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Valuing Virtue: Nineteenth-Century Sexuality and the Act of Seduction, 1818-1860

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INTRODUCTION

On January 11th 1825, in the New York Circuit Court, Captain William Dawes was accused of "deliberately destroying a family's happiness, carrying desolation into a sanctuary of peace and joy, and hurrying a widowed mother to the solitude of the grave", all while wearing the "face of an angel", yet holding the "heart of a demon." The judge asked the jury to deliberate their decision carefully: "...the judge stated the enormity of the offense committed, and if true as averred, the impossibility of even gold being capable of binding up the bleeding heart of an injured and widowed mother." The jury returned with a verdict, ordering Capt. William Dawes to pay NINE THOUSAND DOLLARS damages against the victim. The damages given were the "largest verdict that has ever been rendered in a similar case in America."

Captain William Dawes was charged with the forced seduction of Sarah Mauran's daughter, Jane Mauran. Dawes was accused of befriending the family, knowing full well the vulnerability of the mother and daughter after the death of Mr. Mauran, husband to Sarah, and father to Jane. In pretending concern and friendship for the widow and the daughter, Dawes seized the opportunity to force himself upon Jane: "He stopped her mouth with a handkerchief, and she struggled against him for a time; but from his superior strength he overcame her, and accomplished his diabolical purposes."[1] Sarah Mauran pursued the only avenue available to her under the laws of the time and filed a civil suit against Dawes for compensation for the loss of services of her daughter.

However, it was known that loss of services was a façade; in actuality, Sarah Mauran was

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[1] "Interesting Case of Seduction", *Aurora and Franklin Gazette*, January 17, 1825. New England Historic Genealogical Society, http://infotrac.galegroup.com.

seeking compensation from Dawes to atone for the sadness of the both the girl and her family at the loss of her purity, as described by the *Aurora and Franklin Gazette*:

> Although the technicality of the law only permitted the distressed mother to come before a jury of her country in pursuit of damages for the loss of her once fair and unspotted daughter's services, yet the wisdom of the same law warranted a jury to inflict a heavy penalty upon the rude destroyer of family peace – the seducer of a lovely young woman, who till his arts had succeeded, was as pure as the summer's rose and as unsullied as the lily of the valley.[2]

Cases of seduction, similar to Sarah Mauran vs. Capt. William Dawes, were prevalent throughout the nineteenth-century. Seduction actions occurred and were publicized as the piety and virtue of the nineteenth-century woman was held in high esteem by society. This admiration for women as essentially virtuous was a relatively new phenomenon in the 1800's. Prior to the nineteenth-century, women were considered the sexually licentious species, incapable of controlling their sexuality; "Prescriptive literature, dramatic plots, popular pamphlets and ballads all communicated a vision of morality in which women, not men, bore the load of guilt for illicit sex, and in which women's virtue was premised entirely on sexual chastity."[3] However, by the nineteenth-century, American society embraced a new concept of female sexuality. Society cast women as inherently chaste unless awakened sexually by a male. Woman, in her natural state, was both virtuous and pious. In contrast, the male was cast as potentially both sexually licentious and deviant. Females were considered nearly powerless in protecting themselves against the libertine male, forcing them into the position of victim.

In order to emphasize the importance of maintaining the virtue and chastity of the powerless sex, judges ruled aggressively against those found guilty of the seduction of

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[2] "Interesting Case of Seduction", *Aurora and Franklin Gazette*, January 17, 1825, New England Historic Genealogical Society, http://infotrac.galegroup.com.

[3] Laura Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London* (Oxford: Clarendon Press, 2005), 2.

the innocent female. Grossberg claims, "In their attempt to control sexuality, many Victorians stressed the passionlessness of normal women…Judges not only accepted the new advice, they made the law conform to it."[4] Initially, fathers, brothers, and guardians brought action against seducers, demanding a compensation for "loss of services" as a result of the female's seduction.[5] It was understood, however, that "loss of services" was a claim employed to compensate for the far greater loss of female chastity.

The damages won by the plaintiffs in seduction cases often equaled the entire net worth, including all property, owned by the seducer. Judges who instructed juries to recall the purity of the female, and the licentiousness of the male, in determining verdicts, highlighted the significance of these large settlements. We can gather from the adoption of seduction legislation, and newspaper articles detailing seduction actions, that the legislation was created as a legal form of protecting female chastity in a male-dominated society.

Newspapers throughout the nation carried stories of seduction and the court cases arising from them. The publicity surrounding the more salacious accounts caused seduction legislation to gain momentum. As early as 1818, the published accounts covering seduction civil actions provided society with moral discourse and an education for those tempted. Young men were forewarned of the large damages awarded in seduction suits, while young women were educated as to the wily ways of the seducer.

The mid-1830s ushered in a new era of journalistic voyeurism with the advent of sensationalized coverage of seduction cases. Characterized by an embellished narrative capturing titillating details of the scandalous tragedy, reporters sought to uncover stories

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[4] Michael Grossberg, *Governing the Hearth: Law and the Family in Nineteenth-Century America* (Chapel Hill: The University of North Carolina Press, 1985), 47.
[5] Grossberg, *Governing the Hearth*, 45.

of seduction from outside the courtroom. Essentially, the sensationalism is a product of the penny press, and one James Gordon Bennett of the *New York Herald.* Introduced in the 1830s, the penny press promised to deliver cheap, local news to the lower tiers of American society for in fact, a penny a paper. Bennett, in recognizing the success of the penny press, founded the *New York Herald* with a similar mission. Promising both enticing and affordable news for all, Bennett published stories of local interest, including scandalous tales of seduction. The *Herald* editor transformed the reporting of seduction suits into embellished stories of heart-wrenching tragedy from outside the courtroom. In witnessing the *Herald's* success, newspapers throughout the nation adopted sensationalism in reporting seduction stories, sparking a sensationalist revolution in the exposure of seduction.

Simultaneous with Bennett's sensationalizing of seduction, the moral reform movement published articles in periodicals such as the *Magdalen Reform,* advocating the ousting of seducers from society. The moral reform movement was a product of the combined forces of awakening middle-class ideology and evangelical religious ideology. Middle-class reformers sought to transform middle class mothers into guardians of moral virtue. DuBois states, "Not only could the true woman claim authority over the household and childrearing, but the widespread belief in her special moral vocation legitimated certain kinds of activity outside the domestic sphere."[6] Women were encouraged to extol the virtues of societal reform and to help to create "moral reform societies to combat the upsurge of drink, prostitution, and other forms of what they called 'vice'."[7]

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[6] Ellen Carol DuBois and Lynn Dumenil, *Through Women's Eyes: An American History* (Boston: Bedford/St. Martin's, 2009), 194.
[7] DuBois and Dumenil, *Through Women's Eyes*, 263.

A product of the middle-class reform movement, the New York Female Moral Reform Society, officially adopted seduction as an important cause by advocating for "social legislation for the protection of women" through the criminalization of seduction.[8] In 1838, the NYFMRS presented the New York State legislature with a number of petitions advocating the criminalization of seduction.[9] Although initially considered nonsensical by the N.Y. State legislature, other movements for the criminalization of seduction gained momentum throughout New England. Eventually, the New York legislature passed laws criminalizing seduction, as late as 1848.

The first state legislature to enact laws, which criminalized seduction, was the state of Pennsylvania's in 1843. With criminalization, the convicted seducer was to be punished with imprisonment and forced to pay monetary damages. Although the Pennsylvania legislature received little pressure from the state's female moral reform movement, newspapers played a significant role in advocating for the criminalization of seduction. As a particularly tragic act of seduction, the 1843 Pennsylvania Heberton case was especially significant, as the brother of a victim of seduction murdered his sister's seducer in retaliation for the heartache caused by seduction. The brother of the victim was facing murder charges while the seducer, had he lived, would only face civil action damages. The civil penalties available under tort law were proving to be inadequate; families were taking revenge into their own hands and criminalization was being touted as the appropriate deterrent and punishment for offenders.

The criminalization of seduction, as well as, the support for criminalization by the press, demonstrates agreement among middle-class males, that men are not only

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[8] Daniel Wright, *The First Causes of Our Sex: The Female Moral Reform Movement in the Antebellum Northeast, 1834–1848* (New York: Routledge, 2006), 149.
[9] Wright, *First Causes of Our Sex*,149.

villainous in seducing the innocent female, but should also be held accountable and severely punished for damaging female virtue.

The perception of seduction as a tragic and unacceptable act perpetrated by a knowing man against a victimized chaste woman gained great steam in the middle of the nineteenth century. From a family's sadness it rose to a moral and civil outrage punishable by law and criminalized. The moral pathway paved by tort law, the penny press, sensationalized accounts in newspapers, moral reform movements, and support for the criminalization of seduction from society, set the groundwork for the necessary protection of females from the seductive male.

HISTORIOGRAPHY

Seduction has been addressed throughout works on nineteenth-century sexuality through commentary on seduction novels and the creation of seduction legislature, while other works imperative provide in background on nineteenth-century sexuality. Cathy Davidson, author of *Revolution and the Word: The Rise of the Novel in America*, provides background on the emergence of seduction as the topic of America's first novels. According to Davidson, seduction novels were utilized as a means to educate women against the ways of the wily seducer as a form of protection for the defenseless female. Rodney Hessinger's, *Seduced, Abandoned, and Reborn: Visions of Youth in Middle-Class America, 1780-1850*, expands upon Davidson's argument, as Hessinger claims that youths in nineteenth-century America were given an increased amount of freedom as a result of new democratic principles. Instead of controlling children with limited freedoms, middle-class reformers attempted to educate the youth to elicit the right

behavior. Hessinger identifies the seduction novel as an attempt by the middle-class to educate females through literature.

Concerning the legality of seduction, Michael Grossberg in *Governing the Hearth: Law and Family in Nineteenth-Century America*, argues that nineteenth-century America established judicial law to regulate the American family, as family was considered the heart of stable society. Within his study, Grossberg details the creation of seduction legislation, indicating its formation as a method of protecting powerless young women against male licentiousness. While Grossberg provides vital information concerning the emergence of seduction legislature, Daniel Wright's, *The First Causes of Our Sex: The Female Moral Reform Movement in the Antebellum Northeast, 1834-1848,* provides background on the petitions of the NYFMRS for the criminalization of seduction.

