



PROJECT MUSE®

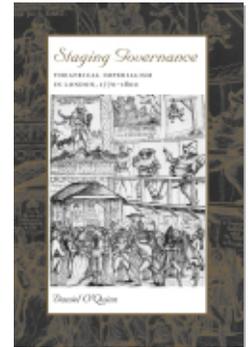
Staging Governance

Published by Johns Hopkins University Press

Staging Governance: Theatrical Imperialism in London, 1770–1800.

Johns Hopkins University Press, 2005.

Project MUSE: muse.jhu.edu/book/60320.



➔ For additional information about this book

<https://muse.jhu.edu/book/60320>

Access provided at 16 Oct 2019 03:37 GMT with no institutional affiliation



This work is licensed under a Creative Commons Attribution 4.0 International License.

WHAT ARE WE TO MAKE of Frances Burney's detailed and complex account of the impeachment proceedings against Warren Hastings? Both Sara Suleri and P. J. Marshall recognize the importance of Burney's *Diary* for understanding the theatricality of the impeachment, but perhaps because of the private qualities of the document—the diary entries are written for Burney's sister—neither scholar reads her text as a sustained critical intervention. Suleri's deployment of Burney is most interesting because she aligns Burney's reservations regarding Burke's role in the impeachment with her own analysis of the trial's excess. Citing Burney's inability to look at either Hastings or Burke, Suleri states that

her difficulty is no mere gentility, but points to the colonial spectator's implication in a circuit of guilt far too amorphous to be contained in the body of one man. To be unable to look at either the object of prosecution or the prosecutor himself is to record a moment in which the colonial gaze is forced to retreat into blindness: such complicated acts of unseeing mark both Burney's and the *History's* narratives of the trial as testaments to their guilty recognition of the intimacies of colonial violation.¹

In Suleri's analysis, Burney's "unseeing" is used as a lever to critique Burke's deployment of figures of gendered violence in his rhetorical assassination of Hastings's character. Perhaps because Suleri is primarily concerned with Burke's role in the process and with the elaboration of the Indian sublime, key aspects of Burney's intervention that I believe point to a much more elaborate and thoroughgoing engagement with colonial guilt go unnoted. This chapter reads Burney's *Diary* as a sustained med-

itation on public affairs that carefully analyzes the theatricality of the trial. Burney pays close attention to her own role in this particular political theatre, for she is careful to emphasize that her physical presence, her conversation, and her range of actions in Westminster Hall are thoroughly deformed, or proscribed, by gendered fantasies of her situation in relation to the political. As a feminine witness to a masculine drama, her interventions raise crucial questions not only about the separation of spheres, but also about how the constitution of public masculinity itself impinges on any theorization of colonial guilt. Part of the difficulty of performing this reading of the *Diary*, however, is the degree to which seemingly trivial details, descriptions of domestic engagements and conversations, are accorded the same status as events of highest concern to the state. In short, the text almost invites one to overread, to construct the entire account as a carefully coded critique whose most biting moments are those which seem most innocuous. In order to demonstrate this problematic, I start this discussion with her account of an evening at the theatre immediately preceding the Hastings trial. As we will see, the passage resonates with much of the preceding chapter and seems to give some instructions for how to think about the theatricality of the impeachment.

Hath Not a Jew Eyes?

On Friday, 1 February 1788, Burney and other members of the queen's household went to see Sarah Siddons play Portia in *The Merchant of Venice*. In addition to stating that Siddons didn't seem at her best, Burney notes that the play was accompanied by "The Humorist: a thing without plot, character, sentiment, or invention; yet, by means of ludicrous mistakes and absurd dialogues, so irresistibly comic, for one representation, that we all laughed till we were almost ashamed of ourselves" (39).² It is precisely the kind of passing remark that confirms one sense of the occasional quality of the *Diary*. But when one returns to it after reading her account of the trial, this incidental remark is doubly activated. Is *The Merchant of Venice* invoked as some kind of coded preview of the Hastings trial? She would not be alone in making such a gesture. James Hook's *The Trial* of 17 May 1788 renders the impeachment as a specific moment from the trial scene in *The Merchant of Venice* (fig. 5.1). The space of Westminster Hall is distorted into a thrust stage, and a semitic Fox grasping a knife utters Shylock's response to Portia's famous speech regarding the quality of mercy: "My deeds upon my head. I crave the Law." The print



FIG. 5.1. James Hook, *The Trial*, 17 May 1788 (courtesy of the Department of Prints and Drawings, The British Museum, London; BM 7321)

puns on Law because Hastings's leading counsel, Mr. Law, is cast as Portia, adjudicating between Fox and Hastings. This suitably casts Hastings as Antonio and Thurlow as the Duke of Venice, and in the terms set out by the play, Law interprets the law in lieu of the state. The print therefore visualizes the incursion of the common law on "the Law and Usage of Parliament" that so disabled the managers' case. Fox's desire to kill the "Law" therefore, figures both for his personal animosity and for the managers' frustrated desire to operate according to parliamentary rather than legal rules. It is a subtle gesture, but one that is by now familiar from other satires of the trial, for the print emphasizes the close relationship between Thurlow, the king, and Hastings. George III hides behind Thurlow's seat, watching the drama through an opera glass, and thus Hook marks both the absent presence of the Crown and his barely veiled commitment to Hastings's acquittal. In a lovely detail, we find that the king is contemplating not the struggle between Law and Fox but rather the tiny crown on Hastings's turban—perhaps a subtle indication, seen elsewhere in the prints, that it is really the imperial merchant, not the sovereign, who wears the crown.

But this subtle lampoon of the state's corruption is, of course, overshadowed by the print's attack on the managers. The image of Fox the Jew

depicts him and, by extension, the managers as agents of vengeance, not justice. Read through the Shakespearean script, the impeachment is thus a perverse manipulation of the law to enact revenge. But rendering Fox as Shylock also activates a series of connotations already in contemporary circulation. First, it calls up the repeated assertion that the managers' resentment hails from a combination of greed and personal enmity. Second, if we integrate the characterization into the narrative of *The Merchant of Venice*, it suggests that Hastings broke his bond with the managers, but the enactment of the forfeiture is impossible to effect without destroying themselves. This implication is complex, however; in the play Antonio finds himself in a precarious position because he is acting for Bassanio. I believe that Hook is insinuating that by acting for and enriching Thurlow and the king through the charter of the East India Company, Hastings has broken a contract with the Commons of England, whom the managers technically represent.

In this light, the figuration of Fox as a Jew casts aspersion not only the managers but also on the people they represent. This gains some resonance when one recognizes that the print portrays the moment immediately following Portia's soliloquy on the quality of mercy, which reads rather differently in this context:

The quality of mercy is not strained;
It droppeth as the gentle rain from heaven
Upon the place beneath. It is twice blest;
It blesseth him that gives and him that takes.
'Til mightiest in the mightiest; it becomes
The thronèd monarch better than his crown.
His sceptre shows the force of temporal power,
The attribute to awe and majesty,
Wherein doth sit the dread and fear of kings.³

Put in the mouth of Hastings's counsel, the speech becomes a critique not only of Fox's vehemence but also of his consistent attempts to rein in the power of the sovereign. For this reason, the print, which comes well after Fox's most active moments in the trial, focuses on Fox, for he is being depicted as a threat to the monarchy. But his threatening posture is undercut by his denial of mercy. The print seems to be arguing that Fox's long-term political goal of restraining the power of George III would be better served if the managers, unlike the king, demonstrated Hastings's forfeiture of his responsibilities both to those who govern him and to

those whom he governs, and then offered Christian forgiveness. As a strategic commentary, Hook's print attacks in two directions at once, for it argues not only that the king should not simply overlook Hastings's misgovernment, but also that the punishment sought by the managers is neither likely nor politically efficacious. And here the ethnic slur already active in the invocation of Shylock becomes most acute, for it suggests that Fox's violence, whether understood as a treasonous assault on the Crown or as an interested assault on the riches of the East India Company, is contrary to the interests of an ethnically defined Christian Britain.

I have worked through the implications of this print's satire in some detail because its argument is not at all distant from Burney's own discussion of the political implications of the trial. The subtle critique of George III's position in the whole affair is lacking in Burney's account—she is after all part of the queen's household—but the sudden appearance of a woman in public vestment mediating in the conflict between Antonio and Shylock resonates with Burney's own self-placement between Hastings and the managers of the impeachment. Perhaps Burney's dissatisfaction with Siddons's "entrance into the character" of Portia is in fact a subtle indication of her own desire to play the judge in the drama about to unfold.

