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Gary Dyer

Cleveland State University, g.dyer@csuohio.edu

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Ivanhoe, Chivalry, and the Murder of Mary Ashford

Such was the readiness, with which, in those times, heroes put their lives in jeopardy, for honour and lady's sake. But I doubt whether the fair dames of the present day will think, that the risk of being burned, upon every suspicion of frailty, could be altogether compensated by the probability, that a husband of good faith, like John de Carogne, or a disinterested champion, like Hugh le Blond, would take up the gauntlet in their behalf.

—Walter Scott, in *Minstrelsy of the Scottish Border* (1802-03)

. . . the production of aesthetic or narrative form is to be seen as an ideological act in its own right, with the function of inventing imaginary or formal "solutions" to unresolvable social contradictions.

—Fredric Jameson

In London, on November 17, 1817, Abraham Thornton, accused of raping and murdering young Mary Ashford the previous May, challenged her brother William to settle the question by the medieval method of "trial by battel," combat with clubs. The public was shocked to learn that English law still gave some defendants the right to demand that their guilt or innocence be decided by armed combat. Circumstantial evidence had long since convinced the nation that Thornton was guilty, yet in August he was acquitted by a jury in Warwick, largely because some testimony indicated that he had been a considerable distance from the murder site shortly after the crime. The victim's brother obtained a "writ of appeal," which called for a second trial, and, beginning in November, the pleas were heard before the Court of King's Bench. However, the law governing such an appeal still included the defendant's right to "battel." When the court upheld Thornton's claim to combat, the case had to be dropped because William Ashford was physically unfit to fight him. In effect, Thornton was rescued by his own strength—which apparently had enabled him to rape and kill Mary Ashford in the first place.

Ashford v. Thornton was "so remarkable as to have become a topic in society," reported Richard Rush, the American minister in London,

while the Reverend Luke Booker found it "the chief topic of conversation, not only in the Cottage, but in the Drawing Room, among Companies consisting of both Sexes." Over fifty years later, a historian of British trials claimed that "There has probably been no case in the criminal records of this country, during the present century, that has attracted so universally the public attention."¹ In fact, the notoriety the case achieved and the issues it raised were so great as to make it impossible that any writer in the years afterwards could discuss or depict trial by combat without an intensified awareness of how such a practice abetted the domination of the strong over the weak, the guilty over the innocent, and men over women. Unless one believes that God intercedes directly in human affairs, judicial combat does nothing except maintain these tyrannies. Moreover, after *Ashford v. Thornton* writers had to anticipate a readership that felt such qualms more strongly than before.

If Thornton's challenge had occurred in a novel, it might easily have struck readers as a burlesque of the contemporary vogue for medieval history and culture, insofar as a man who almost everyone felt certain had raped and murdered a young woman was rescued by a chivalric legal process. For decades before the day when Thornton claimed his right to combat, enthusiasm for the Middle Ages had been reviving among British architects, painters, and authors, as well as the general public. Though this case made romanticizing judicial combat more difficult, it could also spur an author to show that Thornton's challenge did not reflect on all chivalric institutions because it betrayed the spirit they were meant to embody. The chivalric code, after all, called for its adherents to protect women from men who did not observe its standard of behavior—that is, men like Thornton.

Although Walter Scott's poems and translations had been at the center of the medieval revival since his *Minstrelsy of the Scottish Border* began appearing in 1802, *Ivanhoe*, published in December 1819, two years and one month after Thornton threw down the gauntlet, was the first of his novels to take place in the Middle Ages. Scott's awareness of *Ashford v. Thornton* indicates that the novel's climactic trial by combat, in which the Saxon Wilfrid of Ivanhoe fights on behalf of the Jewish heroine Rebecca against Brian de Bois-Guilbert of the Knights of the Temple, expresses the author's urge to reclaim the name of chivalry for those men who embrace the chivalric values Thornton cynically exploited. In Fredric Jameson's formulation, literary texts embody ideology insofar as they have "the function of in-

venting imaginary or formal 'solutions' to unresolvable social contradictions" (79). *Ivanhoe* wins only because his opponent abruptly falls dead, killed by his own conflicting desires, yet, as I will be arguing, this odd occurrence acts to resolve on the fictive level contradictions that the Ashford case had dramatized publicly, the contradictions attendant on asking men to monopolize power but not to misuse it. On the other hand, the fact that this occurrence *is* so unusual reveals an antithetical purpose at work within Scott's narrative: a desire to hold up these contradictions for the reader to see.

Ashford v. Thornton, furthermore, encapsulated the interrelated social conflicts that were causing turmoil throughout Britain in the months when Scott was writing *Ivanhoe*. We will see that the politically conservative novelist was obsessed with these events, and they aroused in him the most intolerantly reactionary sentiments he ever voiced. Discussion of *Ivanhoe* has tended to focus on national, religious, and class difference in the novel;² the light Thornton's challenge casts on the combat scene exposes as well the part played by male domination of women. *Ashford v. Thornton*, which I will examine in detail now, provides not only a key to understanding the pressures Scott felt in 1819 but also new insight into the conflicted nature of his literary production.

1

On the morning of May 27, 1817, Mary Ashford's drowned body was pulled from a pit of water in a field near Erdingham, a village a few miles northeast of Birmingham. She was about twenty years old, and had worked as a housekeeper for her uncle in nearby Langley. The previous night she had gone to a dance at a local inn with her friend Hannah Cox. There she danced frequently with Thornton, the son of a successful local builder, and some time after midnight all three left the inn and walked toward Erdingham. Earlier Ashford had told her friend that she was going to her grandfather's cottage to sleep, and so, at a crossroads near the village, Hannah Cox left Ashford and Thornton and proceeded to her own mother's house. At about four o'clock she was awoken by Ashford, who was stopping by to retrieve her working clothes. Mary was last seen alive shortly afterward, walking down the road in the direction of her uncle's house in Langley.³

Immediately after her body was found, suspicion concentrated on Thornton. It did not help his cause that reportedly he had bragged to

another man at the dance that he had been intimate with Mary's sister, and that he would possess her, as well. When questioned by an assistant constable, Thornton acknowledged sexual relations with Mary, but claimed she had consented (medical evidence revealed that intercourse had occurred before she drowned, though without showing conclusively that it was rape). At the trial in Warwick, the prosecutor argued that Thornton had assaulted her and then thrown her, unconscious, into the water. When the judge, Sir George Holroyd, summarized the case for the jury, he emphasized that, despite the evidence against Thornton, witnesses had testified that the defendant was walking calmly down a road, a great distance from the pit of water, only about eleven minutes after Mary Ashford left her friend's house—eleven minutes in which, according to the prosecution, the young woman walked over a mile and a quarter to the vicinity of the pit, where she was pursued, raped, and thrown into the water by Thornton, who then traveled approximately two miles, one thousand feet toward his home to the place where he was seen. The jury acquitted Thornton after only a few minutes of deliberation.

Reconstructing convincingly what happened to Mary Ashford is close to impossible, in large part because the amateurish investigators collected the evidence imprecisely and inconsistently, leaving many crucial facts hazy.⁴ But my concern is not with whether Thornton was actually guilty or innocent but with the consequences of the widespread belief that he was getting away with murder. The verdict surprised and outraged the people of the region, among whom were several gentlemen who immediately began to explore ways in which this injustice could be righted. Accusations were rampant that Thornton's father had bribed defense witnesses, one of whom now lost his job, the assistant constable whose account of the defendant's forthrightness had impressed Justice Holroyd in his favor.

