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Freedom and Fetters: Nuptial Law in Burney's *The Wanderer*

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THE SECRET OF JULIET GRANVILLE'S COERCED MARRIAGE LIES at the heart of Frances Burney's *The Wanderer; or, Female Difficulties* (1814), but we do not learn of this union until the fifth and final volume of the text. In the winter of 1793, at the height of the Terror in France, Juliet eventually reveals, one of Maximilien Robespierre's ruthless commissaries seizes a promissory note from her guardian, a French bishop, while conducting a raid on their town. In the note, Juliet's paternal grandfather, the Earl of Melbury, promises to pay six thousand pounds "on the day of her marriage with a native of France, resident in that country."¹ Eager to profit from this discovery, the commissary demands that Juliet immediately marry him. If she refuses to comply, he tells her, he will execute her guardian. The bishop counsels Juliet not to take such a drastic action, but when she sees him standing in line for the guillotine, she cries out for his release. An officer promptly takes her to a room in the mayor's office, where—surrounded by noise and confusion—the commissary repeats his part of the ceremony. Before the formalities are finished, he rushes off to quash an uprising, enabling Juliet to slip away. But the ceremony continues to haunt her. She feels that she is "so irreligiously tied, that she could not, even if she wished it, regard herself as [the commissary's] lawful wife; though so entangled, that her fetters seemed to be linked with duty and honour" (816).

Juliet's plight raises questions about marriage that preoccupied jurists, legislators, and social observers in the late eighteenth and early nineteenth centuries. Begun in the 1790s and drafted between 1802 and 1812, during Burney's ten-year "seclusion in France," the novel responds to the National Assembly's redefinition of marriage as a civil contract and to feminists' calls to extend liberal principles to women and the family.² After 1792, couples could form unions fairly easily in France. In England, however, Parliament continued to exert considerable control over the nuptial tie. Lord Hardwicke's 1753 Marriage Act required couples to solemnize their vows in formal, religious ceremonies and required minors to obtain the consent of their fathers or guardians or mothers (in that order) before they could receive licenses to wed. Unions that failed to comply with these formalities were deemed void.³ The Act sparked considerable controversy, much as did France's new law. Edmund Burke, for one, spoke out against the contractual model of marriage and in favor of Hardwicke's Act, arguing that England's law was crucial to maintaining the stability of family and society. Others, however, opposed the Act's stringent requirements, maintaining that it wrongly limited individual freedom. In the decades following its passage, MPs such as Charles James Fox sought to repeal or modify the law on numerous occasions; legislators introduced similar bills in 1812 and 1813.⁴ Published in the midst of—and shaped by—these controversies, *The Wanderer* participates in heated debates about the contractual nature of the nuptial tie.

Critics remain sharply divided about the novel's treatment of marriage, but few scholars have looked closely at the legal questions raised by the text. Tara Ghoshal Wallace and Margaret Anne Doody read the novel as largely endorsing revolutionary feminism. According to Wallace, Burney "thematizes and advances, in subterranean ways, the specific feminist agenda proposed in [Mary] Wollstonecraft's posthumous novel," exposing and criticizing "oppressive laws governing marriage."⁵ Darryl Jones emphasizes the text's ambivalent treatment of radicalism but concludes that it is "if not precisely a late Jacobin novel, then certainly a novel of 1814 which looks back on 1790s Jacobinism with relative sympathy."⁶ Claudia L. Johnson, by contrast, argues that the novel "treats women as scapegoats for men, and as a result averts radical social criticism."⁷ In presenting "social problems as the result of female

excess," Johnson claims, "the institutional power of patriarchy is spared direct criticism despite its ultimate responsibility for [Juliet's] trials as a woman without a father's name."⁸ Miranda J. Burgess reads the novel even more conservatively than Johnson does. According to Burgess, Burney "conceives her ideal society . . . as a return to a world in which . . . marriage is a private agreement between a woman's father and the suitor he approves."⁹ "This is the world," Burgess claims, "of Hardwicke's Marriage Act, respected and rigorously enforced."¹⁰

While Wallace and Doody overstate the novel's radical sympathies, Johnson and Burgess underestimate the novel's challenge to patriarchal culture. In this essay, I read Burney's treatment of marriage alongside the era's heated nuptial controversies, revealing the novel's anxieties about both French and English law. Like anti-Jacobins such as Burke and Hannah More, I will argue, Burney offers a sharp critique of France's nuptial practices: Juliet's forced union with the commissary shows that, far from promoting love and liberty, the contractual model of marriage enables coercion and fraud by individuals and the state. The novel likewise demonstrates the dangers of radical marriage through Juliet's outspoken friend, Elinor Joddrel, who attempts to apply revolutionary principles to her personal life. At the same time that the novel shores up the idea of marriage as a public institution subject to regulation by church and state, however, it contests the patriarchal principle that underlies England's own law. Juliet's troubles, Burney shows, result not only from lax laws abroad but from stubborn patriarchs at home. While French revolutionaries and English aristocrats alike view marriage as an exchange between men, Burney imagines matrimony as an affective tie between two equal agents. Through Juliet's union with Albert Harleigh, the novel affirms the sacred and public nature of the conjugal bond while subverting the traffic in women.

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"Liberation from All Shackles": Radical Marriage

In her preface to *The Wanderer*, Burney explains that those who "expect to find here materials for political controversy; or fresh food for national animosity; must turn elsewhere their disappointed eyes." "I have felt, indeed, no disposition,—I ought rather, perhaps, to say talent,—" she insists, "for venturing upon the stormy sea of politics" (4). As critics

have noted, however, the novel begins precisely on that sea. The conjugal difficulties that necessitate Juliet's hasty departure from France are intimately connected to the country's political upheaval. Before turning to the novel, we thus need to review the changes that the Revolution brought in its wake.