If the allusion to Siddons in *The Merchant of Venice* offers a subtle hint as to Burney's own self-construction in relation to the impeachment proceedings, then her more extended remarks on the evening's afterpiece, James Cobb's *The Humorist*, provide vital clues for understanding how this Portia is deployed in the theatrical space of Westminster Hall. On the day following the trip to the theatre, Mr. Wellbred comes to visit the royal household and proceeds to tell Burney which scenes of *The Humorist* he found most amusing. Foremost among these was the representation of the servant Pompey, and her response helps to specify the shame she felt at enjoying the piece:

I owned the charge, but asked how he had discovered it. Instead of answering me, he picked out another part which had particularly amused me—then another and another that had struck me—then almost every part almost, through the five acts, with which I had most been pleased in the play.

I was quite amazed at his seeing thus distinctly, and with such discernment, across the house. (40)

It is difficult to assess the precise register of these remarks, but Burney is clearly embarrassed for her laughter, either because the play was insipid,

or because it was evoked by low caricatures. What is important for our purposes is the scene of being seen, especially that of being seen watching a play that ridicules the lower orders. Burney emphasizes that the entire scenario opens onto an evaluation of the characters of the audience according to their response to the staged drama. When Wellbred states that “I take[s] great delight in watching for thoughts and opinions at particular passages during a play: ’tis at least half my amusement. I think that then I can read into people’s own dispositions and characters,” Burney offers the following revealing remarks:

On my word, thinks I, if I had been aware of being watched thus, and with such a view, I should less have liked my *vis-à-vis* situation. I confessed myself, however, to have just the same propensity to drawing my conclusions, and honestly regretted that I had not the same ability, from the shortness of my sight.

We then ran over almost the whole, both of the play and the farce, comparing notes, and re-diverting ourselves with all we had seen.

The re-performance of our dramas was interrupted by the appearance of his Majesty, who, however, also talked them over, and commented upon them very judiciously. The King’s judgement upon these subjects seems to me almost always good, because constantly his own, natural and unbiassed, and resulting from common sense, unadulterated by rules. (40–41)

It is a fascinating passage because it so vividly portrays Burney’s situation as a marriageable woman in the theatre. Her discomfort at being watched while watching is due in part to Wellbred’s glib objectification, but it is also due to the differences in their capacity to see. After confessing that she too likes to watch others watch in order to evaluate their characters, she emphasizes that her shortness of sight prevents her from entering into the characters of as many people. It is a striking allegory for the limitations of femininity because her shortness of sight figures for her restricted public circulation.⁴

Burney’s discussion of shortsightedness partakes of the same visual economy as the satires on Burke’s spectacles, and again it is hard to know how to handle her remarks. There is a subtle satire of Mr. Wellbred’s farsightedness that resonates with the frequent jokes on Burke’s shortsightedness throughout the proceedings. Wellbred’s ability to see and evaluate characters across the expanses of the theatre is contrasted with Burney’s own inability to focus on distant objects. If Burney and Burke

share a similar visual impairment, then their vision of distant characters is equally compromised. Burke's reliance on some kind of optical mechanism to bring both Indian affairs and the scene of impeachment into focus allows for a whole series of jabs regarding the truth of appearances. The fact that Burney does not wear glasses to the trial can be understood as an acceptance of her limited purview that contrasts with the distorting qualities of Burke's spectacles.

But the passage takes on further significance in relation to her account of the trial. Once inside Westminster Hall, Burney's shortsightedness is never directly mentioned. There are times, when for decorum's sake, she insists on her lack of education and inexperience in public matters, but these apologies are always staged as preliminary remarks for direct analyses of the trial's operation. Sitting in the box of the great chamberlain, Burney gives her reader clear and detailed descriptions of the reactions of various personages to the reading of the charges against Hastings. With the Wellbred conversation in mind, it is clear that the *Diary* is engaged in a focalizing exercise whose ultimate aim is to render the characters of those who watch the drama between the managers and Mr. Hastings. It is for this reason that she is so uncomfortable with her own visibility in Westminster Hall, for her very presence in the space renders her subject to the same gaze. Because she is affiliated with the royal family, her fraternization with the managers is politically discomfiting; more important, her visibility unveils the narrative apparatus in a fashion that requires some consideration.

One of the strangest dynamics in the *Diary* is that the oratorical performances on the floor of Westminster Hall are represented through conversation between Burney and Wyndham, one of the lesser managers charged with prosecuting the impeachment. William Wyndham was an up-and-coming star in the Whig Party and a protégé of Burke.⁵ As such, he operates in Burney's *Diary* not only as a voice for the managers and for Burke in particular, but also as a figure for the political future of the country. Yet despite the public notoriety of Burney and Wyndham, everything about their recorded conversations is always framed by gendered notions of propriety and by Burney's sexualized role in public space. This private mediation of the public events is highlighted again and again throughout the *Diary*, but nowhere more evocatively than when Wyndham states that "we are only prosecutors there—(pointing to the Committee-Box), we are at play up here" (83). This distinction between the work of prosecution, which is itself a form of play, and the erotic play between the managers and the ladies in the gallery, which Burney skillfully turns into a form

of prosecutorial work, effectively divides Westminster Hall into a space of homosocial conflict and heterosexual repartee. But Burney consistently deflects Wyndham's desire to speak to her by engaging in a critique of the homosocial violence of Burke and Fox. As a narrative technique, this embedding of unfeminine political commentary in a frame of proper conversation not only insulates Burney from charges of gender insubordination but also emphasizes that everything she says and does in the space of the impeachment is framed by codes of gender decorum.

Significantly, Burke's difficulties during the impeachment process also impinge upon the question of narration. As noted in the previous chapter, Suleri emphasizes that Burke's decision to affix the historical and ongoing crimes of a nation onto one man

left the charges dangerously vulnerable to being forgotten even at the moment of their utterance. . . . Whichever way the verdict fell, Burke was destined to failure, in that he continued to stand in too inchoate a relation to the enormity of his claims. The exercise of "arbitrary power" for which he sought to impeach Hastings could not be so easily expunged from the history of colonization; much of Burke's rhetorical extravagance suggests a subterranean admission that it was indeed too facile to assume that Hastings alone could be held responsible for the exigencies of what it means to colonize. (51)

Burke's inchoate relation to the charges is in many respects a problem of narration, for, in recounting the tale, Burke partakes in it. For observers of the proceedings, the question of Burke's reliability as a narrator is crucial. One of the most important elements of the impeachment, as Suleri emphasizes, is that Burke's rhetoric was so excessive that it cast doubt on its veracity:

[T]he charges were both excessively long and excessively interested in breaking down the constraints of their own legalism, continually spilling over into dialogue and narrative that muddies rather than clarifies the specificity of each accusation. For the overwhelming detail with which Burke narrates the enactment of Hastings's violations is designed to obliterate a belief in the graspability of its narrative: facticity thus ironically becomes a casualty of an overabundance of facts. (51)

Burney was extremely cognizant of this problem in Burke's presentation of the case and of the implications for her own narration. As her account

of the trial unfolds, she uses her limited point of view—specifically ascribed to her femininity and to her position in the royal family—to maintain Hastings's nonculpability. Furthermore, she uses the distinction between being the object of the gaze as part of the spectacle itself and her role as narrating spectator of the trial to highlight the degree to which judgment requires a temporary cessation of complicity. In moments of judgment, Burney takes herself out of the spectacle of Westminster Hall either through masquerading as another or through shifts of address. However, as an agent of judgment she repeatedly allows her complicity in the scene to compromise her status as judge. This playing at, and subsequent unraveling of, judgment is arguably the *Diary's* most profound intervention in the trial for it insists upon a commutability between the managers and the indicted governor-general of Bengal, between Burke and Hastings, that emphasizes their and her complicity in the process of colonization. If Burney's remarks on *The Humorist* are about the disconcerting simultaneity of watching and being watched, then her description of the impeachment proceedings focuses on the similarly disorienting simultaneity of judging and being judged.

Burney's account of the first day of the impeachment is marked by two moments of trembling, moments where her body is literally overcome by emotion. The first occurs after a long and detailed account of the seating arrangement when Burke enters Westminster Hall:

The business did not begin till near twelve o'clock. The opening to the whole then took place, by the entrance of the *Managers of the Prosecution*; all the company were already long in their boxes or galleries.

I shuddered, and drew involuntarily back, when, as the doors were flung open, I saw Mr. Burke, as Head of the Committee, make his solemn entry. He held a scroll in his hand, and walked alone, his brow knit with corroding care and deep labouring thought,—a brow how different to that which had proved so alluring to my warmest admiration when first I met him! so highly as he had been my favourite, so captivating as I had found his manners and conversation in our first acquaintance, and so much as I had owed to his zeal and kindness to me and my affairs in its progress! How did I grieve to behold him now the cruel Prosecutor (such to me he appeared) of an injured and innocent man! (47)

The second occurs when Warren Hastings is called to the bar, and it bears comparison to the entrance of the managers:

Then some other officer, in a loud voice, called out, as well as I can recollect, words to this purpose:—"Warren Hastings, Esquire, come forth! Answer to the charges brought against you; save your bail, or forfeit your recognizance!"

