponents, Mary Doe's story about the birth changed as her own understanding of the events was reconciled with that of those around her.³⁰ She first denied having given birth and then

²⁹ *OBSP*, October 1733, vol. 1, pp. 10-11.

³⁰ Lyndal Roper's analysis of the changing stories which Appolonia Mayr tells during her witchcraft trial is an excellent example of a reading which examines the court records as texts

slowly modified her story until she openly blamed her father for the deception. Both textual, by the very nature of its being recorded and published, and based in actual events, the story told by Mary Doe was worked out in relation to the expectations of the midwife, other members of the household, and the court in which she was tried and finally acquitted. Her attempts to deal with a difficult situation reveal a course of events which were by no means initially clear. Reading the text of the account of this family, the conception of the child, and its subsequent death makes this abundantly clear. Treating this account of an actual occurrence as a text in no way lessens the impact of this story, or mitigates the suffering of a confused and mistreated young woman.³¹

This case also demonstrates how complicated the meanings and interpretations of incest were in this period. Incest was a violation of the family which was often portrayed as being part of a series of crimes of which a father could be guilty. Mary Doe's father compounded the incest with his daughter with infanticide of the offspring of the incest. In his portrayal in the trial of his daughter – in which the evidence against him leads to her acquittal – he was referred to as 'wicked' and was generally understood to have sexually violated his daughter. The crime of infanticide was what brought the midwife to conclude that he was also guilty of the incest. The two crimes were connected, and together they painted a picture of a man whose very presence was destructive of familial order. In a society which placed such importance on the patriarchal head of household, men who violated their position in the family were exceptionally dangerous.

The Times' portrayal of Robert Parsivol which was discussed above explained how he treated his daughter badly in a series of incidents. 'After long soliciting her to submit to his unnatural desires, which she long repelled, at last took an opportunity and ravished her, this produced an illicit commerce, and she proving

while taking seriously the pain of the individual about whom she is writing; *Oedipus and The Devil: Witchcraft, Sexuality and Religion in Early Modern Europe* (1994), p. 1–3.

³¹ On interpreting the language used in rape narratives see G. Walker, 'Rereading Rape and Sexual Violence in Early Modern England', *Gender & History* 10 (April 1998), p. 4.

with child, her father turned her into the street'.³² He began with incest, was neglectful when she was pregnant and finally assaulted her when she asked for his help. Although the reader was not told in what manner the girl had attempted to prevent her father from sexually assaulting her, the solicitation and the girl's attempts to avoid his sexual advances over a long period of time are reminiscent of the trials through which Richard Jones put his daughter Ann in the story told above. There was a clear cultural intelligibility to such a narrative of abuse and seduction, which can be seen to provide an outlet for fears about patriarchal control. The fathers who seduced and raped their daughters in these stories were guilty of the unnatural crime of not caring for the wellbeing of their daughters. In their incestuous attacks, but also in their lack of concern which manifested in a variety of actions including expulsion, infanticide and physical violence, these men breached the social codes which regulated parental behaviour. Such disregard for familial order was a frequent way to portray the father whose transgressions were incestuous.

Another family in which the father did not provide benevolent patriarchal control and created a desperate situation illustrates this point very clearly. Matthias Brisden was accused of murdering his wife on 16 July 1722.³³ His attack occurred when she was breastfeeding, and the killing related directly to her maternal responsibilities. The breastfeeding of the infant prevented her from performing other household duties and this provoked Brisden into stabbing his wife in the breast. Brisden was found guilty of this brutal crime and sentenced to death. So, like the infanticide of Mary Doe's child by her father, Brisden's crime was a specific violation of his responsibility to his family. Rather than exhibiting concern for his wife and their infant child, he was thought to have killed his wife specifically because she was attending to her maternal duties rather than to him.

³² *The Times*, 21 April 1785, p. 3.

³³ See J. M. Beattie, *Crime and the Courts in England, 1660–1800* (Oxford, 1986), p. 100 for a discussion of reactions to murder within the family.

This was, however, not the only family crime that this man was thought to have been guilty of.

As with anyone sentenced to death at the Old Bailey at this time, an account of his life was published by the Ordinary of Newgate.³⁴ In this account, his confession on the scaffolding at Tyburn proclaimed his innocence, not of murdering his wife, but of another familial crime: incest with his daughter. According to the Ordinary's account, Brisden said 'that the World have spitefully given out, that I carnally and incestuously lay with my eldest Daughter.'³⁵ It was the rumours about this crime that he used his final gallows speech to attempt to address. R. Mawson, the editor of the *Weekly Journal* for whom Brisden had worked, also wrote an account which was concerned with the allegations of incest. Brisden had requested that Mawson help him to contradict the story that '*his eldest Daughter was with Child by him*'.³⁶ Mawson reported that the wife of a tailor, had begun this unfounded and libelous rumour. She admitted to this and begged Brisden's pardon publicly when confronted about spreading this rumour. Mawson also wrote that the murder 'revived the Story of him and his Daughter; and, as Stories seldom lose by carrying, by the Time he came to his Trial, it was reported; he had two or three Children by her, and that she was then big with another.'³⁷ His murder of his wife was seen by extension to confirm his guilt of the earlier accusation. This man, who had murdered his wife, was also thought to have violated boundaries of familial propriety by impregnating his daughter. The real crime revived the story of the slander and gave credit to the idea of a man for whom familial ties meant nothing.

Another story of familial violence was reported in the records of the summer 1789 assize hearings in Horsham. The subject of this case was Richard

³⁴ See P. Linebaugh, 'The Ordinary of Newgate and His Account' in J. S. Cockburn (ed.), *Crime in England 1550–1800*, pp. 246–269 for a discussion of using these as historical sources.

³⁵ *Select Trials in the Sessions-House in the Old-Bailey, for Murder, Robberies, Rapes Sodomy ...* (1742), vol 1, p. 249.

³⁶ *Ibid.*, vol. 1, p. 252. Italics in original

³⁷ *Ibid.*, vol. 1, p. 253.

Gracemark, of the parish of Ferring, near Littlehampton in Sussex. This particularly violent man described as a labourer was indicted and tried for two arsons and a knife attack. He was accused of committing these crimes on 29 April, when he had allegedly attempted to incinerate two houses, his own and that of a man named as James Martin. It was also Martin who Gracemark had tried to murder with a knife.³⁸ He was however acquitted of all of the charges.

