CHAPTER 4

Sitting in Judgment

A Cross-Examination of Women, Law, and Empire

judgement, judgment
1.b. Phr. to sit in judgement: (a) lit. to sit as judge, to preside as a judge at a trial; (b) fig. to pass judgement upon . . . to judge, criticize (with an assumption of superiority).
—Oxford English Dictionary

As set forth in the Introduction, by the time Lewis Carroll penned the courtroom scene in his 1865 Alice’s Adventures in Wonderland, women had exerted significant influence in legal reforms relating to child custody and divorce and were advocating for substantial changes in laws governing married women’s property. With women starting to claim a right to enter and participate in the sphere of law, judges found themselves stumbling, like the King in the following scene from Alice, for applicable rules to keep them out.

At this moment the King, who had been for some time busily writing in his notebook, called out “Silence!” and read out from his book, “Rule Forty-two. All persons more than a mile high to leave the court.”

Everybody looked at Alice.
“I’m not a mile high,” said Alice.
“You are,” said the King.
“Nearly two miles high,” added the Queen.
“Well, I shan’t go, at any rate,” said Alice: “besides, that’s not a regular rule: you invented it just now.”

“It’s the oldest rule in the book,” said the King.
“Then it ought to be Number One,” said Alice.

The King turned pale, and shut his notebook hastily. (98)

Flustered by the threateningly large presence of Alice in his courtroom, the King (who sits as judge in this proceeding) tries his best to make her leave. From his position of authority, he declares the law—which, it appears, he just made up. When Alice gets nowhere disputing the facts (she is not a mile high), she questions the law itself. At this point the King confidently invokes precedent (“It’s the oldest rule in the book”). But it is not at all lost on Alice that this argument makes no sense.

In the first part of this chapter, I examine several legal cases in which women sought entry into law and politics. These cases illuminate how the common law (often referred to as judge-made law) sometimes really was law made up by judges. While professing their impartiality, Victorian judges greatly influenced women’s legal roles (by ruling that they could not have any). I will then engage in a “cross-examination” of the representations of two surprising nineteenth-century characters—female judges, one fictional and one real: She-Who-Must-Be-Obeyed, or Ayesha, from Rider Haggard’s 1887 novel She; and the real-life missionary, Mary Slessor, who was the first woman appointed as a magistrate in the British Empire (Buchan 138).

In the field of law and literature, the term “cross-examination” is most closely associated with Brook Thomas’s excellent study of the American Renaissance, Cross-Examinations of Law and Literature: Cooper, Hawthorne, Stowe, and Melville (1987). Focusing on the period of American history in which, Thomas argues, law and literature “were severed,” he cross-examines these two fields to “reconstruct the narratives that different segments of American society imagined in response to the social and economic transformations that they experienced, as well as the narratives that helped to legitimize and structure those transformations” (16). In In Contempt, I generally engage in the type of cross-examination espoused by Thomas, one that analyzes legal and literary narratives and their intersections in order to illuminate historically specific cultural histories and legal ideologies. However, in this chapter, I use the term cross-examination to describe two, more specific, methodological approaches. First, as in a legal proceeding, a cross-examination provides an opportunity to clarify or discredit testimony that is offered on direct examination. It is a method of probing gaps and openings in the direct testimony—places where it is possible and necessary to bring out important unstated, but related, issues (whether or not they have been omitted intentionally) in order to reveal a more complete story. Second, by cross-examination, I mean examining
texts from various interrelated perspectives. Therefore, while my focus will be on representations of women, law, and power, my cross-examination will also take into account the imperial context in which they were set. In reading these texts that cross continents, I will also explore the intersections of gender and race. Both Ayesha and Slessor exercised legal power in Africa, and my analysis explores the ways in which, in the context of Empire, traditional ideas about gender were complicated and disrupted by racial politics when white women were ruling and judging indigenous people in Africa.

## Judge-Made Law

### Attempts to Regulate a Growing Concern

In 1866, Barbara Leigh Smith Bodichon and several fellow feminists collected 1,499 signatures on a petition for women’s suffrage. John Stuart Mill presented this petition to the House of Commons in 1866, and in 1867, he introduced an amendment to the Representation of the People Act (30 & 31 Vict., c. 102). This effort to give women the right to vote in national elections was rejected, with “every conceivable argument, many of them contradictory . . . employed to defeat the amendment” (St. John-Stevas 263).¹

In several parts of the country, however, women householders registered to vote. When the names of 5,347 women were excluded from the lists of voters in the borough of Manchester, these women took the matter to court.² Having to make their arguments within acceptable legal frameworks, in *Chorlton v. Lings* (1868) they contended first that women historically did have the right to vote and that no subsequent legislation had taken that right away, and second (alternatively) that the 1867 Representation of the People Act had conferred the right to vote if women did not possess it before. This latter argument was based on the applicability of Lord Brougham’s Act (13 & 14 Vict., c. 21 [1850]), which provided that “in all Acts Words importing the Masculine Gender shall be deemed to include females, unless the contrary . . . is expressly provided” (s. 4). Powerful ethical and philosophical arguments (such as that the fundamental principle underlying the Representation Act was that there should be no taxation without representation) had to be “fitted” into those arguments deemed legally relevant.

As Chief Justice Bovill made clear in the opening remarks of his opinion in *Chorlton*, consideration of such nonlegal arguments would be most inappropriate: “It is quite unnecessary to consider the general question of whether
it is desirable that women should possess the franchise of voting at the election of members of Parliament. What we have to determine is, whether by law they now possess that right” (382). The court proceeded to find that they did not, concluding that under the common law, women had been and still were legally incapacitated from voting, and that if the legislature had intended to make such an important alteration in the personal qualifications for voting in the 1867 Act, they would not have used the word “man” in the relevant provisions. This was the holding of the case despite arguments by the women’s attorney that if the legislature had intended to exclude women, they would have used the words “male person” (which had been used in a provision of a related act) rather than “man,” which “by the express provision of Lord Brougham’s Act, includes women” (Chorlton 379).

While women were thus foreclosed from voting on a national level, the Municipal Franchise Act 1869 (32 & 33 Vict., c. 55) gave women the right to vote in local elections on the same terms as men. This right was gained from a late-night amendment offered by Jacob Bright; however, few seemed bothered by women’s exercise of this municipal franchise, most likely because these elections primarily impacted issues closely associated with women’s “appropriate” sphere (such as local schools and care of the poor and elderly) (Shanley 109).

