Fanny Hill in Bombay

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For John Cleland, the paradox of authorship was immediate and acute: the same book that delivered him from one prison led to his confinement in another and, in time, both made and unmade his reputation. To his enduring shame and disgust, Cleland was famous in his own life for only one—the first—of the many books he produced over a career of more than forty years: the scandalous 1749 *Memoirs of a Woman of Pleasure*, better known today by the name of its first-person narrator, Fanny Hill. Published in two parts in order to pay off the debts for which he had been confined to the Fleet Prison more than a year before, Cleland’s novel led to both freedom and subjection: he was released from the Fleet, but he was also trapped, in his own words, in the “low abject condition” of “a writer for bread,” in a state of commercial dependency on the novel’s shadow publisher, Ralph Griffiths.\(^1\) His condition was soon to become more abject still, for on 8 November 1749 Cleland was arrested and confined to the house of Samuel Gray or Grey, messenger of the press, the government’s agent for detecting “unauthorized and undesirable” publications.\(^2\)

In his outrage and fury at this new incarceration, Cleland at first appealed to vague rumors that the *Woman of Pleasure* had been written by someone else,
but in a letter to Lovel Stanhope, law clerk to the secretary of state, written on 13 November, he offered a franker, if still guarded, account of how the book had come to be written. “The plan of the first Part,” Cleland writes, “was originally given me by a young gentleman of the greatest hopes that ever I knew, (Brother to a nobleman now Ambassadour at a Foreign Court) above eighteen years ago, on an occasion immaterial to mention here.” Cleland left the young gentleman nameless—a gesture of discretion or perhaps, as David Stevenson argues, a threat to bring down scandal on a diplomat and his noble family if provoked—and it was not until recently that evidence of his identity came to light, with the publication of a volume of Boswell’s journal in which he records a conversation with Cleland, then almost seventy. “Cleland said he had wrote his Woman of Pleasure,” Boswell reports, “to show the Hon. Charles Carmichael that one could write so freely about a woman of the town without resorting to the coarseness of [L’École des filles], which had quite plain words. What is strange, he kept it five-and-twenty years, that is, the first part and half the second, which was all wrote by the time he was twenty. The last was done when he was older. I said I wondered that he kept it so long; that it did not burst out.”

Charles Carmichael, then, is the young gentleman of great hopes who gave Cleland the “plan” for his book around 1729 or 1730, before Cleland turned twenty. Memory plays tricks, of course, and the letter and journal entry differ in some details, but Carmichael was brother to “a nobleman now Ambassadour”—John Carmichael, third Earl of Hyndford (ambassador to Russia in 1749)—and would have been of the right age and circumstances to have become Cleland’s friend and to have spurred him on to a piece of adolescent bravado like the writing of a whore’s life with no coarse words. And the place they were living then, where the Memoirs were first written, was the East India Company’s trading settlement at Bombay.

Cleland arrived at Bombay as a soldier in the company’s service in August 1728, just turned eighteen. His dozen years in the company’s Bombay colony offer an exemplary colonialist success story, as he advanced from foot soldier through the positions of writer, factor, junior merchant, secretary for Portuguese affairs, and attorney to the Mayor’s Court to secretary of the Bombay Council. His skill in writing—he was described by one member of council as having a “poinant and ready pen”—and mastery of languages enabled him to move rapidly through the ranks and might be seen retrospectively to mark him out as an author, but there is no evidence he had any thought then of a literary career. On the other hand, the traces that survive of Cleland’s life in Bombay
show him very self-consciously elaborating a flamboyant, contrarian authorial persona—not in published texts, but in the public forum of the Bombay courts. In this chapter I explore the colonial origins of Cleland’s *Woman of Pleasure* and the literary career that ensued after its dangerous success. It is possible, of course, that Cleland was lying when he claimed that the novel originated with Carmichael’s challenge or plan: Carmichael was long dead when the novel appeared, and the mature Cleland had good reason to distance himself from the text that provoked his arrest for obscenity. But he had no reason to lie to Boswell, and in any case the literal reliability of Cleland’s statement is less important than the crucial figural and thematic correspondences one can trace between Cleland’s public authorial “performances” in Bombay and the authorial persona he constructs, inhabiting Fanny’s voice, in the novel.

Had he wanted, Cleland in his jailhouse letter could have assigned much more of the blame for the offending text to Carmichael. What stands out, in fact, both there and in Boswell’s journal, is Cleland’s emphasis on the novel’s collaborative origins: the ways in which, “at my leisure hours, I altered, added to, transposed, and in short new-cast” the lost Carmichael source, as he writes to Stanhope or, as he tells Boswell, his taking-up a kind of challenge Carmichael set him, to find a figural language, neither coarse nor “quite plain,” for the representation of sex. One should not overlook the homoerotic subtext (at least) of this boyish collaboration, for in the same years, and despite his career success, Cleland was more than once branded as morally dissolute. In what follows, I situate his collaboration with Carmichael in relation to two hard-fought legal cases that induced Cleland to articulate an embattled, sometimes overwrought public self. In the second, which has never before been published, he was accused of the kidnapping and seduction of a slave woman, and his testimony exhibits striking parallels with the novel’s exploration of the links among sexual objectification, economic inequality, and male violence. In his clandestine fiction writing, he coupled these themes with the challenge of writing from the vantage point of a whore who lusting after men’s bodies and describes them rhapsodically—thus initiating the “perverse” authorial persona that would color, or by his detractors be read into, all his later work.

