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Place and Displacement: The Unsettling Connection of Women, Property, and the Law in British Novels of the Long Nineteenth Century

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PLACE AND DISPLACEMENT: THE UNSETTLING CONNECTION OF
WOMEN, PROPERTY, AND THE LAW IN BRITISH NOVELS OF THE LONG
NINETEENTH CENTURY

BY

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DISSERTATION

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the degree of Doctor of Philosophy in English
in the Graduate School of
Binghamton University
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Accepted in partial fulfillment of the requirements for
the degree of Doctor of Philosophy in English
in the Graduate School of
Binghamton University
State University of New York

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Abstract

This study examines how British novels produced during the long nineteenth century, the period from 1750 to 1919, represent the tenuous connection of women to property and place. A paradox of the era was that while women tended to be relegated to the confines of the domestic realm as daughters, sisters, wives, or widows, it was also a home that they could not or did not own, and in which their continued residence was dependent upon the largesse of others, making them vulnerable to displacement. The dichotomy between home and homelessness creates the dynamic tension that drives many plots of the long nineteenth century, precipitating the movements of dispossessed female characters who must maneuver through a complex topology of geography, laws, and social practices in search of new homes, families, or communities. Since the fictional world of the novel is meant to provide a landscape that is recognizable and realistic, this study looks at how laws and related constructs are key mechanisms for achieving mimesis. I suggest that fictions of the long nineteenth century rely on the law to reveal both the dominant ideology as well as its contestation, seamlessly enfolding laws and legal constructs into the fabric of those plots reliant for their development on the disconnection of women from land, ownership, and occupancy rights.

Another goal of this study is to expand both the timeline typically employed when critically assessing narratives predicated on some form of female displacement, as well as broadening the constellation of laws and socio-legal practices that influenced the content of plots predicated on contested interests in land and wealth. Rather than concentrating only on the mid-Victorian period and the constraints of coverture on married women's rights of ownership as many studies do, I suggest that a much longer chronology of laws

and practices must be considered in understanding the long sweep of evolving laws and practices affecting women's rights of property regardless of marital status that filtered into the plots of contemporary fictions. I begin in the mid-eighteenth century and expand into the first decades of the twentieth century as the natural termination point for novels of female displacement. In addition to those common law practices generally associated with marriage such as coverture, or inheritance practices that preference the male line such as primogeniture, including the 1753 Marriage Act, the practice of Parliamentary Enclosure, the Inheritance Act of 1833, the several Asylum and Madhouse Acts enacted in this period, and the Reform Act of 1832, among other laws whose influence on the shape of fictions is palpable within plots or sub-plots that mirror the preference for the preservation of landed interests while simultaneously destabilizing women's rights in property and place.

I begin with Maria Edgeworth's *Castle Rackrent* (1800) and its contestation of masculine historicity and its exclusion of women from the national narrative as symbolic of their physical exclusion from rights in the eponymous castle that Edgeworth suggests is not only a function of the uncertain political climate, but of the imposition of English laws and practices. Straddling the eighteenth and nineteenth centuries, and written on the eve of Anglo-Irish Union, this short novel demonstrates how uncertain temporal and political boundaries offer opportunities that women can use to gain some wealth or property within a transforming Ireland. Eschewing the marriage plot formula, Edgeworth demonstrates how a combination of ancient Irish customs and the manipulation of English laws and practices can provide women with material benefits, even if they cannot own or remain at the titular property. Chapter three examines Jane Austen's *Juvenilia* and

its bold assault on the inheritance practices that favored men and the mercenary marriages facilitated by Hardwicke's Act of 1753. Often discounted in Austen's canon as merely preliminary to her development as a writer, I suggest that because the juvenilia was not intended for publication, it provides uncensored access to one of Austen's chief concerns, the displacement and disinheritance of women, including women's omission from masculine historicity. The significance of these early works is that Austen both returns to them for characters, plots and language in her mature novels, but also that the concerns she first articulates in her juvenile writings about women's legal place in English society remained constant and continued to inform her mature novels. Chapter four focuses on Austen's mature novels, and suggests that the marriage plot paradigm is merely the cover story Austen uses to question marriage and inheritance practices that displaced women, achieved by structuring her plots like modern exile narratives using spatial tropes that subvert the laws and practices that precipitate women's displacement. Chapter five is organized differently than the previous chapters. Rather than focusing on a single author, I instead discuss three counter-narrative formulations that contest or even sideline the dominant marriage plot paradigm, beginning with the asylum plot used in novels such as Wilkie Collins's *The Woman in White* and Charlotte Brontë's *Jane Eyre*, in which wives are confined or committed once their assets are exploited; the escape plot, which repudiates women's subsumation in marriage by encouraging self-displacement and reclamation as in Anne Brontë's *The Tenant of Wildfell Hall*; and the female utopian community, an alternative to marriage that provides women with permanence of place as in Sarah Scott's *Millenium Hall*, or the female networks depicted in Elizabeth Gaskell's *Cranford* and George Gissing's *The Odd Women*. While most studies of women and

property in nineteenth-century novels end at the passage of the 1882 Married Women's Property Act, in the Conclusion I suggest that narratives of female displacement persisted into the twentieth century in works such as E.M. Forster's *Howard's End* and Gertrude Colmore's polemic on Edwardian politics, *Suffragette Sally*. These novels address the gendered disparity in education, employment, and voting rights as mechanisms of female displacement. The study ends with the 1918 Representation of the People Act, and the 1919 Sex Disqualification Act which restored various rights of citizenship, including voting rights to women, noting a concomitant cessation of narratives of female displacement.

Dedications

I dedicate this to all those I lost during my doctoral studies and the writing of this dissertation:

First to my parents, Sam and Pearl Martin, who never understood why I wanted to pursue a PhD. and never saw me complete this dissertation so they could.

Second, to my friend, mentor, and fellow Jane Austen enthusiast, Dr. Marilyn Gaddis Rose, who will always be a member of my Committee.

Third, to my lovely boy, Wilkie, who died in my arms.

And last, to my younger sister, Denise, who was gone much too fast and far too soon, and who always thought that if I was going to write a dissertation it should be about color imagery in “The Miller’s Tale.” Alas, it is not.

I also dedicate this dissertation to my Mr. Darcy.

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LIST OF ABBREVIATIONS

<i>A</i>	<i>The Absentee</i>
<i>AOU</i>	<i>Allegories of Union in Irish and English Writing, 1790-1870</i>
<i>B</i>	<i>Belinda</i>
<i>C</i>	<i>Catherine and Other Writings</i>
<i>C&I</i>	<i>Culture and Imperialism</i>
<i>CoW</i>	<i>Communities of Women</i>
<i>CR</i>	<i>Castle Rackrent</i>
<i>DARD</i>	<i>Dickens and the Rise of Divorce</i>
<i>DC</i>	<i>David Copperfield</i>
<i>DD</i>	<i>Daniel Deronda</i>
<i>E</i>	<i>Emma</i>
<i>FM</i>	<i>Family Matters</i>
<i>GE</i>	<i>Great Expectations</i>
<i>JA&E</i>	<i>Jane Austen and Empire</i>
<i>JE</i>	<i>Jane Eyre</i>
<i>L</i>	<i>Jane Austen's Letters</i> , edited by Deirdre LeFaye
<i>LS</i>	<i>Lady Susan</i>
<i>M</i>	<i>Middlemarch</i>
<i>M&W</i>	<i>Man and Wife</i>
<i>MH</i>	<i>Millenium Hall</i>
<i>MP</i>	<i>Mansfield Park</i>
<i>NA</i>	<i>Northanger Abbey</i>
<i>NR</i>	<i>Novel Relations: The Transformation of Kinship and English Culture, 1748-1818.</i>
<i>P</i>	<i>Persuasion</i>
<i>PAFP</i>	<i>Public Affections and Familial Politics: Burke, Edgeworth, and the 'Common Naturalization' of Great Britain</i>
<i>PP</i>	<i>Pride and Prejudice</i>

<i>R</i>	<i>Reflections on the Revolution in France</i>
<i>ROE</i>	<i>Reflections on Exile and Other Essays</i>
<i>RPWP</i>	<i>Rich Woman, Poor Woman: Toward an Anthropology of the Nineteenth-Century Marriage Plot</i>
<i>S</i>	<i>Sanditon</i>
<i>SS</i>	<i>Sense and Sensibility</i>
<i>TWH</i>	<i>The Tenant of Wildfell Hall</i>
<i>UK</i>	<i>Untying the Knot: An Analysis of the English Divorce and Matrimonial Causes Court Records, 1858-1866.</i>
<i>VQM</i>	<i>The Vulgar Question of Money: Heiresses, Materialism, and the Novel of Manners from Jane Austen to Henry James.</i>
<i>W</i>	<i>The Watsons</i>
<i>WIW</i>	<i>The Woman in White</i>
<i>WOW</i>	<i>Maria, or The Wrongs of Woman</i>
<i>WLN</i>	<i>Women, Land and the Novel</i>

NOTES ON THE TEXT

Early versions of portions of Chapter 5 were presented at the *Brontes in Context* Conference at the University of Salford, UK in October, 2008 under the title, “Gaining Ground: The Discourse of Property and the Law in *The Tenant of Wildfell Hall*”; at the Victorians Institute Conference at Carolina Coastal University, Myrtle Beach, South Carolina in October, 2011, and later published in *VIJ Digital Annex* 39 (2011), n.pag, as: “Since the Law’s A Bachelor: Reconsidering the Epistemology of Dickens’s Frumpy, Grumpy Women of Property.” Also, a partial early version of the section on female utopias was presented at the British Women’s Writer’s Conference at Binghamton University in June 2014 under the title, “It is not man whom I am ordered to imitate”: *Millenium Hall, Cranford*, and the Collaborative Imperative of Female Utopias.”

Chapter 1

“A human life, I think, should be well rooted in some spot of native land...a spot where the definiteness of memories may be inwrought with affection.”

--George Eliot *Daniel Deronda*

Introduction

In 1894 the Liberal Prime Minister, Lord Roseberry, proposed that public funds be used to erect a statue of Oliver Cromwell somewhere in central London. The suggestion spawned a series of Parliamentary debates questioning the appropriateness of expending public monies to install a permanent monument to the fomenter of England's bloodiest civil war, the instigator of harsh imperial policies in Ireland, and the author of the public trial and execution of Charles I, an anointed king. Parliament eventually approved the placement of Cromwell's statue within the courtyard of the Palace of Westminster, the seat of the British Government after an anonymous private benefactor offered to fund the project.¹ Cromwell's statue was erected in 1899 and stands today in front of the Houses of Parliament, but it was not until 1930 that a statue of Mrs. Emmeline Pankhurst, the founder of the Women's Social and Political Union, and a leading activist for women's suffrage was erected in central London. While Cromwell stands on a high pedestal, sword in hand, a lion crouching at his feet, and within the hallowed precincts of British power and authority, Pankhurst's more modest bronze statue, paid for by contributions from women across Britain, was installed across the street at the south end of Victoria Tower Gardens, a sward of green space located in the shadow of Westminster Palace, but outside its boundaries, her right hand forever

gesturing towards the home of the British government from which she is permanently excluded.²

I begin this dissertation by referencing these two public monuments because their disparate placements has haunted me for more than two decades ago, ever since I spent a summer in London doing a pupillage in a set of Barrister's Chambers in Lincoln's Inn and passed those statues daily going to and from work. Years later when I began my doctoral studies I was recalled the placement of these two statues because their differing locations seemed a physical representation of the gendered spatial and legal distinctions characteristic of so many narratives produced during the long nineteenth century, the period I define as spanning the years from approximately 1750 to 1919. Mrs. Pankhurst's monument is relegated to the spatial margins of Westminster, although for decades she tirelessly campaigned for an equalization of women's rights culminating in the granting of suffrage for women over aged 30 years in 1918, and later universal suffrage in 1928 (*The Equal Suffrage Act*, 18 & 19 Geo. 5, c. 12), standing in a less prominent place than the statue of the man who precipitated a regicide, and disrupted a thousand years of British monarchy and royal succession. Without equating the place in history of a self-appointed political activist such as Pankhurst with Cromwell, a man who held the official, but anomalous title of Lord Protector and was a monarch in all but name, I do suggest that these two statues and their locations seem to symbolize the disparity of rights of place by gender that was a particular product of the laws and socio-legal practices that began during the Commonwealth, was prevalent in the long nineteenth century, and informs the plots of many texts produced in this period.

A key contention of this study is that the representation of disparate and gendered spatial rights appears in so many narratives produced in the long nineteenth century that it cannot be disregarded as peripheral to the main plot, nor can its presence be discounted merely as background to evoke contemporary social organization or social constructs such as the Victorian notion of separate spheres. Rather, what this study suggests is that a network of contemporary laws and supportive socio-legal practices that evolved over time to define and direct rights in land and other forms of wealth were incorporated into contemporary narratives that employed the disconnection of women from those physical spaces to which they have some emotional, psychological, or familial attachment to generate plot movement. Certainly, the complex relationship between the law and nineteenth-century fiction results from the many points of convergence between the two disciplines, particularly the many “affinities between the mentalities of jurisprudence and Victorian fiction,” the shared focus on presenting the individual case, and the employment of narrative towards a resolution that appears to enact some form of justice (K. Dolin 4). However, it is the fact that the novel also serves as “an alternative forum for inquiry” by intervening in and supplementing the law that best articulates the approach this study takes in evaluating how laws and related practices inform and shape novelistic representations of women’s relationship to property and place throughout the long nineteenth century (K. Dolin 1). The fictional world of the novel is meant to offer a recognizable paradigm of realism, and this study begins with the premise that novels of the long nineteenth century achieve much of their mimetic effect through an interpolation of the law and socio-legal practices that regulate women’s rights in themselves and in property by seamlessly enfolded these legal constructs into the structure of plots that rely

on the disconnection or dispossession of women from land, ownership, and occupancy for their development and resolution.

A goal of this study is to account for the many plots and sub-plots involving women who are disinherited, or whose rights in land and other forms of property are denied or diminished, or who are compelled to depart their homes and communities and propelled into a type of exile that necessitates their having to find a way to establish “new attachments...in a new home,” and in another place, (Austen SS 288). A key paradox of the era was that while women tended to be relegated to the confines of the domestic realm as daughters, sisters, wives, or widows, it was also a home that they often could not or did not own, and in which their continued residence was dependent upon the largesse of others, a circumstance that made them particularly vulnerable to displacement. The dichotomy between home and homelessness for female characters that regularly appears in fictions of this period creates the dynamic tension that drives plots by precipitating a crisis of dispossession in which female characters’ movements are tracked as they maneuver through a complex topology of geography, laws, and social practices in search of new homes, families, or communities. Fictions that recount some form of female displacement invariably deploy contemporary laws and practices as a precipitating event, either expressly as in Jane Austen’s repeated use of the entail, or impliedly as in the oblique references to madness, illness, or confinement in *Jane Eyre*, *The Tenant of Wildfell Hall*, or *The Woman in White*. This use of laws and related socio-legal practices reinforces the novel as a reflection of the real world, but by exposing how women’s connection to property and place was generally tenuous and dependant, novelistic

opportunities also arise for heroines to circumvent, subvert, or directly repudiate these constraints.

Since novels are organized as a unity of time, character, space, and plot, the novel's ability to assimilate real historical time is crucial in gaining context and charting how laws and related socio-legal practices affecting women's relationship to property and place are employed across a broad swath of time. As such, this study expands both the timeline typically employed in critically assessing novels of female displacement, as well as broadening the constellation of laws and socio-legal practices that I contend influence the content of plots reliant on contested interests in land and wealth. I suggest that women's rights in property contracted in the latter half of the eighteenth century and into the first few decades of the nineteenth century, and then began to gradually expand with the enactment of laws granting rights to custody, civil divorce, and the slow dissolution of coverture over three Married Women's Property Acts in the 1870s and 1880s. Rather than concentrating only on fictions of the mid-Victorian period and their representation of the limits that coverture imposed on married women's rights of ownership as many studies do, I suggest that a much longer chronology must be considered to understand the long sweep of laws and practices affecting women's rights of property regardless of marital status, and which laws and practices influenced the plots or sub-plots of contemporary fictions. I begin in the mid-eighteenth century with the passage of Hardwicke's Marriage Act of 1753 which re-defined and regulated lawful wedlock, and continue this study into the first decades of the twentieth century as I contend that the post-World War I period was when women were finally, legislatively enfranchised in the Representation of the People Act of 1918, and their education and occupation

opportunities were improved with the gender-neutral by the Sex Disqualification (Removal) Act of 1919. These laws serve as the natural termination point of plots involving female displacement. In addition to those common law practices generally associated with marriage such as coverture, or inheritance practices that preference the male line such as primogeniture, this study looks at how texts assimilate and interpret the 1753 Marriage Act, the practice of Parliamentary Enclosure, the Inheritance Act of 1833, the several Asylum and Madhouse Acts enacted in this period, and the Reform Act of 1832, and several other laws whose influence on the shape of fictions is palpable with plots or sub-plots because they mirror the preference for the preservation of landed interests, a preference which simultaneously destabilized women's rights in property and place.

Although marriage remained the primary means available to women to establish a connection to land during the long nineteenth century, with the marriage plot the dominant narrative paradigm, as I discuss in Chapter 5, the marriage plot and its condonation of conventional marriage values was increasingly being challenged with plots that maintained a seeming conformity to structure even as they demonstrate that marriage also was a primary de-stabilizer of many women's lives. I suggest that by the mid-Victorian period three counter-narrative plots became part of the dialectic that disrupted or subverted the marriage plot paradigm. One counter-marriage plot is that of the alternative female community, appearing as early as Sarah Scott's *Millenium Hall* (1762). However, by the middle of the nineteenth century this formulation evolves into plots in which female networks of cooperation provide women with the emotional and financial support usually associated with marriage and family as in Elizabeth Gaskell's

Cranford (1853) and later George Gissing's *The Odd Women* (1893). The dominance of the marriage or courtship plot was receding, even if it provided an emotionally satisfying resolution to the heroine's plight of disinheritance, loss of home, or familial disconnection through a heteronormative union, because these same novels simultaneously respond to changing attitudes towards women's place, addressing marriage's constraints, or its ability to foster her further dislocation and financial hardship, even necessitating an escape as in Anne Brontë's *The Tenant of Wildfell Hall* (1848).

