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Clandestine Schemes: Burney's *Cecilia* and the Marriage Act

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In Book VII of *Cecilia, or Memoirs of an Heiress* (1782), Frances Burney's heroine receives an unexpected visit from her admirer, Mortimer Delvile. Mortimer rushes from Bath to Suffolk in order to speak to Miss Beverley one last time before going abroad. He plans to leave England because of a "cruel clause" in her uncle's will, making her inheritance conditional upon her husband's adoption of her surname.¹ Mortimer knows that his proud parents will never permit him to marry her and give up the family's ancient moniker; hence, he prepares to flee her society in a desperate effort to repress his love for her. When he overhears her expressing concern and affection for him, though, he forms a new plan. The next morning, when she receives him again, Mortimer nervously tells her that "all his hopes of being ever united to her, [rest] upon obtaining her consent to an immediate and secret marriage" (555). It proves difficult for him to gain her assent to such a union, however. Although her twenty-first birthday is just three days away and Mortimer is already of age, his parents' approval, in her mind, is crucial to the match.

In the heated discussions that ensue, Burney reprises many of the arguments concerning clandestine unions that appeared in speeches, essays, and treatises leading up to and following the passage of Hardwicke's 1753 Marriage Act. Revising the canon law's approach to marriage, the Act required couples to solemnize their unions in formal, public ceremonies and required minors to obtain their fathers' assent before they could receive licenses to wed. The law deemed invalid all unions that failed to comply with these rules.² Not everyone approved of the Act's stringent requirements. While M.P.s like Edmund Burke and Richard Brinsley Sheridan supported the measure, those like Henry Fox and Charles Townshend vociferously opposed it.³ In their view, the law wrongly privileged social and familial stability over individual freedom and desire, while undermining women's agency. Fox and other critics attempted to repeal or modify the Act on numerous occasions, nearly succeeding in 1765

and 1781.⁴ Clerics, jurists, and moralists meanwhile expressed concerns about the law in a stream of books and pamphlets.⁵ Published in the midst of—and shaped by—these controversies, *Cecilia* enters into important debates about the contractual nature of the nuptial tie.

Most critics read the novel as endorsing the conception of marriage inscribed in Hardwicke's Act. Linking Burney's anxieties about conjugal relations to her concerns about commercial culture, Miranda J. Burgess contends that Burney criticizes the free circulation of women much as she opposes the free circulation of capital.⁶ In Burgess's view, 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."⁷ "This is the world," she claims, "of Hardwicke's Marriage Act, respected and rigorously enforced."⁸ James Thompson likewise suggests that the novel imagines marriage as an exchange between men. In his view, Burney imagines "only males . . . as owning subjects"; Cecilia functions "as a conduit through which property is passed—through but not to her."⁹ For Cynthia Klekar, too, the novel shows the failure of Cecilia's independent agency and the necessity of her position as a "dependent wife."¹⁰ Although Terry Castle acknowledges Burney's ambivalence about women's subjugation, she insists that Burney's "ideological retreat from her initial vision of female authority . . . is total—and mortifying."¹¹ In Castle's reading, Cecilia's "mock death [is] indistinguishable from her marriage," as Burney finally reveals herself to be an "apologist for the ancien régime."¹²

Burney's portrait of conjugal relations, however, is more complicated than these critics suggest. In this essay, I read the novel's nuptial negotiations in the context of the debates surrounding Hardwicke's Act, showing how *Cecilia* responds to and participates in one of the most divisive public controversies of the Enlightenment. In doing so, I challenge the view of Burney as a conservative defender of patriarchal culture, while highlighting the balances that she strikes between individual freedom and filial duty.¹³ Although the novel reveals the problems that result when parents and guardians arrange matches for children without consulting their wishes, I will argue, it also shows the need to restrict children's nuptial freedom. Through the lengthy and agonizing negotiations that Cecilia engages in with Mortimer and his mother, as well as the difficulties that she experiences when she and Mortimer attempt to exchange secret vows, the novel demonstrates the ethical and practical problems that result from private matches. Such unions not only challenge the legitimate authority of parents and guardians, the novel shows, but also enable men to undermine women's consent. Burney is keenly aware that parents and guardians sometimes abuse their authority, but she ultimately affords them considerable control over marriage: *Cecilia* suggests that all couples—even those over the age of majority—ought to obtain the approval of parents or guardians before they wed.

While the novel imaginatively extends the reach of the Act, however, it offers

a subtle critique of the patriarchal principle that underwrites this law. In *Cecilia*, Burney shows the dangers of turning marriage into an exchange between men. Shifting the locus of authority from Cecilia's guardian and prospective father-in-law to her prospective mother-in-law, Burney highlights the importance of maternal as well as paternal consent. She also affirms Cecilia's own agency in the negotiation of her union with Mortimer and even hints at Cecilia's autonomy as a wife. In the bequest that Mrs. Delvile's sister leaves Cecilia when she dies and the change that Mortimer undergoes after Cecilia's illness, the novel offers a model of marriage as an affective agreement between two equal agents.

"THE LIBERTY OF MARRYING WITHOUT ANY RESTRAINT":
HARDWICKE'S ACT AND THE CLANDESTINE MARRIAGE
DEBATES

Before turning to *Cecilia*, we need to consider the debates about marriage that swirled through England in the years leading up to the novel's publication. Until the middle of the century, it was easy—in theory—for couples to marry: parties simply had to exchange vows in the present tense. According to canon law, such contracts nullified all subsequent unions—even those formalized in church.¹⁴ In practice, the church courts required strong evidence before they recognized unsolemnized vows, and the canons of 1604 threatened couples with punishment if they failed to comply with certain formalities, such as publishing banns or purchasing a license and exchanging vows in a church before witnesses during canonical hours.¹⁵ Ministers who solemnized matches in violation of these rules could be suspended for three years; individuals who participated in or witnessed such ceremonies could be censured or even excommunicated. The church courts rarely enforced these penalties, however, and the unions, if properly witnessed, remained valid.¹⁶ Couples thus routinely married in irregular—often clandestine—ways in taverns, prisons, and even brothels, prompting sharp criticism from clerics, jurists, and other observers throughout the Restoration and early eighteenth century.¹⁷

Critics objected to secret unions for a number of reasons, including their tendency to promote coercion and fraud. "Besides the Dissatisfaction of Mind, and the very early Repentance of the Parties themselves," Henry Gally observed in *Some Considerations Upon Clandestine Marriages* (1750), "... such Marriages are liable to many bad Consequences of a public Nature, which disturb the Peace and good Order of Society."¹⁸ In particular, he explained:

By this Means Women may be married against their Will; and so lose the Property of their own Persons: which is the most valuable of all Properties. . . . [I]t cannot be said . . . that no Woman can be forced to give her Consent, and repeat her Part of the Marriage Office: both of which are essential to the Validity of a Marriage. For Men, who are wicked enough to attempt to marry Women against their Will, will

always be ready and able to procure Witnesses to swear that the Woman gave her Consent, and repeated her Part of the Office.¹⁹

Gally here extends John Locke's account of self-ownership to women, while highlighting the ways in which secret unions threaten female agency.²⁰ Elsewhere in *Some Considerations*, he criticized women for themselves engaging in fraud, citing a series of cases in which savvy females exchanged vows with men whom they knew to be married in order to "screen [*sic*] themselves from their Creditors."²¹ "When clandestine Marriages are so practic'd, and so tolerated," he complained, "what Security can Persons, who act *bona fide*, have of their being legally married?"²² Judges expressed similar concerns about the unreliability of evidence submitted in cases involving secret unions and the ability of individuals to overturn long-standing, publicly solemnized matches with claims of prior contracts.²³

Legislators, for their part, repeatedly introduced bills seeking to ban such matches. It took until 1753, however, for both Houses of Parliament to agree on the goals and terms of a law.²⁴ In the spring of that year, Lord Chancellor Hardwicke introduced a bill that combined a host of restrictions with severe penalties for non-compliance.²⁵ In its final form, the bill provided that all unions solemnized in England and Wales would be void unless they were preceded either by the calling of banns on three prior Sundays in the parish churches where the parties lived, or by the issue of an ecclesiastical license. Marriages had to be solemnized by an authorized clergyman according to the form established in the *Book of Common Prayer*, and they had to take place in church in the presence of at least two witnesses. They also had to be properly registered. Any clergyman who knowingly and willfully solemnized a union in violation of these rules was deemed a felon and subject to transportation for fourteen years.²⁶ Most important for our purposes, individuals under the age of twenty-one needed to obtain the consent of their fathers in order to proceed according to 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.²⁷ Although minors could appeal to the Lord Chancellor if they felt that their guardians and mothers had unreasonably withheld their consent, minors could not contest their father's decisions.²⁸ The measure explicitly privileged the interests of fathers over those of wives and children.

