Virtual Witnessing in *A Harlot's Progress* (1732): Hogarth's visio-crime media

Kate GRANDJOUAN, "Virtual Witnessing in *A Harlot's Progress* (1732): Hogarth's visio-crime media"

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Abstract: William Hogarth's *A Harlot's Progress* (1732) used real-life crime to create a six-part fictional story. The sophisticated techniques of visualization prompted the viewer to reflect and react experientially, like a "virtual witness" (Bender, 2012) at a crime scene reconstruction. This essay investigates the evidentiary value of Hogarth's re-inscriptions, drawing attention to specific production techniques, criminal process and trial accounts. Understood as early visual criminology, Hogarth's first serial offers an ascendant of modern crime film as relayed through TV serials like *CSI* and *Court TV*.

Keywords: William Hogarth, surrogate observers, juries, crime scene, visual criminology, law and visual studies, *Crime Scene Investigation* (*CSI*), *Court TV*

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In *A Harlot's Progress,* published in 1732, a real crime provides the point of departure for a fictional story about a young woman. The account is told sequentially across six images that were sold as a set, and each print corresponds to a specific stage in the girl's life journey. The sequence starts with her arrival in London (fig. 1) and moves swiftly in scene two (fig. 2) to her employment as a sex worker, in scene three to her arrest for handling stolen goods, in scene four to her punishment in a house of correction, in scene five to her death from syphilis and in scene six to her burial by co-workers.[1] Contemporary viewers were struck by the novelty of the prints and by their "raw, unprocessed immediacy." Hogarth was depicting offences that were being prosecuted in court and heavily commented in the media, but at the time there was no technology available for putting images into news-press, while including

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[1] Einberg Elizabeth, *William Hogarth, A Complete Catalogue of the Paintings*, New Haven/London, Yale University Press, 2016, cats. 21-6, and Paulson Ronald, *Hogarth's Graphic Works*, 3rd ed., London, The Print Room, 1989 (hereafter *HGW*), cats. 121-6.

illustrations to books added to the cost of production.[2] In turning local crime into a visual event, the artist mixed portraits of contemporary figures with fictional characters; he inserted factual references to actual trials into imaginative reconstructions that he situated in recognizable London settings, pictorializing arrest, incarceration and punishment. The "ostentatious" mix of fact and fiction, rendered with such a high level of detail, gave his eighteenth-century viewers the impression they were witnessing "wretched" events at first hand.[3]

FIG. 1 – William Hogarth, *A Harlot's Progress*, Plate 1, 1732, etching and engraving, 30,8 x 38,1 cm. London, The British Museum © The Trustees of the British Museum.

[2] Bender John, "Matters of fact: virtual witnessing and the public in Hogarth's narratives," in *Ends of the Enlightenment*, Stanford, Stanford University Press, 2012, p. 59; Raven James, *Publishing Business in Eighteenth-Century England*, London, Boydell Press, 2014, p. 57-62, 143-5; Griffiths Anthony, *The Print before Photography: An Introduction to European Printmaking 1550-1820*, London, The British Museum, 2016, p. 181-194, related to the shift from woodcut to intaglio engraving in book illustration in this period.

[3] Locations include Cheapside, Drury Lane, and Bridewell Prison at Tothill-Fields, see *Hogarth Place & Progress*, exhibition catalog, London, Sir John Soane's Museum, 2019, p. 54-7. For "ostentatious" see Bender John, *Ends of the Enlightenment*, *op. cit.*; "wretched," Ireland John, *Hogarth Illustrated*, London [1791], 2nd ed., 1793, vol. 1, p. 13.

FIG. 1 – William Hogarth, *A Harlot's Progress*, Plate 2, 1732, etching and engraving, 31,2 x 37,8 cm. London, The British Museum © The Trustees of the British Museum.

This innovatory "visio-crime media" has descended to the present.[4] The parallels that jump to mind are those popular TV series about criminality and its prosecution, such as *Crime Scene Investigation* (*CSI*) and *Court TV*. The *CSI* teams sit in state-of-the-art laboratories dramatically submitting the forensic evidence of blood, bullets, and footprints to chemical analysis and computer-enhanced visualizations, but the cases they investigate are based on real crimes.[5] *Court TV* dramatizes the next stage in criminal procedure where those indicted of a true crime stand in the dock defending their motives (or lack of them), submitting to cross examination from the prosecution and defense. Both series turn their TV viewers into surrogate jurors who are called upon to assist virtually in the interpretation of evidence.[6] *A Harlot's Progress* likewise presents facts that relate to contemporary crime and adapts them for serial viewing, simulating aspects of criminal process. As the six-part sequence jumps forward, viewers are turned into the surrogate jurors of a court room drama who are required, like juries everywhere today, to "work around the narrative gaps left by the evidence […] to construct or impose narratives to explain or contradict or make sense of the theories advanced" and to "do this by drawing upon their background knowledge, common sense, cultural assumptions and drawing inferences."[7] As such, the *Harlot* implicitly tackles the essential question for the prosecution of crime everywhere: what constitutes reliable evidence and how is the truth of a crime discovered?