The plots of fictions produced in the long nineteenth century seem to repeatedly tell stories of women in search of new homes and new communities, suggesting that the culminating marital endings that appear to provide heroines with the affection and comfort they lacked throughout the story, often overlay tales that simultaneously disclose how women experience homelessness, poverty, and disconnection, since female characters' are so often faced with reduced circumstances because of the few options available to them beyond marriage to resolve their situation. Indeed, there are few, if any, British novels produced in this period which do not contain at least one female character compelled to leave her home or family, or who finds herself denied some property or wealth through the contrivances of male relations or the law, or who is confronted with potential penury or servitude as is the case with orphaned Jane Fairfax in Jane Austen's *Emma* (1816), who sees the prospect of being a governess as little more than slavery, a situation in which one becomes the property of another (Austen *E* 271). The happy marriage ending that dominates novels of the long nineteenth century and occupies much of the critical attention, often overlooks or discounts how marriage often seems a

contrived solution by its almost *deus ex machina*-type of resolution, instantly remediating the effects of a heroine's disinheritance or her lack of a permanent home. As most authors of the period were likely aware, homelessness was a particularly dangerous situation for women in the late eighteenth century and into the nineteenth century since vagrancy laws were disparately enforced, with women more likely than men to be arrested and brought before magistrates for the crime of persistent homelessness (Rogers 133). More than 28 Vagrancy Laws were passed between 1700 and 1824 to address what was perceived of as a chronic problem of intractable homelessness, with conviction and incarceration records for vagrancy in London and surrounding counties revealing that "the vast majority of those indicted for vagabondage...were women, a fact seldom acknowledged by contemporaries" (Rogers 133). As such, the many fictional women who are without fixed attachments to property face genuine risks which contemporary readers would have, or at least should have recognized. Moreover, the regular use of marriage to resolve the problem of the displaced and homeless female seems an overly-simplified solution to a more complex problem since an individual heroine may be rescued by wedlock, without any rectification of the underlying causes of her displacement: the laws and social practices that condone or facilitate the relative impoverishment of women, the disinheritance of women, and the impedance of women's rights to home and land. Yet, many novels produced in the long nineteenth century do address, albeit often indirectly or implicitly, the factors that hinder women's rights to place and foster their displacement, which is the subject of this dissertation.

In my analysis I suggest that the plots of these novels reveal a network of contemporary laws and social practices related to marriage, family relationships,

inheritance, land ownership, property aggregation, vagrancy, and even madness, that are the mechanisms which jointly or separately, worked to displace women. Evidence of these laws and practices can be found in almost every novel produced in this period, which invariably employ laws and related practices to evoke a recognizable topography of verisimilitude, even if such laws are not always referenced explicitly. Whether the use of these laws and practices in fictions is a deliberate authorial strategy seems less important than the fact that so many fictions of this period do seem to employ or otherwise note the many socio-legal mechanisms that worked to disconnect and dispossess women from their familial homes and their places in communities. As I suggest throughout this study, there are several configurations of laws and legal practices that had particular impact on women's status and rights in property, including the Inheritance Act of 1833 (3&4 Will. c. 106), which transformed the preference for male heirs from social custom as it had been for over a century, into law; and the Dower Act of 1833 (3&4 Will. c. 105), which eliminated a wife's traditional right of dower, that is her right as a widow to income from one-third of her husband's real estate for her lifetime, a traditional right that ostensibly precluded a successor owner from selling or diminishing the estate while she lived. Thereafter, only those women able to extract a jointure, a contractual arrangement that provided a widow a post-mortem income, could expect a comfortable widowhood as is the case with Austen's Mrs. Jenkins who is in possession of a "fine jointure" in *Sense and Sensibility* (1811), but not the widowed Mrs. Dashwood in the same novel whose husband's death signals a scramble to find an affordable home for herself and her daughters on a very reduced income. Similarly, while few novels expressly reference the consent provisions of Lord Hardwicke's Act of 1753, a law that

re-defined the process for forming a lawful marriage, by the end of the eighteenth century the consent requirements for couples under the age of twenty-one had become so ingrained as a practice among the landed classes that even those above the age of twenty-one felt compelled to seek parental permission to assure their share of familial wealth. This practice is addressed in every Austen novel, and as I discuss in Chapters 3 and 4, it becomes an issue that Austen repeatedly raises by mocking the untoward power parents continued to wield in order to retain control over adult children and preserve familial wealth and land. Likewise, the requirements of the Madhouse Act of 1828 which outlined the process for commitment to an asylum or confinement within a private residence, and which proved an effective tool for displacing inconvenient wives in real life, may not be expressly referenced in novels, yet this law's process is described with accuracy, and its impact seeps into the plots of texts as when Mr. Rochester in Charlotte Brontë's *Jane Eyre* (1847), details how he secured the two medical certifications to confine his wife as a Chancery lunatic, or when Count Fosco in Wilkie Collins's *The Woman in White* (1860), similarly boasts about bribing the doctors so that Lady Glyde could be incarcerated in an asylum in place of her half-sister, Anne Catherick. Indeed, there is hardly a novel produced in this period that does not depict some female character being denied her share in an inheritance, deprived of the continued occupation of a home or estate, or compelled to marry to counteract her straightened economic situation or her homelessness, and underlying these plots are the laws or socio-legal practices precipitating such displacement from home, property, and community.

Despite the dominance of the marriage or courtship plot which Ruth Perry characterizes as “the master narrative” of novels of the long nineteenth century, the

vener of romance that leads to a seemingly happy nuptial union often masks how within that same novel there are female characters lacking permanent homes, or marriages which function as a gateway to a woman's later economic instability, subservience, and even the asylum (Perry *NR* 7). As Perry explains, fictions "always reveal something about the culture from which they come" because they also "rehearse, predict, embellish, validate, and even deny human experience," and in this study I suggest that the fictions of the long nineteenth century reveal the increasing sacrifice of women's rights to home, property, and familial wealth as a consequence of the overarching imperative to amass wealth which often took the form of expanding landed estates, despite these practices fostering the separation of women from their natural family, their homes, and their connections (Perry *NR* 7, 196-97). As a result, women's social and domestic position was destabilized at every level of English society, as a new, muscular "capitalism was redrawing the social map of England" and causing old hierarchies of wealth and power to yield (Perry *NR* 195). In a culture that was already predominantly patriarchal, women were caught in a double sweep. First, they were encouraged to marry resulting in their persons and property falling under a husband's control, a task accomplished by establishing marriage as the desired social norm, and aided by the increasing dominance of common law practices such as coverture (Perry *NR* 198, 217). Second, the rise in Parliamentary reforms which were intended to assuage the anxieties associated with the many fundamental social and economic shifts that were occurring during this period, including the rise of commercialism and the growing power of the tradesmen class, often had a disproportionately negative effect on women.

While there is a large body of critical analysis regarding the way fictional texts represent the impact of marriage on women, with particular attention given to coverture and the Married Women's Property Movement in the mid-Victorian period, there is less critical discussion about how other laws and related customs often negatively impacted women and furthered their physical and social displacement. Tim Dolin, in his analysis of women and property in mid-Victorian novels, *Mistress of the House* (1997), claims that fictions involving women's rights and property did so with the intention of engaging in the public discourse about these issues, but only indirectly by offering alternative choices that established "fictional paths through highly charged ideological territories," (T. Dolin 9). However, in this study I question this claim by suggesting that novelistic constructions often were much more directly, obviously, and intentionally exposing the way laws and putative reforms contributed to the displacement and dispossession of women. While literary examples may not always present situations realistically, they do "represent the foci—the obsessions—of the culture," with texts becoming a way for a society to work out these issues (Perry *NR* 5). Novelists were well aware of the real world impact that fictional narratives could have in exposing problematic legal constructions, asserting value preferences, and influencing, if not effectuating reform, and I suggest that many of the novels produced in this period and which I examine in this study, expressly confront the laws and so-called reforms that furthered the disconnection and displacement of women from place and property.

This study does not address the theoretical process through which literary texts represent reality, although I do suggest that the concerns, impressions, and anxieties of the world in which these fictions were produced are transmitted through these narratives,

and demonstrate an awareness of the impact that key laws and social practices had on the instability of women's lives and on their tenuous rights to inherit land or occupy homes. Instead, my focus is on the fictional representations of female displacement by demonstrating that novels of the long nineteenth century were repeatedly engaging with a variety of laws and social practices that disconnected women from their homes and community through the portrayal of female characters deprived of their sense of geographical belonging, often constructing these characters as ostensible exiles in search of new homes because they are unable to remain in or return to their original homes or communities. The last few decades have produced numerous analyses establishing a connection between marriage and women's rights in property including: Susan Staves's seminal review of *Married Women's Separate Property in England, 1660-1833* (1990); Lee Holcombe's analysis of the nineteenth-century legal reforms that particularly affected married women, *Wives and Property: Reform of the Married Women's Property Law in Nineteenth-Century England* (1983); and, *Novel Relations: The Transformation of Kinship in English Literature and Culture, 1748-1818* (2004), Perry's assessment of how fictions produced from the mid-eighteenth century through the Regency Period responded to the transformation in the structure of kinship relations with its re-conceptualizing of women's place within family groups. Yet, there does not seem to be a comprehensive study of the way fictions of the long nineteenth century also reflected and responded to a broader constellation of laws and legal practices that impacted women's rights to property and place regardless of their marital status.

While novels of this period invariably include female characters who marry, they also offer others who are widowed with no intention of remarrying, widows desperate to

re-marry, and women who do not wed within the confines of the narrative and remain unmarried throughout, suggesting that these novels conceive of marriage as a fluid state that is ever-subject to change, so that marriage is not wholly dispositive of the issue of female displacement. The one constant factor affecting and determining rights of place under extant laws and practices thus becomes gender. As such, one of my goals is to de-center marriage as the primary lens through which female characters are evaluated in relation to property and place because of the shifting status of women in and out of wedlock. In a single novel marriage may be presented as the means of providing a woman facing an uncertain future with some stable connection to land and community, as is the case with *Pride and Prejudice*'s Charlotte Lucas, a plain spinster with "little fortune" and no other prospects. She accepts the sudden proposal of the stupid and servile Mr. Collins, "from the pure and disinterested desire of an establishment," so that she might have a home in which she could be mistress (Austen *PP* 93-94). Yet, in this same novel Mrs. Bennet is revealed as having spent the past two decades in a persistent state of nervous agitation knowing that an entail attached to the family estate at Longbourn will devolve the property to a distant cousin upon Mr. Bennet's death, and that her husband's failure to make adequate financial provisions for his family places the Bennet women at risk of displacement and homelessness at any moment (Austen *PP* 87). For Mrs. Bennet, and indeed for many female characters, marriage is revealed as the means that will eventually cause the disconnection from their homes. Moreover, marriage is not the only mechanism that disparately and negatively affects women's rights of place and property. As such, although this study includes the inescapable discussion of marriage and marriage practices, it also looks beyond the impact of coverture, the common law precept

that a woman was legally subsumed into her husband upon marriage, effectively “suspending” her legal existence during the marriage (Blackstone 189). Rather, my concern is in examining a range of laws and practices, from inheritance devices, including the use of strict settlements and entails that were primarily employed to favor the male line, to voting reforms such as the Great Reform Act of 1832 and its devaluation of women’s property rights, as part of my project to explain how novels incorporated a network of social practices and laws which separately and concertedly impacted a woman’s ability to retain an attachment to property and place, arguing that these mechanisms are integrally emplaced in novels of this period and drive plots and sub-plots.

The central premise of this dissertation then is that critical focus on women and property in the long nineteenth century has been limited for the most part, to analyzing the “subversive issue of married women’s autonomy in relation to property,” (Poovey 84; T. Dolin 2). I suggest that by narrowing their analysis to the relationship of those laws, practices and legal reforms directed at the rights of married women, scholars such as Tim Dolin and Mary Poovey bypass three critical and ineluctable facts: first, that a woman’s status was perpetually tenuous and slippery since she could transform from wife to widow, or from spinster to wife, as the status of fictional female characters often readily shifts between being a *feme sole* or a *feme covert*. Thus, I contend that the predominant factor for consideration should be gender, and not marital status, since the former is generally stable both in real life and in fiction, while the latter is not. Second, that the law does not function within narrow categories of subject matter, but is a complex and interrelated network of statutes, practices, and decisions that span a realm of courts with

differing jurisdictions, so that the rights of women are determined by a complex bundle of laws and practices, but are not limited to those that only affect married women. Third, the rise in activity by women and their supporters for legal reforms to remedy those laws that displaced them did not spring suddenly to life in the middle of the nineteenth century, but arose as a gradual response to a variety of laws and socio-legal practices that had been in place for over a century. By the middle of the eighteenth century, inheritance practices constraining women's autonomy and their right to their independent inheritance of land and wealth are key plot drivers in novels such as Samuel Richardson's *Clarrisa* (1748), and Francis Burney's *Cecilia* (1782), and inheritance, or the lack thereof, continued to impel the plots of fictions throughout the nineteenth century as in George Gissing's *The Odd Women* (1893), or even Thomas Hardy's *Tess of the D'Urbervilles* (1891), with laws and property practices continuing to displace women into the first decades of the twentieth century as in E.M. Forster's *Howard's End* (1910). Thus, the narrow time span that is generally employed by critics in examining women's relationship to property tends to miss the larger picture of systemic exclusion.

In this study I employ an interdisciplinary approach that encompasses post-colonial, economic, and feminist literary criticism, as well as close reading, although I primarily employ a legal historicist methodology that presumes a reciprocal dialectic between law and literature in which fictions both support and contest the dominant legal ideology and practices. My examination encompasses both canonical and secondary narratives, which I read in conjunction with contemporary treatises and historic documents, including the texts of relevant laws and parliamentary debates, and historical and literary criticism. In this regard, I build on Victorian scholar John Sutherland's

contextual imperative that interpretations require a more thorough understanding of the particular historic conditions that produced a work of fiction in order to appreciate how such texts would have been received in conjunction with contemporary law reforms, particularly as legal training often proved the “entry point into novel writing” in the nineteenth century (Sutherland *Victorian Fiction* 162). As such, this study suggests that literary criticism too often circumscribes the circularity of influence between works of fiction and contemporary legal developments by limiting examination to a few laws or practices, and in a limited time frame. I expand the scope of my review to encompass a broader range of laws and over a greater span of time.

The law’s disparate treatment of women by the reduction of women’s rights to property that I discuss in this study is best exemplified by the use of inheritance practices such as primogeniture and male-favored entails. In his *Commentaries on the Law* (1758), William Blackstone, the eighteenth-century’s most influential jurist explains that the period saw an increasing dominance of English common law as the arbiter of most rights and duties, particularly those pertaining to property ownership and transmission, while noting the simultaneous reduction in the relevance of Ecclesiastical and Chancery law (Blackstone 68-73). This shift in legal jurisdiction is significant as common law practices were predisposed towards masculine property ownership through formulations enabling male succession and property transmission while excluding or limiting female rights. The impact of the common law’s emergence as the dominant legal jurisdiction in England was to cause a simultaneous reduction in the efficacy of the parallel jurisdictions of Chancery and the Ecclesiastical courts. Not only had these competing legal authorities determined English jurisprudence for centuries prior, but they also tended to grant far

more equitable property rights to wives and daughters than the common law (Perry *NR* 46-47; Habukkuk 17; Erickson 28-9). Moreover, while much literary criticism focuses on how under the English common law construct of coverture a married women ceased to legally exist, the reality was that spinsters and widows fared only marginally better because they too were generally excluded from inheriting family lands by common law practices such as primogeniture, or by the strict settlements that favored male heirs no matter how distant the relationship (Perry *NR* 58-61; Gewirtz 18). As a result, the long nineteenth century saw the relegation of women to limited household oversight which was a relatively recent development, and which materially affected how the law was increasingly distinguishing rights by gender.

This period also saw a persistent and systematic severance of women's right of place, impeding their ability to reside in a chosen geographic location, and interfering with their ability to maintain some lawful connection to property whether as owners, or merely as tenants. Historians from John Habakkuk to G.E. Mingay and Eileen Spring have identified the late eighteenth century as a time when common law rules of inheritance and property transmission, some dating back to shortly after the Norman Conquest, were being overridden by statutes and other legal practices that increasingly favored male inheritance and male ownership to the exclusion of women (Spring 9-10; Mingay 11, 15; Habukkuk 403-4). Medieval forms of social and familial organization were yielding to individual rights typified by the acceleration of land aggregation and privatization practices such as Parliamentary bills of enclosure that affected almost twenty-one percent of the total land in England between 1750 and 1830, so that by the 1830s "there was not a great deal of land of value left to enclose" (Mingay 21).

Moreover, the impetus to accumulate both capital and land tended to override women's rights in both place and ownership. These circumstances created women's increasing economic dependence by shrinking options for establishing or retaining their connections to land and place, and this disconnection is regularly reflected in the fictions produced in this period. As a result, women were under increasing pressure to marry since they typically were excluded from inheriting familial lands and other valuable property, a circumstance that often drives the plots of novels produced in the long nineteenth century, and also suggests that this disinheritance and displacement of women was becoming an issue of paramount social concern (Perry NR 7). Critical focus on women and property in novels of the long nineteenth century has been limited for the most part, to analyzing the "subversive issue of married women's autonomy in relation to property," (Poovey 84; T. Dolin 2). However, I suggest that past and current studies of the relationship of women and property have been too narrowly focused on narratives of married women in the mid-Victorian period, and on those laws which overtly, and particularly affected married women. I contend that a new picture of a society grappling with unprecedented social and economic changes is reflected in the agitation for an expansion of rights that began in the mid-eighteenth century and continued to the end of World War I, and particularly those rights in property or place which disparately affected women.

I begin my discussion in Chapter 2, entitled, "*Castle Rackrent: Unreliable Histories, the Displacement of Wives, and the Transformation of Land into Portable Property*," and its contestation of masculine historicity which displaces women from the national narrative. This was Edgeworth's first novel, written on the eve of Anglo-Irish

Union and produced in 1800. In her first foray into fiction she seems less constrained by literary genre or form in her portrayal of the succession of Rackrent heirs and their wives, the latter of whom always manage to escape the debts, lawsuits, and loss of assets of their spouses by their canny manipulation of ancient Brehon practices that contest the imposition of English common law and legal practices in Ireland. Differing in narrative organization from her later, more conventionally structured Irish National Tales such as *Ennui* (1809) and *The Absentee* (1812), each with their happy marriage endings, in *Castle Rackrent* Edgeworth reveals a succession of unhappy marriages in which wives are exploited, confined, and misused, but early widowhoods grant them a release from their marriages by according them the prospect of autonomy and personal wealth, even though they may not be able to remain in their marital home. From the onset Edgeworth situates her text as a challenge to Anglo-Irish historicity by decrying the exclusion of the domestic lives “not only of the great and good, but even of the worthless and insignificant” (CR 2). Her point is that the stories of women and the poor are excluded from history, and thus from being given historical meaning and weight. Thus, history presents an inaccurate and incomplete picture, an omission which she seeks to rectify by re-instating women with a significant presence in the text, and indeed upon the real estate of the physical page through expansive footnotes and Glossary explanations that provide the details of women’s lives that usually are excluded from masculine histories.