As his dead sister's heir, William Ashford was entitled to submit what English law, confusingly, termed an "appeal." An acquittal in a criminal trial did not preclude this civil procedure, which was a vestige of the method by which offenses were tried before the modern system of prosecution developed. When called upon to plead, Thornton declared he was "Not guilty, and ready to defend the same upon [his] body," and he cast a yellow leather glove, representing the traditional gauntlet, on the floor in front of him. An appeal like Ashford's was archaic and rare, Thornton's demand for battle far more so; no one had claimed this right since 1638. According to the rules of battle, if the men fought and Thornton either won or remained un-

beaten until the stars were visible, he would go free, but if he lost, he would be hanged immediately.⁵ One of Thornton's attorneys, William Reader, explained to the court that he and his colleagues had recommended this plea to their client only because of "the extraordinary, and I may add, unprecedented prejudice disseminated against him throughout the country, in regard to this unfortunate transaction."⁶ Their strategy worked: in April, after lengthy, learned argumentation, Thornton's right to battle was upheld, so Ashford withdrew the appeal. He was only a teenager, and one of his lawyers pointed out to the court that he was "of weak body."⁷ Evidently Thornton escaped punishment his first time in court by appealing to his wealth; the second time, by appealing to his strength. *Ashford v. Thornton* provoked parliament to prohibit not only wager of battle but also the archaic form of appeal. No one can deny the renown of the case: in addition to the numerous accounts of the trials, at least five pamphlets debating Thornton's guilt were published. The crime even inspired three plays.⁸

Witnesses to the King's Bench pleas and arguments believed that these proceedings were unearthing vestigial brutality. Immediately after Thornton issued his challenge, Ashford's counsel observed how "ancient and barbarous" it would be if "a person charged with the crime of murder should be permitted to repel that charge by committing another murder."⁹ Henry Crabb Robinson recorded in his diary that the legitimacy of Thornton's challenge made vivid his nation's primitive past: "we all felt astonishment—at least I did—at beholding before our eyes a scene acted which we had read of as one of the disgraceful institutions of our half-civilized ancestors."¹⁰ Richard Rush could hardly believe he had heard this "mode of trial for dark ages" being debated "[i]n the highest tribunal of the most enlightened country in Europe" (Rush, 223). To judge by observers' comments, Thornton's actions could reflect on all medieval forms of combat, and on medievalism in general.¹¹

Chivalry authorized not only Thornton's challenge but also the case against him; it pervaded the original prosecution, William Ashford's appeal, and the public response both to the crime and to the court proceedings. The appeal embodied knightly voluntarism from the first, insofar as it was not a criminal but a civil action, in which the young man personally demanded justice on his sister's behalf.¹² Thornton did not introduce this element into the proceedings; all he did by demanding battle was to expose, by the form of his response, the covert basis of Ashford's claim to be his sister's champion. In

1817 an attack on a virtuous young woman made the rhetoric of chivalry automatic. After all, its most influential invocation in modern British discourse focused on men's obligation to defend women from assault: when Edmund Burke in his *Reflections on the Revolution in France* (1790) eulogized the virtue which that nation had lost, he was reacting to the mob's October 6, 1789, attack on Marie Antoinette's apartments, from which she fled "almost naked." Shocked to see "such disasters fallen upon her in a nation of gallant men," Burke can only reflect that "the age of chivalry is gone.—That of sophisters, oeconomists, and calculators, has succeeded; and the glory of Europe is extinguished for ever."¹³ In the later years of the Regency, "chivalry" was being adopted by political radicals, not just by conservatives like Burke and Scott, and so a great deal was at stake in the struggle over who were women's best protectors.

The chivalric code obligated men to defend women of saintly moral character most of all. Much in the way Burke argues from the premise that Marie Antoinette exemplifies such virtue, the prosecutor at Thornton's Warwick trial declared that this English Mary A. was "a young woman of irreproachable character down to the event which terminated in her death."¹⁴ In one respect Mary Ashford resembled not the married Queen of France but the earlier, Galilean Mary: the newspapers repeatedly—and insensitively—informed their readers that the victim had been a virgin, thereby implying that if she had consented to sex on an earlier occasion, she had relinquished her right to refuse Thornton. (Following the Warwick prosecutor's example, public opinion gave her rape priority over her murder by assuming that Thornton molested her, then killed her to cover up his crime.) William Ashford no doubt believed he was also defending his two sisters against Thornton's unchivalrous claim that each had had sex with him willingly.

Yet, however prevalent they become, chivalric responses to assault on women were (and are) ultimately not only ineffective but counter-productive. The legal proceedings against Thornton reflected the assumption that combatting violent crime against women was men's duty and men's alone. Indeed, there was a tacit assumption that only men needed to know about these offenses: although Booker probably was right that both sexes were discussing the case, women were excluded from the Warwick trial, little of the writing published on the incident was addressed to women, and none I know of was written by them. When men react to assault on women only by calling on men to defend them, they implicitly deny that women can work to

protect themselves or protect each other. The chivalric response to rape, then, is an ideological strategy of containment, which appropriates compassion stirred by the victim's suffering and gives it an outlet that reaffirms male control.¹⁵

Still, the Ashford-Thornton case illuminates most not the demands chivalric ideology placed on women, which are familiar enough, but how this ideology could fail to convince even men. One reason chivalric ideology was impossible to institutionalize in particular practices was that any barbarian could co-opt them just as Thornton had co-opted judicial combat. This shortcoming, furthermore, was not incidental but reflected a failing already present in the ideology itself, in its appeal to manly strength. (Too frequently, definitions of chivalry overlook the power a knight holds that is required for his attributes like forbearance to be significant and consequential; if he had only normal abilities, his restraint would be unremarkable.) Admittedly, an advocate of medievalism could argue that Thornton did not represent chivalry because he ignored its codes except when they served his selfish needs; he embraced the chivalric resort to force without the chivalric ethics that would prevent him from using his might against women. His pursuers' motivation, in contrast, was defending women, the preeminent duty for a knight. However, an appeal to strength not unlike Thornton's still lies at the heart of any "chivalric" code. Therefore, the values Scott advocates as chivalric, such as a "feeling of respect to the female sex" ("Chivalry," 144*), will often manifest themselves in customs as intrinsically unfair as those he deems barbaric.

2

The date of the dedicatory epistle that introduces *Ivanhoe*, November 17, 1817 (533),¹⁶ is the very date on which Thornton challenged his accuser to combat; Scott backdates this preface by two years as if intent on drawing the reader's attention to the Ashford case. A barrister himself, Scott became aware of the King's Bench events while they were in progress, and the evidence allows us to assume that he had learned the details of the case by the time he composed *Ivanhoe* in the summer and autumn of 1819. At the end of his encyclopedia article on chivalry, written in the fall and winter of 1817-18, Scott notes merely that "An appeal of murder seems to have been admitted as legal, within the last year, and is perhaps still under decision" (144*), but his June 2, 1820 letter to Lord Montagu makes clear that

by then he had heard or read more of the details of the case.¹⁷ On November 18, 1826, one day after the ninth anniversary of Thornton's challenge, Scott dined at Sir Robert Peel's house with such other Tory notables as Lord Liverpool, the Duke of Wellington, and John Wilson Croker. According to his journal, the men "canvassed the memorable criminal case of Ashford," and Peel "almost convinced [him] of the man's innocence."¹⁸ If Scott already believed Thornton guilty, he must have reached this conclusion years earlier, while the case was in the newspapers.