In the Old Regime, the family was a profoundly hierarchical institution: children owed allegiance to their parents, much as wives owed allegiance to their husbands. Arranged matches were common; marriages motivated by love were rare. And, once solemnized, unions were binding for parties' lives. In the years preceding the Revolution, reformers began campaigning for a fundamental rethinking of the conjugal relationship. If the state was to be grounded in a contract, freely chosen by the people, reformers reasoned, so, too, marriage ought to rest on the free choice and consent of both parties.¹¹ The revolutionaries put these ideas into practice upon seizing power. In the Constitution of 1791, the National Assembly redefined marriage as a civil contract and the following year, the Legislative Assembly passed laws lowering the age of majority, reducing parental control of nuptial choices, and licensing divorce. In order to form unions, couples now simply had to exchange vows in a public room in their town hall in the presence of four witnesses after giving six days' public notice.¹² Couples could obtain divorces by mutual consent as well as the complaint of one spouse alleging grounds including incompatibility, mental breakdown, physical violence, abandonment for at least two years, and absence without news for at least five years.¹³ Through these laws, the revolutionaries attempted to transform marriage into a secular civil contract between two free individuals. Unhappy spouses immediately took advantage of the new rules: more than 20,000 couples obtained divorces between 1792 and 1803, or roughly 1,800 couples per year.¹⁴ Although Napoleon reversed many of the reforms—the Civil Code of 1804 made it more difficult for couples to obtain divorces, for example—marriage remained (and still remains) a secular contract in France.¹⁵

These changes worried observers in England. In *Reflections on the Revolution in France* (1790), Burke famously warned that the unleashing of individual desire threatened social ties. Likening the revolutionaries to rebellious children, he highlighted the ways in which the overthrow of

political authority undermined the stability of both the family and society.¹⁶ He developed this idea in *Letters on a Regicide Peace* (1796), denouncing the revolutionaries' "strange, uncalled-for declaration . . . that marriage was no better than a common, civil contract."¹⁷ Burke objected to their decision not only to "license . . . divorce at the mere pleasure of either party, and at a month's notice," but also to give "women the same licentious power" that they gave men. "It appears," he charged, "as if the contract that renovates the world was under no law at all."¹⁸ In *Village Politics* (1792), Hannah More similarly decried the ease with which couples dissolved their vows in France, connecting lax ties in the family to disorder in society. "[S]houldst [*sic*] [thou] like to get rid of thy wife for every little bit of a tiff?" the conservative-minded blacksmith, Jack Anvil, asks his Francophile friend, Tom Hod, after the latter praises the "freedom and happiness . . . [that] they have got in France."¹⁹ By the end of the dialogue, Tom realizes that he has confounded liberty with license, gratefully affirming the stability of English families. In the era's popular debating societies, men and women raised similar objections to France's law. At a meeting hosted by City Debates in November 1791, for example, participants considered whether the National Assembly had "[acted] wisely in degrading Marriage from a Divine Institution to a Civil Contract."²⁰ According to a notice in the *Daily Advertiser*, the group concluded that "the conduct of the National Assembly in rendering the Marriage Ceremony a mere Bargain between Party and Party, independent of all Divine Authority, justly begins to alarm all the European Ladies."²¹

Burney shared these concerns. She praised Burke's *Reflections* shortly after it appeared, describing it as "the noblest, deepest, most animated, and exalted work that . . . [she had] ever read."²² She likewise echoed Burke's sentiments in a conversation with her father two years later, de-crying the "feasibility of expunging all past experience, for the purpose of treating the World as if it were created yesterday, & every man, woman & Child, . . . loose to act from their [*sic*] immediate suggestion. . . ." ²³ But where Burke and More emphasize the threat that French law poses to family and society in general, Burney focuses—as did City Debates—on the implications of the law for women. *The Wanderer* shows that, far from affirming individual liberty, the contractual model of marriage enables coercion and undermines women's consent. These problems are evident

in the secret union that Juliet's parents contract in Flanders as well as the forced match that Juliet contracts with the commissary. The novel never makes fully clear what happened when Lord Granville took the penniless Miss Powel to Flanders in the late 1770s; Juliet's childhood friend, Gabriella, provides an incomplete account of the marriage in the fourth volume, and Juliet's long-lost uncle, Admiral Powel, provides further details in the fifth. The uncertainty surrounding the union underscores the precarious position in which Lord Granville leaves his wife and daughter. Although the admiral eventually realizes that Lord Granville did not "over-persuade" (837) Miss Powel to marry him, as the admiral initially believed Granville to have done, her assent is still meaningless, as Granville delays telling his father of the match and dies in an accident without ever publicly acknowledging his union. (His wife, who predeceases him, spends her brief married life concealed in a retreat on the banks of the Tyne in France.) The codicil that Granville writes before his death granting Juliet an equal share of his property proves useless, for the certificate of his marriage is destroyed when the revolutionaries set the bishop's house on fire and, without proof of his son's union, the earl refuses to recognize Juliet's claim on the family's estate. The certificate's destruction in the revolutionary blaze underscores the twin dangers of political and sexual liberty; such bids for freedom, the novel suggests, only consume themselves. The inflexible earl contributes to the problem, prompting his son to contract the match in private; likewise, the novel faults the cowardly Lord Granville, who refuses to inform his father of his union before he comes of age. But the novel also insists on the dangers of secrecy. Clandestine marriage, Burney shows, enables men to undermine women's agency and consent.

Although Juliet does not contract her union in private, it proves to be even more problematic than her mother's match. Juliet's account of her experience at the mayor's office on that fateful day in 1793 underscores the problems with France's radical law. After the commissary forces her back to the mayoralty, she recounts:

The civil ceremony, dreadful, dreadful! . . . was instantly begun; in the midst of the buz [*sic*] of business, the clamour of many tongues, the sneers of contempt, and the laughter of derision; with an irreverence that might

have suited a theatre, and with a mockery of which the grossest buffoons would have been ashamed. Scared and disordered, I understood not,—I heard not a word; and my parched lips, and burning mouth, could not attempt any articulation.

In a minute or two, this pretended formality was interrupted, by information that a new messenger from the Convention demanded immediate admittance. The commissary swore furiously that he should wait till the six thousand pounds were secured; and vociferously ordered that the ceremony should be hurried on. . . . [T]hough my quivering lips were never opened to pronounce an assenting syllable, the ceremony, the dreadful ceremony, was finished, and I was called,—Oh heaven and earth!—his wife! his married wife!— (745)

72 Unlike her mother's union, this match takes place in a formal, public—indeed a legal—space. But the civil servants who preside over the ceremony are representatives of the law in name only. In reality, they are tyrants who manipulate the law for their own ends. Juliet does not speak a word during the ceremony, nor does she show any signs of assent, but such expressions are not necessary to transform her into a "wife." There is, it seems, little difference between nuptial practices in the Old Regime and those of the new Republic. Like Juliet's friend Gabriella, who is "[m]arried before the Revolution, from a convent, and while yet a child; according to the general custom of her country, which rarely permits any choice even to the man; and to the female allows not even a negative" (622), Juliet is unable to express her dissent to the match. Although there are witnesses present, none of them takes the ceremony seriously; Juliet hears only "sneers" and "laughter" fit for the theater. Where the bishop reminds Juliet of the sanctity of oaths, pleading with her to let him die rather than bind herself for his sake, the civil servants show a complete disregard for the sacred nature of the nuptial vow. The Earl of Melbury, who writes the promissory note, and his son-in-law Lord Denmeath, who attempts to enforce it, are deeply implicated in the scheme. But French law enables the commissary to marry Juliet against her will. Civil marriage, Burney shows, enables greedy men to turn a sacred ceremony into a farce, replacing love and consent with coercion and fraud.