Indeed I trembled at these words, and hardly could keep my place when I found Mr. Hastings was being brought to the bar. He came forth from some place immediately under the Great Chamberlain's Box. . . .

The moment he came in sight, which was not for a full ten minutes after his awful summons, he made a low bow to the Chancellor and Court facing him. I saw not his face, as he was directly under me. He moved on slowly, and, I think, supported between his two Bails, to the opening of his own Box; there, lower still, he bowed again; and then, advancing to the bar, he leant his hands upon it, dropped on his knees; but a voice in the same moment proclaiming he had leave to rise, he stood up almost instantaneously, and a third time profoundly bowed to the Court.

What an awful moment this for such a man!—a man fallen from such height of power to a situation so humiliating—from the almost unlimited command of so large a part of the Eastern World to be cast at the feet of his enemies, of the Tribunal of his Country, and of the Nation at large, assembled thus in a body to try to judge him! Could even his Prosecutors at that moment look on—and not shudder at least, if they did not blush? (48–49)

The scenes are remarkable for their similarity, for their theatricality, but above all for the shared affect they generate in Burney the viewer. The entrances of Burke and Hastings both elicit fear and a certain level of projection. The question that closes this passage is essentially the same as that posed by Burke in the *Reflections on the Revolution in France* with regard to Mrs. Siddons's performance of suffering: what kind of person could witness such a scene and not be stirred by compassion and sympathy for the actor. It is a subtle move, but one that cuts to the core of Burke's own aestheticization of the political throughout his career. In light of our discussion in the previous chapter, the fact that Burney shudders and the managers, to her observation, do not, is evidence of a perversion of human nature that she attributes specifically to the rage for party. As we have seen, this kind of political analysis of normative emotional response is thoroughly grounded in Burkean aesthetics. Burke's campaign is being judged according to his own principles.

And that judgment extends to both Burke's public and private interactions in Westminster Hall. Her difficulties with Burke, whether they be with his public oration or his personal courtesies, are marked by the same bodily response. As she states, "I trembled as he approached me, with conscious change of sentiments, and with a dread of his pressing from me a disapprobation he might resent, but which I knew not how to disguise" (93). Burke poses a social problem for Burney because it is improper for her to disapprove of Burke's courteous applications to her on strictly political grounds. Her coldness and disapprobation are not only difficult to contain but are also contrary to her gendered relation to the political. For Burney to exhibit disapprobation either through word or gesture—and I think that it is the latter that is of utmost concern for her—is to claim a place in the political outside the bounds of normative femininity.⁶ Conversing with Burke in the space of Westminster Hall is hazardous because Burney may exhibit signs of unfeminine political engagement.

This problematic gets beautifully expressed in Burney's only sustained conversation with Burke in the *Diary*:

I turned to speak to Mr. Burke . . . but [he] was in so profound a reverie he did not hear me.

I wished Mr. Wyndham had not either, for he called upon him aloud, "Mr. Burke, Miss Burney speaks to you!"

He gave me his immediate attention with an air so full of respect that it quite shamed me.

"Indeed," I cried, "I had never meant to speak to Mr. Burke again after hearing him in Westminster Hall. I had meant to keep at least that *geographical timidity*."

I alluded to an expression in his great speech of "geographical morality" which had struck me very much. He laughed heartily, instantly comprehending me, and assured me it was an idea that had occurred to him on the moment he had uttered it, wholly without study. (94)

Unlike her direct criticism of Burke's oratory later in the *Diary*, Burney embeds her disapprobation in a protective layer of wit. Her turn on Burke's widely discussed notion of "geographical morality" takes on the critical edge of mimicry, for the rewriting of Burke's phrase means that she operates, like Hastings, according to rules suitable to particular locations. Burke scorned this kind of moral variability, but here Burney is basically arguing that her decision not to speak or socialize with Burke

is based on her place in the scene of impeachment. In a highly subtle manner, Burney is pointing out that the gendered separation of spheres, of which Burke is complicit, establishes different modes of moral and social conduct appropriate to different locations. In other words, Burney suggests that “geographical morality” is a structuring principle of metropolitan life that incorporates Burney, Hastings, and Burke himself.

But this kind of raillery is the exception, not the norm, in the *Diary*. The following passage is more typical of her reaction when faced with the possibility of conversing with Burke:

In a minute, however, Mr. Burke himself saw me, and he bowed with the most marked civility of manner; my courtesy was the most ungrateful, distant, and cold; I could not do otherwise; so hurt I felt to see him the head of such a cause, so impossible I found it to utter one word of admiration for a performance whose nobleness was so disgraced by its tenour, and so conscious was I the whole time that at such a moment to say nothing must seem almost an affront, that I hardly knew which way to look, or what to do with myself. How happy and how proud would any distinction from such a man have made me, had he been engaged in a pursuit of which I could have thought as highly as I think of the abilities with which he has conducted it! (87)

For Burney, the tenor of Burke’s prosecution makes him an unfit social interlocutor. And it is notable that her sudden perplexity at where to look or what to do when he approaches is much the same as her inability to look at Hastings when, under the influence of Burke’s oratory, she is momentarily persuaded of his guilt. The implication is that Burke’s charges against Hastings rebound on his own character, making him a kind of social pariah. This suggested substitutability between Burke and Hastings is consistently maintained throughout the *Diary*. The glance of both men causes Burney to tremble, though for different reasons. She accords both of them the utmost respect based on her prior familiarity with them in society, but Burke’s public performance causes her to reappraise his character.

The reappraisal of character is a troubling problem for Burney because it is necessitated by the inconstancy of the affect exhibited by participants and viewers of the impeachment. How could Burke, who excited nothing but reverence in an earlier meeting, be so alienated from her own feelings in this theatrical moment? And with evidence of this kind of shift

in character before her, how can her defense of Hastings, which is based on the assumption that an earlier demonstration of rectitude is extendable to all of a man's actions, be sustained? Her appraisal of the managers' characters threatens to undermine the theory of the subject—a theory based on how an individual takes up its position in society—which subtends her faith in Hastings's innocence. What I hope to demonstrate here is that the oratorical strategies of the managers themselves precipitate a crisis in the definition of the political that could arguably be used to distinguish between Enlightenment and Romantic understandings of the social.

Fox's Countenance

Burney's anxiety is illuminated by Peter de Bolla's discussion of the legislation of the body in oratory. Casting over a series of texts from the elocutionary movement, de Bolla isolates a set of strategies through which the orator contains the languages of the body. Because the effect of oratory lies not in the words of a speech but rather in the conjunction of words and bodily performance, the relationship between gesture and text is crucial. In an effort to prevent the language of the body from communicating errantly, many elocutionary texts recommend a careful regulation of decorum and in particular an avoidance of direct visual contact between orator and listener. As de Bolla states, "This avoidance [of any intimate or indecorous eye contact] amounts to the erasure or covering up of the subject to and within itself; a negation of those inner thoughts and desires which we take to be the very representatives of subjectivity, personality and individuality, in favour of the complete or total legibility of the social subject, the public self. The trajectory of the legislation is clear: public sociability should erase private subjectivity."⁷ De Bolla's distinction between public sociability and private subjectivity is helpful for comprehending Burney's critique of the managers' performances, for she is extremely cognizant not only of moments when the private subject displaces the public man but also of inappropriate moments of visual contact. For Burney, problems emerge when the body does not transparently reflect the sentiments contained within the text.

The most straightforward statement of this problematic comes during Burney's critique of Fox's speech on the Benares charge. Her remarks on Fox are divided into a brief summary of the effect his speech had on her and a retrospective analysis of its failings. The former is careful to differentiate between Fox and Burke:

Mr. Fox spoke for five hours, and with a violence that did not make me forget what I had heard of his being in such a fury; but I shall never give any account of these speeches, as they will all be printed. I shall only say a word of the speakers as far as relates to my own feelings about them, and that briefly will be to say that I adhere to Mr. Burke, whose oratorical powers appeared to me far more gentleman-like, scholar-like, and fraught with true genius than those of Mr. Fox. It may be I am prejudiced by old kindnesses of Mr. Burke, and it may be that the countenance of Mr. Fox may have turned me against him, for it struck me to have a boldness in it quite hard and callous. (92)

Burney is disturbed by the fact that Fox's anger over the Peers' decision on how to hear evidence bleeds over into his attack on Hastings.⁸ The suggestion is that he lacks the control necessary to prevent his personal fury from infiltrating and contaminating his speech. And it is Fox's face, or his countenance (with all that implies about performance), that testifies to his lack of control. In this light, Fox's face interrupts his claim to public sociability, and thus the entire speech becomes an expression of mere private emotion.