Chapters 3 and 4 examine the development of what I characterize as Jane Austen’s property plots, arguing that her mature novels are only superficially marriage plots, but argue that they are not really centered on hastening heroines to the altar, but in fact they pointedly assail the wills, entails, and land aggregation practices that were the

causes of female displacement and disinheritance. Chapter 3 entitled, “If You Don’t Know the Juvenilia, You Don’t Know Austen: Masculine History, Marital Failure and the Origins of Austen’s Property Plots,” focuses on Austen’s often overlooked Juvenilia which are frequently discounted in importance as mere exercise for her mature novels. Many of her youthful stories fail to culminate in marriage, and often begin with marriages that prove disastrous. Instead, I suggest that because her mature novels evolved from these early works, with traces of these youthful stories re-appearing in throughout her later fictions, because marriage is the cause of female displacement in her juvenilia, marriage serves as a cover story for Austen’s mature property plots which are structured like modern exile narratives using spatial tropes that subvert the laws and practices that precipitate women’s displacement. In Chapter 3 I also contend that Austen, like Edgeworth, takes particular umbrage at the displacement of women from the historical narrative. In her youthful, “The History of England,” the young Austen exposes and then deconstructs the biased masculine histories of Oliver Goldsmith and Edmund Burke by demonstrating their deliberate exclusion of women from history except as property transmitters or maternal bodies producing heirs. Using an already developed wry wit and irony, she challenges these authors’ pretensions to accuracy and impartiality, particularly in their treatment of women and in women’s exclusion from land, inheritance, and indeed from a meaningful place in history.

My discussion of Austen continues in Chapter 4, entitled, “Beneath the Marriage Plot: The Exile Paradigm in Austen’s Novels of Female Displacement,” which suggests that Austen frequently returned to her earlier, juvenile works for characters, plots and even entire passages or turns of phrases, but more importantly that her response to

women's displacement had not changed over time. Her refutation of masculine historicity and its displacement of women is revived in her last completed novel, *Persuasion* (1818), in the dispute between Anne Elliot and Captain Harville in which the heroine refuses to allow books as proof of women's unreliability since men have had the opportunity to write history and women have not. Moreover, in this chapter I demonstrate that Austen reveals how inheritance and land practices worked in concert with marriage to precipitate female homelessness. In addition to Austen's repeated assaults on the use of strict settlements to disinherit female relations, and the use of enclosures to aggregate and limit land availability, and inhibit female rights to once open and common spaces. Most saliently, in this chapter I argue that Austen constructs her mature novels much like modern exile narratives, using the same spatial tropes of place and displacement, as her female characters lose the right to remain in homes, or traverse a countryside marked by the artificial boundaries of enclosure--the stiles, walls, and hedges that denote exclusive ownership facilitated by those laws and practices that her heroines must breach to achieve their goals of love, community, and most importantly, a permanent place. Austen seems to anticipate modern exilic narratives, with heroines who are expelled from the homes to which they find themselves unable to return, her narratives propelled by the movements of female characters through a series of intermediary locations until they are able to assimilate elsewhere and establish some new attachment to place. In these novels, Austen articulates the kind of compelled dissociation from place, forced movement, and relocation. More importantly Austen conceives of displacement as a form exile, a permanent and irreversible estrangement from one's psycho-social space, and she links her heroines' movements to the inheritance and property practices that generally

excluded women. In her recent study, *Jane Austen and the Victorian Heroine*, Cheryl Wilson explains how Austen became a “versatile figure” with influence on Victorian writers and readers because her writings already “intersected with a number of major Victorian movements” including debates about literacy, the development of the novel, and the emergence of the New Woman (C. Wilson 6). However, I suggest that Austen, and indeed Edgeworth are foundational writers because they accessibly articulate conversations about the place of women and women’s rights of place, that became the subject of later political debates and were central to fictions produced later in the nineteenth century.

Chapter 5, entitled, “Counternarratives of Displacement and the Mid-Victorian Novel: Marital Breakdowns, Female Communities, and the Specter of the Asylum” is organized differently than the previous chapters because it focuses on how by the mid-nineteenth century, novels were countering the dominant marriage plot by demonstrating how marriage could be a mechanism for female displacement, or that marriage is unnecessary for women to establish connections to place and community. Rather than focusing on individual authors, I discuss three key counter-narratives intended to deconstruct those laws and practices that displaced women, beginning with the asylum plot in novels such as Wilkie Collins’s *The Woman in White* and Charlotte Brontë’s *Jane Eyre*, in which wives are confined or committed once their assets are exploited; the escape plot, which repudiates women’s subsumation in marriage by encouraging self-displacement, exemplified by Anne Brontë’s *The Tenant of Wildfell Hall*; and the female utopian community, an alternative to marriage that provides women with home and community as in Sarah Scott’s *Millenium Hall*, or the female networks of mutual support

depicted in Elizabeth Gaskell's *Cranford* and George Gissing's *The Odd Women*. I suggest that throughout the long nineteenth century, narratives that repudiated the practices and laws contributing or causing women's displacement were countering the marriage plot, and offering alternative narratives that demonstrated both the deleterious effects of these laws and socio-legal customs, by suggesting alternative outcomes that counteracted women's displacement.

Finally, in the Conclusion, I suggest that studies discussing the relationship of gender and property invariably limit their focus to married women's loss of property in marriage, and the eventual restoration of women's rights through the series of Married Women's Property Act that culminated in 1882. However, I contend that studies such as Tim Dolin's *Mistress of the House*, and Mary Poovey's *Uneven Developments* (1988), fail to address the persistence of narratives of female displacement that continued into the early twentieth century after the elimination of coverture. While women would no longer lose their property in marriage, narratives of displacement predicated on the lack of education, lack of employment opportunities and lack of parity as citizens continued to impel plots and dislocate female characters. In this final section I examine how movements for women's rights informed the plots of novels that continued to reveal the connection between legal inequities and displacement, arguing that these narratives came to their natural end in the years after World War I with the passage of laws that granted women the Parliamentary vote in the Representation of the People Act of 1918, and the Sex Disqualification (Removal) Act of 1919. These two laws serve as the termination point of this study as the impetus for narratives of female displacement predicated on legal inequities dissipates.

Chapter 2

“If her Grace the Duchess of Newcastle, ...had undertaken to write the life of Savage, we should not have been in any danger of mistaking an idle, ungrateful libertine, for a man of genius and virtue.”

--Maria Edgeworth, *Castle Rackrent*

Castle Rackrent: Unreliable Histories, the Displacement of Wives, and the Transformation of Land into Portable Property

Introduction

Castle Rackrent (1800) was the first novel that Maria Edgeworth wrote independent of her father's collaboration, making it a key resource for assessing her unfettered expression of the vexed relationship between women and property during the last decades of the eighteenth century and first decades of the nineteenth century, the period when Ireland's political status was irrevocably changing.³ Published anonymously in 1800 on the eve of Anglo-Irish Union, the legal incorporation of Ireland into Great Britain, *Castle Rackrent* seems to be the author's most direct assault on the masculine ownership and inheritance practices that contributed to women's tenuous place in Anglo-Irish society.⁴ Much as Jane Austen's juvenile works written during the prior decade are considered more irreverent, more stylistically original, and more direct in their challenge to contemporary marriage, inheritance, and property practices than her mature novels, so too does Edgeworth's first solo literary venture exhibit an unconstrained and daring quality in its narrative formulation, particularly in addressing the ambiguous and often

overlooked place of women in Irish history, and their rights of place within Ireland.⁵ According to Edgeworth scholar Kathryn Kirkpatrick, *Castle Rackrent* is “innovative, prophetic, and artistically masterful,” because it combines the Gaelic cadences of Irish oral tradition with a type of Gothic intrigue regarding property and inheritance practices that garners it a number of literary firsts: first regional novel; first socio-historical novel; first Irish novel; and first Big House novel (Kirkpatrick Intro. *CR* vii). To this list I suggest that *Castle Rackrent* also is Edgeworth’s first and clearest response to the exclusion of women from masculine historicity and from the concepts of land ownership that predominated in an Ireland under English rule, by resurrecting and exploiting those Irish traditions that were being supplanted by English socio-legal practices, but which accorded women independent status and the occasional means for acquiring some separate wealth. In this chapter I contend that beneath the surface of the novel’s obvious exposition on the patriarchal contest for power and property in Ireland between the native Irish Catholics and the Anglo-Irish Protestants who now considered themselves the rightful owners in Ireland, *Castle Rackrent* instigates a challenge to the limited rights and limited space being accorded women by revealing opportunities for women to exploit the cultural, legal, and political instabilities in Ireland in order to acquire some portable wealth from their ancient rights in land, even if they lack present permanent connections to place. I suggest that *Castle Rackrent* is Edgeworth’s most direct response to the constrictions on women’s place in Anglo-Irish society and to the ongoing Anglicization of marital, inheritance, and property practices.

Certainly, most scholars and critics read *Castle Rackrent* as a critique of Ireland’s transformation from an occupied colony to a component-state of Great Britain, by

focusing on the controversies arising both before and after Union. The demise of the male Rackrent dynasty and the devolution of the eponymous castle upon Jason Quirk, the wily lawyer and son of the Rackrent family's native Irish servant is read as either asserting the inevitable overthrow of Anglo-Irish dominion over Ireland and the island's reversion to native Irish control, or as demonstrating the disqualification to rule of both the Anglo-Irish and the native Irish.⁶ Robert Tracy contends that *Castle Rackrent* primarily articulates the masculine struggle for domination in Ireland, concluding that Edgeworth's didactic aim is to show readers of her own class how to fail as landlords, while suggesting ways that Anglo-Irish relations can be improved post-union through the merging of cultural practices (R. Tracy 1). This interpretation has some support in Edgeworth's own Preface to the text in which she claims that at least one of her goals is to familiarize the "ignorant" English with the Irish and their particular idiom before Ireland "loses her identity" entirely, seemingly acknowledging Ireland's imminent absorption into English socio-politics, culture, and property practices (Edgeworth CR 4-5). An opposing viewpoint is taken by David O'Shaughnessy who doubts that Edgeworth intended any conciliation between English and Irish socio-political systems. Instead, he suggests that the text's peripheral or paratextual elements, particularly the Glossary with its extensive explanations of Irish terms and customs, is a deliberate effort at reinforcing Irish stereotypes and intentionally exacerbating the gap between the English colonizer-reader and the Irish colonial subject (O'Shaughnessy 42).⁷ However, each of these critical approaches focuses on the masculine competition for land and power in Ireland, with little attention given to the way *Castle Rackrent* articulates a feminine counter-history by positioning women as participants in the contests for Irish land, wealth, and authority.

Indeed, there is little scholarly attention devoted to examining how Edgeworth's portrayal of women in this text decidedly undermines those property, inheritance, and marriage practices that de-stabilized women's connection to land, and de-legitimized women's claims to independent wealth or rights of place. In response, this chapter argues that part of Edgeworth's project in this her first novel, is to accord women both a place in Irish history and suggest that residual mechanisms from Irish traditions provide women with an opportunity to exploit the land they could not own by creating "a space for women as contenders for property" and as competitors for the benefits derived from a connection to land (Kirkpatrick *GTL* 21).

That Edgeworth intended to question conventional masculine historicity and integrate women more conspicuously into the national narrative seems clear from the onset since her Preface to the text begins by decrying the veracity of "the professed historian" whom she accuses of embellishing his narrative, whether from "wickedness or heroism," because of his biased factual selectivity: "Where we see that a man has the power, we may naturally suspect that he has the will to deceive us," Edgeworth complains (Edgeworth *CR* 1-2). To both counter and complete the "uncertainty even in the best authenticated ancient or modern histories," Edgeworth claims she will provide an alternative narrative which she styles as an "unvarnished tale," since this is "preferable to the most highly ornamented narrative" which only has the "appearance of candor" (Edgeworth *CR* 3). By situating her story as a more complete, more simple, direct, and honest version of Irish life in which she recounts "the most minute facts relative to the domestic lives, not only of the great and good, but even of the worthless and insignificant," Edgeworth declares her intention to include details about the lives and

deeds of those typically excluded from history such as women and the lower working classes (Edgeworth *CR1-2*).⁸ Despite the satiric cast to the text, Edgeworth is serious in her goal of providing an alternative narrative to those histories that center on the great, the wealthy, and the masculine.⁹ The text is superficially constructed to resemble a conventional history by moving sequentially through the progression of owners to the eponymous estate. However, it does so by revealing that the kind of “fixed rule of succession” that was so favored by Edmund Burke one of the most influential Anglo-Irish politicians of the day, is a sham because each male Rackrent owner is increasingly feckless, wasteful, and undeserving, so that the estate finally slips from the family’s control entirely (Burke *R 15*).¹⁰ The orderly line of successive male owners that Burke argued was “necessary ‘for the peace, quiet, and security of the realm,’” or in this instance, for the preservation of the estate, goes awry from the start. The first owner, Sir Tallyhoo Rackrent, lacks sons so he passes title to his “cousin-german” Sir Patrick O’Shaughlin on condition that he change his “surname” and religion pursuant to the Act of Parliament that barred Catholics from inheriting land in Ireland (*CR 9*).¹¹ Sir Patrick’s son, Sir Murtagh does inherit the estate, but his contempt for his father is evident when he allows his father’s body to be claimed by creditors at the funeral to satisfy unpaid debts. The land then goes from Sir Murtagh, who dies of an apoplectic seizure while arguing with his wife over money, to his wastrel younger brother, Sir Kit, and then to a distant cousin, Sir Condy, and then it is lost through debt and mismanagement to become the property of Jason Quirk, who by the end of the narrative is in litigation with his most formidable opponent, the last Lady Rackrent, whose jointure in the estate circumscribes Jason’s interests (*CR 12, 20, 38, 96*). The national stability and continuity Burke contends

is predicated on the orderly transfer of land from father to son down the generations is mocked as untenable, even unrealistic. More significantly, Edgeworth shows that male ownership is no guarantee of good stewardship since all the Rackrent men exploit, degrade, and indebt the estate. At the same time, the Rackrent wives emerge as central figures in the narrative because they become determinative of their husband's fates, their actions influencing the condition, the value, and even the successor to the estate, since no wife produces an heir. Instead of functioning as symbolic or supporting figures, or simply the "stock and root of inheritance" as Burke characterizes women, the Rackrent wives are resilient, energetic, and clever individuals who consistently outlast and outwit their husbands. They fail (or defy) producing the next generation of male heirs, and their prosperity in widowhood is achieved largely through their resistance to, or circumvention of those Anglo-Irish laws and practices intended to restrict their rights of ownership and autonomy (Burke *R* 24).¹²

Using a narrative strategy that blurs the boundary between fiction and history, Edgeworth draws on her own female ancestors and other historic women to reinforce the verisimilitude and the veracity of her representations, and the reinsertion of women into the narrative, even if these figures are exaggerated or incredible. Indeed Edgeworth's family history recorded in "the Black Book" a compendium of land disputes, letters, maps and surveys, sets forth a litany of legal actions and claims in land by Edgeworth's female ancestors that echoes in the tactics and persistence of the Rackrent wives (Kirkpatrick *GTL* 22). Similarly, the marital imprisonment of Lady Kit recapitulates recent events in the life of the historic figure of Lady Cathcart, who was confined by her third husband, the soldier-adventurer and fortune hunter, Colonel Hugh Maguire, for

refusing to relinquish her jewels and her properties in England and Ireland to him, the details of which are laid-out by Edgeworth in a lengthy footnote (CR 29-30, fn., 122). Reported in *The Gentleman's Magazine* in 1789, the recent vintage of this episode was such that Edgeworth could anticipate that some of her readers would recall the details and connect them with her lightly-adapted version. This careful interpolation of actual events and persons with the fictionalized history of the Rackrents allows Edgeworth to retain a sense of realism despite the exaggerated episodes and characterizations.¹³ Anticipating the skepticism of readers who may see her tale as farcical romance, and the prominent role of women as unbelievable if not untenable, Edgeworth injects a fictitious “male” Editor as an authoritative voice to acknowledge the seeming unbelievability of the story even as “he” persuades “his” English readers who think the tale scarcely “credible,” that what they are reading accurately portrays the relationships of men and women to property in Ireland (Edgeworth CR 29).¹⁴ *Castle Rackrent* centralizes the position of women in the text because unfettered from the conventions of the national tale genre that had yet to be established, and without initial interference from her father, Edgeworth aggressively questions, even re-imagines Anglo-Irish historiography by countering the exclusion of women from the national narrative, as well as from rights of ownership and place in Ireland. As a result, the wives are able to exploit an “unstable patrilineal system” and stake claims for independent rights to property, even if they cannot remain *in situ* upon their husbands’ deaths (Kirkpatrick GTL 21).

The English laws and legal practices imposed on Ireland during the previous century may have worked to reduce women’s rights of ownership or possession of land, yet, as Edgeworth suggests, efforts to implant English common law usages such as

primogeniture, the inheritance of all familial lands to the eldest surviving son, found “rocky ground in Ireland” something Edgeworth demonstrates by exposing “the arbitrary nature of patrilineal systems of inheritance,” and showing them as little more than fictions whose effects could be undone by unworthy heirs, or countered by the development of competing female systems that exploit the law’s weaknesses and incongruities (Kirkpatrick *GTL* 21, 23). As Kirkpatrick notes, Edgeworth was well aware of the “usurpations, rebellions and reprisals of colonial life” that rendered Catholic and Protestant women in Ireland subject to “the arbitrary nature of patrilineal systems of inheritance,” but that these systems also afforded opportunities that allowed women to exploit residual Irish practices and faults in English property laws (Kirkpatrick *GTL* 22-23).

Beginning with a discussion of the history of relevant English laws and practices that were imposed on in Ireland to bolster English Protestant claims of ownership, this chapter examines how *Castle Rackrent* contests masculine historicity and its displacement of women in the national narrative. The text discloses opportunities for women to extract value from the estates that they are precluded from owning, with Edgeworth actually re-conceptualizing the very nature of land by treating it as property susceptible to conversion and making it chattel that can be owned and benefit women in order to counter their likely displacement by marriage, disinheritance, or spousal death. Because women were treated differently under the law and social practices, a separate analysis of women’s role in *Castle Rackrent* is essential since Edgeworth intentionally positions women as a distinct, dispossessed group whose interests and options differ from those of their male relations.