Burney reveals the devastating effects of this union through the novel's complicated form. *The Wanderer* opens "in the dead of night" (11) with a confusing exchange in which Juliet requests permission to board

a vessel filled with Britons fleeing the Terror. The mystery and darkness enveloping the scene convey the heroine's fear and uncertainty; the hostile reactions of the passengers underscore Juliet's vulnerable position. When Juliet arrives in England, she is an anonymous "Wanderer" (59); her acquaintances refer to her as "the Incognita" (31). Even her race is uncertain; she arrives "black, patched, and pennyles [sic]" (28) and her fellow passengers believe that she is a runaway slave. Juliet's friends soon christen her "Ellis" (owing to the fact that the letters that she receives from her friends are directed to "L.S."), but the narrator does not refer to the heroine by her given name until the third volume, and Juliet does not own her surname until the fifth. For more than ten months, she remains in limbo, unable to confide in family or friends; for more than seven hundred pages, Burney maintains suspense about Juliet's past. By withholding the details of Juliet's history until late in the text, Burney evokes both the emotional strain and the practical difficulties that Juliet experiences as a result of her coerced match.

Burney further undermines Juliet's union in the climactic scenes following the commissary's arrival in England. After a long chase, during which the commissary's agent pursues her through the New Forest, Juliet seeks refuge at an inn just as the commissary arrives there. Juliet's suitor Albert Harleigh happens to be staying at the inn, too; when he attempts to intervene on her behalf, the commissary bursts out, "*Oses tu nier mes droits?*"—or, "Darest thou deny my rights?" (726), as Burney translates in a note. Burney estranges the commissary by recording his threats in French; the narrator likewise refers to him as "the foreigner" (728), further distancing him from English readers. Much as in the ceremony at the mayor's office, Juliet remains silent when the commissary insists that she acknowledge their tie; she refuses either to concede or deny that he is her spouse. Unlike in the earlier episode, though, in this scene there are others present who shore up her will. Albert stands aside, distraught and helpless when the commissary claims Juliet as his "eloped wife" (728), but her elderly friend and admirer, Sir Jaspar Herrington, promptly arrives with a peace officer. Before Juliet can board the latter's coach, the officer arrests the Frenchman under the Aliens Act of 1793—or the "alien-bill" (756), as Sir Jaspar calls it—which gave the British government summary powers to deport foreigners.²⁴ The officer

has no orders for Juliet's arrest and, "resolute against any resistance," he compels the commissary, "though storming, raging, and swearing, . . . to re-enter the inn" (734) without her. Through a law designed to defuse the French threat to English public life, the novel thus puts an end to Juliet's private terror. Contrary to Lord Denmeath's claims, the novel shows, the commissary—rather than Juliet—is the "criminal" (552) who must be expelled from the country. The Frenchman's arrest enables Juliet to regain her voice; she now recounts the history of her coerced match, exposing and condemning the violent constraints placed upon her will. Juliet's narrative affirms what the commissary's arrest has already shown: the need for legal authority to counter male violence and shore up women's agency.

Even as the novel undermines the commissary's claim over Juliet, however, it backs away from suggesting that she can simply ignore her vow. When Juliet finishes recounting her history, Sir Jaspas declares that she is "free as air" (753). Juliet's half-brother, Lord Melbury, later issues the same verdict; he insists that Juliet "had never really been married; that a forced, interrupted, and unfinished lay-ceremony, had mockingly been celebrated . . . and that the marriage could never have been valid, either in sight of the church, or of her own conscience" (856). Juliet is not willing to go this far. While she feels certain that her match cannot be valid—the "violent constraint, the forced rites, the interrupted ceremony, [and] the omission of every religious form" (845) convince her of that—she insists that her "violated freedom [has to] be legalized" (778) before she marries again. Her reluctance to heed her friends' advice stems primarily from her concern for the bishop, whose life depends upon her fidelity to her pledge. But this complication signals a reluctance on Burney's part to endorse even the specter of self-divorce. In England, marriage remained, in essence, an indissoluble tie; the idea of divorce sparked heated debates in this period.²⁵ Wallace argues that, in her portrait of Juliet's plight, Burney embraces the "radical feminist" position that Wollstonecraft offers in *Maria, or the Wrongs of Woman* (1798), implicitly sanctioning divorce for unhappy wives.²⁶ Unlike Wollstonecraft's novel, however, *The Wanderer* avoids confronting the problems experienced by women trapped in miserable matches. Where Wollstonecraft likens the plight of abused wives to that of

slaves, Burney uses the language of “fettters” (816) and “shackles” (862) to describe Juliet’s “marriage” only after she makes clear that Juliet’s vows are not binding in the first place. Burney’s focus is not the problems that stem from an unhappy union but the difficulties that attend a coerced and invalid match. So anxious is she to distance her treatment of marriage from that of the revolutionaries, as we will see, that, even after she establishes the match’s illegitimacy, she puts an end to her heroine’s difficulties by killing off the illicit “spouse.”

Burney develops her critique of the contractual model of marriage through her portrait of Elinor Joddrel. Unlike the dutiful “Ellis,” the outspoken Elinor eagerly embraces the idea of radical freedom. Elinor turns twenty-one shortly after the Revolution “burst[s] forth” (152); the political transformation inspires her to declare her own personal independence. She refuses to abide by her aunt’s wishes now, determined to do “everything that she like[s]” (69). Her admiration for the Revolution creates tensions not only with her guardian but also her fiancé, the traditional-minded lawyer Dennis Harleigh. Where she views the uprising as “the finest thing in the world, . . . Mr. Dennis said [it] was the very worst” (69). Her enthusiasm for the Revolution becomes only stronger when—like Wollstonecraft—she goes to France to witness the conflict firsthand. Elinor’s two-year stay there “luminously open[s] [her mind] to its own resources, and inherent right of choice” (156). Dennis’s brother, Albert, who escorts her home, recoils at the “[u]nbridled liberty” (18) he sees there; Elinor relishes it.²⁷ Much as Wollstonecraft does, she applies the ideas that she encounters there to her personal life. Elinor goes abroad, in part, because she realizes that she loves Albert and wishes to put off her match with his brother. As her feelings for Albert remain the same when she returns, she informs her fiancé that she is no longer able to marry him. The Revolution provides the model for her breach. “But for the late glorious revolutionary shake given to the universe,” Elinor tells Juliet, “I should, at this very moment, from mere cowardly conformity, be the wife of Dennis!—In spite of my repentance of the engagement, in spite of the aversion I have taken to him. . . , I must have been that poor man’s despicable wife!” (154). Elinor looks forward to contracting a secret union with Albert now, and she advises Juliet to do the same with Lord Melbury. Teasing Juliet about the interest that the

young nobleman has shown in her, Elinor “exhort[s] her [friend], now in raillery, now in earnest, but always with agitated vehemence, to make no scruple of going off with Lord Melbury to Gretna Green” (112; see also 148, 473). Elinor alludes here to the Scottish village that attracted English couples seeking to elude the restrictions of Hardwicke’s Act. In Scotland, as in France, marriage remained a civil contract. Scottish law went even further than that of France in licensing individual freedom: couples could form binding unions there simply by exchanging consent before two witnesses.²⁸ For Elinor, as for the Scots and the French revolutionaries, marriage is, in essence, an affective agreement between two free individuals.