The bill's provisions sparked considerable debate in the House of Commons. In addition to raising moral and legal objections, legislators criticized the measure on practical grounds. M.P.s like Fox and William Beckford complained that the restrictions would create only more opportunities for men to deceive women because they could knowingly leave some formalities unfinished. In Fox's view, the bill would "expose the whole female sex to their most infamous betrayers."²⁹ Beckford similarly quipped that the measure was

more appropriately entitled “a Bill for the ruin of the fair sex.”³⁰ Opponents also expressed concerns about the proposed increase in paternal authority. Townshend warned that the bill would establish “such a tyrannical power in the father, as [would] . . . be the ruin of many children.”³¹ Robert Nugent likewise complained that “whilst the father is alive, even the court of Chancery is to have no power to authorize a proper marriage without his consent, let his refusal be never so whimsical or selfish.”³² Some legislators further objected that the bill would prevent the circulation of wealth in society by securing all of the rich heiresses for wealthy men.³³

Supporters of the bill, though, countered that the restrictions were necessary to prevent “the ruin of young persons and the distress of families.”³⁴ The Solicitor General, William Murray—soon to be Chief Justice Mansfield—maintained that the confusion occasioned by the canon law’s lax rules endangered women.³⁵ In his view, the proposed increase in parental authority was both necessary and reasonable. There was no country in the world, he reminded his colleagues, in which parents had as little power over their children as they had in England.³⁶ John Bond, Earl of Hillsborough, likewise noted that in Holland, sons under twenty-five and daughters under twenty could not marry without their fathers’ consent, and even children above these ages had to give express notice to their parents of their intended unions, which their parents might forbid.³⁷ These arguments in favor of parental control ultimately prevailed. On June 6, after nearly three months of heated debates, Parliament passed the “Act for the Better Preventing of Clandestine Marriages”—or, Hardwicke’s Marriage Act, as it came to be known. As of March 25, 1754, all couples who wished to solemnize vows in England and Wales had to comply with the restrictions set forth in the new law.³⁸

Historians disagree about the meaning and implications of the Act, but at the time observers felt that the law would produce great changes in conjugal life.³⁹ A flurry of pamphlets and treatises appeared in print immediately after its passage. The anonymous author of *A Letter to the Public* (1753) endorsed the measure, explaining in good Lockean fashion that “Infants or Minors, may and ought to be restrained, as wanting the Degree of Judgment necessary to discern the Consequences of their Actions” and that it was “absurd . . . to constitute [them] absolute Judges for themselves in Matrimony, the most important of all Contracts.”⁴⁰ In *An Enquiry into the Force and Operation of the Annuling Clauses in a Late Act . . . With Respect to Conscience* (1754), however, Henry Stebbing—an orthodox minister of the Church of England and the Act’s most vocal opponent—objected that the law infringed upon men’s natural rights. “[N]o Man,” he insisted, “by entering into Society, can or ought to be presumed to have yielded up into the Hands of the Society, his natural Right to contract Marriage, as shall seem to him most expedient for the Security of his Virtue.”⁴¹ As Stebbing saw it, no human law could dissolve a union made in pursuance of this right. “[T]he legal Form of contracting Marriage hath nothing to do with the Essence of the

Contract as it lies before God," he declared.⁴² In his view, "[t]he present Act . . . hath not altered nor can any Law alter the Nature of the Contract as it concerns Conscience, which, the Right of contracting supposed, is full and compleat [sic] in the mutual Stipulation of the Parties as known to God."⁴³

Stebbing expressed particular concerns about the Act's nullity provision as it concerned minors, explaining that he had long felt the canon law to be too harsh in requiring children under twenty-one to obtain parental approval before they could wed. In his view, parents' decisions were "sometimes cruel and unnatural."⁴⁴ While minors ought to consult their parents' wishes before exchanging vows, he felt, they ought to retain the "*decisive Voice as having the principal Interest.*"⁴⁵ Stebbing returned to this question in *A Dissertation on the Power of States to Deny Civil Protection to the Marriages of Minors* (1755). In that work, he conceded the practical necessity of requiring couples to solemnize their vows in public ceremonies.⁴⁶ But he insisted on the distinction between the form of marriage and its essence, maintaining that, while legislators might deem minors' unions to be without any "CIVIL Effects," they could not nullify these contracts as they concerned conscience.⁴⁷

Critics continued to express these and other concerns about the Act in the decades following its passage. In 1764, for example, the anonymous author of *Reflections on the Marriage Act; with Some Hints for a New Law* wondered "how this bill, fraught with inconveniencies, loaded with restraints upon marriage, made its way through both houses of parliament, and has, near ten years now, been received as a law among a wise, a brave, and a free people."⁴⁸ Like Stebbing, he felt that marriage was "nothing more than a simple contract between two persons, to live together during life, as husband and wife."⁴⁹ For practical reasons, he felt that the existence of a marriage ought not to be kept secret. Thus, he endorsed the provision requiring couples to record their marriages in registers, and he insisted that the legislature ought to compel wives to bear their husbands' names.⁵⁰ Yet, in all other respects, he denounced the law, expressing admiration for his "fellow subjects in Scotland . . . [who] enjoyed the peculiar liberty of marrying without any restraint."⁵¹ In *Reflections on the Repeal of the Marriage-Act* (1765), another critic similarly held up Scotland as a model, maintaining that his own country's law wrongly circumscribed "the natural rights and freedom of mankind."⁵²

In Parliament, meanwhile, Fox and other Whigs repeatedly sought to repeal or, at least, modify the Act. Their efforts met with resistance, though, from M.P.s like Burke and Sheridan. The question under consideration, Burke explained in his speech against Fox's 1781 repeal bill, was "whether the minors of both sexes, without the consent of their parents, ought to have a capacity of contracting the matrimonial, whilst they have not the capacity of contracting any other engagement."⁵³ He insisted that they should not:

The improvident marriage of one man becomes a tax upon the orderly and regular marriage of all the rest. Therefore those laws are wisely constituted, that give a

man the use of all his faculties at one time; that they may be mutually subservient, aiding and assisting to each other. . . . 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; to give him a family before he can contract any one of those engagements, without which no business can be carried on, 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.⁵⁴

Unlike Stebbing, Burke privileged positive law over natural law, the “legal form” of marriage over its “essence.” Where Stebbing sought to protect individual rights and liberties, Burke worried about the larger social and economic implications of secret matches. Stability and order in society, rather than the love of prospective spouses, were Burke’s chief concern. His focus on parental consent effectively erased that of the contracting parties, but he saw no reason to be alarmed. In his view, critics like Fox needlessly worried about the “avaricious principle of fathers.”⁵⁵ “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.”⁵⁶ He conceded that “parents in high rank will generally aim at, and will sometimes have the means, too, of preserving their minor children from any but wealthy or splendid matches.”⁵⁷ “But,” he insisted, “this authority preserves [them] from a thousand misfortunes, which embitter every part of every man’s domestic life, and tear to pieces the dearest ties in society.”⁵⁸ Burke’s arguments in favor of parental control ultimately prevailed: although the Commons voted to amend the Act, the Lords defeated Fox’s measure.⁵⁹ The law would, in fact, remain unchanged until 1822.⁶⁰ But the debates would continue both inside and outside Parliament.

SECRET PLEDGES AND COERCED VOWS: NUPTIAL NEGOTIATIONS IN *CECILIA*

Burney was not yet two years old when Hardwicke’s Act took effect in March of 1754, but over the course of the next two decades, she gained a keen understanding of the issues it raised about parental authority, conjugal freedom, and contractual agency. During this period, Burney seems to have become at least partly sympathetic to the plight of young couples who wished to marry in defiance of their parents’ wishes. Her journal entries and letters of the late 1760s through early ’80s contain many allusions to David Garrick and George Colman’s popular comedy, *The Clandestine Marriage* (1766), which offered a light-hearted but pointed critique of the law in its portrait of Fanny Sterling’s illicit union with her father’s poor apprentice.⁶¹ Burney seems to have been par-

ticularly struck by the character of Lord Ogleby, the elderly suitor who initially seeks to marry Fanny but later convinces her outraged father to forgive her and to sanction her secret match. In her letters, Burney expressed admiration for Ogleby, invoking his words and sentiments on at least four occasions.⁶²

Burney did not have to turn to the theater, though, to discern the difficulties that the Act created for young couples. Disputes about secret unions raged in her own family. In May of 1772, Burney's step-sister Maria Allen secretly married Martin Folkes Rishton in France, against the wishes of their parents; later that year, her seventeen-year-old step-brother, Stephen Allen, eloped to Gretna Green with the daughter of a Norfolk physician; and in 1777, Elizabeth ("Bessy") Allen followed her siblings' lead, secretly exchanging vows at Ypres with an adventurer whom she met in Paris.⁶³ Although the elopements caused great consternation among the Burneys and their friends, Frances seems to have reacted with both surprise and excitement when she learned of Maria's marriage. "How strange—how wonderful an affair!" Burney observed in her journal three days after her step-sister's return.⁶⁴ Burney feared that their mother would be furious when she learned of the union, but she felt that Maria's age might lessen the blow, as Maria was just two months shy of twenty-one. "Certain it is, that she will so soon be of age, &, consequently, wholly independent," Burney reasoned, "that opposition would be very fruitless even supposing she was [still] unmarried, which Mama doubtless does suppose."⁶⁵ Mrs. Burney did not view the matter in the same light. While Charles Burney seems to have immediately accepted Maria's union, his wife resented her daughter for "flaunting her authority and embarrassing her by [the] elopement."⁶⁶ Bessy's match proved even more scandalous than Maria's. According to one of Mrs. Burney's friends, Bessy's spouse was "a Bankrupt in fame as well as Fortune."⁶⁷ Bessy's blatant infidelity suggests that she came to realize her mistake.⁶⁸

As Burney destroyed nearly all of the journal entries that she made during the days and months following her siblings' elopements, we have few records of her initial reactions to these matches.⁶⁹ But in her fiction she returns again and again to the moral, legal, and practical questions that the unions raise, showing particular concerns about the ways in which they affect women. All of her novels consider the implications of secret vows: *Evelina* (1778) and *The Wanderer* (1814) depict heroines who are haunted by their parents' clandestine actions, unable to claim their rightful names because their fathers refuse publicly to recognize them, and *Camilla* (1796) recounts the loss of agency that the naïve heiress Eugenia Tyrold experiences after an adventurer forcibly carries her to Gretna Green and marries her there against her will.⁷⁰ But none of Burney's texts devotes as much attention to the value and limits of secret unions as does *Cecilia*. In this novel, Burney subtly probes the controversies that swirled around the Act, revealing the dangers of both excess restraint and excess freedom in the formation of marriage.