The right to vote in a local election, however, did not grant a corresponding right to run for office—that is, if you were a woman. Despite a provision in the applicable municipal corporations act that “every person shall be qualified to be elected and to be a councillor who is, at the time of the election, qualified to elect to the office of councillor,” the Court in Beresford-Hope v. Sandhurst (1884) determined that the word “person” as used in this provision did not include women (even while agreeing that there were places in the act where “person” and even “he” had to be read to also mean “she”) (qtd. in Beresford-Hope 82). Therefore, the election of Lady Sandhurst (who ran and won a seat as county councillor by a clear majority) was declared void, the votes for her thrown out, and the defeated candidate (who brought the suit in the first place) deemed duly elected.

Judgment was given against Sandhurst by Sir James Fitzjames Stephen (Virginia Woolf’s uncle), and his decision was upheld on appeal. Expressing commonplace judicial reverence for what (and who) had gone before, one of the appellate judges, citing the Chorlton case, stated, “I take it that by neither the common law nor the constitution of this country from the beginning of the common law until now can a woman be entitled to exercise any public function. Willis, J., stated so in that case [Chorlton], and a more learned judge never lived” (Beresford-Hope, Esher opinion 95).
Soon thereafter, another woman was elected to the London Council. In order to take advantage of a provision in the applicable statute that an election not questioned for one year is deemed valid, she waited one year to act and vote as a member of the council. While the court in *De Souza v. Cobden* (1891) held that this validity provision was inapplicable to the election of a woman, it had no problem holding her liable under the penalty section of the same statute—even though, to do so, they had to interpret the word “he” to also mean “she.”

The inconsistent wordplay in these “person” cases—with “man” sometimes meaning “person,” “person” sometimes meaning “he,” and “he” sometimes meaning “she”—made it uncomfortable to decide a case solely on the basis of the “clear” meaning of the statute. As a result, the common law was cited to lend credibility and authority to these decisions. A hallmark of the English legal system, the common law is a theory of judicial precedent—judges are bound by the decisions of the judges who have gone before them. Citing the common law not only gave a judge the backing of the law’s valorized past; it also excused him from considering present-day realities. But as Sachs and Wilson explain, much of the common law’s venerated “history” is really “fiction”:

In the seventeenth century the common law had been yoked to a principle of the fundamental rights of the people of England as a weapon to challenge the divine right of the Kings of England. It drew its doctrinal strength from a claim to have existed since time immemorial, having its roots in an antiquity that predated the prerogative rights of the kings. In order to establish this ancient origin, a history was invented by the judges. This retrospectively created history was almost entirely fictional, but so strong was the need of the judges to assert the supremacy of the common law and the concomitant idea of uninterrupted custom, that contrary facts were simply ignored or treated as irrelevant. Essentially this fictionalized history represented a projection into the past of the current world-view of the judges. Coke was the leading exponent of this asserted antiquity, and it was Coke’s manufactured views that were relied upon for the next three centuries as having set out immemorial custom. (43–44)

It was the fiction of the uninterrupted custom of women not holding public or political office that ultimately decided most of these “person” cases. Evidence to the contrary was ignored or deemed too scanty or insubstantial to call into question a grand common-law tradition of exclusion. Hence, in response to several fifteenth-century examples of women participating in elections provided by counsel to the women in the *Chorlton* case, the Court responded:
It is quite true that a few instances have been brought before us where in ancient times, viz. in the reigns of Henry IV., Henry V., and Edward VI., women appear to have been parties to the returns of members of parliament; and possibly other instances may be found in early times, not only of women having voted, but also of their having assisted in the deliberations of the legislature. . . . But these instances are of comparatively little weight, as opposed to uninterrupted usage to the contrary for several centuries; and what has been commonly received and acquiesced in as the law raises a strong presumption of what the law is. . . . (Bovill opinion 383)

This “acquiescence” continued as judges strove to characterize interruptions as anything but, with Lord Esher in *De Souza*, for example, determining that “by the common law of England women are not in general deemed capable of exercising public functions, though there are certain exceptional cases where a well-recognized custom to the contrary had become established, as in the case of overseers of the poor” (691). The court in *Jex-Blake v. Senatus* (1873) (the case in which Sophia Jex-Blake and others sought the right to study and receive degrees in medicine from the University of Edinburgh) dismissed the notorious Victorian interruption, Queen Victoria herself, as an “illustrious and solitary exception” to the well-established common-law rule. In this way, “the anti-feminism of one generation of judges was carried by the common law to the anti-feminism of another generation” (Sachs and Wilson 44)—all under the guise of judicial neutrality. The mantra “women have always been excluded from public office” became one of the law’s “truths”—one of the oldest rules in the book. But like the mile-high rule encountered by Alice, it had been made up.

While the courts would not address the issue of whether a woman was a “person” under the statutes governing admittance into the legal profession until 1913, women were actively considering legal careers as early as the 1870s. In 1876, a woman first applied to sit for the solicitors’ examination but was refused (Sachs and Wilson 171–72). The aspirations of another “young lady candidate” were foiled in 1879 when the Law Society, that “ungallant body” as the *Solicitors’ Journal* somewhat smugly reported, “definitely said that they do not feel themselves at liberty to accept the notice of any woman” (“Lady Lawyers” 139). That same year, ninety-two women signed a petition requesting admission to the law lectures at Lincoln’s Inn. They were told “that in the opinion of this Bench it is not expedient that Women should be admitted to the Lectures of the Professors appointed by the Council of Legal Education” (Roxburgh 178).

In the midst of these pronoun controversies and inexpedient requests,
the young lawyer Rider Haggard penned one of the most popular novels of his day—an imperial adventure story about an unprecedented ruling queen and judge who is unambiguously “She.”

She-who-must-be-obeyed
Queen of the Imagination

The novel *She* is the story of three Englishmen who penetrate into the depths of a feminized African landscape and discover an all-powerful queen, *She-who-must-be-obeyed.*° The novel consists of a first-person manuscript of one of these travelers, Ludwig Horace Holly, which is presented to the reader by an anonymous editor as a “record,” or testimony concerning “one of the most wonderful and mysterious experiences ever undergone by mortal men” (1).° The editor counsels the reader in jury-like fashion “to form his own judgment on the facts before him” (6). Before their journey, Holly, his ward Leo, and Job, a “suitable male attendant” (19) who has taken care of Leo since childhood, live together in a university setting, an all-male family in an almost exclusively masculine world.°

Holly, a Cambridge scholar in his forties, identifies himself as “a bit of a misogynist” (88); Leo, described as “a statue of Apollo come to life” (1), loves women; and Job, one of a family of seventeen (this being yet another example of a humorous presentation of a tragic situation), is a comic, feminized character who displays the fears and concerns of an overbearing mother and the moral prudishness of a stereotypical “spinster aunt.”

In the novel, Leo is called to the Bar “to pass the time away” until he turns twenty-five (22).° Then, on his twenty-fifth birthday, he learns of a purported source of eternal youth and beauty, and these three unlikely adventurers set out for Africa in search of the “rolling Pillar of Life” (31). Specifically, they travel to a land inhabited by the Amahaggar people, who are ruled by *She-who-must-be-obeyed,* a queen “having knowledge of all things, and life and loveliness that does not die” (30).