Although the novel affirms Elinor’s sense of the centrality of love to marriage, it shows the dangers of turning the nuptial tie into a simple contract. Juliet’s plight as the Earl of Melbury’s unacknowledged granddaughter serves as a powerful rebuke to Elinor’s “clandestine scheme” (201); Juliet’s precarious position, as we have seen, is the direct consequence of her parents’ secret match. Elinor’s suggestion that Juliet elope with Lord Melbury raises even further difficulties, for Lord Melbury is Juliet’s half-brother. Juliet knows that she and Lord Melbury are kin, and she promptly rejects the nobleman’s proposals; as in *Evelina* (1778), there is no real danger of incest here. But Elinor’s commitment to freedom licenses such transgressions. As Elinor sees it, one can marry whomever, whenever, and wherever one wishes to wed. Indeed, her own desire for Albert has incestuous overtones since she falls in love with him when she is engaged to his brother. In the end, Elinor’s plan to run off with Albert backfires: after he rejects her suit, Elinor “elope[s]” (197) from her aunt’s house with only a scared servant for company. Even as the novel defuses Elinor’s threat, it shows the ethical and practical problems with her proposal.

The novel likewise undermines Elinor’s attempt to seize control of courtship. Emboldened by her success directing a private performance of John Vanbrugh and Colley Cibber’s *The Provoked Wife*, Elinor plans every encounter with Albert as if she were scripting a scene for the theater. When Juliet, acting under Elinor’s direction, fails to elicit the hoped-for expressions of regard from Albert, Elinor approaches him herself. Echoing Wollstonecraft, she justifies her unconventional behav-

ior by invoking the "Rights of woman" (175). In her "personal vindication" (175) of the principles upon which she acts, Elinor again applies the revolutionary ideals to her personal life. The novel shows, though, that—like the revolutionaries—she takes her commitment to freedom too far. No sooner does Elinor proclaim her love for Albert than she is overcome with shame. "How tenacious a tyrant is custom!" she laments. "Who should have told me, only five minutes ago, that, at an instant such as this; an instant of liberation from all shackles, of defiance to all forms; its antique prescriptions should still retain their power to confuse and torment me?" (174). Burney suggests here both the difficulty of escaping such prescriptions and the need to abide by them. Elinor's subsequent violence further reinforces the necessity of such restraints. When Albert rejects Elinor's advances and tacitly affirms her suspicion that he loves Juliet, Elinor pulls out a knife and threatens to end her own life with it. Juliet cries out for her friend to "forbear," assuring Elinor that Ellis (as Elinor calls Juliet) "never will be his!" (183). But this statement does not satisfy Elinor. She asks her friend again whether she would "refuse the hand of Harleigh, [if] he were to offer it to [her]," upon which Juliet declares that she will "never forget [her] engagement!" (185). In forcing this promise from Juliet by threatening to kill herself, Elinor embraces the coercive tactics that she claims to detest. As Andrea K. Henderson observes, Elinor's "theatrical display of desire rapidly becomes a miniature version of the Terror."²⁹ The promise that Elinor extracts from her friend stands in for Juliet's forced engagement to the commissary; Albert believes that Juliet refuses to marry him because she is bound by her promise to Elinor. Like the French politician and his ruthless agent, Elinor thinks only of her own needs and desires. Her vexed relationship with Albert and coercive dealings with Juliet highlight the problems that result from excess freedom in the negotiation of the nuptial tie.

The novel further shows the dangers of Elinor's approach to marriage when she lures Juliet and Albert to an isolated churchyard several weeks later. Once Elinor realizes that Juliet refuses to wed Albert, she becomes determined to bring them together so that Albert can experience the pain of rejection. After Juliet and Albert follow her inside the chapel, she throws off her veil, crying "Here! Harleigh, here! . . . 'tis here

you must reciprocate your vows! Here is the spot! Here stands the altar for the happy;—here, the tomb for the hopeless!” (580). She then takes out a pistol and points it at her temple, imploring Ellis (as she still refers to Juliet) to come to the front of the chapel:

Approach, Ellis, approach! . . . and let me sanction your nuptial contract! I here solemnly give you back your promise. I renounce all tie over your actions, your engagements, your choice. Approach, then, that I may join your hands, while I quaff my last draught of tender poison from the grateful eyes of Harleigh, whose happiness,—my own donation!—will cast a glory upon my exit! (580–81)

In Elinor's determination to “join” Juliet's and Albert's hands, Burney suggests a desire to solemnize—rather than simply authorize—their union. Such a desire is consistent with her view of marriage as a private contract.³⁰ The episode, though, highlights the limits of this approach. The union that Elinor attempts to stage does not affirm the love between two free individuals; it reflects Elinor's jealous rage. Even now, when Elinor claims to renounce all control over Juliet's actions, she resorts to violence. Elinor lures Juliet to the church, the novel suggests, to make a mockery of a sacred tie. (Elinor has, in fact, “publicly proclaimed her religious infidelity” [591].) The match, as she explains, is simply the “last act” in her lengthy “tragi-comedy” (581). Elinor predictably dispenses with all rules; although Juliet and Harleigh need to solemnize their vows in a formal, public ceremony and Juliet needs to obtain her guardian's assent before obtaining a license to wed, Elinor suggests that her own consent is all that Juliet needs to contract this match. The physical and emotional threats that permeate the proceeding underscore the necessity of such restraints.

In the end, Elinor's violence recoils back on herself. In this scene, she proposes to sacrifice her life for Albert: his joy, she explains, will be her bequest, his happiness her “donation” (581). She is motivated, of course, primarily by revenge; she wants Albert to feel the pain of her loss—wants him to regret loving and marrying Juliet. But Albert is impervious to her scheme: he thwarts her suicide by seizing her pistol and shows little sympathy for her “disordered . . . state” (582). Even afterward, when Elinor lies ill in bed, Albert refuses to visit her. Instead,

he presses Juliet to marry him, elated that Elinor has “annulled [her] engagement” (595). At the same time that the novel exposes Albert’s heartless treatment of Elinor, it highlights the costs of her uncontrollable passion.