Although Scott had long known a number of medieval works in which a champion fights to vindicate an unjustly accused woman, before *Ivanhoe* he never told such a story himself, and *Ashford v. Thornton* may well have led his thoughts in this direction.¹⁹ Furthermore, although men are continually fighting duels in Scott's works, up to this point in his career judicial combat proper occurs only in his poem *Marmion* (1808), and there it occurs more tangentially than in *Ivanhoe*.²⁰ But the debt *Ivanhoe* owes to the Ashford case is broader than these observations about chronology may suggest: these famous legal proceedings might have affected the words on the page; they certainly affected their *meaning*. The judicial combat between Bois-Guilbert and Ivanhoe, which I take to be as much the thematic as the narrative climax of the novel, represents Scott's attempt to resolve the paradox of allowing some men to monopolize power but expecting that they will use it against their own immediate interests. Bois-Guilbert's death attests not only that Scott needs to confirm that chivalric practices will betray a man who abandons chivalric values, but also that he needs to show how these values in any case will facilitate justice.

The Templar Grand Master Lucas Beaumanoir becomes convinced that he has discovered a sorceress in Rebecca, daughter of the moneylender Isaac of York, and so his men organize a tribunal and call witnesses. Earlier, Bois-Guilbert tried to rape Rebecca; now, she is accused of casting a spell on him so he would love her. Still enamored of her, Bois-Guilbert slips a note to her suggesting that she demand a champion, and so, as a last resort, she opts for trial by combat, throwing down her glove, voicing confidence that God will provide someone to fight for justice. Bois-Guilbert's superiors command him to battle on behalf of the charge against her; if he wins, she will be burned. Fortunately, *Ivanhoe* arrives on the appointed day, although still weak from the injuries he suffered at the tournament at Ashby. *Ivanhoe's* state would seem to guarantee his opponent victory, but

the mere touch of his spear sends Bois-Guilbert to the ground, where he lies dead, a victim of what Scott as narrator calls "the violence of his own contending passions" (506). The two passions in conflict appear to be his desire to possess Rebecca and his need to defeat her champion in order to ensure that he will succeed to the leadership of the Templars. Bois-Guilbert's collapse rather than Ivanhoe's ability decides the issue; indeed, the latter falls to the ground from the Templar's lance exactly as his condition would lead the reader to expect.

Although Bois-Guilbert's failure of resolve is not in itself surprising, since the text already has made clear that both his libido and his ambition have enslaved him, its dramatic effects violate credibility. Nothing invites critical scrutiny more than a *deus ex machina*, particularly when the author declines to attribute it to a divine force. The Grand Master announces that Bois-Guilbert's death reflects "the judgment of God," and Ivanhoe concurs, saying that "God's arm, no human hand, hath this day struck him down" (506-07), but their theological explanations are overruled by the narrator's psychological one: "the violence of his own contending passions" is responsible.²¹ Scott's commitment to fictional realism and his skepticism about miracles discourage him from attributing his villain's death to divine action in the manner of many medieval stories he had read that involved trial by combat, but whereas that explanation would indicate that God's supervision was guaranteeing justice, psychologizing the event completely undermines any such assurance.²² Even though God still may be the *origin* of chivalric ethics, their validity will not by itself bring about their victory. After all, neither of the "contending passions" that kill Bois-Guilbert is virtuous, and, in any case, his "Enlightened" amorality makes it improbable that feelings of guilt would hurt him. In some medieval stories of combat known to Scott, the victor wins by strength, skill, luck, or a combination, but in *Ivanhoe* the author spurns these options too, as if the triumph of justice ought to be more certain. He indicates, instead, that because God delegates the responsibility for justice to men, one can only expect (or, to be accurate, hope) that men who misuse their advantages will be brought down by conflicts between their evil impulses.

In light of Scott's knowledge of the Ashford case, the expectation that men like Bois-Guilbert will fall victim to the contradictions of their desires is revealed as a contrived narrative resolution to an ideological antinomy that the author could not make sense of on any other level: on the one hand, Scott believes that "justice" is a disinterested standard, not merely a euphemism for the victories of powerful

men; on the other, he believes that enforcing justice should depend entirely on these men choosing to exercise their abilities in the service of this standard, rather than simply their own benefit. Chivalric virtue consists of refusing to exploit one's near-omnipotence; this is the paradox Richard I (in disguise as the Black Knight) exposes inadvertently when he commends Locksley/Robin Hood on the grounds that a man who "does good, having the unlimited power to do evil, deserves praise not only for the good which he performs, but for the evil which he forbears" (376). The blinders Scott wears can have pernicious effects. Knights and thieves possess power over the rest of the people that usually is checked only when one man's interests conflict with another's, yet the sole improvement this novel envisions is that their tyranny be benevolent. Scott could not unravel this antinomy in a historical essay or a social treatise because he resisted analyzing how individual men have appropriated power over the weak, over women, and over the bulk of the population, but he can do so in fictional narrative. Or, to describe this process another way, composing fiction allows Scott to "argue" that justice will prevail by means of a rhetorical method that in any *other* discursive context would be the *least* authoritative, the use of anecdotal evidence. Moreover, he is inventing the anecdote.

The Templar's death is only one of the various conspicuously artificial occurrences in the novel, but these events are far from gratuitous; instead, they constantly negotiate between intensifying and easing narrative and ideological tensions. Consider how Ivanhoe arrives just in time to fight on Rebecca's behalf. Scott could arrange his narrative so that the young knight can gallop in completely recovered, in which case he would be likely to defeat Bois-Guilbert, given the ability he demonstrated in Palestine and at the Ashby tournament. Instead, when Rebecca's champion arrives he is barely able to stay in the saddle, and his horse is visibly weary after the journey. Rather than show how the virtuous man will always be the fittest one, Scott makes matters difficult for himself, testing his ability to stage-manage the hero's victory in so dark a situation. Just as, according to the Templar Grand Master, Satan "can impose diseases for the very purpose of removing them" (418), Scott in the combat scene makes more formidable the narrative impasse, and thus the impasses in thinking and feeling it represents, so as to increase the satisfaction when he resolves it symbolically.

At the same time, however, Scott's stage-management is hardly an unqualified success, and the availability of more plausible ways for

Ivanhoe to save Rebecca, or at least more familiar ones, suggests that the narrative is being shaped by two contrary purposes—one to endorse chivalry, one to repudiate it. Few readers will find Bois-Guilbert's defeat convincing; in this scene Scott is in effect conceding the improbability of a just outcome because he consciously or unconsciously wishes his audience to see, and to be troubled by, the consequences of embracing chivalry. If Bois-Guilbert is torn by contending drives, so is Scott. What predominates, regardless of the effect he achieves, is his desire to turn back such challenges to his ideology of chivalry. In the reader's eyes the judicial combat between Ivanhoe and Bois-Guilbert may, in the end, serve to condemn this chivalric practice, but Scott's narrative would not be impelled forward without his desire for chivalry to stand vindicated.

The combat scene is crucial to the novel's cumulative ideological function, which is to legitimate existing political authority and the existing class hierarchy not only in Ivanhoe's Norman-ruled England but also, by analogy, in Scott's Hanoverian Britain. This is not simply a consequence of Scott's general conservatism: we will see shortly that in late 1819 he believed as never before that the social order he valued was under siege. Scott certainly did not need the Ashford-Thornton case to make him aware of the inequities involved in medieval chivalry, but it did put unusual pressure on him to deal with these faults. No matter how much this novel articulates Enlightenment skepticism about medieval culture, its author still wishes to recover for the present day the essential principles he perceives beneath its often-absurd practices. Not the least of his motives is to indicate that, in Ivanhoe's words, only "the pure light of chivalry . . . distinguishes the noble from the base, the gentle knight from the churl and the savage" (318). We ought to bear in mind how Scott argues in his *Encyclopaedia Britannica* chivalry article that modern society bases its "system of manners" on the "courtesies of chivalry," regardless of how "wild and overstrained" they could be: today each man knows that he will be punished for "any unbecoming encroachment on the civility due to the weakest, the poorest, the least important, or the most modest" person, and every gentleman knows that "the rights of the weaker sex demand protection from every one who would hold a good character in society" (126).