**Cleland and Carmichael**

Although Cleland embarked for Bombay aged seventeen as a common foot soldier, his lineage was impressively patrician, and his parents’ social and political connections, as well as his own brief early education at the Westminster
School—which was, along with Eton, one of the most prestigious of elite public schools in the period—would in the regular course of things have marked him out for university and a career in one of the professions, church, army, or law. He had been selected within a year of matriculating at Westminster (at age ten) for a King's Scholarship, but a year later he withdrew from the school for reasons unknown. Nor does any trace survive of his life over the next five years, before his embarkation. Whatever the reasons that led to his enlistment with the East India Company, he was evidently ambitious and skilled, and quickly maneuvered his way out of what could have been a dead-end post. In a letter written on Cleland’s behalf in early 1731, when he was petitioning the company to be appointed writer (the lowest civil service position), the steps of his early progress are put on record. In 1729, “Governor Cowan approving of his behaviour . . . advanced him into the Gun Room,” where he soon headed the list of “montrosses,” or gunners’ assistants. Soon after, a Mr. Page, secretary of the Bombay Council, “finding him well qualify’d in Book keeping, writing, & languages, sober, faithfull, and diligent employ’d him to write under him.” In August 1730 he was chosen to fill a vacancy as attorney to the Bombay Mayor’s Court, “the fittest person for that Employ” because he was “already somewhat acquainted with the business.” By July 1731 he had been appointed as a writer, which not only gave him a sure foothold on the bureaucratic ladder but allowed him to engage privately in trade in his own behalf.

Meanwhile, Charles Carmichael, youngest son of the second Earl of Hyndford, had also come to Bombay. If Cleland's father was the lineal descendant of an ancient Scottish family that had been forced to sell off its estate and lived in a condition of near constant economic insecurity, Carmichael's was a Scottish peer whose four eldest sons took up their allotted places in the ruling class: John, the third earl, and envoy or ambassador to Prussia, Russia, and Austria; William, Church of England cleric and archbishop of Dublin; James, member of Parliament for Lanark Burghs; Archibald, page to George II and captain in the army. As fifth son, Charles was sent farthest from the centers of power but must have been expected to extend the family’s dominion into the burgeoning sphere of colonial trade. He is listed as writer in the company’s register of civil servants for January 1731 and appears with Cleland on the next six semiannual lists. Although it used to be thought that he died in Bombay aged twenty in 1732, he in fact died on 24 July 1733 (of “Fever”) and was buried the next day.

Cleland and Carmichael would have known each other, then, from the second half of 1730, around the time Cleland was appointed attorney, and their friendship would have been compassed in the three years before Carmichael’s
death. When they met, Carmichael was seventeen or eighteen, Cleland two years older. Although the Cleland family’s fortunes had been in decline for some time, his parents were on close terms with many among the political and social elite of the period, from the Duchess of Marlborough to Richard Steele and Alexander Pope, a quite close friend of Cleland’s father, William. So the two young men in Bombay came from the same social world, from well-connected families with roots (if not estates) in Scotland, although both had been thrown into the rough and tumble and high mortality rates of colonial life in South Asia in the hopes they’d be able to make their own ways, since nothing would be left them to inherit. Remembering his friend, years later, as “a young gentleman of the greatest hopes that ever I knew,” Cleland catches something of the sense of exhilaration and risk they must both have felt at such distance from their own native land.

Exhilaration and risk marked their collaboration on the Memoirs as well. It started with their reading of L’École des filles, an erotic dialogue of 1655 in which an older woman instructs a younger in the secrets of sexual anatomy and practice, which they may have read in the French original or in an English translation, The School of Venus, first published in 1680. Sixty years earlier Samuel Pepys had been so fascinated by this “idle, rogueish” book when he came across it at his booksellers that he returned to buy it later, although he was “resolve[d], as soon as I have read it, to burn it . . . that it might not be among my books to my shame.” Carmichael and Cleland may not have felt the same sense of shame, but evidently did feel a similar fascination, and set to work on their imitation-with-a-difference “on an occasion,” as Cleland writes in his letter to Stanhope, “immaterial to mention here.” Despite Cleland’s reticence, it would be interesting, and perhaps even material, to know what the occasion was. Not knowing, one can only try to reconcile the discrepant accounts Cleland later offered of the novel’s origins. In the first, he writes that Carmichael gave him “the plan of the first Part.” It’s not obvious what this means: is the plan the plot in detail or an overall idea, or is it the claim Cleland put to Boswell, that one could write a harlot’s story freely but avoid the “quite plain words” of L’École? Did Cleland then plan the second part (and are the “plans” of the two parts really separable)? Did Carmichael actually write any of the book as eventually published? To claim that he gave Cleland just a plan might suggest no, but to state (in the same letter) that Cleland later only “altered, added to, transposed, and in short new-cast” a lost original might suggest yes. None of these questions can really be answered, but the opacities and differences in the two accounts confirm what is most significant in both, that the text does not originate with or
belong only to Cleland—that it took shape as a series of exchanges, challenges, borrowings, revisions, and dares between Carmichael, Cleland, and the books they were secretly reading.

Apart from these recollections of his friendship with Carmichael, Cleland’s time in Bombay has to be reassembled from a range of public documents now held in the Oriental and India Office Collections at the British Library. Along one axis, as recorded in one set of records, his career was exemplary: he made steady and rapid progress through the ranks, from his appointment as writer in 1731 to factor in 1734 (two years ahead of the normal pace) and to junior merchant in 1737; by 1740 he headed the list of junior merchants and was first in line for promotion to senior merchant, the highest civilian rank. He was evidently valued highly enough for his acuity and diligence that he was appointed to other positions of responsibility: attorney to the Mayor’s Court (1730), secretary for Portuguese affairs (1737), and secretary for the Bombay Council (1739), among others. By these measures, Cleland appears a capable and thoroughly conventional figure, having outgrown, perhaps, the unrespectable sexual high spirits of his writing with Carmichael—perhaps even having been sobered into respectable industry by Carmichael’s early death.

Yet along another axis, the Cleland that emerges from the public documents in the company archives is a more reckless, combative, rebellious figure, gambling his future with the company by taking on the whole council on behalf of a Hindu merchant he had been assigned to represent and risking accusations of sexual impropriety by harboring a slave woman in his house in defiance of her putative master. Both these incidents are fully documented in the company’s records, and both are compelling not least because they put Cleland on a public stage, the object of others’ representations and the subject of his own, forcing him to construct and defend what I have called a public authorial persona, on which his later literary work would build.

