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Claremont McKenna College

"The more they're beaten the better they be": Gendered Violence and Abuse in Victorian
Laws and Literature

Submitted to
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and
Professor Christine Crockett, Ph.D.

by
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for
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Abstract

During the Victorian age, the law and society were in conversation with each other, and laws reflected Victorian gender norms. Nineteenth-century gender attitudes intersected with the law, medical discourse, and social customs in a multitude of ways. Abuse and gender violence occurred beneath the veneer of Victorian respectability. The models of nineteenth-century social conduct were highly gendered and placed men and women in separate social spheres. As this research indicates, the lived practices of Victorians, across social and economic strata, deviated from these accepted models of behavior. This thesis explores the ways that accepted and unaccepted standards of female behavior manifest in Victorian legal discourse and literary sources. The three tropes of female behavior analyzed in this thesis are: “the angel in the house,” “the mad woman,” and “the fallen woman.” Victorian men repeatedly failed to protect their wives, daughters, and companions and were often the sources of abuse and violence. Women, in turn, were unable to shape themselves to fit the accepted model of Victorian womanhood. This thesis suggests that widespread Victorian gender attitudes and social causes that are taken up by politicians are reflected in the legal system. This thesis unearths the voices of Victorian women, both literary and historical ones, in order to tell their stories and analyze the ways that their experiences are a result of social conventions and legal standards of the nineteenth-century.

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To my mom, ¡*Te quiero mucho*! You taught me how to walk with confidence and live my life with integrity. Thank you for being such a wonderful role model and teaching me to put my heart in everything I do.

To my dad, your memory is always in my heart. Thank you for ending your text messages to me with "P.S, you are the best." Also, thank you for instilling in me a love for coffee. You taught me how to brew a proper cup and this thesis would not exist without my favorite drink.

This thesis is dedicated to the women whose stories were considered "unfit for publication." You are heard.

“A gender line...helps to keep women not on a pedestal, but in a cage.”—Ruth Bader Ginsburg

Introduction

“Man must be pleased; but him to please/Is woman’s pleasure; down the gulf/Of his condoled necessities”-Coventry Patmore, *Angel in the House* (1854).

“She is the architect of the home, and it depends on her skill, her foresight, her soft arranging touches whether it will be the ‘lodestar to all hearts’ or whether it will be a house from which husband and children are glad to escape either to the street, the theatre, or the tavern.” *The Christian Miscellany and Family Visitor* (1890)

The Victorian Age in the United Kingdom spanned the reign of Queen Victoria from her ascension on June 20th, 1837, following the death of her uncle William IV, to her death on January 22, 1901. During her 63-year-long reign there was rapid industrial change and economic development with the technological advancements of steamships, railways, and the invention of the telegraph. British investors and merchants dominated global markets and international trade networks. British colonization in West Africa continued during the 19th century, spanning the reigns of William IV and Victoria, added to the riches of the Empire with resources such as gold, diamonds, ivory, metal ores, and other useful goods. By 1901, in the final year of Victoria’s reign, the British Empire, by means of global imperialism and colonization, expanded to cover approximately one-fifth of Earth’s landmasses.¹

Though a number of technological changes and social breakthroughs occurred during the Victorian age, this epoch of British history can also be characterized by a distinct social hierarchy that had separate and distinct gender roles. These gendered distinctions appeared in a patriarchal family model for Victorian households of all social classes—from working-class households to aristocratic estates. Men belonged outside the

¹ “An Introduction to Victorian England (1837-1901)” *English Heritage*. <https://www.english-heritage.org.uk/learn/story-of-england/victorian/>

home and women belonged within the home. This idea of a male hierarchical structure is seemingly at odds with the fact that Queen Victoria was ruler of the British Empire.

Victoria, however, also had gendered notions of where she felt women and men should orient themselves in society. She avowed:

to tear away all the barriers which surround a woman, and to propose that she should study with *men*—things which could not be named before them, certainly not in a mixed audience—would be to introduce a total disregard for what must be considered as belonging to the rules and principles of morality. Let woman be what God intended, a helpmate for a man—but with totally different duties and vocations.²

The ideals that conformed to the “rules and principles of morality” that Victoria advocated for were grounded in the principles of separate and distinct spheres of existence. Men belonged in the economic and social sphere in the outside world and women belonged in the home where they engaged in domestic tasks and child rearing. The idea was that a woman was a “helpmate” for her husband and while he provided the finances responsible for the upkeep of home and family, she was the one to maintain and tend to it.

Queen Victoria’s views about the “different duties and vocations” of men and women were neither singular nor aberrant during the nineteenth-century. In fact, many Victorians shared her point of view. The nineteenth-century British art critic and theorist John Ruskin, articulated a similar stance in his 1865 publication, *Sesame and Lilies* and claimed, “Each [sex] has what the other has not: each completes the other, and is completed by the other: they are nothing alike, and the happiness and perfection of both depends on asking and receiving from the other what the other only can give.”³In a

² Colin Bingham, *The Affairs of Women: A Modern Miscellany* (Sydney: Currawong Publishing Company, 1969), 134.

³ John Ruskin, *Sesame and Lilies*, 1865. Digitized by Project Gutenberg April 1998
<http://www.gutenberg.org/cache/epub/1293/pg1293-images.html>

painting below, Queen Victoria and her husband, the Prince Consort Albert are seated together surrounded by their children. This painting is a study in Victorian domestic ideals. The complementary colors and the use of space in the painting make this an intimate portrait of home and hearth. The dynamic between Victoria and Albert is such each “completes the other.”



The Royal Family in 1846. Victoria with Prince Albert (Prince Consort) and their children by Franz Xaver Winterhalter. Royal Collections Trust. Available in Public Domain

Ruskin goes on to argue:

The man's power is active, progressive, defensive [...] His intellect is for speculation and invention; his energy for adventure, for war, and for conquest, wherever war is just, wherever conquest necessary. But the woman's power is for rule, not battle, —and her intellect is not for invention or creation, but for sweet ordering, arrangement, and decision.⁴

From Ruskin's point of view, men are active creators while women respond; men act and women “praise.”

⁴ Ibid.

It is critical to acknowledge, however, that the perspectives of Ruskin and Queen Victoria are essentially prescribed ways of behavior and are not necessarily the lived practices of nineteenth-century British men and women. The reality of Victorian relationships—most critically between men and women was not simple. The gendered dynamics that were a part of the institution of marriage were nuanced and complex and included social bonds that left space for abuse and violence to occur. Marital abuse was, in fact, pervasive across social and economic classes. The gender dynamics between Victorian spouses, in other words, were not uniform. On the one hand, there were the comparatively equal partnerships like that of John Stewart Mill and his wife Harriet Taylor Mill. Together, the Mills jointly wrote pieces related to domestic violence and they even co-authored a treatise titled, *The Enfranchisement of Women* that was published in 1851. On the other hand, and more commonly, the strict gender molds and roles left space for domestic tyranny and abuse.

Through an examination of Victorian literary sources and historical documents, the psychological and physical signs and effects of marital abuse are evident. It is critical that one look at abuse through a gendered lens and take into consideration the social between husbands and wives. These social bonds are critical to understanding the pervasiveness of emotional and physical abuse across classes in English society. Whether or not this type of violence occurred in public or private spaces, many victims remained silent or were forced into silence, until it was too late in many situations. Legal actions were either delayed, never sought out due to fear of further abuse, or facts were twisted to smear certain reputations and to preserve others.

This thesis, through a critical examination of Victorian literature and varied nineteenth-century documents, will uncover the ways in which gendered violence and

abuse were as much a part of Victorian society as the economic expansion and flourishing of the arts that also occurred. In my first chapter, I will examine marital abuse and violence that occurred within the boundaries of the home. This chapter will focus on the trope of the virtuous woman also commonly referred to as “The Angel in the house.” This chapter will examine how the cultural notion of separate spheres impacted spousal behavior in the home. It will also look at the construction of female virtue and the ways it impacted the outcome of murder cases that involving husbands and wives. Then, in Chapter II, I will analyze the trope of the mad woman and the ways that medical abuses and legal legislation that policed madness adversely affected many Victorian women. As this chapter demonstrates, harmful medical procedures and examinations could be performed on wives, often at their husbands’ behest, and at times for the purposes of having them declared legally insane and kept in mental institutions. Finally, the last chapter of this thesis will look at the trope of the fallen woman. This chapter will look at women who were raped or who became prostitutes during the course of their lifetimes. The stories of these women were often left untold as they were considered antithetical to the Victorian vision of the female domestic angel. I will uncover the stories of these fallen women and piece together the ways that they fit into Victorian society.

All three of the chapters of this thesis will use a variety of primary sources, including works of literature, artwork, pamphlets, and legal documents. The purpose of this thesis is to look at the way Victorian attitudes about women, the construction of womanhood, and the legal systems of power interacted with each other. I look at the ways in which Victorian desires for a specific type of womanhood are mapped onto female bodies. In addition, in this thesis I will look at the ways these cultural attitudes about women came to be understood by a wider nineteenth-century audience. Victorian

women learned that the ways society viewed them—as angelic, mad, or fallen—impacted their legal rights. The category that Victorian women fell into shaped the way they would be treated both by society and the men with whom they interacted with daily.

The chapter that follows looks at the ideal of “The Angel of the Home” and the ways that strict divorce laws were rooted in idealized notions of Victorian womanhood. It will also look at the ways that spousal abuse was interpreted by the law and portrayed by nineteenth-century authors.

Chapter I

The Domestic Helpmate, “The Angel in the House”

“Man must be pleased; but him to please/Is woman’s pleasure; down the gulf/of his condoled necessities/She casts her best, she flings herself.”-Coventry Patmore, Canto IX, Book I, “The Sahara” *The Angel in the House* (1862)

Victorian Context

Coventry Patmore’s epic poem, *The Angel in the House*—which is divided into four volumes: *The Betrothal* (1854), *The Espousals* (1856), *Faithful for Ever* (1860), and *The Victories of Love* (1863)—became well-known for its portrayal of Victorian womanhood and female domesticity. The real-life inspiration for this poem was Patmore’s first wife, Emily Augusta Andrews. She and Patmore married in 1847 and remained so until her death in 1860. In the dedication section of *The Angel in the House*, Patmore even wrote, “To the Memory of her by whom and for whom I became a poet.”⁵ The term “the angel in the house” was first coined in Patmore’s poetry but the underlying ideas that centered on a woman’s respectability as a wife, mother, and homemaker were part of a wider dialogue of female domesticity in Victorian culture. As scholar Lynn Abrams argued, “It was through their duties within the home that women were offered as a moral duty, towards their families, especially their husbands, and towards society as a whole.”⁶ During the nineteenth-century, a woman’s virtue became rigidly associated with home and husband; her very existence was defined by her role in the home.

These ideas of what female Victorian domesticity should look like are even reflected in portraits of the royal family. The portrait below of Queen Victoria and Prince Albert in their home at Windsor Castle at Berkshire, is a painting that plays with

⁵ Sarah Eron, “Coventry Patmore’s Marriage to Emily Augusta Andrews, 1847-1860” *Victorian Web*, June 29, 2004.

⁶ Lynn Abrams, “Ideals of Womanhood in Victorian Britain” *BBC*, September 8, 2001.

spatiality, intimacy, and the home. In the painting, Albert is surrounded by hunting dogs and fowl he has shot. He is also dressed in hunting apparel. These are dominant, masculine elements of this piece. Queen Victoria's body and her face are angled towards her husband. She is offering him a small bouquet of flowers and the viewer only sees her profile. There is a deferential tone in the orientation of her body. Space is used masterfully in this painting. There is an open door and a window that allows a viewer to gaze outside the room. A viewer becomes part of this intimate space with the Queen and the Prince Consort. In this painting, they appear more like a husband and wife in a domestic setting than reigning monarchs. Husbands were seen as masters of the home; Prince Albert's situation was intriguing in that he is Victoria's spouse, but she is the monarch—the one who has the final say over a global, imperialistic empire. Albert, in a letter to a friend, expressed "In my home life I am very happy and contented; but the difficulty in filling my place with the proper dignity is, that I am only the husband, and not the master of the house."⁷ In life and in the home, the husband is ideally the caretaker, the person who, under coverture law, absorbed his wife's legal rights. In this letter, Albert grapples with being a husband to Victoria and Prince to the Queen of the United Kingdom of Great Britain. Ideally, husbands ruled, and wives acquiesced to their decrees.

⁷ Richard Hough, *Victoria and Albert* (New York: St. Martin's Press, 1996), 70.



Windsor Castle in Modern Times by Edwin Henry Landseer, 1840-43. Royal Collection.
Available in Public Domain

It is critical to note that this idea of a woman's status as a helpmate was not exclusively a nineteenth-century idea. For instance, the Enlightenment philosopher and scholar Jean-Jacques Rousseau articulated a similar view of women as companions to their male counterparts in his work *Émile* (1762). Rousseau argued that women:

Ought to learn many things but only those that are suitable for them to know [...] Wit alone is the true resource of the fairer sex [...] the wit which *suits their position* [...] She *must* make a profound study of the mind of man—not an abstraction of the mind of man in general, but the minds of the men around her, the minds of the men to whom she is *subjected by either law or reason*.⁸

Rousseau argued that women needed to know the minds of the men in their lives; women needed to have the knowledge of what is useful to them for their prescribed societal role: a companion, a domestic helpmate. As scholar Penny A. Weiss analyzed, Rousseau distinguished between what:

⁸ As cited in: Penny A Weiss, "Rousseau, Antifeminism, and Woman's Nature" *Political Theory* 15 (1) Feb. 1987: 88.

women *can* learn and what they ought to learn [...] Women's education, like men's, is guided by what is "useful" to them in their prescribed role, and what is "useful" to society. If women are to be overtly subjected to the men around them, it is useful that they know the minds of those men well in order to please them and to achieve their own ends.⁹

The view of a woman as a domestic companion who takes care of her husband's needs is a historic phenomenon in the British case. She is a domestic homemaker and the health of hearth represents her value to society. Though this idea was not cultivated in an exclusive nineteenth-century British context, the uniqueness of the Victorian definition of female chastity and womanhood is found in the ways that it manifests itself in Victorian women's legal rights. It is also found in the way that the angel ideal exalts one type of womanhood and demonizes other manifestations of female experiences.

Victorians desire to see women as domestic helpmates is reflected in other artworks of the nineteenth-century, not just portraits of the royal family. In the painting below titled *Woman's Mission: Companion of Manhood* (1863) by George Elgar Hicks, a woman is seen holding on to her husband as he grieves.¹⁰ The woman, the "companion of manhood" comforts him in their home. The background and details of this painting is just as nuanced as the figures of the husband and wife. The mantle and table are both perfectly arranged and she well groomed. This woman takes great care of both her husband and their home. This idea of a woman as a domestic helpmate did not just manifest itself in art; it also manifested in Victorian legal discourse

⁹ Ibid., 89.

¹⁰ Frances Fowle, "George Elgar Hicks, *Woman's Mission: Companion of Manhood* (1863)," *Tate*, December 2000. <https://www.tate.org.uk/art/artworks/hicks-womans-mission-companion-of-manhood-t00397>



Woman's Mission: Companion of Manhood by George Elgar Hicks, 1863. Tate Museum
Available in Public Domain

One way that the “angel in the house” ideal cropped up in the Victorian legal field was the double-standard in the “Divorce and Matrimonial Causes Act of 1857.” This was the first time that divorce was treated as a civil dispute. In addition, the divorce court was based in London, a geographical restriction that prevented many working-class persons outside of the city from filing a petition with the court. Prior to the Act, the ecclesiastical courts (the Christian courts) oversaw marital disputes. According to the “Divorce Act”, men could divorce their wives solely on the grounds of infidelity. A woman could only divorce her husband for infidelity if there was more than one matrimonial offense. Unlike her husband, she could not divorce him for infidelity alone; his offense against their marriage must be compounded with another egregious action (for instance, bigamy,

incest, or desertion for more than two years).¹¹ The angel was a chaste, faithful wife. All other women who were not “angels” could be divorced solely on the grounds of infidelity.

In this manner, the ideal of the virtuous woman becomes a domestic trap. If she is in an abusive relationship, she needed more than one offense to obtain a divorce and if her husband accused her adultery, she could potentially lose her home and status as a wife. As legal scholar Anne Sumner Holmes describes before the 1857 Divorce Act and divorce with the right to remarry could only be accomplished through a private act in the House of Lords:

Most of the more than 300 Private Acts granted a divorce to a husband on the grounds of adultery. No woman obtained such a divorce before 1801, and in 150 years only four acts were passed at the behest of a wife. None of the wives based her petition on the commission of adultery alone. The four divorces granted to women by Parliament included two cases of incestuous adultery and two cases involving bigamy, in one of which the adultery had been aggravated cruelty. Thus, in granting divorces, Parliament established a significant precedent.¹²

These statistics tell us that the consequences of adultery were highly gendered in the nineteenth-century. It was more permissible for a husband to commit infidelity, but it was not so for a woman who faced grave results for adultery. As Sir John Bigham, the President of the Probate, Divorce, and Admiralty Division of the High Court proclaimed once divorce was legalized in 1857 with supposedly equal access to all husbands and wives, “An act of adultery on the part of a man is not inconsistent with his continued esteem and love for his wife [...] Whereas an act of adultery on the part of a woman, in my opinion, is quite inconsistent with continued love and esteem for the husband.”¹³

⁶ Gail L. Savage, “The Operation of the 1857 Divorce Act, 1860-1910 a Research Note” *Journal of Social History* 16 (4) Summer 1983: 103-110.

¹² Ann Sumner Holmes, “The Double Standard in English Divorce Laws, 1857-1923” *Law and Social Inquiry* 20 (2) 1995: 604.

¹³ *Ibid.*, 607.

From Bigam's perspective, a man can separate a bodily act (in this case, the act of sex) from their emotions and affections. A woman, on the other hand, cannot. Her emotions are tied to her body. Thus, her virtue is tied to the actions she takes with her body. In this way, we can view the female Victorian body as a political space. The actions she takes with her body add to her trustworthiness—her virtue. Victorian men are under no such social burden and male vice is not defined in terms of fidelity to one's spouse. There were Victorian men, however, who were very much in favor of civil divorce legislation that treated male and female respondents equally. John Stuart Mill expressed, "My Opinion on Divorce is that though any relaxation of the irrevocability of marriage would be an improvement, nothing ought to be rested in, short of entire freedom on both sides to dissolve this like any other partnership."¹⁴ Victorians on both sides of the divorce issue focused on women's access in their debates and discourse. This fact alerts us to the important freedoms that greater accessibility to a divorce granted Victorian women.