In her article “Rider Haggard’s Heart of Darkness,” Sandra Gilbert makes much of the fact that the Amahaggar society is matriarchal. As Holly explains:

[W]omen among the Amahaggar live upon conditions of perfect equality with the men, and are not held to them by any binding ties. Descent is traced only through the line of the mother, and while individuals are as proud of a long and superior female ancestry as we are of our families in Europe, they
never pay attention to, or even acknowledge, any man as their father, even when male parentage is perfectly well known. (81)

Gilbert sees this land as a place where “relations between its men and women inhabitants are exactly antithetical to those that prevail in normal civilized societies” and thus “a realm where what patriarchal culture defines as misrule has become rule” (126). Specifically, she describes an early episode in which the Englishmen’s Arab companion, Mahomed, almost falls victim to the customary Amahaggar mode of execution (placing a red-hot earthen pot on the heads of strangers) as “grotesquely sexual in its elaboration of the ways in which female misrule can cause a vessel associated with female domesticity to become as deadly as female anatomy” (126).

A cross-examination of Holly’s testimony concerning women’s roles in this society, however, reveals that, in reality, the women do not rule, and that Holly’s claim of equality between Amahaggar men and women simply is not substantiated by the facts. Each tribe of about seven thousand people is governed by an elected ruler known as a Father, and, as Holly clarifies, there “is but one titular male parent of each tribe” (81; emphasis added). In Haggard’s fantasy, the language is unambiguous—women cannot be Fathers. As the Amahaggars have no written laws, this rule (like the common law) is based on custom; however, there is little chance that this established precedent will be challenged, for anyone who offends against custom will be “put to death by order of the Father” (90)—thus ensuring uninterrupted acquiescence in the law.

Men are also the only armed members of the society, and in almost every description of an Amahaggar man, he either is holding his spear or has it nearby. Moreover, the men use these weapons to “control” the women. Billali, one of the Amahaggar Fathers, describes the position of women as follows: “We worship them . . . up to a certain point, till at last they get unbearable, which,’ he added, ‘they do about every second generation’” (114). At this point, he explains, “we rise, and kill the old ones as an example to the young ones, and to show them that we are the strongest” (114). While women in Britain also were “dying” (or at least suffering) on their pedestals, the Amahaggar women more literally suffered their fate of being “worshipped,” while remaining powerless.

Not surprisingly, in this world of male fantasy, the only power we see an Amahaggar woman exercising is the ability to make sexual advances to the man of her choice. Leo, for example, is embraced almost immediately by the beautiful Ustane, and while the moral and prudish Job “ejaculated, ‘The hussy—well, I never!’” (88), Leo warmly returns Ustane’s embrace. According to Amahaggar custom, this exchange is akin to a marriage cer-
emony, although the arrangement continues only until one of the partners wearies of it. While the Amahaggar women do maintain some control over their private lives, their actual power appears to be mere fancy.

The Queen of the Amahaggars, however, as Queen Victoria was described in the *Jex-Blake* case, is an “illustrious and solitary” exception to this power structure. While the men rise up and kill other older women, the 2000-year-old She or Ayesha (as she prefers to be called by Holly) has ruled over both Amahaggar men and women for generations. In fact, she shares much in common with Britain’s real “Great White Queen” Victoria. Queen Victoria similarly was “above the law” in that she was exempt from the rules of coverture. As the monarch, Victoria was unique among married women. She was not obliged to take her husband’s name or to hand over her property to him after their marriage; she could enter into independent contracts and dispose freely of her own possessions (D. Thompson 120). While Victoria did not support the efforts of nineteenth-century women to reform the laws of coverture, she maintained an identity, including a legal one, of her own.

In what Adrienne Munich identifies as “a revealing fantasy of Haggard who had never known another monarch than Victoria and who was only six years old when Prince Albert died” (272), both Ayesha and Victoria enjoy very long reigns and suffer extensive periods of mourning for their male lovers. Also, Ayesha tells Holly that her “empire is of the imagination” (175), which seems an apt description of the immense symbolic power Victoria wielded, especially in connection with “her” Empire. As Dorothy Thompson explains, “Disraeli’s move in creating the title of Empress of India for the queen in 1876, and the celebrations of her golden jubilee in 1887 and diamond jubilee a decade later, meant that there was a grand royal event in each of the last three decades of the century—events that highlight the growing imperial power of Britain” (117). Moreover, a diary entry of one of her granddaughter’s friends provides a glimpse of the personal hold Victoria had on the country’s imagination. Visiting Windsor Castle and seeing the light of the Queen’s lamp “glowing late into the night,” Helene Vacaresco wrote that thinking of that “frail little old lady working there and holding in her hands the threads of . . . her vast Empire” filled her “with something like awe” (qtd. in Mullen and Munson 136). Victoria’s “awesome” power, however, exceeded the realm of the imaginary: “[B]y the time of her death, the need of a figure on which to focus the idea of Britain had become so deeply part of the political scene that even republican political leaders feared to challenge it” (D. Thompson 125). For the sake of Empire, the political nature of the Queen’s very public role had to be acknowledged.
In the novel, when Holly first comes into Ayesha’s presence, he is filled with a nameless terror when he feels “the gaze of the unknown being seeking through and through me” (141) from behind a curtain. When he turns his gaze upon her, he finds himself linguistically impotent: “I have heard of the beauty of celestial beings, now I saw it; only this beauty, with all its awful loveliness and purity, was evil—at least, at the time, it struck me as evil. How am I to describe it? I cannot—simply, I cannot! The man does not live whose pen could convey a sense of what I saw” (155). In its ambiguity, this is typical of almost all of Holly’s descriptions of Ayesha. He tries to capture the multiplicity of meanings that she implies, but language fails him. He describes her in contradictory terms or qualifies his assessments as he does with the afterthought, “at least, at the time, it struck me as evil.” His reference to “at the time” foregrounds the fact that he is remembering. So has he changed his mind, deciding that she is not evil? It is as if he wants to emphasize his own trouble in coming to terms with the powerful woman that She is and the possibilities that She represents.

After Holly has spent hours discussing classical languages and history with a charming, witty, and flirtatious Ayesha, she gives a little sob when she is reminded of Kallikrates, the man she had loved and murdered two thousand years ago in a jealous rage and for whose return she has been waiting since that time. Holly comments, “I saw that after all she was only a woman, although she might be a very old one” (157; emphasis added). When she is only a woman, acting in an acceptable womanly way, he is no longer terrified.