First Case: Cleland versus Lowther

The first case arose directly from Cleland’s appointment as attorney, though in this instance his “sober, faithfull, and diligent” carrying-out of his duty set him against those who had appointed him, in part because it laid bare a streak of aggressive defiance in him that overrode any deference to authority. In November 1734 Cleland was called on to prepare a bill of complaint on behalf of Lollaboy Susunker Ballanauth Vossontroy, a merchant based in Surat, against
Henry Lowther, chief of the company’s custom house at Surat and member of the Bombay Council. Lowther had borrowed 40,000 rupees (ca. £5,000) from Vossontroy at Surat, about one hundred miles up the coast from Bombay, and had then refused to repay it. Believing, as Cleland later wrote, that Lowther’s influence in Surat would be prejudicial, Vossontroy sued in the Bombay Mayor’s Court for redress, presenting Lowther’s signed IOU with the bill Cleland drew up. Against this, Lowther claimed, first, that because Vossontroy was “born an Alien, & a Subject of the Great Mogull,” he was not entitled to plead before an English court and, second, that because the debt was incurred at Surat, Vossontroy’s complaint should not be heard in Bombay. Although Cleland argued cogently against them, Lowther’s claims were upheld and Vossontroy’s bill rejected. In the end, Vossontroy took his case to the Mughal emperor, as Lowther had indirectly suggested, and won it.

What is interesting in the case is not the injustice of the Bombay court’s decision but the rhetorical violence of the representations on both sides. It was risky enough for Cleland to argue in earnest against a member of council, but it was much more so to characterize the case in almost Manichaean terms, as when he writes, “I am not to be awed & frightened from pleading the cause of the poor or weak, against Power or oppression,” or suggests that were Lowther’s claims to be granted, this “wou’d effectually tear up all publick faith & credit by the Roots, fundamentally destroy the whole English Trade in these Parts & convert our Island into an Asylum or Sanctuary only sacred to Pillage & Rapine.” Although he later denied that he meant to impugn the integrity of the council, Cleland had in the course of his argument implied that the court would be guilty of hypocrisy if it found for Lowther, for as he reminded the court, the council had recently permitted Lowther himself to use the threat of military force to recover a debt from the governor of Surat. If Cleland meant just to urge that the principle of reciprocity should apply in cases of debt, his reference to this incident was read by Lowther and his fellow councillors as an act of “criminal disrespect” and his whole case on Vossontroy’s behalf as an almost treasonous attack on the company itself.

Despite having won the case, Lowther was indignant enough at what he regarded as Cleland’s attacks on his character to file a complaint against him, joined in this by another councillor, Robert Cowan, who denounced Cleland in a supporting letter as “this common Assassin of Men’s Characters and Reputations.” The figure of Cleland as assassin pervades Cowan’s letter, as for example when he asserts that “my impotent Adversary, arm’d with nothing but villainy
and Malice, attempted to wound my Character” or writes that “the Stab” of Cle-
land’s argument “was design’d at my Reputation.” The most mystifying and
damning of Cowan’s charges comes halfway through his letter, when he writes
that he would not be suing for redress

had the affront been offer’d me by any man that bore the character of the smallest
share of Honour or honesty, which I hope will not be allow’d by any impartial Judge
to one who not many years since deserted his King, Country & even the Colour Na-
ture design’d him, & was sent to me from Mahim (when I was Second in Council)
as a pinion’d Slave;—Circumstances indeed that best suit his Principles & Practices,
but render him unworthy of even my Horsewhip.

It is hard to know what to make of this, given that Cowan had three years earlier
testified to Cleland’s good behavior and supported his appointment as writer,
and given the absence of any other evidence in the company’s records of such
an incident. Cowan’s assertion that Cleland had “deserted . . . even the Colour
Nature design’d him” is arresting but cryptic, as is the image of Cleland sent
from Mahim to Bombay “as a pinion’d Slave.” If the story is not a wholesale fab-
rication, it seems to offer a sort of garbled or truncated captivity narrative with
Cleland a willing captive, deserting his own race—as if only this could account
for the treason of his exertions on behalf of Vossontroy. Cowan’s portrait of
Cleland as a criminal against nature whose unspecified “Principles & Practices
. . . render him unworthy of even my Horsewhip” is just the most extreme in-
stance of a vein of commentary that dogged Cleland for most of his life, much
of it characterizing him, more or less explicitly, as a sodomite. Perhaps Cowan
is also hinting at this. Resistant as his anecdote is to decoding, it stands as the
antithesis to that other narrative of Cleland as model young colonialist striver
that emerges from other parts of the archive.

Cleland gives no response to Cowan’s charge of having deserted “the Colour
Nature design’d him,” and it is likely that he had not seen Cowan’s letter when
he wrote his answer to Lowther’s complaint. But it is clear from what Cleland
writes that he was just as jealous of his reputation as Lowther or Cowan were
of theirs, and there is no trace of deference to his superiors’ higher standing in
the Bombay colony. He too figures his antagonist as an assassin, as when he
writes, “The low dishonourable Stabs Mr. Lowther is pleas’d to aim at me, in his
expressions of ‘a Person of Mr. Cleland’s known Reputation and Character’—
‘my usual Front’—‘& audaciousness’ with other Language equally decent &
well bred, only deserve my soldest, & coolest Contempt.” If Cleland’s alter-
nately aggressive and contemptuous treatment of Lowther was risky, validating Lowther’s charge that his rhetoric during the trial itself constituted an attack on Lowther’s character, open public defiance may have seemed the only real option, both to vindicate his own character and to ensure that the case would not simply be silenced. Cleland presents himself as the unjustly injured party, suffering for his dutiful adherence to the company’s interests: Lowther’s “unjust and iniquitous” claims, he argues, “inevitably engaged me in the cruel and grievous [sic] Dilemma of drawing this Persecution upon me, or basely giving up the most sacred regards, whether I am consider’d as an English Gentleman, a Servant of the Hon Companys, or an Attorney acting for my Constituent.”

And this “persecution,” he repeatedly notes, has been in the public eye. Near the end of his answer to Lowther’s complaint, Cleland writes, “He may oppress me: & under the name of taking other Satisfaction as he has threatened publickly Injure my person by open violence, or my Character & Fortune by open Injustice,” while in an earlier passage he notes that he spoke on Vossontroy’s behalf “notwithstanding the Personall Revilings & Insults from Mr Lowther & being hooted at in open Court by some Gentlemen equally Members of this Hon.ble Board & of the Court of Appeals who composed part of that greatest Audience that was ever known.” Cleland’s insistence on the public nature of these “revilings” sets him in defiance of not only Lowther but “some” of the very “Gentlemen” who are judging his case. If he thereby risks alienating his listeners, he does so not just to portray himself as a lone and thus rather heroic figure, justice’s champion, but also to remind them that the case has already attracted the attention of the whole colony, “the greatest Audience that was ever known” in the Mayor’s Court. It was too late simply to hush the whole affair up.