In addition, the 19th-century Divorce Court rarely recognized non-physical abuses as grounds for divorce, both before and after 1857. Thus, the scope of what constituted abuse was quite narrow, and once again the vision of the angelic, subservient ideal of womanhood limits women's legal protections. Just before the 1857 law, in an 1853 case, *Chesnutt v. Chesnutt*, Mrs. Chesnutt wanted a divorce on the grounds of her husband's constant intoxication and obscene language. The judge of the case commented, "However disgusting the language charged, if proved, may be—however degrading habits of intoxication—however annoying to a wife, especially the wife of a gentleman and a

¹⁴ Henry Kha and Warren Swain, "The Enactment of the Matrimonial Causes Act of 1857: The Campbell Commission and Parliamentary Debates," *The Journal of Legal History* 37 (3) 2016: 307.

clergyman—these facts standing alone do not constitute legal cruelty.”¹⁵ Victorian women’s rights against spousal abuse were limited; Mr. Chesnutt’s drunken behavior and abusive language is described as “annoying to a wife.” This language is significant in that it trivializes Mrs. Chesnutt’s allegations. In addition, the qualifying rhetoric that the judge used, including, “if proved” and “however” indicate that the burden of proving the allegations is on Mrs. Chesnutt. Unless she can prove the abuse, her case was unlikely to be successfully argued. The domestic ideal of women silenced their voices, women could disapprove of their husbands’ behavior, but they ultimately needed to submit to their husbands’ authority. A married woman was a silent “angel of the home”; she was the domestic helpmate whose voice was meant to complement her husband’s, not to defy.

Victorian ideals of female virtue harmed women as much as it put them on an unattainable pedestal. Women were harmed by idealized female virtues that pressured them to enter into the home space and remain there. Literature that I will use in this analysis include, Sir Arthur Conan Doyle’s “The Adventure of the Abbey Grange” for the purpose of examining the portrayal of elite abused women. In addition, I will analyze Anne Brontë’s *The Tenant of Wildfell Hall* in order to get a more intimate view into Victorian spousal sexual abuse. Finally, this chapter will look at murder cases from the London Old Bailey in which patterns of physical spousal abuse are indicated in witness testimonies. In addition, in each case, the women’s virtues are as much on trial as their husbands for their murders. These sources represent the various ways in which the ideal of female virtue could be weaponized to harm Victorian women. The ‘angel’ even in her domain (the home) can be abused.

¹⁵A. James Hammerton, “Victorian Marriage and the Law of Matrimonial Cruelty” *Victorian Studies* 33(2) 1990: 287-283.

The Abused Angel of the Home in “The Adventure of the Abbey Grange”

In one of his short stories, Sir Arthur Conan Doyle focused on domestic abuse in the upper class by emphasizing a wife’s vulnerability and beauty. In his treatment of Lady Brackenstall, Sherlock Holmes calls into question nineteenth-century English laws and morality. Set in 1897, but written in 1904, the short story “The Adventure of the Abbey Grange”, depicts Sherlock Holmes and his partner Watson traveling to Kent to investigate the murder of Sir Eustace Brackenstall, an English aristocrat whose “head was knocked in with his own poker.”¹⁶ The newly widowed Lady Brackenstall and her maid tell the police that burglars attacked in the night. This explanation did not add up logically for Sherlock Holmes.

When Lady Brackenstall is first introduced, Holmes, as a narrator goes to great lengths to describe her physical appearance for a reader. Outwardly, her fair, angelic features add to the presentation of her as the demure, lovely lady of the home and the fresh bruising on her face adds to her narrative as a tragic victim. As Holmes describes:

Lady Brackenstall was no ordinary person. Seldom have I seen so graceful a figure, so womanly a presence, and so beautiful a face. She was blonde, golden-haired, blue-eyed and would no doubt have had the perfect complexion which goes with such colouring, had not her recent experiences left her drawn and haggard. Her sufferings were physical as well as mental, for over one eye rose a hideous, plum-colored swelling, which her maid, a tall, austere woman, was bathing assiduously with vinegar and water.¹⁷

The language used to describe Lady Brackenstall is both lovely and tragic. She is a “blonde, golden-haired, blue-eyed” beauty who is considered extraordinary by Holmes. Lady Brackenstall represents the beauty, yet, her elegance is marred by her eye—“a hideous, plum-colored swelling.” The bodily imagery in this scene is dramatic. It is full

¹⁶ Arthur Conan Doyle, “The Adventure of the Abbey Grange” *The Return of Sherlock Holmes*, 1904: 2.

¹⁷ Ibid.

of minute details such as Lady Brackenstall's complexion and the vinegar water that her maid uses to bathe her eye. The level of detail Holmes uses in this scene generates sympathy for her as the ethereal suffering beauty. She is more than just a woman in this story; the Lady becomes a figure in the larger myth of Victorian womanhood. She becomes the figure of the angel and whoever marred her was villainous.

Though Lady Brackenstall is a fictional elite lady, it is important to remember that this is a time in which fiction and lived experiences were in conversation with each other. This short story gives a reader a glimpse into abuses that occur in elite households; the vast majority of Old Bailey cases that related to cases of rape, assault, and the murder of spouses were trials in which the defendant was from the working-class. Doyle's fiction tries to show some of what may be going on in elite homes; mainly spousal abuse. As Nina Auerbach, the nineteenth-century British literature professor and social historian argued, this was a century wherein "women's lives were exalted to the status of fictions, fiction bestowed in return motive power to many lives. In its flowering, womanhood was a literary idea in perpetual incarnation, unifying a society at war with itself by spanning the gulf between its fictions and its acts."¹⁸ Lady Brackenstall, as an abused Lady of the Home, becomes part of this larger Victorian mythology centered on women as beautiful victims.

When Holmes and Watson first meet Lady Brackenstall, they listen to her story but in the middle when she gestures and her gown loosely falls to reveal her forearm, Holmes utters, "You have other injuries, Madam!" to which she replies, "It is nothing. It has no connection with the hideous business of last night."¹⁹ With just a couple of words,

¹⁸ Nina Auerbach, *Woman and Demon: The Life of a Victorian Myth*, (Cambridge: Harvard University Press: 1982), 62.

¹⁹ Arthur Conan Doyle, "The Adventure of the Abbey Grange" 2.

an observant reader would begin to notice the physical and psychological trauma of abuse. The bruises hidden under her clothing and her denials of “nothing” are little signs of spousal abuse. Lady Brackenstall denies the abuse, does not seek the law’s protection because as Lord Lyndhurst eloquently stated in the Parliamentary Debates of the Divorce Law (1869), “the law, so far from protecting, oppresses her. She is homeless, helpless, and almost wholly destitute of civil rights.”²⁰ Eventually, when Holmes learns the truth—that Sir Eustace was killed in defense of Lady Brackenstall by a former suitor who witnessed Sir Eustace physically assaulting her—he decides to withhold the truth from the police. This withholding of the truth is crucial: it is as if Doyle is commenting on the state of the law and its inability to protect domestic abuse survivors and that it punishes rather than protects the true victims. This point of view is even more explicit when Holmes admits to Watson, “Once or twice in my career I feel I have done more real harm by my discovery of a criminal than he ever had done by his crime. I have learned caution now, and I had rather play tricks with the law of England than with my own conscience.”²¹

In addition, the portrayal of Lord Brackenstall as an abusive drunkard adds to the image of Lady Brackenstall as a victim of society, of the laws that did not protect her. As Lady Brackenstall passionately tells Holmes:

Sir Eustace was a confirmed drunkard. To be with such a man for an hour is unpleasant. Can you imagine what it means for a sensitive, high-spirited woman to be tied to him for day and night? It is a sacrilege, a crime, a villainy, to hold that such a marriage is binding. I say that these monstrous laws of yours will bring a curse upon the land—God will not let such wickedness stand.²²

²⁰ *The Parliamentary Debates: April 1st, 1869-April 30th, 1869*, (London: Cornelius Buck: 1869), 795.

²¹ Arthur Conan Doyle, “The Adventure of the Abbey Grange” 8.

²² *Ibid.*, 2.

The word drunkard carried strong associations with moral vice and debauchery in the nineteenth-century. As the medical historian William F. Bynum describes, “The word *drunkard*, then as now, carried a moral judgment.”²³ He goes on to add that the language in the nineteenth-century context did not have “a word for a diseased condition involving excessive dependence on alcoholic beverages, or a morally neutral (medically speaking at least) like alcoholic, [...] such a concept did not exist”²⁴ When Lady Brackenstall describes her husband as a “confirmed drunkard”, a Victorian would have associated her characterization of him with a moral vice. It augments her status as the victim in the story and his status as the villain. The law that bound her to him is described as a “wickedness” and in a way she is condemning the law for binding her to such a man. The law, in this case, is the institution that ruined an elite woman who is portrayed as the ideal. Holmes alludes to the fact that even the wealthy angel of the home can be debased in a harmful situation and circumstance.

Spousal Sexual Abuse: *The Tenant of Wildfell Hall*

The Tenant of Wildfell Hall is an 1848 novel written by the English novelist Anne Brontë under the pseudonym Acton Bell. The first half of the novel is written in an epistolary form. The letters are written by a gentleman farmer named Gilbert Markham to his brother-in-law; he writes about his exploits as a young man. He lives on Linden-Car farm with his mother, younger brother, and sister. A new resident—Helen Graham—arrives in the village; she is a young mother who moved to Wildfell Hall with her young son and an elder female servant. Gilbert and Helen eventually form a friendship over their common interests in nature and literature. Eventually, Gilbert’s fondness for Helen

²³ William F. Bynum, “Chronic Alcoholism in the First Half of the 19th Century” *Bulletin of the History of Medicine* 42 (2) 1968: 161.

²⁴ Ibid.

grows much deeper than a friendship. He even attacks her landlord, Fredrick Lawrence, when he mistakenly believed that Helen and Fredrick were having an affair. Gilbert goes to Helen to get the truth from her and she hands him her diary, and tells him that it will explain everything.

The second half of the novel is Helen's diary. Helen's diary entries and the scenes between Helen and Arthur in their home while they are married include: rape and sexual violation. Some acts which are overtly described in some scenes and others which are implied. Brontë as a result exposed marital violence and abuse in private spaces. The term "spousal sexual abuse" (as included in the title for this section) was not part of a Victorian vocabulary, and was in fact not yet legally recognized. Brontë's depiction of spousal violence and abuse, reveals to us that this issue of sexual abuse within a marriage was not completely outside the Victorian imagination.

Her diary begins in June 1821 with a young, eager 18-year-old Helen, who just had her first season of balls and suitors in London. She is eager for marriage. Her aunt, Mrs. Maxwell, constantly warns her that she needs to be judicious in her choice and pick the right match. Unlike a number of older suitors whom Helen rejects, she comes across a lively, handsome, youthful man named Arthur Huntingdon. Helen is smitten with Arthur. Eventually she and Arthur are engaged to be married after he demands that she admit her feelings for him. They marry and while they are on their honeymoon, Arthur does not allow Helen to explore the city outside their home, claiming that his former lovers would see her and become jealous. The couple eventually settles at Grassdale Manor (Arthur's estate) but he soon turns to drinking and gambling and finds cruel amusement by torturing Helen about his former lovers and his exploits. Later in the novel, Arthur and Helen move to London where Arthur's drinking and other excesses increase. She returns

to Grassdale without Arthur and soon learns that he is having a sexual affair with Lady Annabella. Helen confronts her husband who brushes off her worries. A year later, Helen gives birth to the couple's first child—a son. She loves her son but worries about the fact that Arthur takes little interest in their child. Arthur leaves for London for several months and gets sick from his life of debauchery. Eventually, the drinking and infidelities are too much for Helen and she leaves her husband—arriving, shortly thereafter, at Wildfell Hall.

Gilbert agonizes over Helen's marital status, but they agree to remain platonic friends. Soon after Helen's return to Grassdale Arthur falls deathly ill from drink and self-indulgence. Gilbert is apprised of Helen's life through letters she sends frequently to Frederick. When Arthur dies, Gilbert hopes to marry Helen. Though soon, he learns that Helen has inherited a vast fortune from her uncle. Gilbert despairs that a now elite heiress would never marry a farmer such as himself. Gilbert encounters Helen's carriage and she is overjoyed to see him. When she asks him to join her at the estate, he reluctantly does so. She offers him a rose, which he rejects. This act leaves Helen brokenhearted. Gilbert, realizing his foolishness, plucks up the rose he rejected, and runs after Helen to propose. He proposes, the couple wed, and together they have a long marriage and many children.

Under Victorian law, married men could not be considered guilty of the crime of rape if they assaulted their wives. Legally, a woman's existence is absorbed into her husband's when she marries; meaning her "consent" is a given when she chose to marry. As the English barrister and judge, Matthew Hale wrote in his 1736 publication *Historia Placitorum Coronae*, that after a marriage has taken place, "the husband cannot be guilty of a rape committed by himself, upon his lawful wife, for by their mutual matrimonial consent and contract the wife hath given herself up in this kind unto her husband, which

she cannot retract.”²⁵ Another English jurist and judge, William Blackstone, wrote in his 1765-1769 *Commentaries on the Laws of England*:

By marriage the husband and wife are one person in the law: that is, the very being or legal existence of the woman is suspended during the marriage, or at least incorporated into and consolidated into that of her husband: under whose wing, protection, and cover she performs everything [...] her condition during her marriage is called her coverture.²⁶

These interpretations of English law and coverture carried well on into the nineteenth-century. However, as Anne Brontë’s writing suggests, the issue of spousal abuse was not something that Victorians were unaware of or unwilling to portray.

In one of her diary entries, Helen—now Mrs. Huntingdon—expresses her qualms about her marriage to Arthur. She knows she is trapped in this relationship and she is deeply uncomfortable with Arthur’s brand of affection. At the same time, however, Helen is trying to adhere to the ideal—a woman of the home who pleases her husband. In the entry she claims:

I have had eight weeks’ experience of matrimony. And do I regret the step I have taken? No, though I must confess, in my secret heart, that Arthur is not what I thought him at first, and if I’d known him in the beginning as thoroughly as I do now, I probably never should have loved him [...] He is very fond of me, almost too fond. I could do with less caressing and more rationality. I should like to be less of a pet and more of a friend, if I might choose; but I won’t complain of that: I am only afraid that his affection loses in depth what it gains in ardour.²⁷

This portion of Helen’s diary entry is both bold and timid; she expresses her misgivings about Arthur but also qualifies her statement in ways that make her seem less brazen. Even though this is Helen’s personal diary, she has difficulty parsing through her own apprehensions about her marriage that starkly differ from Victorian expectations namely

²⁵ As cited in: Maria Pracher, “The Marital Rape Exemption: A Violation of a Woman’s Right of Privacy” *Golden Gate University Law Review* 11 (1) 1981: 717.

²⁶ William Blackstone, *Commentaries on the Laws of England Vol. 1*, 1765: 442-445.

²⁷ Anne Brontë, *The Tenant of Wildfell Hall*, (Open Road Media: 2017), 130.

constancy and sobriety. Helen writes that she “could do with less caressing” and that she “should like to be less of a pet and more of a friend” but then diminishes her genuine feelings with “if I might choose.” Helen’s discomfort with Arthur’s need for excessive sexual touch contradict Sir Bigham’s claim from earlier in the chapter that women’s emotions are tied to bodily experiences. In this diary, Helen tells a reader that Arthur’s touches do not bring her pleasure.

The Victorian ideal for womanhood does not leave room for boldness. Helen is grappling with unexpected emotions, feelings that are unlike the bliss and affection a newly married woman is supposed to feel for her husband. She is eight weeks into her marriage with Arthur and she realizes that tying herself to him so soon may not have been the wisest course of action. Once a woman is tied to a man by marriage, however, regrets and misgivings are scarcely able to be remedied legally. As I have already established, it was nearly impossible for a woman to leave her marriage once she was legally bound to her husband. As the nineteenth-century women’s rights and anti-marriage activist Voltairine de Cleyre once said about people who claim women should just leave bad marriages, “If there is one thing more than any other in this whole accursed tissue of false society, which makes me angry, it is the asinine stupidity which with the true phlegm of impenetrable dullness says, ‘Why don’t the women leave!’ Will you tell me where they’ll go and what they’ll do?”²⁸ Both the law and cultural attitudes regarding divorced women make it difficult for so many 19th-century women to imagine leaving their marriage. In this novel, though Helen writes about her misgivings about Arthur’s “caresses” and “ardour” she attempts to be stoic about her marriage and bear the consequences of her

²⁸ As cited in: Catherine Helen Palczewski, “Voltairine de Cleyre: Sexual Slavery and Sexual Pleasure in the Nineteenth Century” *NWSA Journal* 7 (3) 1995: 60.

choices. Women are told to be deferential to their husbands. This entry, with the timid sentiments and quiet resentment, demonstrates that Helen is grappling with the social attitudes that tell her how she ought to feel about her husband and the ways that she really feels about him. As scholar Meghan Bullock argues regarding Helen's diaries, "Helen (like many women in Anne's audience) internalizes her pain and struggles even more than before, to the point of not writing it all out in her diary. There are points where she is obviously leaving out details, or perhaps entire (important) exchanges between her and Arthur."²⁹

In a later diary entry, Helen describes more than just subtle misgivings and discontent about her marriage to Arthur; she describes emotional abuse and sexual manipulation. Arthur relishes upsetting Helen emotionally and then using his body to dominate her. In her diary she describes:

His favorite amusement is to sit or loll beside me on the sofa, and tell me stories of his former amours, always turning upon the ruin of some confiding girl or the cozening of some unsuspecting husband; and when I express my horror and indignation, he lays it all to the charge of jealousy, and laughs till the tears run down his cheeks. I used to fly into passions or melt into tears at first, but seeing that his delight increased in proportion to my anger and agitation, I have since endeavored to suppress my feelings [...] when he has sufficiently diverted himself with that, or fears that my displeasure will become too serious for comfort, he tries to kiss and soothe me into smiles again—never were his caresses so little welcome as then!³⁰

In this entry, Helen is describing one of the painful moments in her relationship with Arthur. He purposefully upsets Helen and relishes in her upset. He then uses "caresses" to physically establish their intimate bond in a moment when it is unwanted. As scholar Andrew Doub describes, "The extent of his 'caresses' is not clear, but Arthur's actions at

²⁹ Meghan Bullock, "Abuse, Silence and Solitude in Anne Brontë's *The Tenant of Wildfell Hall*" *The Journal of the Brontë Society* 29 (2) 2004: 38.

³⁰ Anne Brontë, *The Tenant of Wildfell Hall*, 134.

least include forced kissing, physical contact, and intimate advances at inappropriate or unwanted times. All these acts are signature traits of sexual assault.”³¹ Specific language also tells a Victorian reader that this type of abuse was something that Arthur frequently committed on Helen. She describes it as “his favorite amusement” and described how, over time, she tried to subdue her reactions to his torment.