Burney offers a more sustained discussion of the disjunction between Fox's body and his words a bit later in the *Diary*; however, it is important first to consider how Burney stages her intervention. Her most extensive discussion of the trial's oratory is framed by a remarkable reorientation of the trial's theatricality. As part of her back and forth with Wyndham, she casts herself in a role adjacent to theatrical production:

“Molière, you know, in order to obtain a natural opinion of his plays, applied to an old woman; you, upon the same principle, to obtain a natural opinion of political matters, should apply to an ignorant one;—for you will never, I am sure, gain it *down there*.”

He smiled, whether he would or not, but protested this was the severest stricture upon his Committee that had ever yet been uttered.

I told him as it was the last time he was likely to hear unbiassed sentiments upon this subject, it was right they should be spoken very intelligibly. (97)

This complex and conscious accession to a position of “natural” ignorance has significant ramifications for all that follows. First, by playing this role, Burney both takes up the place ascribed to her by masculinist definitions

of the political and emphasizes that it is her very privation that renders her an “unbiassed” critic of the trial’s theatricality. Yet, by invoking Molière, she is also implying that the same qualities that make the old woman a good judge of comedy, make her a good judge of political matters. So if the role playing both protects and enables her critique, it also undercuts the managers’ pretensions to tragic seriousness. Burney attributes seriousness to the events in Westminster Hall, but they are better understood through the lens of comedy.

Burney’s hazardous entry into the realm of political critique is facilitated by Burney’s and Wyndham’s mutual respect and affection for Samuel Johnson. The shared affective bonds of their prior intimacy with Johnson are thus put forward as the ground on which Burney can negotiate with Wyndham. Burney will eventually use the shared respect for Johnson as a wedge to separate Wyndham from Burke and Fox. This is a crucial gesture because Wyndham plays two roles in Burney’s discourse. He is an interlocutor who gives her occasion to enter the realm of political commentary, and he potentially figures as Burney’s prosecutorial ideal. Much of Burney’s intervention is explicitly staged as an attempt to re-form or educate Wyndham so that he does not become like Burke or Fox. The critical commentary of Molière’s old woman is explicitly staged as part of the education of one who has been accepted into the same social circle. And the terms of that educational contract are explicitly stated midway through the account: “[S]hould he prove as violent and as personal as the rest, I had no objection to his previously understanding I could have no future pleasure in discoursing with him” (97). As we will see, excessive violence and an overly personal enmity toward the accused are precisely what alienate Burney from the more famous managers.

Having cast herself as Molière’s old woman, Burney goes on to analyze the performances of Burke and Fox. I look at the analyses in reverse order, for her remarks on Fox’s primary speech bring out issues in harsh relief that are more subtly rendered in her discussion of Burke. The *Times* account of Fox’s speech on the Benares charge emphasizes both the severity of his language and the impact of his words on Hastings: “At times he was so particularly severe on Mr. Hastings and bore down on him with such a torrent of eloquence and argument, that Mr. Hastings was frequently obliged to turn his face from him.”⁹ But Burney is less interested in the aversion of Hastings’s glance than in how Fox uses his own eyes during his speech: “[A]mongst the things most striking to an unbiassed spectator was that action of the Orator that led him to look full at the prisoner

upon every hard part of the charge. There was no courage in it, since the accused is so situated he must make no answer; and, *not* being courage, to *Molière's old woman* it could only seem *cruelty!*" (101). As we have already noted, regulating the movements of the eyes and face is of key importance for an elocutionist's attempt to negate the private self from the public performance of a text. Burney reads Fox's eye contact with Hastings as immediately excessive and proceeds to interpret its significance. Because Hastings is already arraigned, Burney argues that there is no necessity to single out Hastings. In her eyes, Fox's excessive glance amounts to a repetitive digression: it has no public purpose. The only reason she can determine for Fox to stare at Hastings in this way is his own personal cruelty, which springs from a private animosity toward the defendant. And this is sufficient in and of itself to undercut Fox's charge, for it suddenly takes on the character of a disagreement between two men and not that of an affair of state. As we will see, there is a breakdown between text and performance, here signaled by signs of Fox's "cruelty," that is symptomatic of a certain breakdown in national consolidation. However, understanding the nationalist aspects of Burney's critique requires more sustained engagement not only with the substance of Fox's speech but also with the place of oratory in the protonationalist gestures of the elocutionary movement.

Again, casting herself as *Molière's old woman*, Burney draws attention to discontinuities between text and performance in her discussion of Fox's speech on the Benares charge:

I next, therefore, began upon Mr. Fox; and I ran through the general matter of his speech, with such observations as had occurred to me in hearing it. "His violence," I said, "had that sort of monotony that seemed to result from its being factitious, and I felt less pardon for that than for extravagance in Mr. Burke, whose excesses seemed at least to be unaffected, and, if they spoke against his judgment, spared his probity. Mr. Fox appeared to have no such excuse; he looked all good humour and negligent ease the instant before he began a speech of uninterrupted passion and vehemence, and he wore the same careless and disengaged air the very instant he had finished. A display of talents in which the inward man took so little share could have no powers of persuasion to those who saw them in that light; and therefore, however their brilliancy might be admired, they were useless to their cause, for they left the mind of the hearer in the same state that they found it." (99–100)

Burney's specificity regarding the disjunction between Fox's performance during the speech and that immediately prior to and following it is revealing on two counts: she isolates the violence of Fox's speech for disapprobation and then attributes the monotony of that violence to a split in Fox's subjectivity. Fox's monotony has a quasi-pathological quality that needs to be thoroughly considered because she reads the discontinuity as more than a mere indication of Fox's lack of private investment in the matter at hand. A brief digression on the substance of Fox's speech is helpful to comprehend the full ramifications of Burney's critique.

Burney is suggesting that Fox has performed precisely the split that the managers are trying to overcome, for the image of a man by turns languorously disengaged and vehemently impassioned maps onto a spatial split that Burke had earlier described as "geographical morality." Prior to and following his speech, Fox performs according to the commonplace descriptions of his character in metropolitan society; during his speech Fox becomes the public man angrily concerned with abuses of power in the colony. Burney seems to be suggesting that the disjunction between the styles of bodily performance reveals a discontinuity within the managers' case, which is otherwise hidden behind their brilliant textual refutation of Hastings's primary defense—namely, that he acted according to principles of governance ostensibly endemic to India. As noted in the previous chapter, Burke's famous critique of Hastings's claim to be merely rehearsing the Eastern pattern of governing by arbitrary power was focused through the trope of "geographical morality":

On speaking of the appointment and character of Mr. Hastings, the conduct of this gentleman . . . had been distinguished for an adherence, not to the general principles which actuate mankind, but to a kind of GEOGRAPHICAL MORALITY—a set of principles suited only to a particular climate, so that what was peculation and tyranny in Europe, lost both its essence and its name in India. The nature of things changed, in the opinion of Mr. Hastings; and as the seamen have a custom of dipping persons crossing the EQUINOCTIAL, so by that operation every one who went to INDIA was to be UN-BAPTIZED, and lose every idea of religion and morality which had been impressed on him in Europe. But this doctrine . . . would now no longer be advanced. It was the duty of a British Governor to enforce British laws; to correct the opinions and practices of the people, not to conform his opinion to their practice; and their Lordships would

undoubtedly try Mr. Hastings by the laws with which they were acquainted, not by those which they did not know.¹⁰

Aside from the remarkably blunt assertion that the British should be correcting the practices of Indian peoples, Burke's contrast between the Lords' mode of governance during the impeachment with that practiced by Hastings as governor-general is a fundamental element of the managers' case. As Burke continues, it becomes clear that Hastings's claim to "arbitrary power" not only operates outside the models of British governance but also verges on treason:

Mr. Hastings had pleaded the local customs of Hindostan, as requiring the coercion of arbitrary power. He claimed ARBITRARY POWER. From whom, in the name of all that was strange, could he derive, or how had he the audacity to claim such a power? He could not have derived it from the East India Company, for they had none to confer. He could not have received it from his Sovereign, for the Sovereign had it not to bestow. It could not have been given by either House of Parliament—for it was unknown to the British Constitution!¹¹

By stating that Hastings's defense of his actions was contrary to the British Constitution, Burke effectively argued that Hastings's excesses were dangerous not only to those he directly coerced in Bengal but also to the very body that sat in judgment of him. However, this gesture, at once so rhetorically powerful, carried with it certain responsibilities that would cause problems for the managers because they themselves were often figured as threats to the balance of power between the sovereign and Parliament. And it was Fox more than anyone else who embodied this Whig threat to the will of the king and the ministry.