The problems stemming from parental control become clear early on in the

text. Through Cecilia's struggles to assert agency in her relationships with men, the novel offers a telling rebuke to Marriage Act proponents like Burke. A close friend of Dr. Burney, Burke was also a devotee of Frances's fiction; he reportedly stayed up all night reading *Evelina* and, after finishing *Cecilia*, he sent Burney a letter thanking her "for the very great instruction & entertainment [he] ha[d] received from the new present [she had] bestowed on the publick [*sic*]." ⁷¹ Burney, in turn, expressed great admiration for the eminent orator. ⁷² Yet, in *Cecilia*, as in all of her novels, she offers a sharp critique of his views of marriage. Where Burke felt relief at the prospect of "parents . . . marry[ing] their children," Burney shows the problems that result when fathers and guardians attempt to wed children and wards against the latter's own wishes. ⁷³ Two of Cecilia's guardians—the extravagant Mr. Harrel and the miserly Mr. Briggs—attempt to negotiate unions on her behalf. To support his lavish lifestyle and gambling addiction, Mr. Harrel not only coerces Cecilia into lending him large sums of money, but also attempts to wed her to Sir Robert Floyer, one of his odious creditors. (Sir Robert agrees to cancel Harrel's debt if "the prize [that Harrel] expect[s] in his ward should fall to his share" [433].) Although Cecilia rejects Sir Robert's proposal, Mr. Harrel refuses to accept that her "no" means "no." He encourages Sir Robert anew and, in an attempt to dissuade other suitors from approaching her, tells everyone that they are already engaged. In a society where gossip and falsehood pass easily for truth, his strategy nearly succeeds: Mortimer initially believes that Cecilia is betrothed. "[H]ow was I to discredit what was not uttered as a conjecture, but asserted as a fact? asserted, too, by the guardian with whom you lived?" (309), Mortimer explains when she informs him of his mistake. Although Cecilia rebukes Mr. Harrel for his "wilful misapprehension" (368) of her refusal and eventually makes Sir Robert see the futility of his suit, her guardian's negotiations cause her to be subjected to repeated and unwanted advances. In his desperate dealings with his creditors, as in the threats that he uses to obtain money from his ward, the novel shows, Mr. Harrel abuses his authority and undermines Cecilia's agency.

Cecilia's parsimonious guardian, Mr. Briggs, similarly disregards her will. Where Mr. Harrel coerces her into borrowing large sums from a usurer so that she can help him pay his debts, Mr. Briggs reminds her of the restriction preventing her from forming binding contracts. "Are but a minor, can't be made pay a farthing" (181), he declares when he learns of her obligation to a bookseller. After she asks him for some of the money that he holds on her behalf, he refuses, curtly explaining, "[k]eep it for your husband; get you one soon. . . . Don't be in a hurry; one in my eye" (180). In his view, Cecilia's minority prevents her from acting as an agent in nuptial affairs as in economic agreements; although her consent is technically required for her to form a valid union, he ignores her wishes, assuming sole responsibility for arranging the match. The miserly Mr. Briggs could hardly be more different from the extravagant Mr. Harrel, but the two prove similar in a crucial way: like her irresponsible guardian, Mr. Briggs thinks of the nuptial tie as an agreement between men.

Cecilia's paternal uncle, Dean Beverley, likewise shares this view of marriage, reining in her conjugal freedom from beyond the grave. When he dies, he makes her "heiress to an estate of 3000*l.* per annum; with no other restriction than that of annexing her name, if she marrie[s], to the disposal of her hand and her riches" (5–6). Although this provision subverts the central symbolic act of *coverture*—the veiling of a wife's identity behind her husband's name—it constricts rather than enhances Cecilia's liberty.⁷⁴ Cecilia is unable to marry Mortimer because his haughty father, Compton—who serves as her third guardian—considers "the name of his ancestors [to be] inseparably annexed" to the "honour of his house" (561). Delville's wife, Augusta, who is descended from a branch of the same family, shares her husband's pride in their heritage. She makes it clear to Cecilia that she and Compton will never permit Mortimer to relinquish that most visible marker of their "ancient and honourable house" (936). (They have, in fact, long been planning a "splendid connection" [564] between Mortimer and one of his cousins.) The lengthy sequence at the Delvilles' dreary castle, recounting Cecilia's and Mortimer's growing attraction toward—yet curious estrangement from—each other, shows the problems that result from the Dean's and the Delvilles' conflicting obsession with lineage. Mortimer acknowledges his feelings for Cecilia when he rushes outside to save her from a lightning storm, declaring her life to be "more precious . . . than the air [he] breathe[s]!" (473). Yet he appears troubled and distracted, expressing frustration that further intimacy between them is "utterly impossible" (475). Burney evokes Cecilia's own confusion and anxiety during this period by waiting until the very end of the sequence before revealing the cause of Mortimer's aloof behavior. Mortimer, we learn, has long known of the provision in Mr. Beverley's will and realizes that a match with Cecilia is out of the question. Through the barbed comments of Compton's outspoken cousin, Lady Honoria Pemberton—who declares Mortimer to be a "puppet" (515) of his parents—the novel undermines his decision to obey the Delvilles' wishes. But the struggle that Mortimer undergoes in attempting to repress his love for Cecilia is its own punishment: he suffers from both mental anguish and a related physical illness. In the Dean and the Delvilles—as in Mr. Harrel and Mr. Briggs—Burney undermines Burke's faith in the "benevolent avarice" of parents and guardians, highlighting the problems that result when children lack the "decisive voice" in the matter of marriage.⁷⁵

Through Mortimer's proposal that he and Cecilia exchange secret vows, the novel examines a different conception of marriage as an affective agreement between two free individuals. Mortimer, as we have seen, prepares to leave England in an attempt to flee Cecilia and improve his health. But when he overhears her confess her love for him, he changes his mind. Unlike her guardians, Mortimer now affirms Cecilia's right to negotiate her own tie. Specifically, he proposes that they exchange vows in a secret—but lawful—ceremony after she turns twenty-one. (Burney here considers the obverse of her step-sister's plight;

where Maria exchanged secret vows with her suitor shortly before reaching the age of majority, Mortimer proposes that Cecilia do so right *after* she attains it.) Mortimer further offers to have his friend John Belfield—a disaffected lawyer who is an open critic of “customs” (15) and “established forms” (16)—draw up a bond settling Cecilia’s fortune and his own expected inheritance. The proposal signals Mortimer’s rejection of his parents’ authority and his willingness to form an equal union. As Susan Staves explains, a marriage settlement “had at least two parties to it, usually more, not only the bride and groom but also both fathers and often other relatives and trustees.”⁷⁶ Rather than involve his haughty father in this contract, Mortimer declares his desire to settle their property “according to the arbitration of [their] mutual friends” (565). In embracing the pre-Hardwicke view of marriage as a consensual, affective tie between two free agents, Mortimer appears to shore up Cecilia’s will.

The novel, though, questions the wisdom of Mortimer’s scheme. Right before he goes to Mrs. Charlton’s house to take leave of Cecilia, the latter receives a visit from Lady Honoria. As she hurries away, Lady Honoria “protest[s] [that] she ha[s] already outstayed her father’s patience, and . . . [that] the delay of another minute [will] occasion half a dozen expresses to know whether she [has] gone towards Scotland or Flanders” (544–45). By placing these glib remarks about clandestine marriage immediately before Mortimer’s proposal, Burney suggests a connection between the technically-legal-but-secret union that Mortimer contemplates and the illicit matches to which Lady Honoria alludes. Indeed, Cecilia reacts to Mortimer’s plan as if he had suggested that they run off to Gretna Green. To her, the proposal is “humiliating” (560); she recoils from the idea of forcing herself upon a family that disdains her name. In addition to the emotional costs of such a union, Cecilia worries about its practical ramifications. “The example of your friends might work powerfully upon yourself,” she tells Mortimer, “and who shall dare assure me you would not catch the infection?” (557). After all, she reminds him, “Have you not this moment avowed that but yesterday you held in abhorrence the very plan that to-day you propose?” (557). The idea of a clandestine match also offends the “strictness of her principles” (560); her “delicacy . . . revolt[s] against a conduct of which the secrecy seem[s] to imply the impropriety” (566). Although Mortimer insists that they would not violate any moral precepts by marrying secretly, Cecilia feels that “duty [would] be offended” by their union, since it is “contrary to the will of [his] parents” (572). Mortimer’s appeals to his own independence and her imminent emancipation fall on deaf ears. In Cecilia’s view, these considerations do not “set [them] free from [their] duty” (572). Only after Mortimer impresses upon her that “no law, human or divine, can be injured by [their] union” (572), and that the single obstacle to their happiness is his parents’ pride, does she give her consent. She does so, however, “[f]earfully . . . and with unfeigned reluctance” (574). Almost immediately after Mortimer leaves her, Cecilia regrets having agreed to commit an “undutiful” and “clandestine” act (576). It makes

no difference to her that they have agreed to marry in church with a license in the presence of two witnesses, two days after she will have come of age. Although their union will not violate the terms of Hardwicke's Act, the law, in her view, does not alone define the boundaries of permissible behavior.

The novel shows that these concerns are well founded. Through the difficulties that Cecilia experiences leading up to and during the ceremony, Burney imaginatively extends the reach of the Act: where Stebbing celebrated minors' contractual capacities, Burney suggests that even children over the age of majority ought to obtain the approval of parents and guardians before they wed. This idea received support from some legislators and jurists in the world outside the novel. During the debates in the Commons, as we have seen, proponents of Hardwicke's bill approvingly pointed to the more stringent rules that obtained in countries like Holland.⁷⁷ Cecilia's plight shows that an increase in authority is necessary for both practical and ethical reasons. Shortly after Cecilia agrees to the match, she writes Mortimer a letter retracting her consent. When her trusted friend Mr. Monckton fails to place the epistle in Mortimer's hands, she sets out for London with Mrs. Charlton, determined to break off the nuptials rather than go through with an unsanctioned ceremony. In this lengthy sequence, however, nothing proceeds as planned. Shortly after Cecilia departs, she gets detained by a group of gossips whom she met while in company with the Harrels. When the inquisitive Mr. Gosport asks her what takes her to London, she evasively replies that she has "some business" (597) there, raising his suspicion. She likewise dodges his questions concerning Mortimer's whereabouts and the last time that she has seen him. But her "own equivocation . . . [is] glaringly exposed" (601) when Mr. Gosport reminds her of Mortimer's recent visit to Mrs. Charlton's house, of which he has heard from Mr. Monckton's ever watchful wife. Shortly thereafter, when Mortimer comes looking for her on horseback, all "muffled up" (602) in disguise, he arouses only more suspicion. At least one member of the party, Mr. Morrice, suspects the real identity of this "*gentleman spy*" (615). In a world filled with prying eyes and an endless craving for "intelligence" (466), the novel shows, it is difficult to keep a matter like this one a secret.⁷⁸ Still, Cecilia persists in her attempt to break off the engagement. When Mortimer comes to her lodgings in London that night, she confusingly explains, "I have made a promise too rash to be kept; . . . you must pardon me if, late as it is, I retract, since I am convinced it was wrong, and must be wretched in performing it" (617). Mortimer agrees to release her, for he does not wish "to fetter [or] to compel [her]" (618). But after he tells her that Mr. Morrice has seen him come up to her chamber, she agrees to go through with the wedding. It would look worse, in the eyes of society, she feels, if she does not marry Mortimer at this point. Her final assent to the union is thus coerced, driven more by a desire to maintain her reputation than by a willingness to sanctify her love for Mortimer and defy the Delvilles' wishes.