Helen Lefkowitz Horowitz's, *Rereading Sex: The Battles over Sexual Knowledge and Suppression in Nineteenth-Century America*, argues that nineteenth-century society was not entirely void of sexuality. Instead, society was involved in an ongoing battle as moral reforms attempted to restrict free love culture and sexually licentious publications. Essentially, Horowitz provides background on nineteenth-century attitudes toward sexuality, and the attempts by moral reformers to create a society free of moral deviation. Similar to Horowitz, Alexis de Tocqueville, author of *Democracy in America*, provides valuable insight into nineteenth-century America. In particular, de Tocqueville's section, *Young Women in a Democracy*, grants insight into attitudes towards women in American society. Lastly, Patricia Cline Cohen's, *The Murder of Helen Jewett*, addresses seduction through her journey to reconstruct the life of Helen Jewett. Cohen provides valuable

information concerning not only the use of seduction actions, but also the moral beliefs behind the involved actions.

METHODOLOGY

As a study encompassing all aspects of seduction has yet to be published, my goal in writing this thesis is to make seduction known as a vital component of nineteenth-century sexuality, as it legally punished and suppressed illicit sex, initially through monetary damages of seduction actions, and later through the criminalization of seduction. Essentially, seduction is a unique method of enacting Victorian sexuality, as it physically expressed the written sentiments of the sexual reform movement, suppressing sexuality while deeming the young female as innocent, and the male as licentious.

In order to understand both the actual elements of seduction, as well as, nineteenth-century attitudes towards seduction, I have researched the primary sources of newspapers and periodicals on seduction. These sources were found in the Gale Group database, *Nineteenth-Century U.S. Newspapers*. Available through the New England Historic Genealogical Society, I accessed the digitized database, which includes the whole of nineteenth-century periodicals, providing 17,941,960 articles from 750 different newspapers. According to the New England Historic Genealogical Society, the database "...has digitized contents from the holdings of some of the largest and most impressive collections, including the Library of Congress, Wisconsin Historical Society, Maryland State Archive, and Boston Public Library. It features the spectrum of publications from the political party newspapers at the beginning of the 19th century to the mammoth

dailies that shaped the nation at the century's end."[10] In addition, the database holds newspapers from all regions of nineteenth-century America, including the "…rural and urban, large cities and small town, coast to coast and beyond."[11]

The database contains a rich array of seduction articles published within 419 newspapers. The compilation includes reports on seduction actions, stories of sensationalized seduction, moral reform articles, and debates over the legislation of seduction law, within the time frame of 1818-1860. The first published U.S. seduction suit appears in 1818, hence the beginning of the study; however, the period from 1800-1818 does yield newspaper reports on seduction actions within Ireland and England. Nevertheless, these are irrelevant to a systematic study on seduction within America. The study purposely concludes in 1860, as post-1860, the nations news would be heavily preoccupied with the Civil War. Between 1818 and 1860, each year yields between 0-19 seduction articles; however, 1843 holds 53 articles, including repeated periodicals, pertaining to seduction. The surge in seduction articles can be attributed to both the sensationalism of the Heberton case as it circulated throughout the country, and the publicity pertaining to the criminalization of seduction by the Pennsylvania legislature.

Through analyzing seduction articles within the database, a timeline is created beginning with seduction actions, as reported beginning in 1818. By 1835, the database displays an obvious new phenomenon in seduction reporting, known as the sensationalizing of seduction. Additionally, excerpts from reform journals are circulated

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[10] New England Historic Genealogical Society, "Nineteenth-Century U.S. Newspapers Database," *Databases and Research,* http://www.newenglandancestors.org/database_search/3376.asp (accessed March 13, 2010).

[11] New England Historic Genealogical Society, "Nineteenth-Century U.S. Newspapers Database," *Databases and Research,* http://www.newenglandancestors.org/database_search/3376.asp (accessed March 13, 2010).

throughout the newspaper industry, furthering seduction as an adopted cause of the reform movement. Lastly, the database grants insight into the criminalization of seduction, first advocated in New York by the New York Female Moral Reform Society. Although unsuccessful until 1848, Pennsylvania passed criminalization legislature in 1843, providing joy for many and displeasure for others.

In analyzing the database, the newspapers depict common characteristics of seduction, and standard rhetoric repeats within each period impacting seduction. First, the female is consistently depicted as the victim of seduction, beginning with seduction actions and solidified through the criminalization of seduction. Second, the male is portrayed as a callous libertine, purposely plotting the seduction and ruin of young women. The libertine is aware of the consequences of seduction, yet cares only for sexual gratification. Lastly, consequences for the family parallel that of the young victim; each is shamed by society, and the prospect for future happiness is destroyed. Through publishing these depictions in newspapers, common society is adopting the ideals of Victorian sexuality, perpetuating the idea of female innocence throughout society, and creating vast warning against libertines.

COMMON ELEMENTS OF SEDUCTION:

THE VICTIM

In analyzing seduction articles, there are two common characterizations used in describing the seduced female. The first portrayal highlights the pre-seduction morality of the female. She is described as "fair and unspotted", and of exemplary character. An article in the *Weekly Herald* states, "The connexions of the young lady, who is with child, are most respectable, and her reputation is fair and unspotted."[12] Another article describes the female as an "innocent, pure-minded girl, who had been entrusted to his care and guardianship, lay before him the ruined and polluted victim of his devlish arts."[13] Prior to her seduction she is described as innocent and pure-minded; however, post-seduction, she is ruined and polluted.

In addition, the female is depicted as pious. A *New York Herald* article states, "The young lady is represented as being remarkable for her virtue, amiability, and moral and religious deportment, prior to this occurrence; and as being an active communicant and member of a Baptist Church within the limits of the city for some period, previous to the lamentable fruits of her acquaintance with this young man."[14] Yet again, the female's pre-seduction character is identified as virtuous and chaste. Additionally, she is described as amiable, indicating a friendly disposition. By depicting the young woman as friendly, the author is perhaps implying that she is compliant. Furthermore, she is identified as religiously devout. Previous to her seduction, she was heavily involved in the Baptist

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[12] "Seduction", *The Weekly Herald*, July 24, 1841, New England Historic Genealogical Society, http://infotrac.galegroup.com.
[13] "Matter and Things", *New-England Weekly Review*, August 28, 1841, New England Historic Genealogical Society, http://infotrac.galegroup.com.
[14] "Charge of Seduction", *The New York Herald*, June 8, 1844, New England Historic Genealogical Society, http://infotrac.galegroup.com.

Church. The description of the pre-seduction female conveys an image of a morally righteous victim, whose piety is evidenced by her religious associations.

An excerpt from *Professor Wayland's Moral Philosophy*, a reform article considered to be "one of the finest gems in the English language" summarizes the common depictions of the virtuous female. He writes, "Let it be remembered that a female is a moral and accountable being, hastening to the bar of God; that she is made to be the centre of all that is delightful in domestic relations."[15] The segment purports that all young females are naturally determined to be of exemplary morals, and should be guarding their piety through a close relationship with God.

The second characterization depicts the young woman as an outstanding individual with a respectable family. Her intelligence and beauty is emphasized, often with a referral to her personality as "interesting". In "A Trial of Rev. Mr. Van Zandt for Seduction", the *New-England Weekly Review* describes the seduced as, "…a most beautiful, fascinating, artless creature of only sixteen summers, whose family are of the most respectable standing in the State."[16] The description of the female characterizes her as exceptional. Not only is she physically beautiful, but she is also a fascinating young woman which is to lead one to believe that she possesses the finest of qualities. The use of the adjective, "artless" identifies the female as genuine, yet naïve, a young woman who truly believes in the goodness of the world. Further, the female's family is identified as of the highest respectability in the state of New York.

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[15] "Seduction", *Raleigh Register, and North Carolina Gazette*, January 2, 1844, New England Historic Genealogical Society, http://infotrac.galegroup.com.
[16] "The Trial of Rev. Mr. Van Zandt for Seduction", *The New-England Weekly Review*, January 15, 1842, New England Historic Genealogical Society, http://infotrac.galegroup.com.

Often, the two characterizations are used in describing the female. In returning to the Van Zandt case, a second article written by the *New York Herald* states, "The reputation of this young lady for truth and purity was unsullied till her fatal association with the Van Zandt family."[17] The rhetoric employed parallels the descriptions of the female in the first characterization. The victim of the Van Zandt case was pure until her interactions with Reverend Van Zandt.

"Singular Seduction and Suicide in Buffalo", published by the *New York Herald*, describes another seduced female in a similar fashion as the victim of the Van Zandt case.

> She was the daughter of a substantial and respectable citizen of that place, and moved in good society, of which she was till the seducer blasted her fame, an ornament. She was about seventeen, of a fine figure, and some pretensions to beauty, of a lively and pleasing disposition – and as the sequel has shown, of strong passions, and great strength of character.[18]

Similar to the Van Zandt case, the seduced is the daughter of a respected individual. As such, she moved in "good society". She is described as being of exemplary character; she is beautiful and lively, with a pleasing disposition. Again, the female is depicted as possessing several virtuous qualities, which would prepare her well for a quality life.

Although the young woman is described in a similar fashion to the Van Zandt character, the *Herald* indicates that the sequel has shown her to be "strong in her passions and character." By depicting the young woman as "strong in her passions", James G. Bennett, editor of the *Herald*, is hinting at the depravity of the female. In nineteenth-century rhetoric, "passion" was used to signify sexuality. As she is "strong in her passions", Bennett is implying the young woman as sexually awakened, despite depicting

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[17] "The Rochester Clerical Seduction", *The New York Herald*, August 2, 1841, New England Historic Genealogical Society, http://infotrac.galegroup.com.
[18] "Singular Seduction and Suicide in Buffalo", *The New York Herald*, January 1, 1841, New England Historic Genealogical Society, http://infotrac.galegroup.com.

her as an admirable character. The deceitful description is typical of Bennett. Bennett pledged to be a crusader to all causes, yet gave none true allegiance. As stated by Andie Tucher, "...he expanded half his energy in sniping and smearing all comers and the other half in loudly proclaiming himself the avatar of morality, the arbiter of literary taste, and the tireless advocate of whoever happened to be reading his pages".[19] For that reason, the article perhaps implies that Bennett was a hypocritical crusader of the seduced female.