My essay is going to draw attention to some aspects of Hogarth's crime representation, and it shall concentrate on the first two scenes of *A Harlot's Progress*. The relationship between the artist's visual narrative and a real-life criminal trial has been consistently referenced in the scholarship, but it has never been investigated in terms of "virtual witnessing."[8] An examination of the accounts of a rape case that went to trial in February 1730 suggests that, in the first two scenes, Hogarth dramatizes the narratives of the defense and the counter-narratives of the prosecution. These visual prompts to the spectator to map the trial to the imagery are presented as flashbacks that revive key points from the court testimonies for the viewer. I argue that Hogarth's scenes trigger a juridical type of looking because they invite spectators to revisit the trial virtually through representation and to evaluate the visual evidence and judge.

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[4] For "visio-crime media" see the introduction to *The Routledge International Handbook of Visual Criminology*, ed. M. Brown & E. Carrabine, Routledge, [2017], 2nd ed., 2020, p. 1-16. On visuality in relation to crime, see McClanahan Bill, *Visual Criminology*, Bristol, Bristol University Press, 2021.

[5] O. Spiesel Christina, "Trial by Ordeal: CSI and the Law," in *Law, Culture and Visual Studies*, ed. A. Wagner and R. K. Sherwin, Dordrecht/Heidelberg/New York/London, Springer, 2014, p. 825-847.

[6] Nasheri Hedieh, *Crime and Justice in the Age of Court TV*, New York, LFB Scholarly Publications, 2002.

[7] Biber Katherine, "Law, evidence and representation," in M. Brown & E. Carrabine, *The Routledge International Handbook of Visual Criminology*, *op. cit*., p. 21

[8] For "virtual witnessing" see Bender John, *Ends of the Enlightenment*, *op. cit.*; the influential *Harlot* studies emphasise Hogarth's dependency on visual and verbal contexts, casting this sequence as a remediation of fictional materials rather than factual sources, see mainly Paulson Ronald, *Hogarth's Graphic Works*, *op. cit*., p. 256-300; Hallett Mark, "Re-reading *A Harlot's Progress*," in *The Spectacle of Difference: Graphic Satire in the Age of Hogarth*, New Haven/London, Yale University Press, 1999, p. 93-129; Solkin David, "The Excessive Jew in *A Harlot's Progress*," in *Hogarth: Representing Nature's Machines*, ed. D. Bindman, F. Ogée and P. Wagner, Manchester, Manchester University Press, 2001, p. 219-36.

The concept of virtual witnessing I'm exploring here is inspired by John Bender's analysis of "facticity" which he uses to refer to Hogarth's penchant for a "dense" and self-conscious realism. Bender connects "facticity" to the appearance of other types of printed media such as the novel, which produced "surrogate observers." Just as "readers of novels were impelled to consider the 'cases' of characters juridically in the light of fictive factual evidence about them presented through narration" so, Bender argues, Hogarth's pictorial series turned the viewer into a "virtual witness" who is prompted to evaluate the fictive/factual evidence presented to them. Viewing becomes an exercise in ethical judgement: "The facticity of the cycles works to persuade the viewer to be not so much part of a consensus about moral values and judgements as part of a consensus about how to judge moral values on the basis of evidence – in short to be part of an enlightened community of public."[9]

Yet, if Bender's concept depends on a type of printed representation, the specific techniques of print production that enabled "facticity" in the *Progresses* are ignored. Also, his argument is elaborated broadly, in relation to moral storytelling generally, and not to the reconstruction of crime scenes in a *Harlot* specifically. I will start, therefore, by highlighting the production technique that Hogarth used for his first *Progress*. It was known as "translation" and it enabled the artist to reach exceptional standards of empirical representation and to create the distinctive "reality effects" that Bender detects.[10] I will then tackle "facticity" from another direction. If my argument about the "evidential" value of Hogarth's imagery pulls on the deliberate use of a technique which enhanced the visualization of facts, this "facticity" also depends on a direct correlation between the *Harlot*'s imagery and criminal processes. In the second part of the essay, I will show how contemporary trial materials inform the way viewers could have apprehended the opening scenes of *A Harlot's Progress*.[11]

The Prints: Enhanced Visualization

Scholars of print have recently brought a more granular understanding to the intricate processes involved in eighteenth-century print production, enabling us to revisit older understandings of *A Harlot's Progress* as a mass media product that was "cheap," "simple" and "conventional."[12] In 1730, when Hogarth got to work on the conception of the sequence, "translation" was specifically associated with the finest prints available to buy on the market. "Fine prints" were exclusively copies—or translations—of pre-existing paintings. In England, they were typically imported from Paris or produced by French-trained specialists resident in London.[13] The technique centered not just on the creation of an accurate, monochromatic

[9] Bender John, *Ends of the Enlightenment*, *op. cit.,* p. 71.

[10] On "translation," see Griffiths Anthony, *The Print before Photography*, *op. cit.,* p. 28-49. This wide-ranging book is stimulating a new interest in the pictorial effects of specific printing methods and a fresh look at Hogarth's methods.