Such a reminder was crucial, for Cleland was under threat from two different forms of violence: the lesser, overt form was the violence of injurious language; the greater, covert form the violence of erasure and exile. This, he knew, was what the council intended: to banish him to a subordinate outlying “factory” or station and to expunge all record of the dispute from the register the council sent monthly to the company’s Court of Directors in London. This “Silent Escape,” as Cleland called it, would effectively have killed his career, and would have consigned both the arguments in the original Lowther-Vossontroy case and the subsequent war of words between Lowther and Cleland to oblivion. In fact the council had voted unanimously to this effect, but one of the councillor, John Bradyl, changed his mind some hours later, deciding that “the Matters that appear in [Cleland’s] Answer are of too Important a Nature to
be stifled in this manner.” That BradyLL came to this conclusion was probably due to the defiant, impassioned language in which Cleland expressed both his legal arguments and his self-defense, so that a dispute over the terms of a debt became a debate on the principle of equity in colonial affairs, and the insulting barbs of a “diminutive & empty Chatterer” (as Cowan called him) were recast as an expression of “due abhorrence and resentment” of the sort of double-dealing that would “spread an alarm dishonourable to our Nationall Character & Laws.” The very extremity of Cleland’s (and Lowther’s) rhetoric meant that the case could no longer be “stifled”: it called into question the very bases of the company’s presence in Bombay and elsewhere.

And, luckily for Cleland, it did so at a time when his two accusers had already come under scrutiny for their irregular business practices. Cowan had recently been dismissed as governor of the Bombay colony for his questionable financial dealings, and Lowther was under investigation for corruption related to his excessive indebtedness—one year later he would be dismissed by both the Bombay Council and the company’s London office for “gross mismanagement.” It seems, from a passing remark in Cleland’s answer to Lowther’s complaint, that he was already involved in the inquiry that would lead to Lowther’s demise: “He may make an Example of me,” Cleland writes, “or procure me to be transported to a Subordinate Factory at a time too I have another cause of importance against him under my management.” Within a year, Cowan would also be thoroughly disgraced, the Bombay court refusing his request to be invited in and publicly thanked for his good services to the company. Nevertheless, even if Lowther’s and Cowan’s reputations were under a cloud, their fellow councillors’ first, automatic impulse was to side with them against attacks either from outside (Vossontroy) or from below (Cleland), as if the very principle of hierarchical governance was at stake. For Cleland to take them on with such “inveteracy and Venom,” as Lowther put it, and in doing so to portray himself as valiantly speaking truth to power while “being hooted at in open Court” by the “Gentlemen” of the council, was an enormous risk. But in making a public affaire of a private dispute, he raised the stakes to such a degree that BradyLL, in the end, saw that his own and the company’s interests would be more damaged by suppressing than publishing the case, and so he presented a letter of dissent to the council. Once this was accepted, the council had no choice but to gather all the documents in the case and enter them in its minutes for review by the company’s directors in London. In a striking instance of archival irony, the very action by which Lowther aimed to expunge all record not just of the case against him but also, in effect, of Cleland himself—sending him off to the oblivion of
a subordinate factory—led to the preservation of the documents in the register of council proceedings and thus to a kind of immortality for Cleland as author, his answer to Lowther’s complaint becoming the earliest of his writings now held in the British Library, no less.

Even so, the council’s original decision to rebuke and expel Cleland from Bombay would most likely have been upheld by the company had Lowther and Cowan not brought ignominy on their own heads—even if, back in London, Cleland’s father was simultaneously enlisting support for his own campaign to vindicate his son’s reputation and “to protect” him from “arbitrary” treatment. Whatever the relative weight of the different factors, by March 1736 the company’s directors in London gave official notice of Cleland’s exoneration: “As to Mr Cleland’s Case, and the disputes concerning him,” they ordered, “what he hath done should not prejudice him in your Esteem.” The gap of more than a year between the decision to send the Lowther-Cleland documents to London and the directors’ judgment in Cleland’s favor—owing in large part to the length of the sea voyage, but also to the ongoing investigation of Lowther—left Cleland in a doubtful state, and his father’s campaign suggests how worried he really was. In fact, things were worse than has so far appeared, for Cleland was at this same time embroiled in another legal battle that could have damaged him even more than the Lowther affair. Indeed the use of the plural in the directors’ judgment on “Mr Cleland’s Case, and the disputes concerning him” may allude to this second trial, which has never before been brought to light, and which, like the first, grew out of “the faithfull Discharge of his Duty as an Attorney in the Mayor’s Court.”

Second Case: Cleland versus Boag

In the second case, it was Cleland himself on trial. According to the complaint of William Boag, sea captain, recorded in the Register of Proceedings of the Bombay Mayor’s Court for 10 September 1735, Boag had gone to Cleland in August 1734 for legal advice. The matter on which Boag consulted Cleland was to do with a man named “King, who with one or two more persons, had Enterr’d your orrator’s [that is, Boag’s] house, and committed a rape upon the Body of one Marthalina his Servant or Slave.” According to Boag, Cleland did prevail on your orrator, under a pretense of serving him . . . to send her Marthalina to his the said John Cleland’s House, where your orrator that day dined, and where thro’ the persuasions of the said John Cleland he did give his Consent she
shou'd live for some time; But some time afterwards a differance arising betwixt the
two Friends . . . your orator did desire that he woud send home the said Marthalina
again. (f. 123)

At this point, Cleland gave Boag “some unbecoming Language,” and instead of
returning Marthalina, he sent her “to a certain Justice of the Peace, who under
a misrepresentation, that your orator had given her Freedom, did set her at
Liberty, telling her she might go and live where she pleased, by which means yr
orator hath been deprived of his right and property, and thereby greatly preju-
diced in his Estate” (f. 124).

