

REBECCA HARDING DAVIS AND LAW

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Throughout her career, Rebecca Harding Davis engaged contemporary legal issues and concepts. In “Life in the Iron-Mills,” a theft invites consideration of both the plight of workers in industrial capitalism and the law’s ability to guarantee basic rights. In *Margret Howth*, a disabled African American raises questions about reforms, such as the Pennsylvania Act of 1848, designed to eliminate child labor, and cultural understandings of crime and rehabilitation receive attention through a former prisoner. “The Second Life” describes a woman who was abused by her husband and falsely accused of his murder. A trial provides the central metaphor for *Waiting for the Verdict*, a Reconstruction novel featuring a mixed-race doctor who passes as white. A fictionalization of Tweed’s Whiskey Ring, *John Andross* suggests that powerful corporations can “buy the law” in support of capitalistic interests.

Lawyers and judges appear frequently in Davis’s canon. In *Peterson’s Magazine*, she develops John Page, a lawyer and proto-detective who narrates Gothic mysteries featuring trial scenes and crimes. Page unravels family histories, often complicated by race, to restore inheritances in “The Asbestos Box,” “The Locked Chamber,” and “A Story of Life-Insurance.” Murder is the focus of “The Murder in the Glen Ross,” “The Egyptian Beetle,” “The Second Sight,” “Success,” and “The Tragedy of Fauquier.” A judge narrates “Landry’s Strange Story” about a forced marriage, and lawyers appear in “Madame Bourne,” “The Foran Sisters,” and others.

On March 5, 1863, Rebecca Blaine Harding married Lemuel Clarke Davis, a Philadelphia attorney and editor of *The Legal Intelligencer* who shared her interest in legal issues. The Davises argued for asylum reform to change civil commitment laws allowing individuals to be declared insane and committed to an institution without examination by a physician or due process review. Drawing on real-world cases, Clarke Davis called for change in “A Modern

Lettre de Cachet,” and in "Put Out of the Way," Davis reverses the familiar trope of female insanity to show that men might lose control of their property.

Many texts examine the legal status of women (often in the context of married women's property law) and explore how inheritances, guardianships, and other legal concepts shape understandings of female subjectivity, both inside and outside the law. The protagonist of *A Law Unto Herself* *Earthen Pitchers*, "Josey's Dower," and "The South Branch Farm."

As even a cursory review reveals, Davis participated in contemporary debates about the treatment of workers, children, women, the insane, and other marginalized groups, and often questioned the law's ability to provide social justice.