[11] On images as evidence with regard to criminal procedure, see Biber Katherine, "Law, evidence and representation," *op. cit*.

[12] For "cheap etchings" see Momberger Philip, "Cinematic techniques in William Hogarth's *A Harlot's Progress*," *Journal of Popular Culture*, 1999, vol. 33, n° 2, p. 56; on "cheap reproductions" see Hemmings Mary, "Make 'em Laugh: Images of Law in Eighteenth-Century Popular Culture," in A. Wagner & R. K. Wagner (ed.), *Law, Culture and Visual Studies*, *op. cit*. p. 896; "simple documentary realism" and "conventional forms and techniques" see Paulson Ronald, *HGW*, p. 7.

[13] On the local market for "fine prints" see Clayton Timothy, *The English Print 1688-1802*, Part 1: 1688-1730, New Haven/London, Yale University Press, 1999, p. 25-48, 49-74.

copy from an original, colored image, but on enhanced visualization. Print clarified a painted image. It produced sharply focused spatial constructions, clearly defined textures and distinct areas of obscurity that contrasted strongly with pools of light. Actual locations could be specified using inscriptions, while the linear technique of volumetric modelling could create individuals whose clear and legible expressions made pleasure, pain, pleading or despair easier to read.[14]

A Harlot's Progress was Hogarth's first translation. If contemporaries associated the technique with the reproduction of history paintings, he used it to map out sordid, real-life subjects. Conscious of the "vast patience and great practice" involved, once he had finished the paintings, he initially tried to out-source the work.[15] Over time, he would rely increasingly on French engravers to ensure the high resolution of the finished graphic product. A quick, visual analysis of the pictorial effects created by translation helps to situate the hyper-real impressions that Hogarth's contemporary viewers testified to, and it helps to indicate how these effects could instrumentalize virtual witnessing. To do this, I am going to briefly step aside from *A Harlot* to draw attention to a murder scene. This enables us to appraise, comparatively, a broader visual culture for criminal representation in the period and to emphasize that crime scene virtual witnessing was not restricted to the first *Progress*.

Figure 3 shows Scene V from *Marriage A-la-Mode,* a six-part sequence featuring poisoning, adultery, murder and suicide, published by Hogarth in 1745. Figure 4 is an illustration to a crime story published a few years before the *Harlot* in 1726. The account relates to the trial of Katherine Hayes and her two accomplices, who were found guilty of the murder of her late husband.[16] The book illustration presents the moment when, after an evening of drinking, John Hayes was pushed into a bedroom where his wife authorized a fatal blow to be given to the back of his head. She then directed the dismemberment of his arms, legs and trunk and organized their dispersal across the capital. The narrative vividly describes the twists and turns of the murder investigation. The accompanying illustration, however, provides a simple appendage to the text, albeit one that is precise in the depiction of a head vigorously sprouting quantities of blood.

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[14] See Griffiths Anthony, *The Print before Photography*, *op. cit.*, p. 78-90, 470-481, and for contemporaneous attitudes, Richardson Jonathan, "The Excellence of a Print," in *An Essay on the Art of Criticism*, London, 1719, p. 193-200, and De Lairesse Gerard, "On Engraving," in *The Art of Painting in all its Branches Methodically Demonstrated by Discourses and Plates*, London, 1738, Book XIII, p. 629-54.

[15] Hogarth William, *The Analysis of Beauty, with the Rejected Passages from the Manuscript Drafts and Autobiographical Notes*, ed. J. Burke, Oxford, Clarendon Press, 1955, p. 227.

[16] Paulson Ronald, *HGW*, cat. 162. *A Narrative of the Barbarous and Unheard of Murder of Mr John Hayes,* London, 1726. For the trial of Katharine Hays, see www.oldbaileyonline.org (ref. t17260420-42). The book illustration is reproduced as a "murder print" in Hallett Mark, *The Spectacle of Difference*, *op. cit.*, p. 228, fig. 123.

FIG. 3 – *Marriage A-la-Mode*, Plate 5, 1745, etching and engraving, 38 x 45,8 cm. Farmington (CT), The Lewis Walpole Library, Yale University

FIG. 4 – Unknown artist, *A scene of murder. The victim is decapitated*, frontispiece to *A Narrative of the Barbarous and Unheard of Murder of Mr. John Hayes, by Catherine his wife, Thomas Billings, and Thomas Wood, on the 1st of March at night*, 2nd ed., London, Thomas Warner etc., 1726. London, The British Library

Hogarth's scene also imagines how a murder could be committed in an upstairs bedroom by three people in the middle of the night. The print is much larger than the illustration and it stands alone, which is crucial, as a fictional scene within a sequence of six identically-sized images. If the starting point for the book illustration was a drawing, the print started life as a painting and the translation was the work of Simon François Ravenet (1706-74), a Frenchman.[17] The sense of precision and accuracy, of enhanced visualization, results from the modelling of light to dark tones and this is crafted from the intricate cutting