His assessment of her changes, however, when he sees her the next day, not as a languishing beauty, but as a powerful woman presiding over a court of law. He is commanded to appear in her courtroom, and there witnesses a sight “as strange as any I ever saw, even in that unholy land” (173). As he stands near the back of the room, taking in the crowd of gloomy looking spectators, there is a cry of “Hiya! Hiya!” (meaning She! She!), which may have sounded to Holly reminiscent of, but profoundly different from, the familiar call to order of “Hear ye! Hear ye!” The crowd then immediately falls upon the ground in a degrading inversion of “All rise.” Ayesha enters the courtroom, following a long procession of guards and male and female mutes, and then tells Holly to come sit at her feet and see her do justice. What follows is a formal court proceeding. The prisoners are summoned; Ayesha asks Holly to identify the men who attacked him and his companions and then has him testify concerning the attempted murders. Holly recounts “the history of the cannibal feast, and of the attempted torture of our poor servant [Mahomed]” (172). When he finishes, Ayesha calls upon Billali to verify Holly’s testimony. After the case for the prosecu-
tion has been presented, Ayesha asks if any of the accused would like to speak in their own defense. One man asks for mercy, explaining that the attack had been made in a sudden fury and that they deeply regretted their actions. An intense silence follows this plea, and Holly is struck by the strangeness of this entire scene. He finds Ayesha particularly remarkable:

Then, seated in her barbaric chair above them all, with myself at her feet, was the veiled white woman, whose loveliness and awesome power seemed to visibly shine about her like a halo, or rather like the glow from some unseen light. Never have I seen her veiled shape look more terrible than it did in that space, while she gathered herself up for vengeance. (174; emphasis added)
There are many spectacularly awful scenes in the novel—Holly witnesses Ayesha ritually curse the Egyptian wife of Kallikrates, controlling a flame of fire with the movements of her body. (See figure 3.) Later she will actually bathe in the fire of the Pillar of Life. (See figure 4.) But it is in a court of law, where “She” sits in judgment, that Holly finds Ayesha most terrifying.

Ironically, it is in that same space that Ayesha appears to stand in for “civilized” white society, in contradistinction to the cannibalistic and savage Amahaggars. This scene emphasizes Ayesha’s whiteness. (See figure 5.) In fact, swathed as she is from head to foot, whiteness is her only identifiable feature. Ayesha’s pose is thoughtful and reflective, while the multitude before her are described as groveling upon their stomachs. (Those standing in the illustration are her guards—appropriately also dressed in white—and
the prisoners whom she has commanded to stand.) In this formal legal proceeding, with evidence given and corroborated and the defendants given an opportunity to speak, the chaos of the earlier scene governed by Amahaggar custom (the attempted hot-potting and following mayhem) is disciplined.

While Ayesha’s judgment is harsh (the men are condemned to death), this outcome should not be all that troubling to Holly, who describes the defendants as “would-be murderers” and considers them responsible for the death of Mahomed. Also, while it is true that the men will be tortured, Holly has emphasized their attempted torture of Mahomed in his own testimony. In fact, while Holly professes to make a plea for mercy for the prisoners, his narrative suggests that he takes more interest in the particular fall of Ayesha’s Greek accent than in the plight of the “knots of evil-doers” (173). Soon after the prisoners are taken away, he joins Ayesha on a sight-seeing tour of the caves of Kôr. So what is it that made her so terrible to Holly in that space?
Upon cross-examination, Holly’s horror of Ayesha in the courtroom seems to have nothing to do with the fate of the Amahaggars and everything to do with her position “above them all.” From the time of Holly’s first acquaintance with Ayesha, he has refused to bow to her authority. He is indignant when Billali tells him that he must crawl on his hands and knees when in her presence: “I was an Englishman, and why, I asked myself, should I creep into the presence of some savage woman? If once I began to creep upon my knees I should always have to do so, and it would be patent acknowledgement of inferiority” (140). As an Englishman, he is confident of his superiority to both Billali, who does creep, and to his “savage dusky queen” (138). Similarly, in the courtroom scene, when Ayesha enters and everyone falls to the ground, Holly recounts that he was left standing “like some solitary survivor of a massacre” (171).

Thus, when this white woman sits as judge, the seat of judgment becomes barbaric and Holly cannot emphasize enough (he tells us three times in the course of this short narrative) that he sat “at her feet.” Unlike the scenes in which Ayesha unveils for Holly, when all of her power is sexual, her power in the courtroom is of a very different nature. Although her garb is a bit peculiar, she too closely resembles those “shes” seeking power in law and society back in England for her position above Holly to be regarded as anything short of terrible.

A reading that focuses only on issues of women and power in this novel, however, would fail to examine what Laura Chrisman describes in her article, “The imperial unconscious? Representations of imperial discourse,” as “the multiple dynamics within the text, of gender, ‘race,’ and a variety of social science discourses, whose intersections are overdetermined by the dictates of a highly problematic imperialism” (42). Edward Said, describing imperialist “structures of attitude and reference,” notes the widespread (virtually unanimous, Said argues) nineteenth-century beliefs inherent in cultural discourses that “subject races should be ruled, that they are subject races, that one race deserves and has consistently earned the right to be considered the race whose main mission is to expand beyond its own domain” (53). In this context, it is important to explore on cross-examination the meanings of Ayesha not only in her role as a powerful ruling judge and queen, but more specifically in her role as an imperial and white ruler.

It is clear that Ayesha is white from the first pages of the novel because the letter from Leo’s father that Leo opens on his twenty-fifth birthday emphasizes this point: “[T]he people there [in the land of the Amahaggars] speak a dialect of Arabic, and are ruled over by a beautiful white woman who is seldom seen by them, but who is reported to have power over all things living and dead” (28). When Holly first appears before Ayesha, the first thing he sees is “a most beautiful white hand (white as snow)” (142).
Her body is wrapped in a soft, white gauzy material and “one could distinctly see the gleam of the pink flesh beneath [these wrappings]” (142). This white queen rules over a people of a different race, a darker race. Holly describes the Amahaggars as too dark, or rather too yellow, to be Arabs. As one critic comments, “the Amahaggar are portrayed as a bastard race, a degenerate survival from the golden age of Kôr” (Bunn 21). The travelers learn that Ayesha intervenes to stop wars among the Amahaggar tribes. In this way, the text suggests that, like the colonies of England, the Amahaggar tribes benefit from the rule of their queen.

The confrontation between the imperial She and the Amahaggar Ustane provides a rich context in which to explore the complex dynamics of gender, race, and imperialism in the text. When Ayesha hears of the attachment between Ustane and Leo (who Ayesha believes is the reincarnation of her long-lost love Kallikrates), she announces that Ustane must die: “No other woman shall dwell in my Lord’s thoughts; my empire shall be my own” (202). Holly, however, persuades Ayesha to spare Ustane’s life. When Ustane explains to Ayesha that Leo is her husband—“I took him according to the custom of our country” (205)—Ayesha responds that she has done evil; Ustane has married a man not of her own race, which invalidates the custom. As the Amahaggars are a bastardized race, there clearly is no truth to this statement. It is yet another example of a made-up rule.