In this entry again, however, a reader witnesses Helen’s struggle to reorient her attitude in a way that is socially acceptable for women. She writes, “I well know I have no right to complain. And I don’t and won’t complain. I do and will love him still; and I do not and will not regret that I have linked my fate with his.”³² Though Helen is righteously upset by her husband’s treatment of her, she tries to accept his behavior and believes she has “no right to complain.” Even in her own private diary, with her private thoughts and desires, she tries to convince herself that she, as Arthur’s wife, must accept his treatment of her. The narrative structure of Helen’s diary is constrained, much like her everyday life as Arthur’s wife. This diary is her outlet as the wife of a man who controls her movements and interactions. Even in this most private of spaces, her journal, she does not feel she has the right to be upset with Arthur and the way he touches her when touch is not wanted. In her sole private space, Helen tries to silence her own voice. As Bullock argues, “Women lacking the support and benefit of the past experiences of other women are more likely to fall into this trap of either excusing their husbands’ bad treatment or else hiding [in] shame.”³³

³¹ Andrew Doub, “‘I Could Do with Less Caressing’: Sexual Abuse in the Tenant of Wildfell Hall” *Criterion: A Journal of Literary Criticism* 8 (2) 2015: 15.

³² Anne Brontë, *The Tenant of Wildfell Hall*, 134.

³³ Meghan Bullock, “Abuse, Silence and Solitude in Anne Brontë’s *The Tenant of Wildfell Hall*” 138.

Eventually the abuse and debauchery become too much for Helen; she remains silent no longer. Brontë gives Helen a voice and, in a way, speaks to her larger audience through Helen. She encourages her Victorian readers to put themselves in Helen's situation and think about their response to such an unhealthy, unbalanced relationship. After Helen discovered that Arthur is drinking again and had an affair with their son's nanny, she tells Arthur:

Henceforth we are husband and wife only in the name [...] I am your child's mother, and your housekeeper, nothing more. So, you need not trouble yourself any longer to feign the love you cannot feel: I will exact no more heartless caresses from you, nor offer to endure them either. I will not be mocked with the empty husk of conjugal endearments, when you have given the substance to another!³⁴

What makes this scene so unusual is that Helen is not only rebuking Arthur for his infidelity and debauchery, but she is also denying him access to her body. She does not want any "heartless" caresses from him, and she will not "offer to endure them either." Helen will continue the social roles expected of her, "mother" and "housekeeper" so that the only aspect of her matrimonial existence that she repudiates is her sexual duty to her husband. In doing so, Helen elevates herself beyond the corporeality that is often associated with women. It is Arthur who is unable to control the lusts of his body. Considering the elevation of Victorian men to cerebral pursuits, Brontë unravels this dichotomy with her words. That Helen would deny her husband access to her body is shocking, but as we have witnessed in earlier diary entries, Arthur has taken her without her consent. Her statement does not deal with the expectation that Arthur may force his caresses on her. Helen is still very much at the mercy of her husband as the legal

³⁴ Anne Brontë, *The Tenant of Wildfell Hall*, 191.

definition of rape in the Victorian context did not account for spousal rape. Wives were legally absorbed into their husbands by coverture laws.

Though these are Helen's words and her diary entries, the reader is reading them through a male point of view, at least as far as Brontë sets up the narrative framework. Helen's diary was read by Gilbert Markham who—as a reader learned in Chapter 1 of the novel—mailed her diary to his brother-in-law to discuss his “exploits” as a young man. Helen's diary is read by male eyes and it passes from one man to another. As scholar Maggie Berg argues, “the assimilation of Helen's text exhibits a certain symbolic violence which is intimately related to, perhaps symptomatic of, the actual violence portrayed in the text [...] Markham's assimilation of Helen's diary; and his subsequent passing it on to his brother-in-law, is precisely the point of the novel [...] Helen's story, and thereby her subjectivity, is assimilated into [Markham's]”³⁵ Helen never directly shares her story with a reader; a reader knows what her marriage to Arthur was like because Markham shares her diary with his brother-in-law. Though the author of this novel is female, by having male intermediaries who relate Helen's story to the reader, this raises important questions about a reader's ability to access female truths.

Is it possible for a Victorian audience to enter into the private space of the home, without a husband (or other male authority figure's) permission? In an interesting narrative framework, Helen's act of defiance towards her husband is complicated as the reader only learns of her disobedience because her 2nd husband allows the reader into that private space. Brontë use of this complicated gendered narrative framework comments on

³⁵ Maggie Berg, “ ‘Let me have its bowels then’: Violence, Sacrificial Structure, and Anne Brontë's *The Tenant of Wildfell Hall*” *Literature Interpretation Theory* 21 (20) 2010: 21, 23.

this difficulty of domestic, married female voices being heard without the consent of their husbands.

Guilty and Not-Guilty Verdicts: Female Morality on Trial

Transcripts of the Old Bailey proceedings reveal how a broad cross section, not solely elites, were treated in criminal law. The following two cases are Victorian-era Old Bailey cases that deal with working-class persons. In these cases, two women—Sarah Parrott and Emma Hill were murdered by their husbands. In both cases witnesses were called to testify and the ways that these testimonies characterized these women aligned with their respective verdicts.

Through the testimony of neighbors in one of the Old Bailey cases, the indictment of a man named John Parrot, it is clear that the separation of spaces—public and private— enabled repeated patterns of domestic violence. In the January 31st, 1853 proceedings that documented John Parrott’s trial for the murder of his wife, Sarah Parrott, it was apparent, through cross-examinations of witnesses, that verbal and physical abuse occurred frequently between them. For instance, one of the women who lived in the same home as the couple, Ann Merritt, attested to sounds of verbal abuse and physical altercations that occurred in the couple’s room. She stated:

They lived together on very bad terms—I very often heard screams, and cries of “Murder!” from the deceased—I remember on the day on which she was found dead...[I] heard violent screams from the deceased, in their room—she was screaming “Murder!”...I heard his voice—he was abusing her, and swearing —calling her “a b—mare” and “a—blind b—.”³⁶

Anne Merritt’s testimony, though redacted for obscenities, tells of violence in the home. Though this case was a murder trial, this witness statement tells of recurrent domestic

³⁶ John Parrott, Killing: murder, 31 Jan. 1853 <https://www.oldbaileyonline.org/browse.jsp?id=t18530131-293-offence-1&div=t18530131-293#highlight>

abuse. Through Mrs. Merritt's testimony, it is evident that the beatings and verbal abuse John Parrot inflicted on Sarah Parrott was nothing new and was, in fact, the norm. As Anne stated in her testimony, she often "heard screams" from their portion of the house. At no point that day did other people in the house enter into the Parrotts's private rooms despite the screams and cries. Their neighbors only entered after Sarah had died.

The testimony of neighbors like Mrs. Merritt or Elizabeth Beers, the wife of the property owner, who stated that Mrs. Parrott's cries "went on for half an hour," the day of her death, tells an audience much about Victorian definitions of community and the division of private spaces.³⁷ All of these observers lived together in the same private space but because the abuse happened in the privacy of the one room Sarah and John Parrott resided in, no one did anything to stop the violence. This is a powerful view of how Victorian Londoners divided a communal home and the extent to which they felt accountable and responsible for others who lived in the shared space. In the end, testimony from neighbors, police officials, and the medical examiner who performed an autopsy of Mrs. Parrott's body was enough to get a conviction. Mr. Parrott was found guilty of manslaughter and transported for life.

In a similar Old Bailey case of a husband standing trial for killing his wife, the outcome of the proceedings was acutely different, as the virtue of the deceased woman was smeared on the record. In these circumstances, Jacob Hill stood accused of the willful murder of his wife, Emma Hill on July 24th, 1893. The character testimony of the victim's brother, Edward Offord, depicted Emma as a woman with "a very violent temper" and as someone who was "rather given to drink," and Jacob was portrayed as "a

³⁷ Ibid.

very quiet, sober man.”³⁸ For women, their moral and private virtues are often their only means of political agency. In this case, when the defense made an argument that demonstrated Emma’s lack of sobriety and restraint, her murder trial became an attack on her virtue, instead of proceedings regarding justice for her death. By contrasting Emma’s drunkenness and vulgarity with Jacob’s sobriety and reserved nature, the defense blamed Emma for her death rather than Jacob’s knife that struck her in the chest. A witness to the crime, a bootmaker named John Thomas Spence, claimed that Mrs. Hill was “abusing [Jacob], and using very filthy, disgusting language...she was putting herself in a fighting attitude.”³⁹ The witness’s testimony of Emma Hill as a violent, drunk wife was completely antithetical to the Victorian ideal of the demure, submissive “angel in the house.” Therefore, when it came to sentencing, Jacob’s punishment of six months of hard labor, is hardly surprising.

In the earlier case of John Parrott, his verdict of imprisonment was largely based on the victimization of his wife, Sarah, through testimony by neighbors. Sarah was portrayed as a victim of repeated physical and emotional abuses in the home. Unlike Emma Hill, her virtue is not explicitly attacked by the defense. Sarah is treated like a victim and Emma was treated as a culprit. The contrast created between the dutiful, quiet housewife and the obnoxious, loud fishwife is a difference that allowed a Victorian audience to accept both verdicts as fair and just. The treatment of abuse and how the victim’s morality was handled in both Old Bailey proceedings permitted Victorian Londoners to view one wife as deserving of punishment (Emma Hill) and the other as an

³⁸Jacob Hill, Killing: Murder, 24 July 1893. <https://www.oldbaileyonline.org/browse.jsp?id=t18930724-674-offence-1&div=t18930724-674#highlight>

³⁹ Ibid.

innocent victim (Sarah Parrott), regardless of the fact that their husbands killed them both.

This emphasis on female virtue in determining innocence and guilt was also seen earlier in the chapter in “The Adventure of the Abbey Grange.” Lord Brackenstall is the drunkard who physically beats his fragile, bruised wife. In addition, in *The Tenant of Wildfell Hall*, Arthur is the drunk, philanderer who takes his wife against her will. In both the fictional and real-life cases, drunkenness is a metaphor for moral debauchery. In the case of Emma Hill, when she is accused of drunkenness this tarnishes her propriety and it makes it easier for the defense to argue on Jacob’s behalf. Both Brontë and Holmes create male characters whose actions are completely repugnant and incompatible with Victorian views of manhood. It is interesting to consider if these men were not characterized to such violent extremes if readers would be as sympathetic to their plight. Were Victorians only sympathetic to the plight of these women because the authors characterized the husbands so villainously?

There are critical points of intersection between marriage and divorce law, female virtue, and Victorian social expectations for women. From a legal standpoint, marriage is treated like an institution and the “Divorce Act” enforced the binding nature of this institution. The works of literature used in this chapter deconstruct this institutional framework by demonstrating that the binding nature of marriage can ruin lives and devastate people—especially Victorian women who had no legal protections against their husbands in a marriage. When Patmore wrote his epic poem about his beloved Emily, he idealized his wife in inhuman terms—his literary woman became the epitome of goodness, demureness, and servitude. “The Angel in the house” trope that he coined

became so emblematic of nineteenth-century womanhood, that well on into the twenty-first century this term continues to be associated with the ideals of Victorian womanhood.

Chapter II looks at an alternate view of womanhood that was contrasted with the “angel in the house” ideal. This next chapter will look at the trope of the “mad woman” and the ways it appeared in Victorian literature and laws. This trope relied heavily on Victorian cultural attitudes about madness, psychiatric medicine, and bodily signs of mental disease.

Chapter II

The Mad Woman, “The Germs of Insanity”

“Live again in Europe: there it is not known what a sullied name you bear, what a filthy burden is bound to you. You may take the maniac with you to England, confine her with due attendance and precautions...” -Charlotte Brontë, *Jane Eyre* (1847)

“Confinement hid away unreason, and betrayed the shame it aroused.” -Michel Foucault, *Madness and Civilization* (1961)

Victorian Context

Women occupied a distinct space in the history and development of Victorian psychiatry and in British cultural attitudes about mental diseases. The quote above from Charlotte Brontë’s novel, *Jane Eyre* reveals a startling connection between mental illness and domestic abuse. Mr. Rochester is able to confine his wife to the attic of his estate without anyone questioning him and his right to imprison her simply because she is supposedly a “maniac.” He views his wife Bertha as a “filthy burden” and as thing to be shut away and left unseen, and nobody questions his power, apparently.

Michel Foucault’s *Madness and Civilization* looks at the complicated ways that Western civilization has dealt with mental illness, including the Victorian period. He argues that confinement was a means of erasing madness from society. In the nineteenth century, he shows that the mad were confined and cut off from the rest of society, because the shame of having a mentally ill spouse, intimate friend, child or family member could be concealed as well.

Additionally, Britons have a long history of government intervention when it came to the topic of mental illness. The Madhouse Act of 1774 was the first modern piece of legislation in England that dealt with madness, but the oldest surviving mental institution in London was founded in 1247 under the auspices of the Church and named

The New Order of our Lady of Bethlehem. It was originally intended to house homeless persons, but by the 15th-century it came to be an institution known for housing lunatics. By the modern period, the name had been compressed to be called “Bedlam” and up until the early part of the 19th century, it was the best-known mental institution in England. Although there were private institutions and parish schemes to handle the mentally ill, it wasn’t until the Victorian age that Britons took a keen interest in passing legislation to address insanity.

By 1845, Parliament had overhauled the rules and regulations that diagnosed and confined individuals. After the passage of the ““Lunacy Act”” through Parliament in 1845, the Victorians established new rules and regulations that significantly changed the daily operations of insane asylums. Parliament passed these Acts to increase state control over what was occurring in public and private madhouses . For instance, Section 85 of the “Lunacy Act” stipulated:

Any commissioner (or visitor with respect to county houses) could make a written order for the admission of a relative or friend of a patient (or doctor or other person the relative or friend chose) to an asylum or place (except a gaol) that the commission visited, to see the patient under whatever circumstances the commissioner (or the county visitor) should determine.⁴⁰

In summary, this section of the “Lunacy Act” was concerned with regulating visitation rights—who was allowed in and out of the asylum space. These section of the Act gives ultimate authority to commissioners on who can be allowed to visit a patient. The language of the various sections, however, is so dense that calculating and deceitful individuals could potentially employ unethical legal maneuverings to get around the

⁴⁰ Andrew Roberts, “The Lunacy Commission” *Middlesex University Web*. 1981.
<https://web.archive.org/web/20070624161914/http://www.mdx.ac.uk/WWW/STUDY/5S.HTM>

code. The language of the Act left legal loopholes that led to cases of unlawful confinement and other heinous abuses.

As medical practitioners began specializing, there was a growing interest in the field that would eventually be called psychiatry. As part of this development, specialists published journals and worked to popularize a discourse that connected diseases of the body to mental maladies. In particular, there was a rise in documenting diseases that afflicted *female* minds and bodies. Women were a topic of study, fascination, and inquiry. Psychiatrists published pamphlets, manuals, and other materials that specifically dealt with female bodies and mental disease. For instance, Henry Maudsley, a nineteenth-century British psychiatrist observed:

The monthly activity of the ovaries which marks the advancement of puberty in women has a noticeable effect upon the mind and body; wherefore it might become the cause of physical and mental derangement. Most women at the time are susceptible, irritable, and capricious, any cause of vexation affecting them more seriously than usual; and some who have the insane neurosis exhibit a disturbance of mind which amounts almost to disease.⁴¹

Maudsley connects a woman's reproductive organs with her mental health. Female sexuality and what a woman did with her body mattered to the Victorians and, as primary sources that draw a parallel between a woman's mental illness and promiscuity reveal, a woman's morals became closely associated with mental health. In this case, Maudsley associated bodily changes during a woman's menstrual cycle with an unbalanced mental state because as he argued her emotional state becomes highly erratic.

Many nineteenth-century psychiatric diagnoses for mental illnesses in women focused on female bodies and their experiences—menstruation, pregnancy, menopause. Following the passage of the “Lunacy Act,” there was a sharp rise in legally insane

⁴¹ Henry Maudsley, *Body and Mind*, (New York: Appleton & Co:1871) 78.

women confined in insane asylums. In 1845, prior to the passage of the “Lunacy Act”, a study conducted by the medical superintendent of the York Retreat found that male asylum patients actually outnumbered women by 30 percent.⁴² Within a few years of the Lunacy Act’s passing, the number of female asylum patients increased dramatically. As the literary critic Elaine Showalter, explains in, *The Female Malady: Women, Madness, and English Culture 1830-1980*, the percentages of men and women in nineteenth-century asylums began to change following the passage of the “Lunacy Act.”

By the 1850s there were more women than men in public institutions. As the asylum population expanded throughout the century the greater proportion of women remained constant. According to the census of 1871, there were 1,182 female lunatics for every 1,000 male lunatics, and 1,242 female pauper lunatics for every 1,000 male lunatics. By 1872, out of 58,640 certified lunatics in England and Wales, 31,822 were women.⁴³

As Showalter establishes, in the Victorian age, the presence of female patients in mental institutions was commonplace. This change coincided with the development of the medical view forwarded by Victorian psychiatrists. This belief that women were more prone to insanity supposedly because of fluctuations and imbalances in their reproductive systems which caused sexual and emotional diseases, according to psychiatrists such as Maudsley.

Before delving into fictional mad women, it is worth expanding upon these psychiatric ideas about women that were not original to the Victorian imagination. Though many of these social attitudes about mental illness were prominent in the Victorian age, the core ideas that these attitudes are based in are much older. For example, the term hysteria, which is defined by the Oxford English dictionary as, “a

⁴² Elaine Showalter, *The Female Malady* (New York: Pantheon Books: 1985), 52.

⁴³ Ibid.

condition in which some experiences violent or extreme emotions that they cannot control, especially as a result of a shock,”⁴⁴ actually has etymological roots in classical Greek; it comes from the word *husterikos* from the word *hustera* meaning womb.⁴⁵ Consequently, hysteria was associated with women—specifically their reproductive organs. The gendered notions about madness and women also predate Victorian psychiatry; however, the legal changes that occurred with the passage of the “Lunacy Act” standardized the study of female madness. Victorian fiction was ultimately influenced by ideas disseminated through psychiatric journals and treatises about mad women.

In this chapter, I will consider one of the most famous madwomen of the 19th - century—Bertha Mason from Charlotte Brontë’s Gothic novel, *Jane Eyre* (1847). By analyzing Bertha Mason, we can then evaluate Victorian attitudes towards female sexual expression, sexuality, and marital status. Then, through an analysis of Wilkie Collins’s novel, *The Woman in White* (1860), I will look at the ways in which manipulations of the legal loopholes of the “Lunacy Act” harmed women. This novel is a complicated tale of sleuthing, detective work, and a search for the truth. Finally, through the short tale “The Case of Lady Sannox” (1894) by Sir Arthur Conan Doyle, I will connect the strict notions of female morality with medically-sanctioned bodily mutilation. I will then conclude this chapter with an analysis of Old Bailey court transcripts that documented cases related to the mutilation of a spouse.

⁴⁴ *OED*, <https://www.oxfordlearnersdictionaries.com/us/definition/english/hysteria>

⁴⁵ *Ibid*.

The “Clothed Hyena” in the Attic: *Jane Eyre*

Charlotte Brontë’s 1847 publication, *Jane Eyre* follows the journey of its titular character from her childhood experiences as an orphan to her employment as a governess at Thornfield Hall. While at Thornfield, she forms bonds with the mercurial owner of the estate, Mr. Edward Rochester, while the shocking secret he keeps to himself ultimately threatens to sever their relationship.