Boag’s complaint is terse to the point of obscurity. What, for example, were
the circumstances under which King and his companions entered Boag’s house?
What motives would Cleland have had for “pretense” or “misrepresentation”?
What was the “differance” that arose between “the two Friends”? The story has a
certain unfathomability or starkness, and Boag makes no great effort to explain
or connect the different events, although there is a semantic affiliation among
the words he uses to describe Cleland’s actions: “did prevail,” “under a pretense
of serving,” “the perswasions of the said . . . Cleland,” “a misrepresentation.” All
of these involve a mixture of linguistic cunning, seduction, and deceit, thus
configuring Cleland as a trickster or tempter but assigning no particular motive
for his temptations.

Cleland’s answer to Boag’s complaint, by contrast, is a far more circum-
stantial and connected narrative that makes use of the novelist’s strategy of
presenting itself as “a plain, and Impartiall account.” In fact Cleland starts by
“observ[ing]” that Boag has applied to the court “under the colour of a plain
honest man,” setting up a contrast between Boag’s pretended and his own au-
thentic honesty, but also foregrounding the interpretive task that confronts the
reader of these discrepant texts. Boag had indeed come to him, Cleland begins
his narrative, for legal advice “concerning a horrid outrage Committed on the
Body of a Woman that cohabited with him in his house by one John King,
in Conspiracy with two others to this defendant unknown.” After listening to
Boag’s story, Cleland advised him, as the case was “very heinous,” to prosecute
the offenders, but Boag objected “that he shoud be obliged to go to Sea very
soon,” and if he had to wait in Bombay for the next quarter sessions, his busi-
ness would suffer. To this Cleland responded that “there cou’d be no remedy
or Punishment of the Crime without he prosecuted himself, as he believed the
person that had sustain’d the Injury was a Slave, and consequently depriv’d of
the right of suing, prosecuting, or doing any Legal act” (ff. 124–125).
Faced with this dilemma, Boag took a surprising tack: yes, Marthalina had been his slave, but “she had been a free Woman for some time”; specifically, she had been “cleard and freed from Bondage by himself about a month before, by an authentick Gift of her Liberty under his hand Executed in form, and deliver’d her before witnesses.” In fact, Boag said, he had meant to bring the document with him that day, but “was afraid he had mislaid it, though he wou’d go home and make a stricter search among his papers than he had hitherto done” (f. 125). With that assurance, Cleland agreed to take Marthalina as his client—an act that “wou’d have been inconsistent with his duty, to have done, and highly criminally in him, had she not been free” (f. 126). As for taking Marthalina into his house, Cleland asserts that Boag told him “that his house had been broke upon”—presumably by the alleged rapists—“and that there was a false key to the Room where the said Woman lay, and that he was afraid she might have her Throat Cutt, or have some mischief done to her whilst he was absent upon his Business . . . having already suffer’d such a violent abuse.” So, out of compassion, “moved with the account [Boag] gave of the distress and danger of the unhappy Creature,” Cleland “offer’d him the shelter and protection of his house for the said Woman” (f. 126).

To Cleland’s “Answer” to his original “Complaint,” Boag then gives a “Reply,” which is followed by Cleland’s “Rejoinder” and the depositions of witnesses on both sides of the case. The one voice missing is Marthalina’s, precisely because it is the question of her right to speak in court that the court has to determine. Indeed her story is almost incidental to the struggle the trial stages between the two men for social and sexual prestige. The case at law is an agon between two male-authored narratives. In Boag’s, Cleland has stolen—raped in the sense of abducted—what is properly his. Marthalina is his property, although in a complex and equivocal way, as it turns out: a quasi wife, a voluntary slave. A month before he had consulted with Cleland, Boag had learned from Marthalina that “she was with child by him” (f. 131). In response, according to one of his witnesses, Boag stated that “he was desirous of giving her her Liberty but with conditions that she shou’d not Live, or be kept by any other person so long as he lived, nor likewise woud he sell her but provide for her, and maintain her so long as she lived” (f. 139). He had not drawn up a document of manumission, then, but a certificate of liberty “with conditions”—the liberty, that is, of a slave (which has a certain resemblance, as Boag describes it, to marriage).

But even this was more than Marthalina desired: offered this paper, she refused it, according to Boag, “telling him she desired to Live, and Die with him in the Condition or state she then was, from which plainly appears the grate-
ful since she then had of her masters favours” (f. 132). Another witness confirms that Boag “offer’d the said Marthalinah the said certificate of her freedom, which she refused accepting of tho’ much pressed thereto by her said master, telling her said master that she was his Slave, and wou’d forever continue so, upon which Captain Boag immediately tore said paper” (f. 140). Marthalina’s torn certificate is almost too obvious a symbol of the flimsiness and precariousness of her place in the world, and her putative renunciation or refusal of the paper “freedom” it offers marks not her internalization of subservience but her sense of how little that freedom is worth that can so easily, in view of her confinement to Boag’s house, be taken away. When the paper is first referred to, Cleland reports Boag’s statement that when he handed it to Marthalina, she, “having no place to keep it in but what he might come at when he pleased, returned it into his custody and care” (f. 125). Whether Boag then “mislaid” it, as Cleland says he told him, or “tore” it, the proffered “freedom” is in either case his to withdraw, as within his house—where, under the terms of her “Liberty but with conditions,” she has to remain—he can “come at it when he pleased.” In such a state of affairs, under such constraints, it would have been more politic for Marthalina, especially before witnesses handpicked by Boag, to protest her desire to stay with him.