Love and Law: Reimagining Marriage

Although the novel distances Juliet from her subversive double, it does not reject all of the ideas that Elinor espouses. Through Juliet’s eventual union with Albert, Burney affirms the idea of marriage as a public institution subject to regulation by church and state, while criticizing the patriarchal principle inscribed in England’s own nuptial law. Burgess suggests that Burney responds to the threat of French revolutionary ideals by invoking “an ancient ideal of marriage, a traditional contract between gentlemen, replacing circulating women and fluctuating worth with a stable system of value and exchange.”³¹ According to Burgess, this view of the nuptial tie accords precisely with that enshrined in Hardwicke’s Act. For James Thompson, too, Burney presents marriage as an exchange between men; on his reading, Burney achieves closure by containing Juliet within domestic space, “moving [her] from . . . [an] exposed and vulnerable state . . . into the home of a new, protective male.”³² In *The Wanderer*, however, Burney undermines the patriarchal logic of the Act. Even as the novel shows the need for parental approval of children’s matches, it shifts the focus of courtship from the wishes of fathers and guardians to those of the principal parties, affirming women’s agency in the negotiation of the nuptial tie.

Until the middle of the eighteenth century, couples could form binding unions in England simply by exchanging vows before two witnesses. The canon law technically required couples to comply with certain formalities, such as publishing banns or purchasing a license and exchanging vows in church before witnesses during canonical hours. But the church courts rarely enforced penalties for violations of these requirements and the unions, if properly witnessed, remained valid.³³ Clerics, jurists, and social observers sharply criticized these matches, however, for enabling coercion, infidelity, and fraud. Legislators, for their part, introduced numerous bills seeking to outlaw clandestine unions in the Restoration and the early eighteenth century.³⁴ It took until 1753 for

both Houses of Parliament to agree on the goals and terms of a law. In the spring of that year, Lord Chancellor Hardwicke introduced a bill that combined a host of restrictions with severe penalties for noncompliance. After nearly three months of heated debates and numerous revisions, the bill passed by a vote of 125 to 56.³⁵ As of March 25, 1754, the Marriage Act deemed all unions solemnized in England and Wales to be void unless they were preceded either by the calling of banns on three prior Sundays in the parish churches where each of the parties lived, or by the issue of an ecclesiastical license. Marriages had to be solemnized by authorized clergymen according to the form established in *The Book of Common Prayer* and, unless the parties obtained a Special License from the Archbishop of Canterbury, the ceremonies had to take place in one of the parish churches where banns had been called or where one of the parties had resided for four weeks before obtaining an ordinary license. The unions had to take place in the presence of at least two witnesses and had to be properly registered.³⁶ Individuals under the age of twenty-one, moreover, needed to obtain the consent of their fathers in order to proceed by license. If a minor's father was no longer living, she needed to obtain the assent of her guardian or—if she had no guardian—that of her mother. Without such permission, her union would be void.³⁷ In privileging the will of fathers over that of mothers, the law effectively turned marriage into an exchange between men.

Not surprisingly, these requirements sparked fierce controversy. During the debates in the Commons leading up to the law's passage, critics objected that the measure wrongly privileged familial and social stability over individual freedom. Charles Townshend warned that the bill would establish "such a tyrannical power in the father, as [would] . . . be the ruin of many children. . . ."³⁸ Robert Nugent likewise argued that the bill would enable the "quality and rich people" of England to "acquire the absolute disposal of their children in marriage."³⁹ After the law's passage, the Reverend Henry Stebbing published a series of treatises criticizing the nullity clauses and affirming individuals' natural right freely to form marriage; other observers denounced the Act on similar grounds.⁴⁰ In Parliament, meanwhile, Charles James Fox and other MPs attempted to repeal or modify the law. Legislators such as Burke

and Richard Brinsley Sheridan, however, vigorously defended the measure. In his speech against Fox's 1781 repeal bill, Burke explained:

The improvident marriage of one man becomes a tax upon the orderly and regular marriage of all the rest. . . . To give a man a family during his apprenticeship, whilst his very labor belongs to another; to give him a family when you do not give him a fortune to maintain it . . . would be to burden the state with families without any security for their maintenance. When parents themselves marry their children, they become in some sort security to prevent the ill consequences. You have this security in parental consent. . . .⁴¹

Much as in his treatise on the Revolution, in this speech Burke's main concern is ensuring stability and order in society. His focus on parental consent effectively erased that of the contracting parties, but he saw no reason to be concerned. In his view, critics like Fox needlessly worried about the "avaricious principle of fathers." "It is avarice by proxy," Burke maintained, "it is avarice not working by itself or for itself, but through the medium of parental affection, meaning to procure good to its offspring."⁴² This argument ultimately prevailed: although the Commons voted to amend the Act, the Lords defeated the measure.⁴³

In treatises, newspapers, and popular debating societies, however, men and women continued to question the restrictions that the Act placed on children's freedom. In *Letters on Love, Marriage, and Adultery* (1789), for example, one observer denounced the "unreasonable exercise of parental authority" in England, linking such authority to conjugal misery and infidelity.⁴⁴ The writer maintained that mutual affection was essential to marriage and insisted that "all connections, without that affection, which may be truly and properly called love; whether effected by the authority of parents, by views of interest, or by lust, however sanctified by superstition or legal forms, are PROSTITUTIONS."⁴⁵ Debating societies also considered the limits of the law. "Many are of Opinion, that the Marriage Act is repugnant to the Laws of Nature," the Coachmakers Hall Society declared in February 1790, "and has been a Bar to the Felicity of Thousands."⁴⁶ "Would it not be better," the society asked, "if young Men after the Age of 18, and young Women after the

Age of 16 could marry without being subject to any Censure from their Parents, their Friends, or the World?"⁴⁷ Legislators, too, worried about the law's effects on young people. Two years before the publication of Burney's novel, the House of Commons again considered proposals to repeal the provisions of the Act that voided the matches of minors who failed to obtain parental consent.⁴⁸

In *The Wanderer*, Burney affirms critics' concerns about parents' and guardians' control over courtship. The earl's contract with the commissary shows the limits of Burke's faith in paternal benevolence. Rather than protect Juliet, as we have seen, the earl strips her of her inheritance, making her over to the most dangerous and unprincipled of men. The earl gives Juliet no power to dissent to the union; he assumes the right—as her closest living male relative—to negotiate a match on her behalf. After he dies, his son-in-law, Lord Denmeath, presumes to enforce the agreement, pledging to give the commissary "his assistance and [Juliet's] portion" (729). In their effort to make Juliet an "alien to [her] country" (752), these men betray both their kinswoman and their nation. The kindhearted bishop—who constitutes himself Juliet's "guardian and protector" (644) when her maternal grandmother dies—is powerless to protect Juliet from the mercenary arrangements of her father's kin. The earl's and Lord Denmeath's role in Juliet's plight vividly shows the dangers of turning marriage into an exchange between men.