On 2 September, a short time after his acquittal, Gracemark was arrested again. An article in the *Times* reported from Horsham that ‘a fellow was ... brought to our gaol, in every respect a disgrace to human nature’. The newspaper report expanded on the details of the case and in the process revealed a deeply violent man. The crimes described above for which he was acquitted (according to the correspondent, ‘through some misconception of the jury’) all took place on the same day that his daughter was married to James Martin. Gracemark had ‘lived in incest with his own daughter for upwards of fifteen years’, and upon her marriage ‘seems to have meditated revenge’. In addition to the incest, arson and attempted murder the article explained that ‘it is generally believed he was the means of putting an end to the existence of one or more of the children the ... unhappy daughter had by this unnatural father’. In the end he was arrested a second time because on 15 August he murdered his daughter and attempted suicide.³⁹

Although this story was obviously one of exceptional cruelty it was similar to many of the other cases of incest presented in this chapter. The incest was one of a series of offenses, each being part of a biography of criminal transgressions. The inhumanity of Richard Gracemark was expressed in the series of infractions which undermined the stability of this family over a period of many years. The incest created a pretense of familial existence but led to infanticide. When Jemima Martin attempted to escape the grasp of her violent father, he tried to murder her

³⁸ PRO ASSI 35/229/10 (1789).

³⁹ *The Times*, 2 September 1789, p. 3. The spelling of Gracemark which appears in the assize indictments has been adopted here, although the *Times* article gives the name as Grazemark.

husband and finally succeeded in killing her. The appalling circumstances of this family were a product of Richard Gracemark's violent nature, and his overwhelming abuse of his prerogatives. Incest was not a cause but an outcome; one among a series of violations which was a product of a single individual's brutality. Sexuality played little role in the understanding of their relationship; normative family behaviour was the issue which these stories were concerned. The marriage between Jemima and James Martin should have provided her with stability and security, but her father denied this possibility by attacking both her home and her husband.

Job Wells, whose indictment was mentioned above, was similarly accused of broad abuses of his authority within the family. The account of his trial and life which appeared in *The Cuckold's Chronicle* blamed him for the destruction of his family through brutish behaviour and sexual aggression. Although Wells was described as a someone who 'bore the character of an honest man with respect to his employment, [he was] much given to women, especially when he had been drinking, and then he was a downright brute'.⁴⁰ This man was not only responsible for the rape of his sixteen year old daughter, for the account explained how he was responsible for his wife's death a year before. She died 'in child-bed; and there was a strong report that he was the occasion, by forcibly going to bed to her the next day'.⁴¹ It is striking that the author views Wells's behaviour towards his wife as sexual aggression in a society in which there was no concept of rape within marriage. Such behaviour was further indication, if any was needed, of a patriarchy which had overstepped acceptable limits. Closely related to his later sexual brutality toward his daughter, Job Wells was thought to have been the cause of his wife's death. Although the rape of a daughter was a much clearer violation, he nevertheless allowed profligacy to overcome his natural concern for the mother of his children and subsequently his own offspring.

⁴⁰ *The Cuckold's Chronicle*, vol. 2, p. 173.

⁴¹ *Ibid.*, p.173.

Robert Parsivol, Richard Jones, Matthias Brisden, Richard Gracemack and Job Wells were all, in one fashion or another, accused of being destructive of familial bonds through their violent behaviour. In most of these cases their actions were both sexual and violent. Their family were victims of their unbridled brutality, and this ultimately amounted to an abuse of their patriarchal authority. The problem being addressed in these stories was the regulation of authority within the family. Where parental jurisdiction over offspring was said to be absolute – whether in theoretical terms or in actual practice; the daughter forced by her parents into an unsuitable marriage gave in because although by rights allowed to refuse her parents she was unable to overcome their control – the problem of how to regulate and control this authority arose. Parents who abused their rights, and used them for gratification of their personal whims were unable to provide the necessary moral guidance which was expected of them. The ideal stable and stabilizing family was not present in these stories. This lack was simultaneously a product of the situation in which many of these violated daughters found themselves, and the cause of social instability more generally.

Unlike the double incest story, the incest which occurred here was comprehensible. Whilst the double incest story was about pushing the normative familial order too far, the father–daughter sexuality here resulted from understandable and unremitting depravity. However, like those fictional tales, these cases provided a way of examining issues which were otherwise submerged beneath a naturalized sensibility about familial order and patriarchal control. The fathers in these stories revealed a structural problem inherent in a patriarchal system that relied upon such men. By highlighting marginal cases the publications in which they appeared broached unintelligible issues without bringing them into the mainstream. The extreme behaviour of these fathers made the problems which were addressed here both possible to contemplate and relegated the problem to the status of a peripheral issue having little bearing on core of the family. By looking

at the problems of patriarchy through these tales, it was possible to think about family life as in general living up to the ideal by placing the blame for any violation of authority on the bloodstained hands of a marginal group of violent males.

This lack of subjective control, in which a man allowed his impulses to take over and abandoned his parental and familial concerns, led to the destruction of families. The problems here were similar to those that arose when the mother permitted her sexuality to control her actions; a situation which in the double incest story also led to the destruction of the family. In both scenarios, the ordered and balanced family relationships were overwhelmed by impulses which were constantly called on to be held in check. When incestuous, the violation happened at the heart of the family, and was thus doubly destructive. While maternal incest revealed a concern about the overturning of authority, paternal incest was about an abuse of authority which was associated with violent behaviour more generally. The father who sexually assaulted his daughter was also generally represented as a violent and dissolute parent unable to use his authority responsibly. Fathers who were unable to control their violent natures were also helpless in the face of disorder within their own families, and this led to violations of familial propriety among other members of the household.⁴²

A popular pamphlet publication promulgating the story of a relationship between an uncle and a niece recounted the statement made by the representative of the prosecution. In this statement the speaker lamented the insecurity of an age in which familial relationships were no guarantee against violence:

What a Shudder must humane Nature receive, when it recollects there is
no Place where Security may be depended upon, but at the same Time

⁴² For a discussion of how the inability of the patriarch to control his family could have dire cultural and personal consequences see C. Herrup, *A House in Gross Disorder: Sex, Law and the 2nd Earl of Castlehaven* (New York, 1999), pp. 74–6.