And, like Alice, Ustane defies authority and refuses to leave, boldly daring Ayesha, “Destroy me, then, if thou hast the power!” (206). In a rage, Ayesha strikes Ustane on the head, leaving three finger-marks across her bronze tresses, and the marks were “white as snow” (206). Holly staggers back in horror and the marks strike terror in Ustane’s heart: “Utterly awed and broken down, the poor creature rose, and, marked with that awful mark, crept from the room sobbing bitterly” (207). While this scene may be read as two women fighting over a man, the emphasis on customs and rights in their exchange suggests that much more is at stake. Ustane is standing up for the integrity of her customs; moreover, she is refusing to let Ayesha deny her the only power that she has been granted as a woman in her society—the power to choose a husband. But the “civilized” Ayesha has no respect for “savage” ways, and when an Amahaggar stands up for her customs and rights, this imperial queen blasts her into submission with a fierce display of white power. A few pages later, when Ustane returns again to claim Leo, Ayesha murders her in cold blood.

While Ustane is presented heroically in this imperial romance, it is simply shocking the way the Englishmen so easily accept her death. Leo and Holly witness the murder, and while Leo immediately springs at Ayesha in a rage, moments later, “with the corpse of his dead love [Ustane] for an altar, did Leo Vincey plight his troth to her red-handed murdress—plight it
for ever and a day” (230). That evening, racked with remorse over Ustane’s murder, Leo admits an insatiable desire for Ayesha, and Holly comments that Leo, despite his shame and grief, would have been mad “to entertain the idea of running away from his extraordinary fortune” in being the object of Ayesha’s devotion (243). In his article “Victorians and Africans: The Genealogy of the Myth of the Dark Continent,” Patrick Brantlinger discusses late-nineteenth-century scientific justifications offered by eugenics and social Darwinists, not only for imperialism, but also for genocide. Arguing that these two ideas were inseparable, Brantlinger comments that “whereas imperialism could be lavishly praised in public, open support for the liquidation of ‘inferior’ races was another matter” (205).

In his article, Ustane’s murder represents this unspeakable side of imperialism, and a troubling footnote that Holly adds to his manuscript months after he has completed it enacts the justifications of genocide that were the subtext of the social discourse of Empire.

In Holly’s manuscript, after recounting Ustane’s murder and describing Ayesha as “a mysterious creature of evil tendencies,” Holly adds:

After some months of consideration of this statement I am bound to confess that I am not quite satisfied of its truth. It is perfectly true that Ayesha committed a murder, but I shrewdly suspect that, were we endowed with the same absolute power, and if we had the same tremendous interest at stake, we should be very apt to do likewise in parallel circumstances. (242)

Ayesha’s “tremendous interest” was her empire, both Kallikrates (“my empire shall be my own”) and her African empire (202). Months later, back in England and far removed from the dead body of Ustane, Holly recharacterizes Ayesha as justified (she had so much at stake) rather than evil. Edward Said sees in British literature a “consistency of concern . . . that fixes socially desirable, empowered space in metropolitan England or Europe and connects it by design, motive, and developments to distant or peripheral worlds (Ireland, Venice, Africa, Jamaica), conceived of as desirable but subordinate. And with these meticulously maintained references come attitudes—about rule, control, profit and enhancement and suitability . . .” (52). One wonders what structures of attitude and reference become culturally encoded when murders of “subject races” are so readily excused in the name of the tremendous interest of empire.23 Near the end of the novel, Ayesha says that they must travel to England to “live as it becometh us to live” (254). They shall overthrow Queen Victoria and destroy any tyrants who will stand in the way of Kallikrates’ (and her own) rule. Holly informs her that “in England ‘blasting’ was not an amusement that could be indulged in with impunity, and that any such
attempt would meet with the consideration of the law and probably end upon a scaffold” (255). She responds, laughing with scorn, “The law . . . the law! Canst thou not understand, oh Holly, that I am above the law, and so shall my Kallikrates be also?” (255). While confessing that it made him “absolutely shudder to think what would be the result of her arrival there [in England],” Holly ultimately concludes that an all-powerful British Empire would be worth the great cost, including, it seems, the “terrible sacrifice of life” that the text has rehearsed in Ayesha’s blasting of Ustane:

In the end she would, I had little doubt, assume absolute rule over the British dominions, and probably over the whole earth, and, though I was sure that she would speedily make ours the most glorious and prosperous empire that the world has ever seen, it would be at the cost of a terrible sacrifice of life. . . . What was the meaning of it all? After much thinking I could only conclude that this wonderful creature . . . was now about to be used by Providence as a means to change the order of the world, and possibly, by the building up of a power that could no more be rebelled against or questioned than the decrees of Fate, to change it materially for the better. (256)

But while Holly’s (Britain’s) unbridled lust for power may be acceptable (the desire to “make ours the most glorious and prosperous empire that the world has ever seen” [256; emphasis added]), an all-powerful She is not. As Gilbert explains, Ayesha had to be destroyed by the Pillar of Life, the “fiery signifier whose eternal thundering return speaks the inexorability of the patriarchal Law She has violated in her satanically overreaching ambition” (130). As figuratively played out in the courtroom scene, where She sat above them all, Ayesha’s opposition to “the eternal [patriarchal] Law” had to be foreclosed (295). Even in the context of Empire, She was too much of an exception. And with Ayesha’s devolution at the end of the novel from “the loveliest, noblest, most splendid woman the world has ever seen” (294) into literally a “hideous little monkey frame” (295), the text spectacularly clarifies that, ultimately, “She” is not a “person.”

Mary Slessor
White Queen of the Okoyong

It seems a sudden shift from a raven-haired beauty with serpent-like grace, sharing fruit and conversation with an English gentleman, to a red-headed missionary making her way barefoot through the African bush; from the
imaginary land of imperial Kôr and the Amahaggars, to the real world of imperial England and the Okoyong; from the pages of an eroticized imperial romance to accounts of the life of a missionary and magistrate. However, the fictional Ayesha and the real-life Mary Slessor both ruled in Africa as “white queens” and judges, their rules in flagrant violation of the rules about women in public, political, and legal roles that were being so vehemently defended and enforced back in Britain. Representations of Slessor, like those of Ayesha and other exceptional “shes,” were overdetermined and inherently contradictory. A cross-examination of the accounts of Slessor’s real-life experiences, especially in her capacity as an appointed magistrate of the British government, brings to light compelling additional testimony concerning women, law, and power in the late nineteenth century.