Through Juliet's union with Albert, Burney develops her critique of Hardwicke's Act, while distancing English law from that of France. After Juliet is reunited with her guardian and her uncle, Albert offers her his hand once more. Where Albert previously attempts to pressure Juliet into marrying him, he begins his proposal now by assuring her that she "can have no tie but what is voluntary" (860). Before Lord Melbury obtains the assent of the bishop and the admiral on Albert's behalf, Juliet gives her own consent to the match. The novel thus shifts the focus from Melbury's discussions with the men to her own dialogue with Albert. In response to Melbury's petition, we learn only that the bishop feels "an implicit trust in the known judgment and tried discretion of his ward" (864). The admiral, too, approves of the union, for he holds that "a female, as the weaker vessel, could never properly, nor even honourably, make the voyage of life, but under the safe convoy of a good husband" (864). His paternalistic remarks, though, have been the object

of satire from the beginning. While the admiral's and the bishop's presence is important to the resolution of Juliet's difficulties—the admiral possesses a duplicate copy of the codicil to Lord Granville's will, and he uses it to demand that Lord Denmeath restore Juliet's inheritance—their wishes do not trump those of Juliet.

At the same time that Burney affirms women's agency in the negotiation of the nuptial tie, she reminds us of the importance of formal, public marriage. At a dinner celebrating Juliet's engagement, the admiral recalls the plight of his deceased sister and inquiries into the motives for Lord Granville's secrecy. The bishop explains that if his friend could have "foreseen the innumerable hardships, the endless distresses, from which neither prudence nor innocence could guard the helpless offspring of an unacknowledged union, he would either, at once and nobly, have conquered his early passion; or courageously have sustained and avowed its object" (869). Albert, too, observes that, when Lord Granville sent his daughter to France, he could not have foreseen the upheaval that would result from the revolutionaries' "new doctrines" and their misguided attempts to emancipate individuals from all social ties (869). Through this exchange, the novel summons up the dangers of unregulated passion, distinguishing England's approach to marriage from that of France. In Juliet's union with Albert, Burney ultimately imagines marriage as an affective agreement, sealed by parental consent.

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At the same time that the novel celebrates Juliet's union, however, it acknowledges her loss of freedom as a wife. After describing Juliet's first few years of marriage and describing Elinor's reaction to her friend's match, the narrator concludes by affirming the courage, ingenuity, and independence that Juliet has shown in the face of all of her challenges:

Here, and thus felicitously, ended, with the acknowledgment of her name, and her family, the DIFFICULTIES of the WANDERER;—a being who had been cast upon herself; a female Robinson Crusoe, as unaided and unprotected, though in the midst of the world, as that imaginary hero in his uninhabited island; and reduced either to sink, through inanition, to nonentity, or to be rescued from famine and death by such resources as she could find, independently, in herself. (873)

In this passage, immediately after the narrator suggests that the heroine's "difficulties" have ended, she invokes them again, likening her

own fictional wanderer to Daniel Defoe's famously autonomous hero. Even as Burney affirms Juliet's legitimacy and recounts the happiness that Juliet enjoys as Albert's wife, she reminds us of the lengthy ordeal that her heroine has "independently" survived. Nor does she stop there; the narrator goes on to lament "the DIFFICULTIES with which a FEMALE has to struggle" and to applaud her ability to overcome them (873). "Yet even DIFFICULTIES such as these are not insurmountable," the narrator insists, "where mental courage, operating through patience, prudence, and principle, supply physical force, combat disappointment, and keep the untamed spirits superior to failure, and ever alive to hope" (873). With these words, Burney summons up the specter of the heroine's rebellious friend, who advises Juliet, earlier in the novel, to "remember that [she is] an active human being" and that her "FEMALE DIFFICULTIES will vanish into the vapour of which they are formed" (397). Even as Burney writes Elinor out of the novel's end, then, she invokes her fiery spirit. Burney leaves us with a final image of Juliet as the Wanderer, running from the commissary, circulating through English society, relying on her own resources, and acting as an independent agent.

Notes

1. Frances Burney, *The Wanderer; or, Female Difficulties*, ed. Margaret Anne Doody, Robert L. Mack, and Peter Sabor (New York: Oxford University Press, 2001), 646. All further references will be noted in the text by page number to this edition.
2. Burney accompanied her husband, Alexandre d'Arblay, to his native country in 1802. The ongoing military conflict prevented her from returning to England until 1812 (see Margaret Anne Doody, *Frances Burney: The Life in the Works* [New Brunswick, NJ: Rutgers University Press, 1988], 313; Frances Burney to Dr. Burney, post September 23, 1813, in *Journals and Letters*, ed. Peter Sabor and Lars E. Troidt [New York: Penguin, 2001], 469).
3. On nuptial law in revolutionary France, see Suzanne Desan, *The Family on Trial in Revolutionary France* (Berkeley: University of California Press, 2006), 47–67; and James F. Ttaer, *Marriage and the Family in Eighteenth-Century France* (Ithaca, NY: Cornell University Press, 1980), 79–104. On the Marriage Act, see "An Act for the Better Preventing of Clandestine Marriages," 26 Geo. II cap. 33, in *The Statutes at Large*, ed. Danby Pickering, 42 vols. (Cambridge: Joseph Bentham, 1766), 21:124–30; and R. B. Outhwaite, *Clandestine Marriage in England, 1500–1850* (London: The Hambledon Press, 1995), 75–97.
4. For the debates over Hardwicke's bill, see "Debate in the Commons on the Clandestine Marriage Bill," in *The Parliamentary History of England*, 36 vols. (London: T. C. Hansard, 1813; reprint, New York: AMS Press, 1966), 15:1–84; and "Debate in the Lords on the Clandestine Marriage Bill," in *Parliamentary History*, 15:84–87. For Burke's defense of the law, see "Speech on the Second Reading of a Bill for the Repeal of the Marriage Act," in *The Works of Edmund Burke*, 9 vols. (Boston: Charles C. Little and James Brown, 1839), 5:431–35. Parliament considered bills to postpone, amend, or repeal the Act in 1754, 1765, 1772, and 1781 as well as 1812 and 1813 (Outhwaite, *Clandestine Marriage*, 112–16, 145).