Contextualizing Irish Historicity: English Laws and Catholic Exclusions

Masculine historiography is put at issue from the first, with Edgeworth suggesting that it is factually unreliable, exaggerated, and prejudiced: “The heroes of history are so decked out by the fine fancy of the professed historian...[who acts] from such sublime or such diabolical motives...” she complains in her Preface (Edgeworth *CR* 1).¹⁵ Instead, she offers gossip and the “minute prolixity” exchanged by women in “a country town” through “anecdotes and retail conversations,” which she suggests provides a more reliable truth about real life in Ireland, as opposed to the histories created by powerful men about wars and treaties, since the latter group are more likely to deceive and to exclude women’s deeds from any consideration (Edgeworth *CR* 3). Edgeworth also incorporates stories from the poor and disempowered such as Thady, her narrator, as well as details from the women who have been written-out of history for the most part, the keeners and tea-rakers, as well as the Rackrent wives, as her way of providing a more complete and representative picture of Irish life, customs and practices. The novel’s subtitle, “An Hibernian Tale,” resurrects the ancient name for Ireland, and suggests that while Edgeworth’s focus is on the current Anglo-Irish situation, she also is re-visiting and reformulating rather than merely recapitulating an unreliable masculine history that has gone largely unchallenged.

Edgeworth goes so far as to suggest that women are more reliable historians than men by arguing that if Margaret Cavendish, the Duchess of Newcastle, had written the life of the poet, Richard Savage instead of Samuel Johnson who defended the reputation of his dissolute friend, “we should not have been in any danger of mistaking an idle, ungrateful libertine, for a man of genius and virtue,” (Edgeworth *CR* 3).¹⁶ Her point is

that had a competent, honest woman written this biography it would have been a much more truthful portrayal of the real man, and not a “whitewashed” version spurred by personal affection and masculine efforts at false valorization. Thus, Edgeworth begins her novel by assailing the accuracy and completeness of masculine histories. Katherine O’Donnell notes that even though the narration of the novel is largely ironic due to the obvious unreliability of family retainer, Thady Quirk, which undermines most pretenses to literary realism, it is still “an historical novel” because it presents a political reality, even if this is not achieved through conventional forms of mimesis (K. O’Donnell 117-118). This challenge to male historiography may also be implied in Edgeworth’s assertion of a need for “new habits and a new consciousness,” since her text gestures towards a reconsideration of those laws and social practices that constrained female ownership, impeded their connections to place, and excluded them from a meaningful role in their country’s history (Edgeworth *CR* 5).

Edgeworth scholar Mary Jean Corbett concludes that “critical attention to *Castle Rackrent* has largely and effectively focused on colonial politics,” an approach she attributes to Edgeworth’s apparent overarching project of providing a more “enlightened alternative” to the typical English response to Irish misrule (Corbett *AOU* 39-40).

According to Corbett, Edgeworth occupied an anomalous position since unlike the English absentee landlords she strongly criticizes in *Rackrent* and in later works such as *Ennui* (1809) and *The Absentee* (1812),¹⁷ her father and his family actively lived on and worked their Irish estate, and thus she shared his “patriot dreams of renovating Ireland” (Corbet *AOU* 40). Nonetheless, Corbett sidelines the *Rackrent* wives in her discussion, viewing them merely as “the medium for property exchange between men,” and seeing

them as failed women because they do not reproduce, therefore preventing further perpetuation of the male line, inadequately fulfilling their traditional functions of mother and wealth transmitter (Corbett *AOU* 48).¹⁸ Sara Maurer aligns Edgeworth's later novels including *Ennui* and *The Absentee*, with *Castle Rackrent* by reading these texts as centered on the disputed male claims to ownership of Ireland that Anglo-Irish Union failed to fully resolve, particularly as the Anglo-Irish who were granted seized estates in the seventeenth century had come to view themselves as the "true people of the Irish nation" (Maurer *TDS* 30).¹⁹ For Maurer, Edgeworth's novels reflect a shared sense of loss between the Native Irish and the Anglo-Irish male factions which view she concludes was confirmed once English dominion was absolute after Union. This type of analysis invariably centers on the masculine tussle for land and political domination, but gives short shrift to the role of women in the text even though each Rackrent wife manages to provide for herself by exploiting some claim to the land that she could neither own nor inherit, actions of self-preservation that Corbett summarily dismisses: "the ladies Rackrent fetishize what they accumulate, seeing self-interest as the limit of their interest" (Corbett *AOU* 48).

More recent scholarship has begun to examine the text's "domestic plot" and the relationship of female privacy to public actions, an approach which Corbett characterizes as Edgeworth's attempt at mediating a Burkean reading that presents Ireland as a place in want of civilizing, with her family's own irregular position as liberal Anglo-Irish landlords (Corbett *AOU* 40).²⁰ However, *Castle Rackrent* seems to be more of a challenge to the type of masculine historicity embodied in Burkean political philosophy. Indeed, Edgeworth begins this novel by arguing that private domestic narratives are a

“source of ‘truth’ with greater claims to our attention than the putatively authoritative discourse of masculine histories, because, in part, official history invariably ignores the often less visible acts of women (O’Gallchoir 64). As Susan Glover notes, Edgeworth’s use of the word “facts” in *Castle Rackrent*’s subtitle, and the specific dating of the narrative to events occurring before 1782, the same year Edgeworth and her family permanently moved to Ireland, lays the groundwork for a female story positioned to “contest the tale being told by the competing male narrators” (Glover 296-7).²¹

Although the text certainly satirizes the downfall of the Anglo-Irish Rackrents and that dynasty’s loss of its ancestral estate due to mismanagement, waste, abuse, and vexatious litigation, Edgeworth’s more compelling project is her creation of a parallel history about women’s place in the historic narrative of Anglo-Irish relations, which is particularly expressed in the succession of Rackrent wives who are not only resistant to their spouses’ attempts at controlling their bodies and their personal property, but who effectively manipulate ancient Celtic and contemporary English laws to their advantage since each woman ultimately escapes her marital subjugation with assets intact or even improved. In *Castle Rackrent* all of the wives may experience the kind of initial displacement from their home or country that is generally associated with marriage under English common law, as well as a later displacement when departing the eponymous castle where they cannot remain after their spouse’s demise, yet Edgeworth makes certain that they all survive their husbands and leave with sufficient wealth and autonomy to sustain themselves. Indeed, two widows retain jointures that actually provide them with a continuing connection to Irish land.²² To accomplish this end, Edgeworth draws upon ancient Brehon practices, the Irish correlative to English Common Law, since the wives

find ways to extract value using traditional female entitlements such as weed-ashes and duty fowls, underscoring the residual efficacy of women's ancient rights even as these practices were being supplanted by those English laws intended to consolidate assets along patriarchal lines.

However, by shifting critical focus away from the patriarchal disputes of male entitlement, *Castle Rackrent* becomes a narrative about undermining the constraints on women's rights in property, and revealing the effects of female resistance to masculine dominion. The narrative not only situates the Rackrent wives and other women centrally in the story, but women actually encroach upon the real estate of the text's pages, even if this space seems to be controlled by the dueling male narrators: Thady, the native Irishman, and the text's anonymous English Editor. This presence allows female voices to enter the public arena of the page, and thus the historic narrative as well. In this way, Edgeworth endeavors to counter the displacement of women in history by inserting women's tales and describing traditional female activities to demonstrate that cunning and defiance can convert the land, the space that women are unable to own into portable property that women can lawfully possess and even carry away.

As in England, the legal landscape in Ireland contracted rights for both the native Irish and women in the century leading to Ireland's full incorporation into the United Kingdom in 1800. Beginning in the reign of James I and accelerating in the late eighteenth century under William III through to Anglo-Irish Union, the native Catholic gentry gradually was supplanted as the major landholders in Ireland. In their stead, English Protestants were awarded Irish landed estates through a series of laws that effectively precluded Irish-Catholic ownership and control of land in their own country

(Cronin 80).²³ Throughout the seventeenth and eighteenth centuries the goal of the English legislature was to use its administrative machinery to replace Irish laws, and “replicate the English model” of socio-legal organization in Ireland (Cronin 80). These crucial changes to the laws of real property affecting Ireland were made by the English Privy Council and by the Protestant-controlled Irish Parliament resulting in a determination that most laws of “colonial origin” were repugnant to the fundamental laws of England, meaning that they did not facilitate the type of consolidation of wealth and property to a small elite of English-Protestant men that was well underway in England during the eighteenth century (Staves 93-94). As a result, most of the legal “reforms” enacted by British lawmakers were predicated on the pretext of securing a consistent legal landscape in the Irish colony, and this necessarily meant eliminating Irish Catholic claims to land since ownership and control of real property had a clear and direct connection to who could exercise political power in the English Parliament.

The laws and penal codes implemented in Ireland in the seventeenth and eighteenth centuries were part of an overarching policy “to ensure, indeed, to create, the dominance of a Protestant landed elite in Ireland” (Staves 94). Not only were the English penal laws imposed in Ireland enacted to “ensure the subservience of the Catholic population,” but also to “hinder” the Catholic religion itself (Cronin 81). For example, a 1697 statute was crafted to “keep Protestant property from coming into Roman Catholic hands by marriage,” since this law made it a criminal offense to perform a marriage in Ireland between a Protestant woman with an estate worth £500 or more, and any man who had not obtained “legal certification that he was a Protestant” (Staves 25).²⁴ Similarly, a 1704 bill converted all fee simple ownership of land by Irish Catholics into

estates which could no longer pass through the rules of primogeniture, that is, be inherited intact by the eldest son or next male relation. Instead Catholic owners were compelled to pass their land by the archaic rules of *gavelkind*, in which “all the sons alike shall succeed to a father’s inheritance,” thus forcibly dividing these sizeable Irish estates into increasingly smaller, and less valuable parcels that eventually became “merely a holding of subsistence land” by de-valuing their worth and making them susceptible to acquisition by large, Protestant landholders (Blackstone 43; Staves 93; Cronin 82). The steady stream of English-enacted laws intended to constrain the Irish also precluded Roman Catholics from acquiring land from Protestants by inheritance or marriage, while a 1703 law required all Catholic priests to register in order to regulate inter-faith unions (Cronin 81). Catholics could not even purchase “any interest in land greater than a term of thirty-one years,” which meant that within a generation the Irish Catholic gentry were reduced to the status of mere tenants in their native land since this type of term lease was viewed as less than a life estate, and deemed in the nature of “chattel interests” rather than a landed interest, thus also depriving them of the ability to meet the landed-interest requirements that provided eligibility to vote in Parliamentary elections (Staves 93).²⁵ A 1703 law also excluded Catholics from participating in politics, the army, and the civil service (Cronin 81). In addition, the revised Penal Code precluded Catholics from studying law, and also “deemed” as Catholic any Anglo-Irish barrister who married a Roman Catholic, thus making him “subject to all the penalties of Roman Catholics,” including the forfeiture of rights and titles in land (Staves 94). Edgeworth demonstrates her understanding of these legal restrictions on Catholic and Irish enterprises and landholdings. Her fictional Rackrents are shown to have converted several generations

earlier when Sir Patrick O'Shauglin became Sir Patrick Rackrent in order to inherit the estate from a cousin (Edgeworth *CR* 9).²⁶ Similarly, because Thady's son, Jason, studied law and "made himself attorney Quirk," the implication is that what he also "made" was a religious conversion so he might lawfully engage in the kind of property dealings and legal maneuverings that punctuate his activities in the text, and which ironically allow him to eventually subvert the patrilineal succession of the Rackrents by obtaining title to their Castle (Edgeworth *CR* 72).²⁷ However, because the focus of English legal reforms were to constrain and then eliminate native Irish interests in land and diminish their authority within their country, incongruities between the old and new socio-legal systems arise that offer opportunities women may exploit, as Edgeworth makes clear in her text.

The English gentry who were made landowners in Ireland through a process that accelerated in the middle of the seventeenth century with Oliver Cromwell's original land grants, often were absentee landlords, content to extract wealth from their Irish estates without stepping foot on their lands, and with little regard for the consequences of their actions on their tenants, or the efficacy of their land use practices since their goal was maximizing immediate gains without consideration for long-term productivity. To squeeze-out as much rental income as possible from an estate, this system fostered the practice of sub-dividing estates to reduce rental land into as many small, two to three acre farms as possible, a practice that made it increasingly difficult for tenant farmers to support their families or meet their rent obligations. These practices fostered the system of rack-renting that encouraged the churning of rents by evicting tenants who were hard-pressed to make their payments, thus allowing for increased rents from subsequent tenants (Cronin 89). By naming the central property and central family of her novel after

the practice of rackrenting, Edgeworth focuses attention on the deleterious impact this had on both native populations and land-use value.

By the mid-eighteenth century, even those who determined to work their estates themselves such as Edgeworth's own family, were intent on clearing and enclosing Irish lands for private pastures to raise the cattle that would feed a growing populace in England, echoing a similar practice of land enclosure and land aggregation already in full swing in England. The effect of enclosure was to prevent small farmers from grazing cattle and gathering wood and other supplies on land that had previously been treated as open and common, and further reducing the value of those estates that had been broken-up into small, leased parcels (Cronin 89-91).²⁸ As a result of these laws and legal practices, native Irish were displaced from ownership of real property in their own country, while the value of land belonging to Anglo-Irish owners also diminished once there no longer was a separate Irish Parliament to enact favorable laws. The rights and powers derived from land ownership in Ireland was further reduced because titles to land were often viewed as clouded, particularly those originally derived from Cromwellian land settlement grants which by the end of the eighteenth century the English saw as beset with problems because of: "complicated and unfamiliar titles, uncertainties about the accuracy of surveys, [and] about whether incomes would hold," (Habakkuk 483). Those holding only Irish lands lost authority in the English Parliament, and indeed, were often denied political positions as when George III refused Lord Hillsborough the position of Lord-Lieutenant of Ireland solely because the aristocrat's landholdings were exclusively and ironically in Ireland alone (Habakkuk 483).

At the same time, women in Ireland were subjected to the constraints of English inheritance practices that favored males over females, particularly in the transmission of landed estates, and in common law marriage practices such as *coverture*, which eliminated a woman's legal existence upon marriage, subsuming a woman's rights to independent wealth, ownership and right of contract entirely in her husband (Perry *NR* 47). For more than two centuries before the Norman invasion of Ireland, women "held both real and personal property equally with men in marriage" and married men could not even make a contract without their wives' consent (Kirkpatrick *GTL* 21). However, under English common law, women had less rights than their Irish counterparts had enjoyed under traditional Gaelic practices, especially as the implementation of English law in Ireland gave the "husband...absolute control over his wife's personal property: he could spend it or will it as he pleased" (Kirkpatrick *GTL* 21). Edgeworth certainly suggests the effects of *coverture* in the episode involving the third Rackrent heir, Sir Kit, an absentee landlord and gambler who escapes his debt collectors by going to the English resort town of Bath and promptly marrying "the grandest heiress in England" to gain her fortune and resolve his own financial situation at his wife's expense (*CR* 23, 25). Not only did heiresses such as Lady Kit lose their inheritance upon marriage, but many upper-class women lost even those traditional rights that enabled them to generate some independent cash by claiming rights in weed-ashes, in which the squire's wife was entitled to the farmer's weeds which then were made into valuable alkaline salts, or the right of sealing money whereby tenants paid the squire's wife a sum upon the "sealing" of their leases and acting as a go-between in the negotiations (Edgeworth *CR* 107).²⁹ Indeed, one of the first things Edgeworth's own father did when taking over management of his

Edgeworthstown estate was to abolish all those ancient rights inuring to the squire and his wife, even though the old leases still entitled him to these (Butler *ALB* 85). While Edgeworth's father viewed the elimination of these entitlements as part of his modernizing of estate management practices, it also effectively eliminated many of the traditional means available to women to acquire some independent source of money. Despite her father's efforts, Edgeworth implies that this practice continued across Ireland in places where traditional entitlements had not been eschewed. Thus, English laws and legal practices imposed on Ireland over the previous century worked against women's rights of ownership and possession of land, but Edgeworth both recognizes and demonstrates that "the arbitrary nature of patrilineal systems of inheritance" was little more than a fiction itself whose effects could be countered by the construction of competing female fictions that exploited the law's weaknesses and incongruities, and by the continuation of traditional Irish practices (Kirkpatrick *GTL* 23). Indeed, *Castle Rackrent* intimates that married women can exploit ancient Irish traditions and subvert recent English laws to their benefit, and as a bulwark against masculine excesses and failings.

The Paratextuality of *Castle Rackrent*: Encroaching on Masculine Space

Based on the "Black Book," which was Edgeworth's grandfather's narrative record of the family's history in Ireland, and which Kirkpatrick characterizes as "part family history, part ledger and litigation record," *Castle Rackrent* was written in three distinct stages over six years (Butler *ALB* 14). The text's earliest section was composed sometime between 1793 and 1796 and covers the introductory heirs Sir Patrick, Sir Murtagh, and Sir Kit, as a way of examining a "dynasty of landlords, each of whom

would possess a vice characteristic of his species,” (Kirkpatrick, *Intro.* x; Butler *ALB* 16, 353). Two years later Edgeworth wrote the longest section about Sir Condy, as a way of exploring her interest in “a dissipated and abandoned figure,” which also served as a “literary vehicle for some of the election scenes” that actually occurred in 1796 (Butler *ALB* 354; see also, Barry 244). The last stage was the Glossary, written after the entire text of *Castle Rackrent* was already in print, but inserted because the family (probably her father) decided that the predominantly English reading public required some further clarification of Irish phrases and customs (Butler *ALB* 16).³⁰ Critics such as O’Shaughnessy view these paratextual elements, the Glossary, footnotes and comments from the Editor, as unnecessary interruptions that aggravate the distance between the Irish and English (O’Shaughnessy 42).³¹ In contrast, Robert Tracy see these additions as furthering Edgeworth’s didactic goals by familiarizing a largely English audience with the seemingly quaint or obscure Irish practices and foreign terminology in order to improve relations between the English and the Irish (R. Tracy 1-2).

Whether the paratextual components distance or unite the competing male-dominated cultures seems less important than the fact that the footnotes and Glossary also clarify and augment the text’s female presence because they supplement the Rackrent wives’ tales of resistance to, and their outwitting of their useless spouses, while explaining the activities of other women such as the keeners, the washerwomen, the laundry-maids and those who participate in the tea-raking, and who speak from the margins of the story. As Edgeworth promised in her *Preface*, she uses these peripheral elements to expand upon the stories of the “worthless and insignificant,” meaning the poor and the female, that are only touched on in the main narrative, drawing upon the

“minute prolixity of a gossip” as an equally valid source of information (Edgeworth CR 3). Her method is to provide women with a foothold in the main narrative, and then substantial space in the Glossary and footnotes where women’s stories, women’s activities, and women’s concerns are expanded upon, such as the three-page explanation of the Ullaloo, the female lamentation for the dead. In this way, the female presence in the narrative is augmented through discussion of women’s activities which are so often omitted from, or obscured by masculine histories (Edgeworth CR 99-103). These paratextual elements present a genuine feminine incursion onto the real estate of the auxiliary pages, mounting a challenge from the peripheries of the Glossary and the footnotes to the masculine dominion of the main narrative, and thus also to Anglo-Irish history. Discussions of women and their concerns may be truncated in the space of the narrative’s central pages, but this expands with great detail and historic context in these marginal sections of the text, those sections ironically overseen by the putative English editor. Thus, not only are the women in the story active competitors for space within the historical narrative, but they claim space on the real estate of the text’s peripheral pages.