A crucial figure in the development of the Victorian mad woman in literature is Bertha Mason—Rochester’s mentally ill wife who he keeps locked up in the attic. After the interrupted wedding between Jane and Mr. Edward Rochester, Bertha Mason is revealed to be Rochester’s legal wife. In the first scene that she openly appears in, the words used to describe her include: a “beast” a “strange wild animal” a “clothed hyena” a “maniac” with a “purple face” and “bloated features.”⁴⁶ Through this kind of inhuman language, Bertha is made into a monstrous figure that, at least outwardly, appears to be the villainess of this gothic story. As Showalter describes in *The Female Malady*, “The portrait of Bertha Mason depicts a time before moral management, when it is common for crazy women to be kept hidden in homes [...] or to behave or be treated like wild beasts in cruel asylums. When Rochester takes Jane to see his mad wife, she is absolutely the brutalized animal.”⁴⁷ Showalter comments on how the keeping of Bertha in the hold contributes to the animal-like state that she is in when Jane first encounters her.

In the drawing below, the “brutalized animal” that Showalter describes is brought to life in striking detail. The sketch is an artistic rendering of Bertha that was included in the 1897 Service & Paton re-printed edition of *Jane Eyre*—an edition that was printed 50

⁴⁶ Charlotte Brontë, *Jane Eyre* (New York: Random House:1943) 220.

⁴⁷ Elaine Showalter, *The Female Malady*, 67.

years after the publication of the novel. In the sketch, Bertha looks frightening and animalistic with her long, tangled black hair, obscured, shadowed face, and billowing nightgown. Many Victorians believed that madness was as physical as a person's eyes or nose. By sketching Bertha with her arms raised up with her tangled mass of hair twining around her face, the artist makes madness visible. Brontë also makes Bertha's mental illness tangible with monstrous and frightening imagery and diction. The fact that this sketch was included in the reprinted edition adds to the sense that Victorians wanted to "see" the mad woman in all her horrifying glory. The interest in Bertha Mason arises from this need to contextualize and categorize her as an unfit wife for an elite Englishman. The lingering interest in Bertha Mason—50 years after the publication of *Jane Eyre*—testifies to the ways that the figure of the mad woman was something Britons continued to grapple with well on into the Edwardian era.



F.H Townsend (1896), Third Edition of *Jane Eyre* Service & Paton
Project Gutenberg License/Available in Public Domain

When Jane first encounters Bertha after her interrupted wedding, Mr. Rochester allows Jane to see Bertha act out violently. He allows Bertha to attack him. This is a scene which scholar Phillip W. Martin explains in *Mad Women in Romantic Writing*, reveals Mr. Rochester's status as a bigamist. Bigamy, as defined in law was when a person married a second spouse while the first with the first still living.⁴⁸ The high volume of bigamy cases that were tried at the Old Bailey are due to the fact that legal divorces were very difficult to obtain and "popular" divorces, while not legal, frequently occurred among working-class Victorians.⁴⁹ Bigamy was considered a sexual offence and indeed, rather than viewing his attempted marriage to Jane as a criminal act, readers feel pity for his situation.

Bertha's mental illness is used in a way for a reader to potentially sympathize with *his* burden. When Mr. Rochester pushes Jane behind him she observes, "the lunatic sprang and grappled his throat viciously, and laid her teeth on his cheek: they struggled. She was a big woman, in stature almost equaling her husband, and corpulent besides: she showed virile force in the contest—more than once she almost throttled him [...] He could have settled her with a well-planted blow; but he would not strike."⁵⁰ The overt violence in Bertha's struggles with Rochester including using her teeth to bite makes Bertha as an *other* who is alien in comparison to the feminine Englishness that Jane and Blanche Ingram embody. It becomes inconceivable that Bertha can even be considered a wife to Edward. By making Edward the victim in Bertha's assault upon his body—a

⁴⁸ Clive Emsley, Tim Hitchcock and Robert Shoemaker, "Crime and Justice - Crimes Tried at the Old Bailey", *Old Bailey Proceedings Online* <https://www.oldbaileyonline.org/static/Crimes.jsp#bigamy>

⁴⁹ Ibid.

⁵⁰ Charlotte Brontë, *Jane Eyre*, 220.

victim who does not strike back—Rochester is cast in a sympathetic light; she is the aggressive mad woman and he is the man chained to her.

As Martin explains, “by making Bertha Mason insane, the author excuses his desire for Jane and renders him deserving of pity.”⁵¹ Rochester shows Jane his mad wife—and shows her to the reader as well—so that Bertha’s grotesqueness and violence would disturb readers and force them to question their own sensibilities, their own sense of what a marriage looks like. As Martin additionally comments:

the central confrontation of *Jane Eyre*—Bertha’s attack on Rochester—the power of the female desire released, and the woman driven mad by her lusts springs upon her husband in an impassioned act of attempted mutilation [...] what Rochester wants is its means of articulating Jane’s ‘worthiness.’ What he doesn’t want is Bertha’s madness, the mistaken desire of desire which the novel represents as unworthy.⁵²

In addition, Mr. Rochester describes Bertha’s mental deterioration to Jane, by using Bertha’s rampant sexuality as the cause and consequence of her madness. Rochester’s reasoning is neither a singular nor an isolated opinion; his reasoning is similar to the writings of physicians in the Victorian psychiatric community who associated chastity with mental hardiness and fornication with disease. As Rochester recounts to Jane, “She flattered me and lavishly displayed for my pleasure her charms and accomplishments. All the men in her circle seemed to admire her and envy me [...] I was not sure of the existence of one virtue in her nature: I had marked neither modesty, nor benevolence, nor candour, nor refinement in her mind or manners.”⁵³ Bertha’s lack of virtue and the “admiration” she received from other men are, in Rochester’s mind, symptoms of her sickness.

⁵¹ Philip W. Martin, *Mad Women in Romantic Writing*, (Sussex: The Harvester Press Limited: 1987) 124.

⁵² *Ibid.*, 128.

⁵³ Charlotte Brontë, *Jane Eyre*, 230.

He then contrasts Jane's virtue to Bertha's lack of virtue by interrupting himself to say, "but let me remember to whom I am speaking."⁵⁴ One woman is characterized as mad and the other is not. Rochester even tells Jane, "I will myself put the diamond chain round your neck, and the circlet on your forehead,—which it will become: for nature, at least has stamped her patent of nobility on this brow, Jane; and I will clasp the bracelets on these fine wrists, and load these fairy-like fingers with rings."⁵⁵ When Jane sharply rebukes Rochester's characterization of her, he responds, "You are a beauty in my eyes, and a beauty just after the desire of my heart."⁵⁶ It is ironic that Rochester wants to adorn Jane's body with lavish riches when he had criticized Bertha earlier in the novel for excessiveness. In a way, ornamentation of the female body becomes permissible if it is filtered through male desire for her to adorn herself. In addition, it is difficult to accept that the same man who falls in love with Jane is also responsible for Bertha's confinement. However, the stark contrast in the image of Jane as a soft beauty with "fairy-like fingers" with Bertha as the "clothed hyena" fiend aids a reader in understanding the inhumanness in the novel's description of Bertha.⁵⁷ As Brontë herself described Bertha's disease in a letter to her editor, W.S Williams as a state "in which all that is good or even human seems to disappear from the mind, and a fiend nature replaces it."⁵⁸ Bertha embodies a regression to crudity and baseness, "a fiend nature." Jane, on the other hand, embodies polite, refined English virtue.

⁵⁴ Ibid.

⁵⁵ Ibid., 194.

⁵⁶ Ibid.

⁵⁷ Charlotte Brontë, *Jane Eyre*, 220.

⁵⁸ As quoted by Elaine Showalter, *The Female Malady*, 67.

A compelling dichotomy develops throughout the text that allows Jane to grow as a character and causes Bertha to regress further and further into her madness. As Martin argues:

Women's madness in this novel is an essential antithetical device in a whole complex of mirror or reversed images which are employed as a means of ordering its relationships into coherence. Bertha serves as an opposite to Jane, as an opposite to Rochester, and in both roles [...] she is the licentious woman, the powerful figure of desire, condemned into madness by her transgression of gender roles. While Rochester can confess to his libertine youth and sexuality, Bertha's desire is unthinkable and monstrous.⁵⁹

The gendered language employed throughout *Jane Eyre*, especially when it comes to Bertha Mason, cannot be ignored. Her lack of bodily integrity and youthful sexual expression prior to the novel is seen as a symptom of her madness to come. Women's bodies become a space upon which madness or sanity are imprinted. When Bertha is referred to as the sultry, sexually available woman she once was she is described as "tall, dark, and majestic."⁶⁰ As Rochester's wife, as the mad woman he keeps locked away from the world, she becomes an "it"—an indescribable thing that is neither beast nor human.

A Victorian woman's virtue—specifically her chastity—was a factor in determining her sanity. Victorian psychiatrists, such as William B. Atkinson, determined that unchaste women suffered from biological disorders that manifested themselves in mental disease. One potential mental disease was nymphomania. In a nineteenth-century context, nymphomania was associated with a woman's insatiable sexual appetite, an excess of female desire. Atkinson described in his 1880 publication, *The therapeutics of*

⁵⁹ Philip W. Martin, *Mad Women in Romantic Writing*, 130.

⁶⁰ Charlotte Brontë, *Jane Eyre*, 229.

gynecology and obstetrics, comprising the medical, dietetic, and hygienic treatments of women, nymphomania was a:

symptomatic disease of the ovaries, of the uterus, or of the vaginal or vulvar pruritus. In all cases a close study of its causative relations is demanded, with a view to their removal [...] Occasionally this disease is distinctly of centric origin, dependent upon obscure cerebral or cerebellar disorganization, when it is to be considered one of the symptoms of mania.⁶¹

Atkinson's multi-part text described treatment plans with sedatives such as potassic bromide and the removal of the clitoris (clitoridectomy) as "justifiable where other means fail."⁶² The notion that a woman's sexuality was a moral malady that could be 'cured' was an aspect of womanhood that Victorian physicians grappled with. Atkinson makes "nymphomania" a bodily illness by pointing to diseases in the female reproductive system. He even notes that if the disease is not located in her uterus, it was a neurological condition in the brain prompted by mania. In addition, the last recourse of treatment is a physical removal of a body part—the clitoris. The removal of the clitoris, a physical part of the vulva that stimulates pleasure, was seen as a last possible remedy to cure women with nymphomania. By removing this part of her body, Victorian physicians believed her mental malady could be cured. Though this association between female bodies and their sanity was not particular to just the Victorian age, the abundance of psychiatric literature devoted to this topic, demonstrates a particular keen interest on the part of medical men in female mental health. In the Victorian imagination, if bodily illnesses could be treated then mental imbalances could be restored.

Ultimately, the figure of Bertha Mason becomes a source of anxiety for a Victorian audience; a fear of what could potentially be hiding in the domestic sphere—

⁶¹ William B. Atkinson, *The therapeutics of gynecology and obstetrics, comprising the medical, dietetic, and hygienic treatments of women*, (Philadelphia: Briton: 1880) 155.

⁶² *Ibid.*, 156.

the mad woman that lurks within the confines of the home and the husband who entombs her in the domestic space. During the night, while settled in her bed, Jane hears “a demonic laugh—low, suppressed, and deep—uttered, as it seemed, at the very key-hole of my chamber door. The head of my bed is near the door, and I thought at first the goblin-laughter stood at my bedside—or rather, crouched by my pillow.”⁶³ Unbeknownst to Jane, Bertha is wandering the halls of Thornfield. In this scene, she haunts a domestic space and, more specifically, an intimate area of the home—the bedchamber—Jane’s bedchamber. In a convoluted way, Bertha is establishing her presence in the household, in the only tangible way she can by haunting the woman that her lawful husband is treating like a mistress of the home. Bertha lives in the home for years, is isolated from humanity for years, and has no interaction with the outside world. Bertha physical self becomes horrific because she is treated horrifically by her husband.

As Michel Foucault argues, “Madness borrowed its face from the mask of the beast [...] as if madness, at its extreme point, freed from that moral unreason in which its most attenuated forms are enclosed, managed to rejoin, by a paroxysm of strength, the immediate violence of animality.”⁶⁴ Foucault critiques the idea that madness is a product of untethered reason. Bertha’s madness, the violent description, is similar to Foucault’s idea that madness “borrowed its face from the mask of the beast.” The language used to describe Bertha is like an animal because she is treated like one. Though she is not chained to the wall in an insane asylum she is interred at Thornfield, the lady of the house in the most darkly ironic of ways.

⁶³ Charlotte Brontë, *Jane Eyre*, 109.

⁶⁴ Michel Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason* (New York: Vintage Books: 1965), 72.

Bertha's husband is both the tragically heroic figure who loves Jane ardently but is also the very same man who entombs his wife in the attic and is disgusted by the mere thought of her. As Rochester himself reveals to Jane about his reasoning for disavowing Bertha:

That woman, who has so abused your long-suffering—so sullied your name; so, outraged your honour; so, blighted your youth—is not your wife; nor are you her husband. See that she is cared for as her condition demands [...] Let her identity, her connection with yourself, be buried in oblivion: you are bound to impart them to no living being. Place her in safety and comfort: shelter her degradation with secrecy, and leave her.⁶⁵

Rochester's complete repudiation of Bertha and his dismissal of her as his wife is one of the most monstrous actions to take place in the novel. It is all the more monstrous because it is difficult to characterize this monstrosity when the justification is based in "safety" and "comfort." Bertha is depicted as physically grotesque, but Mr. Rochester's actions are villainous. He strips his wife of the safe refuge of a home, a space that is her domain, when he chooses to confine her and continue to live his life as a single, eligible man without a care for the woman he had once vowed to protect. Bertha Mason, the mad woman of *Jane Eyre* is no madder than any woman who was so reviled and held in such extreme contempt by the one person she should have been able to rely upon for bodily and emotional security.

Victorian Anxieties, Womanhood, & Confinement: *The Woman in White*

The Woman in White, written by Wilkie Collins and published in 1860, is a novel with multiple narrators who give varying accounts and perspectives of pivotal events and major characters. The story begins with Walter Hartwright, a young artist who has secured position as a teacher in Cumberland. As he traverses the streets of London on his

⁶⁵ Charlotte Brontë, *Jane Eyre*, 232.

final day before traveling to his post, he has a chance encounter with an enigmatic woman dressed in white. He later learns that the woman he encountered in the dark escaped from a mental asylum that very night. The plot that follows demystifies this ghostly woman and asks the reader critical questions about insanity, lust, and avariciousness.

The dedication page for *The Woman in White* gives the reader a clue of what the novel to come is about. Collins dedicated his novel to Bryan Waller Procter the Metropolitan Commissioner of Lunacy from 1832-1861. In a story that engages the reader through hidden clues in the minutest of details, Collins's dedication hints at the themes of insanity and confinement to come.

After the novel's commercial success with audiences across Great Britain and America, Collins decided to preface the 2nd edition and address his readers directly. He discusses why the novel resonated with readers and even wrote, "The only narrative which can hope to law a strong hold on the attention of readers is a narrative which interests them about men and women—for the perfectly obvious reason that they are men and women as well."⁶⁶ This story is about men and women—specifically it is about gender dynamics and power.

There are many different elements of this lengthy text that can be analyzed in terms of gender relationships, abuse of power, and violence. This thesis specifically analyzes the Victorian anxiety about wrongful confinement in insane asylums. It also looks at the ways in which this fear manifests itself in the false confinement of two women in *The Woman in White*. Collins's novel emphasizes a particularly complicated

⁶⁶ Wilkie Collins, *The Woman in White* (Dent: Everyman's Library: 1966), xiv.

view that Victorians had regarding madness and confinement. As scholar Peter McCandless articulated in the article, “Liberty and Lunacy: The Victorians and Wrongful Confinement,”

The Victorians’ attitude towards wrongful confinement, like so many of their views, were paradoxical. While they were horrified by the prospect of lunatics at large, and fervently supported involuntary confinement for the insane, they were equally terrified by the thought of sane persons languishing in mad houses, and often viciously attacked those in charge of mental patients.⁶⁷

Victorians were deeply concerned with confining lunatics to insane houses, but they also worried about the sane being treated as insane. As Foucault ironically articulated, “Unreason was hidden in the silence of the houses of confinement.”⁶⁸ In the Victorian imagination, mad houses concealed irrationality and madness. On the other hand, it was also a space that they feared because it had the potential to be used to house the rational and the sane. The crux of the issue was the government’s authority to keep people in insane houses, even against that person’s will. The simultaneous acceptance of mad houses and the fear of them is part of the ways that Victorians understood madness and its perceptibility. The seemingly contradictory attitude Victorians held towards madness becomes more easily understood when one considers that Victorians believed that madness was visible. Madness was a disease reflected in a person’s countenance and bodily health.

The belief that madness could be mapped onto a person’s body and countenance in Collins’s novel is complicated. After Walter Hartwright encounters the “woman in white,” converses with her, and later learns that she is an asylum escapee, Walter is distressed by the fact that he did not perceive her madness. He muses:

⁶⁷ Peter McCandless, “Liberty and Lunacy: The Victorians and Wrongful Confinement” *Journal of Social History* 11 (1978): 367.

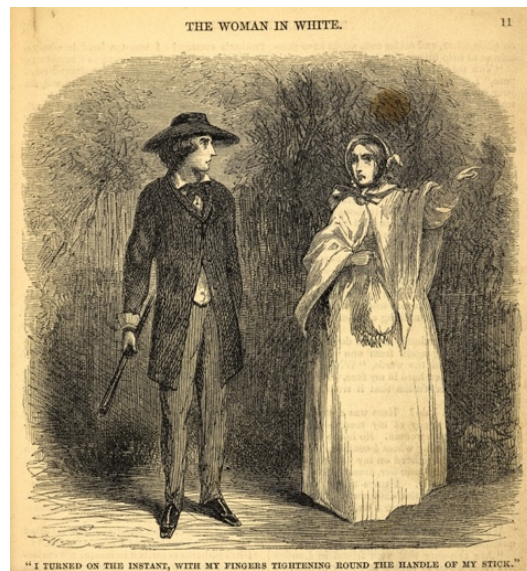
⁶⁸ Michel Foucault, *Madness and Civilization*, 84.

The idea of absolute insanity which we all associate with the very name of an Asylum, had, I can honestly declare, never occurred to me in connection with her. I had seen nothing, in her language, in her actions, to justify it at the time; and even with the new light thrown on her by the words which the stranger had addressed to the policeman, I could see nothing to justify it now. What had I done? Assisted the victim of the most horrible of all false imprisonments to escape; or cast loose on the wide world of London and unfortunate creature, whose actions it was my duty, and every man's duty, mercifully to control?⁶⁹

Walter's palpable emotional distress stems from the fact that he did not *see* her madness when he was conversing with 'the woman in white.' He knows nothing about her—not her name, history, marital status—but he believes after a single interaction with her that she was either falsely confined or that his inability to see her madness when he encountered her unleashed an "unfortunate creature" on "the wide world of London." The real anxiety that Walter expresses in the above quote is shaped by his inability to map this unknown woman's madness onto her body.