Persons are baring their Doors from Thieves without, they are inclosing worse Enemies within: Nay, the nearest Ties of Kindred are no Security.⁴³

According to this writer the household should be a place of shelter where ties of kinship and blood relationships provide stability and security from the dangers which exist outside. However, often those within the confines of the household were even more dangerous than the 'Thieves without'. Like the other stories discussed so far this family was destroyed from within by the violence of its members. Elizabeth Jeffreys had lived with her uncle Joseph from the age of five, when he had retired to a house in Walthamstow after making an 'ample fortune' in trade. Since Joseph Jeffreys had no children, one of his brother's daughters had been chosen to live with him. As a member of his household she had the right to expect him to treat her as a benevolent and caring father. However, Elizabeth explained that at the age of sixteen her 'Uncle debauched her: That she lived in a continual State of Incest with him (having had two Miscarriages by him) till ... he slighted her in favour of another Woman'.⁴⁴

What appeared on the surface to have been a comfortable and stable family arrangement was debauched and incestuous; thus, the prosecutor's concern for 'Enemies within' and the lack of security provided by 'the nearest ties of Kindred'. In fact, it was not the uncle's incestuous relationship with his niece which was on trial, but rather his murder at the hands of John Swan, a servant who Elizabeth had hired to kill her uncle. So the danger from within was not a profligate parent figure who turned his niece into a kind of concubine and then abandoned her for another woman. It was instead a niece and servant who were ungrateful for the treatment they were given by a 'kind Master' and 'indulgent Father'. The incestuous relationship was never revealed during the trial. That she and her uncle had lived as husband and wife, and that the murder was revenge for his abandonment of her did not come out until Elizabeth Jeffreys confessed to the

⁴³ *The Trial at Large of John Swan and Elizabeth Jeffreys*, 2nd edn (1752), p. 4.

⁴⁴ *Ibid.*, reverse of title page.

murder. The revelation was part of her explanation behind her reasons for enticing Swan to murder her uncle. She said that the neglect she felt when her uncle became involved with another woman and his threats that he would disinherit her, were the motives for her arranging his murder.⁴⁵

The report of this trial placed the emphasis upon the debt owed to Joseph by his niece and servant. His sexual relationship with her played a lesser role in the story. The fact that the crime was committed by members of the household against its head was what made it noteworthy. This was petty treason and an attack on Joseph's ordered family rather than the retaliation of a niece who had been maltreated. The prosecutor used the language of obligation owed by a servant to a master and by a child to a parent figure. When the court examined the murder they were concerned with a reaction against authority, an ultimate disobedience. The incest did not arise until after the case was completed and Jeffreys had been sentenced to hang, and the issue around which the trial revolved was in one sense the opposite of the problem represented by incest. Much as Montesquieu was primarily concerned with the overturning of authority, rather than its abuse, this trial was about the rejection of familial order which occurred when Joseph Jeffreys was murdered.

This examination of certain forms and abuses of authority was the central concern of most of these cases and stories of incest. The cultural importance of the ordered household was reflected, as well as critiqued, through these stories of its breakdown. Joseph Jeffreys lost control of his household and was subsequently murdered. Parental control of familial order was very fragile, and could be broken not only by sexual abuse on the part of the father, but also by violations between

⁴⁵ Henry Fielding, who also wrote about this case saw it as a case of divine intervention. Swan was apprehended in by chance in London when he brandished pistols during a tavern quarrel, which eventually led to the suspicion of Elizabeth Jeffreys. For Fielding Jeffreys had, by the Murder of her uncle, 'taken out of the hand of God the punishment of a man, who, it must be confess'd, (if her own account of the murder be true) was very highly culpable'. *Examples of the Interposition of Providence in the Detection and Punishment of Murder* (1752), reprinted in *An Enquiry into the Causes of the Late Increase of Robbers and Related Writings*, M. R. Zirker (ed.) (Middletown, CT: 1988), pp. 213-4.

other family members. The relationship between Joseph Jeffreys and his niece was thought to mirror that of a father and daughter because he was the head of the household who had adopted his niece into his family. Abusive relationships which involved brothers and sisters were also possible, but these too reflected upon the parent whose lack of control allowed the household to become disordered.

A modern retelling of the biblical tale of Amnon and Tamar dealt directly with this problem of the disordered household through a story of rape and incest.

Written by Elizabeth Hands, a Warwickshire servant, and published by subscription in 1789, *The Death of Amnon* recounted the biblical narrative which began with a brotherly love. As with many stories of familial sexuality the incest was an outcome of familial affect which developed into sexual desire and finally obsession. The poem traced Amnon's obsession with his sister, his plot to get her to come to his chambers to attend him, her rape at his hands, Tamar's refuge after the rape in the house of another brother, Absalom, and Amnon's eventual murder at the hands of Absalom's servants.

Like the man who pined after his sister-in-law and was afflicted by his unlawful love for her in *The Illegal Lovers*, conjugal love and sexual desire were represented as an extension of familial affect which became painful because it was forbidden. His love for his sister developed into an affliction:

The Royal youth I sing, whose sister's charms
Inspir'd his heart with love; a latent love
That prey'd upon his health ⁴⁶

His sexual desire for his sister leads him to feign a serious illness and have her sent for to nurse him. When she came to him, the author of the poem wrote that she did so,

With all the feelings of a tender sister;
But not a thought of vile licentious love ⁴⁷

⁴⁶ E. Hands, *The Death of Amnon* (Coventry, 1789), p.1.

For the author, this was a family in which affective ties were strong, but Hands's emphasis was much more upon the relationships of authority. These were the primary bonds which are violated by Amnon's crime and Absalom's revenge. The figure who looms over all of the action of this story was King David. When he learns of the rape his reaction was one of outrage that his son could perpetrate such a crime on his own sister. However, his disgust is subsequently turned in on himself when he remembers 'His own past failings ... His guilty love for Bathsheba'.⁴⁸ David's own transgression is in some way responsible for his son's violation of familial propriety; because of his guilty past he is unable to exercise proper patriarchal control over his family. This allows two crimes to occur within the family. First Amnon rapes his sister, and subsequently Absalom, out for revenge, sanctions the murder of his own brother.