The ceremony itself further threatens Cecilia's agency. After the long, drawn-

out discussions leading up to the wedding and the troubles that delay Cecilia on her journey to London, Burney relates the events in the church exceedingly rapidly, evoking Cecilia's sense of confusion and lack of control. Everything is "hastened with the utmost expedition" (624). Worried that she will again retract her consent, Mortimer rushes her out of the carriage and into the chapel, leaving her no time to think. The frenzied proceeding comes to a sudden halt, though, when the priest inquires whether "*any man can shew [sic] any just cause why they may not lawfully be joined together*" (625) and an unknown woman hiding in the back of the pews calls out in the affirmative. The interruption terrifies Cecilia; she views it as an "unaccountable prohibition" (633) and walks, in a daze, down the aisle and out of the church. We later learn that there is no legal basis for the objection and that the disruption is merely the work of an unscrupulous and desperate man: Cecilia's false friend and would-be spouse, Mr. Monckton, has sent his servant to stop the proceedings. But Mortimer's reaction to the interruption underscores his willingness to substitute coercion for consent. Certain that the woman's interference is "wholly accidental" (626), Mortimer beseeches Cecilia to finish the ceremony. When she continues walking and motions to him not to follow, Mortimer becomes even more agitated. "You are *mine*, you are my *wife*!—I will part with you no more," he declares, forcibly catching her hand as she attempts to step inside a carriage, "and go withersoever [*sic*] you will, I will follow and claim you!" (628). In rhetorically transforming his fiancée into his spouse, Mortimer suggests that Cecilia's consent to the contract is irrelevant. Even though Cecilia refuses to exchange vows with him, Mortimer asserts a proprietary interest in her. While he cannot legally enforce his claim, as he might have done before the passage of Hardwicke's Act, he causes Cecilia considerable anguish. Mortimer's behavior leading up to and during the ceremony shows the ways in which secret unions threaten to undermine women's agency. Where Stebbing overlooks the possibility of coercion in courtship, Burney highlights the disparities in power that permeate heterosexual relations and make secret matches potentially dangerous for all women.

Mr. Monckton's role in the disruption further highlights the dangers of private matches, while affirming the importance of filial duty. Married to a bitter old woman whom he despises, Mr. Monckton has "long looked upon [Cecilia] as his future property" (9). When he first learns of Cecilia's engagement, he attempts to frighten his friend into retracting her consent. The match "will lead you into a family of which every individual will disdain you," he warns Cecilia. "[I]t will make you inmate of an [*sic*] house of which no other inmate will associate with you; you will be insulted as an inferior, and reproached as an intruder; your birth will be a subject of ridicule, and your whole race only named with derision" (582). Monckton's strategy works: as we have seen, Cecilia writes a letter to Mortimer explaining that she cannot go through with their plan. When Monckton fails to deliver this letter in time, though, he becomes

desperate. In sending Miss Bennet to disrupt the ceremony, he plays upon Cecilia's fears about defying the Delvilles, aware that she is anxious about marrying Mortimer without obtaining their assent. The secrecy surrounding the intrusion heightens Cecilia's dread. Coming from the back of the chapel, Miss Bennet's disembodied voice initially seems to be a sign of divine intervention. Monckton's secrecy makes it difficult for Cecilia to discover his treachery. ("I know not what to suspect," she complains to Mortimer, "where every thing is . . . involved in obscurity" [629].⁷⁹) She becomes horrified when she later learns that her "oldest friend and confidant" (835) could "so unfeelingly . . . dissolve [her] union at the very altar" (835). While the novel criticizes Monckton for intruding upon Cecilia's relationship with his rival, the mysterious interdiction serves as a reminder that Cecilia does not have the approval of Mortimer's parents and that there is thus, a moral—albeit not a legal—impediment to the union.

The lengthy and agonizing negotiations in which Cecilia, Mortimer, and Mrs. Delville subsequently engage further suggest that Cecilia is right to be anxious about exchanging vows with Mortimer in defiance of his parents' wishes. The "conflict scene"—"the very scene," Burney explained, "for which [she] wrote the whole book"⁸⁰—makes clear the toll that the dispute takes on all parties. The discussions begin three days after Cecilia returns from London, when Mrs. Delville pays her a visit. (Despite their best efforts at secrecy, Mortimer's mother immediately learns of the scene that takes place inside the church.) Mrs. Delville comes to Cecilia "in the name of Mr. Delville, and in the name of [their] whole family" (638). As a representative of this "ancient" and "honourable" clan (936), she explains that they do not object to Cecilia's character, family, or fortune, but they cannot permit their son—"the last survivor of his house" (640)—to relinquish his august patronym. Distressed and humiliated by this condescending avowal from a woman she reveres and loves, Cecilia agrees to end her relationship with Mortimer. When Mrs. Delville brings her son to say farewell to Cecilia, however, he surprises them all by declaring that he "come[s] not to release, but to claim her" (671), initiating the longest and most excruciating of the novel's negotiations. After Mrs. Delville taunts her son with the idea of assuming the name of "Mr. Beverley" and paints a picture of the "blood of [his] wronged ancestors ris[ing] into [his] guilty cheeks" (677), he yields to her will—only to "retract and forswear" his "rash declaration" (679) yet again when he sees the misery written on Cecilia's face. Through these sudden changes of heart, the novel affirms Cecilia's earlier fears, revealing Mortimer's susceptibility to his parents' manipulation as well as his own investment in his family's honor.

The pressure that Mrs. Delville puts on Cecilia throughout this scene likewise suggests the necessity of obeying her wishes, even as the anguish that Cecilia suffers and the attack of illness that Mrs. Delville herself experiences undermine the latter's coercion. In a last, desperate effort to prevent a union between her son and Cecilia, Mrs. Delville resorts to emotional blackmail,

threatening to withhold her love from them if they continue to disobey her. The strategy fails: Mortimer “cast[s] off in desperation all timidity and restraint” and, catching Cecilia’s hand from his mother, declares that he “cannot [and] . . . will not give her up!” (680). Overwhelmed by this turn of events, Mrs. Delvile rushes out of the room, exclaiming that her “brain is on fire!” (680); she then collapses on the floor. Ironically, now that the confrontation becomes too much for her to bear, she regains control of it. When Cecilia sees Mrs. Delvile lying there, her mouth filled and her face covered with blood, she directs Mortimer to resign himself entirely to his mother’s will and “solemnly . . . promise[s]” on both of their behalves that they will “separate for ever” (682). In this climactic conclusion to their agonizing negotiations, Mrs. Delvile replicates Mr. Harrel’s coercive tactics. Now, as before, Burney suggests the illegitimacy of such ploys. By transforming the metaphorical blood of Mrs. Delvile’s ancestors into the literal blood of her brain hemorrhage, Burney undermines Augusta’s investment in the family pride, while showing the way that blackmail recoils upon those who use it.⁸¹ But Mrs. Delvile’s collapse puts an end to the dispute: Mortimer now agrees to submit to his parents’ wishes and, after asking Cecilia’s forgiveness, leaves the house. Burney can neither imagine nor countenance his refusal at this point. Even as the novel punishes Mrs. Delvile for coercing Cecilia and Mortimer’s compliance, it shows the necessity of yielding to her wishes. Through this emotionally charged scene, the novel insists upon the importance of filial obedience, even as it reveals the costs of such deference.

REIMAGINING MARRIAGE

Although *Cecilia* endorses—and, indeed, extends—the restrictions that Hardwicke’s Act places on children’s matches, it offers a powerful critique of the patriarchal principle that underwrites this law. The Act, we remember, required minors to obtain the consent of their fathers before they could obtain licenses to wed. If a minor’s father was no longer living, she needed to obtain the approval of her guardian; only if she had no guardian could she seek her mother’s assent.⁸² The law permitted the Lord Chancellor to substitute his own decision for the wishes of guardians and mothers if the latter were absent overseas or mentally incompetent, or if they acted unreasonably in withholding their consent, but it did not include a similar provision for fathers; they had the final say in the matter.⁸³ While some observers were convinced that fathers would never abuse their power, others were troubled by the distinction that the law made on this point. “It is remarkable . . . and surely a capital defect in the act,” the author of *Reflections on the Marriage Act* complained, “that though there is a clause providing for the case of a mother’s being *non compos mentis*, and her, or the guardians’ improperly withholding their consent to the marriage of the minor; yet there is no provision, if the like should happen from a father’s lunacy, or his unreasonableness.”⁸⁴ The canons that regulated marriage before 1754 did not

specifically privilege paternal over maternal authority. (The relevant provision required minors to obtain the consent of their "Parents or Governours" before they could wed.⁸⁵) But natural law thinkers like Locke and divines like William Fleetwood had long insisted that in cases of conflict, a father's will was to prevail over that of his wife.⁸⁶

Through the Delvilles, Burney contests the unique authority that legislators, philosophers, and clerics accorded to fathers in the matter of marriage. Mr. Delvile effectively abdicates his authority because he is so stubborn and proud. After Mrs. Delvile becomes ill, her husband sends Cecilia a message informing her that either he or she must never see Mortimer again. Even the dutiful Cecilia now feels that she is no longer obliged to abide by her guardian's demands. "I return him . . . no answer, and I will make him no promise," Cecilia tells the Doctor. "[T]o Mrs. Delvile alone I hold myself bound; to him, send what messages he may, I shall always hold myself free" (692). Mortimer likewise refuses to abide by his father's wishes, appealing to his mother again in the hope that she will change her mind and grant him permission to marry Cecilia. Drained by the dispute and softened by her illness, Mrs. Delvile—who was herself "married . . . by her relations, without any consultation of her heart or her will" (461)—assents to the match on the condition that Cecilia take the Delvile name. Her husband, however, not only continues to withhold his consent but impugns Cecilia's character. The Delvilles end up "so mutually irritated with each other, that they agre[e] to meet no more" (815). Although Mrs. Delvile writes to her husband "in terms of peace and kindness, lamenting their late dissention, and ardently expressing her desire to be reconciled to him before she [leaves] England" (817–18), Compton refuses either to reveal Cecilia's defamer or to assent to the match; his agreement with a gentleman—Cecilia's false friend, Mr. Monckton, we later learn—trumps his tie to his wife. Mrs. Delvile has always maintained an "independent mind" and "judged for herself" (819), and she exercises that judgment now by giving her "separate consent" (819) for her son to wed Cecilia. Under the circumstances, the novel suggests, Mrs. Delvile's assent provides an important check on her husband's irrational behavior.