Collins teases out this Victorian attitude and asks the reader to reconsider what lunacy looks like. In the illustration below, included in the 1860 U.S edition of the novel, Walter stares at a well-dressed woman covered in a cape and bonnet. There is nothing in her physical countenance that alerts Walter to her potential 'madness.' In this sketch below, Walter's eyes are facing the woman directly. He sees her unencumbered, yet he cannot see her madness. This is unlike the sketch analyzed earlier in the novel in which the viewer was given obvious clues to Bertha's madness. The tension between visibility and invisibility are captured in this sketch in which an innocuous-looking woman is asking for directions from a respectable-looking Englishman.

⁶⁹ Wilkie Collins, *Woman in White*, 22.



Walter Hartwright first encountering “the woman in white” (Anne Catherick)
 Illustrated edition of *The Woman in White*. 1860. New York.
 British Library/Available in Public Domain

Besides the complicated relationship between madness and its visibility, Collins’s novel also grapples with the notion that medical practitioners—specifically psychiatrists, were complicit in the false confinement of the sane. In the novel, Anne is not the only woman to be put in an insane asylum.⁷⁰ Sir Percival has his own wife Laura Glythe (née Fairlie) declared legally insane in a plot to seize control of her wealth and assets. Count Fosco, one of the villains of the novel, conspires with Sir Percival to have Laura declared insane. Near the end of the novel he insinuates that the doctors that diagnosed Laura’s ‘insanity’ did so because Fosco paid them off. He declares:

I also procured the services of two gentlemen, who could furnish me with the necessary certificates of lunacy. One of them I know personally; the other was known to Monsieur Rubelle. Both were men whose vigorous minds soared superior to narrow scruples—both were laboring under temporary embarrassments—both believed in me.⁷¹

⁷⁰ Sir Percival persuades Mrs. Catherick (Anne’s mother) to have Anne committed because he mistakenly believes she knows his “secret”—that he is actually an illegitimate son and forged his parent’s marriage certificate.

⁷¹ Wilkie Collins, *Woman in White*, 533.

For these doctors, their “temporary embarrassments” (most likely money issues) overcome their “narrow morals” and they declare Laura insane. Fosco is one of the corrupt, wicked characters of this novel and anyone that he refers to as “vigorous” and “superior” most likely possesses neither of these qualities. Collins is in fact insinuating that these medical men, who are paid off by Fosco, are unethical and untrustworthy. Laura is forced into this an asylum by her husband, by Fosco, and by the male physicians who give Sir Percival the legal loophole to do so. The legal loophole was the requirement that two licensed physicians must declare a person insane in order for them to be forcefully confined in an asylum.⁷²

The English public, however, often resented the authority the law gave medical men in certifying the insane. After the passage of “Lunacy Act” in Parliament, a number of lobbyist organizations developed in response. The Alleged Lunatic’s Friend Society was established in 1845 and later, the Lunacy Law Amendment Society was established in 1873. Some of the most active members of these organizations were often former asylum patients who believed that they had been falsely committed and mistreated. For instance, Luisa Lowe, the founder of the Lunacy Law Amendment Society alleged that her family was responsible for falsely committing her to an insane asylum.⁷³ Another member, Thomas Mulock, a journalist, alleged that he was falsely confined for insulting a justice of the peace.⁷⁴ Victorians increasingly doubted in the veracity of the certification process that determined insanity.

⁷² Peter McCandless, “Liberty and Lunacy” 368.

⁷³ Peter McCandless, “Dangerous to Themselves and Others,” *Journal of British Studies* 23 (1): 1983, 87.

⁷⁴ Ibid.

Even if Victorian psychiatrists did not deliberately and falsely declare a person insane, Victorians still were anxious about medical professionals and their ability to correctly diagnose insanity. As McCandless articulates, doctors:

frequently differed sharply over the mental state of a particular individual. This could hardly inspire confidence in their judgement. [...] Many doctors seemed to be constantly trying to enlarge the boundaries of insanity, constantly adding to the symptoms that indicated mental derangement. This certainly inspired fear, and periodically, rage.⁷⁵

In the novel, Count Fosco, a self-styled “chemist,” even claimed that he used his chemical knowledge on “Marian’s rescue from the hands of the licensed imbecile who attended her, and found [his] advice confirmed from first to last by the physician from London.”⁷⁶ It is also unnerving for a reader to realize that Fosco considers himself to be a proficient dabbler in medicine. The Victorian anxiety about physicians, whether they be self-serving or foolish, was a real fear that manifests itself in *The Woman in White*. Women’s sanity (or lack thereof) was in the hands of male physicians who could have them confined in an insane asylum against their will. Their wellbeing in their own homes depended on their husbands. Lastly, their legal rights were determined by the men running Parliament.

Collins also employs another Victorian attitude about unjust confinement—from their perspective, confinement was, primarily, a middle and upper-class issue because monetary gain was the main cause of unlawful imprisonment. When Sir Percival has Anne imprisoned in an asylum it is to protect his claims to legitimacy (in the form of property and inheritance), and when he has Laura confined it is to have control of her wealth. In both cases, the protection of and the pursuit of monetary resources is the

⁷⁵ Peter McCandless, “Liberty and Lunacy” 368.

⁷⁶ Wilkie Collins, *Woman in White*, 547.

primary objective in having the women declared insane. As McCandless describes the phenomenon:

In the minds of many Victorians money was the root of the problem of wrongful confinement. No one was likely to commit a working-class person to get his money; the well-off did not have this safeguard [...] the fact that many more of the sensational cases revolved around money disputes helped confirm the popular view.⁷⁷

Sir Percival's greed embodies this Victorian anxiety that the desire for more wealth was the root of wrongful confinements. A real-life example of this was sensationalized in the media, though in this real-life case a man was wrongly confined. His story of false confinement is told in the media and perhaps his gender enabled him to speak out and be heard by a wider Victorian audience. In August 1838, a man was falsely confined due to a monetary dispute with his father. A man by the name of Richard Paternoster alleged that his father had him wrongfully confined over a familial disagreement over money that had been promised. After being confined for six weeks, the lunacy commissioners voted to release him in a 6-4 vote.⁷⁸ After his release, Paternoster brought legal actions against his father and other who had any part in his confinement. The defendants in the case paid all legal fees for Paternoster and agreed to a lifetime annuity of £150. Both reality and fiction reflected this Victorian anxiety regarding monetary gain and confinement.

Finally, Anne's false confinement becomes particularly gendered when she is sent to an insane asylum following a direct confrontation with a male authority figure. Anne's story, prior to her appearance at the beginning of the novel, is told in the final chapters by her mother, Mrs. Catherick. Her mother admits to being "never overfond" of her daughter.⁷⁹ Sir Percival had come unannounced to Mrs. Catherick's home, angry after an

⁷⁷ Peter McCandless, "Liberty and Lunacy" 369.

⁷⁸ Peter McCandless, "Liberty and Lunacy" 372.

⁷⁹ Anne dies from a heart condition in the novel following her escape from the insane asylum.

argument they had a day prior in which Mrs. Catherick declared—in the presence of Anne—that she could ruin him “if [she] chose to open [her] lips and let out his Secret.”⁸⁰ There is no evidence that Anne had any knowledge of what this “Secret” was but she had heard her mother speak these words to Sir Percival. When he barges into Mrs. Catherick’s home the following evening, he tells her to “turn the idiot out” so that they could continue their conversation. As Mrs. Catherick describes Anne’s reaction she claims:

She had always had crazy notions of her own about her dignity, and that word “idiot” upset her in a moment. Before I could interfere, she stepped up to him in a fine passion. “Beg my pardon directly,” said she, “or I’ll make it worse for you. I’ll let out your Secret. I can ruin you for life if I choose to open my lips.” [...] it ended, as you probably guess by this time, in his insisting on securing his own safety by shutting her up.⁸¹

Sir Percival did not insist that Anne be confined when she overheard her mother threaten him with his “Secret.” He demands she be put in an asylum after she stands up to him after he refers to her as an idiot. It is not Anne’s “knowledge” that is being punished but rather her outward defiance and assertion of power. When Anne defends herself against the male authority in the room (specifically in her home) she is punished. In addition, the term “idiot” had psychiatric undertones in a nineteenth-century reading of the term. When Sir Percival called Anne an idiot, he implies that she is “so profoundly disabled in mental function or intellect as to be incapable of ordinary acts of reasoning and conduct.”⁸² Though Mrs. Catherick dismissively claims that Anne had “crazy notions of her own about her dignity,” Anne’s insulted and vehement reaction to Sir Percival’s words is understandable as his insult is provocative.

⁸⁰ Wilkie Collins, *The Woman in White*, 485.

⁸¹ Wilkie Collins, *The Woman in White*, 487.

⁸² *Oxford English Dictionary*,
<http://www.oed.com/view/Entry/91049?rskey=tfZ3J6&result=1&isAdvanced=false#eid>

Anne's death could also be seen as a symbolic consequence of reaching for power. She not only defies Sir Percival by threatening him, but she also flouts the male patriarchy by escaping from the insane asylum. As the novel winds down, the woman who unforgettably entered the start of the novel fades away in a reader's imagination. As Walter Cartwright hauntingly describes it, "Like a shadow she first came to me in the loneliness of the night. Like a shadow she passes away in the loneliness of the dead."⁸³ The consequences of abusing the law and manipulating fears about mental illness are widespread. Sir Percival's decision to have not one, but two women falsely confined had ripple effects that touched every character in this novel, many more people suffered because of the law's inability to protect these vulnerable women.

All in all, the sensational fiction that is *The Woman in White* reflects Victorian anxieties about madness, confinement, and the reach of the law. The "mad woman" is a trope that reflects Victorian ideas about mapping madness onto female bodies.

Surgery & Morality: "The Case of Lady Sannox"

Sir Arthur Conan Doyle published *Round the Red Lamp Being Facts and Fancies of Medical Life*, in 1894 and shocked readers and critics alike who had expected a collection of short stories à la Sherlock Holmes. Instead, Doyle drew from his experiences as a former physician. He had studied medicine from 1876 to 1881 at the University of Edinburgh Medical School. In 1879, while still in medical school, he had his first story, "The Mystery of Sasassa Valley," published in the *Chamber's Medical Journal*.⁸⁴ The stories in *Round the Red Lamp* are an interesting glimpse into the mind of

⁸³ Wilkie Collins, *Woman in White*, 504.

⁸⁴ Philip K. Wilson, "Arthur Conan Doyle" *Encyclopaedia Britannica* (Encyclopædia Britannica, Inc.: February 13, 2019) <https://www.britannica.com/biography/Arthur-Conan-Doyle>

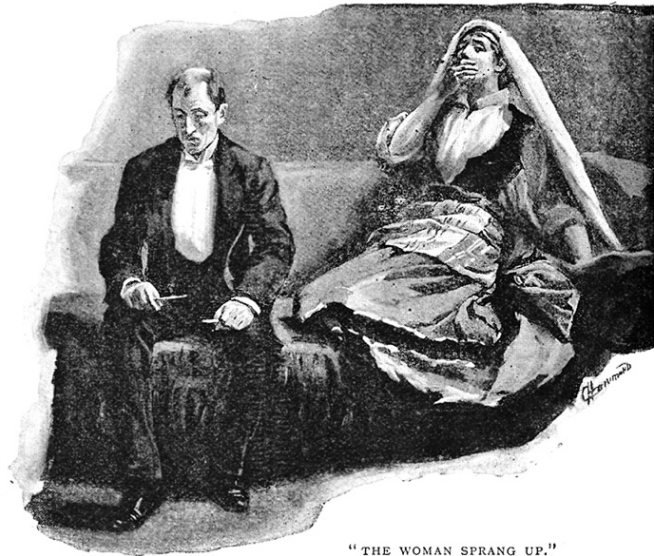
a man who was both a writer and a trained physician. The tales range from “The Doctors of Hoyland” a story about a surly county doctor who shares his practice with a ‘masculine woman’ to “Lot No. 249” wherein a reanimated Egyptian mummy haunts a medical student.

The short story “The Case of Lady Sannox” is about a married woman Lady Sannox, a society darling, who has a scandalous sexual liaison with Douglas Stone, a lauded surgeon, known as much for his surgical skills as his avaricious sexual appetite. One night, prior to a scheduled meeting time with Lady Sannox, a distraught Turkish man comes to Mr. Stone’s home and asks him to save his wife. After persuading him with gold, the Turkish man tells Dr. Stone that his wife cut her lip on a poisonous dagger and she will die if a portion of her lip is not excised. The good surgeon is at first reluctant to do so but, after the Turkish man assures him that there is no other option and that his wife is sedated by opium, Dr. Stone surgically removes part of the woman’s lip.

After the excision is made, the woman shrieks in pain and Dr. Stone realizes that the woman is none other than Lady Sannox—the woman with whom he had held his scandalous affair— and that “the Turk” was actually Lord Sannox. Lady Sannox is mutilated by her own lover and Lord Sannox laughs as he tells Dr. Stone that he kept his appointment with his wife after all. In this scenario, both Lady Sannox and her lover are victims, but she is punished much more violently and maliciously than Dr. Stone. Lady Sannox is punished for her unseemly behavior as the wife of an aristocrat and for acting like a fallen woman. Dr. Stone is punished for reaching beyond his station and carrying on his affair with a lord’s wife. Though Dr. Stone is a respected physician and indulges his appetite for luxury, he is still a member of the middle class. The social hierarchy respected the talents and intelligence of professions like physicians and lawyers, but there

was still a sharp barrier between men like Lord Sannox (an aristocrat) and men like Dr. Stone (a working professional). By forcing Dr. Stone to use his skillful hands that heal for the purposes of mutilation, Lord Sannox devastates a man who was reaching beyond his social class. He uses the female body as a tool to punish Dr. Stone

In the sketch below included in *The Idler* periodical publication of the story, Lady Sannox is clutching her mutilated lip as her lover looks down somberly at the medical instrument that he used to violate her. The mutilation of Lady Sannox's lips, the part of her body that kisses men, is an analogy for female genital mutilation.



"The Woman Sprang Up" by the Misses Hammond
The Idler periodical, November 1893. The Arthur Conan Doyle
 Encyclopedia/Available in the Public Domain

The mutilation of Lady Sannox's lips, a physical insult to the part of her body that lied to her husband as she lay with her lover, is a means of ruining her sexual desirability. It is also sexually symbolic of the vulva (symbolic of the part of her body most explicitly connected to sexual transgression). Prior to her identity reveal, Dr. Stone tells the Turkish man "the disfigurement will be frightful" to which the seemingly distressed husband

replies, “I can understand that the mouth will not be a pretty one to kiss.”⁸⁵ Earlier in this chapter’s discussion of Bertha Mason, genital mutilation was brought up as a last-ditch cure for female mental maladies. For instance, a clitoridectomy was viewed as an acceptable medical practice by psychiatrists in the treatment of nymphomania—“a disease by which the most chaste and modest woman is transformed into a raging fury of lust.”⁸⁶ It was a treatment prescribed if the woman did not respond to other treatments like digitalis or potassic bromide. A clitoridectomy, like the mutilation of Lady Sannox’s lips, was seen as a cure for a moral ailment. Lord Sannox even claims, “It was really very necessary for Marion, this operation [...] not physically, but morally, you know, morally.”⁸⁷ Lady Sannox’s operation was to cure a “moral” ailment rather than a physical one. Madness, from Lord Sannox’s point of view, manifests itself in Lady Sannox’s wanton sexual expression. He justifies the mutilation of her body by claiming that it is an “operation”; one that would cure his wife of her moral malady.

Wounding Cases, Gender & The Old Bailey Proceedings

In the proceedings of The Old Bailey, London’s Central Criminal Court, there are a multitude of nineteenth-century transcripts about “wounding” cases that are classified as “Breaking Peace” crimes that not only detail shocking mutilations but also have critical implications regarding punishments depending on whether or not the perpetrator is a man or woman.

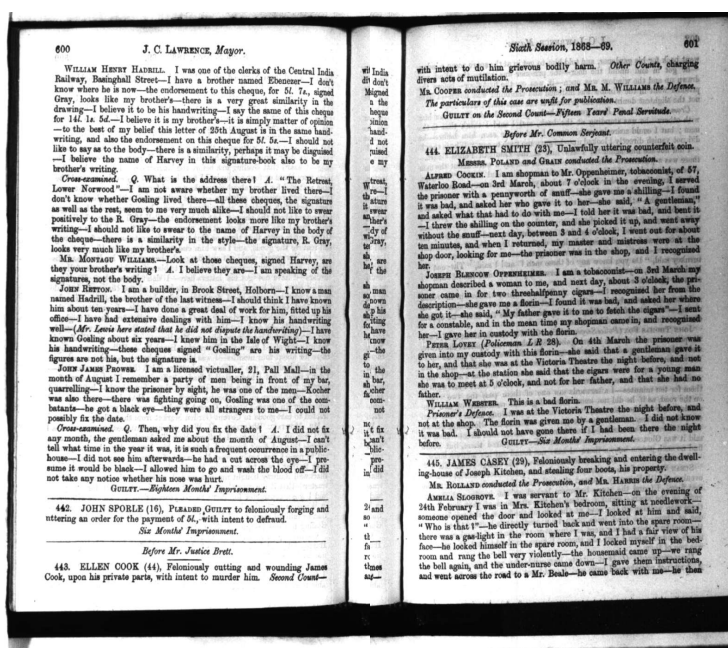
In proceedings from the 5th of April 1869, for instance, Ellen Cook was charged with “Feloniously cutting and wounding James Cook, upon his private parts, with intent to murder him. *Second Count*—with intent to do him grievous bodily harm. Other Counts,

⁸⁵ Arthur Conan Doyle, *Round the Red Lamp* (Waiheke Island: Floating Press: 2010) 60.

⁸⁶ Henry Maudsley, *Body and Mind*, 74.

⁸⁷ Arthur Conan Doyle, *Round the Red Lamp*, 61.

charging diverse acts of mutilation.”⁸⁸ In this case, a forty-four-year-old woman was charged with mutilating her husband’s “private parts.” She was found guilty of the second count and sentenced to fifteen years penal servitude. The most interesting aspect of this case is what is not included in the court transcripts. According to the document, “the particulars of this cote [sic] are unfit for publication.”⁸⁹



“Unfit for publication” publication of Ellen Cook’s crime and sentencing. April 5th, 1869. Old Bailey Project Online/Fair Use

Ellen Cook mutilated her husband and in “The Case of Lady Sannox” a husband intentionally had his wife mutilated. One crime is punished severely and is considered unfit for public viewing while the other is justified as a medical ‘correction.’ The gender dynamics when it comes to physical mutilation of sexual organs cannot be ignored. In one case, mutilating a wife is restorative act and in the case against Ellen Cook, it is

⁸⁸ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 6.0, 17 April 2011), April 1869, trial of Ellen Cook (t18690405-433) <https://www.oldbaileyonline.org/browse.jsp?id=def1-443-18690405&div=t18690405-443#highlight>

⁸⁹ *Ibid.*

grievous bodily injury. The social, medical, and legal apparatuses concur that men have the power to correct their wives. One act is criminal and the other is medical.