Marthalina, in Boag’s narrative, has a voice, but it only speaks through his report of it, and then only to renounce any legal right to speak for herself. In Cleland’s account, she speaks as a free woman—though again, given the focus of the trial, only through him. But if she can’t speak in her own behalf, Cleland grants her considerable authority: it is her will he agrees to carry out as her legal representative in the rape case, and more important, it is her wish to stay in his house rather than go back to Boag’s. As soon as she had taken refuge with him, Cleland declares, she “threw herself at this defendant’s Feet and implored him in the most moving manner, to take pitty of her, and hear her case” (f. 127)—at liberty for the first time to tell her story. Having heard it, he “used his sincere and hearty Endeavo[r] to persuade her to replace herself under her former master”—uneasy, perhaps, at the prospect of antagonizing Boag—but this “she refused absolutely, saying she wou’d throw herself into a well, with other Expressions of Dispair, rather than be forced into his power again” (f. 128). There is a tension, in this last characterization of Marthalina, between firmness of will (“she refused absolutely”) and an emotionalism linked to vulnerability or weakness (“she wou’d throw herself into a well . . . rather than be forced into his power”), but it is this latter quality that Cleland tends to emphasize in his account, the familiar narrative pattern of virtue in distress.42 He
notes from the start that he acted out of “charitable compassion for a woman’s
Distress” (f. 126), and in telling her story he creates a series of pathetic tableaux,
as in the scene just cited, in which she “threw herself at [his] feet and implored
him in the most moving manner, to take pitty of her.”

Yet if Cleland might be said to be drawing on conventional narrative motifs
in order to solicit his listeners’ sympathy, he combines this with an unsparing
circumstantial account of the violence of slavery in a British colony in 1734.
Boag, Marthalina avers, “used her in so Barbarous and inhumane a manner,
whilst she was his slave, and afterwards, that ever since she knew the mean-
ing and priviledges of her Freedom & Liberty”—the same freedom she “re-
nounced” before witnesses—she determined “to Embrace the first opportunity
to rid herself from her Insupportable misery under him.” As an example of
such “misery” she tells of Boag’s

often striping herself stark naked and then tying her up by the hands, and beating
her with a thick cane, of which she had the marks upon her Limbs . . . He used to
hold a naked Sword to her Breast, and threaten to stab her, with other numberless
outrages and cruelys, insomuch that she had pass’d some months with him in the
utmost anguish and misery, and in perpetual fear of her Life from his Extravagan-
cies . . . He kept her so close Locked up, from any person that she cou’d take advice
of for Relief, that till then she had been destitute of all human help and assistance,
which she therefore now cravd and begg’d of this defendant. (f. 127)

Cleland, then, in accordance with both narrative conventions and Marthalina’s
real state of civil abjection, becomes her champion, the protector of distressed
femininity, a sentimental hero. Even in making the case for her legal autonomy
or independence of will, Cleland has to draw on narrative conventions that
emphasize her dependency—conventions which serve to feminize and thus
constrict her.

As the feminized protagonist of this narrative-in-process—that is, the nar-
ritive under contested construction within the documents in the case—Mar-
thalina has a limited number of roles available to her: concubine, serving girl,
victim (of rape and unlawful confinement). By drawing the court’s attention
to the third of these, Cleland, or Marthalina through him, means to assert an-
other identity, that of free woman, which could actually release her from sexual
subjection. For within the economy and ideology of slavery, sexual availability
is coextensive with her position in Boag’s household. No one finds it curious
that she is “with child by him” or asks if their sexual relations were voluntary or
forced: What could it mean for a slave’s actions to be voluntary? And how could
sexuality be outside or untainted by the logic of slavery? The link between domestic habitation and sexual submission is so taken for granted that Boag need not state outright his accusation that Cleland’s motive in taking Marthalina into his house must have been to make her his sexual slave. As Cleland protests, Boag “has forged a vile and scandalous story, as if I had offer’d her a Harbour for Ends and purposes too Low and scandalous to take the Liberty of mentioning to this Honourable Court, altho’ I had never seen the said woman in [my] life even when I made him the offer” (f. 126). The story Boag told in his complaint was elliptical because he took it for granted that Cleland could have had no other motive for his “expropriation” than sexual competition for possession of Marthalina.

In Cleland’s narrative, by contrast, her presence within his house is actually a sign of her freedom: his house is a refuge she has chosen in the context of a public assertion of her legal rights, which will permit her to leave Boag’s house and prosecute her attackers; in fact, she could prosecute Boag as one of her attackers. For not only would any violence against her in his own house have been criminal after his assertion of her freedom before witnesses (whether or not she refused the paper itself), but according to Cleland, Boag “committed an assault and Battery upon the person of said Woman, within the defend[ant]’s own house, which wou’d have been an unsupportable Insolence even had she been his slave” (f. 128). In this last sentence Cleland actually conflates two offenses, one against Marthalina—an assault and battery—and one against himself: Boag’s “insolence” in striking Marthalina while inside Cleland’s house and thereby challenging Cleland’s authority as master within that domestic space. Indeed the most piercing irony of the whole case is that while he allowed Marthalina to sojourn with him in order to vindicate her status as free, Cleland’s was a slave household, and she lived with him there as if a slave. “Having several Female Slaves his Domesticks at that time,” he writes, he “readily” took in Marthalina, since “she might live in Company with the rest, without either Trouble or Expence” (f. 126). Living “in Company with the rest,” she is both absorbed into and radically distinct from the community of slaves.

Cleland insists that she is “as free as the Complainant himself, and absolutely at her own disposal” (f. 126)—yet she has neither social nor economic standing to live in anything but a state of dependency. By the time Cleland gave his “Answer” (2 October 1734), he had “placed the said woman in a Service at a house and family, intirely at present depending upon this defendant, where she has a subsistence, and from whence she is at full Liberty to remove” (f. 130). This summary of her position suggests both how much and how little her des-
ignation as free meant: the dependant of a dependant, she is “at full Liberty to remove,” yet even though she is no longer subject to sexual violence or abuse, her liberty is bounded by her need to earn a subsistence in service to another’s family. The distinction between slave and free is momentous, yet her choice of life, even free, is severely constricted: in a slave economy, a subsistence is all she is ever likely to gain. As a free woman, however, she is entitled to leave Boag’s house and empowered to prosecute her own case, which is why Cleland draws attention to Boag’s attempt to blur the categories of slavery and freedom. In the case at law, Boag is caught in a logical trap: once he has declared Marthalina free in order to allow her to prosecute King for rape, he cannot invoke his right as her owner to compel her return to his house. Accordingly, he lost the case: the complaint was dismissed, Boag was ordered to pay costs, and Marthalina evidently pursued her case against King and the others “in vertue of her said Freedom” (f. 142)—although I have found no record of that case or any other traces of her later life. Cleland was vindicated, yet the case leaves the logic of the slave system intact, for of course Marthalina’s freedom was, however much he may have come to regret it, entirely Boag’s gift.