[17] For Ravenet, see https://www.britishmuseum.org/collection/term/BIOG43166, accessed 11.21.2023.

and burning of a copper plate with parallel lines and marks of variable lengths and widths. The complex, linear web that results produces the dramatic illusion of three-dimensional space. As viewers, we grasp clearly the sharply defined contour of an upright chair; we sense how firelight crackling off-scene to the right can throw a spotlight on the central couple and create weird, exaggerated shadows as well. We can read the deathly pallor of the gentleman's face as his life wanes, as the sword drops—or seems to drop—and as his body slumps, shown in the moment of imminent collapse, just as we seem to hear the dramatic arrival of the forces of order moving into the bedroom through a back door.[18]

A scribbled reference on a piece of paper near the fireplace indicates that this could be a room at The Turk's Head bagnio in Covent Garden, where bedrooms could be rented for the night.[19] The scripted detail inserts into a fictional murder scene a documentary fact that roots the location to an exact site in London. In this six-print story, murder (or is it homicide?) is the critical event, yet all we know is what we see and what came before in the visual sequence: that a mismatched couple were married by their parents and then started to live separate lives. Now, we are confronted with a dramatic scene where criminal acts—the adultery of a wife and the murder of a man— have been committed. If it *is* murder, the act needs to be inferred from a bloody wound and linked to one of the swords (which one?) and to the fleeing man (who is he?).[20] The viewer must seek out connections within the pictorial space, constitute a chronology of cause to effect relations between the visible objects and the characters' actions. Do we see the act of a jealous husband who arrived *à l'improviste* to surprise his wife in bed with her lover? Did he start a brawl or challenge his opponent to a duel? Does the woman kneel because she fell as she tried to flee from the proof of her adulterous relationship? Or does she create a decoy, to facilitate the exit of her lover and save him from arrest? Or does she kneel because she feels remorse for her infidelity? These different hypotheses were elaborated by eighteenth-century viewers and they illuminate what I mean about getting involved, about participating in crime virtually through representation, reflecting on a character's actions and judging based on evidence provided visually.[21]

In the eighteenth century, prints had an evidentiary value. They were venerated for their capacity to instruct, to imprint knowledge effectively on the mind.[22] Hogarth stated himself how his prints were bought because they "informed and amused" with "precision and

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[18] To have a sense of Hogarth's views on linear composition, light and shade, see his *Analysis of Beauty*, *op. cit*., Chapters VII, X, and XII.

[19] Einberg Elizabeth*, William Hogarth, A Complete Catalogue of the Paintings*, *op. cit*., cat. 173.

[20] On the distinction in English law between murder and homicides resulting from accidents, see Baker John H., *An Introduction to English Legal History*, 5th ed., Oxford/London, Oxford University Press, 2019, p. 570.

[21] See Rouquet Jean André, *Lettres de Monsieur ** à un de ses amis à Paris, pour lui expliquer les estampes de Monsieur Hogarth*, London, 1746, p. 38-9; Trusler John, *Hogarth Moralized*, London, 1768, p. 57-67; Ireland John, *Hogarth Illustrated*, *op. cit.,* 1791; *The Marriage à la Mode Series from Georg Christoph Lichtenberg's Commentaries*, translated and edited by A. C. Wensinger with W. B. Coley, Middletown, Wesleyan University Press, 1970, p. 83-95.

[22] De Piles Roger, "On the Usefulness and Use of Prints," in *The Art of Painting with the Lives and Characters of above 300 of the most Eminent Painters*, London, 1744, Book XXVII, p. 49-60; Macgregor W. B., "The Authority of Prints: An Early Modern Perspective," *Art History*, vol 22., n° 3, Sept. 1999, p. 389-420; Dackerman Susan (ed.), *Prints and the Pursuit of Knowledge in Early Modern Europe*, Cambridge (Mass.), Harvard Art Museums, 2009, p. 37-77; Hunter Matthew C., *Wicked Intelligence: Visual Art and the Science of Experiment in Restoration London*, Chicago, University of Chicago Press, 2013; Clayton Timothy, *The English Print 1688-1802*, *op. cit*., p. 129-53.

truth" as if, in photographic terms, they showed what caused them to exist.[23] Furthermore, the advanced techniques of visualization—what contemporaries referred to as "the doctrine of light and shade"—slowed down the act of looking.[24] The sophisticated technique stimulated a type of analysis that could be distinct from the subject represented, for one of the challenges for the engraver was balancing the distribution of light and shade within individual images, and across all the images within a set. The scenes would be examined in detail, forensically. The technique itself became a point of departure for reflection, inciting viewers to scrutinize the methods of depiction as much as the transgressive behaviors he represented.