The literary critic Donna Landry argues that the part of the biblical story which Hands was most interested in was not the relationship between the sibling triad, nor even the role played by the King, but rather Absalom's command to his servants to murder Amnon in revenge for the rape.⁴⁹ Elizabeth Hands was concerned with the boundaries of authority which operated in relationships between masters and servants. The poem dealt with this through Absalom's commands to his servants that they murder Amnon. Hands herself had been a servant before marrying a blacksmith, and occasionally wrote and published poems in the *Coventry Mercury*.⁵⁰ When *The Death of Amnon* was printed by subscription she obtained support from over 1200 subscribers at the rate of five shillings per copy. The volume, which included several shorter poems received

⁴⁷ *Ibid.*, p. 16.

⁴⁸ *Ibid.*, p. 31.

⁴⁹ D. Landry, *The Muses of Resistance: Laboring-Class Women's Poetry in Britain, 1739–1796* (1990), pp. 40–42.

⁵⁰ K. J. McLennan (ed.), *Nature's Ban: Women's Incest Literature* (Boston, 1996), p. 29. For conjecture on Hands's reading habits see J. Fergus, 'Provincial Servants' Reading the Eighteenth-Century' in J. Raven, H. Small and N. Tadmor (eds), *The Practice and Representation of Reading in England* (Cambridge, 1996), pp. 223–4.

moderate attention from contemporary review journals, two of which published complementary, if somewhat patronizing, reviews.⁵¹

Landry's analysis takes into account that what interested Hands was the relationship between master and servant, but the wider context in which the command is made that they kill Amnon was equally significant. Affectivity worked closely with authority in creating a realm in which the incestuous rape was one of a series of abuses which were destructive of, but also arose out of, familial relationships. The context in which all of these acts occur is an extended kinship network bound by obligations of authority, filial and sibling love and notions of honour. Absalom's conflict between avenging the rape of his sister and allowing his brother to live leads him to command his servants to commit the crime, and Hands was particularly concerned with this aspect of the story, but this was just one of the ways in which the author dealt with the issues of authority that were present in the poem.

When dealing with the rape itself, and Amnon's own self-recrimination after the event Hands emphasizes the unequal relationship between the sexes:

Heav'n gave to man superior strength, that he
The weaker sex might succour and defend;
But he that dares pervert this giv'n blessing,
To ruin and destroy their innocence,
Shall feel pursuing vengeance.⁵²

In this passage Hands made it clear that male strength was about the protection of inferior women, but was sometimes perverted into violence. Hands played down the incestuous aspect of the rape and instead emphasized the illicit domination and violation of princely and patriarchal prerogatives. Authority was the key to the story as Hands interpreted it.

⁵¹ 'We have the authority of no mean judge of poetical merit that there is no woman's poetry, in this age, from which he has received so much entertainment', *Gentleman's Magazine* 60 (1790), vol. 1, p. 540; *Monthly Review and Literary Journal* 3 (1790), pp. 345–6.

⁵² Hands, *Death of Amnon*, p. 18.

King David was thought to be guilty of providing an immoral example for his children. Part of the obligations of parental authority included the setting of high moral standards and demonstrating them through exemplary behaviour. This responsibility was also said to exist in the relationship of the upper orders to their social inferiors. In the words of an author writing about the behaviour of Major Hook and his niece:

If persons of a *superior* rank in life must commit crimes, at which justice and decency revolts, how much is it to be regretted, that they are so careless of its publicity! Inferiors will, of course, follow the pernicious example; and having their master or mistress to copy from, proceed step by step, till they imagine that to be meritorious, which is, in fact disgraceful to human nature.⁵³

As with many criminal conversation cases, in the Hook trial, servants played a central role in giving testimony about the specific charges of adulterous meetings.⁵⁴ Their exposure to immoral activities by their social ‘superiors’ made their violation of social strictures not only a possibility but a given. Even more distressing was that allowing them to witness such transgressions overturned the meaning of such violations. The example which was provided by the upper ranks of society was vital, especially when breached. Such transgressions sent the message to servants and other lower rank witnesses that immoral behaviour was actually acceptable and desirable. Whether or not emulation was a factor in class relations, it was certainly thought to be so at the time. Just as maternal desire could overturn relationships of authority and turn accepted modes of familial interaction on their head, the unchecked desire of the upper classes not only violated normative ideals but made their opposite into an attractive option.

This way of viewing familial interaction – as a series of behaviours which were passed across class boundaries through interaction between members of

⁵³ *The Cuckold's Chronicle*, p. 181.

⁵⁴ Stone, *The Road to Divorce*, p. 30.

different social ranks in a familial setting – was part of a twofold structure of knowledge about the anchors upon which society was understood to be based. The first of these was the interaction within the family which set up the household as a series of exemplary relationships between parents and offspring, The moral education which took place within the family was based upon this. The second was an equally important series of relationships which ran across social class in order to provide models for social interaction. The first, communication within the family was horizontal in nature, and allowed for the preservation of relationships of authority within a given social group. The second was about vertical interactions which also reinforced normative relationships, but only if the upper rank individual's behaviour was acceptable. This vertical interaction could occur within a single household, as it did in the Hook trial; the negative example provided by the incestuous affair between Major Hook and his niece was witnessed by the servants and provided them with a warped understanding of family life.

The abuse of patriarchal authority was neither solely the province of debauched and morally corrupt fathers from the upper ranks of society, nor was it exclusively limited to the lawless realms of lower class father-figures whose amorality stemmed from poverty and lack of moral education. Richard Jones was 'a man of great substance', and Major Hook and Robert Parsivol were both from among the wealthier elements of society. Job Wells, Richard Gracemark, and the fathers tried for incestuous rape in the Old Bailey were of a lower order. Fathers from all social ranks could be not only incestuous but generally violent. The abuse of patriarchal authority within the family was understood as something that took place across social boundaries. Although it seems likely that those who were of lower rank were more likely to appear in court charged with raping their daughters, there was no sense that they were the only fathers who transgressed in this way. Violence and cruelty against family members could occur at any social

level. The enforced marriages discussed earlier in the chapter all occurred because of greed among parents from the upper ranks of society. What these stories were primarily concerned with was the way in which families were organized, and the role which was played by the patriarch across social boundaries.