After Burke carefully constructed Hastings's actions not only as a usurpation of the power conferred by the British Constitution but also as a form of blasphemy in the opening speeches, it rather ironically fell to Fox to detail Hastings's accession to arbitrary power in his speech on the Benares charge. From the early 1780s Fox's political career was widely understood to be devoted to the progressive restraint of the sovereign's will over Parliament. During and after the fractious election of 1784, he was recognized by both friends and enemies alike as bitterly opposed to the interventions of George III in the affairs of the nation. In this light, it is interesting to consider what was going through the managers' minds

when Fox was chosen to lead the Benares charge, because his speech is so thoroughly entwined with the definition of sovereignty. Fox's sarcasm in passages such as the following targets more than just Hastings:

Neither did the *European* ideas of sovereignty accord with the definition contained in his *Indian* dictionary.—By *sovereignty*, says Mr. Hastings in his defence delivered to the Commons—I mean *arbitrary power*! And lest his meaning should be misunderstood—lest he should be thought to have spoken of *absolute* power, he adds, “What I mean by arbitrary power is that state where the will of the sovereign is *every thing*, and the rights of the subject—*nothing*!”¹²

Fox uses the closing quotation to great effect throughout the speech by staging complaints from various Rajahs and then responding in Hastings voice: “My will, as a sovereign, is EVERYTHING; and your rights, as a subject, are NOTHING.”¹³ But Fox's discussion of the definition of sovereignty provides him with more than a rhetorical device. It also allows him to insinuate two things about Hastings that are of some consequence in relation to his own oratorical practice. First, the careful distinction between absolute and arbitrary sovereignty suggests that Hastings's mode of governance exceeds that of the king. In light of the frequent allegations that George III was in Hastings's pocket, Fox's remarks sarcastically suggest that the king's partiality to Hastings may be a form of identification. Furthermore, his remarks carry a subtle reminder that the struggle against absolute power, which in some senses defines Parliament, should be equally applied to the far more threatening specter of arbitrary power. And this rhetoric of threat is bound up with a complex form of linguistic nationalism.

By focusing on how Hastings defines words, Fox suggests that Hastings is not using his natural language, that he has traded in his English dictionary for an Indian one. The gesture is telling because it resonates with the frequent British concern, from the midcentury onward, with the question of a national language. At the heart of Johnson's dictionary and much of the elocutionary movement is a desire to cultivate and codify a unified national tongue.¹⁴

Language and empire go hand in hand. . . . Correct language use was a sign of English political authority; moreover, it marked one as a gentleman. In several installments of the *Rambler*, Johnson features the importance of proper language use and pure pronunciation as

an indication of acceptable manliness. To Johnson and his contemporaries, “Language was an index of intelligence and reflected human mentality, knowledge, memory, imagination, sensibility.”¹⁵

Fox’s suggestion, therefore, is that such an incursion on the definition of sovereignty is a threat not only to principles of national governance but also to the practice of linguistic exchange, which defines a nation-state.

We can focus our remarks here by looking briefly at Thomas Sheridan’s popular lectures on the question of a national language. Sheridan was arguably the most influential theorist of elocution in the period, and he strongly advocated the dissemination of a uniform English grammar and dictionary for the unification of the nation-state:

[I]f such a Grammar and Dictionary were published, they must soon be adopted into use by all schools professing to teach English. The consequence of teaching children by one method, and one uniform system of rules, would be an uniformity of pronunciation in all so instructed. Thus might be the rising generation, born and bred in different Countries and Counties, no longer have a variety of dialects, but as subjects of one King, like sons of one father, have one common tongue.¹⁶

As Peter de Bolla argues in relation to this strain in Sheridan’s thought, the argument that the unified state is the political reflection of the public production of the unified subject means that the relationship between public and private, between the subject as an authentic place of speech and the nation as an authentic place of representation for the individual are all put on stage in the act of oratory.¹⁷

[U]nhealthy habits in speech, and lack of skill in oration both reflect and produce an unhealthy state. . . . The role of education . . . is to help fix and codify the language, so that each individual can both speak and be moved by a common tongue: all of this, of course, in the interests of fixing and stabilizing a national identity, of placing the representation of the self within the context of the greater whole, the nation. From here it is but a mere short step to the welding of the image of self to national self-image.¹⁸

In this light, Sheridan’s discussion of the propriety of speech in *British Education* and in his *A Course of Lectures on Elocution* takes on remarkable

significance because it suggests that the infiltration of foreign languages into English and the failure to meld word and gesture are symptomatic of a degeneration not only in the speaker, but also in the language and hence the strength of the nation. The latter problem is the site of intense concern because the language of the body may run counter to the language of the spoken text and thus destabilize the oratory. As de Bolla summarizes, the “exterior speech, the speech of the orator, should to all intents and purposes represent the interior: public and private voice should be made identical.”¹⁹

Fox’s remarks on Hastings’s definitions of sovereignty partake in this kind of protonationalist concern with language, but I would argue that Burney’s remarks pick up on this aspect of Fox’s critique and turn it on his own oration. The key distinction is that her concern is less with linguistic definition than with linguistic performance. If Fox is to act according to the moral standard set out by Burke in the “Speech on Opening of Impeachment of Warren Hastings” and by his own sarcastic remarks on Hastings’s unrestrained governance, then it is crucial that no split between private subject and public orator be revealed to the audience, for as soon as one starts to question the continuity between these two actors, the unified theory of the moral Christian governing subject is destabilized. And, most important, Fox himself may be characterized, like Hastings, as a degenerate linguistic subject.

Much of the elocutionary thought of the period was explicitly concerned with preventing revelations of this kind of disjunction and often recommended that orators speak only from their natural feelings. As de Bolla remarks with regard to Sheridan’s recommendation that orators “deliver those words, as proceeding from the immediate sentiments of his own mind”:

The text must become internalized, thereby turning the dead text into living speech; more than this, however, the voice itself becomes a text for the audience, for it is emphasis that communicates the correct or proper meaning. The textualization is a kind of healing process, in which the exterior textual matter is assimilated within the interior sentiments of the mind of the orator, who then expresses the combined text/internal sentiment in a soothing manner. The result of this is for Sheridan to recognize the need for an absolute identity between the public and the private in order to forestall the possibility of a split subject.²⁰

In this context the splitting of the subject into public and private entities signifies a weakening form of hybridity akin to the linguistic hybridity ascribed to Hastings. What is so complex and compelling about this countergesture is the implication that the intermixture of Indian and English in Hastings's usage—clearly marked as an inappropriate form of ethnic intermixture—is similarly suspect as the intermixture of the private and public man. It is significant that Burney's description of the radical distinction between Fox the speaker and Fox the lounging manager is presented as an elaboration of his "monotony." Monotony in elocution is largely a matter of variation, technically an inability to vary one's tone and expression. So the lack of modulation in Fox's utterances is marked as a sign of weakness that is then specified by the remarks on Fox's body language. What is needed therefore is a type of elocution and a type of national subject that does not devolve into these pathological conditions. And that is to be found according to someone like Sheridan in a careful internal regulation that adequates sentiment and passion—and their attendant bodily expression—with the text.

Burney makes precisely this suggestion when, at an earlier point in the *Diary*, she offers what amounts to a theory of acting for Wyndham's edification. The context is interesting because Wyndham confesses that "in his little essays in the House of Commons, the very sound of his own voice almost stopped and confounded him; and the first moment he heard nothing else, he felt quite lost, quite gone!" and that he wishes he was more fully prepared for his speech (84–85). Burney responds that the lack of time and study will make a more effective speech precisely because it will be free of artifice. Wyndham's response to this and Burney's rejoinder clearly reveal the stakes in the supposed identity between the natural feelings of the private man and the public performance of the social subject. Wyndham states that "something of previous thought is absolutely necessary: mere facts will not do, where an audience is so mixed and miscellaneous; some other ingredients are indispensably requisite, in order to seize and secure attention" (85). In her response, Burney locates the persuasiveness of the public subject in his ability to convey his immediate natural feelings on the facts presented:

"They will all come! and the more, perhaps, for a little agitation, and surely with greater power and effect: for where there is sufficient study for all the rules to be strictly observed, I should think there must be an air of something so practised, so artificial, as rather to

harden than affect the hearts of the hearers. When the facts are once stated, I cannot but suppose they must have much more force where followed only by unstudied arguments, and by comments rising at the moment, than by any laboured preparations; and have far more chance of making a deep impression, because more natural and more original. (85)

What Fox's factitious performance indicates to Burney is a certain distance between the "facts" and his interpretation of them. At one level, she could be arguing that Fox, as Burke's mouthpiece, has insufficiently learned his part—a charge we have seen elsewhere (see fig. 4.6)—but she could equally well be insinuating that his interpretations of the facts in the Hastings impeachment are not natural because they are not his own. It is here that the ironic tone of much of Fox's speech is so important because the multiple registers of his sarcasm make the adequation of inner and outer by definition that much more elusive. What is important for us to remember is that for Sheridan, and, I would argue, Burney, this inability of the audience to hear Fox's speech as the expression of his inner beliefs amounts to a failure to properly own and practice one's national language that is no less dangerous than Hastings's supposed contamination of English with Indian meanings.