Another article in the *New-England Weekly Review* states, "Emma Pennell, in spite of her rags, and her sorrows and the wear and tear of famine on her pale face and fragile form, bore every evidence of having been a beautiful and accomplished girl – such as one indeed as might well have been the pride of a family circle."[20] The young woman was filled with potential for a successful future, and would have been the pride of her family had she not fallen into the moral depravity of seduction.

The two thematic characterizations of the seduced female indicate nineteenth-century standards for the ideal woman were well understood and expected in society. The first characterization focuses upon the expected sexual purity of the female. The emphasis on purity is a result of nineteenth-century values and virtues ascribed to women's sexuality. Implied throughout periodicals and newspapers, American society declared and demanded that women were rightfully and essentially "passionless", unless provoked by a male.[21] As stated in DuBois, it was assumed "...that the true woman was inherently uninterested in sexual expression, that she was 'pure'."[22] The descriptions of

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[19] Andie Tucher, *Froth and Scum: Truth, Beauty, Goodness, and the Ax Murder in America's First Mass Media* (Chapel Hill: The University of North Carolina Press, 1994), 19.
[20] "Life in New York" – Seduction and Possession", *The New-England Weekly Review*, April 2, 1842, New England Historic Genealogical Society, http://infotrac.galegroup.com.
[21] DuBois and Dumenil, *Through Women's Eyes*, 190.
[22] DuBois and Dumenil, *Through Women's Eyes*, 190.

the pious women in the seduction articles imply their lack of sexuality. In addition, the passionless woman virtually assures that the seduced female must in fact be a victim, as they would have no desire to partake in sexual relationships. According to Cohen, women's passionlessness, "...recast sex as a wholly masculine prerogative, an activity that enhanced male mystery and power."[23] Yet, the seducer preys upon his victim, forcing her to relinquish her chastity. In doing so, she is ruined.

The second characterization emphasizes the intelligence, beauty, and fascinating character of the victim. In this way, the young woman is the ideal woman, with the world at her fingertips. For that reason, she would make an excellent marriage prospect, as not only is she lively and beautiful, but her parents are of esteemed standing. However, the act of seduction ensnares the young woman and any prospect for a potentially suitable marriage is ruined. Essentially, marriage was ambition of the American female, as it provided security. Family, in turn, was considered the basis for upholding a successful republican society.[24] As Tocqueville states, in *Democracy of America*, "Religious communities and trading nations entertain peculiarly serious notions of marriage: the former consider the regularity of woman's life as the best pledge and most certain sign of the purity of her morals..."[25] Therefore, the seduced will spend her life as a shunned spinster, an affirmation to all of her victimization and lifelong branding as soiled and unchaste.

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[23] Patricia Cline Cohen, *Murder of Helen Jewett* (New York: Vintage Books, 1998), 229.
[24] Grossberg, *Governing the Hearth*, 8.
[25] Alexis de Tocqueville, *Democracy in America* (New York: Signet Classic, 2001), 235.

THE LIBERTINE

In marked contrast to the description of the female as the exemplar of virtue, the male is portrayed as a conniving villain and a remorseless libertine. An article in support of the criminalization of seduction describes the seducer as a "...cool, deliberate calculating villain, who under the disguise of friendship and professed affection, destroys the virtue, the peace, and finally blasts the future happiness of an unfortunate confiding girl."[26] The article implies that the seducer is a libertine; he is a calculating despoiler of innocence, utilizing a pretense of marriage in order to win the affections of the girl. Using his smooth charm, he satisfies his willful desires with no concern for his victim. An article in the *New-England Weekly Review* characteristically emphasizes the intentional actions of the libertine. It states, "The subtle deceit practiced in this case, to mould the mind of this virtuous and beautiful girl to the purpose of lust, almost surpass the bounds of credulity; and made every breast in a crowded auditory revolt at such shocking depravity."[27] The libertine is portrayed as purposely defiling the minds of his victim, caring nothing for the besmirching of her reputation and giving no regard for the consequences of his actions. His sole concern is for the satisfaction of his sexual passions. For that reason, the seducer is in fact a vile and cruel villain. An article within the *National Advocate* substantiates this claim:

> ...but where a man will deliberately bring distress, confusion, infamy and sorrow upon an innocent family – where he will wring their hearts with anguish unspeakable, for the gratification of momentary and sordid passion, he is a most worthy object for the attention of the court of justice.[28]

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[26] "Seduction, Abortion, Infanticide", *The New York Herald*, February 11, 1844, New England Historic Genealogical Society, http://infotrac.galegroup.com.
[27] "Trial for Seduction", *The New England Weekly Review*, December 26, 1840, New England Historic Genealogical Society, http://infotrac.galegroup.com.
[28] "Seduction", *The National Advocate*, October 14, 1823, New England Historic Genealogical Society, http://infotrac.galegroup.com.

The author describes the libertine's willful seduction as cruel and deliberate, his actions causing severe destruction for both the victim and family. The damage he inflicts is "unspeakable", for a "moment" of sexual satisfaction. As early as 1823, the author of the article demands justice for the seducer to be vigorously delivered through the legal system.

In addition, seduction articles draw from widely known Christian biblical references to compare the actions of the seducer. An opinion article, written by the *Magdalen Reform*, asks for communal acknowledgment of the seducer's actions. The article states, "And why should the public refuse to let the glory of his achievements crown his brow? It will make him a crown like Cain's."[29] In making reference to Cain, the article is equating the seducer with the epitome of evil, as Cain is commonly associated with evil as he committed the first sin by murdering Abel. While the seducer is compared to Cain, another article associates the libertine with a serpent. It asserts, "While thus he contrived to retain the entire confidence of Mr. Woodburn's family, he was serpent-like, entwining his folds around the daughter."[30] In identifying the seducer as serpent-like, the author is referencing the biblical imagery of the first temptation. The serpent is a representation of Satan; therefore, the seducer is equated with temptation and damnation. Conversely, the seduced can be assumed to be compared with Eve. As with Satan's intentional and successful ruination of God's paradise for his own vile purposes, the seducer intentionally and successfully ruins his victim. As Christianity was the basis of nineteenth-century society, the general populous would be steeped in the teachings of

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[29] "Magdalen Reform", *The Ohio Observer*, May 15, 1834, New England Historic Genealogical Society, http://infotrac.galegroup.com.

[30] "Seduction, Insanity, and Death: A Terrible Story", *The Scioto Gazette*, March 16, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com.

the Bible. The depictions of Cain and Satan dramatically reel in the righteous reader to easily equate the seducer with the utmost of evil.

One final example employs similar imagery, as the seducer is depicted as demonic. *The South-Carolina Temperance Advocate* states, "Though born to protect the fair, does not man act the part of a demon; first alluring by his temptations, and then triumphing in his victory?"[31] The seducer is directly associated with a demon. As with previous examples, the article claims the seducer premeditates his actions. He lures his victim to temptation, much like a demon, and then "triumphs in his victories."[32] In addition, the author claims the seducer was "born to protect the fair."[33] Thus, the author is making the claim that a natural trait of the male is to protect his female counterpart. However, the seducer rejects his position as guardian; instead, he becomes feared as her despoiler, the insurer her tragic fate.

By labeling the male as a cool and calculating libertine, newspapers were claiming seducers to be sexually experienced, as libertines were infamous for wooing numerous women into fornication. For that reason, the seducer is well aware of his actions, and intends to complete the seduction in order to obtain gratification. Also, by labeling the seducer as a libertine, newspapers are implying that the seduced is seeking sexual gratification from virginal women as a thrill-seeking adventure, rather than easily accessing prostitutes within the whorehouse.

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[31] "Seduction", *South-Carolina Temperance Advocate*, July 16, 1840, New England Historic Genealogical Society, http://infotrac.galegroup.com.
[32] "Seduction", *South-Carolina Temperance Advocate*, July 16, 1840, New England Historic Genealogical Society, http://infotrac.galegroup.com.
[33] "Seduction", *South-Carolina Temperance Advocate*, July 16, 1840, New England Historic Genealogical Society, http://infotrac.galegroup.com.

CONSEQUENCES OF SEDUCTION FOR THE FAMILY

Newspapers commonly refer to consequences for not only the victim, but the victim's family as well. Written in August of 1841 and reporting on the trial of a seducer, *The New-England Weekly Review* article states:

> …in speeches of thrilling eloquence and power, which had the effect to draw tears from many an eye, when they alluded to the peaceful home and happy fireside of the plaintiff, and the fondness and hope with which the father and mother watched over and cherished their lovely daughter – their only child – upon whom all warm and tender affections of their hearts were centered – and then introduced into this blissful Eden the arch seducer, 'clothed in the lively or heaven, but the feelings of a demon rankling in his heart,' and drew a picture of the utter desolation and hopeless despair which he brought with him into the little circle, the feelings of the audience were manifested by many a deep drawn sigh and half-suppressed grunt.[34]

The article is reporting on an argument made by the plaintiff's attorneys in a seduction suit against a Catholic priest. As they were attempting to sway the case in their favor, the attorneys stressed the utter destruction of a once happy family. Prior to the seduction, their home was a peaceful place. The parents were filled with adoration for their only child, investing in her happiness and success. Moreover, the lawyers compared the family's home to a "blissful Eden."[35] Making reference to the home as a blissful Eden, the author emphasizes the ideal nature of the family and compares the seducer to a demon in disguise. Using similar arguments as the attorneys in the above referenced case, a piece advocating the criminalization of seduction writes, "…but who can tell the anguish that wrings the heart of the disconsolate widow, and those poor, but virtuous parents! Their hope has withered in its greenness. The light of their joy has gone out in darkness – Earth has no solace for their stricken hearts. They descend to the grave the victims of

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[34] "Extraordinary Case – Trial of a Catholic Priest for Seduction", *The New-England Weekly Review*, August 28, 1841, New England Historic Genealogical Society, http://infotrac.galegroup.com.
[35] "Extraordinary Case – Trial of a Catholic Priest for Seduction", *The New-England Weekly Review*, August 28, 1841, New England Historic Genealogical Society, http://infotrac.galegroup.com.

incurable anguish."[36] Again, the young woman is depicted as the heart of her parents' joy.[37] However, their light has "gone out in darkness" as not only is the girl ruined, but her happiness is forever destroyed. Witnessing and experiencing the indescribable suffering of the child, the parents are "the victims of incurable anguish", for which "Earth has no solace."[38] As seduction ruins the future happiness of the girl, it also brings incurable anguish to the parents of the victim at witnessing the devastation of their daughter.