2. Absence of the mother

The social role of the patriarch and the efficacy of the order based upon his position relied upon the presence of the mother. Where the father's absence had been an instigator of the incest in the double incest story, causes dealing with incest which were tried in the courts were often marked by the absence of the mother. As in the double incest story the lack of a mother figure in these cases was often a focus of the court's attention. In 1739 13-year-old Mary Marsland reported to the Old Bailey that after leaving her position in service 'having no where else to go I came home ... and about ten o'clock at night I went to bed'.⁵⁵ The only available bed in which she could sleep was the one which she usually shared with her stepmother and father, but on that night her father's wife was absent. She was awoken by her father, who, she told the court. 'put a Handkerchief to my mouth' and sexually assaulted her.

Thomas Ranshaw, the 15-year-old servant to the owner of the lodging house in which John Marsland and his wife lived, slept in the next room. Separated from the assault 'only by a little partition', he witnessed Mary's cries and pleas. Ranshaw gave testimony to the events of that night and also added details of the circumstances in which the Marsland family usually slept: 'The Girl's Mother and Father, and she, used to lie together, but she (the Mother) is in the Hospital now. She never lay with him alone but that one Night, neither before, nor afterwards.' Another witness in the case, John Waddiley, the girl's uncle who pursued the case against her father, also emphasized the shared bed, 'She gave me an account that

⁵⁵ *OBSP*, January 1739, #99.

she had lain with her Father and Mother-in-law several times, at the Goat Alehouse, in Petticoat Lane, but that this Night her Mother-in-law was absent, and she lay only with her father.' The mother's absence due to illness allowed the father the opportunity, and the two being alone in the bed was specifically linked to the incestuous behaviour of the father.

Marsland was found guilty of the rape of his daughter and condemned to hang for his crime. The Ordinary of Newgate in his account of John Marsland's life also made a point of examining and explaining this family's sleeping arrangements. He noted that they shared a bed out of convenience and necessity. Because the family was poor, and Mary moved between service and living with her parents, there was no other place for her to sleep. The Ordinary also emphasized the mother's absence on the night of the rape. Mary went to bed with her father 'suspecting no Evil'.⁵⁶ The Ordinary's account seems to take the stance that there was nothing unusual in this arrangement. For the Ordinary the girl was a victim of her father's brutality and of the particular circumstances in which she found herself on the night of the rape. The absence of the stepmother from the familial bed was an element in the judicial understanding of this event.

A case from the settlement records of Saint Sepulchre parish in 1766 exhibits a similar concern for familial sleeping arrangements. When asked about the identity of the father of her bastard child, Dinah Jackson declared her daughter to be the child of William Hatchman, her father's apprentice. One of the first questions Dinah Jackson was asked attempted to establish where she slept at night. Although she admitted to sleeping with her father, she made a clear point of saying that she lay at the foot of the bed. Hatchman, who was understandably reluctant to have the child sworn on him, informed the overseers that 'She lays every Night with my Master I go into the Room every Morning ... and she lays at

⁵⁶ *The Ordinary of Newgate, His Account of the Behaviour, Confessions, and Dying Words of the Malefactors who were Executed at Tyburn, On Wednesday the 14th of March*, no. II (1738/9), p. 5.

the head & not at the foot'.⁵⁷ The overseers then questioned Dinah's father Samuel about the arrangement: 'is it not a very Shamefull thing that such a man as you should undress & go to bed to your own daughter'. He answered that 'There is as much modesty in our behaviour as possibly could be for there is a Curtain Draws down [the] Middle of the Bed, so that neither of us see each other undress.'

The overseers decided that the story told by William Hatchman was more believable than the explanation given by Samuel Jackson and his daughter. The Jacksons were accused of 'bad transactions', and the young woman was committed to Bridewell. It is unclear why the girl was punished, or if this was just a move to separate her from her father. Unlike the Marsland case this was not rape, so there was no way to prosecute the father. Despite the different context, there were some notable similarities between the two situations. In both, the mother was notably absent from the household. Also, there was a distinct focus upon the family's sleeping arrangements. The overseers were very concerned to know where Dinah Jackson slept and all three of the household members questioned during the examination were obliged to give their version of the arrangements. The father was specifically called to account for the immodesty and immorality of sharing a bed with his own daughter.

A young girl in bed with just her father elicited very different reactions from an entire family sharing a bed. The problem in both of these cases was very clearly the absence of the mother. In the rape trial of John Marsland and the pauper examination of Dinah Jackson, the mother's absence left a void in the household which made room for immoral or violent behaviour. In the first of these the usual presence of the stepmother provided order and made the intimacy of sleeping in one bed acceptable. The mother's absence allowed the father the opportunity to abuse his patriarchal position. The Ordinary's account absolved Mary of responsibility for the sexual liaison, and the father's brutality was

⁵⁷ Saint Sepulchre Holborn Parish, Middlesex Division, CLRO Ms 9095/1.

allowed to come out because the mother was not around to provide a defense for the young girl.

Mary Marsland's lack of maternal protection was twofold. The woman in the hospital was not the victim's mother but her father's second wife, and Mary was the only surviving child of her father's first marriage. This family's problems were laid squarely on the shoulders of the father. The stated reason for the stepmother's hospitalization compounded John Marsland's crime since her absence was attributable to his sexual behaviour. Her absence from the familial bed on the night of the rape occurred because she was being treated for venereal disease which she had contracted from her husband. His sexual incontinence led to her absence, and the destruction of this family was partly a result of this situation. The fact that witnesses and commentators all made a point of both the usual bed-sharing arrangements and the absence of the stepmother emphasized the father's brutality.

The disorder which occurred when there was no maternal figure to keep in check the excesses of the patriarch was also the focus in the trial of Job Wells. In this case Job Wells's wife and the mother of their children had died about a year before the trial. Maria, as the eldest daughter, performed the familial functions of the mother in looking after her brothers and sisters. The *Cuckold's Chronicle's* report of Maria Wells's testimony emphasized her maternal role. She told the court that 'after I had undressed my brothers and sisters, I went to bed to him'. The language used here was that of an ordinary familial arrangement. These were not the actions of a wife and mother, but of a young daughter who had been threatened with a knife. When he 'bid me come to bed to him' Mary explained 'I refused; then he pulled out a knife, and swore, If I did not, he would rip me up, or cut my throat.' The description of the maternal household duties, was in sharp contrast to that of the threatened violence. The language she used to describe her actions was almost benign and routine enough to make her appear like a legitimate

wife, but this was not a conjugal relationship. Here again the absence of the mother created the space in the household, which led to incest. The daughter was a victim of male parental brutality. The court found the father guilty he was executed for his crime. The re-creation of the family here, where the eldest daughter acted as a maternal figure was not the sole cause of the incest, but played a role in the understanding of how it happened.