Cleland, a slaveholder himself, makes nothing like an abolitionist argument, but his testimony registers his uneasiness with the abuse of women integral to the system, founded as it was on sanctioned violence. The slave trade between East Africa (notably Zanzibar and Kilwa) and India (especially the Gujarat and Deccan regions north of Bombay) started with Arab traders in the twelfth or thirteenth century and had been taken up by the Portuguese in the sixteenth; around the time Cleland worked for it, the East India Company was taking over the trade in its turn. The trade went in both directions, and by the eighteenth century its victims included not only East and West Africans but Indians, particularly female domestic and sexual slaves, who were then sold in the Persian Gulf and elsewhere. Nothing is said in the Mayor’s Court proceedings about Marthalina’s ethnicity or place of origin, just as nothing is said of her age, appearance, family, or other aspects of her identity. But if the evidence lacks detail, it confirms Indrani Chatterjee’s argument that “the violence borne by slaves” was “the founding principle of intimacy in ‘the family’”—that is, in the domestic space inflected by slavery. Boag’s “family” or household is a flagrant instance, mixing literal, brutal violence with sexual intimacy and a sort of forced conjugality, but even Cleland is complicit in the same system, his do-
mestic comfort founded on the tacit, taken-for-granted violence—violence not outwardly enacted but understood as his to enact—of female subjugation.

Complicity, however, does not diminish Cleland’s unease (though it may expose his blindness to the contradictions of his own stance); rather, it throws that unease into sharper relief. For if the case, as he repeatedly insists, turns on his assurance of Marthalina’s status as free, he also states that he acted “from the common Ties of humanity and compassion, Especially for persons of her sex in Distress”—“Ties” that in this formulation override distinctions of social status. He even asserts that, as a lawyer, it is “the duty of his Profession to procure Justice, and the relief of the Laws Indifferently to all people” (f. 128). Of course such rhetoric can coexist—historically has coexisted, however illogically—with slavery. Yet the evidence of Cleland’s other writing suggests that he was persistently troubled by the fact of coercion and violence against women integral to the domestic realm—and not only within a slave economy.

While it’s impossible to know how much of the Memoirs as eventually published Cleland and Carmichael might already have written before Cleland wrote his statements in the Marthalina case, the areas of convergence between the two texts—despite their obvious dissimilarities—are striking. The novel, of course, has been both celebrated and attacked for conjuring a “pornotopia” of willing feminine confinement and endless sexual availability, the commodification of female sexuality taken to a fantastic extreme. In this respect it could be seen to reproduce the sexual ideology of such precursors as L’École des filles or the 1683 Vénus dans le cloître (Venus in the Cloister), translated and published in English versions in 1683 and 1724. But if Fanny’s authors adhered to pornographic conventions, they also (again, from the evidence of the text Cleland published in 1748/49) used the whore’s-story formula to insinuate that sexual exploitation, analogous to that found under slavery, was rife even within the domestic realm of midcentury England. Mrs. Cole’s brothel, in which Fanny lives for most of the novel’s second half, is idealized by her as housing “a little family of love,” and its proprietor calls the women who work there her “daughters”—and if this serves to gloss over or glamorize the prostitute’s life, it also undermines the sanctity of eighteenth-century family values: a mother seeking a respectable marriage for her daughter is no different from a bawd. In an earlier passage Fanny denounces the landlady of a “fine” house in St. James’s—shouting distance from the house where Cleland himself grew up—for selling her daughter, “for not a very considerable sum neither, to a gentleman, who was going an Envoy abroad, and took his purchase with him” (51). The landlady, Mrs. Jones, “though she was worth, at least, near three or four thousand pounds” (52),
was nevertheless “base enough to make a market of her own flesh and blood” (51)—yet of course this is the very same “market” that Mrs. Cole makes of her “daughters” every day. For Fanny, to treat a whore like a daughter is good, to treat a daughter like a whore wicked, but the effect of the juxtaposition of these two households (the wickeder located almost literally in the Clelands’ back garden) is to exhibit the sexual morality of the slave market in the heart of the middle-class home.

In a pamphlet published the same year as the Woman of Pleasure, Cleland devotes a dozen pages to a vitriolic attack on London’s bawdy-house owners, who keep the women they profit from “in a State of Slavery . . . scarce less cruel, and much more infamous, than that of a Captive in Barbary.” A woman trapped in such a house, he writes, is “enslaved in short so thoroughly, that nothing, no, not her own Person, is her own Property, or at her own Disposal.” As both these later texts and his statements in the Marthalina case reveal, Cleland was keenly aware of the connections among sexual commodification, economic dependency, and violence both physical and moral—from rape to the coercion even found in “little famil[ies] of love.” These are the real-world corollaries of the familiar pornographic fantasy of sexual gratification linked to female subservience, and it seems he learned about them in Bombay.

But just as it would be misleading to present Cleland, based on his arguments in the Marthalina case, as a proto-abolitionist, so it would be to read the Woman of Pleasure as a protest against sexual exploitation, even if the text is less oblivious to the real conditions of a prostitute’s life than has sometimes been claimed. If Cleland in Bombay was divided between colonialist, slave-owning householder and renegade, reckless champion of those whom the colonials cheated, raped, and enslaved, so the writing self was divided: on the one hand, as in much of the Woman of Pleasure, playful, coruscating, cheerfully “inflaming”; on the other, as in the court cases and pamphlets, truculent, self-dramatizing, grandiloquent. Yet perhaps more salient than these divisions is Cleland’s authorial dexterity or doubleness (two-facedness, double-voicedness). He can move, as in the court cases, from a meticulous, circumstantial narrative in keeping with both legal conventions and the emerging discourse of novelistic realism to an oratorical, theatrical eloquence suited to the public performance of an embattled subject. Such eloquence may verge on the bombastic, but his advocacy on behalf of Vossontroy and Marthalina is genuinely stirring and impressive, not least because in both cases he put his own career and reputation on the line. This authorial doubleness is still more pronounced in the Memoirs, not only because it was the product of an authorial double act but owing to
the virtuosic construction of Fanny’s voice, simultaneously female and male, hetero- and homoerotic, moralistic and lubricious, decorous and obscene. Her voice is both Cleland’s and another’s. Enter, Janus-masked, the author.