At times, Scott satirizes chivalry with wit like that of his contemporary Thomas Love Peacock, as in this summary of the Ashby tournament in *Ivanhoe*:

. . . although only four knights, including one who was smothered by the heat of his armour, had died upon the field, yet upwards of thirty were desperately wounded, four or five of whom never recovered. Several more were disabled for life; and those who escaped best carried the marks of the conflict to the grave with them. Hence it is always mentioned in the old records as the "gentle and joyous passage of arms of Ashby." (142)

Scott also distances himself from excesses of knightly zeal like Richard's, whose "wild spirit of chivalry" worries *Ivanhoe* (471). Scott nevertheless favors chivalric principles, in terms that are specific to his own age. When Rebecca questions the value of chivalry, *Ivanhoe* defends it with enthusiastic oratory that reminds the reader more of Burke than of the Middle Ages, telling her that it "is the nurse of pure and high affection, the stay of the oppressed, the redresser of grievances, the curb of the power of the tyrant."²³ The novel demythologizes medieval practices and condemns overabundance of chivalrous zeal, but it makes these criticisms en route to endorsing chivalry's essence.

The claims *Ivanhoe* makes for chivalry echo Scott's earlier article on the subject, which, though more temperate, reveals more clearly how the author wants to redeem this ideology from its obvious cruelties and injustices (including those that attend judicial combat), largely because he sees in chivalry the values of his own culture that he wants to vindicate. After noting that someone recently has been awarded the right to trial by combat, Scott argues that "it is not in such issues, rare as they must be, that we ought to trace the consequences of chivalry," but rather in certain broad principles of conduct. Not surprisingly, at the head of his list of principles, ahead of standards like forbearance, decorum, truthfulness, and respecting the honor of others, stands "the general feeling of respect to the female sex" (144*). But in an earlier passage in this essay, a passage probably written before the author knew of Thornton's challenge, Scott stresses "the inconveniences and injustice of a law so absurd in itself as that of judicial combat" (125), yet goes on to claim that chivalric "institutions" aided justice, to the extent that in practice they "evaded and mitigated" these flaws:

[A]mong the number of knights who were eagerly hunting after opportunities of military distinction, a party incapable of supporting his own cause by combat could have little dif-

ficulty in finding a formidable substitute; so that no one, however bold and confident, could prosecute an unjust cause to the uttermost, without the risk of encountering some champion of the innocent party from among the number of hardy knights who traversed every country seeking ostensible cause of battle. (125)

Scott's logic goes askew, along with his historical accuracy, and the failure is symptomatic. For one thing, these men are as likely to be the sickness as the cure, since they also would be apt to hunt eagerly after wealth to steal, men to humiliate, or women to rape. The word "ostensible" draws attention to this fact. (And while a supply of "hardy knights" may improve the weaker party's chances of victory, it will not ensure justice, since he or she may be in the wrong!) Indeed, this system discourages a man from crime only to the degree that he knows he is risking the possibility of encountering a better fighter than himself, a possibility that is just a matter of chance. Scott's fiction in general establishes him as the laureate of compromise, but in his apologia for chivalric "institutions" his skills fail him: he steps onto a middle ground he sees between superstition and skepticism, only to have it disappear from beneath him.

When applied to attacks on women, Scott's reasoning places too much weight on the gamble that men's interests will coincide with women's; yet a system of justice that works randomly hardly differs from no system at all, as the Thornton case suggests. Ironically, Scott himself raised this objection fourteen years earlier, when he discussed the ballad "Sir Hugh Le Blond" in his *Minstrelsy of the Scottish Border* (1802-03), in the passage that serves as an epigraph for the present essay. After noting "the readiness, with which . . . heroes put their lives in jeopardy, for honour and lady's sake," Scott adds, "I doubt whether the fair dames of the present day will think, that the risk of being burnt, upon every suspicion of frailty, would be altogether compensated by the probability, that a husband of good faith . . . or a disinterested champion . . . would take up the gauntlet in their behalf."

One reason Scott's article on chivalry contradicts these earlier comments is that social and political events since 1803 have made chivalry even more attractive for him. He argues that in practice this ideology could redeem even trial by combat, but before he finished the essay the nation would see how an apparent rapist and murderer could escape if his victim's "knight" was too weak; Thornton's be-

havior thereby threatened the legitimacy of an ideology that was firmly intertwined with Scott's Tory politics.²⁴ Composed part before and part after Thornton's challenge, this essay remains suspended uncomfortably between Scott's commitment to chivalry and his awareness of its pitfalls, two elements he cannot reconcile in this medium. When he allows chance or strength to displace moral and ethical imperatives within his rhetoric, he makes "justice" appear to signify nothing beyond force—the equation that he wanted to deny.

3

Scott's fiction continually concerns itself with such questions of how power is related to justice, but with *Ivanhoe* his narratives of punishment shift from realism and critique to romance, as Bruce Beiderwell has shown in a recent book.²⁵ The pressing question is why Scott acceded to such wish-fulfillment at this point in his career. He was at least encouraged by the political and class friction of the Regency years, friction that shaped the contentious aftermath of Mary Ashford's death. He wrote the conclusion of *Ivanhoe* at a time when he saw "radical reformers" threatening as never before social and political structures that he considered almost sacred. Faltering attempts to vindicate legal and political authority no longer sufficed; Scott could not afford to let his fiction articulate a critique of the law without answering the critique more decisively.

On August 16, 1819, while Scott was finishing the second of the novel's three volumes, the Manchester yeomanry attacked a mass political meeting at St. Peter's Fields in that city.²⁶ The attack left eleven dead, two of them women. The slaughter at "Peterloo" sparked outrage, and not only from radicals: Scott's associate James Ballantyne wrote an editorial in the *Edinburgh Weekly Journal* criticizing the Manchester magistrates who supervised the yeomen. In a response dated September 8, Scott defended the authorities' actions on the ground that the crowd's purpose—namely, "the total alteration of the British constitution, by introducing *Universal Suffrage and Annual Parliaments*"—was "as matters now stand, an object so highly illegal, as to approach to treason."²⁷ His public and private writings of the next few months voice the fear and hatred he felt toward the "banditti" and "dogs" who were attempting to organize the common people, fear and hatred so intense as to render him unable to distinguish among different methods and aims in political reform.²⁸ Real and imaginary radical organizing led Scott to spin out revenge fantasies un-

expected from a man who so distrusted extremism: in a September 4 letter to his son Walter, he dismisses activist Henry Hunt's claim that he received "several blows on his head with sabres" at St. Peter's Fields, but adds that if Hunt "had got such a one as once on a day I could have treated him to," then "his politic pate would have broached no more sedition" (*Letters*, 5:483). Scott did not finish the final volume of *Ivanhoe*, with the climactic judicial combat, until early November (see *Letters*, 6:6, 11). That the unrest was on the author's mind as he composed is made clear when he compares the crowd at the combat to those who in his own day congregate for "an execution, a bruising-match, a riot, or a meeting of radical reformers" (494)—the most jarring of the references to nineteenth-century life in the novel.²⁹

The violence at Manchester had inescapable gender implications, above and beyond its significance for class and party conflicts. As Linda Colley points out, after Peterloo the aristocracy and gentry could no longer be comfortable maintaining, in Burke's fashion, that they were women's natural defenders and that their domination as a class was therefore warranted: their representatives, the Manchester yeomanry, had killed and injured women, in violation of "the unwritten contract between the sexes," and indeed "every political cartoon published attacking this episode gave prominence to armed men pursuing, or riding over, or cutting down women."³⁰ In this context, *Ivanhoe*'s triumph on Rebecca's behalf seems a predictable way of attempting to reaffirm Burke and, by extension, to vindicate the British constitution—albeit with imperfect confidence.