Criminal Process: Trials And Juries

I want to turn now to the criminal sources, and to the materials that inform crime in *A Harlot's Progress*. Hogarth made use of the "Proceedings" of criminal trials held at the Old Bailey in London, the central criminal court of the capital. These texts started to be published regularly from 1729, and they circulated as the "accurate but not always complete" testimonies of the accused, the prosecuting victims and the witnesses called to give evidence and character statements in court.[25] As verbatim accounts, they also included the interruptions made by the officials, the summing of the judge and the verdict returned by the jury. They sold for 3d which made them widely accessible to an interested public. Their use of direct speech appeared "authoritative" and gave readers a vivid sense of assisting at a trial which they might not have been able to attend in person.[26]

It has been said recently that if the law "deals with individual human stories which involve a dispute that comes before the courts who give judgement" then "the sources do not speak with one voice."[27] This is exactly what these early eighteenth-century trial proceedings relay to the world outside of the courtroom. The voices of the men and women testifying are presented in the order in which they spoke in court, the successive statements introduce the "twists and turns" characteristic of courtroom narratives.[28] As the prosecution follows the defense, statements start to contradict. When the character witnesses are called to the stand, these additional testimonies vary the viewpoints still more: for standing in a different place, arriving at a different time, only partially seeing or hearing what is alleged to have taken place, their statements work to reinforce or to contradict the previous testimonies.

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[23] Hogarth William, *The Analysis of Beauty*, *op. cit*., p. 201; Sontag Susan, "In Plato's Cave," *On Photography*, London, Penguin Books, [1977] 2008, p. 5.

[24] De Lairesse Gerard, *The Art of Painting in all its Branches*, *op. cit.,* p. 631.

[25] Simpson Anthony E., "Popular Perceptions of Rape as a Capital Crime in Eighteenth-Century England: The Press and the Trial of Francis Charteris in the Old Bailey, February 1730," in *Law and History Review*, vol. 22, n° 1, Spring, 2004, p. 27-70.

[26] See Snell Esther, "Trials in Print: Narratives of Rape Trials in the Proceedings of the Old Bailey," in D. Lemmings (ed.), *Crime, Courtrooms and the Public Sphere in Britain, 1700-1850,* Farnham/Burlington (VT), Ashgate, 2012, p. 26. The Proceedings are now an online resource: https://www.oldbaileyonline.org/static/Publishinghistory.jsp, accessed 12.11.23.

[27] Lord Reed of Allermuir, The Neill Lecture 2022, "Time Present and Time Past: Legal Development and Legal Tradition in the Common Law," Oxford University, online: https://www.law.ox.ac.uk/events/neill-lecture-2022-time-present-and-time-past-legal-development-and-legal-tradition-common, accessed 12.10.23.

[28] Lucia Cynthia, "Seeking Truth and Telling Stories in Cinema and the Courtroom: Reversal of Fortune's Reflexive Critique," in A. Wagner and R. K. Sherwin (ed.), *Law, Culture and Visual Studies*, *op. cit*., p. 723-747.

In Hogarth's day the task of evaluating this type of evidence and reaching a conclusion belonged to a twelve-man trial jury who was "sworn to find the truth as to an individual's guilt," free from the coercion of a judge. Looked upon at the time as a specifically English custom, trial by jury and by your peers had become, by the early eighteenth century, "the universal form of criminal trial."[29] English jury trials were therefore of particular interest to foreigners who described them in detail for their readers, praising them as "one of the privileges of the English nation."[30] The eighteenth-century view about these constitutional liberties was encapsulated by the jurist William Blackstone (1723-80) in his *Commentaries* who described trial by jury as the "sacred bulwark of the nation."[31] Modern scholars of law have noted, however, that it was because trial by jury was so "revered" as a "palladium of liberty" prior to the nineteenth century, that judgements lacked "consistency," in that a jury had "the last word." They could choose "to ignore evidence" to prevent the accused being convicted and they could return a "partial verdict" to get a crime re-classified.[32]

Juries were also drawn from the community where the pretended crime had been committed, so a local dimension to the criminal process was maintained. Jury-men were typically aged between thirty-three and fifty-eight years old. As freeholders (or men of property), they would have presided over households, employed living-in servants and maybe managed apprentices too. They tended to be merchants and skilled tradesmen, members of "the prosperous and respectable communities" and typically "office holders" with responsibilities for other civic duties too. A significant proportion of London jury-men seem to have repeated their week of service annually. This made them familiar with court processes and with the range of sentencing options available to them.[33]

The socio-economic profile for early eighteenth-century jury-men in and around London is suggestive. I mentioned earlier how the *Harlot* prints were expensive productions. A limited number of authentic versions were distributed from the artist's studio in Leicester Fields and the price Hogarth was asking (one guinea for six prints) made the set equivalent to the finest prints for sale in London.[34] If the *Harlot*'s iconography pushed viewers to adopt a juridical gaze, the artist was pitching his novel crime media to patrons with money and to men who could well have been experienced jury-men.[35] Possibly too, there are national dimensions worth considering. At a time when the artist had become the mouthpiece for patriotic values, pushing back against imports, and signing himself "Britophil" in the newspapers, the national exceptionalism about trial processes where judgements about crime were reached through

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[29] Baker John H., *An Introduction to English Legal History*, *op. cit*., p. 545, 552.