Coda

It is strange that for the rest of his authorial career Cleland published nothing that refers to the dozen years he spent in Bombay. But there have long been rumors of his involvement in a work published under another name. In Glimpses of Old Bombay and Western India (1900), for example, James Douglas writes, “It is stated that ‘Grose’s Travels,’ 1750–64, in two volumes, were written out by [Cleland] from notes received from Grose.” The work in question, A Voyage to the East Indies, with Observations on Various Parts There, is credited to John Henry Grose, a former writer for the East India Company who served in Bombay from 1750 to 1753. Published in 1757, it was recently described as “the most popular source for information on India” for most of the 1760s, and it was republished in 1766 and 1772. Although it is impossible to know exactly how much of A Voyage is Cleland’s work, he was certainly a key collaborator—perhaps the text’s ghostwriter.

Douglas’s claim most likely reflects rumors still current in Bombay when he wrote. More specific evidence appears in the “Avertissement” to the 1758 French translation of A Voyage, in which the translator, Philippe Hernandez, writes that Grose,

the author of this work, has included nothing of which he was not well assured, and often an eyewitness. He was, in addition, aided by the observations of Mr. Cl——, a man celebrated in England for his works, his style, and his taste. He had made the same voyage before Mr. Grose, and communicated to him all that he had gathered on the Indies. Thus we have, in a single work, the results of the research of two learned travelers, who have neglected nothing to make the best use of their sojourn in faraway lands.

Hernandez was one of the editors of the Journal Étranger, in which excerpts from a French version of the Woman of Pleasure had appeared in June 1755, translated by Cleland’s friend Claude-Pierre Patu, so his claim that A Voyage represented a collaboration between Cleland and Grose has some authority. The clincher is a letter Cleland sent his mother’s lawyer, Edward Dickinson, on 18 February 1757. “As you are to me then the only channel of communication with my family left unstopped,” Cleland writes, he asks a favor:
Fanny Hill in Bombay (1728–1740) 35

A gentleman, one Mr Grose of Richmond[,] applying to me for some materials towards a treatise on the East-indies, my mother has got some papers of mine relating thereto, and especially to the island of Salset which would be of infinite use to me on this occasion, and of which she cannot surely refuse me the delivery, as she has heretofore done, if you at your best leisure and opportunity, for I am in no hurry, will be so good as to convey to her this hardly an unreasonable request.57

Cleland’s request was evidently successful, for when A Voyage was published eight months later, it included material that echoes his preoccupations and experience. There is much emphasis on the origins of names of places, gods, and rituals, in keeping with Cleland’s etymological studies of the 1760s. The concluding “Summary Reflections on the Trade in India” reflect both his interest in the political effects of trade and his gloomy forecast of the “extinguish[ing of] the antient English spirit of discovery and extension.” There are descriptions of the “cleanliness and suppleness” of “Orientalist” bodies, “which they perhaps not absurdly conceive conduce even to the pleasure of the mind,” that anticipate his approach to issues of hygiene in the 1761 Institutes of Health, and the extended accounts of Mogul seraglios and the dancing girls of Surat are akin to passages in the Coxcomb and Dictionary of Love.58

Such echoes, of course, are impressionistic, and do not prove that any particular passage in A Voyage is by Cleland. But the fact that Grose never wrote anything else of his own—the passages he added to later editions were taken from other sources—suggests that he relied on Cleland to fashion the text as published, and this is all the more likely as Grose had been sent home after only three years in Bombay, “having been deprived of his senses for some months past, and there being no hope of his recovery.”59 However the labor of producing A Voyage was divided, one small story in a chapter titled “Miscellaneous Observations” is unquestionably Cleland’s, and returns to the period when he was embroiled in the legal cases that threatened to destroy his career in Bombay.60 This story, unexpectedly, is a kind of romance, and it features Cleland’s old antagonist William Boag. Indeed the story can only have come from Boag himself.

It begins in the forests of the Carnatic region of southeast India, where a “singular species of creatures” (365) who were “exquisitely cunning and shy” (367) could at that time be found. A Carnatic merchant sent two of these creatures as a gift to John Horne, governor of Bombay, on “a coasting vessel, of which one captain Boag was the master” (365–366). Cleland describes the creatures thus:
They were scarcely two feet high, walked erect, and had perfectly an human form. They were of a sallow white, without any hair, except in those parts that it is customary for mankind to have it. By their melancholy, they seemed to have a rational sense of their captivity, and had many of the human actions. They made their bed very orderly in the cage in which they were sent up, and on being viewed, would endeavor to conceal with their hands those parts that modesty forbids manifesting. (366)

Melancholy, modest, very orderly: they are sentimental creatures lamenting their lost freedom but still preserving their delicacy of conduct. Despite manifest signs of humanity—their “perfectly human form” and “human actions,” their orderly bed making and modest concealment—the very fact of calling attention to these signs places them outside the boundaries of the human: no actual human would be said to have “perfectly an human form.” Nevertheless, their “resemblance to the human species” is reiterated twice more before the story resumes its “pathetic” course. It turns out they are a male and a female, a loving couple held captive, and their distress is the index of their sensibility: “whether the sea-air did not agree with them, or that they could not brook their confinement, or that captain Boag had not properly consulted their provision, the female sickening first died, and the male giving all the demonstrations of grief, seemed to take it to heart so, that he refused to eat, and in two days after followed her” (366–367). If their “resemblance to the human” denies them actual membership in the human species, their refinement of feeling, the quintessence of humanity, also sets them apart from the ordinary humans around them, in particular Cleland’s old enemy Captain Boag. Still sparring twenty-three years after their legal fight, Cleland shows Boag failing to fulfill his duty of care, thus exposing his own inhumanity. His coarseness of feeling is clearest after the creatures’ deaths. When asked, upon his return to Bombay, “What he had done with the bodies? He said, he had flung them over-board”; both the action and his use of the verb “flung” attest to a lack of sympathy, an inability to be affected by the creatures’ heartbreaking, heartbroken display of constancy. In this secret coda to his eventful life in Bombay, Cleland offers his most touching affirmation of love.