As in the case of John Marsland, Job Wells was held responsible for the absence of his wife from the household. His sexual brutality had led him not only to rape his own daughter, but was also held responsible for the death of his wife. One final example further illustrates the social unease about the dissolution of familial structures. The household arrangements which came to light in when Adam White was tried in 1726 for the rape of his eleven-year-old daughter were more unusual than those which had been the focus of these other trials. The daughter did not live with her father, and no mention was made of the girl's mother in the case. Mary described the situation on the night of the crime: 'I was a bed with my Aunt Boot, and my Nurse Stevens, at my Aunt's house in Tyburn Road'.⁵⁸ This at first would appear to be a much safer arrangement than that of either Maria Wells or Mary Marsland, who both become victims when their father had unhindered access. However, Adam White was reported to have entered the house about two or three o'clock in the morning because he had been locked out of his own lodging. Mary testified, that when he came into the bedroom – by removing a pane of glass from the window – the nurse said to the Aunt, 'Come, Mrs. Boot, I'll get up. And so will I too, says my Aunt. And so they both got up and went out of the Room, and then my Father came to Bed to me, and put —— as he lay on his Side, and I lay on mine.' Although there was no mention of the girl's mother, the aunt and nurse were maternal figures who had responsibility for

⁵⁸ *Select Trials at the Sessions-House in the Old-Bailly*, vol. 3, p. 40.

the girl's welfare. When they left the room they created a similar situation to the one which occurred with the absence of the mother in the other cases.

3. Conclusion

Incest in these cases was part of a wider discourse on virtue and decency. This was not just a concern which arose in the conduct literature and meditations on human behaviour, but influenced the interpretation of actual cases of incest. When fathers overstepped the bounds of propriety and parental responsibility and sexually assaulted their daughters they often did so as part of a series of violations which disrupted the family. These stories of family breakdown were a test of ideas about this social regulation. Their construction as public narratives was a process of negotiating the tensions of patriarchal authority and filial obedience. The absent mother made it possible to reveal these anxieties by placing them in a cocoon which protected the ideal. However extraordinary these cases of incestuous abuse were, the anxieties with which they grappled were not confined to the periphery.

Whether an aunt, nurse, stepmother or mother the presence of a maternal figure was, in reality, not a guarantee against paternal brutality. Although these cases were situations in which maternal absence was a factor in making the incest possible, wives and mothers could also be victims of their husband's brutality. In the case of Job Wells the wife and mother was understood to be as much a victim of male violence as her daughter. Mary Marsland's stepmother also suffered from her husband's sexual disposition. Mathias Brisden had murdered his wife in an argument over her parental and wifely duties. There must also have been incest in families in which both parents were still alive. Likewise the absence of the mother did not mean that more than a small percentage of fathers abused their daughters. So why were mothers almost invariably absent in both fictive and reality-based narratives?

The ideal family in this period was so comprehensively naturalized around the rhetoric of complete and balanced authority, that it was overwhelmingly marginal families which allowed the articulation of anxieties about patriarchy. The family which was somehow incomplete was a source of anxiety because the equilibrium was disturbed. Although there was often a large gap between the social ideal of each parent playing a specific and predetermined role and the experience of family life, the absent mother in these texts allowed for the contemplation of the possible outcomes of incomplete families. In other words this repeated motif was less a representation of actual social relations than a view of what ought to prevent such occurrences. Paternal absence, in stories like the double incest tale, was linked to apprehension about the lack of an authority at the head of the family. Patriarchy without the patriarch was thought to be inherently unstable, but the maternal figure was also an aspect of the patriarchal order. Maternal absence revealed concern for the balanced nature of the family. The mother performed a civilizing role, which contained the excesses of patriarchy.

The incomplete family was a source of anxiety, but was also a convenient way to limit the problem. If the ideal family was viewed as the faultless guardian of social order, then breakdown of this order was necessarily projected elsewhere. The portrayal of violence and sexual transgression within the family as occurring only in incomplete family structures safeguarded the ideal. The excesses of patriarchy were a result not of patriarchy itself but of unalterable and specific circumstances. Mothers who would normally protect their children and provide a balance which upheld the social order were unable to do so if they were absent from the family. Families which did not conform to the ideal were those which could not, rather than those which would not.

Conclusion

Under the heading of ‘Legal Barbarity’ the *Bon Ton Magazine* from 1794 related a story which it said had happened in a village in Swabia in the sixteenth century. As the magazine related the story, a farmer named Gluckman was the father of two beautiful and apparently virtuous daughters. However, Agatha, the elder of his children, was found to be pregnant soon after her eighteenth birthday. She was called before the local magistrates to swear to the name of the father of her unborn child, so the couple could be made to do public penance for their sexual misconduct. At this interview, and on several subsequent occasions Agatha ‘swore with great confidence, that she had never had any connexion with any man whatever’.¹ Because of her silence the magistrates looked for clues as to the identity of the father of her child. When the child was born and baptized the local parson was ‘greatly struck with the similitude it bore to its grandfather’. From this scant evidence the authorities voiced their suspicion that the father of Agatha’s child was her own. When accused of this, her surprise left her dumbfounded. Her speechlessness added to the authorities’ misgivings and was interpreted as ‘tacit avowal of her guilt’. To confirm their supposition, the magistrates brought Gluckman’s friends and neighbours to testify about the relationship between the man and his daughter. Their answers were taken as evidence that there had been an incestuous connection between the man and his daughter. When tortured, Agatha confessed to the incest, but died soon afterwards from the wounds she received. For his part in the crime, Gluckman was flogged, pilloried and his property was confiscated.

¹ *Bon Ton Magazine* (1794), vol. 4, p. 15.

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A short time afterward, the younger daughter, Elizabeth, also became pregnant, and of course the father was suspected again. The story repeated itself and Elizabeth too died from wounds she received on the rack. Her father 'was accordingly condemned to the flames, which inhuman sentence was carried into execution the succeeding day'. It was not until after this entire family was destroyed (at no point in the story was the mother mentioned) that the truth of the matter was revealed. A young labourer who lived in the village had broken into the house while the girls were asleep, drugged and raped them without their ever being aware of it. Gluckman himself had been innocent of any wrongdoing, and the story turned out not to involve any incest at all.