In 1876, Slessor sailed from Scotland, leaving behind a childhood clouded by extreme poverty and violence, to become a missionary in the Calabar region of Eastern Nigeria. It had been a dream of Slessor’s mother that one of her sons be a missionary in Africa, but when all of her sons died, she supported Mary’s desire to follow in the footsteps of Dr. David Livingstone, hero to both mother and daughter. After serving for twelve years in the base missionaries in Duke Town, Old Town, and Creek Town, Slessor was transferred inland, at her request, to live with the Okoyong. It took more than two years for her to persuade the mission officials to let her live with the Okoyong tribe, where it was rumored that “old customs when women were flogged to death for trivial offenses, branded with smouldering sticks like cattle, and dragged screaming to be buried with a chief” still prevailed (Buchan 82). Slessor’s friends were “horrified” and tried to dissuade her, as did a group of traders who claimed the Okoyong were more in need of a gun-boat than a missionary (Buchan 87).

All such reports must be read within the context of the imperialist structures of attitude and reference that informed them, and with the understanding that with no writing back from the Okoyong, we have only one-sided accounts. While we cannot assess the actual threat to Slessor’s safety, if any, posed by the Okoyong, we do know that Slessor’s move—a woman going alone to live with an African tribe—was unprecedented.

Slessor lived with the Okoyong from 1888 to 1902. During that time, she gained a reputation that was legendary in the Calabar region, and her fame soon spread to Britain. Mary Kingsley, who made a special trip to meet her, wrote the following in her 1897 travel narrative *Travels in West Africa*:

> Her great abilities, both physical and intellectual, have given her among the savage tribe an unique position, and won her, from white and black who
know her, a profound esteem. Her knowledge of the native, his language, his
ways of thought, his diseases, his difficulties, and all that is his, is extraordi-
nary, and the amount of good she has done, no man can fully estimate. (19)

While many tales of Slessor and the Okoyong circulated, I would like to
focus on two particular narratives: the first is an account of Slessor in her
position as Her Majesty’s Vice-Consul and District Magistrate; the second
comes from Kingsley’s *Travels in West Africa.*

In 1890, Sir Claude Macdonald was appointed Her Majesty’s Special
Commissioner and Consul-General and, in an effort to expand the authority
of the British government in the Calabar region, he began to appoint vice-
consuls to supervise native courts. Because of her knowledge of the cus-
toms and laws of the Okoyong, Macdonald sought to appoint Slessor as
vice-consul and district magistrate. This was not a popular decision. Sles-
sor’s missionary colleagues criticized her for being so involved with govern-
ment affairs; moreover, Caroline Oliver remarks that her colleagues “were
shocked at her involving herself in anything so heathen and sometimes
obscene as native customs” (120). Some members of the government were
not too pleased either. Oliver reports that Sir Clement Hill at the Foreign
Office “was outraged at the idea of a woman holding such a office . . .” (120).

Nevertheless, Slessor was offered and accepted the appointment and
presided over the local Okoyong courts within the context of the Doctrine
of Repugnancy, which “recognized native law and custom except insofar
as they were repugnant to civilised standards of natural law and justice”
(Oliver 120). A well-known account of Slessor is T. D. Maxwell’s descrip-
tion of her presiding over the Okoyong court. He was the Chief Magistrate
at Calabar and was visiting in an official capacity. He relates the following
first impression of Slessor:

> What sort of woman I expected to see I hardly know; certainly not what I did.
> A little frail old lady with a lace or lace-like shawl over her head and shoul-
> ders (that must, I think, have been a concession to a stranger, for I never saw
> the thing again), swaying herself in a rocking-chair and crooning to a black
> baby in her arms. (qtd. in Livingstone, *Mary Slessor of Calabar* 129)

Maxwell had traveled to see the first woman in the British Empire to be
appointed a magistrate, a lay position that carried an enormous amount of
real legal power, especially in the colonies. A woman in her position must
have been almost impossible for him to imagine, as he makes clear. As with
Holly’s description of Ayesha in the courtroom, Maxwell cannot imagine a
woman “in that space.”
The rest of Maxwell’s description is his attempt to negotiate the cultural paradox of Slessor as magistrate, and to do so he calls on various images of women. In the end, however, these representations do not add up to any coherent picture. At first, he describes her as a “little frail old lady” in a rocker (much like Helene Vacaresco’s description of Queen Victoria). This is a very strange description of a woman in her early forties who, pictures show, had not aged prematurely. He also, however, presents her as a mother figure; she is crooning to a baby in her arms. Later, the queen/mother image conflates as he describes Slessor taking her position at the front of the court, “surrounded by several ladies- and babies-in-waiting” (129).

Then the description abruptly shifts; there is a change in both the tone of the passage and the presentation of Slessor. Maxwell reports as follows:

Suddenly she jumped up with an angry growl: her shawl fell off, the baby was hurriedly transferred to some one [sic] qualified to hold it, and with a few trenchant words she made for the door where a hulking, overdressed native stood. In a moment she seized him by the scruff of the neck, boxed his ears, and hustled him out into the yard. . . . (130)

This is the same “little frail old lady” he was describing only a few sentences before; now she is manhandling a hulking “local monarch of sorts” (130). It is as if Maxwell suddenly remembers that he is describing a vice-consul of the British Crown. As such, neither an old woman nor a mother seems appropriate. Instead, he needs to show her as a powerful representative of the British government who is capable of using whatever means necessary to keep order; she is commended for using violence against one who had “defied her orders” (130).

But only a few lines later, he is again undercutting Slessor’s authority by suggesting that her court and her brand of justice are outside the “real” realm of law. Beginning with what sounds like high praise (“I have had a good deal of experience of Nigerian Courts of various kinds, but have never met one which better deserves to be termed a Court of Justice than that over which she presided”), he then comments that the “litigants emphatically got justice—sometimes, perhaps, like Shylock, ‘more than they desired’—and it was essential justice unhampered by legal technicalities” (130). Of course, Shylock’s justice came at the hands of Portia, suggesting that Maxwell’s assessment is influenced by the gender of this particular magistrate. In any event, it is certainly peculiar for a chief magistrate (one who handles appeals) to seem unconcerned that one of the courts under his jurisdiction is “unhampered by legal technicalities.” Either the fact that the litigants are members of the Okoyong tribe or the fact that the magis-
trate is a woman (or, most likely, some combination of the two) led him to consider this amazing admission of little consequence.