Yet in *Ivanhoe* gender conflicts attain considerable autonomy; unlike Burke's famous paean to chivalry or many Peterloo polemics, the novel does not try to reduce these conflicts to just a vehicle for class struggles. If the combat scene attempts to validate male-centered chivalric ideology, it must do so because events earlier in the book have revealed the way gendered power relations often reduce women's freedom to a phantasm. This is no small feat of exposition, considering how commonly men in Scott's day simply collapsed gender into class.

The occurrences at Front-de-Boeuf's castle Torquilstone reveal the priority that *Ivanhoe* reserves for gender, in spite of its obvious concern with nationality. Rebecca is both Jewish and female, but these scenes, for the first time, make her being a woman central. For the remainder of the book, the things she experiences or is threatened with exemplify the worst a woman is likely to face in Scott's twelfth-

century England, in that she, as a Jew, is always outside whatever protections society provides for female Christians. After the Norman villains take their prisoners to Torquilstone, three successive chapters (XXII-XXIV) detail, in turn, Front-de-Boeuf threatening Isaac with torture to extort money; De Bracy proposing marriage to the captive and resistant Rowena; and Bois-Guilbert attempting to rape Rebecca. When an alarm sounds, all three men are forced to leave off what they are doing. The symmetry among the three vignettes encourages the reader to compare the crimes the men undertake, and, as if to help the reader anatomize the kinds of persecution, the victims are a Jewish man, a Christian woman, and, doubly disadvantaged, a Jewish woman. Scott explains Bois-Guilbert's intentions with Rebecca in terms of the preceding scene, in which De Bracy confronted Rowena: "Rebecca was now to expect a fate even more dreadful than that of Rowena; for what probability was there that either softness or ceremony would be used towards one of her oppressed race, whatever shadow of these might be preserved towards a Saxon heiress?" (246). The similarities actually outweigh the differences, so that Bois-Guilbert's actions illuminate De Bracy's retrospectively: nothing more than a shadow of ceremony distinguishes his behavior toward Rowena from the Templar's toward Rebecca. Because Rebecca belongs to a despised people, cursory moderation like De Bracy's is unnecessary, and Bois-Guilbert tells her he will not "abstain from taking by violence what thou refuseth to entreaty or necessity" (250).

Rebecca then rushes to the parapet and threatens to throw herself off (251-52). The "indomitable pride and resolution" (257) that Rebecca displays when she leaps to the parapet help her stop Bois-Guilbert from assaulting her, yet in the long run they only encourage further advances. "[T]he thought that she had her fate at her command, and could escape at will from infamy to death, gave a yet deeper colour of carnation to her complexion, and a yet more brilliant fire to her eye" (253); now Rebecca's sense that she has at least some power not only inspires a vaguely narcissistic attraction in the Templar (who is "proud himself and high-spirited," 253), but also, ironically, vindicates for him his attempt on her, leaving him unapologetic: "I do not say forgive me the violence I have threatened, for it was necessary to the display of thy character" (255). Although Bois-Guilbert now gains a kind of respect for her and says he will wait for her consent, never in the rest of the novel does he permit her the freedom without which consent cannot exist. The Templar's wavering between asking her to choose him and nullifying her refusal has

the same implication as the parallel between his and De Bracy's acts: they each suggest that any way of separating the men's "better" from their "worse" intentions is close to meaningless, at least in a society so dominated by arbitrary power. And just as Rebecca's plight reveals what is simply masked in Rowena's, Rowena's dilemma reveals that Rebecca in this world is a desirable woman, first and foremost.

Though chivalry and its obligation to defend women were continually employed in Scott's era as a means of national legitimation, the persecution of Rebecca in the last half of *Ivanhoe* transfers attention from the goal back to the means itself, making manifest the faults inherent in all versions of chivalry. The narrative thereby widens the reader's perspective to include kinds of subordination not tied directly to ethnicity. The opening chapters of *Ivanhoe* indicate that the book's primary theme will be the conflict between "the two rival nations" of Saxons and Normans (42). However, when Athelstane renounces his claim to the throne late in the novel, thereby dooming Cedric's hopes of a new Saxon dynasty, this event seems merely comic relief. It has been overshadowed by the impending judicial combat, which has become the novel's real climax. Furthermore, when Bois-Guilbert and Ivanhoe meet, the event is presented less as a Saxon fighting a Norman than as a chivalrous knight fighting a corrupt and licentious one. Just as the question of who will marry the Saxon princess Rowena has largely been displaced by that of Rebecca's fate, the conflict between nations is displaced by a broader contest between systems of values. The champion of one system is the knight who rejects a woman's plea that he defend her "without seeking a requital which would change [his] magnanimity into base barter" (442); the champion of the other, the knight who takes on "the honourable protection of the innocent" (437) without expecting any reward.

Conversely, the custom of evaluating cultures by how they treat women means that anything in *Ivanhoe* which concerns gender will also involve the struggles between Normans and Saxons and between social classes. The compromise with the present the text advocates still confirms the legitimacy of customary and hereditary authority. If there are tyrannical Normans like Front-de-Boeuf, there are also beneficent ones like Richard; if there are buffoonish Saxon nobles like Athelstane, there are also brave ones like Ivanhoe. While *Ivanhoe* works to legitimate the status quo of Scott's day, it vilifies implicitly those men who threaten it, deflecting onto national, religious, and ideological enemies any critique of the British elite classes

that the Ashford case might support.³¹ The knight who employs his bravery and energy only to betray chivalric values, Bois-Guilbert, is made conspicuously French, Catholic, even "Jacobin." In light of the social discontent that had shaken Britain in the four years between Waterloo and Scott's writing, the foremost of these connotations must be radicalism, which indeed in this text subsumes the others. Bois-Guilbert can personify these disparate things because conservative Britons believed that French Jacobinism had merely reproduced in a new guise the immorality, brutality, and combination of tyranny and subservience endemic to that country. These national characteristics then culminated in Napoleon's rule, which according to Scott was "the most accursed and relentless military despotism that ever wasted the blood and curbed the faculties of a civilized people" (*Letters*, 3: 428). Obviously, the Templar's name sounds alienatingly French, particularly when compared with that of the virtuous Norman Richard. Moreover, his hypocrisy, carnality, and ambition, not to mention his way of rationalizing his hedonism, are offenses that Britons habitually attributed to Frenchman and to Catholics. They associated these transgressions with members of Catholic religious orders in particular, as the conventions of Gothic fiction alone make clear.

But for the contemporary readership of *Ivanhoe* Bois-Guilbert's offenses would connote, above all, the atheistic radicalism that so many Britons blamed France for nurturing. Scott's malefactor within the novel is not the common people (note how he depicts Robin Hood's outlaws) but rather the patrician man who does not live up to his high birth and does not win the plebeians' loyalty. Bois-Guilbert's moral and religious skepticism, most blatant when he tries to persuade Rebecca to flee with him, seems meant to echo (anachronistically) Enlightenment rationalism and radical rhetoric, such as when he declares himself unconstrained by "the dotting scruples which fetter our free-born reason" (442). It is one thing for Bois-Guilbert to call Beaumanoir's convictions "silly and fantastic prejudices" (438), quite another for him to call Jewish and Christian doctrines "nursery tales" (255) or to tell the accused woman that her hopes of an afterlife are only "dreams" and "idle visions" (502). An aristocratic libertine and a Gothic villain, Bois-Guilbert serves to remind us that these cultural stereotypes had always been implicated in immediate social and political concerns, and that they took on fresh significance with each incarnation.³²