The main narrative is told by Thady, an elderly, possibly illiterate, although always wily Irish retainer, whose loyalty to the wastrel Anglo-Irish Rackrent family is decidedly ambiguous. He presents himself as “honest Thady,” a self-denomination that raises the specter of the deceitful and manipulative “honest Iago” from Shakespeare’s *Othello*, and injects an overlay of unreliability, even self-dealing to his narration (Edgeworth CR 8).³² For Katherine O’Donnell, calling Thady unreliable discounts how his narration “fundamentally undermines every convention of the realist novel,” which I agree is Edgeworth’s intended strategy since destabilizing a reader’s understanding of

facts and historic continuity creates an epistemological disruption, a “narrative anarchy” through which suppressed voices, including women’s voices, may emerge (K. O’Donnell 115, 123). The repeated interruptions of the putative Editor through footnotes and Glossary entries offered to clarify, supplement, and contextualize terms, customs, and relevant historic events, suggests how Thady seems to be in competition with the putative English, male editor alone for command of the narrative. These competing male voices, the native Irish narrator, and the English editor, both of whom are ventriloquized by Edgeworth, make the pages of *Castle Rackrent* appear to reproduce the ongoing masculine contests over Irish land and governance.

Critics too are in dispute over Edgeworth’s intentions in her use of this type of dialogic narrative. Tracy suggests that Edgeworth’s goal in constructing her novel in such an unusual way is to bridge the gap between the Anglo-Irish landlords and their Irish tenants by educating these competing groups about the other, but David O’Shaughnessy sees this as a narrative tactic that deliberately exacerbates the differences between colonized and colonizer (R. Tracy 1-2; O’Shaughnessy 42). Maurer takes a middle view, arguing that Edgeworth attempts to reconcile the competing male factions, concluding that since the Anglo-Irish also felt themselves disempowered in the wake of Union, much as the native Irish had done a century earlier, writers like Edgeworth become the “chroniclers of a decaying and disappearing society,” because their works join together two disparate patriarchal factions through their mutual sense of dispossession (Maurer *TDS* 30).³³ However, by focusing analysis only on the patriarchal competition critics such as Maurer, O’Shaughnessy, and Tracy overlook the placement of women in the text since female characters and female traditions intentionally complicate and disrupt the

opposing masculine voices as active contenders for space and place in Ireland's narrative story, as well as competing for economic resources.

Instead of a bi-lateral narrative predicated on there being only two male factions dueling for dominance, I suggest that *Castle Rackrent*, employs a type of Bakhtinian polyphonic landscape that reflects an Ireland in flux and engages with other voices such as the howling women mourners, the lovelorn Judy M'Guirk, Thady's great-niece, and the series of Rackrent wives who triumph over their spouses in the primary narrative (Edgeworth *CR* 99-101).³⁴ Women permeate the novel, particularly the Rackrent wives whose claims to some rights of independent wealth or property undermine and interfere with male assertions of ownership and control. However, there is also the mingling of rank as these wealthier wives mix with the lowly washerwomen and laundry-maids in the after-hours tea raking explained at length in the Glossary, a seeming gesture towards an incipient class fluidity and breakdown of the male-erected social barriers (Edgeworth *CR* 29, fn.28, 99-103, 111-112).

Kirkpatrick interprets this breach of class boundaries as evidence of Edgeworth's concern that the Irish were having a negative influence on the Anglo-Irish woman who were in need of some "governing restraint" to prevent their continued corruption by the Irish which could threaten the "gentleman themselves" (Kirkpatrick Intro. *CR* xxvii). Yet, even Kirkpatrick acknowledges that Edgeworth also demonstrates the natural alliance between women of all classes and the native Irish arising from their shared "colonized status," and which I contend is indicative of their common response to the laws and practices that circumscribed both groups' ability to achieve some independent wealth and status in Ireland (Kirkpatrick Intro. *CR* xxvii). Any alignment between the women in the

novel and the native Irish men arises from their common impairment or displacement by the English laws and practices imposed in Ireland. However, Edgeworth also reminds that the constraints on the native Irish men are not comparable to those imposed on the Anglo-Irish women, or for that matter on any women, because Irish Catholic men like Jason Quirk may shed their Irishness sufficiently to acquire a legal education and to achieve land ownership. Women cannot adapt in any comparable way to improve their status or rights of ownership; gender is an immutable impediment. As such, Edgeworth positions women, all women, as a third faction in the contest for authority and place in the text, and thus also in Irish history, by crafting female characters who maneuver through and around the obstacles of the law and social practices, much like the native Irish who are all “occasionally a lawyer” (Edgeworth *CR* 108). Rather than approving the traditional containment of women, Edgeworth situates women as the invaders of the narrative space because they encroach on the real estate of the main narrative as well as the paratextual elements, which effectively makes them a separate and third force in the national narrative and by extension, in a reconfiguring Ireland. The allied interests of the native Irish and the Anglo-Irish wives may be a product of their mutual constraint and marginalization, but the text implies that women were still the least heard faction in the Anglo-Irish narrative. In *Castle Rackrent* Edgeworth re-inserts this displaced group by giving them space in the larger narrative, reconstituting Irish history to enable women to emerge as active subjects. Thady may be a “disruptive voice...disturb(ing) the homogeneous category of English,” but Edgeworth deploys women’s voices to disrupt the topography of male dominion that was underpinned by those English laws and practices imported into Ireland, since the female characters are shown repeatedly making

incursions upon the page space of the text, and within the narrative itself that defeat these English laws. (K. O'Donnell 123).

Beginning with the funeral of Sir Patrick and the “sham” seizure of his body for debt, there is a steady insertion of female counternarratives that compete with, if not repudiate male fictions.³⁵ The first female narrative to make inroads on the real estate of the story is the descriptions of the keeners, the women who mourn in groups at Irish funerals, and who appear briefly in this first episode. Occupying only four lines in the main narrative, the keeners represent an aggressive infiltration of women into the public sphere by gathering crowds to mourn Sir Patrick's passing even as his son repudiates any duty to reclaim his father's body for burial. Francis Botkin suggests that the keeners bring “into sharp relief issues of cultural loss and rebirth,” a lamentation for, and a call to preserve Irish culture, but it also seems that this is a manifestation of Edgeworth's own voice countering male neglect of duty to provide for their wives and children by the keener's insistent use of practices from their Irish heritage to compensate for the moral lapses of men (Botkin 84). Representing the traditions that were being subsumed into English laws and cultural practices, these women carve out “a space where alternative voices may be heard” (Botkin 84). The female keeners appear as the primary force upholding ancient Celtic burial traditions, and therefore they also present a further challenge to Edmund Burke's vision of women as being limited to reproductive roles since these female mourners represent the retention of an independent Irish culture through the dissemination of uncontained female voices heard in the public arena. In contrast to the men, these women continue to inhabit an Irish symbolic space threatening to undermine Anglo-Irish authority (Botkin 86-87, 97).

The keeners' physical assertiveness is underscored by the way they are succinctly described: "all the women, even in their red cloaks, you would have taken them for the army" (Edgeworth *CR* 11). Edgeworth deliberately likens these women to soldiers since they are waging a war for property within Ireland, and for a place within Irish culture. Marching across the countryside generating crowds with their "Whillalus" and "Ullaloos," lamentations that resemble war whoops, they decry the poverty of the women and children left behind and unprotected (Edgeworth *CR* 11, 99). However, the real battlefield for space and attention comes in a lengthy, three-page explanatory note in the Glossary. While the obvious purpose of the keeners is to mourn the dead which is a particularly feminine occupation, their other function is to gather the crowds that can be approached for funds to give to the wives and children of the deceased since "the priest makes a *collection* for the widow; he goes round to every person present and each contributes a sixpence or a shilling," (Edgeworth *CR* 100, emphasis in text). Edgeworth upstages failed masculinity with the keeners' actions that counter "the picture of Ireland represented by a male-dominated, English literary history" (Botkin 84). The keeners episode gestures towards the existence of a parallel, female social structure that operates within those spaces overlooked or neglected by patriarchal hegemony, and which functions to assist those women and children who are victims of a failed masculine authority and left without any means of support. More importantly, while their presence is limited in the main narrative, the keeners have substantial presence in the Glossary, demonstrating Edgeworth's strategy that lets women encroach upon the property of the page, entering from the peripheral sections and moving towards the center so that women's stories increasingly occupy more space in the narrative.

A similar female incursion within the narrative and on the page occurs the night of Sir Condy's open-house election celebration. The text highlights the excesses and moral vacuity of the men who enjoy a "grand dinner" and then drop-off stupefied after a night of carousing and claret (Edgeworth *CR* 55). However, the ladies remain awake, alert, and talking, "finishing with a raking pot of tea in the morning," which suggests their restraint, and more importantly, their frugality since they are re-using the tea leaves to squeeze out every drop, as all the ladies, including the maids partake of this "girls only" pleasure, locking the door, laughing and exchanging "mutual railleries and mutual confidences" mostly about the "gentlemen" (Edgeworth *CR* 55, 112). Again, only occupying a single line in the main text, the tea raking forces the reader away from the primary narrative and into another lengthy Glossary note that describes this custom, supposedly long since banished, but which was secretly preserved and "sacred to females" because it carved out a separate and more democratic space for women within the literal and metaphorical "big house" (Edgeworth *CR* 111-12). Borrowing the idea from "the washerwoman and the laundry-maid," the elite women retreat to a bed-chamber, even inviting a maid to join them in a space that is much more open and classless than the male celebrations below, and in which there is "as much giggling and scrambling as possible," (Edgeworth *CR* 112). This is a place where class barriers among women are temporarily removed, and where "all prudish decorums are forgotten" as the women discuss and even make fun of the men: the "pleasant fellows! charming fellows! odious fellows! abominable fellows!" (Edgeworth *CR* 112). The tea raking summons up that alternative realm of women that has existed throughout the text, and is able to percolate to the surface of the story, much like the tea, by taking advantage of those

periods when masculine authority is weakened or absent. Moreover, the tea raking evokes the kind of cooperative practices that were once employed in Irish agriculture before English reorganization, and which, as Edgeworth surely knew, became the site of protests with the increased enclosing of common fields and open spaces that were ongoing as she wrote.³⁶

In essence, the tea raking is an infringement on male authority because it encroaches on the masculine space of the Glossary which supposedly is overseen by the English male editor. Indeed, eight of the thirteen substantial Glossary entries are devoted to descriptions of female activities or the historical origins of those customary rights extended to women under Irish law and practice, in addition to the many footnotes in the text.³⁷ Rather than merely introduce a primarily English readership to Ireland, as the Preface contends, the paratexts of the Glossary and footnotes frame, define and compete for authority with the primary narrative, facilitating women's stories in their claiming of space within the text, and for authority in the narrative. In *Castle Rackent*, the paratextual elements provide women with a stronghold from which they can disseminate their narrative of female claims and traditional rights that parallels the main story of male inheritance. The threat of female encroachment upon male ownership particularly resonates in the novel's ending because Lady Isabella, the widow of the last Rackrent male owner, is locked in a legal dispute with new owner, Jason Quirk, over the validity of her jointure, her claim upon his newly-acquired estate which impairs his ability to sell any of the land (Edgeworth CR 96). While Kirkpatrick sees this conclusion as evidence of Edgeworth's ambivalence towards any reformation of the relationship between women and ownership, even she concedes that, "in the contest over property within a corrupt

Anglo-Irish gentry, the women of *Castle Rackrent* are the qualified winners,” (Kirkpatrick *GTL* 24). By the end of the narrative, Edgeworth has moved the women from the peripheries of the text to its center with a direct confrontation between a woman and a man for rights in land.

Edgeworth’s later novels such as *Ennui* and *The Absentee* center on reforming the male owners of the “big house” so they will become competent stewards of their lands and provide a place for women, but *Castle Rackrent* de-centers patrilineal succession through women who are resistant, resilient, and particularly resourceful where their property interests are concerned. Thus, the strong implication is that Lady Isabella will prevail in retaining her jointure since her predecessors all managed to preserve their property even if they had to leave the estate. The male line of Rackrents is extinct by the novel’s end, but Lady Isabella survives; she is the last Rackrent, a transitional figure between the dysfunctional system of patriarchal ownership, and the emerging commercial world. Certainly, Edgeworth’s own situation must have reinforced for her how women can acquire property for themselves even if they are not heir to an estate, since *Castle Rackrent* is nothing less than Edgeworth’s conversion of her family’s estate and its history at Edgeworthstown to her sole ownership through the publication of her books, signaling that the future, not the recent past, may hold more opportunities for women in a competitive, and increasingly mercantile environment. However, what may be more significant is the reach that a text like *Castle Rackrent* had. Patrick Murray and Irene Beesemyer find Edgeworth’s influence extending beyond her contemporary literary admirers such as Jane Austen and Sir Walter Scott, by concluding that *Castle Rackrent* was “probably the most influential single piece of narrative prose to appear in England”

between the death of Smollett in 1771 and the publication of *Waverley* in 1814 (Beesemyer 111). More than just explaining the Irish to the English as the text's Preface declares, or assailing the colonial imbalance of power, or even the deleterious effects of relying upon a failing masculine aristocracy, Edgeworth's novel projects a vision of society that foresees a nineteenth century in which women increasingly assert competitive rights in property and a place in the public sphere.

Dismantling Burkean Property through the Law's Malleability

In challenging the truthfulness of masculine historicity, *Castle Rackrent* foregrounds the place of women beyond "the reproduction of heirs and the transmission of property," by offering a parallel female story with competing claims to validity and place in the national narrative (Corbett *AU* 47). Yet, critics such as Susan Glover conclude that this text involves only the two, opposing male voices, each with "disputed and ultimately irreconcilable claims of possession" to the narrative, and by extension, to the contested real estate of Ireland since land and text are treated as "homologous" (Kirkpatrick *GTL* 24; Glover 296). Such an approach seems dismissive of women's presence in the text because it relegates female characters to the periphery while the main contest exists only between the competing male factions. Feminist critic Cliona O'Gallchoir finds that *Castle Rackrent* focuses on the disjunction between the narrative voice of Thady which she views as representing Edgeworth herself, and the textual intrusions of the Editor attributed to Edgeworth's dominant father, thus reducing the novel's dialectic to a familial parent-child conflict for authority (O'Gallchoir 61).³⁸ Corbett takes a completely different view, contending that Thady is not Edgeworth's representative in the text at all because this is a character that repeatedly obscures and

dismisses the place of women in the family history, making his voice much more suggestive of Edmund Burke, the absentee Irish landlord, member of Parliament, and influential political thinker on issues involving rights of property, inheritance and the concept of nation (Corbett *AU* 47; Staves 94). Certainly, Thady's snide comments show disapproval for all the Rackrent wives, reflecting Burke's philosophy which grants women little space on the national stage except as transmitters of wealth to men, and the producers of male heirs. Thady's suspicions and stated dislike of the Rackrent wives stems largely from their resistance to and disruption of masculine inheritance and the male authority inherent in the marital relationship, seemingly reproducing Burke's belief that women's primary role is to produce a line of males to inherit "which tends the most to the perpetuation of society itself" (Burke *R* 51). For Burke the male inheritors of family property have a duty not merely to maintain it, but to improve and increase holdings in "great masses of accumulation" to be transmitted to the next male heir (Burke *R*. 51). Thady's contempt for the various Rackrent wives arises from the fact that they manage to exploit obscure rights for their own benefit, or they withhold property and defy their husbands' demands, both of which interfere with male property rights.

However, his seeming praise for the Rackrent men is surely more sarcasm than admiration, and his denigration of the women reveals some envy of their resourcefulness. The arrival of Sir Kit, the third heir, is lauded only because he threw Thady a guinea when they first meet, but as Thady soon realizes, "A fine life we should have led, had he stayed among us," since Sir Kit uses the estate to bankroll his gambling abroad, and proves himself a typical absentee landlord who employs middle men to squeeze the tenants for increasingly higher rents to support his lavish and dissolute lifestyle in

“watering holes” like Bath (Edgeworth *CR* 19-21). Indeed, Thady provides sufficient details to demonstrate that the Rackrent males are all unworthy louts. The first heir, Sir Patrick, is a drunk who parties excessively even as his estate falls further into debt. His shaking hands are a sign of the *delirium tremens* symptomatic of a chronic alcoholic, so it is little wonder that he dies in a fit in the midst of a drunken revelry (*CR* 10-11). His son and heir, Sir Murtagh refuses to pay his father’s debts and lets the paternal body be confiscated by creditors, showing little regard for the natural progression of inheritance and the reverence of ancestors that Burke extols. Murtagh simultaneously neglects and exploits the estate and his tenants, dying in an apoplectic fit whilst shouting at his wife who refuses to relinquish her “perquisites,” that is, the money she saved from weed ashes and glove money (*CR* 17-18; Burke *R* 32-33). The remaining Rackrent heirs, Sir Kit, a younger brother to Sir Murtagh, and Sir Condy, from a remote, middle-class branch of the family, each accelerate the demise of the estate, running-up further debts through excessive spending, using middle-men to continue squeezing tenants for higher rents, and selling off or losing parts of the estate to debt, until at last Sir Condy cedes the estate entirely to Jason, the clever lawyer and holder of Condy’s loans which have been secured by the land. Thady’s tale seems the deliberate antithesis of Burkean hereditary property practices because the Rackrents represent the kind of unruly Irish family that was viewed by the English as the source of social and political disorder (Corbett *AOU* 39).