In many respects, Maxwell seems unable to take Slessor or the business of her court seriously. In another example he provides of one of Slessor’s judicial decisions, he portrays her more like a mother resolving a squabble among children than a magistrate settling disputes among litigants:

A sued B for a small debt. B admitted owing the money, and the Court (that is “Ma”) ordered him to pay accordingly: but she added, “A is a rascal. He treats his mother shamefully, he neglects his children, only the other day he beat one of his wives with quite unnecessary vehemence, yes and she was B’s sister too, his farm is a disgrace, he seldom washes. . . . On the other hand, B was thrifty and respectable, so before B paid the amount due he would give A a good sound caning in the presence of everybody.” (130)

Unfortunately, we do not know A’s or B’s side of the story or how the “local monarch of sorts” felt about Slessor’s adjudicative style or British justice in general. A cross-examination of Maxwell’s testimony, however, does illuminate the fact that a high-ranking official in the British government viewed the Okoyong people as unruly children, undeserving of names, and as sources of comic relief. Both Slessor and the Okoyong are demeaned by this testimony because, by suggesting that she is not a “real” judge, it also implies that the problems of the Okoyong are not of sufficient import to require one. Of course, it is important to acknowledge that A, B, and the local monarch were not given the choice of rejecting all forms of British judgment and authority. Also, apparently uncomfortable designating Slessor as “the Court,” Maxwell inserts the parenthetical “that is ‘Ma,’” which works to enhance the image of mother and children playing law.

While she was often referred to as “Ma,” another of Slessor’s familiar titles was the “White Queen of the Okoyong.” Working both to negotiate and obscure the complexity of Slessor’s position (in terms of gender, race, and power), this name was particularly popular among the white men’s clubs in Africa (Oliver 135–36). Much more acceptable as “Ma,” a “pioneer missionary,” or even “a white queen,” Slessor’s identity as a woman with real legal power was effectively unrepresented.

As a final comment on Slessor, it is interesting to see what another atypical nineteenth-century woman had to say about her. Mary Kingsley, who traveled through Africa “as a lone she-wolf,” provides an account of Slessor that serves in certain respects as a cross-examination of Maxwell’s
account (Huxley 5). Kingsley is most interested in Slessor’s work in saving twin babies, who, she explains, were believed to be evil. Visiting after Maxwell, she describes the following incident that took place while she was with Slessor:

Miss Slessor had heard of the twins’ arrival and had started off, barefooted and bareheaded, at that pace she can go down a bush path. By the time she had gone four miles she met the procession, the [mother] coming to her and all the rest of the village yelling and howling behind her. On the top of her head was the gin-case, into which the children had been stuffed. . . . Needless to say, on arriving Miss Slessor took charge of affairs, relieving the unfortunate, weak, staggering woman from her load and carrying it herself, for no one else would touch it, or anything belonging to those awful twin things. . . . (189)

In this account, Slessor is no frail woman in a rocker, but a woman able to race more than four miles through a bush path, barefooted, and then take on a heavy load and walk back. Kingsley reports that, on the way home, Slessor waited while the villagers cut a new path to her house because she knew that if she took the twins down the main market road it would never be used again (189–90). While much can be said about Slessor’s “interference” with tribal laws and customs, Kingsley’s representation does work to discredit any implication in Maxwell’s testimony that Slessor does not take the Okoyong people and their beliefs seriously.

Kingsley does not mention that Slessor is a magistrate (however, she also does not mention that she is a missionary). Rather than referring to her as “Ma” or a “white queen,” she claims that Slessor “rules” the Okoyong “as a white chief” (19). While the idea of white superiority is very prevalent in Kingsley’s account, it is interesting that she represents Slessor in a male role. Kingsley concludes her narrative on Slessor by noting, “This instance of what one white can do would give many important lessons in West Coast administration and development. Only the sort of man Miss Slessor represents is rare” (19; emphasis added).

In the nineteenth century, figures like Miss Slessor were difficult to represent. The identities available to women were not adequate to represent women in politically powerful positions. In an effort not to diminish what she saw as the importance of Slessor’s work and accomplishments—her real power—Kingsley apparently decides that the only way to imply the true nature of Slessor’s power is to refer to her as a “man.”
Women in the Legal Profession

“She” Makes It

While Slessor was handing out justice a continent away, women in Britain were still trying to get a foot in the door. In 1903, Bertha Cave applied to be called to the Bar of Gray’s Inn. When the Benchers of the Inn refused her admission, she appealed their decision. It took a special tribunal (composed of the Lord Chancellor, the Lord Chief Justice, and five other justices) just five minutes to determine that there was no precedent for ladies being called to the English Bar and to aver their unwillingness to establish one (*The Law Times* 107). 31

In December of 1912 Miss Bebb, after completing her studies at Oxford University, submitted notice to the Law Society of her intention to sit for their February examination and enclosed the required fee. As had happened in the late 1870s, the Law Society told her not to present herself for examination, “giving the reason that she was a woman” (*Bebb v. Law Society* 286). However, much had changed since those earlier petitions. Women in Britain had been actively fighting for greater rights and powers under the law, and in 1913, Bebb’s case was championed and supported by several feminist groups. 32 Bebb brought a lawsuit against the Law Society in 1914, asking the court to declare that she was a “person” within the meaning of the 1843 Solicitors Act (6 & 7 Vict., c. 73) and therefore should be allowed to practice law.

The arguments in this case will sound familiar. Bebb’s attorney offered examples of many public offices held by women—Keeper of the Great Seal, Constable of England, Marshal and Great Chamberlain, governess of a workhouse, sexton, churchwarden—and, of course, “there have been Queens of England” (287). He also offered specific evidence that women, in England in the past, had acted as attorneys. 33 Finally, he quoted the Solicitors Act itself, which provided that any “person” complying with specified conditions was entitled to be admitted as a solicitor—Bebb met all of the qualifications and thus was such a person. The Solicitors Act even included a provision stating that words importing the masculine gender also were to apply to a female unless “there be something in the subject or context repugnant to such construction” (s. 48).

Arguing that “[e]ver since attorneys have been established as a profession, women have been deemed disqualified to act as attorneys,” the defense did find it repugnant to construe the statute to include Bebb as a “person” (*Bebb* 290). And, of course, they confidently invoked that popular refrain, “The practice which has been followed for hundreds of years is a conclusive answer to the appellant’s claim” (289).
The Court of Appeals agreed with the defense, citing the unimpeachable Lord Coke as its primary authority: “Lord Coke . . . 300 years ago said that a woman is not allowed to be an attorney. . . . [A]nd the opinion of Lord Coke on the question of what or what is not the common law is one which requires no sanction from anybody else” (Bebb, Cozens-Hardy opinion 293–94). In light of this common-law tradition, the judge dismissed the examples offered by Bebb’s attorney of the many public offices that women had held in the past as “a most interesting discussion as to what women can do” but “beside the mark” (294). One of the other appellate judges, quoting Chortton as quoted in Jex-Blake, reiterated the passage about exceptional instances being of “comparatively little weight, as opposed to uninterrupted usage to the contrary for several centuries” (Bebb, Swinfen opinion 296).