[30] Misson Henri, *Misson's Memoirs and Observations of his Travels over England in 1719*, London, 1719, p. 328. See also De Muralt Béat Louis, *The Customs and Character of the English and French Nations*, London 1728, Letter V.

[31] Beattie J. M., "London Juries in the 1690s," in J. S. Cockburn and T. A. Green (ed.), *Twelve Good Men and True: The Criminal Trial Jury in England 1200–1800*, Princeton, Princeton University Press, 1988, p. 214.

[32] See Baker John H., *An Introduction to English Legal History*, *op. cit.,* Chapter 29, p. 40-60, although not for individuals indicted for rape, see Simpson Anthony E., "Popular Perceptions of Rape…," *op. cit.*, p. 67.

[33] Beattie J. M., "London Juries in the 1690s," *op. cit*.; Durston Gregory, personal communication. Eighteenth-century juries excluded women, men under twenty-one and over seventy years of age, men of the cloth, of the professions and Quakers.

[34] See "The History of Achilles curiously engrav'd by M. Bernard Baron, after the Paintings of Sir P. Paul Rubens" and "The History of Charles 1st by the best masters in France and England" listed under "Fine Prints" for one guinea in *A Catalogue of Prints Etc Printed for Thomas Bowles in St Paul's Church-Yard,* London, 1735.

[35] Paulson Ronald, *HGW*, cat. 121 for the "persons of fashion and Artists" who came to the studio to make payments.

consensus, is being replicated virtually, through the story he has invented and the types of viewing he is inviting.[36]

The Harlot, Court Drama, And Virtual Witnessing

Criminal proceedings underpin the pictorial format that Hogarth selected for the *A Harlot's Progress,* where a contemporary story about an individual's relationship to crime is told as a pictorial sequence. The six scenes reconstruct events described in court from a different angle, although the total project exceeds the facts relating to a single criminal case, for the set makes multiple references to other criminals indicted and tried, to a prosecutor in the vice squad and to a prison used for the punishment and "correction" of sex workers. At the beginning of the sequence, there is a notable narrative leap: in scene one, the young woman is introduced and characterized by her modesty then in scene two, the artist cuts abruptly to a contradictory view, because she is defined by her confident sexuality. The reason, I argue, is that he is deploying details from a rape trial that was heard at the Old Bailey in February 1730, juxtaposing the zig-zag testimonies of the prosecution and the defense.[37]

The charge of rape was brought by a young woman called Anne Bond who had been employed as a servant into the household of a nobleman who had been presented to her as a "Colonel Harvey." The introduction had been made by an intermediary, a woman she had encountered by chance in the street. Within days of starting her job, Anne Bond was being harassed by her employer until early one morning she was thrown onto a couch and raped. She screamed, but there were no witnesses; when she threatened to go to the authorities, she was assaulted with a horsewhip and falsely accused of stealing twenty guineas. She was turned out onto the street and with the help of an acquaintance she managed to bring a charge of assault with intent to rape against the employer. A grand jury convened and examined the evidence and authorized a trial to go ahead: a Colonel Charteris was arrested, indicted on a modified charge of rape and, having been refused bail, he was imprisoned at Newgate to await his trial at the Old Bailey.

The "Charteris affair" has been described as "one of the most famous criminal cases of the century" and the "media event of the decade" because it pitted a nobleman against a serving girl.[38] Rape, at the time, was classed as a capital offence, punishable by death yet difficult to prosecute successfully. Definitions were vague: the guilty mind—an intent to rape—had to be proved while evidence admissible in court was necessary.[39] In spite of these odds, the trial jury quickly found the Colonel guilty as charged. Charteris was duly returned to Newgate prison. However, as he waited to hang, he activated his influential networks and within weeks he had received a royal pardon from a committee entirely composed of aristocrats, peers of the realm, senior members of government, and by the two judges who had

[36] Bindman David, "Hogarth, William (1697-1764)," *Oxford Dictionary of National Biography*, online: http://www.oxforddnb.com/view/article/13464, accessed 12.10.23.

[37] *The Proceedings at the Sessions of the Peace… upon a Bill of Indictment found against Francis Charteris Esq; for committing a Rape on the Body of Anne Bond, of which he was found Guilty*, London, 1730.

[38] Simpson Anthony E., "Popular Perceptions of Rape…," *op. cit*., p. 30.