In addition, as a result of the seduction, the reputation of the family was often portrayed as disgraced. Similar to the victim, the family must endure shame as the result of the seduction. An article in the *New-England Weekly Review* states, "The Philadelphia Spirit of the Times relates the following story of a melancholy seduction case, which has just occurred in that city – the ruin of honor – the disgrace of name, and the destruction of the peace and happiness of a virtuous family."[39] The article implies that seduction not only ruins the girl's honor, but disgraces the name of her family. In another article, the female is described as begging her seducer to stop his advances to prevent her family's disgrace. It claims, "…she, in the mean time, beseeching him to spare her, and to act towards her as a father, and not bring ruin, disgrace, and misery upon herself and her

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[36] "Punishment of Seduction", *The North American and Daily Advertiser*, May 1, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com.
[37] "Punishment of Seduction", *The North American and Daily Advertiser*, May 1, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com.
[38] "Punishment of Seduction", *The North American and Daily Advertiser*, May 1, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com.
[39] "Seduction", *The New-England Weekly Review*, August 13, 1842, New England Historic Genealogical Society, http://infotrac.galegroup.com.

family."[40] The consequences for the young woman, and the family, are depicted as the same; both suffer ruin and dishonor at the expense of the heartless seducer.

In rare cases, in which the female is deemed at fault, sympathy persists for the family. In "The Greatorex Seduction Case", the account of the court proceedings details the girl as, "wild, unrestrained, romantic creature, who, though not entirely given up to the control of her passions, is quite fond of indulging liberties which most ladies would repulse as the grossest outrage"[41]. The description of the girl opposes the common descriptions of the seduced victim. She is neither pious nor innocent; she is wild and passionate, indicating sexual experience. The article, in turn, sympathizes with the distraught family, declaring, "The situation of the girl is truly deplorable – covering herself and all the family with the same and mortification attendant on the sacrifice of her purity and good name"[42]. The seduction of the girl is deplorable, not because of her ruin; rather, her immoral actions are publicly disgracing the family.

Moreover, parents could be driven to dire circumstances and in some cases, even worse fates than their seduced daughter. An article in the *Scioto Gazette* details the drama of a seduction story. It states:

> On Saturday last, she gave birth to a child, which is still living. When the information was conveyed to Mr. Woodburn, who was lying ill in another part of the house, he groaned aloud – laced his hand upon his breast *and expired in a few minutes*! This sudden and awful multiplication of sorrow was too much to be borne by the mother of the deluded and ruined girl, and the wife of the dying husband – reason was dethroned, and the mother became a *maniac*![43]

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[40] "Case of Seduction", *The New York Herald*, August 6, 1841, New England Historic Genealogical Society, http://infotrac.galegroup.com.
[41] "The Greatorex Seduction Case", *The New-England Weekly Review*, April 23, 1842, New England Historic Genealogical Society, http://infotrac.galegroup.com.
[42] "The Greatorex Seduction Case", *The New-England Weekly Review*, April 23, 1842, New England Historic Genealogical Society, http://infotrac.galegroup.com.
[43] "Seduction, Insanity, and Death", *The Scioto Gazette*, March 16, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com.

The seduction of the female, and the birth of her illegitimate child, proved insufferable as the father was forced to an early death. The mother, in experiencing the death of her husband and the ruin of her daughter, fell into a state of insanity. In this way, the article is implying that the evils of seduction are so atrocious, that they affect the entire family to the point of insanity and death.

Essentially, the family shares a similar fate as the seduced. Both the family and the girl succumb to misery; the girl is ruined by the seduction. Consequently, her parents suffer from sharing in her unhappiness and witnessing her tragic fate. As seduction brings disgrace upon the family name – not only is the young woman irrevocably shamed, her family's honor is tarnished and their name tainted. Lastly, seduction at its worst, can be perceived as an affliction to the family from which there is no recourse or hope, resulting in extreme anxiety, mania and even death. The dishonor suffered is unbearable for the family whose daughter falls prey to a seduction.

SEDUCTION UNDER TORT LAW

The first publication of a seduction suit occurs in 1818.[44] Seduction suits were legal actions allowed against the accused seducer under tort law. Fathers and masters alike brought seducers to court to atone for the seduction of their daughter or servant. Seducers were charged with "loss of services", which required the seducer to pay damages to the plaintiff. As stated by Cohen, "The key idea was loss of service and attendant damage to a man's property in a woman: a seduction allegedly undermined ability to perform duties to a parent or master."[45] An example of a general case reported in an 1837 issue of *The Mississippian* newspaper follows:

> In the Circuit Court of Oyer and Terminer held in Mayville last week, came on the trial of David Smith, defendant, ads. Asahel Russel, for the seduction of the plaintiff's daughter. It was an aggravated case, inasmuch as the defendant and the young lady were play-mates in childhood – grew up together – and after years of courtship and many promises of marriage, he accomplished her ruin at the age of seventeen, and left her. There was no defence set up. The jury brought in a verdict of $500, which would probably have been increased; but his was all or more than the defendant was worth of property[46].

David Smith, defendant, was brought to court by Asahel Russel for the seduction of his daughter. The newspaper characterized the case as aggravated, as Smith completed the seduction though promises of marriage, which left the young woman both desolate and ruined. As a result, the young woman was no longer marriageable. The father was now permanently responsible for his daughter's care, a job he would have handed over to her future husband. Although not factually known, Russel is perhaps demanding monetary compensation for her future care.

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[44] Although the first publication of a U.S. seduction action appears in 1818, newspapers previously printed articles on seduction suits occurring within England and Ireland.
[45] Cohen, *The Murder of Helen Jewett*, 209.
[46] "Seduction", *The Mississippian*, March 17, 1837, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

According to the article, the damages charged to Smith equaled the "wealth of his property."[47] Damages equaling a seducer's wealth proved to be common judgments won in seduction suits. An article in the *Carolina Observer* states, "A jury in the District Court at Philadelphia lately gave a verdict of five thousand five hundred dollars damages, in a case of seduction. This was as much as the defendant was supposed to be worth"[48]. Yet another article in the *Daily National Journal* writes, "The jury gave a verdict of five hundred dollars damage against the seducer: it should have been five hundred thousand, had the abandoned, guilty man, been worth that much"[49]. As the damages equal the net worth of the seducer, the wealth of the seducer is significantly injured.

The enormity of the awards granted by the judges clearly shows their intention to financially ruin those convicted of seduction. In analyzing fifty-six cases from 1818 to 1860, damages ranged from $100.00 to $15,000.00, with an average of $4,469.50.[50] The median lies at $4,000.00, a massive amount of money in the nineteenth-century. The female victim and her family, in essence, are receiving a financial windfall, tarnished by loss of reputation and standing, for bringing the seduction action to the courts for settlement.

Although "loss of services" was the justification for the awarding of monetary damages, in analyzing reports on seduction suits, the newspapers identified the actual reason for cause of action as the ruin of female virtue and family reputation. An article in the *Aurora and Franklin Gazette*, detailing a seduction case, claims:

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[47] "Seduction", *The Mississippian*, March 17, 1837, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[48] *Carolina Observer*, May 05, 1825, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[49] "Seduction", *Daily National Journal*, August 1, 1827, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[50] The one hundred dollar damage was a result of the criminalization of seduction in Pennsylvania, post 1843. Prior to 1843, the lowest damage charge was three hundred dollars.

> Although the technicality of the law only permitted the distressed mother to come before a jury of her country in pursuit of damages for the loss of her once fair and unspotted daughter's services, yet the wisdom of the same law warranted a jury to inflict a heavy penalty upon the rude destroyer of family peace – the seducer of a lovely young woman, who, till his arts had succeeded, was as pure as the summer's rose, and as unsullied as the lily of the valley.[51]

The real tragedy of the case is reported as being the destruction of female virtue and family happiness, although the "technicality of the law" only permits the distressed mother to bring the action forward in return for monetary compensation.

Moreover, a seduction piece tells of a judge advising his jury to base their decision on the moral distress of the crime. It states, "The judge in addressing the jury seemed to be at a loss of words to express his sense of the aggravated circumstances of the case. But while he recommended them to express their abhorrence of the defendants deeds by a public example to the community, he told them not entirely to deprive the two innocent fruits of the defendants former marriage of a means of support."[52] The judge directly intervened, recommending the jury express their abhorrence for the defendant's actions through damages, leaving the male with only enough money to support his children from a previous marriage.

Additionally, the *National Advocate* claims heavy damages as the only way to restrict the hardened libertine. The article claims, "It has been found by experience, that nothing will restrain the fashionable libertine but the strong arm of the law – the salutary admonition of a generous verdict. Vindictive damages can only reach the consciences of

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[51] "Interesting Case of Seduction", *The Aurora and Franklin Gazette*, January 17, 1825, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[52] "Superior Court – Seduction", *Providence Patriot, Columbian Phenix*, July 27, 1831, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

such men, through the medium of their pocket."[53] The author affirms the righteousness of the assessed damages – nothing can stop the seducers villainous actions except for the possibility of financial ruin.

As a common element of seduction articles, the family is portrayed as suffering grievously by the dishonor caused by the seducer. The article in the *Aurora and Franklin Gazette* continues, "The jury were permitted a full and a wide scope, and allowed to judge not only a loss of strict services, but also a loss of happiness, the destruction of family peace and joy, the total annihilation to a fond mother of her daughter's maiden pride and maiden honor."[54] Another article in the *New-York Spectator* states, "The father was entitled to recover, legally, the expenses paid for his daughter's illness – damages for the loss of her service, and such additional damages as his violated feelings and the degradation of his family might seem to the jury to require."[55] Both articles identify humiliation to the family as a consequence of seduction. As a result, damages assigned were not only for the recovering of loss of services and harm to female virtue, but compensation for the shame placed upon the family.

In a nation increasingly focused on the accumulation of wealth and general prosperity, the "financial ruin" judgment was also designed to act as a possible deterrent to men against partaking in seduction. In publishing seduction suits, newspapers are making young men aware of damages, publicly warning against seduction.