This story came from a journal which sensationalized examples adultery and other sexual crimes. This was obviously not a direct report of a case of incest, even if it was based upon an actual occurrence. On the surface it was a tale about the precipitous injustice of legal authorities, and the dangers of drawing conclusions from insufficient evidence. However as it was represented here, it was a tale which revealed the importance of silences. The task of the magistrates, at which they failed so disastrously, was to interpret the silences which they were left by Agatha's story. When she first denied that she had had any sexual congress at all it was understandable that they should think she was hiding the truth. Their initial suspicion was the result of the allegation made by a vindictive parson. Later, when she was accused of incest with her father, they read her speechlessness as a silence of admission. The destruction of this loving family was, according to the *Bon Ton Magazine*, a result of the wrongful accusations made by the authorities in reading the omissions in the story.

The project of studying the meanings of incest in eighteenth-century England has been one of interpreting the silences which were left surrounding this most hidden of social phenomena. Discontinuities in cases of incest and imaginative productions which involved incestuous families have been read for what they

revealed about the meanings of family life in eighteenth-century England. Even when incest was written about or was the topic of a record of an event, its meanings were often submerged in the text. The weighty issues which incest did the cultural work of examining were usually implicit rather than stated. This was certainly true of the *Bon Ton Magazine*'s story of mistaken incest in a sixteenth-century Swabian village.

What did the villagers who were called upon to give their experience of Gluckman's treatment of his daughters say? How did they confirm the suspicion that there was an illicit relationship between Gluckman and his daughter? What they told the magistrates was that 'Gluckman had invariably manifested great love and tenderness to his said eldest daughter; and had moreover been seen to kiss her, and otherwise shew marks of fondness and affection for her'. It was the natural affection of a father for his daughter, and the display of their attachment to each other which had been convincing evidence of the incestuous relationship. This family was sacrificed because their displays of love were interpreted as something other than what they were. Although innocent of any sexual wrongdoing these girls and their father all died for the sin of incest.

Agatha Gluckman's inability to respond satisfactorily to the questions of the magistrates left them with gaps which they were obliged to fulfill. In the estimation of the author of the story in this periodical, their accusations were authoritarian and barbaric, with their cruelty leading to the death of all three innocent members of this family. Incest became an explanation for that which could not be accounted for. The *Bon Ton Magazine*'s account of this story, in which legitimate familial affect was ruinously mistaken for incestuous sexual behaviour, manifests very clearly the problem which incest presented throughout this period. As a marginal behaviour which threatened the stability of the family, incest had an indeterminate social position. On the one hand, the conclusion that the relationship was incestuous was easily made through the evidence of familial

affect which was given by their neighbours. That behaviour such as parental fondness could so easily be interpreted as evidence of incest shows how thin the line was which separated the acceptable and natural from the illicit and dangerous. Rather than being understood as inconceivable, it was an extension of expected familial behaviour. Although incest could be called horrific, it was often almost a natural extension of the love which occurred within familial contexts.

However, on the other hand, the conclusion that the relationship was incestuous is represented in this story as being implausible. The point of view taken by the author was that the evidence did not support the accusation, and the magistrates were murderous because they drew the conclusion that incest had occurred. So incest was both easy to believe and entirely implausible. It was a short step from the knowledge of a close affective father–daughter relationship to the idea that their fondness was evidence of illicit behaviour. At the same time, the accusation of incest was profoundly shocking. It was thus possible for the author of one story of upper class scandal to say that ‘Adultery and Incest are grown common Crimes, and scarce wear any other Name than that of venial transgressions’ while the characters in another story had trouble believing a tale of incest because they had ‘never heard of such Crimes before, [and] imagin’d ’em all Stories’.²

Because it was able to be represented in these divergent ways – not only in this story, but throughout the cases of incest and texts dealing with it – incest has been shown in this thesis to be a more useful tool for uncovering meanings of family life than historians have previously given it credit for. More than just another aspect of sexual behaviour, this was a problem which attacked the notions of order within the family and in the wider society. The contexts in which it occurred, and the options available for its interpretation were related directly to

² *The Prostitutes of Quality: or Adultery à-la-mode. Being Authentic and Genuine Memoirs of Several Persons of the Highest Quality* (1757), p. 179; *Love in all Shapes: or, the Campaigns of Cupid. An Atlantick History* (1732), p. 42.

the salient features of the eighteenth-century understanding of the family. Incest was made to do the cultural work of examining sexual desire within the family, the relative authority of members of the household and the features of kinship. In combining problems of sex and desire with the issues of authority, knowledge and kinship, texts which dealt with incest delved deep into the silent depths of the family. All of these areas of family life were burdened with the danger of overturning expectations. When this occurred and was written about these boundaries were shown to have ruptures which threatened conceptions of order within the family.

Incest brought about discontinuities of identity, knowledge and power relations which have been shown to reveal fault lines in eighteenth-century notions of the family. These fault lines were specific to the historical and cultural milieu of England in the eighteenth century. The double incest story through a convoluted story of incestuous desire of a mother for her son leading to unknowing marriage between a father/brother and sister/daughter raised complex issues of authority. Because of the importance of ordered authority, the fault line along which authority in the family shifted was that of patriarchy in conflict with maternal authority. Both patriarchal authority and parental control were expected to be absolute and unwavering. However, when the mother attempted to control her adult son, his patriarchal mastery influenced the situation, and led to the subsequent marriage to the offspring of the earlier incest. The legal understanding of incest, and the natural law discussions which surrounded it, confirmed that mother–son incestuous contact was so much more difficult for eighteenth century society to reconcile than the parallel transgression between a father and daughter.

However, neither the focus upon mother–son incest, nor the emphasis upon the overturning of authority precluded the possibility that incest between fathers and daughters could happen, and that it too could have a significant impact upon the conception of the family. This form of incest exposed the dangers of absolute

patriarchy. Although mother–son incest inverted relationships of authority, and this was more problematic than its abuse, the danger presented by fathers who misused their authority, led to the breakdown of the family in a society which relied upon responsible patriarchy for stability. In the incomplete families in which this incestuous abuse occurred, the fault line was about the balance of familial order which was easily disrupted by an absent mother, allowing the concerns about patriarchal excesses to be exposed.