In another Old Bailey from January 1st, 1838 a husband was indicated for unlawfully cutting and wounding his wife, Mary Anderson, “in and upon the face, and left eye, with the intent in doing, to maim, disfigure, and disable her.”⁹⁰ His second indictment was “for stating his intent to be, to do her some grievous bodily harm.”⁹¹ When Mrs. Anderson gave her testimony she described that her husband had come home intoxicated and they had quarreled verbally about money he had earned and spent on drink. She described, “he gave me a kick as I was under the dresser—I did not hear him say anything—I had not heard him speak a word—I had said nothing to him in the house—he kicked me in the eye.” She recounted that kick rattled her senses and she did not know what happened after, until she woke up outside with her neighbors surrounding her. One of their neighbors, Anne Rice, testified:

I heard a disturbance, and heard Anderson’s children screaming at the door. I heard Mrs. Anderson say, “For God’s sake do not hit me any more [sic], you will kick my eyes out”—that was at the time that the children were screaming—I ran over, went into the house, and saw her lying before the fire—I thought she was dead [...] I said to him, ‘For God’s sakes Anderson, what are you about, you have killed her’—he said, ‘It makes no odds to you, go out, trouble your head about your own business.’⁹²

The testimony above portrays David Anderson as guilty of the crimes of which he has been accused of. The testimony is solid, until Anderson alleges that he wife was drunk and “had been drinking in the afternoon.” Later, he testified that he is normally not prone

⁹⁰ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 6.0, 17 April 2011), January 1838, trial of David Anderson (t18380101-338)
<https://www.oldbaileyonline.org/browse.jsp?id=t18380101-338-offence-1&div=t18380101-338#highlight>

⁹¹ Ibid.

⁹² Ibid.

to drinking. The court decided to charge him with a lesser offense of common assault and his punishment is 3 years confinement.⁹³

Together these two cases, show the different ways in which the law treats violent male and female perpetrators. The ways in which bodily integrity is protected for one sex and not the other is telling of the ways in which ownership and power over female bodies was interpreted by a nineteenth-century audience. David Anderson mutilated his wife's face and witnesses testified to that effect, but the court showed him clemency in its sentencing. Though there are no details provided in Ellen Cook's case, the harsh punishment she received demonstrated that no testimony swayed the magistrate. Anderson's case turned in his favor when he not only pled for clemency but also when he accused his wife of drunkenness (a moral vice) as well. By portraying her as a woman prone to drink, Anderson was able to potentially distract from his own culpability for harming his wife. Reading through the lines, the gendered dynamics in these cases are evident when it comes to guilt and sentencing.

Throughout the Victorian age, mental health, the law, medical violence, and mutilation all interacted with each other in gendered ways. In some circumstances, when the law would deem certain aspects "unfit for publication," authors wrote stories and created characters that unearthed the violent consequences the law obscured. Ultimately, mental illness for women was mapped onto their bodies, and Victorians wanted to see that these women were kept separate from the rest of society in insane asylums. The legal

⁹³ Ibid.

loopholes created by the “Lunacy Act” provided opportunities for those who wanted to keep these women shut away, the legal means of doing so. Many of the so-called “mad women” were not so mad at all; rather, as these texts suggest, the label of madness was a means of othering and invalidating the experiences of Victorian women who did not fit the rigid social definition of womanhood.

The next chapter will analyze another type of womanhood that was heavily stereotyped and demonized. The following chapter focuses on a type of Victorian woman whose body was often used by men in private and reviled in public. The next chapter analyzes “the fallen woman.”

Chapter III

The Fallen Woman, “Daughters of Shame”

“Well, my big beauty, what can I do for you?”-Thomas Hardy, *Tess of the D’Urbervilles* (1891)

“I am chained to my old life. I loathe, and I hate it now, but I cannot leave it. I must have gone too far to turn back.” -Charles Dickens, *Oliver Twist* (1837-1839)

Victorian Context

The figure of the fallen woman occupied a particularly uncomfortable space in the Victorian imagination. She both fascinated and repulsed Victorians. On the one hand, the fallen woman prompted men and women of status to save her from her disgraced state by creating shelters for impoverished and abused women. On the other hand, a fallen woman was considered the opposite of the “angel in the house”—she was not chaste, innocent, submissive, or self-sacrificing. In the above quote from Thomas Hardy’s *Tess of the D’Urbervilles* the main character Tess is referred to as a “big beauty” by Alec D’Urberville. Much of the language in the novel that describes Tess focuses on her body and sexual availability, demonstrating how the bodies of fallen women were often spaces that onto which male desire was mapped.

The second quotation from the novel *Oliver Twist* by Charles Dickens focuses on the way that a fallen woman can become trapped in this social category and is unable to break free from society’s chains and expectations of her. The bodies of fallen women and the social and legal restrictions that Victorian society tried to impose on them interacted in complex ways as we will see later in this chapter. Fallen women— whether viewed by Victorian society to be sexually debased and morally degraded or as a victim in need of saving—nonetheless served as inspiration for works of art, poetry, songs, and literature throughout the Victorian age.

The idea of a woman falling out of societal favor and into ruin was a centuries-old English attitude rooted in the Biblical tale of Adam and Eve. Eve, the first fallen woman, consumed the fruit of knowledge that God explicitly told her not to eat. Then, she seduced her husband into consuming the fruit as well. Victorian-era portraits of Eve like Franz von Stuck's painting *The Sin* depict Eve as a coconspirator with the Devil to seduce Adam. In the painting below what appears to be a dark dress is actually the body of the serpent twined around her body. The bodily image of her being sensually touched by the snake implies her corrupt and debauched state. In addition, both she and the serpent are boldly gazing at the viewer; as if seducing the viewer to sin with her.⁹⁴



The Sin by Franz von Stuck, 1893. Available in Public Domain.

⁹⁴Beth Harris and Steven Zucker, "Franz von Stuck, *The Sin*," *Smart History*, December 9, 2015. <https://smarthistory.org/franz-von-stuck-the-sin/>

In a predominately Christian country, the sexually promiscuous woman was the physical embodiment of Eve and her defiance of God. In a larger patriarchal Christian context, men were the victims, and women were the perpetrators. 1 Timothy 2:14 argues, “And Adam was not deceived, but woman being deceived was in the transgression.”⁹⁵ Woman falls, and man rises above. By creating a lineage for fallen women—starting from the point of creation—the implication was that female sin was more wicked than male sin and that women inherited their disposition to sin from the first fallen woman.

Furthering this connection between fallen women and sin, nineteenth-century British artist and poet, Dante Gabriel Rossetti, in the painting below portrays Lilith, a woman who is the first wife of Adam in Jewish texts. She also has deep associations with sexual wantonness and female eroticism.⁹⁶ The 1867 painting is titled *Lady Lilith*, and, in the painting, she is seductively combing her hair with her bare shoulder exposed. A critical element in the depiction of fallen women is their bodies and the temptation of their bodies. Attached to the original artwork, Rossetti included lines from Johann Wolfgang von Goethe’s tragic play *Faust*, “Beware...for she excels all women in the magic of her locks, and when she twines them round a young man’s neck, she will not ever set him free again.”⁹⁷ Rossetti used his mistress as a model for the portrait. Fallen women captured the imagination of many Victorians and—in their most lofty state—they were depicted as temptresses aware of their beauty and as seductresses who ensnare men in their clutches. In a painting like *Lady Lilith*, fallen women are depicted as

⁹⁵ 1 Timothy 2:14, *King James Bible*, <https://www.kingjamesbibleonline.org/1-Timothy-2-14/>

⁹⁶ Rabbi Jill Hammer, “Lilith, Lady Flying in the Darkness,” *My Jewish Learning*, <https://www.myjewishlearning.com/article/lilith-lady-flying-in-darkness/>

⁹⁷ *Metropolitan Museum of Art*, <https://www.metmuseum.org/art/collection/search/337500>

beauties with a modicum of control over their lives. The reality of fallen women was that they were often vulnerable to the violence of men and the laws that policed their bodies.



Lady Lilith by Dante Gabriel Rossetti, 1867. The Metropolitan Museum of Art, New York. Available in Public Domain.

In the Victorian imagination, the category of fallen women included women from all walks of society. It described women who had sex—or were even presumed to have had sex—outside of marriage. It also included women who had been assaulted or raped, working class women like barmaids or servants, and prostitutes who served all classes of society. It became an all-encompassing term to describe women whose bodies were considered open, sexual spaces. Throughout the nineteenth-century, there were two opposing attitudes towards fallen women. Some believed that these women should be rehabilitated and reintegrated into society. Others felt it was necessary to criminalize them for their promiscuity as made evident—most dramatically—in the 1860s with the notorious “Contagious Diseases Acts,” which I will examine later in this chapter.

In addition to religious views, patriarchy was a social system during the Victorian age that maintained rigid gender norms and thereby had a part in abuse and violence in the home. It also acted to suppress women and their sexual expression. The behavior of fallen women was antithetical to the Victorian model of the home in which husbands and fathers controlled the sexual behavior of their wives and daughters. In the 1851 painting, *The Outcast* by Richard Redgrave, spatiality and patriarchy visually interact.



The Outcast by Richard Redgrave, 1851. Royal Academy of the Arts, London. Available in Public Domain.

The Outcast depicts a fallen woman with her infant child forced out of her home by an angry father. On the floor of the home is a letter and a small coin purse—items that indicate the woman may have accepted money from a lover or had correspondence with a lover. The fallen woman's sister is on her knees with her arms stretched out towards her father as if beseeching him not to cast her sister out into the cold, winter night. The mother in this painting watches but does nothing to stop her husband. Her placid facial expression indicates that she will be obedient.

The clash of colors in this painting, the warm colors of the home and the darkness of the night represent both the anger and cold brutality of the patriarch in this painting. Interestingly, the fallen woman is not the antagonist of this painting; rather,—her father is the villain in this piece with his angry expression and callous actions. In the Victorian home space, the division of labor was such that men operated outside the home and women operated within it. As seen in this painting, men (especially fathers) had the final word on who was allowed into the private space. As scholar John Tosh argues, Victorian men surveilled the behavior of their wives and daughters “to be sure [that] he was not providing for—or still worse passing on his property to—another man’s child.”⁹⁸ In addition, “the man who was not master in his own house courted the scorn of his male associates, as well as economic ruin and uncertain paternity. It is not surprising that political thinkers held that the authority relations of the household were a microcosm of the state: disorder in one boded ill for the stability of the other.”⁹⁹ The woman with her child is the victim of this painting —she is a woman about to be thrust out into the cold, unforgiving world. She suffers under the harmful patriarchy that tells her that she no longer belongs in the home—she belongs in the streets.

The debate about the fallen woman also took place in the literary works of the Victorian age, as evidenced by novels including, *Oliver Twist* by Charles Dickens, *Mary Barton* by Elizabeth Gaskell, and *Tess of the d’Urbervilles* by Thomas Hardy. The Victorian legal field also interacted with fallen women in different ways. “The Contagious Diseases Acts,” and its policing of accused fallen women, is an example of how Parliament criminalized these women for their behavior. In addition, the types of

⁹⁸ John Tosh, *A Man’s Place: Masculinity and the Middle-Class Home in Victorian England*, (New Haven: Yale University Press: 2007), 3.

⁹⁹ Ibid.

sexual crimes at the Old Bailey during the Victorian age have interesting implications regarding the treatment of fallen women in the legal system.

Fallen Women & Physical Abuse: *Oliver Twist*

Charles Dickens's 1838 novel, *Oliver Twist* follows the story of its young, titular character who escapes an abusive life as a nine-year-old orphan who labored in a child workhouse. He flees to the streets of London and from there Oliver's story truly begins. He navigates the brutality and pain of London street life and interacts with many characters along the way, including Bill Sikes— a thuggish criminal in a city gang— and his abused companion Nancy. Nancy is fiercely protective of Oliver and often saves him from bodily harm and injury.

Charles Dickens creates an intentionally complex, ambiguous “battered woman” in the form of Nancy. In the novel, she is repulsed by the life she lives, but she sees no way to turn back and change things. It is implied in the novel by Sikes's treatment of Nancy that she is a prostitute who lives a life of crime and petty thievery, though the novel never explicit calls her a streetwalker or a fallen woman. Sikes beats her repeatedly in the novel and when she finally attempts to break free of the abuse cycle, Sikes kills her. Regarding her struggles, Nancy states, “I am chained to my old life. I loathe and I hate it now, but I cannot leave it. I must have gone too far to turn back.”¹⁰⁰ Nancy loathes her life as Sikes's companion, hates his physical and emotional abuse, but feels “chained” to it. Nancy's status as a low-class, unmarried female made her invisible both legally and morally in the Victorian imagination. Dickens, however, chooses to shed light on the experiences of these women who are often denied legal protections.

¹⁰⁰ Charles Dickens, *Oliver Twist*, (New York: Heritage Press: 1939) 435.

Dickens's novel was written 15 years before the "Better Prevention and Punishment of Aggravated Assault Upon Women and Children Act" of 1853. This Act gave Magistrates and Justices of the Peace the power to punish persons who committed assaults upon the bodies of females and male children under the age of 14.¹⁰¹ This was a critical step forward in legal measures that protected women and young children against violent assaults. It is important to remember, however, that despite these legal measures that promoted bodily safety for women, Nancy's status as an impoverished, probable prostitute who is a petty thief who sells her body to make a living would have left her outside the protection of the law. Potentially, she would have feared the law as it had left her outside the scope of protections in other ways. When Nancy stated, "I am chained" and "I cannot leave it," Dickens encourages his readers to see her as shackled, hopeless, and unfree and therefore to be pitied. The abuse dominates Nancy's life and she sees no escape. Yet, there is tension that develops in Dickens's portrayal of Nancy: she is both a woman whose body is her source of income and she is also a woman that many Victorians would have pitied for the abuse she suffered. The Victorian emphasis on the angelic, moral woman of the home gave a narrow scope of womanhood and a limit on the types of women who are protected under Victorian law.

Dickens's portrayal of Nancy's abuse, generated sympathy from his Victorian readers as they grasped her lack of agency and grappled with the reality of abuse. At one point, a reader feels sympathy for Nancy as she struggles against Sikes's violent physical assault.

Sikes looked on, for a minute, watching his opportunity, and suddenly pinioning her hands dragged her, struggling and wrestling with him by the way, into a small

¹⁰¹ Criminal Procedure Act 1853, *1853 Chapter 30*, <http://www.legislation.gov.uk/ukpga/Vict/16-17/30/enacted>

room adjoining, where he sat himself on a bench, and thrusting her into a chair, held her down by force. She struggled and implored by turns until twelve o'clock had struck, and then, wearied and exhausted, she ceased to contest the point.¹⁰²

The physicality and the brutality of the violent imagery are overwhelming. The verbs used, including “struggling,” “wrestling,” and “thrusting,” are brutal ones and intentionally jarring. A Victorian audience would not have overlooked the overt and unequal power dynamic between Sikes and Nancy, between male and female. The savage way in which he takes away her ability to leave him is rooted in the power dynamics between Victorian men and women. Dickens intentionally put Nancy in a gray area; a Victorian reader would have wanted to condemn Nancy for the life of prostitution and petty thievery that she lived, but the raw, brutal violence she experienced would have made her pain difficult to justify. The clear, intense language that Dickens uses to describe Nancy’s assault starkly demonstrates her lack of agency. The reader imagines her abuse, and the violent imagery of the novel made it difficult for a nineteenth-century audience to write her off as a poor, thieving amoral woman undeserving of their sympathy.

Critics, at the time that *Oliver Twist* was published, even accused Dickens’s portrayal of Nancy of being exaggerated and inaccurate. They did not think that Dickens’s portray of fallen women as vulnerable victims was true to life. One such critic was William Makepeace Thackeray, a British satirical novelist. He believed, “who knows life well, knows that [Dickens’s] Miss Nancy is the most unreal fantastical personage possible; no more like a thief’s mistress than one of Gessner’s shepherdess resembles a

¹⁰² Charles Dickens, *Oliver Twist*, 417.

real country wench.”¹⁰³ In the 1841 reprinted edition of *Oliver Twist*, Dickens responded to his critics and wrote in the preface:

It is useless to discuss whether the conduct and character of the girl seems natural or unnatural, probable or improbable, right or wrong. IT IS TRUE. Every man who has watched these melancholy shades of life, must know it to be so [...] From the first introduction of the poor wretch, to her laying her blood-stained head upon the robber's breast, there is not a word exaggerated or overwrought. It is emphatically God's truth.¹⁰⁴

Dickens saw his character as a “melancholy shade” and a “poor wretch.” He felt pity for the woman he created. He writes that “every man who has watched” these women, knows that his characterization of Nancy in the novel is authentic. His ardent defense of his portrayal of her hints that Dickens himself has “watched” these women, interacted with them, and felt his representation vis-à-vis Nancy is “God's truth.”

Dickens's history helps a reader understand his motivation for portraying Nancy as someone worthy of a reader's pity. Throughout his life, Dickens involved himself in Urania Cottage, the Home for Fallen Women as well as other homes for prostitutes.¹⁰⁵ His past experiences working with fallen women informed the ways in which he portrayed them in his novels. In 1846, Angela Georgina Burdett-Coutts, a wealthy philanthropist and heiress to the Coutts bank fortune, persuaded Dickens to involve himself in the creation of the Home. At first, Dickens was unmoved, but Ms. Coutts managed to persuade him that the home was a practical way to express their Christian beliefs.¹⁰⁶

¹⁰³ Diana C. Archibald, “Of All the Horrors...The Foulest and Most Cruel: Sensation and Dickens's *Oliver Twist*” *Victorian Sensations: Essays on a Scandalous Genre* ed. Kimberly Harrison, Richard Fantina (Ohio State University Press: 2006), 56.

¹⁰⁴ *Ibid.*, 57.

¹⁰⁵ Jane Rogers, “Dickens and his involvement in Urania Cottage,” *Victorian Web*, 2003.
<http://www.victorianweb.org/authors/dickens/rogers/8.html>

¹⁰⁶ Jacqueline Banerjee, “Angela Georgina Burdett-Coutts (1814-1906) Philanthropist (and the first woman to receive peerage)” *Victorian Web*, February 26, 2010.
<http://www.victorianweb.org/gender/burdettcoutts.html>

In his experiences with women in the Home, Dickens learned that empowering the fallen women to live better lives was more productive than disparaging them for their past choices. As he wrote in one of his letters, “She is degraded and fallen, but not lost, having the shelter; and the means of Return to Happiness, are now about to be put in her own hands.”¹⁰⁷ As scholar George Watt argues, “What Dickens challenges through Nancy’s presence in *Oliver Twist* is the mistaken idea that a woman is either fallen or not, either totally corrupt or pure [...] Nancy might be a harlot, the companion of murderers and thieves, but she can still be essentially good.”¹⁰⁸ Unlike the women of Urania Cottage, however, Nancy never receives help or breaks out of the destructive cycle of abuse. By representing her gruesome death at the hands of her abuser, Dickens challenges the idea that fallen women are solely responsible for their lot in life and thereby comments on the ways in which abused women are treated by wider Victorian society.