[39] Durston Gregory, *Victims and Viragos: Metropolitan Women, Crime and the Eighteenth-Century Justice System*, Bury St Edmunds, Arima Publishing, 2007, p.141-174; on the legal ramifications of this case, Simpson Anthony E., *ibid*., p. 45-57; 59-64.

presided over his case in court. Free to walk from prison on condition that he pay a life annuity to Bond, by 1732, Charteris would be dead, the result of the goal fever he had contracted in prison.[40]

It was just as Charteris received his pardon in March 1730, that Hogarth launched a word-of-mouth subscription for the *Harlot's Progress*, inviting those interested to his studio to view the six painted models for the intended prints. The translation process would take some time, but in April 1732 the prints were published and the subscribers collected their sets.[41] It was immediately obvious as they did, that the artist had incorporated explicit visual references to the Charteris affair. The connection was made by an engraver in Hogarth's circle, Georges Vertue (1684-1756), in an unpublished notebook. This first description subsequently initiated a documentary mode of viewing that became established as lengthier, published descriptions (the so-called commentaries) appeared. These too emanated from Hogarth's circle.[42] The subsequent texts made huge strides in reinforcing the facticity of the *Harlot*, by revealing the myriad of documentary references that Hogarth had planted across the six-part sequence. By 1791, when John Ireland published his three-volume commentary on the artist's entire printed oeuvre, the *Harlot,* like the other Progresses*,* were being looked upon as valuable visual archives, as documentary records of social life in Hogarth's time.[43]

Other media spin-offs included new editions of the trial: edited texts, adjusted for compendiums or stand-alone narratives or adapted for songs, plays and satires.[44] If these literary interventions contributed to the notoriety of the case and to the celebrity of the infamous Colonel and the servant girl, the editorial requirements had the effect of magnifying the contradictory viewpoints and dramatizing those pivotal moments when a reader's understanding of an individual's motives starts to shift, and suddenly the world is no longer as it seemed. As the original trial proceeding morphed into a variety of criminal trial narratives, the key protagonists appeared at turns virtuous, compassionate, scheming, or despicable and their stories of sexual transgression became a lurid tale of deceit, greed and lust which intersected with broader issues—societal risks to female virtue, the moral corruption of the aristocracy and a class assault on male privilege.

Anne Bond, therefore, could appear as a decent and hard-working girl who respected her employer until she had reason to fear him. Ample space could be given to the statements presented by her character witnesses, such as her former employers, Mr. Bell, who testified how Ann Bond had "beha'vd very honestly and modestly" and Mrs. Bell, who had "brought [...] out of Lancashire from her Friends." [45] The prosecution's virtue-signaling could find expression in the actual circumstances of the pretended rape and the difficulties the court

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[40] Simpson Anthony E., *ibid*., p.68 on the trial as an 'irresistible political metaphor for a corrupt regime'; Paulson Ronald, *HGW*, p. 248-50 argues for a political sub-text in the *Harlot*.

[41] Paulson Ronald, *ibid*., p. 303.

[42] "a common harlot came to Town, how Mother Needham and Col. Charteris first deluded her. How a Jew kept her how she liv'd in Drury Lane, when she was sent to Bridewell by Sir John Gonson Justice and her salvation & death." Quoted in Hallett Mark, *The Spectacle of Difference*, *op. cit.,* p. 100-1.

[43] Ireland John, *Hogarth Illustrated*, *op. cit*., See Paulson Ronald, *HGW*, p. 24-9 for a complete list.

[44] See Simpson Anthony E., "Popular Perceptions of Rape…," *op. cit*., p. 70 for a list.

[45] "Francis Charteris, Esq., for a Rape, February 1729-30," in *Select Trials for Murders, Robberies, Rapes, Sodomy, Coining Frauds and Other Offences*…, 2nd ed., vol. 3, London, 1742, p. 208.

officials experienced in delicately extracting from the young woman the sensitive information necessary for the prosecution of rape: evidence of penetration.[46] The overriding impression of Ann Bond was that she was innocent and had made a mistake: she had trusted a stranger and been tricked into the employment. From that point on, she was trapped in an unstoppable spiral of violent behavior until she became the victim of a sexual crime.

Other accounts give more space to the defense testimonies, effectively discrediting Bond's story and impugning her character. Out of work, and hanging around the Colonel's lodgings, the young woman is referred to as "that whore," that "Lancashire Bitch" who had "come out of his country" in the north of England and had travelled to London with a letter seeking out employment in his household with the sole intent of profiting from the nobleman's wealth and social standing.[47] Charteris' many acts of kindness are emphasized: the gift of a snuff box, the offer of "a Purse of Gold […] fine Clothes and Money, and a House, to live in and […] a Husband."[48] Yet despite this goodwill, she had robbed him of twenty guineas (the equivalent of £176 today), a felony, punishable by death or transportation.

The nobleman's character witnesses provided statements in support of his evidence casting further, hostile aspersions on the young woman.[49] The "head servant, Mr Gordon" states how found her in the nobleman's bedchamber at two o'clock in the morning, helping to put his breeches on which—he surmises—could be the moment when she snatched the twenty guineas from one of the pockets. John Gorley, the "Valet de Chambre" testifies that she "lay every Night in the Truckle-Bed in his Master's Room" while a "J. Davis, Servant" who "had a mind to lie with her himself" recounts the young woman's lewd jokes, as does Margaret White, who maintains how she "spoke amongst the Servants in the Kitchen" of her "Master" as "a Man of Money" who "ought to have his Instrument silver'd for he was unable to please a Woman." In the defense's view then, Anne Bond is a dishonest woman, an experienced sex-worker, a cheat and robber who had deceived Charteris and she should be indicted for grand larceny.[50]

In setting up the first image (fig. 1) of the *Harlot* with characters and situations that were instantly recognizable to their contemporary publics, Hogarth created a "narrative hook" to get his story moving, although in 1732, when the prints were available to view, this factual referencing to an actual case must have appeared as a dramatic flashback.[51] Charteris was dead and the young woman had received her pay out. The flashback introduces a documentary

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[46] "The Case of Coll. Francis Chartres, as it appear'd at his Tryal," in *A Collection of Remarkable Cases for the Instruction of both Sexes, in the Business of Love and Gallantry, being a Modest and Clear View of the three following trials*…., London, 1730, p. 21-8 (hereafter *Collection*).