In his descriptions of the several Rackrent heirs Thady parodies Burke’s philosophy of property ownership and male entitlement, superficially praising his masters while simultaneously revealing how these men are all profligate, self-indulgent, gamblers, cheaters, and bullies who are unworthy of their inheritance, and incapable of

maintaining a large landed estate. Yet, Corbett argues that Edgeworth aligns the text with Burke because both situate the family as the source of Ireland's problems. The Rackrentian unruliness that results in misalignments of property transmission and signifies "the lack of consistent and enduring" familial relations demonstrates the need for reforms that stabilize the family, the estate, and thus the nation (*AOU* 39, 46). Historicizing *Castle Rackrent*, Corbett concludes that this text was intended to "construct a mediating stance" to connect the mismanaged Ireland of the past with the new colonial project that would anglicize and civilize Ireland through the importation of inheritance and property practices that would align Ireland as a subordinate space within English authority (*AOU* 39-40). For Corbett, the Rackrent wives fail in their duties to reproduce and to transfer wealth because they are "every bit as grasping" as their husbands and "seek to make material profit from the colonial project," (*AOU* 47). As such, Corbett concludes that Edgeworth makes the wives' actions as unacceptable as their spouses' in order to effect a realignment of the Anglo-Irish gentry in keeping with Burkean principles

While Burke is a felt presence throughout the text, his precepts of property ownership, inheritance, and male entitlement are repeatedly undermined at every turn, and particularly by the text's female characters and feminine presences. By demonstrating that women's resistance, assertiveness, and manipulations of legal practices can lead to their lawful acquisition of assets, or at least to derive benefits from land, suggests to me that Edgeworth actually repudiates Burke's masculine property hegemony, and instead gestures towards what Kirkpatrick identifies as a "changing relation of women to property under rule of law" in Ireland (Kirkpatrick *GTL* 26). The malleability of the law must have been apparent to Edgeworth from her family's first

arrival in Ireland in 1782 and the discovery that all their tenants were “highly practised at making up for some of the inequalities of the Irish land system” through their effective exploitation of ancient rights, a practice she later adapts into *Castle Rackrent* with Irishmen like Thady and Jason (Butler *ALB* 86). The text’s two native Irish men, Thady, and his son, Jason Quirk, each use the law to their own ends: Jason, by abandoning his Catholic heritage to secure the legal education that gives him the position and the knowledge to buy and manipulate leases and loans, and acquire the entirety of the Rackrent estate; while Thady, the unsophisticated, uneducated Irish retainer receives money and housing without appearing to do any work.³⁹ His ability to maneuver through a system of absent or feckless masters is explained by the fact that “every poor man in Ireland... is...occasionally a lawyer,” since the Irish “all love the law” as a mechanism to be circumvented by their own clever manipulations (Edgeworth *CR* 108-9). Edgeworth seems to suggest that if the native Irish can master the English laws intended to dislodge their interests and constrain their rights, then women can do so as well.⁴⁰ This skill appears in the Rackrent wives who are so adept at making-up for the inequalities of the law that they accumulate assets in anticipation of their own eventual displacement, actions that directly undermine coverture with its directive to strip wives of all rights to valuable assets and give husbands total control of all property, real and personal. *Castle Rackrent* therefore is Edgeworth’s response to the continued use of these legal restrictions by demonstrating that the perpetuation of property transmission through the male line alone is fundamentally unstable, thus raising uncertainties that can be exploited to the advantage of women. Even the novel’s title suggests the author’s deconstruction of property practices by suggesting “the castle as embodiment of those male hereditary

rights to land, as well as the system of rackrenting which abused that power,” thus evoking from the start a legal landscape in which nothing is quite what it seems and everything is ripe for exploitation (Kirkpatrick *Intro.* x).

The episodic story that Thady tells follows the transmission of title to the eponymous castle through a series of men, although the succession tends to deviate from the direct line of hereditary ownership, mocking the generational linearity of Burkean inheritance. In fact, the Rackrents are not Rackrents at all but O’Shaughlins, an Irish-Catholic family and “one of the most ancient in the kingdom,” whose patriarch, Sir Patrick, willingly changed his name to Rackrent, and also implicitly his faith, in order to become the heir to Sir Tallyhoo Rackent, a “cousin-german,” or first cousin (*CR* 8-9). Edgeworth thus traces her narrative back to the beginnings of English occupation of Ireland to demonstrate both the unreliability of masculine historicity, as well as the dubious benefits of patrilineal inheritance. The name of the first “owner” Sir “Tallyhoo” gestures towards his English origins by using a variant of the traditional exclamation employed when prey is sighted in a fox hunt; the prey here seems to be Ireland, England’s first overseas colony. When offered the estate by his relation conditioned on the name change, Sir Patrick, the first converted Anglo-Irish Rackrent, casts off his misgivings since the estate “came straight into *the* family” upon an “Act of Parliament [to] take and bear the surname and arms of rackrent,” (Edgeworth *CR* 9, emphasis in text). English Penal Laws proscribed Roman Catholics from acquiring land from Protestants by inheritance or marriage, so by lawfully changing his name, and implicitly his faith, Sir Patrick facilitates his inheritance and satisfies the law (Staves 93). For Irish Catholic men, the law compelled their choosing either property or their heritage, and while men

such as Sir Patrick Rackrent, or even Thady's son, Jason, are able to repudiate their heritage and insert themselves into the emerging Anglo-Irish capitalist patriarchy, Edgeworth recognizes that women cannot similarly reinvent themselves; their gender is an insurmountable impediment to their gaining meaningful legal rights to property under the extant legal system (Kirkpatrick *CR* xxxii). However, with the men abandoning their heritage, opportunities arise for women to gain authority and wealth using older socio-legal traditions and entitlements that persist during this period when Ireland's modernization is "disorienting and destabilising," (O'Gallchoir 69).

From the onset Edgeworth's narrative questions the efficacy of patrilineal succession so lauded by Burke, by disrupting male rights of ownership, as when Sir Patrick Rackrent dies from a fit after a night of expensive celebration. His body is seized at his funeral by his creditors to satisfy outstanding debts (Edgeworth *CR* 11-12). Sir Murtagh, his son and heir, and "a great lawyer" by Thady's wry description, refuses to ransom his father's body, concluding instead that this is a "sham seizure" enacted under "the disguise of the law" and warranting no further action (Edgeworth *CR* 11-12). Here, Edgeworth shows the legal system susceptible to interpretation, corruption, and self-dealing, even though its supposed constancy is what underpins those hereditary male property transmission practices now applicable in Ireland, and which Burke extolls as foundational to English freedoms, English rights, and essential for the perpetuation of English society (Burke *R* 32-33). In this episode Sir Patrick is the embodiment of the Rackrent estate, and his being prevented from interment in the ancestral soil through the interposition of the legal process not only serves the purposes of his parsimonious and legally saavy son, Sir Murtagh, but it also contravenes Burke's ideal patriarchy where the

father properly manages his estate, and the ideal son cares for his father both preserving the “family affections” and “dearest domestic ties” that are inseparable with the transmission of land and inheritance (Burke *R* 34). Edgeworth undermines these masculine ideals with avarice, incompetence, and greed, using a quirk of English common law which provided that land could not satisfy ordinary personal and contract debts, thus allowing landed gentlemen to accumulate enormous debts to tradesmen without risking a lien on their land, or a court order to sell some of the land to satisfy creditors (Staves 92).⁴¹ As a result, Sir Patrick can be reckless and incur extreme indebtedness knowing that his obligations cannot be satisfied by judicial order attaching the one valuable asset he has, his land. Therefore, it must be satisfied by confiscating his body despite its having no real commercial value. Edgeworth’s point, however, seems to be in revealing how English law is skewed in favor of the those with land, and that it can be manipulated to almost any end, foreshadowing the excesses of Sir Murtagh’s tenure as owner, as well as the regimes of his successors.⁴²

The confiscation of Sir Patrick’s body is the first of many instances in the text that challenge the very nature of real property itself by unmooring the fixed, unchanging, and immovable nature of land, the essential precept of Burkean social order in which land is the fount of social stability. In contrast, land that can be moved or transformed lacks this essential quality as it is no longer static and unchanging. By conflating the Rackrent patriarch *with* the landed estate since both bear the Rackrent name, the body becomes a signifier of the estate, but it is also shown to be a commodity capable of being confiscated and carried-off to satisfy debts, thus signaling a breakdown in the law’s ability to define both ownership and what can be owned. This transformation of the

estate, or here the body as symbol of the estate, into chattel property is one of several instances in the text where Edgeworth effects such a conversion of land into chattel, gesturing towards potential opportunities for women because the very meaning of land is made uncertain. Appearing so early in the text, the episode with Sir Patrick signals a serious disturbance in the social order by undercutting the seemingly fixed relationship between real property and male authority, and marking the beginning of the end for the Rackrents. The progressive failures of each male successor is tracked as the property passes from father to son, to brother, to distant cousin, until it finally is acquired by Jason Quirk, who too achieves his acquisition by reducing land to currency, something that Burke and English law eschewed.

Novels of the late eighteenth and early nineteenth centuries show “how owning property confers power, even within the family, and how the disinheritance of their rightful access to property renders women totally dependent on their male relations,” (Perry *NR* 67). While the keeners offer some relief to impoverished women, it is the succession of Rackrent wives who particularly manage to resist economic loss and gain independence using their husbands’ property without actually owning it, contravening Perry’s thesis to a degree by suggesting that the manipulation of laws and practices can be as powerful as actually controlling land by providing portable wealth. These wives even manage to retain pre-marital property despite Anglo-Irish laws and practices such as coverture that worked to strip them of these possessions.

Before the Norman Invasion of Ireland in the twelfth century, Irish men and women held both real and personal property equally in marriage (Kirkpatrick *GTL* 21).⁴³ Under ancient Brehon law a woman, regardless of marital status, could take possession of

land in much the same way as a man could by occupying the land and having either three female witnesses or one male witness confirm her dates of occupation. She then challenges “the tribe to come to terms of agreement with her *as to her land*,” (*Ancient Laws* 9, emphasis in text). In addition, as early as the late seventh century, upper class Irish marriages engaged in the practice of *lanamnas comthincuir*, a form of joint property in which the woman maintained exclusive control of her property during the marriage (Kirkpatrick *GTL* 21). Wives also had sole ownership of any property received by gift or for services rendered, a direct contravention of the English practice of coverture which accorded wives only limited property rights in personal, portable property, and denied them ownership of their earnings, their inheritance, and their interests in land. Edgeworth employs these traditional practices to enrich wives like Lady Murtagh. The English statutes and common law introduced into Ireland in the seventeenth century accorded women little control over anything other than their domestic items such as everyday jewels, clothes, and furnishings; any land or other tangible wealth brought into a marriage was irrevocably lost (Kirkpatrick *GTL* 21). However, the Act of Union unintentionally opened “space for women as contenders for property,” and it is this disjunction between traditional Irish practices and English laws that I suggest *Castle Rackrent* exploits (Kirkpatrick *GTL* 21). While the older common law traditions may not fully alleviate female displacement, Edgeworth’s counternarrative demonstrates that women can convert land to portable wealth, thus allowing them to go elsewhere as financially-comfortable widows. Not only does Edgeworth expose the mechanisms that enable women to challenge male authority, but she reconceptualizes the very nature of land by making it susceptible to conversion, and therefore rendering it potentially available for

female use and acquisition. This approach signifies a genuine departure from the Burkean notion of property as a “stable and inert” asset that must be occupied, worked, and aggregated.

The Rackrent Wives: Masculine Fallibility and Legal Loopholes

In *Castle Rackrent*, Edgeworth seems to go further than she does in later works by demonstrating masculine fallibility as reliant on a patrilineal system of property transmission that is unstable, and therefore susceptible to female exploitation through the assertion of those rights traditionally granted to women and their manipulating the law (Kirkpatrick *GTL* 24). Her didactic advocacy is particularly evident in the text’s treatment of the three Rackrent wives, each of whom displays resistance to every attempt at patriarchal domination, while the text exposes potential ways that women can accumulate assets. The first wife is that of Sir Murtagh, a woman whom Thady identifies as a Skinflint, a local Anglo-Irish family, and whose name seemingly explains her extreme frugality (Edgeworth *CR* 12-13). Although Thady’s narration is supposed to demonstrate his loyalty to the Rackrents, it really exposes the many ways that the men abuse their entitlements, while revealing the opportunities women may exploit. Thus, even as her lawyer-husband dissipates his patrimony by repeatedly engaging with the legal system through excessive litigation, Lady Murtagh thrives on the goods she derives from her traditional entitlements.⁴⁴ Her effective prudence, her skinflintiness, is positioned in direct opposition to her husband’s foolish expenditures, particularly his addiction to costly legal disputes, setting forth an implicit challenge to the presumption that men are the better stewards as rational owners and overseers of property. In contrast, Lady Murtagh cannily manages those rights which offer her the most personal yield. She

provides a “charity” school for the poor children to learn to read and write in exchange for their spinning her free “duty yarn” into linens for the estate, while Sir Murtagh fails to take advantage of his right to “duty work” from his tenants to fix the estate’s fences and maintain his property (Edgeworth *CR* 13-14). Lady Murtagh even manages to get the looms free from the Linen Board, rendering the fabrics woven through this process pure profit for her alone (Edgeworth *CR* 13). Indeed, the text repeatedly juxtaposes Sir Murtagh’s costly litigations—“a law-suit for every letter in the alphabet,” with Lady Murtagh’s ability to maximize her ancient legal rights to duty fowls, duty turkies, duty geese, and glove money, as well as weed ashes, and “sealing money upon the signing of all leases,” thereby expanding her “privy purse” through the effective use of neglected and anachronistic legal customs (Edgeworth *CR* 13-14, 15 103-104).⁴⁵

Lady Murtagh is the first of the Rackrent wives to demonstrate that while women may not inherit land, there are ways to receive “direct proceeds from *land* transactions” (Kirkpatrick *GTL* 25, emphasis in text). This wife’s adamant retention of her lawfully acquired assets, as well as her voluble defense of the rights of the disempowered tenants she represents, contributes to her husband’s apoplectic death, after which she removes all her property to Dublin leaving the Castle “quite bare” for the next owner (Edgeworth *CR* 19). Indeed, as a co-heiress to the “great Skinflint estate,” by outliving her husband she also defeats any claim he might have had on her future inheritance (Edgeworth *CR* 12). The point is that Lady Murtagh draws upon those privileges accorded her by ancient customs to convert her husband’s land into wealth that by tradition becomes hers alone. Sir Murtagh may have been “a very learned man in the law,” but he is no match for his wife’s cunning use of traditional practices and good management of assets. While the

keepers' cries of mourning may generate funds for widows by converting male death into cash, Lady Murtagh demonstrates how she can convert male rights in land to her personal benefit, slipping "below the radar" of a male authority that relies on English legal practices and litigation often to dubious effect.

Indeed, the text consistently situates wives in opposition to their husbands so that the wealth Lady Murtagh amasses through her application of traditional Irish rights is compared with Sir Murtagh's amassing debt from his zealous adherence to the English legal system, resulting in his having to sell "the fee simple of lands and appurtenances" of part of his estate just to cover his extensive legal costs, pay numerous adverse judgments, and fund the ongoing litigation with the Nugents of Carrickashaughlin (Edgeworth *CR* 16; 103-104). The English legal system is revealed as less efficacious in preserving wealth than the traditional rights women can claim. Kirkpatrick contends that Lady Rackrent's exercise of her ancient domestic rights is tantamount to her husband's exploitation of his tenants "by manipulating both customary and capitalist practices" and thereby making them "equals" of self-interest (Kirkpatrick *GTL* 24, 25). However, this assessment overlooks the fact that Lady Murtagh does give back something to the tenants for their compliance, whether it is some education for their children, or in the case of the "sealing money," agreeing to "speak for them to Sir Murtagh about abatements and renewals," therefore functioning as an attorney-in-fact, even though it is her husband who has the formal training in the law (Edgeworth *CR* 17). Where her husband exploits, threatens and sues, Lady Murtagh, while certainly taking advantage of the rights accorded her, does provide some value in exchange. The parties are not shown as equally exploitative; to the contrary, Lady Murtagh is so zealous an advocate for the tenants she

represents that “in a dispute about an abatement, my lady would have the last word,” arguing so ferociously with Sir Murtagh that he bursts a blood vessel and soon dies (Edgeworth *CR* 18). Lady Murtagh assumes an authority on par with her husband’s, but the text’s careful comparison of this couple makes a clear distinction by demonstrating that the formal English legal system can be a trap for masculine excess and debt, while the skillful exercise of ancient rights in property can generate independent wealth for women, a necessity for achieving self-autonomy where displacement is inevitable due to the legal constraints on female ownership of land.

That Edgeworth’s intentions are to forge a valuable and fundamental connection between women’s customary entitlements and land is made particularly clear when Lady Murtagh also extracts a “fine jointure” for herself, an agreement with her husband for an irreversible life income from the very estate that she cannot inherit or remain on after his death. This arrangement assures she will be “financially secure” since subsequent owners are obligated to pay this annuity to her (Edgeworth *CR* 18; Kirkpatrick *GTL* 25). Jointures gave the wives of landowners “a degree of independence and financial security which afforded them considerable defence against masculine domination,” (Staves 96, citing Mingay *ELS* 30, 226). In comparison to the common law provision of dower which gave a widow an interest in the income from land owned during her husband’s lifetime, the jointure was viewed by the most influential eighteenth-century legal scholars, Edward Coke and William Blackstone, as ““more sure and safe for the wife’ than any form of dower” because for property to be included in the dower calculation the husband had to have full legal ownership, not merely equitable ownership, and a husband’s treason could bar dower, but not jointure (Staves 97).⁴⁶ It is telling that two of the three Rackrent wives

gain jointures, evidencing Edgeworth's sophisticated understanding of the legal devices available to women, and her employment of this form of negotiated annuity which can be constructed to give the widow a stake in land that she otherwise cannot own.

The next Rackrent wife, Lady Kit, requires neither dower nor jointure; a substantial heiress in her own right, she resists her husband's often abusive efforts to secure her property. Although she eventually departs the castle after his death, she does so with all her valuables in her possession. Sir Kit, the succeeding heir and younger brother of Sir Murtagh, is so profligate in his ways that he must continually convert the land into hard cash through a persistent "ferretting" of his tenants for money to satisfy his expanding debts: "any thing for the ready penny" according to Thady (Edgeworth *CR* 21). Content to leave the running of the estate to ruthless, exploitative middlemen while he gambles at Bath, Sir Kit only returns to Ireland to avoid his English creditors, a fact that signals an accelerated reduction of his land into liquid assets (Edgeworth *CR* 23). Edgeworth seems intent on demonstrating that men are constantly transforming their land holdings into fungible forms of wealth, thereby creating parity with women's traditional rights which similarly exploit their emoluments in land despite their lack of ownership. Sir Kit not only sells off portions of his land to satisfy his debts, but rather than working his land to make it profitable, he determines to restore his depleted estate by marrying "the grandest heiress in England" a move that ironically makes him dependent upon a woman to preserve his patrimony (*CR* 23-24).⁴⁷ What is particularly telling in this episode is that Sir Kit turns to a foreigner to rescue his flailing Irish estate, choosing a woman who may or may not be a Blackamore or Jewish, but who certainly is from England, the place to which she ultimately returns. Lady Kit is unwilling to part with any

of her “thousands of English pounds,” or her diamond cross in order to restore the Rackrent estate even if it means seven years imprisonment in her room; she has no incentive to put anything into land that she can never expect to own or even remain upon (Edgeworth *CR* 28-29, 36).