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[53] "Seduction", *The National Advocate*, October 14, 1823, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[54] "Interesting Case of Seduction", *The Aurora and Franklin Gazette*, January 17, 1825, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[55] "Case of Seduction", *The New-York Spectator*, December 4, 1829, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

1835: SENSATIONALIZED SEDUCTION

Although seduction received national attention with the publication of seduction actions, 1835 marked the beginning of the new phenomenon in seduction reporting, known as sensationalized seduction, of which created in an increased interest in the nation's sexual affairs. In contrast to newspaper reports of the seduction actions, sensationalized seduction does not focus on the legal aspects of seduction. Instead, it relies on exaggerating the narrative of the particular act of seduction, and the consequences of seduction for both the girl and her family. The emergence of sensationalized seduction can be attributed to the penny press, particularly James Gordon Bennett and his *New York Herald.*

Bennett and *The Herald* were part of a newspaper revolution known as the penny press. The penny press was established in the early 1830s with the intent to reach the middle to lower classes of society. According to author, James L. Crouthamel, "Day [penny press editor] stated his aim in the *Sun's* first issue: 'To lay before the public at a price within their means of everyone, all the news of the day'"[56]. The penny press was "...committed to the position that every person had the right to know", equating knowledge with power[57]. In return, the penny press found an eager audience; "These readers were literate enough to enjoy light reading, solvent enough to spare a penny a day for entertainment, and buoyed by the egalitarian sense that they deserved every civilized accessory the 'better sort' did".[58]

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[56] James L. Crouthamel, *Bennett's New York Herald and the Rise of the Popular Press* (Syracuse: Syracuse University Press, 1989), 20.
[57] Helen Lefkowitz Horowitz, *Rereading Sex: Battles over Sexual Knowledge and Suppression in Nineteenth-Century America* (New York: Vintage Books, 2002), 130.
[58] Tucher, *Froth and Scum,* 12.

The penny press "concentrated on snappy, even sensational stories of more human interest and local relevance", in order to appeal to the middle and lower classes.[59] In reporting local news, the penny press nominated itself as the purveyor of absolute truth; the press "…declared that 'the public press of the country [is] the best guardian of its institutions and laws, when faithfully and independently devoted to the public good'".[60] The editors promised to "…expose all, tell all, no matter whom they offended".[61]

In 1835, James Gordon Bennett founded *The New York Herald*, the quintessential penny press. As aforementioned, while other penny papers catered to the middle and lower classes, Bennett sought to attract all classes of reader. Bennett coupled the likeability of the penny press with appealing articles for the mercantile and elite[62].

Essentially, Bennett promised a good, honest newspaper. He states, "'Our only guide shall be good, sound, practical common sense, applicable to the business and bosoms for men engaged in everyday life…We shall endeavor to record facts, on every public and proper subject, stripped of verbiage and coloring, with comments when suitable, just, independent, fearless, and good tempered'"[63].

Despite promising stories "stripped of verbiage and coloring", the *New York Herald* became a leading purveyor of sensationalized reporting. George Juergens, as retold by Crouthamel, defines sensationalism as, "a 'strategy of attracting a large audience by concentrating on stories of timeless appeal – sex, crime, and tragedy'"[64].

Fundamentally, sensationalism was used to:

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[59] Tucher, *Froth and Scum,* 8-9.
[60] Tucher, *Froth and Scum,* 26.
[61] Horowitz, *Rereading Sex,* 130.
[62] Crouthamel, *Bennett's New York Herald and the Rise of the Popular Press,* 21.
[63] Crouthamel, *Bennett's New York Herald and the Rise of the Popular Press,* 21.
[64] Crouthamel, *Bennett's New York Herald and the Rise of the Popular Press,* 24.

> '...catch the interest, even to titillate, the vast body of men and women who for one reason or another are unconcerned with happenings in government, business, or arts. Sensationalist newspapers extended the meaning of the human interest story to report what had hitherto been regarded as private, the gossip and scandals about individuals, and discovered a rich source of news in crime and everyday tragedy'[65].

The *New York Herald*, in accordance, published, "...a steady diet of violence, crime, murder, suicide, seduction, and rape both in news reporting and in gossip"[66].

Seduction stories became raw and salacious during the era of sensationalism in newspaper reporting. Within the Gale Group database, only one story of sensationalized seduction was published prior to 1835. However, post-1835, with thanks to the *Herald*, seduction stories emerged as an integral part of sensationalized articles. Between 1836-1841, the database contains five stories of seduction, all published within the *New York Herald* or its subsets (which includes the *Morning Herald*). By 1842, other newspapers were adopting the *Herald's* style, including the *New-England Weekly Review* and the *New York Tattler*.

Bennett's newspaper molded the stories into sensationalist pieces, often exaggerating with flowery adjectives and heart wrenching imagery. An early *New York Herald* seduction article is a common example of Bennett's seduction story. The paper initially grasps the reader, claiming the seduction to be revolutionary in its wickedness: "It has seldom, perhaps never, fallen to our lot to record an instance of greater depravity, and inhumanity, than that which we are about to relate, and we can only wonder that

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[65] Crouthamel, *Bennett's New York Herald and the Rise of the Popular Press*, 25.
[66] Crouthamel, *Bennett's New York Herald and the Rise of the Popular Press*, 25.

silence on such a subject has been so long preserved"[67]. Additionally, the *Herald* promises new, exclusive information[68].

Next, the *Herald* publishes the circumstances of the seduction. The article identifies:

> ...a person in this city, an office-holder too, and one of high respectability, who has been guilty of a crime of the deepest dye, and one which should reflect upon him lasting shame. About 3 years ago, Mr. ----- married the elder daughter of a widow lady in the upper part of the city, who had two children – the wife of Mr. ----, and her sister, a charming girl 17 years of age, pure and untainted as the spotless snow[69].

Bennett epitomizes sensationalism as he provokes gossip and scandal by providing some information concerning the suitor, allowing the reader to speculate as to the seducer's identity. Moreover, it is possible that Bennett was participating in blackmail by excluding the names of the parties involved. Blackmail of wealthy individuals brought in extra money for Bennett, as well as, titillated interest in the paper. Ads for future seduction articles also suggest blackmail, while creating interest in buying tomorrow's paper: "Look out for tomorrow's paper, which will contain an account of one of the most extraordinary seduction cases that ever transpired in the annals of the city".[70] If blackmail, seducers could pay hush money to Bennett before the paper was published, saving criticism of the individual and the families involved.

In sensationalism fashion, the *Herald* unfolds the details the revelation of seduction:

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[67] "Seduction", *The Herald*, October 16, 1836, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[68] "Seduction", *The Herald*, October 16, 1836, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[69] "Seduction", *The Herald*, October 16, 1836, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[70] "Look out for to-morrow's paper, which will contain an account of one of the most extraordinary seduction cases that ever transpired in the annals of this city," *Morning Herald*, June 11, 1838, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

> The younger sister appeared too, to grow very dejected and pale, but not wan or thin. On the contrary, she increased in size, so much so, that her mother became alarmed, and urged her son-in-law to send for a physician...[the seducer sent a physician who prescribed her for dropsy & the girl grew worse]…Mrs. ----- sent for a physician of high-standing and unflinching integrity. He came – saw the unfortunate girl, and as delicately as he could, informed Mrs. ------ that her daughter, the pride of her heart, had fallen victim to some fell seducer, and was then with child[71].

In agreement with the common elements of seduction articles, the young woman is depicted as the pride of her mother's heart, fallen victim to the ways of a devious seducer. Bennett implicates Mr. ------ as the villain, by claiming he sent a personal physician to purposely misdiagnosed the girl.

The consequences of the seduction are finely tuned to the reader's emotions, as the *Herald* describes the consequences of the seduction with tragic, heart wrenching imagery. It states: "The mother saw the flower which she had loved and cherished, rudely trampled down in the dust, by the cruel, careless feet of him, who should have gloried in sustaining it"[72]. Bennett's words are intended to elicit a response of grave sadness from the reader, as he emphasizes the misfortune of her daughter's seduction weighing upon the pitiful mother's heart. When confronted with the situation, the seducer demands the mother, girl, and child leave his home, emphasizing the heartless nature of the seducer. As for the child, the *Herald* reporter proclaims it a constant reminder of the villainous seduction: "The poor, deluded, deceived, and ruined girl, has ushered into the world a pledge of her own shame and her betrayer's villainy"[73].

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[71] "Seduction", *The Herald*, October 16, 1836, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[72] "Seduction", *The Herald*, October 16, 1836, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[73] "Seduction", *The Herald*, October 16, 1836, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

James G. Bennett's method of sensationalizing seduction spread to other newspapers as a means to capture reader interest. Between 1842 and 1844, five different newspapers, not including the *New York Herald*, published nine different stories of seduction. This is comparable to pre-1835, before the sensationalist revolution, in which only one seduction story was published. An article printed in the *New-England Weekly Review*, taken from the *N.Y. Tattler*, emphasizes the horrific consequences of seduction.

It states:

> A watchman found a young girl in the streets last night who told him she was homeless and hungry, and that if she was not immediately taken in some place of refuge, she feared she might die in the course of the night…She was enveloped in a covering of filthy rags – the worms of hunger had gnawed her delicate cheeks to bone – her lips were puckered up with famine – her beautiful hair hung about her in disheveled masses – and misery and despair sat grimly enthroned in her sweet blue eye, and on her fair but wrinkled forehead.[74]

The tragic description of the young woman is shocking. Her once beautiful face is "gnawed by the worms of hunger", while her "lips are puckered in famine", yet a glimmer of her former beauty remains in her "sweet blue eyes".

The girl attributes her horrific state to seduction:

> She stated that her name was Emma Pennell – that her parents and friends were wealthy, and highly respectable residents of Baltimore – that she was but seventeen years old – that some months since, a gentleman named T---------s, who is a broker in Wall Street, induced her to accompany him to Philadelphia, under promise of marriage – that he there seduced her, then brought her to this city, where he for awhile kept, and then deserted her.

Similar to the sensationalized descriptions of the rise and fall of the seduction victims depicted by the press, the girl was once of an honorable and wealthy family. She had the world at her doorstep; yet, a villainous young man under the guise of a promise of

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[74] "Life in New York – Seduction and Possession", *The New-England Weekly Review*, April 2, 1842, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

marriage seduced the young woman into depravity. Now, she embodies the consequences of seduction, from her starvation to her homelessness.