Finally, Judge Phillimore, after paying due homage to Coke—“He is only a witness, no doubt, as to the common law, but he is a witness of the highest authority” (298)—“explained” away the exceptions to uninterrupted usage offered by Bebb’s attorney as follows: “The cases as to women holding certain parochial offices have been distinguished, on the very occasions when the possibility of their holding them has been upheld, on the ground of there being offices which, in the view of the Courts, were suitable to women” (298–99). Statements such as this clarify the role that judges could play in reinforcing and tailoring cultural gender roles. For, Phillimore acknowledged, uninterrupted usage has been interrupted—not only through legislative initiatives, but also by judges—but only when the exceptions have been judged “suitable.” Stuttering over his own written words, Phillimore fumbled through the rest of this discussion (“I do not say . . . what I say is . . .”), at last resorting to a common and “safe” legal out: “The cases as to parochial offices may stand on their own merits; they have really no bearing on this case” (299). Thus, the evidence that called into question the common-law tradition was dismissed as irrelevant.

After Bebb was denied status as a “person” under the Solicitors Act, a Committee for the Admission of Women to the Solicitors’ Profession enlisted the support of the Lord Chancellor and the government, and a bill was introduced to enable women to become solicitors. The Law Society opposed this legislation, but the outbreak of World War I put the issue temporarily on hold (Birks 277).

In both 1917 and 1918, Lord Buckmaster introduced bills to admit women to the legal profession, but the bills were opposed by both the Law Society and the Bar. After women’s substantial contributions to the war effort, however, there was wide support for feminist initiatives, and when in 1919 it became clear that there was strong government backing for opening up the legal profession to women, the Law Society voted to
remove all obstacles that kept women from practicing (Abel-Smith and Stevens 193). Later that same year, the Sex Disqualification (Removal) Act (9 & 10 Geo. 5, c. 71) was passed, expressly permitting women who had received a law degree, or whose studies entitled them to one, to serve articles and be admitted and enrolled as solicitors. This Act further provided that

A person shall not be disqualified by sex or marriage from the exercise of any public function, or from being appointed to or holding any civil or judicial office or post, or from entering or assuming or carrying on any civil profession or vocation, or for admission to any incorporated society . . . and a person shall not be exempted by sex or marriage from the liability to serve as juror. (s. 1)

Thus, women also were admitted to the Inns of Court.34 Carrie Morrison became the first woman to be admitted as a solicitor in 1922.35 In that same year, Ivy Williams became the first woman called to the Bar.36 Cornelia Sorabji, an Indian woman who studied law at Somerville College, Oxford from 1889–92, also qualified for the bar in 1922. By the 1930s, she was an internationally known barrister (Burton 4).37 As discussed in the Introduction, Helena Florence Normanton was the first woman barrister to practice in England, being briefed at the High Court of Justice in 1922 and the Old Bailey (Central Criminal Court) in 1924 (Lang 166). In the political realm, the 1918 Representation of the People Act (7 & 8 Geo. 5, c. 64) gave women over thirty who either were householders or wives of householders, or had an university education, the right to vote.38 The 1918 Parliament (Qualification of Women) Act (8 & 9 Geo. 5, c. 47) granted women the right to be elected, sit, and vote as a member of the Commons House of Parliament.39 In 1919, Nancy Astor became the first woman to sit in the House of Commons. Women were not granted the right to sit in the House of Lords until 1958.40 Margaret Bondfield became the first woman Cabinet member when she was appointed Minister of Labour in 1929. In 1962, Elizabeth Lane became the first woman appointed as judge in Britain when Lord Chancellor Dilhorne appointed her to the County Court Bench. In 1965, she was appointed to the High Court Bench.41 Lane tells her own story in Hear the Other Side: The Autobiography of England’s First Woman Judge (1985). At long last, women in powerful legal and political roles were able to judge for themselves how they might best be represented.42
When Holly is first brought into Ayesha’s apartments and feels her gaze sinking through and through him from behind the curtain, he ponders: “Who could be behind it?—some naked savage queen, a languishing Oriental beauty, or a nineteenth-century young lady, drinking afternoon tea? I had not the slightest idea, and should not have been astonished at seeing any of the three” (Haggard, *She* 141). Similarly, T. D. Maxwell had no idea what to expect of Slessor: “What sort of woman I expected to see I hardly know” (Livingstone, *Mary Slessor of Calabar* 129). In the late nineteenth century, because women allegedly had no “public functions,” because women under laws conferring power were not “persons,” it is no surprise that Holly and Maxwell had no idea what to expect when about to come face to face with these “exceptional” women.

Munich has argued that the “cultural paradox of Queen Victoria’s specific kind of monarchy—the apparent contradiction of a devoted wife, prolific mother, and extravagant widow who is also Queen of an Empire upon which the sun never sets” (265) resulted in “a fragmentation of symbolization, representations in which all possibilities are entertained . . . the representation of excess or the excess of representation” (268–69). Similarly, in trying to represent Ayesha and Slessor, their narrators respond with a plethora of often contradictory images. Holly, over the course of his narrative, presents Ayesha as all of the possibilities he had imagined. She is, at various times, naked, savage, a queen, languishing, Oriental (in Saidian terms), a beauty, young (or at least young-looking), and a lady. What a cross-examination of Holly’s narrative testimony illuminates is the importance of context to his choice of representations. When he is alone and flirting with Ayesha, she “is the incarnation of lovely tempting womanhood” (189); moreover, nakedness does not imply savagery. When she mourns Kalikrates, she is “only a woman” (157). But when Ayesha is presiding over a court of law, exercising the “cold power of judgment,” She becomes “icily terrible” (189; emphasis added).

Maxwell also responds to the unorthodox Slessor with a superfluity of representations. In the space of two pages, he presents her as young and old, fierce and docile, maternal and childish. Ultimately, taking into account the context of his visit, which was to review the performance of one of the British government’s appointed magistrates, he opts for presenting a maternal image, “the Court (that is ‘Ma’)” presiding over infantalized Africans (possibly drawing on the strength of that image from the anomalous royal Court of Queen Victoria).

In the “person” cases, Lord Coke was the star witness, bearing testimony over the centuries as to women’s uninterrupted and thus “rightfully”
continued exclusion from public, political, and professional roles. Reading these legal decisions through the lens of feminist jurisprudence—which tells us to question everything, especially received doctrine—we can see clearly that the judges, while literally sitting in judgment, were also very much passing judgment upon those “shes” whom they believed to be over-reaching in their ambitions. Other legal and literary texts present similar judgments of exceptional women like Ayesha and Slessor. A cross-examination of the testimony of Victorian witnesses like Holly and Maxwell reveals chaotic attempts at the level of narrative to control these increasingly threatening, oversized Alices.