Critics such as Sandra Gilbert and Susan Gubar view Lady Kit’s confinement and her subsequent escape as articulating a connection between the Irish peasantry and the women since both only *appear* to submit to English patriarchy, but actually subvert its authority by setting into motion the “machinery that finishes them off...” (Gilbert & Gubar 150). However, this episode, which a lengthy footnote explains is based upon the actual, twenty year confinement of a similarly resistant Lady Cathcart who refused to relinquish her jewels to her husband, represents the “changing relation of women to property under the rule of law” (Edgeworth *CR* 30; Kirkpatrick *GTL* 26). Drawing upon the “history of the celebrated Lady Cathcart’s conjugal imprisonment” Edgeworth blurs fact and fiction, calling attention to the constructed nature of both in a footnote that runs a full page in the text (Edgeworth *CR* 29-30, fn). In this way, she makes the paratextual pages sites of contravening narratives of female resistance, endurance, and eventual triumph over the myth of male authority and ownership (Edgeworth *CR* 30 fn.). While certainly evidencing female opposition to male domination, this episode goes further by actually condoning a woman’s refusal to lend fiscal support to the maintenance of property that she has no expectation of ever owning or remaining on beyond her husband’s lifetime. Lady Kit belittles all signifiers of her husband’s property making fun of the long Irish place names, and denigrating the landscape by calling certain vegetation shrubs although her husband insists these are trees. Her belligerent responses anticipate

her subsequent refusal to submit to her husband: “May be they are what you call trees in Ireland,” she retorts (Edgeworth *CR* 27). Even when she falls deathly ill during her imprisonment and Sir Kit “tried all his arts to get the diamond cross from her on her death bed, and to get her to make a will in his favour of her separate possessions... she was... too tough for him,” (Edgeworth *CR* 31). Her refusal to cede those possessions that are hers, even in the face of death, suggests how strong women had to be to retain any means of countering their inevitable displacement. However, Lady Kit recovers, aided by the realization that she has survived her husband and can depart with assets fully intact. Like her predecessor, Lady Kit disrupts male inheritance by producing no heir, a fact reinforced by Sir Kit’s fatal castration from a duel with his wife’s brother over her falsely rumored death and lengthy imprisonment in which Kit “received a ball in a vital part,” dying shortly thereafter from the injury and implying that the burden of reproducing heirs is a joint one (Edgeworth *CR* 33). *Castle Rackrent* may present the “big house” as the locus of contested ownership between men, but it also is a house that is temporarily tenanted by resourceful women who recognize that the legal system that constrains their interests and makes them vulnerable to displacement can be worked so that some personal benefit can be derived.

This conclusion is reinforced by the last and longest segment of the text pertaining to the history of Sir Connelly (Condy) Rackrent, and his Irish-born wife, Isabella. Unlike his predecessors, Condy was from a “remote branch of the family,” and “born to little or no fortune of his own, he was bred to the bar,” and expected to work as a lawyer for his living since he was not in any direct line of inheritance (Edgeworth *CR* 38). Growing up in a small village house, he went to the local grammar school with Jason

Quirk, Thady's son, and was "well acquainted and popular amongst the poor in the neighborhood," (Edgeworth *CR* 39). However, it is precisely because of his landless status that Condy closely monitors the antagonistic relationship between Sir Kit and his wife waiting to see if he would inherit since there was "no one between him and the Castle Rackrent estate," (Edgeworth *CR* 40). In the event no heir is produced, he will succeed to the estate although only a distant cousin.⁴⁸ The prospect of an inheritance causes him to neglect his law practice, borrow money from his future tenants, and incur all manner of debts by trading on his expectations: "Sir Condy was obligated to pass new bonds for the interest, now grown principal, and so on..." (Edgeworth *CR* 41). When he finally inherits the estate he is already grossly indebted to merchants, tenants, and particularly to Jason Quirk to whom he leases "some acres" at a bargain rate to assuage part of his debt, while making Jason his "established agent" overseeing the property with the expectation that he will rackrent the leases for increasingly higher rents. Since he is "pushed for money on an execution" Condy sells Jason the estate's hunting lodge in "fee simple" as a "good house for him and his heirs for ever, for little or nothing..." thus beginning the slow dismantling of the estate and its transference to the native Irish son (Edgeworth *CR* 41, 54). Jason immediately sub-lets the land he is renting at such enormous profits that within two years he is able to purchase more of the property outright (Edgeworth *CR* 41). Once again, Edgeworth exposes the ease with which men are seduced by the prospect of owning land to misuse their patrimony. Condy rapidly diminishes his inheritance by selling off more land, and opting to leverage his remaining interest by incurring debts so massive that they can never be satisfied by any anticipated income or assets. While there is an undercurrent of colonial triumph as the native

Irishman represented by Jason Quirk begins to reclaim Irish land from the Anglo-Irish Rackrents, yet his sharp practices and willingness to exploit Irish tenants suggests a perpetuation of the English culture of self-interest and wealth accumulation rather than the prudent property stewardship that Edgeworth's father (and Burke) favored. However, Jason Quirk's ascension first to the Lodge, and finally to the Castle is overshadowed by the text's ultimate clash of claims between this new owner and Lady Isabella whose jointure from her husband is a burden on Jason's ownership of the estate.

The Rackrent wives intentionally upset the received wisdom of contemporary conduct books which categorized female competitiveness as capricious and socially unacceptable, by revealing that the source of female aggression is often "in the service of securing property," particularly property that can be transported away from an estate from which they too will be displaced (Kirkpatrick *GTL* 25). Certainly, this is the case with the last Rackrent wife, Lady Isabella who unlike prior wives enters the marriage with a few thousand pounds inherited from a grandmother, hinting at the existence of an alternative, matrilineal system for transmitting wealth. The youngest daughter of the wealthy Mr. Moneygawl, she receives no dowry and has no jewels because she fled her father's imprisonment to elope with Sir Condy with whom she had "fallen over head and ears in love," (Edgeworth *CR* 42). While Edgeworth briefly repeats the female confinement motif in this final sequence, it seems only a faint echo of Lady Kit's lengthy imprisonment since Isabella easily escapes her father to marry against his wishes, suggesting a further weakening of masculine authority. A much more developed character than the previous Rackrent wives, Lady Isabella is the only wife whose Christian name is known, and who returns to her father's home upon her husband's

financial collapse, taking with her the realization that she made a bad match, chastising her husband as she left: ““And did you not use me basely, Sir Condy, (says she) not to tell me you were ruined before I married you?”” (Edgeworth *CR* 66).

More than the other Rackrent wives, Isabella represents a transitional figure retaining some of the romantic elements of the woman who marries for love, but who by the end of her tenure looks more like a pragmatic modern woman determined to protect and preserve her own financial interests.⁴⁹ According to Irish National Tale scholar Cliona O’Gallchoir, in the “post-revolutionary and post-Union period, Irishness and femininity were both unstable positions...however their very instability had the potential to construct a position of unprecedented authority for the women writer,” such as Edgeworth (O’Gallchoir 7). However, I further suggest that this uncertainty allows for the presence of female characters that look less and less like traditional romantic heroines because their stories do not culminate in marriage, and instead marriage actually launches them into independence by story’s end with the death of their spouse and their departure from the marital home. In this way, Edgeworth uses the social upheaval associated with Anglo-Irish union to advocate for women’s independent rights in property, even if these are achieved at the expense of male ownership. In *Castle Rackrent* the last jointure is deliberately structured as a real encumbrance on the estate because Sir Condy has nothing left to give his wife having been served with “an execution against the goods” and with an auction scheduled for the following week (*CR* 68). To atone for luring her into the marriage without telling her of his dire finances, he prepares and signs a written memorandum, witnessed by Thady to comport with legal requirements, and which provides her with “a clear five hundred a year jointure off the estate, afore any of my

debts are paid,” (*CR* 70).⁵⁰ Edgeworth deliberately maneuvers the facts of the story so that Condry can only leave his wife a jointure to be serviced by the land, giving her a claim that he knows will impair and impede any subsequent owner’s ability to sell, divest or diminish the land in during her lifetime. By 1800, English law now applicable in Ireland, favored the jointure over a widow’s residual common law right of dowry since “an equitable jointure could be made in such things as bank annuities rather than land,” (*Staves* 36; *Habukkuk* 82-83). The advantage of a jointure was that it was supposed to be configured to leave land unencumbered for the next male owner; an additional benefit for men was that it typically provided for less income than the “third of the estate which was a widow’s dower right under common law” (*Perry NR* 53).⁵¹ Edgeworth, however, deliberately encumbers the land with jointures, showing that while women may not yet be able to own the estate, they can secure a jointure and derive wealth from it while constraining a male owner’s fee use of it.

Challenging the Moral Authority of Men and the Nature of Property

Edgeworth’s text places upper-class women such as the Rackrent wives in direct competition with men for rights in property, while women on the social margins, the keeners and tea-rakers, are shown to increasingly encroach upon the space of the text, particularly those paratextual sections that allow for descriptions of women’s activities, those facts “relative to the domestic lives” of those viewed as “insignificant,” and to provide a competing and alternative narrative (*Edgeworth CR* 2). These competing stories often challenge the moral authority of men to own and control property and wealth, even if, as Corbett and Kirkpatrick assert, the Rackrent wives seem to adopt patriarchal modes of “domination and exploitation” themselves in order to exercise some

power (Kirkpatrick *GTL* 24). In the text's final section Edgeworth seems to particularly challenge the moral rights of men to govern, going further than in her later novels to expose the failure of patriarchal property practices because here she correlates how the political process intended to regulate land and conduct, actually facilitates masculine corruption, fraud, and self-dealing. The political and legal failings represented by men such as Condy are part of a "portrait gallery...of aberrant masculinity" that Edgeworth hopes can spur reform (Beesemyer 111).

The way privileged men evade their obligations is encapsulated in Condy's bid for Parliament, a move he undertakes only when his debts become so extreme that there are no longer candles in the house, nor shoes for the horses, and "letters from tradesfolk came every post thick and three-fold, with bills as long as my arm," (Edgeworth *CR* 53). There is little illusion about the political process here since Condy's run for Parliament is made solely for the purpose of temporarily insulating him from his creditors, as Thady informs the sheriff about to execute a writ from the wine merchant: "Put it in your pocket again, and think no more of it any ways for seven years to come...he's a member of Parliament now...and such as you can't touch him," (Edgeworth *CR* 57). To secure a seat in the short-lived Irish Parliament, Condy expensively wines and dines potential voters with an "open house kept night and day at Castle Rackrent," in which his many gentlemen supporters drink themselves into stupors (Edgeworth *CR* 6, 55; Butler *ALB* 181-2).⁵² This course of action increases his already substantial debt, particularly as many who partake in his lavish hospitality are challenged as unqualified—"many of our freeholders were knocked off"—since Ireland, like England, required freehold ownership of land for the franchise (Edgeworth *CR* 56). Desperate to attain office solely to forestall

his inevitable financial collapse, Condry follows the letter of the law even as he evades the purpose of the law by sending to his farm “for a couple of cleaves-full of sods” so that each challenged voter may stand upon a small square of earth and “fairly swear they had been upon the ground where their freeholds lay,” (Edgeworth CR 56). This cheat wins the election for Condry, a point Edgeworth connects to historical events through a footnote indicating that, “This was actually done at an election in Ireland,” (Edgeworth CR 56, fn.). As she has done throughout this text, Edgeworth integrates reality and fiction to expose the failings of contemporary socio-political organization because it is dysfunctional and corrupt, even as she dismantles the boundaries between the fictions of man-made laws and the narratives of women endeavoring to gain some financial independence to compensate for their lack of permanent connections to land. The moral bankruptcy of the Anglo-Irish political process becomes linked in the text to the financial bankruptcy of privileged men like Condry who eventually loses everything once he leaves office: “execution came down, and every thing at Castle Rackrent was seized by the grippers,” Thady later explains (Edgeworth CR 71). By the narrative’s end, Condry is dead, having been permanently expelled from his own “big house” and his wife having departed with all she could carry and a £500 per year jointure on the property (Edgeworth CR 89). As with her predecessor Rackrent wives, Lady Isabella may have to leave the estate, but she does so significantly better off than when she first arrived, and this is key since in the modernizing world that Edgeworth projects, right of place and connection to land become functions not of hereditary entitlement, but of financial wherewithal.

This final segment with its fraudulent election and the eventual bankruptcy of Sir Condry could be construed as supporting Burkean principles of ownership by suggesting

that those who mismanage their property are not worthy of keeping it. Yet, this seems a misreading of Burke who saw the perpetuation of property within aristocratic families as the primary obligation of government because it is “the most valuable and interesting circumstances belonging to it” (Burke *R* 51). Burke’s condemnation of the recent toppling of the hierarchical social order in France and the mob’s confiscation of hereditary real estate reinforced his implicit faith in upper class oversight, and his contempt for those who would blur, if not eradicate class distinctions since this would “only change and pervert the natural order of things” (Burke *R* 49). In contrast, *Castle Rackrent* unsettles Burkean concepts of the hierarchical social order that are predicated on male property ownership by revealing the law’s susceptibility to manipulation, abuse, and intentional circumvention, part of what Irene Beesemyer characterizes as Edgeworth’s “formidable task of attempting to reshape masculine politics,” (Beesemyer 111).

While privileged women such as Edgeworth “benefited from political crisis in Ireland” which ruptured patriarchal controls during the transition from “a feudal culture based on Catholic custom and a capitalist marketplace formed by Protestant law,” this also meant opportunities for some women, particularly where Edgeworth sees women as the keepers of the old ways, who also demonstrate some sense of moral duties to the community as with the keeners facilitating charity for widows, or even Lady Murtagh’s “charitable” school (Kirkpatrick *GTL* 23). But, Edgeworth does more than simply expose those places where women can assert themselves, because she deliberately unsettles the Burkean notion of land as the foundation of social order by completely untethering land from its moorings, and demanding a wholesale reconceptualization of property since she

dissolves its status as immovable, *in situ* real estate. In short, Edgeworth transforms land into a commodity. This is a radical departure from Burke's concept of land as the bulwark of social stability, because *Rackrent* renders hereditary land as susceptible to being carried off like the jewels and furnishings of the various wives, thus forging a type of parity between male and female property since both are shown to be fungible and portable. By converting land into chattel property that can be taken elsewhere, it loses its pre-eminent status as the stabilizing force in society, and the determiner of status for its owner because it is rendered the equivalent of other forms of chattel, such as the furniture, linens, jewels that women can lawfully own and take with them.

That this is Edgeworth's intention seems bolstered by another episode she later inserts into the 1810 edition of the text's Glossary which details a land dispute between Mr. E. and Mr. M. over the boundaries of a farm. According to the annotation, an old tenant of Mr. M's cut a sod from Mr. E's land and inserted it seamlessly into a spot on Mr. M.'s land so that when he gave evidence at the trial, he could "honestly" say that he "stood upon the inserted sod...and swore that the ground he *then stood upon* belonged to his landlord, Mr. M." (Edgeworth *CR* 124, n.44 emphasis in text). Again land is shown to be transformable into a portable form, allowing Edgeworth to gesture towards an equalization of rights by collapsing the distinctions between the ownership interests of men in land, and women's traditional rights in personalty because both are shown to be portable and exchangeable. As Teresa Michals observes, despite her conservative views in other areas, "Edgeworth was a progressive figure, a critic of land-based paternalism," and her fiction reflects her experiments in a form of "free-market capitalism" (Michals 5). In this way, *Rackrent* challenges the aristocratic stories of "male dominance and

legitimacy” by using “democratized women-centered plots...in which almost anything is possible,” (Butler *EI* 274). Ending the narrative with unresolved and conflicting interests in land between the wheeler-dealer lawyer and the displaced widow seems to be Edgeworth’s point: women’s claims in land may prove to be equal to men’s, and may not be easily dismissed.

The Law’s the Trope: The Meaning of The Black Book

That each of the Rackrent wives extracts value from an estate she cannot own points to Edgeworth’s strategy which reveals that in addition to the legal practices and traditions that constrain women’s rights of ownership and place, there are competing traditions of female resistance. Edgeworth scholars from Marilyn Butler to F.V. Barry concur that “the Edgeworths of earlier times are beyond question, the real models of the four generations of the Rackrent family,” (Barry 243; Butler *ALB* 16).⁵³ However, what is especially significant about Edgeworth’s mining of her family history is that it provides her with real instances of resourcefulness, resistance, and the use of canny legal knowledge to gain property or wealth. As Kirkpatrick observes, the Black Book was a “ready-stated” set of legal arguments over land disputes engaged in by women that Edgeworth had before her in the form of letters, patents, maps, surveys, titles records and other writings, and which she clearly used in her construction of her female characters (Kirkpatrick *GTL* 23). So valued was the Black Book by Edgeworth that she famously buried it when Irish rebels threatened her home during the 1798 Rebellion to prevent it from being stolen, destroyed or lost, viewing it as “the most valuable property the family owned,” (Kirkpatrick *GTL* 23). Edgeworth uses her ancestors as the models for most of the characters in *Castle Rackrent*, particularly the wives. For example, Jane Edgeworth,

wife of the first Irish patriarch, reverted to her Catholic faith around 1590, and later managed to use Catholic custom to reclaim her considerable personal property which she then left to a convent, actions reminiscent of Lady Murtagh who uses Irish traditional privileges accorded the lady of the manor to gain independent money. Francis Edgeworth, the second male heir, had his right to certain familial lands challenged by both his mother and sister when they brought a bill against him in Parliament for refusing to pay-out his mother's right of dower and his sister's inheritance portion, litigation echoed in the concluding dispute between Lady Condy and Jason Quirk.⁵⁴ Similarly, in 1689 Margaret Edgeworth took advantage of the disappearance of a will and a deed to land during the Irish wars to dispute a male cousin's right to property (Kirkpatrick *GTL* 22). The resistance to male control of land, and the legal maneuverings and exploitation of opportunities to gain rights in property or chattel that punctuate Edgeworth's own matriarchal history are mirrored in her portrayal of the Rackrent wives.