Nancy’s plotline in *Oliver Twist* centers on the physical violence that could be inflicted upon the bodies of fallen women. This is the woman without protection—no husband, no father, no household to which she belonged. She walked the streets of London without bodily security. This lack of safety created spaces for physical abuse to occur. It is critical to note that it is not only physical abuses that these women experienced. They are also vulnerable to emotional trauma, hunger, lack of sleep, separation from their families, the risk of diseases including venereal diseases such as syphilis and gonorrhea.

¹⁰⁷ As cited from Jane Rogers, “Dickens and his involvement in Urania Cottage,” 2003.

<http://www.victorianweb.org/authors/dickens/rogers/8.html>

¹⁰⁸ George Watt, *The Fallen Woman in the Nineteenth Century English Novel* (London: Routledge: 2016), 12.

Fallen Women & Emotional Abuse: *Mary Barton*

Mary Barton, published in 1848, was Elizabeth Gaskell's first novel. She set this story in the city of Manchester and focused on issues relating to the Victorian working-class. This novel centers on a young Victorian woman who has learned that poverty means struggle and hardship. Her name is Mary, and she is named after her mother who died during childbirth. As she looks for a means to escape poverty, the avenues available to her include living as a mistress to a man, without any of the promises of marriage. Without a mother to guide her and a self-absorbed father, Mary would have lost her virtue. Characters, including her disgraced aunt Esther, successfully maneuvers her away from the path of a soiled woman.

The main male character in the novel, John Barton, loses his wife, Mary, and his newborn child during childbirth. The nurse who attends the birth attributed Mary's death to "some shock to the system."¹⁰⁹ John latches on to this explanation and believes that his sister-in-law's (Esther) abrupt departure from the Barton's home was the "shock" that causes Mary's death. He blames Esther, berates her, calls her a streetwalker, and refuses to listen to her when she warns him that his daughter is in danger of losing her virtue. As a fallen woman, Esther's voice is muted in the novel. Though she has important information to share, her voice is drowned out by her brother-in-law's unrelenting verbal abuse. John's verbal castigation of Esther starts prior to her disappearance and continues when these two characters meet once more in *Mary Barton*.

At the start of the novel, John speculates about Esther's disappearance and discusses his wife's anxiety over what may have happened to her sister and why she

¹⁰⁹ Elizabeth Cleghorn Gaskell, *Mary Barton*, (Project Gutenberg Electronic Book: 2013), 26.

disappeared. He tells his friend George Wilson about the conversation he had with Esther that led to her emotion-fueled departure. John had told Esther that she would eventually become a streetwalker. He had disparaged her and claimed, “I see what you’ll end at with your artificials, and your fly-away veils, and stopping out when honest women are in their beds: you’ll be a street-walker, Esther, and then, don’t you go to think I’ll have you darken my door, though my wife is your sister?”¹¹⁰ When John describes Esther’s emotional reaction to being called a soon-to-be streetwalker, he claims, “She flushed up like a turkey-cock, and I thought fire would come out of her eyes.”¹¹¹ John attacks Esther’s moral character because, as he sees it, she dressed up with “artificials” and “fly-away veils.” At the start of the novel, Esther works in a factory and earns her own income; she is able to afford nice clothing and accessories. John as a working-class man represents a male Victorian anxiety about women and economic independence. By earning an income and purchasing her own things, Esther breaks free of the gender molds that separated stereotypes that positioned men as public actors and women as private ones. John’s attacks on her moral character are a result of the male anxiety about the Victorian women who operated outside the controlled space of the home. When John claims that Esther “flushed up like a turkey-cock” and he describes “fire” in her eyes, he characterizes her as the opposite of the demure, submissive, “angel of the home,” the opposite of the idealized version of what Victorian womanhood should be.

The language John uses to berate Esther is masculine, charged language. By using gendered language, he makes it seem like Esther is intruding into the male world. His characterization of an independent, fiery Esther creates a space to justify his verbal abuse

¹¹⁰ Ibid.,6.

¹¹¹Ibid.

of her. It is critical to note that as John's wife, Mary does not stop him when he verbally berates her younger sister. She embodies the ideal of the "angel in the house" as she does not have to work outside of the home, and she defers to her husband—even at the expense of preserving her sister's moral character.

After Esther leaves her sister's home, she begins an affair with a soldier and becomes pregnant with his child. He consequently abandons her; Esther's baby dies in infancy. Without an income or work prospects, Esther turns to prostitution to sustain herself. While she is out walking the streets one night, she encounters her former brother-in-law. Without allowing Esther to utter a word, he shouts:

I've looked for thee long at corners o'streets, and such like places. I know I should find thee at last. Thee'll maybe bethink thee o' some words I spoke, which put thee up at th' time; summut about streetwalkers [...] no one thinks thou art, who sees thy fine draggle-tailed dresses, and thy pretty pink cheeks!¹¹²

John Barton crows that he predicted Esther's fate as a streetwalker, and he further boasts that it was her "dresses" and "pink cheeks" that brought her low. He continues to mistakenly believe that she fell into prostitution because she liked the fineries that being a working-class woman afforded her. As scholar Amanda Anderson describes in her book, *Tainted Souls and Painted Faces*, "Barton reacts to Esther's "faded finery" and painted face but he fails to interpret them as emblems of social injustice as we would expect him to."¹¹³ John has no sympathy, no compassion for a family member. His callous treatment of Esther is best represented by painting, *The Outcast* by Richard Redgrave. Victorian patriarchy is not forgiving of women who transgressed against it. Not once did John stop his verbal tirade long enough to allow Esther the opportunity to speak for herself and tell

¹¹² Ibid., 152.

¹¹³ Amanda Anderson, "Melodrama, Morbidity, and Unthinking Sympathy: Gaskell's Mary Barton and Ruth" *Tainted Souls and Painted Faces: The Rhetoric of Fallenness in Victorian Culture* (New York: Cornell University Press: 1993), 116.

her story. Her life story had nothing to do with cosmetics and adornments but instead is a tale of abandonment, desperation, and death. As scholar Elizabeth Starr describes,

As the narrator reveals that, for Esther, fallenness is not the outcome of her preference for finery and public flirtation (as John Barton maintains) but of the pressing need, in the face of her child's suffering, to work, she sympathetically presents Esther as her contemporary; when readers initially see Esther on the street, she is occupied with plot rather than prostitution.¹¹⁴

The plot of this story focuses on Esther as a person who could potentially save Mary from losing her virtue. The reader does not see Esther prostituting herself; rather, a reader sees her trying to do something good—trying to save the daughter of her beloved sister. This characterization of Esther is sympathetic, when she turns to prostitution, she does so to support her child, not for “finery and public flirtation.”

John's verbal abuse towards his former sister-in-law does not end with him lashing out, but rather extends to telling her that he blames her for her sister's death. This verbal attack leaves Esther hurt and crying in the streets. Her public display of grief catches the attention of the local police. Esther is arrested, brought before the 'New' Bailey, and sentenced to one month in jail for disorderly vagrancy. The connection between the emotional trauma John inflicts upon her when she was already in a 'fallen' state and her subsequent arrest are related occurrences. After John delivers sharp verbal cuts to her, “her face [grew] deathly pale around the vivid circle of paint, in vain did she gasp for mercy.”¹¹⁵ John callously goes in for the killing blow when he claims:

Does thou know it was thee who killed [Mary], as sure as ever Cain killed Abel? She'd love thee as her own, and she trusted thee as her own, and when thou wert gone she never held head up again, but died in less than a three week; and at her judgement-day she'll rise, and point to thee as her murderer; or if she don't, I will.¹¹⁶

¹¹⁴ Elizabeth Starr, “‘A Great Engine for Good’: The Industry of Fiction in Elizabeth Gaskell's *Mary Barton* and *North and South*” *Studies in the Novel* 34 (4) 2002: 385.

¹¹⁵ Elizabeth Gaskell, *Mary Barton*, 152.

¹¹⁶ *Ibid.*

John cares not of the damage his words inflict on Esther. Like Sikes's physical abuse of Nancy, John's verbal attacks upon Esther are just as harmful. He uses the biblical tale of Cain and Abel—the story of one brother slaying the other—to describe the effects of Esther's disappearance on Mary. This scene emphasizes the binary of the angel and the whore, with Mary representing idealized female virtue and Esther female vice and wickedness. John tries to rationalize his wife's and child's death and assuages his own pain by attacking the very woman his wife so cherished.

Furthermore, after John verbally attacks Esther, he throws her into the streets—treating her as if she was nothing more than a piece of rubbish rather than a human being. John, “-flung her, trembling, sinking, fainting, from him and strode off.” The physicality of Gaskell's words impacts a reader. A reader recognized that John not only refuses to listen to Esther, but he is also physically repulsed by her. After he flings Esther-

she fell with a feeble scream against the lamp post, and lay there in weakness, unable to rise. A policeman came up in time to see the close of these occurrences and concluding from Esther's unsteady, reeling fall, that she was tipsy, he took her in her half-unconscious state to the lockups for the night.¹¹⁷

Without uttering more than a few words in her own defense, Esther gets shuffled from the hands of one man to another, from her brother-in-law to the police officer, her fate in the hands of men who could not understand her plight. Esther's body is treated like an exchange, and her fate is shuffled between male hands. This exchange is a particularly striking aspect in Gaskell's characterization of the fallen woman. Esther's state is a result of men who misunderstand her and abuse her.

¹¹⁷ Ibid., 153.

Esther's abuse is no less striking compared to Nancy from *Oliver Twist* just because there are no violent scenes of physical abuse in *Mary Barton*. Esther fell because her family treated her as a morally questionable woman due to her financial independence early on in the novel. Gaskell also generated sympathy for Esther by portraying her as a woman brought low because men in her life told her that she was nothing more than a street-walker, a floozy, a debauched woman. Men made her feel like she was nothing more than a sexual body to be used. Esther did not start out as fallen but rather became so as her self-worth diminished. As scholar Nina Auerbach argued about Victorian sympathy towards fallen women, "Then and now, she seems to enlightened minds a pitiable monster, created by the neurosis of a culture that feared female sexuality and aggression and so enshrined a respectably sadistic cautionary tale punishing them both."¹¹⁸ Auerbach's analysis is critical in terms of *Mary Barton* because though Gaskell sympathetically depicts Esther's plight, Esther dies near the end of the novel without any kind of redemption. She is "punished" for her deeds and pays for her loose behavior with her life. Esther's death is described tragically—she fell "into what appeared simply a heap of white or light-coloured clothes, fainting or dead, lay the poor crushed Butterfly—the once innocent Esther."¹¹⁹ Though the image of Esther's death is beautiful and bloodless, she is still a dead woman. Her life ended, and her death becomes part of the tragic narrative of *Mary Barton*. The lasting message is this: Once a woman falls it is almost impossible for her to rise again.

Rape, Working-Class Women, & the Law: *Tess of the D'Urbervilles*

The novel *Tess of the D'Urbervilles* was written and published in 1891 by the

¹¹⁸ Nina Auerbach, "The Rise of the Fallen Women" *Nineteenth Century Fiction* 35 (1) 1980: 31.

¹¹⁹ Elizabeth Gaskell, *Mary Barton*, 487.

English author Thomas Hardy. The story opens with a fresh-faced, young sixteen-year-old Tess Durbeyfield—the eldest daughter of an uneducated haggler who buys vegetables from farmers and sells them to retailers. Tess’s father, John, learns that he is a descendent of the d’Urbervilles—an aristocratic, well-to-do family. He sends his daughter, Tess, on her own to “claim kin” with the d’Urbervilles. While visiting the d’Urbervilles, Tess encounters Alec d’Urberville—the handsome, young inheritor of the d’Urberville fortune—who finds himself infatuated with the young, attractive beauty. Tess ends up working for the d’Urbervilles and takes up residence in their home. One night, Alec rapes Tess while she sleeps in the woods. She is in the woods because she was attacked by other household servants because of the attention Alec lavishes on her. As seen in the other novels analyzed earlier in this chapter, men are often complicit in the fall of these women. Alec is not the only man responsible for Tess’s fallen state, her father is as well. Tess’s father sends his barely of age daughter on her own to visit people she has never met before. He provides her with no protections against assault. Tess is put in this vulnerable position by her greedy father and Alec takes advantage of Tess’s vulnerability.

After her rape, Tess returns home and eventually she gives birth to her son, Sorrow. She begins working in the fields to support her infant child. Sorrow dies suddenly, an event that leaves Tess grief-stricken. Later in the novel, Tess encounters a traveling farmer’s apprentice—Angel Clare. She and Angel fall in love and they eventually wed. After their wedding, Tess tells Angel about her past and about her child Sorrow. Instead of understanding Tess’s plight and her losses he claims he cannot not forgive her for bearing another man’s child. Angel decides that he needs to travel to Brazil for a year—he leaves his distraught wife behind. Tess returns to her home to find her father has died; her father’s drinking habits and poor money management left her

family destitute. She returns to Alec and he convinces her that Angel would never return for her. Alec and Tess engage in a relationship that, in exchange, provides funds to support her family. Near the end of the novel, Angel returns for Tess and finds her in a relationship with Alec. She tells Angel to never return to her. Later, Tess confronts Alec about his story that Angel would never come back for her. During their confrontation, Tess stabs Alec in the heart with a carving knife. She goes on the run with Angel, but is caught by the police and arrested for Alec's murder. She is sentenced to death. Angel and Tess's sister watch as a black flag is hung and raised—a symbol that Tess's execution occurs.

The scene that describes Tess's assault is one that has ignited much rich scholarly debate in the field of Victorian studies. Many scholars affirm that, though the rape was not described with overtly violent imagery, there are details in the scene that a Victorian reader would have noticed and associated with a rape. The scene began with Alec shouting:

“Tess!” said d’Urberville. There was no answer. The obscurity was now so great that he could see absolutely nothing but a pale nebulousness at his feet which represented the white muslin figure he had left upon the dead leaves. Everything else was blackness alike. D’Urberville stooped; and heard a gentle regular breathing. He knelt and bent lower, till her breath warmed his face, and in a moment his cheek was in contact with hers. She was sleeping soundly, and upon her eyelashes there lingered tears.¹²⁰

There is no verbal communication that passes between Tess and Alec in this scene. This scene is set in the middle of the night and Alec approaches Tess without her invitation or her consent. Hardy makes it clear for a reader that Tess “was sleeping soundly” and did not respond to Alec's call when he shouts her name. This scene uses points of contact

¹²⁰ Thomas Hardy, *Tess of the d’Urbervilles*, 44.

such as “her breath” and “his cheek” to describe the bodily invasion that Alec forced on Tess. Later in the scene, there are lines such as, “Doubtless some of Tess d’Urbervilles mailed ancestors rollicking home from a fray had dealt the same measure even more ruthlessly towards peasant girls of their time.”¹²¹ Rape was historic and had occurred over the centuries, and that “the same measure” was what Tess experienced in that moment. Tess, a “peasant girl,” is trapped in the nightmare of finding a man she trusted taking her innocence without her consent. Tess’s assault connects with the wider narrative about a fallen woman’s lack of bodily security; Alec takes advantage of the fact that Tess has no one to protect her. As scholar William A. Davis Jr. describes about the sexual assault scene in the novel, “We may assume then, that Tess does not communicate with Alec because she is asleep. We may further assume that Alec knows that Tess is sleeping, for he hears her ‘gentle regular breathing’ and receives no response to his direct address [...] the passage, in short [...] establishes her lack of consent to Alec’s advances.”¹²²

During the Victorian age, rape was illegal, and a number of rape cases are recorded in the Old Bailey and other Victorian legal sources. The Victorian legal definition of rape came from an Elizabethan statute that defined rape as, “the carnal knowledge of a woman forcibly and against her will.”¹²³ This vague language of “carnal knowledge” often left to the judge and jury to deliberate and decide as to whether or not the woman in question was violated with or without her consent. Tess’s rape in the novel is never treated as a legal matter nor does she seek legal avenues of justice against Alec. This lack of legal proceedings became part of a social commentary on the class

¹²¹ Ibid., 44.

¹²² William A. Davis Jr., “The Rape of Tess: Hardy, English Law, and the Case for Sexual Assault” *Nineteenth-Century Literature* 52 (2) 1997: 223.

¹²³ Carolyn A. Conley, “Rape and Justice in Victorian England” *Victorian Studies* 29 (4) 1986: 520.

distinction between her and Alec. It also alludes to the ways that the law at the time would have treated a fallen peasant woman. I extrapolate that Tess was aware of this and may have perhaps internalized the widespread cultural narrative of a fallen woman being responsible for the violations of her body. The percentage rates of rape convictions in Victorian Kent, as analyzed by scholar Carolyn A. Conley, clarify the ways in which the Victorian legal definition of rape was often interpreted by magistrates and juries. In Kent, “the conviction rate for rape trials was only 40 percent—for all other felonies it was 80 percent [...] Only 21 percent of the men accused of rape actually stood trial for that offense [...] 26 percent of the charges of rape or attempted rape heard by Kentish magistrates were either dismissed outright or heard as minor offences.”¹²⁴

Tess’s rape may not have even been treated as a rape in the court of law. Conley also found that “in 30 percent of the cases in which domestics charged their employer with rape, the magistrates dismissed the charges against him and fined her for being absent from service without permission.”¹²⁵ In one case that was printed in the *Maidstone and Kentish Journal* in December 1863, two sons of a gentleman were charged with raping a household servant. The servant stated that she was too ashamed to tell anyone except for the house cook and the assailants’ sister about her assault. The defense attorney in the case asked if a woman, “could be forcefully violated in such circumstances? Why had she quietly served at breakfast the very men who she desired to make out had committed this unpardonable outrage upon her?”¹²⁶ The case was dismissed after both of the defendants testified that they had sex with the house maid many times. In this journal article, these men of status and wealth were not held accountable for their

¹²⁴ Ibid., 521.

¹²⁵ Ibid., 526.

¹²⁶ Ibid., 527.

rape. Potentially, if they were found guilty their charges were often lessened and small monetary fines were paid as seen in other journal articles that documented rapes that occurred between a male employer and a maid or servant woman or girl. Justice was seldom achieved for working-class women like Tess.