Bois-Guilbert's political coloring suggests that *Ivanhoe* attempts to

reclaim chivalry not only from brutes like Thornton but also from the British radicals, apparently influenced by French thinking, who had been so vocal and active since Waterloo. Indeed, conservatives and radicals had been battling over who owned chivalry. When Thomas Paine replied to Burke, in 1791, he rejoiced that “the Quixotic age of chivalric nonsense” was indeed past, and it was Tories like Burke, Scott, and Robert Southey who took the lead in reviving the rhetoric of chivalry, but reformist writers during the Regency were attempting to claim it on behalf of their own politics.³³ In the satirical narrative *Melincourt* (1817), to note just one example, Thomas Love Peacock identifies his protagonists with heroes and heroines of medieval and Renaissance romance, and affiliates their oppositional ideology with chivalry. Peacock’s conservative characters, on the other hand, are cold to chivalry. As if to remind us how women are treated by men who scorn chivalry, Lord Anophel Achthar abducts Anthelia Melincourt, and the quest to rescue her becomes the focus of the story.³⁴ The class and party politics behind much of the implicitly chivalric campaign to bring Thornton to justice would have discouraged a conservative like Scott from joining in wholeheartedly. The press focused on Thornton’s social superiority over Mary Ashford (indeed, perhaps exaggerated it), and emphasized his proprietary remarks about her and his callous reaction to her death. They thereby indicated that Thornton’s attack was typical of the higher classes’ habitual, unchivalrous abuse of their advantages.³⁵ Given all these battles over chivalry, Scott’s portrait of Bois-Guilbert, seen in context, implies that the duty of defending women is best left to men whose behavior and opinions reflect their high birth, since radicals cannot be trusted—whether they are churls and savages, on the one hand, or nobles and gentry who are betraying their class, on the other.

Thornton escaped punishment by appealing to his own strength, thereby reminding everyone of the absurdity of tying justice to physical force exclusively; *Ivanhoe*, in response, tries to show that ultimately strength will fail when used in an unjust cause. And whereas in his essay on chivalry Scott ends up implying that justice depends solely on men’s physical strength—which is the very problem he meant to address—in *Ivanhoe*, written less than two years later, justice relies instead on the contrary passions felt by evil men pulling them apart. In place of a failure of logic, Scott gives us a more palatable failure of narrative causality and probability. If Thornton had never challenged William Ashford, Scott would still have written *Ivanhoe*, and probably the story would still have ended with his hero

defeating Bois-Guilbert, though the author may have explained the Templar's death differently—perhaps a healthy Ivanhoe would win simply because of the ability he already exhibited at Ashby, or Richard would arrive in time to take the injured knight's place. But *Ashford v. Thornton* could not simply be ignored; Scott's combat scene attempts in the wake of this notorious case to legitimate reliance on strength, as well as to reclaim for men, and for men alone, a role they in fact had never lost, the policing of male aggression against women.

Scott is trying to resolve a contradiction that could truly begin to be untangled only by an analysis of how power worked in his society, particularly in regard to women, that he was not disposed to undertake. At the same time, the unlikelihood and the awkwardness of the victory Scott awards Ivanhoe ultimately hinder his efforts at legitimation; they apparently betray doubts and frustration he feels when compelled to reconcile his vision of chivalry with the actual workings of his society. In fiction as in non-fiction, Scott was unable to come up with a "chivalry" that would not help Abraham Thornton get away with murder.

Brandeis University

Notes

Epigraphs: Scott, prefatory note to "Sir Hugh Le Blond," *Minstrelsy of the Scottish Border: Consisting of Historical and Romantic Ballads* (Edinburgh: James Ballantyne, 1802-03), 3:49; Jameson, *The Political Unconscious: Narrative as a Socially Symbolic Act* (Ithaca: Cornell University Press, 1981), 79.

1. Rush, *Memoranda of a Residence at the Court of London* (2nd ed.; Philadelphia: Key and Biddle, 1833), 222; Booker, *A Moral Review of the Conduct and Case of Mary Ashford, in Refutation of the Arguments Adduced in Defence of Her Supposed Violator and Murderer* (Dudley: John Rann, 1818) [iii]; William Otter Woodall, ed., *A Collection of Reports of Celebrated Trials, Civil and Criminal* (London: Shaw, 1873), 1.

2. For a recent example, see the fascinating discussion in Michael Ragussis, *Figures of Conversion: "The Jewish Question" and English National Identity* (Durham: Duke University Press, 1995), 89-126.

3. A great deal of material concerning the case, including a transcript of the Warwick trial, is included in John Hall, ed., *The Trial of Abraham Thornton* (New York: John Day, 1927). Hall argues that Mary Ashford drowned accidentally.

4. For example, they found a bootmark near the pit, like that a man might leave throwing a heavy object into the water, yet they never checked to see if it matched either of Thornton's boots.

5. On appeals and trial by battle, see James Fitzjames Stephen, *A History of the Criminal Law of England* (1883; New York: Burt Franklin, 1964), 1:244-50. Although hardly anyone associated with *Ashford v. Thornton* referred to the incident, in 1815 in Ireland a man accused of murder in an appeal had claimed the right to trial by combat. The two sides worked out a compromise in which the defendant agreed to transportation. See Robert S. Salmon, "Wager of Battel," *Notes and Queries* 2nd ser. 2, no. 39 (Sept. 27, 1856): 241-42; the case is mentioned in regard to Thornton's challenge in *Rape and Murder!! The Trial of Abraham Thornton, for the Wilful Murder of Mary Ashford: with Copious Elucidations* (London: John Fairburn, [1817]), 41.

6. *The Times* 18 Nov. 1817: 3.

7. *Idem*. The law exempted women, priests, peers, infants, and citizens of the City of London from answering a challenge, so that people *they* accused had to be tried by a jury instead, but did not make a similar allowance for scrawny youths. Reportedly Ashford was willing to fight at the time of the initial challenge, but he apparently soon recognized that to do so would be suicidal.

8. Both G[eorge] L[udlam], *The Mysterious Murder, or, What's the Clock? A Melo Drama in Three Acts: Founded on a Tale Too True* (Birmingham: for the author, 1817) and [S. N. E.,] *The Murdered Maid: or, The Clock Struck Four!!! A Drama, in Three Acts* (Warwick: for the author, 1818) show a guilty Thornton escaping punishment through bribery, though in the latter he ultimately goes mad and kills himself. W[illiam] Barrymore, *Trial By Battle: or, Heaven Defend the Right: A Melo-Dramatic Spectacle in Two Acts* (London: J. Duncombe, [1831?]) was first performed at London's Royal Coburg Theater on May 11, 1818, only two weeks after Thornton was discharged for the final time. This play, in which a medieval baron almost gets away with abducting a young woman and killing her father, is meant to illustrate how judicial combat is necessary as a corrective to jury trial because a man's wealth and authority can gain him acquittal so easily. Pamphlets analyzing the case include *Wager of Battle: Thornton and Mary Ashford: or an Antidote to Prejudice* (London: S. Akerman, 1818), which argues Thornton's innocence; An Attorney at Law, *An Investigation of the Case of Abraham Thornton* (London: for the author, 1818), a response to the previous work; Booker, *A Moral Review of the Conduct and Case of Mary Ashford*; A Friend to Justice, *A Reply to the Remarks of the Reverend Luke Booker, LL.D.* (Birmingham: W. Suffield, 1818); Craven! *Craven! The . . . Ancient English Law of Appeal or Challenge: By Virtue of Which Law Abraham Thornton Challenged to Combat the Heir of the Unfortunate Mary Ashford, etc.* (London: G. Smeeton, [1818]); Edward Holroyd, *Observations Upon the Case of Abraham Thornton, Who was Tried at Warwick, 8th August, 1817, for the Murder of Mary Ashford, Showing the Danger of Pressing Presumptive Evidence Too Far* (London: J. Mawman, 1819); and E[dward] A[ugustus] Kendall, *An Argument for Construing Largely the Right of an Appellee of Murder to Insist on Trial by Battle: and Also for Abolishing Appeals* (2nd ed.; London: Baldwin, Cradock, and Joy, 1818).

