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Circumstantial Evidence and the Memory of Things in *Mary Barton*

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In *Mary Barton*, Elizabeth Gaskell questions the use of circumstantial evidence as it was linked to quotidian things and reflects a significant anxiety in Britain of the possibility that circumstantial evidence could result in a serious miscarriage of justice. I argue that Gaskell's novel dramatizes the tension between the circumstantial evidence of things and human testimonial memory. My argument draws upon two existing strands of scholarly work—the first was initiated by Alexander Welsh, who described how circumstantial evidence became a literary tool for defending characters from unjust prosecution, reversing the prosecutorial bias of circumstantial evidence. Lisa Rodensky later expanded this work by drawing a connection between Welsh's argument on circumstantial evidence and the ways in which the interior lives of characters were represented in nineteenth century literature.

Proceeding from this scholarly interest in circumstantial evidence, I then look to the recent work in thing theory by Elaine Freedgood, whose study *The Ideas in Things* (2006) included a chapter on *Mary Barton* and the relationship between the novel and the Manchester textiles industry, and Kate Flint, who edited the “Materiality and Memory” issue of *RaVoN* in 2009 (*Romanticism and Victorianism on the Net*). Flint's introduction to the issue affirms a critical “attention to the conjunction of inanimate things and the individual consciousnesses that invest their emotions and feelings in them [...]. [O]bjects, that is, that [...] stimulate, and deploy, both individual and shared memories” (para. 5). I hope to build upon this work in our

understanding of *Mary Barton*, particularly because the novel is replete with moments in which the relationship between things and memory is both affirmed and questioned.

From the outset, *Mary Barton* pays close attention to possessions and things as keepers of memory and identity. Early in the novel, Mary visits her neighbors Job Legh and his granddaughter, Margaret. Job is an amateur naturalist, and his specimens fill the spaces in their small home. Mary's question upon observing Job's unusual collection is telling.

"What things are these?" she asks, and is at first given the beginning of a lecture by Job on the scientific names for all the creatures. But Margaret senses that Job's response doesn't speak to Mary's question, and she interrupts to tell the story of how her grandfather came by a certain specimen of scorpion, which he purchased from a sailor. Initially he thought it was dead, but it soon revived, scaring Margaret to death while dashing about their house before Job finally recaptured and killed it. While Job's answer to Mary lacks any human connection to the collection, Margaret's story immediately links the small scorpion to a memorable event in their lives, a memory for which the scorpion is both the catalyst and the carrier. Mary's question is specific: "What things *are* these," and Margaret's answer suggests that these things are the memories they carry with them, rather than their scientific classifications.

But despite this early affirmation of human memory as connected to things, Gaskell also positions memory as a conflicted faculty quick to recall affections and grudges, but slow to grasp details that are often of use in legal scenarios. As such, the novel suggests that if human recollection is already fraught with potential lapses, then the material memory of circumstantial evidence must also be suspect, perhaps even more so. The key piece of evidence that the police use to indict Jem Wilson for the murder of Harry Carson is the gun used in the crime, which belongs to Jem. Jonathan Grossman points out that *Mary Barton* is particularly condemnatory of

the unscrupulous method by which the police learn that the gun is Jem's (131-32). A policeman in civilian clothes stops by the Wilson house and asks Jem's mother to identify the gun (a task that she is forced to repeat at the trial)—Mrs. Wilson is stunned when she realizes that the police have tricked her into providing them with information to suggest that her son is guilty of murder. Indeed, she can hardly believe that policeman would use such methods: "Nay; they'd never go for to that, and trick me into telling on my own son. It would be like seething a kid in its mother's milk" (218). But Grossman's argument doesn't examine how Gaskell proceeds to problematize the police strategy by demonstrating how the circumstances of the gun's owner don't tell the whole story.

Indeed, Gaskell does not simply provide a counter-narrative to the prosecution's assertion of Jem's guilt. Knowing that John Barton is the actual murderer, Jem's explanation of why he allowed Mr. Barton to borrow the pistol suggests that the gun also carries certain memories with it. Before it was Jem's, the gun belonged to his father, George Wilson, who often went to the shooting gallery with John Barton for target practice. So when Jem found that John Barton wanted to borrow the old gun, he associated the request with the memory of his father's former pastime (368). Indeed, the gun's significance as a carrier of memory contributes to the ease with which John Barton is able to obtain and use it to murder Harry Carson. The prosecution's narrative might have been logical and probable, but it could not access this more personal memorial connection.