Burney's account of the secret vows that Cecilia exchanges with Mortimer, however, reaffirms the dangers of private matches, showing the practical importance of paternal assent. Mortimer insists that they marry privately because a public union would "almost irritate [his father] to phrenzy [*sic*], by its daring defiance of his prohibition and authority" (822). After the ceremony, he plans "instantly [to] ride post to his father, and pay him, at least, the respect of being the first to communicate it" (824); thereafter, he plans to go abroad with his mother, whose failing health requires her immediate departure. As he does not wish to "make a run-away of [Cecilia] in the opinion of the world," he plans to travel as a "single man" and to "leave the arrangement of every thing [concerning their marriage] to his return" (824). When Cecilia objects to the "violent precipitancy" (824) of this proposal, Mortimer explains, "[a]ll I wish is the secret

certainly I cannot be robbed of you, that no cruel machinations may again work our separation, that you are mine, unalterably mine, beyond the power of caprice or ill fortune" (824). Ironically, Mortimer explains in one breath his intention to leave Cecilia, even as he declares, in the next, his desire to prevent any separation between them. His desire legally to "own" her ultimately trumps all practical concerns for her safety after the ceremony. Mortimer overcomes Cecilia's objections to his plan only when he beseeches her to honor her promise to be governed by Mrs. Delvile's wishes. Consoled by the thought that, upon the terms specified, Mrs. Delvile "is content to wish [her] of [the] family" (825), Cecilia agrees to submit to his mother's decree. Again, however, she goes to London secretly and finds herself consumed with regrets. And again her anxieties prove to be founded. As in the earlier episode, in this one, the speed with which Burney recounts the proceedings evokes Cecilia's lack of agency and control. Although Mortimer attempts to inform his father of their union immediately after they solemnize it, Mr. Delvile senses that the matter concerns Cecilia and refuses to listen to what his son has to say. In his rage, he inadvertently reveals that Mr. Monckton is Cecilia's slanderer, precipitating a duel in which Mortimer seriously injures Cecilia's false friend. Mortimer promptly flees England in obedience to his wife's wishes, but his haste causes Cecilia innumerable difficulties. No sooner does Mortimer leave her than her uncle's conditional heir, Mr. Eggleston, asserts his title to her property, leaving Cecilia destitute and homeless. The economic and psychological troubles that she experiences after her marriage reinforce the dangers of the "clandestine scheme" (857).

Cecilia's decision to keep her difficulties a secret from her husband causes only more trouble. When Mortimer returns to England unexpectedly and finds her talking to Belfield in the latter's chambers one night, he suspects her of infidelity. (Even the "secret certainty" that they are married does not alleviate his fear of being "robbed" of her [824].) He sends her to his father's house to await his own return but, not surprisingly, Mr. Delvile refuses to receive her there; the elder Delvile sends her back on a frantic search for her husband, precipitating her descent into madness. As Kristina Straub observes, Cecilia's unconscious raving in the pawn-shop underscores her fear of and anger at her spouse, while the disorienting narrative leading up to her collapse evokes her lack of control.⁸⁷ The advertisement that the shop-owners place in the newspaper, inviting those to whom Cecilia "belongs to . . . send after her immediately" (901), confirms the depths to which she has fallen. Rather than enjoy her new status as wife, Cecilia becomes the object of yet another attempted exchange. Although Burney suggests that Mrs. Delvile's consent to the match is theoretically sufficient, she shows the practical dangers of exchanging vows without securing Mr. Delvile's approval.

Through Mr. Delvile's eventual acceptance of Cecilia and Mortimer's union, Burney proposes a new model of marriage as an affective tie, sealed by both maternal and paternal consent. Cecilia concludes that the lesson to take from the tragic turn of events is the "misery of DISOBEDIENCE" and the impor-

tance of "filial ties and parental claims" (930). But, as Doctor Lyster observes, the difficulties are really "the result of PRIDE and PREJUDICE" (930). In binding himself to the perfidious Mr. Monckton and refusing to disclose what the latter tells him about Cecilia, Mr. Delvile allows secrecy and slander to interfere with—and nearly destroy—his son's marriage. When Doctor Lyster takes him to see Cecilia lying in the pawn-shop, "wholly insensible" (912), Mr. Delvile begins to regret the way that he has treated her. Upon viewing her pallid countenance and lifeless body, "[h]is pride, his pomp, his ancient name, . . . [sink] in his estimation" (912); he returns home, "stung by personal remorse, lamenting his own inflexibility" (913). Unfortunately, these feelings do not last long. He invites Mortimer and Cecilia to reside in St. James's Square only after Mr. Monckton admits his treachery and impugns the Delvile name and, even then, he receives Cecilia begrudgingly. His cousin Lady Honoria mocks his continued investment in the "blood of [his] ancient and honourable house" (936), reminding us of the dilapidated condition of Delvile Castle and the moral degeneration of the family that has gone with it. Mrs. Delvile's own reception of Cecilia sharply contrasts with that of her husband. As soon as Cecilia recovers from her illness, she and Mortimer go abroad to visit his mother. Now, as before, Mrs. Delvile receives Cecilia with "the most rapturous fondness" (938), affirming her earlier consent to the match. Lady Honoria's irreverent remarks and Mrs. Delvile's warm welcome reaffirm the limits of the patriarchal principle inscribed in Hardwicke's Act. Where Burke maintained that the avarice of fathers would work in children's favor, Burney shows the dangers of privileging rank and lineage over love, and familial pride over individual desire.⁸⁸

Through Cecilia and Mortimer's union, Burney also reimagines the relationship between husbands and wives. Critics generally read the novel's end as an endorsement of—or a capitulation to—patriarchal authority. In Castle's words, "Cecilia is reborn . . . as the docile, impoverished female, stripped of power and plenitude, a sacrifice to the traditional script of female *Bildung*."⁸⁹ After Cecilia recovers from her illness, however, Mortimer shows signs of an important change. Not only does he repent his earlier rashness and mistrust, but he finally renounces the Delvile pride. "[H]ow much higher must we all rise, or how much lower must you fall, ere any levelling principle will approximate us with YOU!" (937), he tells Cecilia, reversing his father's moral calculus. Where Mrs. Delvile remains estranged from her husband, Cecilia now forms a strong bond with her spouse. Her position as a wife is further improved by the fortune that she inherits from Mortimer's aunt. The narrator explains:

The sister of Mrs. Delvile, a woman of high spirit and strong passions, lived not long after [Mortimer's uncle, Lord Delvile]; but having, in her latter days, intimately connected herself with Cecilia, she was so much charmed with her character, and so much dazzled by her admiration of the extraordinary sacrifice [Cecilia] had made, that, in a fit of sudden enthusiasm, she altered her will, to leave to

[Cecilia], and to her sole disposal, the fortune which, almost from his infancy, she had destined for her nephew. (939)

Unlike the Dean's legacy, this gift comes without any conditions. Rather than consolidate authority and property in the male line, it relies upon developments in equity that empower women: Cecilia retains sole ownership of and control over the fortune; it goes directly to her rather than her husband.⁹⁰ In a period marked by growing restrictions on married women's property, the novel affirms the importance of female ownership, while contesting the traffic in women.⁹¹ Where the Dean sought to transfer his name and his property to Cecilia's husband, Mortimer now makes possible the transmission of wealth from his aunt to his wife. Although Cecilia is reluctant to accept the legacy, Mortimer insists that she take it. He is "delighted to restore to [her] through his own family, any part of that power and independence of which her generous and pure regard for himself had deprived her" (939). Rather than claim ownership of his wife, Mortimer thus finally acknowledges her status as a proprietor in her own right. As a result of her inheritance, Cecilia is able to continue supporting the pensioners whom she aided before her union. Her marriage, of course, comes at a great cost; the novel repeatedly reminds us of the sacrifice that Cecilia makes in forfeiting her uncle's estate. But the final bequest enables Cecilia to regain some of the independence that she enjoyed before becoming Mortimer's wife. Even as the novel affirms—indeed, extends—the law's restrictions on nuptial freedom, it imagines marriage as an affective agreement between two equal agents.

NOTES

For helpful comments on earlier versions of this essay, I thank Jill Campbell and the anonymous readers from *The Eighteenth Century*.

1. Frances Burney, *Cecilia, or Memoirs of an Heiress* [1782], ed. Peter Sabor and Margaret Anne Doody (New York, 1988), 512. All further references will be noted in the text by page number to this edition.

2. See "An Act for the Better Preventing of Clandestine Marriages," 26 Geo. II cap. 33, *The Statutes at Large*, ed. Danby Pickering, 42 vols. (Cambridge, 1766), 21:124–30; and R. B. Outhwaite, *Clandestine Marriage in England, 1500–1850* (London, 1995), 84–85.