5. Wallace, "Rewriting Radicalism: Wollstonecraft in Burney's *The Wanderer*," *Eighteenth-Century Fiction* 24 (2012): 488, 499. Doody similarly suggests that the novel "shows that Burney had . . . been listening, seriously listening, to the feminists of the '90s, to writers like Mary Hays and Mary Wollstonecraft" (*Frances Burney*, 334). According to Doody, the novel invites "a good deal of sympathy" for the radical-minded Elinor Joddrel, and Juliet's own "experiences offer a feminist and social view complementary to the theories of Elinor" (335, 350). For other readings of the novel as a feminist text, see Julia Epstein, *The Iron Pen: Frances Burney and the Politics of Women's Writing* (Madison: University of Wisconsin Press, 1989), 175–91; Barbara Zonitch, *Familiar Violence: Gender and Social Uplift in the Novels of Frances Burney* (Newark: University of Delaware Press, 1997), 113–38; and Rose Marie Cutting, "Defiant Women: The Growth of Feminism in Fanny Burney's Novels," *SEL* 17 (1977): 525–30.
6. Darryl Jones, "Radical Ambivalence: Frances Burney, Jacobinism, and the Politics of Romantic Fiction," *Women's Writing* 10 (2003): 19. For similar readings of the novel's ambivalence, see Amanda K. Henderson, *Romanticism and the Painful Pleasures of Modern Life* (Cambridge: Cambridge University Press, 2008), 101–24; Katharine M. Rogers, *Frances Burney: The World of Female Difficulties* (New York: Harvester Wheatsheaf, 1990), 131–66; Kristina Straub, *Divided Fictions: Fanny Burney and Feminine Strategy* (Lexington: University Press of Kentucky, 1987), 182–220; Justine Crump, "'Turning the World Upside Down': Madness, Moral Management, and Frances Burney's *The Wanderer*," *Eighteenth-Century Fiction* 10 (1998): 325–40; and Pam Perkins, "Private Men and Public Women: Social Criticism in Fanny Burney's *The Wanderer*," *Essays in Literature* 23 (1996): 69–83.
7. Claudia Johnson, *Equivocal Brings: Politics, Gender, and Sentimentality in the 1790s* (Chicago: The University of Chicago Press, 1995), 178.
8. *Ibid.*
9. Burgess, *British Fiction and the Production of Social Order, 1740–1830* (Cambridge: Cambridge University Press, 2000), 110.
10. *Ibid.* For James Thompson, too, Burney imagines marriage as an exchange between men (see *Models of Value: Eighteenth-Century Political Economy and the Novel* [Durham, NC: Duke University Press, 1996], 156–58, 174–84).
11. Desan, *Family on Trial*, 15–46.
12. *Ibid.*, 16; Traer, *Marriage and the Family*, 95. Previously sons under the age of thirty and daughters under twenty-five had to obtain their fathers' consent to marry; the new law required children under twenty-one to obtain the assent of their fathers or—if their fathers were dead or unable to act—their mothers (Traer, *Marriage and the Family*, 95, 139).
13. Desan, *Family on Trial*, 96–99; Traer, *Marriage and the Family*, 105–36.
14. Lynn Hunt, *Inventing Human Rights: A History* (New York: W. W. Norton, 2007), 63.
15. On civil marriage under the Napoleonic Code and the reaction against the contractual model, see Desan, *Family on Trial*, 283–310; and Ursula Vogel, "The Fear of Public Disorder: Marriage between Revolution and Reaction," in *Shifting the Boundaries: Transformation of the Languages of Public and Private in the Eighteenth Century*, ed. Dario Castiglione and Lesley Sharpe (Exeter: University of Exeter Press, 1995), 71–88.
16. *Reflections on the Revolution in France*, ed. Conor Cruise O'Brien (New York: Penguin, 1986), 191–95.
17. *Three Letters Addressed to a Member of the Present Parliament, on the Proposals for Peace with the Regicide Directory of France*, in *Works of Edmund Burke*, 4:394. On Burke's anxiety about female sexuality, see

- Deidre Lynch, "Domesticating Fictions and Nationalizing Women: Edmund Burke, Property, and the Reproduction of Englishness," in *Romanticism, Race, and Imperial Culture, 1780-1834*, ed. Alan Richardson and Sonia Hofkosh (Bloomington: Indiana University Press, 1996), 40-71.
18. Burke, *Three Letters*, 394, 396.
 19. Hannah More, *Village Politics*, in *The Impact of the French Revolution: Texts from Britain in the 1790s*, ed. Iain Hampsher-Monk (Cambridge: Cambridge University Press, 2005), 197, 202.
 20. "City Debates," *Daily Advertiser*, November 9, 1791.
 21. *Ibid.* According to another advertisement, the debates typically attracted "from 400 to 600 respectable Citizens of this great Metropolis" ("City Debates," *Daily Advertiser*, February 13, 1790). On the rise of debating societies and a helpful listing of their debates, see Donna T. Andrew, comp., *London Debating Societies, 1776-1799* (London: London Record Society, 1994).
 22. Frances Burney to Georgiana Waddington, November 23, 1790, in *Journals and Letters*, 307.
 23. Frances Burney to Doctor Burney, October 2, 1792, in *The Journals and Letters of Fanny Burney (Madame D'Arblay)*, vol. 1, 1791-1792, ed. Joyce Hemlow with Curtis D. Cecil and Althea Douglas (Oxford: Clarendon Press, 1972), 230. Earlier in 1792, though, Burney had distanced herself from Burke's dire predictions concerning that "most violent concussion of principle & order" (Burney to Mrs. Phillips and The Lockes of Norbury Park, June 18, 1792, in *Journals and Letters of Fanny Burney*, 195).
 24. The Act, which received royal assent on January 8, 1793, required all foreigners landing in Britain "to register at the customs office on disembarking, give up any arms in their possession and then wait to be granted a passport by the Home Secretary or by a local magistrate" (Clive Emsley, *British Society and the French Wars, 1793-1815* [London: Rowman and Littlefield, 1979], 20). The law also gave the Home Secretary power to deport undesirable aliens (21).
 25. The church courts granted separations for cruelty and adultery, but such separations did not dissolve the nuptial tie; they simply licensed spouses to live apart. In the late seventeenth century, Parliament began granting private acts of divorce to husbands whose wives committed adultery; such acts, though, were difficult and expensive to obtain (see Lawrence Stone, *Road to Divorce: A History of the Making and Breaking of Marriage in England, 1530-1987* [New York: Oxford University Press, 1995], 192, 301-46). For debates about divorce in the late eighteenth century, see "City Debates," *Daily Advertiser*, September 11, 1790; "London Forum," *Daily Advertiser*, February 12, 1794; and "How to Make All the World Happy," *Morning Chronicle*, December 5, 1796.
 26. On Wallace's reading, Burney depicts "a woman almost literally 'Bastilled' in marriage," showing that "virtuous women must be freed from the chains binding them to marriages that contravene an English sense of justice" ("Rewriting Radicalism," 498). Emily Hodgson Anderson refers to Juliet as "a wife on the run," giving her an identity that Burney takes pains to deny (*Eighteenth-Century Authorship and the Play of Fiction: Novels and the Theater, Haywood to Austen* [New York: Routledge, 2009], 69; see also Straub, *Divided Fictions*, 219). Doody does not examine Burney's treatment of divorce in this novel but she notes that when Burney resided in France, she formed a close friendship with Mme. de Maisonneuve, herself a divorcée. Doody suggests that after the unhappy experiences of Burney's sisters in marriage, "Burney had no need to look harshly upon full legal separation of unhappy spouses" (*Frances Burney*, 314).
 27. Wollstonecraft went to France in 1793 to observe the Revolution; upon her return, she published an optimistic account of its early stages (see Janet Todd, *Mary Wollstonecraft: A Revolutionary Life* [London: Weidenfeld and Nicholson, 2000], 195-202; Wollstonecraft, *An Historical and Moral View of the French Revolution [1794]*, in *The Works of Mary Wollstonecraft*, ed. Janet Todd and Marilyn