Bodily Legislation

Throughout the trial, the managers frequently allude to Hastings's prevarications and subtleties of usage, and the thematic makes its way into Burney's *Diary* in an important exchange between Burney and Wyndham. After Wyndham animadverts on Burke's eloquence, Burney asks if Hastings will speak in his own defense:

"No," he answered, "he will only speak by counsel. But do not regret that, for his own sake, as he is not used to public speaking, and has some impediment in his speech besides. He writes wonderfully—there he shines—and with a facility quite astonishing. Have you ever happened to see any of his writings?"

"No: only one short account, which he calls Memoirs relative to some India transactions, and that struck me to be extremely unequal—in some places strong and finely expressed, in others obscure and scarce intelligible."

“That is just the case—that ambiguity runs through him in everything. Burke has found an admirable word for it in the Persian tongue, for which we have no translation, but it means an intricacy involved so deep as to be nearly unfathomable—an artificial entanglement.”

Then he spoke the original word, but I do not presume to write Persian.

I took this occasion to mention to him that his friend Dr. Johnson, in observing how little lenity he ever had to more words than matter. He looked at me with a respectful attention when I named that honoured name, that gratified my own respect for it. He then said he must be gone, and show himself again in the committee.²¹
(73–74)

The invocation of Johnson at the close of passage is intriguing because Burney consistently mobilizes Johnson as the arbiter of moral judgment in this section of the *Diary*. Johnson becomes a crucial sign here not only of the correct relationship between words and subject matter, but also a key point of negotiation between Burney and Wyndham. Assured of Wyndham’s respect for Johnson, she pulls out Johnson to critique not only Burke’s prolixity but also Burke’s reliance on a Persian word to describe the unevenness of Hastings’s writings and character. Are we to interpret the invocation of Johnson here as a protectionist gesture? If so, then Burney is in effect accusing Burke and the other managers with the same inappropriate usage that they attribute to Hastings. Does the unnamed Persian word capture Hastings’s guilt or does it signal a kind of characterization that cannot be assimilated into the scene of English judgment? Burney’s analysis of Fox certainly opens the door for such an interpretation especially when one factors in Johnson’s place in the codification of the national language.

Furthermore, Burney’s invocation does something important in her relation to Wyndham, and in the relationship between Wyndham and Burke. Wyndham’s respect for Burke borders on enthusiasm, and Burney mobilizes Johnson to counteract the following outburst:

“Come,” cried [Wyndham] with energy, “and hear Burke!—Come but and hear him!—’tis an eloquence irresistible!—a torrent that sweeps all before it with the force of a whirlwind! It will cure you, indeed, of your prepossession, but it will give you truth and right in its place. What discoveries has he not made!—what gulfs has he not dived into! Come and hear him, and your conflict will end!”

I could hardly stand this, and, to turn it off, asked him if Mr. Hastings was to make his own defense? (73)

It is difficult to determine whether Burney is more offended by the suggestion that Burke's oratory is an unstoppable force that will evacuate the listener's subjectivity or by the implication that her "prepossession" for Hastings is contrary to "truth and right." Regardless, Burney responds with a withering reference to Johnson aimed at undercutting Wyndham's enthusiasm by reminding him of his prior personal attachment to Johnson. And that attachment is one that he shares with Burney. The implication is that Wyndham's admiration of Burke's irresistible eloquence is somehow disrespectful not only to Wyndham's deceased friend but also to Burney's mentor. Burney subtly highlights the degree to which the whirlwind effect of Burke's oratory interferes with the ties of private society. In other words, she emphasizes the degree to which oratory disjoins the audience from its private beliefs and thus points to another form of splitting that needs to be taken into account in an assessment of character.

Burney's reactions to Burke can be divided into public and private interactions. As we have already noted, the latter are dominated by moments of trembling unsociability and her private difficulties are clarified by her explicit discussion of the second day of Burke's "Speech on Opening of Impeachment of Warren Hastings."²² This is the section of the opening speech in which Burke inveighs against "geographical morality." But that famous declamation comes after the extended narration, first, of Company intervention in the transference of sovereignty from Siraj-ud Daula to Mir Jafar to Mir Kasim and, second, of the oppression of Muhammad Reza Khan.²³ Burney's initial description of the speech is highly cognizant of these two separate modes of presentation and of how they interact. But more important is the careful rendering of her response to the shifts and turns in Burke's discourse:

All I had heard of his eloquence, and all I had conceived of his great abilities, was more than answered by his performance. Nervous, clear, and striking was almost all that he uttered: the main business, indeed, of his coming forth was frequently neglected, and not seldom wholly lost; but his excursions were so fanciful, so entertaining, and so ingenious, that no miscellaneous hearer, like myself, could blame them. It is true he was unequal, but his inequality produced the effect which, in so long a speech, was perhaps preferable to

greater consistency, since, though it lost attention in its falling off, it recovered it with additional energy by some ascent unexpected and wonderful. When he narrated, he was easy, flowing, and natural; when he declaimed, energetic, warm, and brilliant. The sentiments he interspersed were as nobly conceived as they were highly coloured; his satire had a poignancy of wit that make it as entertaining as it was penetrating; his allusions and quotations, as far as they were English and within my reach, were apt and ingenious; and the wild and sudden flights of his fancy, bursting forth from his creative imagination in language fluent, forcible, and varied, had a charm for my ear and my attention wholly new and perfectly irresistible. . . . But though frequently he made me tremble by his strong and horrible representations, his own violence recovered me, by stigmatizing his assertions with personal ill-will and designing illiberality. Yet, at times I confess, with all that I felt, wished, and thought concerning Mr. Hastings, the whirlwind of his eloquence nearly drew me into its vortex. (78–79)

The contrast with her description of Fox's speech is palpable. Nowhere do we find Burney dwelling on Burke's physicality—his body does not figure in the description except through the range and timbre of his voice. Unlike Fox, Burke's body does not interfere with the reception of the text but rather seems to highlight it, and there is no suggestion that Burke's performance ever becomes monotonous. Since there appears to be a harmonization of gesture and text, Burney intimates, in terms very similar to Wyndham's, that she is nearly drawn into the vortex of rhetoric in spite of her predisposition in favor of Hastings. With the body of the orator operating properly, Burney's concern becomes with the body of the auditor, with her own bodily legislation. As we will see, this particular vortex disassembles the auditor and reassembles her according to the principles of the text and does so in a fashion that works directly on the body of the audience.

This incursion on the body of the listener is the chief focus of Burney's analysis of Burke's rhetoric. Again casting herself as Molière's old woman and thus retheatricalizing the scene, Burney focuses not on Burke's body but on her own:

I told him [Wyndham] that his [Burke's] opening had struck me with the highest admiration of his powers, from the eloquence, the imagination, the fire, the diversity of expression, and the ready flow

of language, with which he seemed gifted, in a most superior manner, for any and every purpose to which rhetoric could lead. “And when he came to his two narratives,” I continued, “when he related the particulars of those dreadful murders, he interested, he engaged, he at last overpowered me; I felt my cause lost. I could hardly keep on my seat. My eyes dreaded a single glance towards a man so accused as Mr. Hastings; I wanted to sink on the floor, that they might be saved so painful a sight. I had no hope he could clear himself; not another wish in his favour remained. (98–99)

This passage becomes resonant in light of her commentary on Fox’s eyes, for Burke’s speech makes it painful for her to look at Hastings. The aversion of the eyes from Hastings that she deemed appropriate to the managers’ cause is now—if only transiently—her own. Burke’s performance not only convinces her of Hastings’s guilt, but it also forces an adequation of inner private conviction and outer bodily performance that he alone among the managers seems to exhibit.