3. See "Debate in the Commons on the Clandestine Marriage Bill," *The Parliamentary History of England*, 36 vols. (London, 1813; New York, 1966), 15:1–84; "Debate in the Lords on the Clandestine Marriage Bill," *Parliamentary History*, 15:84–87; Edmund Burke, "Speech on the Second Reading of a Bill for the Repeal of the Marriage Act," *The Works of Edmund Burke*, 9 vols. (Boston, 1839), 5:431–35; and Richard Brinsley Sheridan, "On the Bill to Explain and Amend the Marriage Act," *The Speeches of the Right Honourable Richard Brinsley Sheridan*, 3 vols. (London, 1842), 1:16–17.

4. Outhwaite, 112–16. Opponents also attempted to repeal or modify the law in 1754, 1772, 1812, 1813, and 1818 (Outhwaite, 112–13, 145, 150–52).

5. See, for example, John Shebbeare, *The Marriage Act* (London, 1754); Henry 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, 1754), repr. in *The Marriage Act of 1753: Four Tracts* (New York, 1984), 3–32; 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, 1755), repr. in *The Marriage Act of 1753*, 1–55; William Dodwell, *A Letter to the Author of Some Considerations On the Act to Prevent Clandestine-Marriages* (London, 1755); James Ibbetson, *Some Observations on Two Pamphlets Lately Published*, 2d ed. (London, 1755); *Reflections on the Marriage Act; with Some Hints for a New Law: Humbly Offered to the Consideration of Parliament* (London, 1764); and *Reflections on the Repeal of the Marriage-Act, Now Under Consideration of Parliament* (London, 1765).

6. Miranda J. Burgess, *British Fiction and the Production of Social Order, 1740–1830* (New York, 2000), 74; see also Burgess, “Courting Ruin: The Economic Romances of Frances Burney,” *Novel: A Forum on Fiction* 28 (1995): 131–53, 131. Burgess discusses *Cecilia* only briefly, as part of a larger study of Burney’s “economic romances” (*British Fiction*, 96).

7. Burgess, *British Fiction*, 110.

8. Burgess, *British Fiction*, 110. In a similar vein, Lisa O’Connell asserts that “Burney’s admiration for [Marriage Act supporter David] Garrick dovetails with her own support for the Marriage Act, and her contempt for John Shebbeare, one of the Act’s most vociferous opponents” (“Marriage Acts: Stages in the Transformation of Modern Nuptial Culture,” *differences* 11 [1999]: 68–111, 106 n43).

9. James Thompson, *Models of Value: Eighteenth-Century Political Economy and the Novel* (Durham, 1996), 174.

10. Cynthia Klekar, “‘Her Gift Was Compelled’: Gender and the Failure of the ‘Gift’ in *Cecilia*,” *Eighteenth-Century Fiction* 18 (2005): 107–26, 118.

11. Terry Castle, *Masquerade and Civilization: The Carnavalesque in Eighteenth-Century English Culture and Fiction* (Stanford, 1986), 276.

12. Castle, 277, 289. Kristina Straub and Katharine M. Rogers qualify the conservative readings of Burney’s fiction, arguing that the novel at once endorses and critiques a patriarchal conception of marriage; see Straub, *Divided Fictions: Fanny Burney and Feminine Strategy* (Lexington, 1987), 1–7, 171–76, 180–81; and Rogers, *Frances Burney: The World of ‘Female Difficulties’* (New York, 1990), 1–4, 57–66. Ruth Perry likewise suggests that Burney remains conflicted about the competing claims of romantic love and filial obligation (*Novel Relations: The Transformation of Kinship in English Literature and Culture, 1748–1818* [New York, 2004], 231–35). In Perry’s view, the novel presents private marriage “as a solution, but never permits it to blot out ambivalence or tie up loose ends” (235).

13. My argument draws upon and extends readings of *Cecilia* as a proto-feminist text. See Doody, *Frances Burney: The Life in the Works* (New Brunswick, 1988), 122–30, 140–43, 147–49; Julia Epstein, *The Iron Pen: Frances Burney and the Politics of Women’s Writing* (Madison, 1989), 4–5, 167–73; Katherine Sobba Green, *The Courtship Novel, 1740–1820: A Feminized Genre* (Lexington, 1991), 80–90; Barbara Zonitch, *Familiar Violence: Gender and Social Upheaval in the Novels of Frances Burney* (Newark, 1997), 59–84; Rose Marie Cutting, “Defiant Women: The Growth of Feminism in Fanny Burney’s Novels,” *Studies in English Literature* 17 (1977): 519–30, 519–24; and Megan Woodworth, “‘If a Man Dared Act for Himself’: Family Romance and Independence in Frances Burney’s *Cecilia*,” *Eighteenth-Century Fiction* 22 (2009–10): 355–70, 363–66. Of these critics, only Green notes *Cecilia*’s allusion to Hardwicke’s Act, and she does not pursue the connections between the novel and English nuptial law (89).

14. See Lawrence Stone, *Road to Divorce: A History of the Making and Breaking of Marriage in England, 1530–1987* (New York, 1995), 52–53, 56–57. While Stone refers to these contracts as “contract marriages” (53), Rebecca Probert argues that the bonds did not themselves constitute matrimony. Rather, she contends, they gave each party the right to compel performance of the contract—that is, to require solemnization of the marriage in church (*Marriage Law and Practice in the Long Eighteenth Century: A Reassessment* [New York, 2009], 21–67).

15. See Stone, *Road to Divorce*, 76–78; Outhwaite, 8–9; Probert, *Marriage Law and Prac-*

ties, 25–35; Probert, “The Impact of the Marriage Act of 1753,” *Eighteenth-Century Studies* 38 [2005]: 247–62, 251. If both parties agreed that they had formed an unconditional contract, the courts ruled that their word was to be believed. But they held that “faith in the way of marriage pledged secretly and without witnesses, betwixt man and woman, be of no effect if either party do deny it” (quoted in Stone, *Road to Divorce*, 72). Outhwaite points out that the 1604 canons merely codified existing regulations, most of which were in place by the end of the thirteenth century (8).

16. See Holly Brewer, *By Birth or Consent: Children, Law, and the Anglo-American Revolution in Authority* (Chapel Hill, 2005), 308; Outhwaite, 20; and Stone, *Road to Divorce*, 96–97. Although the common law courts—which presided over matters involving property—refused to recognize contract marriages, they acknowledged all unions solemnized by ministers, no matter where or when they took place (Stone, *Road to Divorce*, 69, 98; Probert, “Control over Marriage in England and Wales, 1753–1823: The Clandestine Marriages Act of 1753 in Context,” *Law and History Review* 27 [2009]: 413–50, 419–20).

17. Outhwaite, 19–31, 45–49; Stone, *Road to Divorce*, 108–20; and Probert, “Control over Marriage,” 419–20. On the marriage business at the Fleet Prison, see Roger Lee Brown, “The Rise and Fall of the Fleet Marriages,” *Marriage and Society: Studies in the Social History of Marriage*, ed. R. B. Outhwaite (New York, 1981), 117–36.

18. Henry Gally, *Some Considerations upon Clandestine Marriages* (London, 1750), 12, repr. in *The Marriage Act of 1753*, 1–164.

19. Gally, 13–14.

20. For Locke’s theory of property, see *Two Treatises of Government* [1690], ed. Peter Laslett (New York, 1988), 287–88; for his view of the inviolability of consent, see *Two Treatises*, 283–84, 330–31, 384–86. For a feminist critique of Locke, see Carole Pateman, *The Sexual Contract* (Stanford, 1988), 1–18; and Pateman, *The Disorder of Women: Democracy, Feminism and Political Theory* (Stanford, 1989), 33–57.

21. Gally, 14.

22. Gally, 18.

23. Stone, *Road to Divorce*, 115–17.

24. Between 1660 and 1753, legislators introduced at least seventeen bills seeking to prevent clandestine unions or the matches of minors without parental consent. For an overview of these attempts, see Outhwaite, 68–73.

25. The immediate impetus for the bill was a Scottish appeals case, heard by the House of Lords in January 1753, in which a woman challenged a publicly solemnized marriage of thirty years’ standing on the grounds that she had formed a prior, secret contract with the husband. The Lords dismissed the appeal and ordered the judges to prepare a bill to prevent clandestine matches (George Elliott Howard, *A History of Matrimonial Institutions*, 3 vols. [London, 1904], 1:448; Outhwaite, 76).

26. See Outhwaite, 84–85; and “An Act for the Better Preventing of Clandestine Marriages,” sec. 8–10, 14–15. I summarize here the provisions of the bill that ultimately passed into law. Although legislators made numerous changes to the bill that Lord Hardwicke introduced, most of the revisions amounted, in the words of one historian, “to fine-tuning”; the “only substantial additions were clauses which considerably tightened and enforced the registration procedure, and an apparently mischievous but important clause which weakened the provision for compelling parties to marry in their place of residence” (David Lemmings, “Marriage and the Law in the Eighteenth Century: Hardwicke’s Marriage Act of 1753,” *The Historical Journal* 39 [1996]: 339–60, 346). For a detailed discussion of these changes, see Outhwaite, 78–84.

27. See Outhwaite, 85; and “An Act for the Better Preventing of Clandestine Marriages,” sec. 11. The final version of the bill did not require minors to obtain parental consent if they married after the calling of the banns; the assumption was that if the banns were called in a minor’s parish of residence, the minor’s father or guardian would learn of the impending match and express his dissent if he wished to do so (Outhwaite, 79, 85).

28. See Lemmings, 349; and "An Act for the Better Preventing of Clandestine Marriages," sec. 12. Legislators carved out a few exceptions: the law did not apply to the royal family or to Quakers and Jews, and it did not extend to Scotland (Outhwaite, 79, 85; "An Act for the Better Preventing of Clandestine Marriages," secs. 17–18).

29. "Debate in the Commons," 68. Henry Fox's opposition to the bill was motivated by personal as well as political interests. In 1744, Fox had run off with Lady Georgiana Lennox, daughter of the second Duke of Richmond; they married secretly in a private house in the Fleet Prison (Stone, *Road to Divorce*, 115).

30. "Debate in the Commons," 80; see also 53.

31. "Debate in the Commons," 59.

32. "Debate in the Commons," 16.

33. "Debate in the Commons," 14–16, 80–81.

34. "Debate in the Commons," 7.