As witnessed with the story of Emma Pennell, sensationalized seduction depicts several dire consequences for the seduced female. Most commonly, she is proclaimed as ruined. An article in the *New-England Weekly Review* declares, "....the innocent, pure-minded girl, who had been entrusted to his care and guardianship, lay before him the ruined and polluted victim of his devilish arts and unholy passions."[75] The once spotless virtue of the pious female was corrupted by the villainous arts of the libertine. As the female is ruined, she is forsaken by society. *The North American and Daily Advertiser* states:

> There are none to vindicate their wrongs. There is no eye that looks upon them in their shame and pity. Betrayed, abandoned, cast-off, they seek the haunts of infamy as a protection from the bitter scorn of society, and in the constant repetition of their crime, they endeavor to drown the remorse that springs from reflection on the first act by which they were separated from the paths of virtue.[76]

As a result of her abandonment, the article implies that the seduced female is forced into prostitution, to toil in the activity that led to her downfall. In return, life under prostitution provides shelter within the depravity of the brothel. Prostitution is often depicted as a common consequence of seduction by the sensationalist press. In agreement, an excerpt from the *Magdalen Reform* states: "The female whose heart he broke by desertion, under an insupportable load of scorn and derision, in despair, rushes to places not fit to be named, and there terminates life in infamy."[77]

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[75] "Extraordinary Case – Trial of a Catholic Priest for Seduction", *The New-England Weekly Review*, August 28, 1841, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[76] "Punishment of Seduction", *The North American and Daily Advertiser*, May 1, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[77] "The Magdalen Reform", *The Ohio Observer*, May 15, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

In addition, young women were aware of prostitution as a consequence of seduction. The *New York Herald* thickens the tragedy by publishing a suicide note from a victim of seduction. She claims, "It is my most earnest request that no efforts be made to restore life. I have no tie to bind me here. I long to lay cold. A prostitute's life I cannot bear to lead – no other resource is left."[78] The note implies that prostitution is the only option left for a victim of seduction; yet it is especially harrowing, as the young woman chooses to death, rather than the life of a prostitute.

Suicide was not uncommon among victims of seduction; seduction articles reported a number of sensational suicides and deaths as a consequence of the female's ruin. The *Daily Atlas* details the suicide of a female, a result of her seduction. It states, "Yesterday, the unfortunate girl, the victim of the wiles of a scoundrel, and who has been staying for sometime back at a house of doubtful reputation, in Swanson street, endeavored to end her life of misery and shame by committing the awful crime of suicide."[79] As portrayed by the article, the misery of the girl, brought on by the shame of seduction, was insufferable. As a result, she resorted to committing a crime of her own by taking her life, the only option outside of prostitution.

Furthermore, a piece in the *Herald* dramatically details the death of a young woman and child, tragic victims of seduction. According to the paper, a young woman, Effy Stelts, of "good character and parentage", complained of sickness and retreated to her room.[80] A noise was heard in the girl's room, and the young woman was found

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[78] "The Last Seduction Case", *The New York Herald*, September 27, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[79] "Seduction and Attempt at Suicide", *The Daily Atlas*, March 14, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[80] "Another Awful Consequence of Seduction", *The Herald*, April 4, 1836, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

"extended on the floor with her head between the door and bed post."[81] A doctor was called: "Dr. Cook, of Hackettstown was called, who, after a slight examination, informed the family that there was an infant somewhere about the premises", while the young woman was found in "...violent convulsions, senseless, her jaws set, and beyond the reach of medicine, as he stated she was evidently under the influence of some active poison."[82] By the following Saturday, the young woman had passed away. The baby, in turn, was found near the family home. Ephraim Marsh, examiner, "discovered marks on the throat as if the thumb and finger had been pressed violently on the windpipe, which induced him to call an inquest on Monday morning. The post mortem examination the Physicians declared that the child had been born alive, and that it came to its death by strangulation."[83] As the baby was physical proof of seduction, of which the family was unaware, the young woman strangled the child to death in order to keep the seduction a secret. It is implied, that the young woman was so overcome with grief over murdering her child that she, in turn, committed to ending her own life by ingesting poison.

The *Herald* article demonstrates the harrowing consequences of seduction, particularly evoking emotion through the detailed descriptions of the deceased baby. Seduction not only affects the victim, but also results in the tragic murder of the innocent baby, a product of sexual depravity.

Prostitution and suicide, although certainly the most sensationally reported upon, were not the only consequences of seduction. Other ruined females resorted to

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[81] "Another Awful Consequence of Seduction", *The Herald*, April 4, 1836, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[82] "Another Awful Consequence of Seduction", *The Herald*, April 4, 1836, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[83] "Another Awful Consequence of Seduction", *The Herald*, April 4, 1836, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

alcoholism. *The Morning Herald* states, "Deserted and broken-hearted, she resorted to the bottle for relief – fatal resource – a few weeks found her degraded to the very ebb of human depravity – an outcast – a wanton – a drunkard."[84] In attempting to shed her alcoholism, the girl entered the asylum of Lydia Correl; however, Correl's home was actually a brothel.[85] The article continues:

> A straw pallet, upon which she was stretched, in a room destitute of every article of furniture, was intruded by a ruffian, whose company she declined, and in her eagerness to elude his brutal advances, she stumbled over a drunken, who was sleeping at the head of the stairs, and was precipitated to the bottom, causing so much injury as to occasion her death on the following morning.[86]

The salacious tale of the young woman depicts the misfortune suffered by those ruined by seduction. The girl resorted to alcoholism, in order to alleviate the pain of ruin. Yet, even in attempting to right her ways, she accidentally seeks help from a woman operating a brothel. Tragically mistaken for a prostitute, the young woman escapes her pursuer and trips, resulting in her death. The article implies that seduction can only lead the victim into a downward spiral of destruction, which ultimately ends in absolute tragedy.

Essentially, sensationalized seduction stories served not only to sell newspapers, but to serve notice to young women regarding the horrific consequences of succumbing to seduction. As the newspapers printed stories of abandonment, alcoholism, prostitution, and suicide, young women, through the dreadful recounting, were warned against both fraternizing with young men, and attempts at sexual misconduct. As Alexis de Tocqueville, on educating women, writes:

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[84] "Horrible Effects of Seduction", *The Morning Herald*, May 24, 1838, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[85] "Horrible Effects of Seduction", *The Morning Herald*, May 24, 1838, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[86] "Horrible Effects of Seduction", *The Morning Herald*, May 24, 1838, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

> As it is neither possible nor desirable to keep a young woman in perpetual and complete ignorance, they hasten to give her a precocious knowledge on all subjects. Far from hiding the corruptions of the world from her, they prefer that she should see them at once, and train herself to shun them; and they hold it of more importance to protect her conduct, than to be over-scrupulous of the innocence of her thoughts.[87]

By placing seduction in the newspapers, women were not only made aware of the actual act of seduction, but also taught to fear any advances. The need to know and to respond to seduction as a heinous act was gaining steam.

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[87] Alexis de Tocqueville, *Democracy in America*, 235.

MORAL REFORM MOVEMENT

If the sensationalist press did not reach the eyes of the young nineteenth-century woman as potential seduction victim, the moral reform movement had it as their passion and purpose to educate them clearly and consistently. Bourgeois females were the movement's leaders, a cadre of self-proclaimed moralists. Through domestic ideology women catapulted to the exalted position of society's morality keepers. DuBois states, "Not only could the true woman claim authority over the household and childrearing, but the widespread belief in her special moral vocation legitimated certain kinds of activity outside the domestic sphere."[88] Besides carving out their roles as family moralists, women also took on a more active role in the evangelical movement. DuBois states, "Religious enthusiasm and activism gave women, who were the majority of converts in these revivals, an arena for individual expression and social recognition."[89] Initially, women worked as missionaries, proselytizing to the unbelievers.[90] However, their crusades eventually expanded to societal reform, creating "moral reform societies to combat the upsurge of drink, prostitution, and other forms of what they called 'vice'."[91] Prostitution and sexual sin were considered the most detrimental of sins: "Because they considered sexual excess as fundamentally male and regarded all women, even prostitutes, as victims, they felt that sexual immorality represented sin in its most distinctly male form."[92] For that reason, the objective of the female reformers was to promote Christian ideals by creating a moralist credo which "rested on the belief in a

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[88] DuBois and Dumenil, *Through Women's Eyes*, 194.
[89] DuBois and Dumenil, *Through Women's Eyes*, 194.
[90] DuBois and Dumenil, *Through Women's Eyes*, 194.
[91] DuBois and Dumenil, *Through Women's Eyes*, 263.
[92] DuBois and Dumenil, *Through Women's Eyes*, 263.

universally achievable middle-class family order, with the devoted, selfless wife and mother at the center."[93]

Journals published by moral reformers included numerous articles on the dangers of succumbing to seduction. These articles were circulated for reprint to several daily newspapers and included excerpts from *Magdalen Reform*, *McDowell's Journal*, *Stern's Letters*, and *Professor Wayland's Moral Philosophy*. The *Magdalen Reform Journal* was a prime example of a moral reform periodical. In acknowledging seduction, the *Magdalen Reform* article calls for the ousting of seducers by society:

> The female whose heart he broke by desertion, under an insupportable load of scorn and derision, in despair, rushes to places not fit to be named, and there terminates life in infamy; and he all this time can boast of being the author. And why should the public refuse to let the glory of his achievements crown his brow? It will make him a crown like Cain's![94]

As depicted in sensationalized seduction, the female is shamed by society, and forced into prostitution. The excerpt identifies the male as at fault. As a result, the *Magdalen Reform* questions seducers undaunted continuation in society. In addition, the seducer is compared to Cain, solidifying their depiction of the male as innately evil. To end this horrible cycle of seduction, and other suggested immoralities, the *Reform* calls for a changed society based on religious reformation:

> *An enlightened conscience, is moral power.* It is the guide and guard to dignity, self-respect, and purity. How many sons, how many daughters have fallen for want of light, and moral restraint thrown around them, in the general breathing of awakened Christian society?[95]

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[93] DuBois and Dumenil, *Through Women's Eyes*, 219.
[94] "Magdalen Reform – Seduction", *The Ohio Observer*, May 15, 1834, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[95] "Magdalen Reform – Seduction", *The Ohio Observer*, May 15, 1834, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

The article clearly represents the common rhetoric of the reform movement, as it advocates a reformation of society based on Christian principles, in order to assure middle-class stability.