[47] "The Case of Col. Francis Chartres for a Rape Committed on the Body of Anne Bond," in *A Collection of Remarkable Trials*, Glasgow, Printed for Tom Tickle and sold by Mrs Tuz, [?1739], Price 2s, p. 121-2, 126.

[48] *The Tryal of Colonel Francis Charteris For a rape committed on the Body of Anne Bond; who was tryed and found guilty at Justice-Hall in the Old Bailey, on Friday the 27th of February 1729,* London, reprinted in Dublin, 1730, p. 1-16, 4. For the price comparison see https://www.measuringworth.com, accessed 01.12.23.

[49] *Tryal*, *op. cit.*, p. 9-15, using seven pages of sixteen pamphlet compared *A Collection* which quotes six servants over two pages, p. 27-8.

[50] *Tryal*, *op. cit.*, p. 8-9, 11-12.

[51] For "narrative hook" see Episode 1: *Out of the Past: Investigating Film Noir*, 2005, where some of narrative and filmic conventions discussed find antecedents in the *Harlot*. I draw on the discussion of natural light as a mode of characterisation for the good woman in the next paragraph (https://podcasts.apple.com/fr/podcast/out-of-the-past-investigating-film-noir/id74404076?i=1000000163155, accessed 12.10.23).

effect, returning the viewers to the first scene of the trial, when Anne Bond took to the stand to testify to the court that: "A Woman, who was a stranger to her at that time, came to her; and having scrap'd Acquaintance with her, ask'd..."[52] Hogarth condenses different parts of the girl's personal history into his composition, such as her country origins in the north of England using the sign of the inn to visually reference the testimony of Mrs. Bell. At some point Anne Bond would have descended from the York coach when she had arrived in London, just like the girl we see in the print, now being accosted by an elderly woman. When we understand that the tall and powerful figure in the background is Colonel Charteris, observing the transaction in the courtyard with interest, it becomes apparent that we are watching the procuress he regularly employed to find servants for sexual services. Vertue identified her as a real-life character called Mother Needham. She would be arrested for keeping a disorderly house and made to stand in the pillory as punishment.

As Hogarth starts his visual story with a documentary flashback, we are encouraged to think that we know how the story will end. In the first print we see a version of Ann Bond as she appears in court. He uses the natural light of day to help characterize her meek, mild and morally good appearance. In scene two (fig. 2) that Anne Bond has disappeared. She has become un-recognizable because she now serves as the visual evidence for the defense. Hogarth uses the second print to create a counter-factual scenario which is derived from the testimony of Charteris and his servants. Vertue had also described the girl as "a common harlot come town" and this is the version we see: Anne Bond as the whore who has profited from the Colonel's situation. Comfortably ensconced in a rich man's house, sexualized and exoticized within an imaginative projection, cast as the fortune-hunter, who could have accepted the offer of gold, clothes and the house promised by Charteris, if only she were to join him in bed. Hogarth creates an imaginative scenography for the court room drama. Mixing realistic portraits with fictive characters he brings faces to the different voices, juxtaposing visually between scenes one and two the respective positions of the prosecution and the defense he balances alternative viewpoints about criminal responsibility for the virtual witness, inciting viewers to ask themselves: did the encounter with Charteris lead to a girl's downfall? Or did the encounter with Charteris make a greedy, young woman rich?

To conclude, Hogarth's novel visio-crime media positioned the viewer as a virtual witness, a surrogate trial juror who is prompted to reflect upon the stories told visually. Confronted with these "minutely, pictured […] material scenes" he is incited to evaluate visual evidence.[53] This probing, investigating type of gaze is activated by specific techniques of print production. Hogarth's hyper-real techniques impel viewers to evaluate and scrutinize. If viewing becomes an exercise in ethical judgement, visual sequences like *A Harlot's Progress* equally offered entertaining fictions where, as in a modern crime series, we move from the first to the second season with the characters that remain but who are transformed from innocent to guilty, through a trick of the script writer or that of the illustrator.[54] Hogarth's hyper-realism helped shape a relationship between crime, judgement, and the British public. At the same time, his novel crime media, strikingly pre-filmic, leaves final verdicts contestable. They belong to the jury, that is to say to the spectator.

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52 *Collection*, *op. cit*., p. 22.

53 Trusler John, *Hogarth Moralized*, *op. cit*., p. 1.

54 For ethical in this context, John Bender, *op. cit*.

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