35. "Debate in the Commons," 76. Ironically, Justice Mansfield would issue an influential set of opinions affirming the principle of free contract. On Mansfield's role in the development of modern contract law, see P. S. Atiyah, *The Rise and Fall of Freedom of Contract* (Oxford, 1979), 120–24, 212–16; and Martin Kayman, "The Reader and the Jury: Legal Fictions and the Making of Commercial Law in Eighteenth-Century England," *Eighteenth-Century Fiction* 9 (1997): 373–94, 384–94.

36. "Debate in the Commons," 77.

37. "Debate in the Commons," 43–45.

38. See Outhwaite, 83–84; Stone, *Road to Divorce*, 127.

39. Stone assimilates the Act to his thesis concerning the growth of "affective individualism" in eighteenth-century England (*The Family, Sex, and Marriage in England, 1500–1800* [New York, 1979], 22). In his view, the law replaced the idea of "the ceremony as a sacrament, an indissoluble union before God" with the idea of marriage as "a contract like any other, subject to statutory controls for the public good" (33). In a similar vein, Randolph Trumbach insists that the bill passed not because there was a "reassertion of patriarchal power" but because "romantic love had become so acceptable"; in his view, by the mid eighteenth century, "men were no longer willing to tolerate the use of marriage as a means of making one's fortune, and parents were content to allow their children to marry for love" (*The Rise of the Egalitarian Family: Aristocratic Kinship and Domestic Relations in Eighteenth-Century England* [New York, 1978], 108–9). Lemmings and Erica Harth, by contrast, maintain that the Act impeded the development of affective freedom and the rise of the egalitarian family; see Lemmings, "Marriage and the Law in the Eighteenth Century," 339–60; and Harth, "The Virtue of Love: Lord Hardwicke's Marriage Act," *Cultural Critique* 9 (1988): 123–54. Brewer suggests that there was "a possibility of agreement between those who supported a status-based patriarchal ideology and those who supported a contractual basis for society," but she argues that the Act was "primarily supported by those who wanted to uphold status within society" (325).

Historians and critics also disagree about the Act's effects on women. While Eve Tavor Bannet maintains that the Act "required an extraordinary sea change in long-standing, customary sexual and marital practices" ("The Marriage Act of 1753: 'A Most Cruel Law for the Fair Sex,'" *Eighteenth-Century Studies* 30 [1997]: 233–54, 241) and Virginia Duff argues that the Act "resulted in manifest cruelties to women and children" ("Early English Novelists Testify to the Law's Manifest Cruelties Against Women Before the Marriage Act of 1753," *Women's Studies* 29 [2000]: 583–618, 615), Probert insists that the law resulted in relatively little change. Most people married in church before the Act's passage, she maintains, and more married in church after it (*Marriage Law and Practice*, 172–77, 197–205; "The Impact of the Marriage Act," 256; see also "Control over Marriage").

40. *A Letter to the Public: Containing the Substance of What Hath Been Offered in the Late Debates upon the Subject of the Act of Parliament, for the Better Preventing of Clandestine Mar-*

riages (London, 1753), 33, 36, repr. in *The Marriage Act*, 1–56. In Locke's view, "[t]he Freedom of a Man at years of discretion, and the Subjection of a Child to his Parents, whilst yet short of that Age" were perfectly "consistent, and . . . distinguishable" (308). For Locke's discussion of children's contractual capacity, see *Second Treatise*, 364–9:

41. Stebbing, *Enquiry*, 13.

42. Stebbing, *Enquiry*, 15.

43. Stebbing, *Enquiry*, 15–16.

44. Stebbing, *Enquiry*, 26.

45. Stebbing, *Enquiry*, 27.

46. See Stebbing *Dissertation*, i–ii.

47. Stebbing, *Dissertation*, 27; see also *A Review of the Principles of the Enquiry Concerning the Operations of the Annuling Clauses in the Marriage Act; and of the Dissertation on the Power of States* (London, 1755), 16–22, 30–31.

48. *Reflections on the Marriage Act*, 12.

49. *Reflections on the Marriage Act*, 17.

50. *Reflections on the Marriage Act*, 20.

51. *Reflections on the Marriage Act*, 37–38.

52. *Reflections on the Repeal of the Marriage-Act*, 29.

53. Burke, "Speech," 431.

54. Burke, "Speech," 432.

55. Burke, "Speech," 434.

56. Burke, "Speech," 434.

57. Burke, "Speech," 434.

58. Burke, "Speech," 434. Burke would famously develop his ideas about paternal authority in *Reflections on the Revolution in France* (1790; ed. Conor Cruise O'Brien [New York, 1986]). In this text, he affirms the importance of "antient [*sic*] institutions," which he figures as entailed estates (172, 192). Recoiling at the idea of "temporary possessors and life-renters" wasting their inheritances, he insists that children must respect the wishes of their forefathers in order to maintain "the whole original fabric of . . . society" (192).

59. 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 their parents' assent. On the Lords' defeat of this bill, see Brewer, 326; and Outhwaite, 115–16.

60. The Amendment Act of 1822 repealed the provisions that invalidated marriages of minors who failed to secure the consent of parents or guardians. But the Amendment Act did not fundamentally change the law: even after 1822, minors needed to obtain parental consent, signified in writing and attested now by witnesses' oaths (Outhwaite, 152–53; Robert Philip Tyrwhitt, *The Marriage Act*, 3 Geo. IV. c. 75 . . . and an Abstract Thereof, 2nd ed. [London, 1822], 12; and Probert, "Control Over Marriage," 445–48).

61. For Burney's references to the play, see *The Early Journals and Letters of Frances Burney*, ed. Lars E. Troide et al., 4 vols. (Montreal, 1988–2003), 1:94; 2:137; 3:13, 49, 116; 4:430; and *The Early Diary of Frances Burney, 1768–1778*, ed. Annie Raine Ellis, 2 vols. (London, 1913), 1:68. Ellis asserts that "no single play is so often quoted throughout the early, and later Diaries, and letters, of Fanny Burney, as . . . 'The Clandestine Marriage'" (*Early Diary*, 1:68 n1). The play was performed with Charles Burney's *The Cunning-Man* on four occasions during the 1766–67 season (O'Connell, 106 n43). Ellis speculates that Burney must have seen *The Clandestine Marriage* "many times, from the box of Mr. Garrick, or of Mr. Colman" (*Early Diary*, 1:68 n1). Nearly twenty years later, the play continued to fascinate her. In 1785, Burney's friend Mary Delaney mentioned to Queen Charlotte that Frances had been reading the play to her (*Early Diary*, 2, app. 5, 338).

Burney was also aware of Shebbeare's controversial novel, *The Marriage Act* (1754), which offered an even more pointed critique of the law than did Garrick and Colman's work. Burney met Shebbeare at a gathering at the painter Catherine Reid's house in 1774

and described the meeting in detail in her diary (*Early Diary*, 1:283–89). When she later re-read this entry, she added a note indicating her desire to read Shebbeare's text (1:289).

62. For Burney's references to Ogleby, see *Early Journals and Letters*, 1:94, 2:137, 3:49; and *Early Diary*, 1:68.

63. See Doody, *Frances Burney*, 25–30; Ellis, Editorial Note, *Early Diary*, 1:181–84; and Troide, Editorial Note, *Early Journals and Letters*, 1:225–27, 2:289.

64. Journal, May 21, 1772, *Early Journals and Letters*, 1:222–23, 223. Burney's own surreptitious behavior during this period may explain why she found Maria's elopement so intriguing. As Doody explains, "[t]hroughout her youth Frances kept each matter of importance secret from her father; she was terrified of his disapproval of her writings" (*Frances Burney*, 25). Burney's description of Maria's return, in fact, suggests that she thought of the affair in literary terms. "Miss Allen—for the last Time I shall so call her—came Home on Monday last [18 May]—Her *Novel* not yet over," Burney recounted. "—Nevertheless—she—was married last Saturday!" (Journal, May 21, 1772, *Early Journals and Letters*, 1:222).

65. Journal, May 30, 1772, *Early Journals and Letters*, 1:224–25, 225. Maria would turn 21 on July 20, 1772 (Joyce Hemlow, *The History of Fanny Burney* [Oxford, 1958], 25 n1).

66. Troide, Editorial Note, *Early Journals and Letters*, 1:226. Ironically, Elizabeth Allen had herself eloped with Charles Burney in October 1767. The Allen and Burney children were "acquainted with the prospective stepparent, and must have known the marriage was in the wind," Doody explains, but "they did not know when it happened" (*Frances Burney*, 25). On Dr. Burney's acceptance of Maria's match, see Journal, May 22, 1772, *Early Journals and Letters*, 1:223–24, 223.

67. Quoted in Troide, Editorial Note, *Early Journals and Letters*, 2:289.

68. On Bessy's flagrant infidelity to her husband, see *The Journals and Letters of Fanny Burney* (*Madame D'Arblay*), ed. Hemlow et al., 12 vols. (Oxford, 1972–84), 3:4 n12. Maria's match also turned out poorly. After severing Maria's ties with her mother, Rishton relegated his wife to a reclusive life in the country; six years later, he began an affair with Maria's best friend (Editorial Note, *Early Journals and Letters*, 1:226–27). The disappointing conclusions to both matches may explain why, if Burney was indeed excited about these unions in the 1770s, she changed her mind about the value of clandestine marriage by the time that she wrote *Cecilia*.

69. Troide suggests that "[a] preponderance of such personal (and, in the case of Stephen Allen, embarrassing) matters" may be the reason why Burney destroyed the journals that she kept for the latter half of 1772 (*Early Journals and Letters*, 1:227). Burney's journal entries for 1777 likewise end in July, and she destroyed all but a handful of her own letters from the second half of that year (Ellis, Editorial Note, *Early Diary*, 2:148, 210).

70. Ellis and Hemlow have noted the likely influence of Maria's and Bessy's matches on the secret union in *Evelina* (Ellis, Editorial Note, *Early Diary*, 1:183–84; Hemlow, 71).