These illicit and dangerous incestuous relations could, of course, never be seen in a positive light, but the cultural work which they were made to perform was often far more complex than the transgression itself. Incest which could have equivocal and debatable meanings, such as that involving a deceased wife's sister or a first cousin, was used to interrogate another fault line, this one in the relationship between alliance and exogamy/endogamy. The need for creating associations through which the transmission of wealth could be managed, meant that contradictory pressures were placed on the family. Marriages within the boundaries of close kin were for the most part outlawed by the levitical degrees. However, close kin marriage held a significant attraction among elements of society concerned with the retention of wealth and authority within a narrow social realm. Despite the importance of the levitical regulations for English law, biblical stories of incest and close kin marriage could be seen to encourage a reading of incest which made it not only possible, but an acceptable means by which to accomplish these associative goals.

By highlighting these fault lines in the family incest has been shown to play a significant role in eighteenth-century society. Despite the claims of historians to the contrary, neither the lack of statutory prohibition nor a large mass of criminal prosecutions indicates that the transgression had little or no significance. Prohibitions which outlawed marriage between a broad range of relatives had a variety of significant influences upon the conception of the family and the place of

that family in society. Incest very specifically addressed the heart of the social order by addressing the points of stress in the family.

The overall focus of the thesis has uncovered the operation of these fault lines in the family and the impact of the contemporary understanding of incest. This has not been a study of changing attitudes over the course of the long eighteenth-century. The sources used for this study have shown forms of knowledge about family life which endured over the course of the century. In addition the material examined throughout this thesis has had the advantage of being able to reveal the range of possibilities for understanding and expressing the meanings of the family in this period. However, what has become very apparent is that the potential answers to the questions being asked were very different from the ways in which these questions would come to be answered in the nineteenth and twentieth centuries. This thesis was concerned with the contemporary creation of meaning in a period before the modern configurations of the family and understandings of incest became dominant. It might, in subsequent work on this topic, be very revealing to extend this study in both historical directions. This thesis will now conclude with some speculations on the trajectory which this expansion of the project would take.

In the chapter on the double incest story an example of a monstrous child of incest from early seventeenth-century England was presented to show how different the conception of the outcomes of incest had become by the eighteenth century.³ In this tale two first cousins had conceived a fatally deformed infant which had been explicitly thought to have been the victim of divine retribution for the sins of its parents. In this instance God was thought to have acted directly to punish incest and adultery, and sin was the primary lens through which incest was understood. Because of the emphasis upon sin there appears to have been little of

³ *A Most Straunge, and True Discourse, of the Wonderfull Iudgement of God* (1600), p. 3.

the leeway which was characteristic of the interpretation of incest in the eighteenth century. Further investigation of how incest was dealt with during the Interregnum, and a study of its prosecution under the 1650 law might shed some light on how differently incest was understood when it was primarily seen as sinful.

As the thesis has shown, monstrosity in offspring was not a problem which was commonly addressed nor thought to be an outcome of incest in the eighteenth century. Subsequently, this would come to be one of the primary problems associated with inbreeding. In 1875 Charles Darwin's son presented a paper to the Statistical Society which discussed a variety of arguments about the deleterious effects of marriage between first cousins on their offspring. One researcher on which Darwin reported had claimed that 'The influence of these marriages, in producing insanity is clear. It appears also that its influence is more felt in producing imbecility and idiocy, than in insanity acquired late in life.'⁴ Even today, despite evidence to the contrary, there is a strong sense that reproduction when the parents are close kin is universally damaging to their children.⁵

This development of scientific explanations for the dangers of incest in the nineteenth century occurred along side two other notable changes in the way incest was understood: a cultural shift that coincided with, and arose out of the rise of romanticism, and a change in the legal regime around incest. Over the course of the nineteenth century the ecclesiastical regime over incest was slowly eroded. The passage of the Deceased Wife's Sister Bill through parliament in 1835 was a watershed in a seventy-year process which culminated in the passage of the Punishment of Incest Act in 1907.⁶ This process seems to have involved a

⁴ G. H. Darwin, 'Marriages between First Cousins in England and their Effects' *Journal of the Statistical Society* 38 (June 1875), p. 173.

⁵ J. Twitchell, *Forbidden Partners: The Incest Taboo in Modern Culture* (New York, 1987), p. 11.

⁶ V. Bailey and S. Blackburn, 'The Punishment of Incest Act 1908: A Case Study of Law Creation', *Criminal Law Review* (1979), pp. 708–18; A. S. Wohl, 'Sex and the Single Room: Incest Among the Victorian Working Classes' in A. S. Wohl (ed.), *The Victorian Family: Structures and Stresses* (1978), p. 199.

shift in the understanding of incest as a violation which was primarily about marital concerns, to one which was fundamentally sexual in nature. This, along with new biological explanations, meant that incest came to be seen as something which described sexual relations only between blood relations. Blood ties were also the focus of the cultural shift in the beginning of the nineteenth century. With the development of an emphasis upon the internalized subjectivity the meaning of incest appears to have changed significantly. Sibling incest especially gained important new prominence as the most intimate possible connection to a mirror of the self. This was expressed in the literary realm through such works as Matthew Lewis's *The Monk* and Shelley's *The Cenci*, among others. One of the leading figures of romanticism, Lord Byron, was the object of intense speculation about his relationship to his half-sister.⁷

This brings us back to the historical phenomenon of the modern individual with which this thesis began. These cultural and legal changes were part of the development of this modern subject, and therefore had profound implications for the modern innovation of the incest taboo. The ideas of psychoanalysis and social anthropology which came to view nuclear family prohibitions of incest as universal and fundamental for the growth of human society were manifestly absent from eighteenth-century conceptions of the transgression. However, the unique meanings of incest in this crucial period of the development of modernity have shown how the shape of the individual's relationship to the family have changed from then until now.

⁷ I. Bloch, *Sexual Life in England: Past and Present*, trans. W. H. Forstern (London, 1938), p. 286; N. Anderson 'The "Marriage with a Deceased Wife's Sister Bill" Controversy: Incest, Anxiety and the Defense of Family Purity in Victorian England', *Journal of British Studies* 21, 2 (1982), pp. 67–86.

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