Of course, the best detective of material evidence in the novel is not the police force, but Esther, Mary's disgraced aunt, whose experience as a prostitute provide her with intimate knowledge of Manchester's streets and allows her to discover the wadding used in the gun, but even she arrives at the same, incorrect conclusion as the police. In the moment of Esther's

discovery, Gaskell's narration is telling, as Esther is "guided by the only circumstance which afforded any evidence, the trailing mark on the dust in the road" (226). The circumstantial sign of the road leads Esther to the circumstantial evidence in the scrap of paper. As the one who told Jem of Harry Carson's attentions to Mary, Esther sees herself as the instigator of Jem's confrontation with Harry. Finding the wadding with Mary's name written in what she believes is Jem's handwriting confirms for Esther that the murder was the act of a jealous lover. Gaskell's allusion to the "circumstance" of the "trailing mark" then leads to the circumstantial marks written on the paper. Esther's interpretation of these marks is filtered through her own memories and feelings of guilt at having spoken to Jem and encouraging him to intervene, and that encouragement is framed by her experiences as a prostitute.

But Esther's history in the novel is also marked by a sense of forgetting, and so her fervor to save Mary from Harry Carson's advances suggests the possibility of preventing in Mary the same necessity for forgetting that she experiences. When she speaks to Jem of Mary's relationship with Harry, he encourages her to allow him to help her find "some honest way of living" (159). But she declines, saying that she "must have drink. Such as live like me could not bear life if they did not drink. [...] If we did not drink, we could not stand the memory of what we have been, and the thought of what we are" (159). Esther finds that she cannot stand to remember who she is and what she has done, and this forgetfulness hounds her even in death.¹ After the trial, when Jem makes inquiries as to her whereabouts, he can only find the trace of a woman known as "Butterfly," who was near death. So Gaskell's subplot for Esther suggests a kind of anti-memory, through which Esther's identity and body fade away. It was from this

¹ Her connection to the Barton household is also signaled through absence of an object. Unlike the possessions that carry the memories of Mary's deceased mother, it is an absent nail, on which Esther once hung her coat, since removed by John Barton, that is the lone trace of Esther having once lived there.

existence that Esther desired to save Mary, and so her reading of the wadding as evidence confirms the police story, but does so for reasons stemming from her own troubled memories.

However, while Gaskell's treatment of circumstantial evidence in these moments suggests the innate weaknesses of things as evidence (and the need to correctly account for the memorial connections such things have for their owners and discoverers), the eventual revelation that Mary's father is the murderer is no less based on circumstantial evidence than the police's accusation of Jem. When Mary receives the wadding from Esther, she concludes that her father is the murderer, but all she knows is that the scrap of paper was torn from a larger paper that she finds in her father's coat pocket. Strictly speaking, this evidence in no way confirms that her father was the murderer, it is simply another piece of material circumstantial evidence from which Mary infers (correctly) that her father is the culprit. Gaskell's treatment of circumstantial evidence appears to be somewhat uneven at this point in the novel, and raises the question of why the circumstantial evidence of Jem's guilt is continually undermined in the narrative, but the circumstantial evidence of John Barton's guilt is immediately confirmed by the narrator. In the moment of Mary's conclusion about her father, Gaskell's narrator makes a rare direct address to the reader: "And you must remember, too, that never was so young a girl so friendless, or so penniless, as Mary was at this time" (238). Not unlike a lawyer trying to sway the jury in his favor, the narrator here asks the reader to consider Mary's position and interpret her judgment through this light. Whereas the characters have been interacting with the material memories of their lives throughout the novel, now the novel itself becomes another object of memory. We become the carriers of personal memories drawn from the experience of reading the novel, and the narrator specifically instructs us to read Mary's certainty through those memories—by bringing to mind Mary's close relationship with her father and her social and pecuniary poverty,

the narrator suggests that readers affirm Mary's conclusion of her father's guilt. And by combining Mary's situation and evidence with the earlier scene in which the frustrated laborers draw straws for a political assassination (an occurrence of which Mary is ignorant), the reader's memory now becomes a key component in the narrator's confirmation of Mary's conclusion.

Gaskell's critique of the legal system's use of circumstantial evidence and its troubled relationship with human memory is underscored when Mary's memory and mind are mangled, albeit temporarily, by the overwhelming experience of the trial. I would suggest that Gaskell's overarching principle, then, draws attention to the ways in which memory connects to and inhabits the things around the characters in *Mary Barton*, while also indicating that these same objects can be misread to form inaccurate narratives.