9. *The Times* 18 Nov. 1817: 3.

10. Thomas Sadler, ed., *Diary, Reminiscences, and Correspondence of Henry Crabb Robinson* (London: Macmillan, 1869), 2:69.

11. For example, two writers, one of them Scott, implicitly compared his

challenge to a ceremony that had been traditional in royal coronations since the Middle Ages. Until 1830, each time a British king was crowned the king's champion rode into the banquet hall in armor, threw down his gauntlet, and offered to fight anyone who denied the new monarch's claim to the throne. Suggestively, if coincidentally, *Ashford v. Thornton* was heard in Westminster Hall, the customary site for the coronation banquet. Thus, a correspondent who explicated trial by combat in *The Examiner* in early 1818 used the pseudonym "Dymoke," in allusion to the family that had held the office of champion since the fourteenth century; see Dymoke, letter to the editor, *The Examiner*, no. 527 (Feb. 1, 1818): 73. On June 2, 1820, when George IV's coronation was being planned, Scott facetiously claimed in a letter to Lord Montagu that "Mr. Reader the lawyer who wrote so much about the trial by battle in the case of Thornton [was expected] to appear in the capacity of Royal Champion" (*The Letters of Sir Walter Scott*, ed. H. J. C. Grierson, assisted by Davidson Cook and W. M. Parker [London: Constable, 1932-34], 6: 202; in Scotland lawyers were called "writers").

12. One of Ashford's attorneys slid easily into the discourse of chivalry when he voiced to a colleague his fear that "our poor little Knight will never be able to contend the Battle with his brutish opponent" (letter from John Yeend Bedford to Mr. Yates dated Nov. 11, 1817, in Hall, ed., *The Trial of Abraham Thornton*, 125). At this date, Ashford's attorneys had just realized that the law of appeal gave Thornton the right to battle.

13. Edmund Burke, *Reflections on the Revolution in France*, in *Two Classics of the French Revolution* (New York: Anchor-Doubleday, 1973), 84, 89. In an essay on chivalry written for the *Encyclopaedia Britannica* at about the time of *Ashford v. Thornton*, Scott similarly relates rationalistic abandonment of knightly mores to mistreatment of women, specifically in regard to the Renaissance. In that era, he claims, "[t]he devotion with which the ancient knights worshipped the fair sex, was held as old-fashioned and absurd as that which they paid to Heaven" ([Scott,]) "Chivalry," *Supplement to the Fourth, Fifth, and Sixth Editions of the Encyclopaedia Britannica: With Preliminary Dissertations on the History of the Sciences* [Edinburgh: Archibald Constable, 1815-24], 3:143*. The asterisks that follow the page numbers in some of my parenthetical citations of this article occur in the original.

14. He noted that although she was murdered after a dance, "[s]he was not in the habit of attending dances" (*The Times* 11 Aug. 1817: 3).

15. For instance, the lesson Booker learned from the case, and then tried to teach young women in the pamphlet he authored, was that they should not go to dances unsupervised. In the epitaph he composed for Mary Ashford, he claimed that she died because she "incautiously repaired to a Scene of Amusement, without proper Protection," and that the marker over her grave would serve as "a warning to female virtue" (55). Whatever immediate practical benefits his advice might have, in the end it consigns women to restrictive, supervised domesticity. Anna Clark makes this argument about the ramifications for women of the Ashford case, in *Women's Silence, Men's Violence: Sexual Assault in England, 1770-1845* (London: Pandora, 1987), 110-16.

16. All references are to *Ivanhoe*, ed. A. N. Wilson (Harmondsworth: Penguin, 1984).

17. See note 11, above. The Ashford case was covered by the *Edinburgh*

Weekly Journal, which Scott's associate James Ballantyne edited and published. The lengthy account of the crime, appeal, and challenge that appeared in the November 26, 1817 issue (vol. 20, no. 1041, 382) made Thornton's guilt look undeniable. Scott's correspondence reveals only that he had written what he thought would be half of the chivalry article by October 2, 1817, forty-six days before Thornton issued his challenge (*Letters*, 4:537). Volume 3, part 1 of the *Supplement*, which contains the article, appeared in February 1818. This sentence in Scott's essay later was changed to read, "The personal combat offered in bar of an appeal of murder seems to have been admitted as legal some years since, and was only abolished of late by positive statute" ("An Essay on Chivalry," *The Miscellaneous Prose Works of Sir Walter Scott, Bart.* [Edinburgh: Cadell, 1827], 6:150).

18. *The Journal of Sir Walter Scott*, ed. W. E. K. Anderson (Oxford: Clarendon, 1972), 241.

19. See Jerome Mitchell, *Scott, Chaucer, and Medieval Romance: A Study in Sir Walter Scott's Indebtedness to the Literature of the Middle Ages* (Lexington: University Press of Kentucky, 1987).

20. Early in the story, Lord Marmion wins such a contest even though he has accused his opponent De Wilton falsely, prevailing simply because he is the superior fighter. In the course of the poem the truth comes out, and finally Marmion dies in the battle of Flodden Field. There are judicial combats in such later Scott novels as *The Talisman* (1825), in which Sir Kenneth of the Crouching Leopard, fighting as Richard I's champion, defeats Conrade of Montserrat, and *The Fair Maid of Perth* (1828), in which Henry Smith is victorious over the assassin Anthony Bonthron. Each villain feels his guilt, and, unlike Bois-Guilbert, each fears that supernatural forces will work to convict him. While in neither instance is there evidence of divine aid, the reader can infer that their emotions impede them in fighting. Conrade's handicap is particularly evident.

21. Contemporary readers did find Bois-Guilbert's fate a problem. One reviewer normalized this occurrence by reporting that "the Templar falls under the arm of heaven, rather than that of his adversary" (*The London Magazine*, 1 [January 1820], 84). The authors of the various dramatic adaptations of Scott's novel, men with less at stake than Scott in whatever ideologies lie behind medieval conventions, also felt compelled to revise the scene: Bois-Guilbert is killed by God's arm in George Soane, *The Hebrew: A Drama, in Five Acts, as Performed at the Theatre Royal, Drury-Lane* (London: John Lowndes, 1820); Ivanhoe simply wins the contest in *Ivanhoe: or, The Jew of York: A Drama, in Three Acts: Adapted to Hodgson's Theatrical Characters and Scenes in the Same* (London: Hodgson, [1822]); Bois-Guilbert deliberately allows Ivanhoe to kill him in W. T. Moncrieff, *Ivanhoe! or, The Jewess: A Chivalric Play, in Three Acts: Founded on the Popular Romance of "Ivanhoe"* (London: John Lowndes, 1820) and Thomas Dibdin, *Ivanhoe: or, The Jew's Daughter: A Melo Dramatic Romance, in Three Acts. First Performed at the Surrey Theatre, on Thursday, January 20, 1820* (London: Roach, 1820). Lady Louisa Stuart suggested in a letter to Scott that Bois-Guilbert's death would be more convincing if he died from an exploded blood vessel (*Letters*, 6:116), yet the author apparently was drawing from life. According to his friend Jane Skene, one day "not long before Ivanhoe was begun" he described to her and her hus-

band "the sudden death of an advocate of his acquaintance, a Mr Elphinstone, which occurred in the *Outer-house* soon after he was called to the Bar." After the novel appeared, Mrs. Skene found that she recognized in Bois-Guilbert's collapse "the very picture—I believe I may safely say the very words" ([John Gibson Lockhart,] *Memoirs of the Life of Sir Walter Scott, Bart.* [Edinburgh: Robert Cadell, 1837-38], 4:343).