71. Burke to Frances Burney, July 29, 1782, *A Known Scribbler: Frances Burney on Literary Life*, ed. Justine Crump (Orchard Park, N.Y., 2002), 214. As Burney later recalled, Burke read *Cecilia* aloud four times with his son and his brother (Frances Burney to Doctor Burney, July 21, 1795, *Journals and Letters of Fanny Burney*, 3:142–44, 144). Several years earlier, at a gathering at Streatham Park, Sir Joshua Reynolds's niece reported that Burke "*doats* on [*Evelina*]: he began it one morning at 7 o'clock, & could not leave it a moment, he sat up all night reading it" (Frances Burney to Susanna Elizabeth Burney, Sept. [15], 1778, *Early Journals and Letters*, 3:136–47, 142).

72. Burney was thrilled to meet Burke in person at a dinner held at Reynolds's house in July, 1782; after the dinner, she wrote to her sister that Burke's "figure is noble, his air commanding, his address graceful: his Voice is clear, penetrating, sonorous and powerful; . . . his manners are attractive; his conversation is delightful!" (Frances Burney to Susanna Phillips, July 1782, *Frances Burney: Journals and Letters*, ed. Sabor and Troide [New

York, 2001], 180–84, 182). Not surprisingly, Burney expressed great excitement after receiving Burke's letter praising *Cecilia* (Frances Burney to Dr. Charles Burney, Aug. 4, 1782, *A Known Scribbler*, 214–15).

73. See Burke, "Speech," 432. Although Burke specifically mentions the authority only of "parents" and "fathers" in his speech, I submit that he has the authority of guardians in mind as well, as he defends a law that grants power to parents and guardians alike.

Scholars have noted Burney's acquaintance with Burke, but few have explored the ways in which his ideas inform her fiction. Woodworth begins to examine *Cecilia's* dialogue with the statesman, but she considers only his 1777 letter on the American Revolution—a letter in which he celebrates America's independence, likening Britain's relationship with the colonies to that of a parent and a grown child (361–70). Burke's 1781 speech on the Marriage Act reveals a very different perspective on filial duty and parental authority; it is this view, I argue, that Burney responds to in her novel.

74. William Blackstone famously described the loss of women's identity in marriage: "By marriage," he explained, "the husband and wife are one person in law: that is, the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband: under whose wing, protection, and cover, she performs every thing" (*Commentaries on the Laws of England*, 4 vols. [1765–69; Chicago, 1979], 1:430).

Epstein observes that "Cecilia's name challenges familial and marital institutions as well as threaten[s] the sanctity of patrimonial succession" (157). In some ways, she is right. As we have seen, even the liberal-minded author of *Reflections on the Marriage Act* insisted that wives ought always to bear their husbands' names (20). However, as Zonitch explains, the Dean "does not consider the Beverley name to be [Cecilia's]; rather, she is the conduit through which it will pass to another man" (61). On the use of conditions in restraint of marriage in eighteenth-century wills, see Probert, "Control Over Marriage," 431–41. For a discussion of cases in which men changed their surnames in compliance with such provisions, see Perry, 232.

75. Burke, "Speech," 435; Stebbing, *Enquiry*, 27.

76. Susan Staves, *Married Women's Separate Property in England, 1660–1833* (Cambridge, 1990), 98. In the absence of a marriage settlement, a woman lost ownership of her personal property and control of her real property for the duration of her marriage (see Blackstone, 2:433).

77. See "Debate in the Commons," 43–45. As some jurists and clerics noted, in France, the age of majority was thirty for men and twenty-five for women (Blackstone, 1:425; Stebbing, *A Review of the Principles*, 24). In England, toward the end of the century, fathers began inserting conditions in wills that extended their control over their daughters' matches beyond the period of their daughters' minority; courts also reversed their policy of implying an age limit when none was specified in the condition (Probert, "Control Over Marriage," 433–34). Burney's imagined proposal in *Cecilia* thus has a basis in the laws of other countries and is consistent with the desires of some parents and jurists in England to control children's marriage choices beyond the age of twenty-one.

78. Everyone is eager for "intelligence" in this novel; the word reverberates through its pages. A keyword search of the text reveals that Burney uses the word to connote "news" or "information" more than 70 times (Burney, *Cecilia, or Memoirs of an Heiress* [1782], <http://collections.chadwyck.com>). For an insightful discussion of the problems resulting from the circulation of news, gossip, and lies in *Cecilia*, see Jill Campbell, "Domestic Intelligence: Newspaper Advertising and the Eighteenth-Century Novel," *Yale Journal of Criticism* 15 (2002): 251–91, 274–78.

79. Doody observes that *Cecilia* "is one of the first novels to introduce Gothic symbolism" (Frances Burney, 147). As she notes, "it speaks a figurative language of castle, ruin, gaol, gunshot, [and] hallucination" (148). The novel's intense concern with secrecy and surveillance in marriage, I would argue, contributes to its Gothic subtext in crucial ways.

Yet while Burney relies upon secrecy to drive the plot, she criticizes those who engage in clandestine behavior.

80. Frances Burney to Samuel Crisp, Mar. 15, 1782, *Diary and Letters of Madame D'Arblay*, ed. Charlotte Barrett, 7 vols. (London, 1854), 2:99, quoted in Doody, introduction to *Cecilia*, xxxii.

81. Catherine Gallagher argues that Mrs. Delville is a "placeholder for a more abstract, indeed unknowable, set of extortionists" and that Cecilia's "attempt to save [Mrs. Delville] by giving up her [name and] property is merely a response to the echo of a demand that originates, finally, in nobody" (*Nobody's Story: The Vanishing Acts of Women Writers in the Marketplace, 1670–1820* [Berkeley, 1994], 246). This analysis overlooks the specific individuals who use—or attempt to use—coercion in the novel, obscuring the sense of personal agency and responsibility that Burney works hard to evoke. As this essay argues, the extortion that Cecilia experiences is effected by people with specific and complicated demands revolving around money and marriage.

82. See "An Act for the Better Preventing of Clandestine Marriages," sec. 11. Blackstone explained that "a mother, as such, is entitled to no power, but only to reverence and respect," whereas a father has "legal power . . . over the persons of his children [until they reach] . . . the age of twenty one" (1:441).

83. The Act provided:

And whereas it may happen, that the guardian or guardians, mother or mothers, of the parties to be married, or one of them, so under age . . . may be Non compos mentis, or may be in parts beyond the seas, or may be induced unreasonably, and by undue motives to abuse the trust reposed in him, her, or them, by refusing or withholding his, her, or their consent to a proper Marriage; be it therefore enacted, That [in such a case] . . . it shall and may be lawful for any person desirous of marrying, . . . to apply by petition to the lord chancellor, lord keeper, or the lords commissioners of the great seal of Great Britain for the time being, who is and are hereby empowered [sic] to proceed upon such petition, in a summary way. (sec. 12)

84. *Reflections on the Marriage Act*, 34. In *A Letter to the Author of Some Considerations on the Act to Prevent Clandestine-Marriages*, by contrast, William Dodwell insisted that "the Father . . . cannot well be supposed to have any Interest in opposing the Marriage of his Child, if it be a proper one" (41–42). In his view, it was possible for guardians and mothers to act from improper motives. Probert observes that "[t]he legislators either did not wish to acknowledge that fathers could be unreasonable, or supported their right to be unreasonable in the circumstances" ("Control Over Marriage," 423).

85. *Constitutions and Canons Ecclesiastical, Treated upon by the Bishop of London* (London, 1678), 28–29, quoted in Brewer, 308 n30. The broad language of the canons worried some observers when Parliament passed the Marriage Act Amendment Bill in 1822, repealing the nullity provisions of the 1753 Act. John Stockdale Hardy, a supporter of the unamended law, anxiously queried, "I ask . . . whether it was [the legislators'] intention to render the consent of both the father and mother of a minor necessary before a license for marriage could be obtained?" (*A Letter Addressed to the Right Hon. The Earl of Eldon, Lord High Chancellor, etc. etc. upon the Marriage Act Amendment Bill* [London, 1822], 4).

86. See Locke, 321; and William Fleetwood, *The Relative Duties of Parents and Children, Husbands and Wives, Masters and Servants* [1705] (New York, 1985), 58–60, 313. In *An Introduction to the Principles of Morals and Legislation*, published two years before *Cecilia*, Jeremy Bentham likewise explained that there could be power on only one side of the conjugal relation and that "on the principle of utility [the power] ought to be lodged in the husband" ("A New Edition, corrected by the Author" [1823; repr. New York, 2007], 279).

87. Straub, 172–76.

88. Burke does not appear to have noticed Burney's critique of his ideas; he expressed

great admiration for the novel, complaining only about the length of the masquerade scene, Mr. Morrice's role at the Pantheon, and the ambivalent nature of the ending (Frances Burney to Susan Burney Philips, Dec. 2, 1782–Jan. 3, 1783, *A Known Scribbler*, 220–21, 221).

89. Castle, 283; see also Burgess, *British Fiction*, 89; Thompson, 158–59, 174–76; and Klekar, 117–18, 125–26. Woodworth argues that the novel criticizes patriarchal authority but fails to offer any alternative to it. "The narrative," in Woodworth's view, "makes plain that Cecilia's powerlessness is symptomatic of Mortimer's inability to overcome prejudice: men's (often unacknowledged) subjection to the tyranny of other men reinforces women's socially inscribed subjection" (369). Zonitch suggests that Burney experiments with "progressive alternatives for the replacement of old-style aristocratic social domination" (81) but shows the implausibility of these alternatives "in a world in which women have no political agency" (80).

90. In the seventeenth century, the Court of Chancery began to recognize and enforce trusts of property for wives' separate use. These trusts gave married women the same independence of ownership that they would have had if they were single (J. H. Baker, *An Introduction to English Legal History* [London, 1990], 553–54).

91. As Staves has shown, in the late eighteenth century, courts retreated from their earlier decisions concerning married women's property and "reimposed . . . deeper patriarchal structures" (4). "[H]aving created a potentially threatening source of women's power in the married women's separate estate," Staves explains, jurists "soon appreciated that threat and responded by creating idiosyncratic rules [limiting the uses to which such property could be put] . . . which minimized the possibility that such property could become a source of women's power or the material basis for equality between men and women" (161).