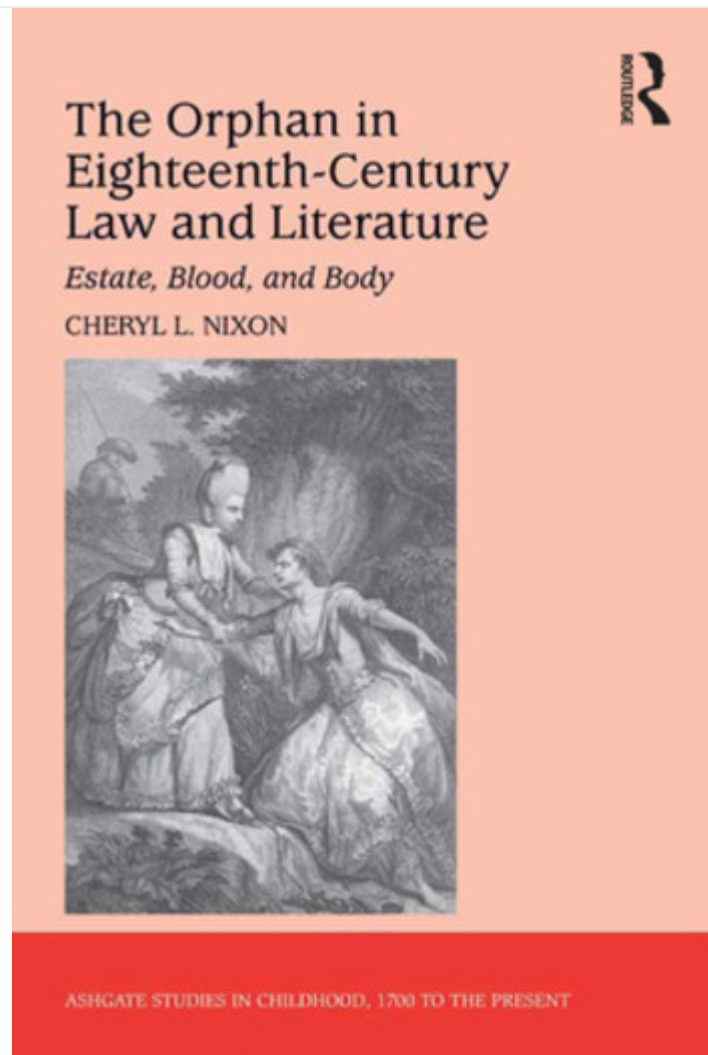


# {essays in history}

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## The Orphan in Eighteenth-Century Law and Literature: Estate, Blood, and Body



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### Reviewed Work(s)

*The Orphan in Eighteenth-Century Law and Literature: Estate, Blood, and Body.* By Cheryl L. Nixon (Surrey, England: Ashgate Publishing Limited, 2011). Pp. 290. Cloth, \$60.00.

In this interdisciplinary work, Cheryl Nixon explores the place of the eighteenth-century English orphan in both history and fiction, paying particular attention to the focus both law and literature give to the wealthy orphan instead of the poor orphan. Nixon argues that whereas nineteenth-century literature delivers the image of the desolate orphan, begging for food in a grim poorhouse (a picture which has inculcated itself into popular psyche ever since), writers in the eighteenth century chose to create orphaned characters that enjoyed affluence, at least by the end of their plotline, and were often the center of a familial situation. Crafting such characters allowed authors to instill them with mobility and the hope of prosperity which permeated eighteenth-century English society. An examination of the court cases concerning orphans during this time divulges that fiction often represented fact, as the law tended to deal in a case by case basis more specifically with the wealthy orphan. Class was not the only influencing factor on law and literature in regards to orphans; gender, biological relationships, and property also played a significant role in determining the path created, in actuality or in fiction, for orphans, as Nixon shows in her three part book.

The first part of Nixon's work, "estate," focuses on the effect of property on orphans (35). In it she gives a comparison of poor orphans and wealthy orphans. Poor orphans, as previously noted, receive little attention in eighteenth century literature. They generally did not appear in legal cases as well, but rather were affected by general acts of Parliament concerning social welfare. Poor orphans, as examined by many other scholars, often experienced a life of workhouses, apprenticeships, and occasionally schools founded by benevolent societies. The wealthy orphan was attached to property in one way or another and often entered court records in debate over their inheritance. Court cases could concern a question over the child's

legitimacy, and therefore right to his or her inheritance, or a guardian's treatment of the child's estate. Here Nixon introduces the concept of public and private spheres and that these orphans tended to navigate both spheres. Their lives were affected by private legal cases, but the discussion of their estate was viewed by the public eye. For these orphans with property, their lives tended to be plotted through the course of legal documents, as court records often shaped the picture of their familial lives.

Nixon then moves to the concept of "blood," or family (113). An orphan deprived of biological family must create a non-biological one and the orphan often finds him or herself in a constant search for the meaning of family. This often ended (at least in fiction, but occasionally in reality as well) with the orphan finding a blood relative and thus completing this search. For male orphans, the quest for meaning could lead down a path of sexual immorality, one in which they discovered that no family is perfect. For female orphans, the completion of family came with marriage.

The final part of this work is centered on the image of the "body," another construct which differs for males and females (187). For female orphans in literature, their plotline was more constricted, as the ideal ending was marriage. This was occasionally within the family, perhaps even to her guardian (a theme more commonly seen in fiction rather than fact). In both reality and literature, a major concern was one of "ravishment," a fear largely tied to the concept of "body" (190). This could manifest itself through rape, kidnapping, seduction, or somehow damaging the girl's estate. In reality, the feared perpetrator most commonly lived outside the family, but in literature he often lived within – novels portrayed guardians as the ones most likely to commit such a crime. For male orphans, the body manifested itself through movement. They were often seen in literature and legal cases as mobile, moving from one place to another and participating in various jobs. For fiction, more so than reality, this could also include upward social mobility. Nixon does not examine the connection of body to medicine or disease, as so many other scholars studying the concept of "body" do, but her work does fit into broader scholarship as she examines the role gender and sexuality play on the perception of "body." She, like other scholars, looks at the value and sense of ownership placed on the female

body as a unit of reproduction. Her book also looks at the represented male desire to have the freedom to be mobile.

Nixon conducted a commendable amount of research for the construction of this monograph. She provides several examples from literature, legal cases, acts of Parliament, and demographic data to support her arguments, while also grounding her work in contemporary scholarship. She manages to craft her work simultaneously as a literary critic and as a historian, a feat not easily accomplished. Through the delivery of clear, well-crafted points supported by substantial research and analysis, she succeeds in bridging the divide between these two lenses while still keeping her book readable. Her work can at times be repetitive in both general argument and in specific points (in her introduction she repeats the same statistic within a matter of pages), yet the book is well-written overall.

*The Orphan in Eighteenth-Century Law and Literature* fits well into the historiography of orphan studies, as Nixon addresses certain necessary aspects of the field, such as the nuanced nature of the term “orphan”—many of the children considered orphans possessed one or even two living parents. An orphan study without an explanation of this crucial construction would be lacking. Her work, however, transcends beyond previous engagements of orphans to a more philosophical level as she shows how dealing with orphans permeated to a deeper level of society. It is a crucial step in understanding the relationship between the treatment of orphans and larger societal hopes, mores, and beliefs.

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