22. Throughout his fiction Scott finds intricate ways of demystifying the supernatural while still exploiting the opportunities it provides; on how he "restores to a narrative in a purely formal way what had been taken from it through reason," see Daniel Cottom, *The Civilized Imagination: A Study of Ann Radcliffe, Jane Austen, and Sir Walter Scott* (Cambridge: Cambridge University Press, 1985), 151-52.

23. Chivalry protects both rank and individual freedom: "Nobility were but an empty name without her, and liberty finds the best protection in her lance and sword" (318). In light of *Ivanhoe's* rhetoric, compare how "chivalry" inspires Burke to pile parallel clauses upon each other:

Never, never more, shall we behold that generous loyalty to rank and sex, that proud submission, that dignified obedience, that subordination of the heart, which kept alive, even in servitude itself, the spirit of an exalted freedom. The unbought grace of life, the cheap defence of nations, the nurse of manly sentiment and heroic enterprize, is gone! It is gone, that sensibility of principle, that chastity of honor, which felt a stain like a wound, which inspired courage whilst it mitigated ferocity, which ennobled whatever it touched, and under which vice itself lost half its evil, by losing all its grossness. (*Reflections*, 89)

24. A persistent defender of medieval practices might complain that English law was at fault for specifying that only Mary Ashford's immediate male heir could serve as her champion, so that the men hardy enough to vanquish Thornton had to sit idle. Still, the difficulty remains, with consequences for women that Scott pushes aside.

25. Beiderwell explains that "Particularly in his early novels, Scott tests the rightness or goodness of the power he upholds against its most unpleasant expression," in capital punishment (Bruce Beiderwell, *Power and Punishment in Scott's Novels* [Athens: University of Georgia Press, 1992], viii). However, "throughout Scott's career there operates an opposing impulse," a "desire to make fiction correspond to wishes," and in his later novels, such "inherently conservative projections of wishful ideals" gain the upper hand. For example, medieval romances like *Ivanhoe* and *The Talisman* (1825) "make justice the inevitable product of the physical acts of just men: victory defines virtue" (ix). The difference is a marked one: whereas *Waverley* (1814) "attempts to justify or (failing to justify) to criticize the execution of Fergus Mac-Ivor" because Scott "feels a personal, moral responsibility in subscribing to the state's right to punish," *Ivanhoe's* "comforting fiction of justice" simply "equates punishment with guilt" (3-4). And, insofar as "*Ivanhoe's* victory . . . reveals guilt and punishes it at the same moment" (94), I should add that it is trial by combat that provides this equation, whether or not the result actually succeeds in comforting Scott or his readers.

26. He finished that volume on August 19 (*Letters*, 5: 465).

27. *The Edinburgh Weekly Journal*, quoted in Graham McMaster, *Scott and Society* (Cambridge: Cambridge University Press, 1981), 231; McMaster gives his reasons for attributing this letter to Scott, 240-41. McMaster sees in the author's reaction to Peterloo the single time he "lost his political nerve," and he suggests that this crisis shapes not only *Ivanhoe* but also *The Monastery* and *The Abbot*, both of which appeared in 1820 (90-93).

28. Letter to James Ballantyne, Sept. 12, 1819, *Letters*, 5:485; letter to his son Walter Scott, Dec. 28, 1819, *Letters*, 6:79. On October 16 he wrote to his brother Thomas that present-day radicals were "a set of blackguards a hundred times more mischievous and absurd than our old friends in 1794 and 1795" (*Letters*, 6:2). In November and December 1819 he was planning to raise a company of volunteers to combat an incipient radical uprising in western Scotland (on December 23, he informed his brother that "upwards of 50,000 blackguards are ready to rise between Tyne and Wear," *Letters*, 6:75-76). For accounts of Scott's activities at this time, see also Lockhart, 4:318-19; Edgar Johnson, *Sir Walter Scott: The Great Unknown* (New York: Macmillan, 1970), 1:688-91; and John Sutherland, *The Life of Walter Scott* (Oxford: Blackwell, 1995), 232-34.

29. Twice in his September letter to the *Edinburgh Weekly Journal*, Scott binds his argument subliminally to the novel on which he was working; he reports that his sole reason for responding to the newspaper's "challenge" is that "no more able champion appears in the lists," while his signature, "L. T.," presumably stands for Laurence Templeton, fictitious author of *Ivanhoe* (quoted in McMaster, 228, 240).

30. Linda Colley, *Britons: Forging the Nation, 1707-1837* (New Haven: Yale University Press, 1992), 264.

31. In a February 1818 letter, Scott condemned "Whiggery" on the grounds that when "the rascal and uninstructed populace" gains "their short hour of anarchical government" this event "naturally leads to the stern repose of military despotism." His thinking is classical republicanism as fitted to constitutional monarchy: democracy leads to anarchy, anarchy to tyranny. Therefore, it is apparent to Scott that "Property, morals, education, are the proper qualifications for those who should hold political rights" (*Letters*, 5: 71), and his juxtaposing these three things in his syntax neatly sums up his views.

32. On Scott and Gothic conventions, see, in particular, Ian Duncan, *Modern Romance and Transformations of the Novel: The Gothic, Scott, and Dickens* (Cambridge: Cambridge University Press, 1992), and Fiona Robertson, *Legitimate Histories: Scott, Gothic, and the Authorities of Fiction* (Oxford: Oxford University Press, 1994).

33. Thomas Paine, *The Rights of Man*, in *Two Classics of the French Revolution* (New York: Anchor/Doubleday, 1973), 286. The diverse ways in which reformist commentators of the 1790s rebutted Burke's lament for "chivalry"—some by taking satisfaction in its passing, some by interpreting their own cause as chivalrous—are described in David Duff, *Romance and Revolution: Shelley and the Politics of a Genre* (Cambridge: Cambridge University Press, 1994), 30-43. Duff focuses on the "radical chivalric culture" of the Regency; see particularly 115-53.

34. [Thomas Love Peacock,] *The Works of Thomas Love Peacock*, ed. H. F. B. Brett-Smith and C. E. Jones, 10 vols. (1924-34; New York: AMS Press, 1967), 2. When Achthar hears chivalry defined in terms of "truth and liberty—disinterested benevolence—self-oblivion—heroic devotion to love and honour—protection of the feeble, and subversion of tyranny," he exclaims that these things are "All the ingredients of a rank Jacobin" (2:85). Although the materialistic Mrs. Pinmoney concurs with Burke when she says that "The age of chivalry is gone" (2:23), she feels only indifference toward its passing and its replacement by a commercial era. In her view, a marriageable young woman is a commodity to be sold to the highest bidder. Like Scott's writings, *Melincourt* distinguishes chivalry's essence from the forms it actually took. Peacock's principal objection to the cult of chivalry would be that its adherents often disregard knightly selflessness, which Anthelia Melincourt calls "the mainspring of all that is really admirable in the days of chivalry" (24), in favor of tangential medieval practices: to Harum O'Scarum, the word chivalry connotes duels; to Mr. Derrydown, imitations of old ballads (86-87).

35. Two of the men most active in sponsoring her brother's appeal, Matthew Wood and Sir Richard Phillips, were noted reformists intent on exposing the crimes of the privileged. A few years later these two men championed Queen Caroline on similar political grounds, when the king hypocritically attempted to divorce her for adultery (Hall discusses the roles of Wood and Phillips, 35, 39). As Anna Clark has shown, middle- and lower-class radical supporters of the queen appropriated "chivalry" for their cause, asserting that they, too, were capable of knightly virtue, perhaps even superior in it (Anna Clark, "Queen Caroline and the Sexual Politics of Popular Culture in London, 1820," *Representations* 31 [1990]: 53).