Tess, a young sixteen-year-old peasant girl was no match (legally) for a male inheritor of a substantial fortune. Scholar William A. Davis Jr. argued that Hardy wished to remind his readers “of the status of working-class women and their relation to the law.”¹²⁷ Davis also argued that as a working woman, Tess may have been unaware of her legal rights. He claims:

Tess may simply not know how to proceed against Alec legally because she understands neither the law nor her place in it. Her lack of understanding is made explicit later in the book when her husband, tells her, ‘You don’t understand the law’ [...] She cannot seek legal help from a system that she apparently knows nothing about.¹²⁸

In addition to not seeking legal aid from a system she knows nothing about; this legal system is also one that does not protect victims when the accused are wealthy men. For instance, the same Kentish journal published an article in 1872 about the Earl of Norbury. He was charged with raping a fourteen-year-old servant of his household. His defense attorney argued, “The girl has no cause for complaint for, assuming her statement to be true, that Lord Norbury had been with her, she had received compensation.”¹²⁹ When it came to working-class women and their employers, defense attorneys often successfully argued that their client’s respectability and their place in the social hierarchy rendered them incapable of such sexual crimes. The perceived respectability of a gentleman was

¹²⁷ William A. Davis Jr., “The Rape of Tess,” 227.

¹²⁸ Ibid., 227.

¹²⁹ Conley, “Rape and Justice in Victorian England,” 527.

often the best tactic a defense attorney used to get his gentleman client's case dismissed or get the charges significantly lessened. Alec had the respectability of his heritage and his inheritance on his side, Tess only had herself and Sorrow. Tess was no match legally for Alec and the path Tess's life takes after her assault makes that painfully clear for a reader.

Finally, the emphasis Hardy placed on Tess's overt sexuality and the ways that men in the novel are enticed by her body added to Hardy's commentary on the dichotomy between the "angel in the house" and the "fallen woman." Tess was innocent to the ways of the world prior to her rape and even afterwards she still found hope for potential redemption in her relationship with Angel. In the most crucial ways, Tess is not depicted as an ideal Victorian woman—she is sexually attractive, she works outside the home, and she has a child outside of marriage. Tess internalized these attitudes that told her she was no 'angel' and began to see herself the way men see her—as a sexual body.

At one point in the novel, when Alec chastises Tess for looking at him for too long and inspecting him too closely, she responds to his criticism by stammering "with a flush, 'I beg your pardon!' And there [in her] was revived in her the wretched sentiment which had often come to her before, that in inhabiting the fleshly tabernacle with which nature had endowed her she was somehow doing wrong."¹³⁰ In this scene, Tess is rebuked for inspecting a man, but it is permissible for men to examine her closely. It is notable that Tess is meant to be gazed upon, but she can never return that gaze. To be able to look is to have power, to be looked upon is to lose power.¹³¹ Tess internalizes the Victorian attitudes leveled against her for her sexuality when she refers to her own body

¹³⁰ Thomas Hardy, *Tess of the d'Urbervilles*, 182.

¹³¹ Michel Foucault, *The Birth of the Clinic: An Archaeology of Medical Perception* (Routledge: Taylor and Francis: 1973).

as a “fleshly tabernacle.” She describes her body like a holy site—as if her body is a site that men can enter to find sanctuary and release. Tess has a low level of self-worth because she sees herself the way Alec and other men like her father see her—as a body to be used.

Regarding the creation of Tess’s character, Hardy once commented, “I have not been able to put on paper all that she is, or was, to me.”¹³² Tess is a fallen woman brought low by the men in her life. A young girl’s infatuation turned into a nightmarish assault and a young wife’s worst nightmare occurs when her husband abandons her. Tess’s circumstances are a product of the men in her life. Her father and his greed send her into the arms of her rapist. Alec was her first girlhood infatuation and he violates her. Angel was the husband with whom she found hope again and he abandons her without giving her word that he will return to her. Tess’s story is a series of sorrows and as a character she forced Victorians to grapple with their prejudices regarding fallen women.

“Contagious Diseases Acts”: Criminalizing Fallen Women

Between the years 1864 and 1869 Parliament passed four laws known collectively as the “Contagious Diseases Acts”. There was little public coverage of these Acts in newspapers as the subject matter was considered “unfit” for publication. These Acts aimed at limiting the spread of venereal diseases among men in the armed services. The law detailed that women, especially those who lived near military stations and portside towns, presumed to be prostitutes could be arrested by officers and brought before a magistrate to be questioned. The ambiguous term “prostitute” allowed officers to arrest young girls (some girls as young as 13) under the pretense of prostitution. The women

¹³²Richard Little Purdy & Michael Millgate, *The Collected Letters of Thomas Hardy Volume I (1840-1892)*, (Oxford: Oxford University Press: 1978) 249.

were forcefully subjected to a medical examination—even without their consent—to determine if they carried any venereal diseases. If the woman carried a venereal disease, the examiners sent her to a local hospital. In this institution, and by a physician's recommendation, she could be detained for three months or longer. If a woman resisted, she could be imprisoned with the added punishment of hard labor.¹³³

In reaction to these laws, Dr. C.W. Shirley Deakin published for the Medical Society of the University College, London, a pamphlet that defended the State's choice to regulate prostitutes. He first stated, "Prostitution, gentlemen, is no passing evil; from the earliest records of our race even to the present time we find that the daughters of shame have been ever present among men." He goes on to claim that prostitution, "is a necessary evil only in the same sense that poverty and disease are necessary evils, and it is almost as impossible to eradicate one as the others. Prostitution is a 'great and permanent fact.'"¹³⁴ Deakin argues in favor of the regulation of the diseases that prostitutes carried, and claimed, "The Contagious Diseases Acts are framed on no assumption as to the possibility or impossibility of eradicating prostitution [...] it is the bounden duty of the State to take due precautions to preserve the Public Health and to prevent the spread of contagious disease of every kind."¹³⁵

Proponents of the "Contagious Diseases Acts" argued that the laws were aimed at reducing the spread of contagious venereal diseases—a laudable social cause. These Acts, however, only applied to women and examined only their bodies. The State gave itself the power to force women into hospitals and prisons based off the assumption that

¹³³ Margaret Hamilton, "Opposition to the Contagious Diseases Acts, 1864-1886" *Albion: A Quarterly Journal Concerned with British Studies* 10 (1978): 14-27.

¹³⁴ Charles Deakin, *The Contagious Diseases Act, from a sanitary and economic point of view*, (London: University College Medical Society: 1872), 2.

¹³⁵ *Ibid.*, 3.

they were prostitutes. In contrast, the Acts do not police any of the military men who solicited prostitutes. Although the men could have been the carriers of the venereal diseases, they went unpunished. The burden of guilt landed on women who were already deemed “fallen” by their own society.

However, these Acts did not go uncontested. Many middle and upper-class Victorian women argued that these Acts violated women’s rights because of the forced gynecological procedures. In addition, many working-class men also felt that the “Contagious Diseases Acts” violated their authority as husbands, fathers, and brothers of the women being accused. There is this interesting dynamic between feminist principles being used to argue against these Acts and the conservative, male protectionists impulses that motivated a number of Victorian men to involve themselves in the cause. One of the most vocal activists against the Acts was Josephine Butler who in 1869, along with fellow activist Elizabeth Wolstenholme, founded the “Ladies National Association for the Repeal of the Contagious Diseases Acts” (LNA).

In 1870, members of the LNA created a manifesto, signed by 124 women, and published in a London newspaper. Later, they had a copy of the LNA Manifesto delivered to Parliament bearing the signatures of around 2,000 women. As British historian and professor Judith R. Walkowitz argues, the women of the LNA “opposed the sexual and political prerogatives of men. They rejected the prevailing social views of ‘fallen women’ as pollutants of men and depicted them instead as victims of male pollution, as women who had been invaded by men’s bodies, men’s laws, and by that ‘steel penis’, the speculum.”¹³⁶ Many Victorian activists, including Butler, argued that the

¹³⁶ Judith R. Walkowitz, “Male Vice and Feminist Virtue: Feminism and the Politics of Prostitution in Nineteenth-Century Britain” *History Workshop* 13 (1982): 81.

Acts themselves were unconstitutional and violated the basic Civil Liberties of these women. They specifically cited Articles 39 and 40 of the Magna Carta which stated that “no freeman could be denied his freedom without a trial by his peers. [Butler] was especially opposed to the provision requiring prostitutes to undergo compulsory medical examinations because she considered this provision an infraction of liberty, and the examination demeaning.”¹³⁷ Josephine Butler wrote in her memoir *Personal reminiscences of a great crusade*:

A member of Parliament, fully sympathetic with us, said to me: ‘Your manifesto has shaken us very badly in the House of Commons: a leading man in the House remarked to me, ‘We know how to manage any other opposition in the House or in the country, but this is very awkward for us—this revolt of the women. It is quite a new thing; what are we to do with such an opposition as this?’¹³⁸

The opposition and Parliament struggled to counter a foe that they had seldom seen mobilized and ready to fight—women.

The arguments for and against the “Contagious Diseases Acts,” illuminate that “fallen women” occupy opposing spaces in Victorian society— some Victorians championed the rights of these women and others further victimized them.

Sexual Crimes & The Old Bailey Proceedings

The charge of sexual offences included the most brutal forms of sexual assault. The most common forms of illicit sexual activities, including prostitution, were not crimes that with brought before magistrates at the Old Bailey. Crimes like prostitution and adultery (until the Divorce Act of 1857) were considered matters of religious morals and these cases were tried in the ecclesiastical courts. The sexual crimes prosecuted at the

¹³⁷ Margaret Hamilton, “Opposition to the Contagious Diseases Acts, 1864-1886” *A Quarterly Journal Concerned with British Studies* 10 (1) 1978: 17.

¹³⁸ Josephine Elizabeth Grey Butler, *Personal reminiscences of a great crusade*, (London: H. Marshall: 1898), 11.

Old Bailey included: assault with intent to rape, assault with sodomitical intent, bigamy, keeping a brothel and procuring, rape, and sodomy.

Rape was defined in the Old Bailey as “the forced sexual intercourse with a woman against her will.”¹³⁹ In 1841, rape was no longer treated as a capital crime, and in the subsequent decades the number of rape charges in the Old Bailey increased significantly. In addition, after 1841, the conviction rate for rape charges rose to 50% (up from 5% in the eighteenth-century).¹⁴⁰ Reviewing the court transcripts from the Old Bailey, it becomes evident that many of these cases have sparse records due to the cultural attitudes towards sex and the body. Even newspapers that reported on the sexual crimes tried at the Old Bailey could be censured for including “indecent materials.”¹⁴¹

For instance, the indictment of Thomas William Neatherstreet, aged 19 for rape only listed his guilty verdict and his punishment of transportation. It is likely that he would have been transported to Australia and confined to hard labor.¹⁴² Prior to 1776, male convicts who were punished with transportation were shipped off to America. In the nineteenth-century, Australia became the main site for penal transportation. In 1857, this sentence was substituted with penal servitude. One sentence is written in the proceedings to describe Neatherstreet’s trial.

The sexual crimes tried before the Old Bailey in the nineteenth-century follow this trend of no details outside of the defendant’s name, age, crime, and verdict. There are

¹³⁹ Clive Emsley, Tim Hitchcock, Robert Shoemaker, “Crime and Justice-Crimes Tried at the Old Bailey,” *Old Bailey Proceedings Online*. <https://www.oldbaileyonline.org/static/Crimes.jsp>

¹⁴⁰ Ibid.

¹⁴¹ Clive Emsley, Tim Hitchcock, Robert Shoemaker, “The Proceedings-The Value of the Proceedings as a Historical Source,” *Old Bailey Proceedings Online*. <https://www.oldbaileyonline.org/static/Value.jsp#sexual>

¹⁴² Clive Emsley, Tim Hitchcock, Robert Shoemaker, “Crime and Justice-Punishment Sentences at the Old Bailey,” *Old Bailey Proceedings Online*. <https://www.oldbaileyonline.org/static/Punishment.jsp#transportation>

no accompanying details regarding the assault or witness statements from those who testified before the court to help researchers analyze rape trials during the Victorian age. Though there are a number of rape cases in which the sentences carried a significant punishment, the voices of the violated women—the voices of women that Victorian society would have deemed as “fallen” are silenced. These women are not named in these trials.

Victorian has contradictory and mixed feelings about fallen women. These contradictory feelings are also reflected in the law specifically the “Contagious Diseases Acts”. In the works of literature and in the legal discourse I revealed a framework for understanding attitudes about this category of women that was hard for Victorians to define: the fallen woman. Women who were raped were often labeled fallen and women who sold their bodies as prostitutes were also considered fallen women. Even, women who traveled out of doors or resisted male patriarchy were considered fallen. These women, in the works that I analyzed, are portrayed sympathetically. Notably, in all three works these fallen women die without societal redemption—they die without rising above the place society had put them. In addition, I also called attention to the ways that men—as rapists, abusers, and complicit persons—are also responsible for the fallen state of many of these women. A woman does not fall on her own. She remains fallen because men continue to use her and abuse her, and the law either punishes or acquits. Many elite men are not held responsible for the crimes they commit against these women, and the cycle of fallenness continues.

In the next section, I will bring together all three chapters and analyze how these gendered attitudes related to each other. I will also bring this thesis in conversation with contemporary issues about sexual assault and current legal codes.

Conclusion, “Nevertheless, she persisted”

“There will never be a new world order until women are a part of it.”-Alice Paul¹⁴³

The title of this thesis comes from an English proverb from 1581, “A woman, an asse, and a walnut tree, Bring the more fruit the more beaten they bee.”¹⁴⁴ This phrase was even adopted by Shakespeare in his play, *A Midsummer Night’s Dream*, a character Helena claims, “I am your spaniel. And Demetrius, the more you beat me, I will fawn on you.”¹⁴⁵ The nineteenth-century version of this prover was, “A Spaniel, a woman, and a walnut tree, the more they’re beaten the better they be.”¹⁴⁶ Though this proverb seems innocuous and even humorous, the image of woman beaten, like a dog or a tree, is chilling.

In the preceding three chapters, I brought forth the ways in which the law, medical discourse, gender, and social attitudes converged in a multitude of ways in Victorian Britain. There was much that went on beneath the veneer of Victorian respectability. The models of nineteenth-century social conduct were just that—idealized forms of the way Victorians *should* conduct themselves. Through an analysis of literary sources and other documents, I have argued that the lived behaviors of Victorians across social and economic spectrums were different from the accepted models of behavior. The

¹⁴³ “Alice Paul” *Radcliffe Institute for Advanced Study*, Harvard University
<https://www.radcliffe.harvard.edu/schlesinger-library/collection/alice-paul>

¹⁴⁴ Ted Booth, *A Body Politic to Govern: The Political Humanism of Elizabeth I* (Newcastle: Cambridge Scholars Publishing, 2013), 105.

¹⁴⁵ William Shakespeare, *A Midsummer Night’s Dream* (Massachusetts Institute of Technology: The Complete Works of William Shakespeare, 1993), Act II Scene I.
<http://shakespeare.mit.edu/midsummer/index.html>

¹⁴⁶ *The Oxford Dictionary of Proverbs*, ed. John Simpson and Jennifer Speake (Oxford: Oxford University Press, print 2008, online 2009).
<http://www.oxfordreference.com/view/10.1093/acref/9780199539536.001.0001/acref-9780199539536-e-2485>

law interacted with these lived behaviors in surprising ways. In other ways, the law perpetuated the separation of women into harmful gendered categories.

I began Chapter I with an overview of female virtue and the idea of “The Angel in the house” that was first used in Coventry Patmore’s poetry. His phrase became emblematic of the virtues associated with the ideals of Victorian womanhood—submissiveness, domesticity, and demureness. I analyzed works of literature—“The Adventure of the Abbey Grange” and *The Tenant of Wildfell Hall*—to look at the ways the domestic angel ideal became a marital trap for women, rather than an honor or blessing. I also put these works and other ephemera in conversation with the Private Acts and “The Divorce and Matrimonial Causes Act of 1857.” Together, the legal discourse and literature told us how difficult it was for a woman to obtain a divorce and illustrated both the legal constraints and the social stigma that was attached to a divorce for women. Women were covered by their husbands under coverture law and in return they were meant to be their husbands’ domestic helpmates. As evidenced by the Old Bailey proceedings and other sources, men often failed to protect their wives and were often the source of the abuse and violence their wives suffered. Wives in turn were unable to shape themselves to fit the social molds of Victorian womanhood.

In Chapter II of this thesis, I looked at the trope of the “mad woman” and in the context of legal history, psychiatric discourse, literary portrayals of mad women. Victorians thought deeply about the visibility of madness and they mapped female madness onto the bodies of supposed mad women. Through the framework of the “Lunacy Acts” I analyzed the ways in which women were particularly vulnerable to false confinement. The works of literature used in this chapter—*Jane Eyre*, *The Woman in White*, and “The Case of Lady Sannox” operated within the framework of female

madness to comment on the ways that the law protected male supervision of female bodies and minds.

In Chapter III, I focused on the trope of the “fallen woman” and its manifestations in nineteenth-century law and literature. The fallen woman became both a reviled and pitied figure. She was treated as both a moral disease and a victim of male debauchery. In all three of the works of fiction used in this section— *Oliver Twist*, *Mary Barton*, and *Tess of the D’Urbervilles*,— the fallen woman dies before ever reclaiming her virtue. Victorians had uncomfortable attitudes about fallen woman: men used her in private and maligned her in public. This discomfort with the space that fallen women occupied in society is reflected in Victorian legislation. Most notably in the “Contagious Diseases Acts”; the series of laws aimed at limiting the spread of venereal diseases among military officers. These Acts, framed in a way that targeted fallen women, treated these women as social pariahs and criminal bearers of disease. The law was cognizant of the vulnerable position of these women and it acted in ways that further suppressed them.

This thesis is part of a larger discourse on Victorian history and the laws and social customs that regulated the social behavior of women. It is also contemporary. In the age of the #MeToo movement and public advocacy for changes in the law’s way of dealing with sexual assault survivors, this thesis is relevant. The image of Lady Justice covered with a blindfold represents an ideal form of the law and justice—legal decisions free from social constraints and biases. This world we live in is not ideal. The law and society are in constant conversation with each other and are reacting to each other. Justice peeks through her blindfold and, it seems, meddles with the legal system. My research suggests that widespread social attitudes are reflected in legal systems. In the fall of 2018, psychology professor and researcher, Christine Blasey Ford, shared her story of sexual

assault before the Senate Judiciary committee and before people across the globe. In April 2019, Ford was voted to Time Magazine's 100 List of most influential persons. In a tribute to her for this honor, California Senator Kamala Harris wrote, "—Her unfathomable sacrifice, out of a sense of civic duty, shined a spotlight on the way we treat survivors of sexual violence [...] Through her courage, she forced [a] country to reckon with an issue that has too often been ignored and kept in the dark."¹⁴⁷ Survivors, in both the nineteenth-century and the twenty-first century, deserve the opportunity to be heard and to be protected under the law.

This thesis exhumes the voices of Victorian women and analyzes the ways in which their stories were told (or were not told). It is important to understand the ways that the past informs the present and,— the ways that past values persist in the present,— so that issues such as gendered violence and assault can come out of the dark.

¹⁴⁷ Kamala Harris, "Christine Blasey Ford," *Time*, 2019. <http://time.com/collection/100-most-influential-people-2019/5567675/christine-blasey-ford/>

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