Although the *Magdalen Reform* called for male accountability, there was disagreement documented in non-reform periodicals. The *Philadelphia Public Ledger*, reprinted an article from the *Herald* claiming women should be held accountable for seduction:

> When we consider the influence of women in society – and which is always greatest in the highest condition of civilization, we shall perceive at once that to exterminate seduction is completely in their power. In civilized countries, where the rights and dignity of women are recognized, no man will consent to be an outcast from their society. He will therefore exercise towards them the most scrupulous good faith, if he cannot obtain their society on any other terms.[96]

The author of the article flatters the female by proclaiming her as holding the highest influence in society, invoking the concept of domestic ideology. No male will dare offend a female in fear of being outcast. As a result, it is the woman's fault in not properly rejecting the male:

> ...women, are among the brightest charms of life, and should leave him, on his bed of sickness, to the mercies of his own sex; if, they should do all this, every seducer would cry out, like Cain, that his iniquity was greater than he could bear, and would present an example which few of his sex would dare to follow. On the contrary they seem to triumph in his attentions – Mothers court him for their daughters, and daughters court him for themselves; and they seem to glory in his heartless and perfidious devotions to them in proportion to the number of those crimes which ought to procure him their scorn and abhorrence.[97]

Both the *Herald* article and the *Magdalen Reform* agree on the cruelty of the seducer. However, the *Herald* article blames their presence in society on the behavior of females.

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[96] "Seduction", *The Herald*, May 12, 1837, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[97] "Seduction", *The Herald*, May 12, 1837, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

The females continue to entertain known libertines, welcoming their advances. The article calls for females to condemn seducers. In disagreement, the *Magdalen Reform* calls for the ousting of the seducer from society in order to achieve societal reformation.

In 1838, the New York Female Moral Reform Society took up the cause of seduction. Similar to the Magdalen Reform journal, the NYFMRS advocated harsher punishments for seducers. As a result, NYFMRS petitioned the New York State legislature for the criminalization of seduction. Daniel Wright identifies the objective of the NYMFRS, stating, "The petitioners sought to redefine seduction as a crime against society rather than an affront to family honor, to ensure women the ability to press charges, and to put predators behind bars rather than exact monetary damages."[98] The petition was a bold step by the reformers, as not only did it allow women to present actions against seduction, but also it closed the boundaries between male and female spheres.[99] As stated by Wright, "moral reformers now courted a new set of male supporters key to the cause – not clergy this time, but lawyers and politicians."[100]

Although the NYFMRS presented the petition in 1838, it was largely ignored. A correspondence of the *New York Herald* in Albany mocked the women's petition as laughable. He writes:

> But seriously, when will women learn to keep with in the limits of their appropriate sphere? It is both injudicious and indelicate for them to meddle with a matter of this sort. Almost every day, petitions are presented, signed by females, on some subject or other, praying the legislature to modify an old law or make a new one. If they could only be aware of one tenth of the remarks, which their conduct elicits from men of all sorts, they would be careful to withhold their names from all petitions.[101]

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[98] Wright, *The First Causes of Our Sex*, 155.
[99] Wright, *The First Causes of Our Sex*, 155.
[100] Wright, *The First Causes of Our Sex*, 150.
[101] "Seduction and Love", *Morning Herald*, March 7, 1840, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

The author rejects the attempt of the NYFMRS to close the gap between male and female spheres. Moreover, the author mocks the character of the females, claiming them the antithesis of a lady for participating in legislative matters. He affirms their foolishness by advertising the laughter of the legislature.

The debate continued into 1845. A piece in the *New York Herald* details an argument presented in New York legislature against seduction. The senator, Mr. Arnold, claims the bill to be prejudice against males. He states:

> In the details of said bill, the attention of your memorialist is forcibly arrested by its one-sided and partial character. Wherein the male is proposed to be totally disarmed, and the female clothed with an oppressive and dangerous power over him; severe penalties are proposed to be inflicted on the seducing male, whilst that of the seducing female appears to have entirely escaped the vigilant care of your honorable committee in forming the bill.[102]

Additionally, he states that it takes two to commit the "crime" of seduction: "The crime complained of, if it be a crime, must be committed by both male and female conjointly, and both should be held equally liable, and to stand confronted, that justice may ascertain between the seducer and the seduced, or whether the seduction would prove to be mutual."[103] Arnold not only claims the bill as bias, but also insults the entire concept of seduction by questioning it is a crime. If seduction does occur, the female is not the victim; thus, Arnold is opposing the common conception of the victimized female.

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[102] "Remonstrance of Mr. Arnold against the Bill for the 'Punishment of Seduction' before the Legislature", *The New York Herald*, March 10, 1845, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

[103] "Remonstrance of Mr. Arnold against the Bill for the 'Punishment of Seduction' before the Legislature", *The New York Herald*, March 10, 1845, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

Another argument against criminalization claims that women will purposely entrap males to threaten their freedom and extort money from them to not report the seduction. It states:

> The very character of the offenses, and the history of every trial had in our courts on the subject, afford conclusive evidence of the danger that would result by placing the liberty of the citizen at the mercy of every female who might choose to lay a snare to entrap some such unsuspecting victim…Take for instance, one of our wealthy millionaires upon whose fears or timidity some practiced courtesan should wish to speculate by threatening a prosecution.[104]

The idea of women utilizing seduction for profit is not out of the realm of possibility. As recounted in the section on tort law for victims, there was substantial wealth to be gained by proving seduction against a man, especially a wealthy man. Now with the promotion of criminalization, a man would not only lose his fortune in civil action but would possibly lose his freedom in criminal action.

Undaunted by the negative press regarding criminalization, the NYFMS heavily petitioned the New York State legislature for criminalization of seduction. The legislature voted in agreement with Mr. Arnold, as they failed to pass criminalization of seduction until 1848. In addition, the legislature only allowed the criminalization of seduction under breach of promise suits, thus limiting the ability of women to defend themselves against seducers.[105]

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[104] "Proposed Laws on Seduction and Adultery", *The New York Herald*, February 27, 1848, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[105] Wright, *The First Causes of Our Sex*, 157.

THE HEBERTON CASE

In 1843, newspapers circulated a particularly infamous case of seduction from Pennsylvania. Singleton Mercer, brother of a victim of seduction, shot and killed his sister's seducer, Heberton Hutchinson, in Philadelphia. The seriousness of the Heberton case involving murder as a response to seduction, brought seduction to a whole new level, and provided fuel for the passing of the criminalization of seduction in Pennsylvania.

The victim of the seduction, Sarah Mercer, is described as the characteristic seduced female. The article states, "She was of excelling beauty, rich, and only sixteen years of age", thus implying the wealth of opportunity once available to the young woman.[106] In agreement with the majority of seduction reports and articles, her seducer, Hutchison Heberton, is portrayed as the villain. The *Sentinel* states, "Gaining her affections he consummated his diabolical schemes, which resulted in his death and disgrace of both families."[107] Again, the humiliation of the family is included as a consequence of seduction.

Further, the article claims that the young woman "...had left the home of her childhood and respectability, and all searching of her was vain until Wednesday evening, when she was found in a house in Pine Street two doors from Twelfth, kept by a woman of infamous notoriety."[108] Previously documented seduction evidence and testimony cited prostitution as a common consequence of seduction for the young girl. Yet again, the

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[106] "Seduction, Abduction, and Murder", *Milwaukee Sentinel*, March 8, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[107] "Seduction, Abduction, and Murder", *Milwaukee Sentinel*, March 8, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com/.
[108] "Seduction, Abduction, and Murder", *Milwaukee Sentinel*, March 8, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

Heberton case follows the stereotypical trends of sensationalized seduction. Another article details the sufferings of the family at the news of their daughter's whereabouts. *The Raleigh-Register and North Carolina Gazette* states, "The family were plunged into the deepest distress and excitement, which was greatly increased by information that the deluded girl was dwelling in a house of doubtful reputation in Pine Street."[109] The family's distress was heightened as a result of her association with the brothel. Not only does the actual act of seduction bring despair, but also its consequence of prostitution increases the severity of the moral tragedy.

The sadness experienced at the seduction of Sarah Mercer, and the shame brought upon the family was unbearable. For that reason, Singleton Mercer, brother of Sarah, attempted to avenge his sister's seduction. *The Raleigh-Register and North Carolina Gazette*, states, "The brother, Singleton Mercer, aged 20, determined his revenge for the injury done his sister's fame, offered a challenged to H., which the latter declined. He then threatened that he would shoot H. whenever he met him, and from that time dogged his steps very closely."[110] Heberton, in fear of Mercer, attempted to escape the city. However, "at that moment, Mercer stepped from his place of concealment, thrust his pistol into the carriage where Heberton was, and fired six shots in succession, one of which took effect in his side and lodged in his heart; Heberton uttered but one groan and sank back in the carriage."[111] *The Scioto Gazette* blames the incident on Mercer's insanity, caused by his sister's seduction. It states, "It was likewise proven that the news

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[109] "Seduction – Abduction – Murder", *The Raleigh-Register and North Carolina Gazette*, February 21, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

[110] "Seduction – Abduction – Murder", *The Raleigh-Register and North Carolina Gazette*, February 21, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

[111] "Seduction – Abduction – Murder", *The Raleigh-Register and North Carolina Gazette*, February 21, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

of his sister's shame had such an effect upon young Singleton Mercer, that he was apparently deranged; as that there was but little doubt with the public – none at all, we suppose, with the jury – that he took the life of Heberton in a fit of insanity."[112] As aforementioned, insanity of a family member is considered a viable consequence of seduction. The heart rending seduction of Sarah Mercer, her desperate attempt to survive in a brothel, and the humiliation of the family, drove her brother, Singleton Mercer to insanity, resulting in vigilante murder.

Although Singleton's actions were an extreme response and some would say an insane or overly passionate reaction to Sarah's seduction, he was still charged with murder. The press disagreed on whether this was a fair judgment. Some claimed Singleton's actions were not justified. *The Scioto Gazette* claims, "The violent and dreadful death of Heberton seems a light retribution for the crime of which he was guilty; while yet there can be no justification, so far as law provides, for the course taken by the incensed brother of his victim."[113] *The New-England Weekly Review* agrees, stating, "In making the above expose, I do nothing but what is publicly known and talked of; far be it from me to inflict any further wound upon the feelings of the already agonized relations of the two parties; but I do most earnestly invoke that justice be done to all. Let not any mawkish and mistaken sympathy be enlisted on either side.[114] Others claimed Mercer was blameless. The *North American and Daily Advertiser* states, "Any father, any brother, will confess that if human nature might in any case ask an excuse for the willful

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[112] "The Seduction Murder Affair", *The Scioto Gazette*, April 13, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

[113] "The Seduction Murder Affair", *The Scioto Gazette*, April 13, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

[114] "Seduction in Philadelphia", *The New-England Weekly Review*, February 18, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

shedding of blood this case might come within the rule."[115] Essentially, the article is declaring the consequences of seduction as justifying murder.