However, Burney also emphasizes that this resubjectification is confined to the narrative part of Burke’s speech. When he moves into the declamation, which includes his trope of geographical morality, Burney regains possession of her eyes and her judgment:

But when from this narration Mr. Burke proceeded to his own comments and declamation—when the charges of rapacity, cruelty, tyranny were general, and made with all the violence of personal detestation, and continued and aggravated without any further fact or illustration; then there appeared more of study than of truth, more of invective than of justice; and, in short, so little of proof to so much of passion, that in a very short time I began to lift up my head, my seat was no longer uneasy, my eyes were indifferent which way they looked, or what object caught them; and before I was myself aware of the declension of Mr. Burke’s powers over my feelings, I found myself a mere spectator in a public place, and looking all around it, with my opera-glass in my hand. (99)

As in the previous description, it is the violence of Burke’s tone and its disantiation from narrative proof that breaks the identification between audience and orator. If Fox’s body betrays him, then here it is clearly Burke’s excessive discourse that indicates “all the violence of personal detestation.”²⁴ This incursion of the merely private into the public performance

effects a series of returns: a return of her body to her own possession, a return of her own judgment regarding Hastings, and most importantly a return to the theatrical space of Westminster Hall. This latter return is particularly significant because it indicates that the torrent of Burke's oratory in the narration figuratively takes Burney not only out of herself but also out of Westminster Hall. Her careful description of her return as a spectator with an opera glass in her hand suggests that the "departure" is essentially a departure from the theatre. When Burke's oratory is working properly, the very theatricality that makes it possible evaporates, and the auditor is suddenly set in what Wyndham previously described as a space of truth and right. In this light, Burney contains her momentary re-subjectification as a theatrical effect, an illusion whose claim to truth can only be transient.

Significantly, Burney records Wyndham's response to her discourse in a similar fashion by focusing on the bodily signs of his concession to her position: "His eyes sought the ground on hearing this, and with no other comment than a rather uncomfortable shrug of the shoulders, he expressively and concisely said—'I comprehend you perfectly!'" (99). But unlike Burke, she does not move into a triumphant declamation but rather shifts directly to her critique of Fox. The very economy of her critique avoids precisely what she sees as Burke's failure—his willingness to move away from narration toward elaborately prepared rhetorical flourishes. And this failure amounts to a dramaturgical error, for it allows the audience to disidentify with the performance and retroactively contain their conviction in Hastings's guilt. Suddenly Burney's self-characterization as Molière's old woman becomes resonant, because her critique of each individual act of oratory is consistent with her overall dramaturgical analysis of the scene of impeachment:

"And another thing," I cried, "which strikes those ignorant of senatorial licence, is this, —that those perpetual repetitions, from all the speakers, of inveighing against the power, the rapacity, the tyranny, the despotism of the *Gentleman at the Bar*, being uttered now, when we see him without any power, without even liberty—confined to that spot, and the only person in this large assembly who may not leave it when he will;—when we *see* such a contrast to all we *hear*, we think the simplest relation would be sufficient for all purposes of justice, as all that goes beyond plain narrative, instead of sharpening indignation, only calls to mind the greatness of the fall, and raises involuntary commiseration!" (101)

Burney's critique straightforwardly declares not only that the managers are not paying enough attention to the disjunction between what the audience sees and what it hears, but also that they fail to recognize that dramatizing the "plain narrative" of Hastings's actions should be their primary concern. Furthermore, she is also making a generic critique because her invocation of the "involuntary commiseration" with the accused is perfectly in keeping with Burke's analysis of tragedy. It is as though Burney is stating that no amount of speechifying from the prosecution will counteract the sympathy generated by the embodiment on stage of fallen greatness. In this analysis, the very constitution of the theatre of impeachment works against the managers. And it is interesting how Hastings's impassive body, referred to frequently not only in Burney but also in the accounts of the trial, only heightens the distinction between the Hastings the audience hears about and the Hastings the audience sees.²⁵ These accounts of Hastings's public impassivity were supplemented in the newspapers by accounts of the propriety of his private actions:

[Mr. Hastings's] time . . . is said to be laid out with singular propriety—he neither visits nor receives any company in his present situation—most of his evenings being spent in consultation with his lawyers, or arranging by himself the business of the next day—his only relaxation being a game of backgammon in his own family.²⁶

As we will see, questions of propriety and the family become a vital part of Burney's critique of the impeachment.

From this perspective Burney's affective response to Hastings's impassivity begins to signify, for it is in her interest, as an advocate for Hastings, that he remain a subject seen in bonds. But this also requires that he be seen as an object not seeing. From her first description of trembling at Hastings's approach to the bar on the opening day of impeachment, Burney emphasizes that she cannot see his face. As we have noted already in relation to Fox, the face or countenance is a signifying medium that needs to be carefully controlled so that it does not counter the language of the orator's text. Hastings's bodily performance is of no less importance, but because the Lords decided that he did not have to respond to the charges until after they were all fully presented and because he chose to speak through his counsel, it operates according to different rules. Of crucial importance to the maintenance of the scene of "involuntary commiseration" is the performance of isolation. To this end it is important that Hastings not have eye contact with specific audience members, not only because

it would allow the audience to construe relations of alliance between the accused and specific public figures, but also because it covers up the subject to and within itself in a fashion that negates inner thoughts and desires in favor of total legibility of the public self. This concealment of private thoughts is key because, as Burney explicitly recognizes, the imprecations against Hastings's rapacity that fill out Burke's declamation tend to focus on his moral criminality, not on his specific public actions. Hence, Burney carefully distinguishes between the persuasiveness of narrative and the failure of repeated character assassination—and, hence, Burney's extreme discomfort when Hastings looks at her:

A little after, while we were observing Mr. Hastings, Mr. Wyndham exclaimed, "He's looking up; I believe he is looking for you."

I turned hastily away, fairly saying, "I hope not."

"Yes, he is; he seems as if he wanted to bow to you."

I shrank back.

"No, he looks off; he thinks you in too bad company!" (120)

Eye contact between Burney—a member of the royal household—and Hastings would be open to construal both as a sign of alliance to the king and queen, and as a sign of private character itself. Burney's bodily response therefore is protective. One of Burney's highest marks of approbation comes when Wyndham states that "he did not think it right to look at [Hastings] during the speech, nor from the Committee-Box; and, therefore, I constantly kept my eyes another way" (83). As we will see, a shared reluctance to look is an important component of the relationship between Burney and Wyndham, but its significance remains obscured until we more fully appreciate the performative predicament of Hastings himself.

What emerges are two possibilities for Hastings: either he keeps his private character a cipher and allows the audience to lose faith in the managers' characterization of him, or he can undertake the far more difficult task of performing in a fashion consistent with his public defense, and yet divergent from the image being formed by Burke. The difficulty here is that Hastings's primary defense is that he acted out of necessity and therefore would have to develop a mode of bodily performance that simultaneously testified to his rectitude and allowed for acts understood to be immoral. In short, Burke's notion of geographical morality put stringent limits on Hastings performance of private character, but it was precisely these constraints that served Hastings so well because they saved him from signifying errantly. Burney herself takes on the defense of Hastings's pri-

vate character to Wyndham, owning that her predisposition for him is based on her favorable sense of his character from previous social interactions. But nowhere does she suggest that this would be an effective public defense. I would argue that this is because Burney is extremely conscious of the way in which limits on the public defense of one's private reputation effectively allow for the external projection of interiorities onto those constrained. In such an economy of character one's silence is itself significant. Burney is cognizant of this predicament because it is precisely the one that constrains feminine performance in society and which she wrote about so eloquently not only in *Evelina* but throughout her career as a novelist.

Burney's *Diary* deploys *Evelina* in a fashion that opens up the ground for a consideration of her identification with Hastings and of her education of Wyndham. As we have seen, much of Burney's *Diary* focuses on how she defends herself in private conversation from Wyndham's disapproval of her support for Hastings, but here Burney records a conversation in which Wyndham engages with her public authorial self:

You may remember his coming straight from the managers, in their first procession to their box, and beginning at once a most animated attack . . . before he exclaimed "I have a great quarrel with you! . . . you have done me mischief irreparable—you have ruined me!" . . . I begged him to let me understand how.

"I will," he cried. "When the Trial broke up for the recess I went into the country, purposing to give my whole time to study and business; but, most unfortunately, I had just sent for a new set of 'Evelina;' and intending only to look at it, I was so cruelly caught that I could not let it out of my hands, and have been living with nothing but the Branghtons ever since!"

. . . He ran on to this purpose much longer, with great rapidity, and then, suddenly stopping, again said, "But I have yet another quarrel with you, and one you must answer. How comes it that the moment you have attached us to the hero and the heroine—the instant you have made us cling to them so that there is no getting disengaged—twined, twisted, twirled around them round our very heart-strings—how is it that then you make them undergo such persecutions? There is really no enduring their distresses, their suspenses, their perplexities. Why are you so cruel to all around—to them and their readers?"