- Butler, 7 vols. [New York: New York University Press, 1989], 6:1–235). She had previously defended the principles of liberty and equality in her fiery reply to Burke's *Reflections* (see *A Vindication of the Rights of Men* [1790], in *A Vindication of the Rights of Men with A Vindication of the Rights of Woman and Hints*, ed. Sylvana Tomaselli [Cambridge: Cambridge University Press, 1995], 5–64).
28. Stone, *Road to Divorce*, 80–81. On Gretna Green's popularity with English couples, see Outhwaite, *Clandestine Marriage*, 132–35; and Stone, *Road to Divorce*, 130–31.
 29. *Painful Pleasures*, 103–4.
 30. According to the form of the ceremony set down in *The Book of Common Prayer*, the priest declares, "we are gathered together here in the sight of God, and in the face of this congregation, to join together this man and this woman in holy Matrimony"; at the end of the ceremony, he "join[s] their right hands together, and say[s], 'Those whom God hath joined together, let no man put asunder'" (*The Book of Common Prayer, and Administration of the Sacraments* [Oxford: W. Jackson and A. Hamilton, 1781], 193, 195). Burney's portrait of Elinor's performativity draws upon long-standing associations between clandestine marriage and the theater. For a discussion of these connections, see Lisa O'Connell, "Marriage Acts: Stages in the Transformation of Modern Nuptial Culture," *difference* 11 (1999): 68–111.
 31. Burgess, *British Fiction*, 111–12.
 32. Thompson, *Models of Value*, 178. Anderson likewise emphasizes Juliet's passivity; on her reading, "chance, and not her own agency, is responsible for [Juliet's] good fortune" (*Eighteenth-Century Authorship*, 68). Maria Jerinic, by contrast, argues that Burney shows that "English marriages are as suspect as the French ones." "Juliet," she claims, "falls back into her proper and accepted place within the English patriarchal family structure" at the novel's end ("Challenging Englishness: Frances Burney's *The Wanderer*," in *Rebellious Hearts: British Women Writers and the French Revolution*, ed. Adriana Craciun and Kari E. Lokke [Albany: State University of New York Press, 2001], 77). On this reading, Burney criticizes patriarchy but cannot imagine an alternative to it.
 33. Outhwaite, *Clandestine Marriage*, 20; and Stone, *Road to Divorce*, 51–53, 72–73, 76–78, 96–97. The common law courts, which handled property disputes, recognized all unions solemnized by clergy (or individuals who at least purported to be clergy), no matter where or when the unions took place (*Road to Divorce*, 96–98). Rebecca Probert, however, emphasizes that clandestine matches did not confer on parties all of the same legal consequences as did regular marriages (see *Marriage Law and Practice in the Long Eighteenth Century: A Reassessment* [Cambridge: Cambridge University Press, 2009], 166–84).
 34. On the campaign against clandestine marriage, see Henry Gally, *Some Considerations upon Clandestine Marriages*, 2nd ed. (London: J. Hughs, 1750); Outhwaite, *Clandestine Marriage*, 68–73; and Stone, *Road to Divorce*, 115–19.
 35. Outhwaite, *Clandestine Marriage*, 75–97.
 36. "An Act for the Better Preventing of Clandestine Marriages," 124–29.
 37. *Ibid.*, 127.
 38. "Debate in the Commons," 59.
 39. *Ibid.*, 16.
 40. See Stebbing, *An Enquiry into the Force and Operation of the Annulling Clauses in a Late Act for the Better Preventing of Clandestine Marriages, With Respect to Conscience* (London: M. Cooper, 1754), repr. in *The Marriage Act of 1753: Four Tracts* (New York: Garland, 1984); Stebbing, *A Dissertation on the*

Power of States to Deny Civil Protection to the Marriages of Minors Made without the Consent of their Parents or Guardians (London: C. Davis, 1755), repr. in *The Marriage Act of 1753; Reflections on the Marriage Act; with Some Hints for a New Law: Humbly Offered to the Consideration of Parliament* (London: G. Woodfall, 1764); and *Reflections on the Repeal of the Marriage-Act, Now Under Consideration of Parliament* (London: J. Fletcher & Co., 1765).

41. Burke, "Speech," 432.
42. *Ibid.*, 434; see also "On the Bill to Explain and Amend the Marriage Act," in *The Speeches of the Right Honourable Richard Brinsley Sheridan*, 3 vols. (London: Henry G. Bohn, 1842), 1:16–17.
43. Although Fox initially brought in a bill to repeal the Act, he later introduced provisions that sought to amend the law by lowering the ages at which children could marry without obtaining their parents' assent. On the Lords' defeat of the bill, see Outhwaite, *Clandestine Marriage*, 115–16.
44. *Letters on Love, Marriage, and Adultery; Addressed to the Right Honourable the Earl of Exeter* (London: J. Ridgway, 1789), 34.
45. *Ibid.*, 75.
46. "Coachmakers Hall," *Daily Advertiser*, February 25, 1790.
47. *Ibid.*; see also "Westminster Forum," *Daily Advertiser*, January 20, 1790.
48. Outhwaite, *Clandestine Marriage*, 145. Parliament did not repeal the provisions in question until 1822, and even then the amended law required minors to obtain parents' consent, signified in writing and attested by witnesses' oaths (153; see also Robert Philip Tyrwhitt, *The Marriage Act, 3 Geo. IV. c. 75 . . . and an Abstract Thereof*, 2nd ed. [London: A. Strahan, 1822], 12). The Civil Marriage Act of 1836 likewise retained the requirement of parental consent even as it ended the Anglican Church's virtual monopoly over marriage (163–65).