The Heberton case, bursting with the scandals of seduction, prostitution, honor, and revenge, was made notorious throughout the country. The case was reported on in South Carolina, Pennsylvania, North Carolina, Connecticut, Massachusetts, and New York. Moreover, the Heberton affair made a lasting impression as a particularly infamous case of seduction, as indicated by its common reference in seduction stories. *The Ohio Statesman*, in an article titled, "Another Heberton Affair - Stabbing and Alleged Seduction," states, "Philadelphia has been the scene of another occurrence similar to the Heberton affair, but which fortunately did not result in fatal termination."[116] By referring to the Heberton case, the paper claims the story as a thrilling scandal, causing people to purchase the paper.

> Sensationalizing the infamous Heberton case throughout the country demonstrated the dire consequences of seduction to the victim, the family, and the seducer. Although previous features of sensationalized seduction demonstrated similar consequences, the Heberton case is indicating murder as a sufficient retribution for seduction; families are taking their own revenge against seducers. For that reason, the Heberton case implies that the laws against seduction are insufficient. As it appears in 1843, Pennsylvania's own Heberton case acts as prime evidence of the necessity of criminalization legislature.

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[115] "The Heberton and Mercer Case", *The North American and Daily Advertiser*, February 14, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

[116] "Another Heberton Affair – Stabbing and Alleged Seduction", *The Ohio Statesman*, August 30, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

CRIMINALIZATION OF SEDUCTION

While New York failed to pass its legislation until 1848, the Pennsylvania State legislature was fast acting in criminalizing seduction. Prior to its passage in 1843, the newspapers adamantly supported the criminalization of seduction. Through covering the sensationalized and tragic stories, which impacted the female, the male, and their families with lasting harm and in the most severe cases, with suicide and homicide, the newspapers demonstrated the necessity for criminalization. *The Cleveland Daily Herald*, after detailing a seduction case, states, "We fully agree with the *Newark Advertiser*, that the crime should be made a State prison offence by law, and the libertine made to serve the country as for crimes less heinous, at hard labor, under its jurisdiction."[117] An article from Philadelphia claims seduction actions as inadequate: "The laws at present do not punish seduction, it merely gives the father of the victim a claim to damages for certain reasons affecting his pocket, and the only remedy the victim has is in damages, for breach of promise of marriage, a remedy which amounts to nothing at all when the seducer is without property."[118] Although individuals of wealth suffer consequences from seduction actions, the author claims it is ineffective, particularly for those without property. As a result, it is necessary to punish seduction, as a remedy for the victimized female.

However, there continued to be detractors to criminalization. An editorial, written for the *New York Herald*, states, "It is folly to talk of additional and more severe laws for the punishment of seduction, when the crime is so complacently and lightly regarded by the great bulk of society. Let the seducer receive at the bar of the world's opinion, just

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[117] "Case of Seduction", *The Cleveland Daily Herald*, April 10, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

[118] "Punishment for Seduction", *Mississippi Free Trader and Natchez Daily Gazette*, March 20, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com/. Originally published in the *Philadelphia Public Ledger*.

condemnation. Let him be marked. Let him be excommunicated from society."[119] Although the article agrees with the necessity for harsher punishments, it deems excommunication as an appropriate response. Essentially, the Herald is attempting to hold society accountable for the seducer's actions.

Although the New York State legislature failed to pass criminalization until 1848, the discrepancies within the Pennsylvania legislature were overcome. In 1843, Pennsylvania passed the first bill for the criminalization of seduction. It declared:

> ...that seduction of any female is an indictable offense, and in addition to the remedies now given by law, any person convicted of this offense in any Court of Quarter Sessions, shall be sentenced to pay a fine not less than $500, nor more than $1000, at the discretion of the court, and further, to undergo solitary confinement, at hard labor, in the Penitentiary, not less than one year, nor more than ten, and that the action for seduction may be sued by any mother or other relative of the female seduced.[120]

Essentially, seduction legislature placed a cap on the amount of damages charged, ending the ability of the judge to inflict financial ruin. However, in turn, seducers were forced into solitary confinement, solidifying their actions as criminal.

The support for seduction by the newspapers demonstrated middle-class desires for the criminalization of seduction, as evidenced by the publication of both harrowing depictions of seduction, and interjections of opinion on its criminalization. As a result, the legislature was influenced by the sentiments of the public, as expressed through the newspaper. As stated by Wright, criminalization of seduction shows that "popular sentiment [was] outraged by male sexual predation and sympathetic to the plight of its

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[119] "The Punishment for Seduction", *The New York Herald*, March 5, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

[120] "Punishment for Seduction", Daily Atlas, March 10, 1843, New England Historic Genealogical Society, http://infotrac.galegroup.com/.

victims."[121] In criminalizing seduction, both print culture and the law were agreeing on the protection of the female from the libertine male, through both monetary damages and imprisonment.

As aforementioned, in 1843, the number of articles published on seduction surged to 53 articles per year, largely consisting of articles from within Pennsylvania, a result of both the Heberton case and frenzy over the criminalization of seduction. However, post-criminalization of seduction, the database contains only three cases of seduction in Pennsylvania between 1843 and 1860. Punishments of the seductions include $100.00 in damages plus one-year imprisonment, seven to ten years in jail, and $1,000.00 in damages plus three years in the penitentiary.[122] If interpreted by the facts of the database, than it is seen that the criminalization of seduction reduced the number of cases. Possibly theories for the reduction of cases include the severity of charging a seducer with seduction – families would be cautious in bringing charges forward, as they now included the severe repercussion of imprisonment. In addition, the lower number of cases may indicate why families brought cases forward – for monetary wealth. Although doing so would result in humiliation, for some, money is more important than family reputation. By placing a cap on damages, families were no longer interested in accusations of seduction.

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[121] Wright, *The First Causes of Our Sex*, 155.

[122] All articles from the New England Historic Genealogical Society: "A law was passed..." *Greenville Mountaineer*, September 5, 1845, "Seduction of a Whole Family", *New York Herald*, June 12, 1849, " Geo W. Keyser..." *Tri-Weekly Cleveland Herald*, November 2, 1854, http://infotrac.galegroup.com/.

CONCLUSION

A systematic analysis of seduction articles located in the Gale Group database provides insight into society's changing beliefs regarding sexuality in the emerging Victorian age of nineteenth-century American. Newspaper publications can be classified into four categories: seduction cases, seduction stories, non-legislative opinion articles, and legislation pieces dealing with the criminalization of seduction.

The compilation of seduction articles well represents the chronology of seduction action through establishment of laws criminalizing seduction. Initially, courts heard cases for seduction action under tort law. The seduction suit allowed fathers and guardians to legally demand compensation for the female's "loss of services", a consequence of the act of seduction. Essentially, judges and juries placed a high price on female virtue; the damages charged equaled the seducer's wealth – the greater the fortune, the higher the damages.

Seduction was claimed to be most disrupting for the father, a product of *feme coverte*.[123] However, those involved in seduction suits understood the true cause for seduction action was the devastation associated with the loss of female virtue as painstakingly depicted in numerous newspaper accounts. We can gather from the newspaper articles promoting it and the eventual adoption by state legislatures, that the criminalization of seduction was necessary for the protection of females in a male-dominated society. Additionally, the publication of seduction articles helped to educate females concerning the wily ways of the seducer while simultaneously warning young men of the high price to pay for committing the act of seduction.

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[123] Grossberg, *Governing the Hearth*, 45.

Often repeated rhetoric used in describing those involved in seduction suits labeled the male as the sexually licentious libertine with the female as the virtuous victim, incapable of consensual participation in seduction. The portrayal of the female victim confirms nineteenth-century ideas of feminine sexuality – females were incapable of experiencing sexual passion unless awakened by a male. Thus, those previously chaste females involved in the seduction case were unwilling partners, and subsequently, the victim of the sex-crazed male.

The second classification of seduction articles, the sensationalized seduction story, became a popular entertainment vehicle in newspapers and periodicals. James Gordon Bennett, the editor of the popular *New York Herald*, helped sensationalize seduction by publishing dramatic narratives brimming with tragic consequences. His newspaper's accounts salaciously detailed the consequences of seduction for the female including prostitution, suicide, and death. The sensationalized seduction story, repeated the themes of the tort law newspaper accounts, and confirmed the previously chaste reputation of the female victim and the male as a premeditated libertine without concern for a young woman's virtue. As the cases and stories of seduction increased over time, more dire outcomes for the victim and the libertine were tragically reported including suicide and death.

In addition, the penny press made news available to the lower tiers of society. The mass popularization of these stories in the press then reached all levels of society creating vast interest in cases of seduction. The reporting included the identical characterizations of the female as victim and the male as libertine regardless of the source.

The third classification of seduction articles was that of opinion pieces on seduction most often found in reform newspapers, pamphlets, and even in the form of poetry. As early as 1805, the Gale Group database contains an excerpt from the *Maryland Gazette*, which identifies the seducer as a villain who ruins the future happiness of his victim. Additionally, the piece warns females to stay away from seducers. The opinion article carries the familiar treatise of the female as victim and the male as libertine.

By the late 1830s and into the 1840s, newspapers consciously advocated for the criminalization of seduction through the reporting of seduction cases and in their editorials. The movement to criminalize seduction initially arose in New York as petitions were submitted to the New York State legislature by the New York Female Moral Reform Society. Legislation did not pass in New York until 1848. The majority of articles advocating for the criminalization of seduction, however, were from Pennsylvania newspapers. In 1843, the Pennsylvania legislature criminalized seduction, the first state to do so. Pennsylvania newspapers had successfully advocated not only for criminalization of seduction but for the necessity of harsher punishments for the convicted male libertine.

The criminalization of seduction created not only the legal basis for arrest, trial and punishment for libertines, but garnered societal agreement through newspaper and reform movement advocacy, that men were not to continue seducing women, victimizing them and ruining them and their families. Seduction was in fact, worthy of imprisonment for the perpetrator of such a societal travesty. Society then, in the Victorian era, has solidified thru ideology, the media and the law, that women are inherently passionless and men are inherently capable of a heinous act to satisfy their sexual desires.

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