I longed to say—Do *you* object to a persecution?—but I know he spells it prosecution. (115–16)

The passage works on a number levels, not least of which is as a further quasi-erotic exchange in which Wyndham shows himself subject to, at least, the public Miss Burney. But the terms in which Burney records that subjection are extremely evocative, for throughout the *Diary* she not only upbraids Wyndham for the cruelty of Burke and the managers against Hastings, but also indicates that the managers—despite themselves—have singled out Hastings for the audience’s “involuntary commiseration.” Wyndham’s aesthetic response to the distresses of *Evelina* is remarkably similar to Burney’s aesthetic response to Hastings’s predicament, but his charge of cruelty is distinguished from that of the managers on quite specific grounds. First, Burney is cruel to her readers in order to demonstrate more fully the rapacity of Willoughby and the structural alignments of the sex-gender system that are complicit with it; she quite consciously allows the narrative events to argue her point. In contrast, Burney suggests that the attribution of cruelty to the managers by the audience is a result of their failure to mobilize their narrative effectively. Second, in the case of *Evelina*, the private act of reading—of being subjected to narrative cruelty—opens onto a scene of public edification. In contrast, at the trial of Warren Hastings, the public consumption of oratory—of being subjected to Burke and Fox’s excesses—devolves into a merely private conflict. Oddly enough we are witness here to two forms of cruelty whose distinction overrides the apparent frivolity of the comparison between *Evelina*’s “persecution” of Wyndham and Burney’s sense of the managers’ part in the prosecution of Hastings.

Wyndham argues that he is ruined—again an important word choice in light of the managers’ repeated invocation of the violation of Indian women—because the demands of *Evelina* interfere with the preparation of his speech before the trial. One could argue that such an easy distraction indicates precisely how uninteresting the process is to a man such as Wyndham. It would certainly not be beyond Burney’s anti-Whig sentiment to make such an insinuation. But perhaps there is something further at stake that requires some knowledge of the argument of *Evelina*. As Gina Campbell has ably demonstrated, Burney’s first novel can be read as a primer on how to be a gentleman.²⁷ Crucial to that lesson is the recognition that women must be accorded some space in public to express themselves without by definition undoing their reputation. Just as *Evelina* must speak for herself to correct the representation of her reputation, so

too must the woman novelist be able to operate to ensure that society does not devolve into or rather remain a scene of exchange where women are circulated according to male fantasies of who and what they are. By extension one could argue that Burney's *Diary* demonstrates that the women viewing the actions of the state in Westminster Hall must become political participants in order to prevent the unrestrained mobilization of feminine tropes for the advantage of party. That Wyndham has to ask why Burney makes Lord Orville, Evelina, and her readers undergo her "persecution" indicates that he does not understand the novel's critique of its male readers and of the homosociality of their desires. This is important because it is essentially what Burney argues about the managers' prosecution of Hastings. Burke's deployment of the feminized and violated Indian subcontinent as a rhetorical weapon against Hastings carries with it the silencing of this very constituency. What emerges instead are two competing fantasies of subjection whose conflict is driven by party difference rather than any real concern for colonial atrocity.

But more to the point, the deployment of *Evelina* shows us something about how Burney reads Hastings's performative predicament. Like Evelina, his ability to defend his reputation publicly is constrained to such an extent that any public performance, any utterance, will only confirm his guilt. This would suggest that Burney is reading Hastings's vulnerability as parallel to that of women in society. If we use *Evelina* as a guide, then the only exculpatory utterance is one that is not intended for public consumption. As in Evelina's overheard self-defense, what Hastings needs is an indirect communication of his private rectitude. Perhaps a private document like Burney's *Diary* that attests to his moral probity but does not demand that he speak publicly. After all this is one of the most important discursive aspects of *Evelina*'s epistolary discourse. It establishes a fictional space where Evelina can privately exonerate herself to the reader and to her guardian for acts that, on the exterior, appear highly improper. With this in mind I wish to conclude this chapter by considering Burney's private encounters with Wyndham as a complex form of indirect exculpation that nevertheless points toward a critique of Hastings's actions in Bengal.

Winding Up Wyndham, or Burney's Prosecutor

As noted earlier, the discourse between Burney and Wyndham is socially hazardous to her but viable because of the shared affection for Dr. Johnson. Her performance in the role of Molière's old woman is explicitly un-

dertaken because Burney reads Wyndham's loyalty to Johnson as an indication that he will be a suitable audience for her critique. That suitability is based not only on what she calls his liberality, but also on his prior actions with regard to Hastings. Burney's knowledge of these actions is withheld until quite late in her account, but they indicate not only the depth of her knowledge of Indian affairs but also the precise terms of her hope for Wyndham. The chief narrative enigma that drives much of the reported conversation relates to how and when Wyndham will perform when he is called to orate. As the reader tracks Wyndham's nervousness and Burney's advice to him, it becomes clear that Wyndham exists in the narrative as the exemplar of a kind of oratory distinct from that of Burke and Fox. Indeed, the training of Wyndham amounts to a restoration or heightening of those qualities that Burney suggests met with Johnson's approval and have been temporarily occluded by his association with Burke. And her intervention here is remarkably specific:

"I have been putting my expectations from your speech to a kind of test . . . I have been reading—running over, rather—a set of speeches, in which almost the whole House made a part, upon the India Bill; and in looking those over I saw not one that had not in it something positively and pointedly personal, except Mr. Wyndham's."

"O, that was a mere accident!"

"But it was just the accident I expected from Mr. Wyndham. I do not mean that there was invective in all the others, for in some there was panegyric—plenty! but that panegyric was always so directed as to convey more of severe censure to one party than of real praise to the other. Yours was all to the business, and thence I infer you will deal just so by Mr. Hastings." (117–18)

Burney's return to the speeches regarding Fox's East India Bill five years earlier should forestall any suggestion that she was not cognizant of the issues under discussion during the impeachment, but there is more to this passage than a mere revelation of her political acumen. By commending Wyndham for avoiding the personal in his earlier speeches, Burney is setting him up as a natural contrast to the debilitating disclosure of personal animosity in Fox's gestures and in Burke's voice.

But the key issue is that the strength of Wyndham's oratory is accidental. As we have seen, Burney repeatedly suggests that overpreparation leads the orator away from the facts and hence away from the "natural"

expression of his moral feelings: "When the facts are once stated, I cannot but suppose they must have much more force where followed only by unstudied arguments, and by comments rising at the moment, than by any laboured preparations; and have far more chance of making a deep impression, because more natural and more original" (85). This fetishization of the natural, the momentary, and the accidental is built on the supposition that oratory is prone to distort facts artificially. But more to the point is the assumption that accidental and unprepared disclosures demonstrate the morality and justice of the speaker because they minimize the difference between inner private subject and public social performance. Burney's defense of Hastings is built on the continuity of these two modes of subjectivity. She knows Hastings to be a gentleman in his private capacities and therefore presumes that his public performances will also be honorable. It is not surprising therefore that she wishes for the same continuity of inner and outer in a prosecutor. And Burney figures this parallel between the accuser and the accused not only in oratorical terms, but also visually:

"Ah, Mr. Wyndham," cried I, "you should not be so hard-hearted towards him, whoever else may; and I could tell you, and I will tell you if you please, a very forcible reason. . . . You must know, then, that people there are in this world who scruple not to assert that there is a very strong personal resemblance between Mr. Wyndham and Mr. Hastings; nay, in the profile, I see it myself at this moment; and therefore ought not you to be a little softer than the rest, if merely in sympathy?"

He laughed very heartily; and owned he heard of the resemblance before.

"I could take him extremely well," I cried, "for your uncle."

"No, no; if he looks like my elder brother, I aspire at no more."

"No, no; he is more like your uncle; he has just that air; he seems just of that time of life. Can you then be so unnatural as to prosecute him with this eagerness?" (120–21)

As in the earlier remarks on "geographical timidity," Burney's raillery carries with it a certain level of gravity, for she suggests not that Hastings shouldn't be prosecuted, but rather that he should be prosecuted in a manner that one would prosecute oneself. This refusal of Hastings's alterity, of his isolation, is figured first in terms of visual resemblance and then in terms of familial relations. The aptness of this figural extrapolation lies in

its ability to capture the political scenario. In the scene of impeachment, Burney is asserting that a proper prosecution of Hastings would be a prosecution not of one man but of an entire system of governance. However, such a systemic prosecution would require the dissolution of party difference and of the difference between accuser and accused in order that the “facts” of the case could “naturally” unfold. It is as though Burney is asking for the disclosure of historical events without the distorting mediation of individual subjects or institutions. In short, a return to natural society.

It is here that the invocation of the familial relation between Hastings and Wyndham is so resonant because it is mobilized as a model of natural sociality. The implication is that to pursue Hastings as Burke and Fox have done is unnatural or perverse. This explains why Burney makes such a point of the breakdown in social relations between herself and Burke that is effected by his public discourse: it is symptomatic of a pervasive splitting of the bonds of society. Counter to this split, Burney proffers the circle of society around Johnson of which she and Wyndham are exemplary citizens. It is only a small step to recognize that this is a fantasy of national consolidation that may be obsolete upon its utterance, but which may also capture the specific parameters of a nationalist resistance to the impeachment that is ultimately reliant on a very tendentious assertion of natural familial association.

This page intentionally left blank