What seems particularly significant is how Edgeworth adapts her family history into the story, since every major episode involves women manipulating, undercutting, or maneuvering around the law much as her own ancestors did. More importantly, the text reveals how laws intended to constrain and befuddle the Irish with complex legal terms and procedures have the opposite effect since as she well knew, "almost every poor man in Ireland, be he farmer, weaver, shopkeeper, or steward, is, beside his other occupations, occasionally a lawyer" (Edgeworth *CR* 108). Like Edgeworth's ancestors, the Irish and Anglo-Irish characters of *Castle Rackrent*, "all love law," primarily because it is revealed as a pliable construct whose inconsistencies and ambiguities make it "a kind of lottery, to which every man, staking his own wit or cunning... feels that he has little to lose and

much to gain” (Edgeworth *CR* 109). Exposing the fallibility of English laws and practices ripe for exploitation seems to be Edgeworth’s strategy, particularly as this also can be the means for women to remediate their circumstances and counter the effects of their inevitable displacement, at least to some degree. Yet, critics such as O’Shaughnessy see the text’s representation of Ireland’s political instabilities as an intentional closing off further political disruptions by advocating Irish submission to English culture and English rule, contending that England is the text’s overarching trope, and concluding that Edgeworth’s message is to yield since “English culture will play a far greater role than Irish culture” in the future (O’Shaughnessy 429). This suggestion ignores the text’s steady drip of subversion against all things English, and particularly overlooks how the text suggests that the inequities perpetrated by English dominion can be countered through legal maneuverings, pointing to the law as the text’s overarching trope because both the men and women, Irish and English, can use it, manipulate it, resist it, or are undone by it like Sir Condy who loses his patrimony through a legal execution of his assets, or Sir Murtagh who loved the law so much that although “he use to boast he had sixteen suits pending at a time,” his zeal for all manner of legal disputes results in a forced sale of the “fee simple of the lands and appurtenances of Timoleague,” forfeiting some of his land because of his ineptitude in the law (Edgeworth *CR* 105, 16).

More saliently, the law serves as the mechanism for repositioning women both within the text, and by extension within Anglo-Irish society. As Butler notes in her literary biography of Edgeworth, Jane Austen may have been a better novelist, but “Maria Edgeworth may be the more important” in her “development of techniques of documentation” because her detailed recording and reporting of real life facts, and of the

socio-legal landscape of her time, anticipates, if not directly lays the foundation for those mid-Victorian writers such as Dickens, Eliot, and Gaskell, for whom the law became fundamental to their realist writings on the condition of England (Butler *ALB* 481, 485, 487). Scholars have long recognized the exceptional nature of *Castle Rackrent* when compared with Edgeworth's later, more conventionally structured narratives. But, what seems particularly remarkable about this text is the ways that it re-imagines the relationship of land, legal entitlement, and gender by deconstructing the very nature of real property to expose its vulnerability to transformation, thus making it susceptible to being carried-off, much like the feather-beds and linens that were carted to Dublin by Lady Murtagh. As such, Edgeworth challenges Burke's fundamental view of land as inert and immovable with the constant conversion of land into portable assets that resemble chattel property, thereby circumventing laws that inhibited the independence of women. Edgeworth demonstrates that land can be transformed, and the law manipulated to undermine those legal practices that precluded women's rights of ownership and place, while suggesting that the law can (and should) be used to their advantage (Maurer *DTO* 365; Burke *R* 51).

Edgeworth was particularly knowledgeable about laws relevant to property and inheritance practices having been trained by her father from an early age. After her father's death in 1817, her younger brother, Lovell, inherited the family estate at Edgeworthstown even though it was she, and not her brother, who had been involved in effectively managing the property for decades, but primogeniture precluded her inheriting. The property passed by law and custom to the eldest surviving son (Barry 23; Butler *ALB* 401). She well understood the legal impediments that precluded her

ownership, but she also seems to have realized that these could be manipulated to her advantage by transforming her family history, her family estate, and her knowledge of Ireland and its customs into her own, exclusive intellectual property and beyond the law's reach to take from her. By the end of her life Edgeworth had amassed over £11,000 pounds from her writing, the sums carefully recorded by her in an accounting book, and which she "considered peculiarly her own to spend," exemplifying precisely what the fictional Rackrent wives manage to accomplish: the conversion of male property into female wealth, and a disruption of the Burkean notion that land and nation are an exclusive masculine "patrimony derived from their forefathers" (Butler *ALB* 492; Burke *R* 32).⁵⁵ She also used her earnings to buy presents for friends and relations, and to satisfy herself by traveling extensively in France, Switzerland, Scotland and England (Butler *ALB* 492; Barry 23). However, what is particularly significant is that Edgeworth also used some of the money she earned to save the family estate which her brother, Lovell had mishandled and indebted. Edgeworth must have appreciated the irony of this situation since what saved the family estate that she loved and oversaw for decades but could not independently own, were her writings about the masculine (mis)management of Irish estates.

In *Castle Rackrent*, Edgeworth recognizes that although laws and contemporary legal practices work against women's rights of ownership, place, and possession, it was also the case that "the arbitrary nature of patrilineal systems of inheritance" was itself little more than a fiction whose effects could be countered by the construction of competing female fictions that can exploit the law's weaknesses and incongruities (Kirkpatrick *GTL* 23). This fact seems to have driven Edgeworth since she, like the

Rackrent wives, found a way to circumvent the law and amass a small fortune that was exclusively hers, transforming the land that she could not own or inherit and convert it into portable, intellectual property that she could.

Chapter 3:

“Oh, do not read history, for that I know must be false.”

-- Robert Walpole, Prime Minister to George I

“But alas! The House had never been their own and their Fortune had only been an Annuity on their own Lives. Such is the depravity of the World!”

--Jane Austen, *Love and Freindship*

If You Don't Know the Juvenilia, You Don't Know Austen:

Masculine History, Marital Failure and the Origins of Austen's Property Plots

Introduction

Largely ignored by critics for generations, Austen's juvenilia, the fragments, short stories, plays, and poems that are preserved in three surviving notebooks primarily written between 1787 and 1793, is typically characterized as “mere apprenticeship or practice until she could arrive at that happier capacity” for producing the lengthier and more complex novels she wrote as a mature, conservative, conventional, yet witty spinster (Doody *I&C* xlv; *TSF* 89-90). This somewhat dismissive attitude towards Austen's earliest works likely gained credence in their initial characterization by her nephew, James Edward Austen-Leigh whose 1870 memoir of his aunt noted that the family viewed her teenaged writings as having a “slight and flimsy texture, and ...generally intended to be nonsensical,” little more than “childish effusions” that were merely part of the author's “preparatory period,” thereby justifying the family's withholding their public release for over a century (Austen-Leigh 40, 42-43; McMaster

YJA 82). The reception of Austen's juvenile writings was further hampered by the fact that the stories were made available "incrementally and in clusters," making it difficult for scholars to assess the quality and breadth of the works produced by their teenaged author (McMaster *YJA* 82). Volume the Second was the first of the juvenilia published, and this was not until 1922, followed by Volume the First more than a decade later in 1933, and finally, Volume the Third in 1951 (Sabor xxi-xxii). Early response to stories such as "Love and Freindship" effectively trivialized their contents, as when influential literary critic G.K. Chesterton characterized the collection as entertaining but frivolous (McMaster *YJA* 82-3).

However, recent scholarship from Juliet McMaster, Margaret Anne Doody, and historian Mary Spongeberg among others, seeks to reclaim the juvenilia as foundational to Austen's development as a writer, and essential to any critical understanding of her style and her authorial concerns. For McMaster, these short fictions expose Austen's "fascination with each genre and its conventions" since they reveal how she tested the parameters of form, plot trajectory, themes, and character (McMaster *YJA* 83). Similarly, Doody finds that Austen's early works demonstrate her mastery of the use of irony, paradox, and wit, reflecting her absorption of the Augustan style of "playfulness and epigrammatism" that dominated the texts of her youthful readings (Doody *TSF* 88). Spongeberg goes beyond the stylistic in her analysis by pointing to Austen's *The History of England* (1791), as evidence of an author already visibly reassessing her relationship to the propertied classes (Spongeberg 62). Not only does Austen's *History* manifest a pronounced skepticism of patriarchal formulations because it "clearly satirizes any links that could be made between the Glorious Revolution of 1688, chivalric masculinity, and

historical progress,” but it also questions the validity and veracity of a history that elides all but a few royal women, and often predicates the legitimacy of monarchical successions upon usurpation, murder, and theft (Spongberg 62).

Building on these earlier studies of Austen’s juvenile writings, in this chapter I suggest that much as Edgeworth’s first independent work, *Castle Rackrent*, offered a means of inserting displaced women of all ranks into the national narrative, so too does Austen in her earliest stories provide her most open challenge to those socio-legal constructs in place at the end of the eighteenth century that effectively displaced and disconnected women from most rights of place and property. In these youthful tales Austen reveals how the entail, the enclosure acts that aggregated land and wealth in a few men, and the legal formalities and social practices associated with marriage worked to erase the legal existence of wives and to disconnect women from attachments to place and property. Because these youthful stories were not intended for dissemination beyond her immediate circle of family and friends, Austen was unfettered in expressing her ideas about those property laws, marriage, and inheritance practices that had particular deleterious effects on women. Although produced in her teen years, before her earliest efforts at achieving publication,⁵⁶ Austen repeatedly returned to these juvenile stories for plots, characters, and content, even as she matured and adapted her work to the more circumspect Regency style to improve her chances of getting her works into print (Doody *TSF* 87).⁵⁷ While her mature novels may employ the narrative structure of the popular courtship plot, making them seem somewhat formulaic in construction, they also reverberate with and resurrect the concerns of her earliest writings and their subversion of those inheritance and property practices which so often de-stabilized women’s rights to

community, property, and home. For these reasons, her juvenilia provides particular insight into Austen's examination of those subjects that she returns to in her later novels, particularly her representation of women's social place, women's relationship to property, and women's rights within and outside of marriage.

In this chapter I expand on the critical assessments of Austen's juvenilia by suggesting that in these early works the adolescent Austen is actively formulating a strategy for challenging the relegation of women to the sidelines of literature, history, and property practices. Her earliest surviving efforts reveal a persistent concern that female perspectives were being excluded or edited from the public sphere, which concerns later reappear through many female characters of her mature novels that are shown to be at risk, or to experience some form of dislocation from their homes and their place in society. In her teenaged writings Austen mimics contemporary forms of conventional histories, romances, and short fictions, showing an understanding of the "strict rules" of these genres, even as she dismantles them by exposing the myths that underpin masculine authority and erase or supplant women from society's narrative (Doody *TSF* 87). The young Austen creates an alternative world which eighteenth-century scholar Doody describes as full of "libidinous pressures only fictively constrained... by English laws regarding marriage and property, or the new laws of the English novel," (Doody *TSF* 91). But, these youthful efforts also evidence a nascent repudiation of the social and legal practices that constrained women's roles and rights, and relegated women to the social periphery. For example, in her "History of England" started in early 1791 when she was just fifteen, Austen articulates a wariness of a recorded past that presents itself as both factually accurate and authoritative, but which seems as composed as her own fanciful

stories.⁵⁸ By characterizing English history as a succession of tales about masculine authority often gained by illegality and violence and not orderly succession, Austen delegitimizes its narrative and its political potency, while signaling that history's contemporary influence also should be treated warily.

I not only suggest that in the juvenilia Austen exhibits a skepticism regarding the truthfulness and completeness of masculine historicity, but through an examination of Austen's earliest representations of marriage, I demonstrate that she challenges the tenets of Lord Hardwicke's Act of 1753,⁵⁹ a law intended to regulate and regularize marriage, but which imbued families with undue authority in the formation of marital relationships, interfering in ways that often displaced and disinherited women. In these youthful works, as in her mature novels, Austen forges a link between marriage laws and associated inheritance practices on the one hand, and female dispossession and disempowerment on the other, with characters who superficially appear to follow the tenets of the law while actually undermining it. As Doody concludes, in the juvenilia "hardly anybody is married, or married in a regular fashion," (Doody *TSF* 9). However, I suggest that Austen does more than merely mock the formalities of marriage as dictated by Hardwicke's Act by suggesting that from her earliest writings forward through her mature novels, the marriage plot--generally considered the central paradigm for Austen's narratives of romance and relationships--is deliberately satirized, even eviscerated, with marriage revealed as more about economics than emotions, and a chief cause of female misery and homelessness.

In *The Vulgar Question of Money* (2011), Elsie Michie connects the figure of the heiress, the materialist impulse, and the nineteenth-century novel of manners, by

concluding that the contemporary anxieties about economic developments, particularly the rise of materialism, permeate romantic fictions such as Austen's. For Michie, *Pride and Prejudice*, *Mansfield Park*, and *Emma* form a "sequential meditation on the impact of wealth on late eighteenth—and early nineteenth-century culture," and demonstrate that while Austen's stories seem to be about courtship and marriage, they encompass a broader examination of "the key social issues" of the day (Michie *VQM* 26-27). Certainly, close scrutiny of Austen's novels reveal narratives that seem as much about the economics of relationships as the romance, however in this chapter I argue that marriage itself is a trope, a blind that Austen reveals often dissociates and disconnects women from rights of place and ownership, and her concerns about the institutionalized displacement of women first appear in her earliest surviving writings.

Feminist critics such as Sandra Gilbert and Susan Gubar similarly find that in the juvenilia "Austen ridicules the idea promulgated by contemporary romantic fiction that the only events worth recording are marriage proposals, marriage ceremonies, engagements...and elopements," noting that so many of her female characters are shown as breaking-out of the conventional "domestic confinement" of marriage that is constructed and enforced by both legal practices and "elaborate rules of etiquette" (Gilbert & Gubar 126, 124). Yet, Gilbert and Gubar find Austen's mature novels more circumspect and accommodating to social conventions, arguing that this indicates Austen has a "psychic conflict" over women's social role since her young, attractive, and intellectually lively heroines are invariably sent to the nuptial altar where they will be expected to "surrender self-responsibility and definition" (Gilbert & Gubar 162-3). Most critics, Gilbert and Gubar included, see a clear distinction between the exuberance and

irreverence of Austen's juvenile works, and the problematic double vision of her mature novels in which heroines must inevitably submit to marriage with its constrained silence and passivity in order to achieve financial security and certainty of social and domestic place. However, as I suggest in this chapter and discuss further in the next chapter, Austen's mature novels persist in their challenge to those socio-legal practices that constrained or displaced women, even though her outspoken and energetic heroines do eventually marry, but their marriages always forge a connection to the home that they lacked or had threatened. Certainly, Austen makes this clear at the end of *Pride and Prejudice* by having Elizabeth Bennet continue to communicate with her new husband, Darcy, in a "lively, sportive, manner" and counsels her young sister-in-law, Georgiana "that a woman may take liberties with her husband, which a brother will not always allow" in a younger sister (Austen *PP* 297). The clear implication is that Elizabeth is neither silent nor passive in her marriage, despite the couple's financial inequalities, because Austen takes pains to demonstrate that they are emotional and intellectual equals. Moreover, because Austen populates the peripheries of her later fictions with supporting female characters such as Mrs. Bennet, Mrs. Smith, and Mrs. Dashwood, she continues to reveal how marriage functions as the mechanism of threatened or actual displacement and the cause of anxiety and impoverishment, thus demonstrating that these later texts reinscribe and reformulate the concerns of her juvenilia regarding the fictions surrounding marriage.

From the onset of her writing career to her final, unfinished works, Austen rarely positions marriage as the true culminating event of a woman's life, but instead presents it more as a condition for survival to which most women will submit, and which must be

endured and out-maneuvered if possible, because it often is the only option available to secure a stable home and social place. Beginning in her juvenilia and continuing through her mature novels, Austen often strategically discloses the age of female characters as a way of empowering them to either thwart or form marital alliances. In works such as *Pride and Prejudice*, she assails marriage customs by enabling a nearly twenty-one year old Elizabeth Bennet to assume the authority which attaining the age of consent imbues when rejecting Mr. Collins's marriage proposal without parental consultation or approbation. However, the elopement of fifteen year old Lydia Bennet exposes the impotence of patriarchal authority because her youth and the law mandate that she secure her father's consent but she does not.⁶⁰ Pervasive throughout the juvenilia are children who similarly refuse to oblige parents' requests, while efforts at disowning children inevitably are defeated, or else they are resolved through exaggerated and disastrous ends. Indeed, beginning with her earliest writings, marriage is revealed either as a woman's complete undoing, or a reckless spur of the moment decision fraught with peril, thus suggesting that this social construct generally considered unassailable and the immutable bedrock of society may be untenable, even ridiculous. Most visible in these early stories is the way Austen separates marriage from its sentimental and romantic associations, but more importantly de-centers it entirely since "the courtship plot of the regular novel is always sneered at," with Austen's primary focus on the dilemma of women confronted with dispossession, and the imperative for them to find the least oppressive way to become mistresses of their own homes and to secure an attachment to both physical and social place (Doody *TSF* 95).

Coiled within these short stories, abbreviated novels, plays, and histories are the beginnings of Austen's explorations of and challenges to the way contemporary laws and social practices circumscribe women's property rights and destabilize their living situations, issues that become her overarching concern in her mature novels. The importance of these first writings to the substance and structure of Austen's mature work cannot be underestimated. For Austen scholar Juliet McMaster, these uncensored stories are "irreverent, rollicking, spontaneous, hyperbolic, indecent, indecorous, [and] outrageous," but their real significance I suggest, is that they function as the incubator for the later novels in which Austen's assault on practices that displace women persists, even if her later style shows considerable restraint (McMaster *YJA* 81). The "uninhibited gusto" of the juvenilia, particularly Austen's fascination with and precocious grasp of literary forms are clear, but it is her skepticism of those institutionalized practices involving property, marriage, and women's place and which were the subject of the contemporary novels and moral tracts that she read as a girl, that later draws her particularly acerbic attentions (McMaster *YJA* 81-82; Doody *TSF* 91-92, 96). Although Mary Poovey argues that it is "almost impossible for modern readers to recover from the texts themselves" the social and political conditions under which Austen composed and revised her novels, discounting the juvenilia as revelatory of these pressures and conditions, in this chapter I propose to do the "almost impossible" by demonstrating that these unfiltered and irreverent early works capture and provide meaningful insight into Austen's persistent concerns and their contexts, with particular emphasis on those factors that fostered female displacement which are more openly addressed in her juvenile writings, and later become the underpinning of her mature novels (Poovey *JANA* 251).⁶¹

So essential are these early works to understanding the mature novelist that McMaster concludes: “if you don’t know the juvenilia, you don’t know Austen” (McMaster *YJA* 81).

Early Publishing Efforts and the Origins of Plots of Female Displacement

Although the juvenilia is frequently overlooked or discounted in much of the critical analysis of Austen’s work, viewing it as merely preliminary exercise to the later novels, the relevance of these early stories lies in the fact that Austen returned to them for the characters, plots, and narrative formulations that shaped her mature works, making these youthful fictions foundational to any critical understanding of her work. The juvenilia therefore functions as the laboratory in which Austen experiments, tests, and refines her style and characterizations, and most importantly, it is where she begins developing what I contend becomes the central paradigm of her later novels, the property plot, a narrative of female displacement, exile, and re-settlement that appears in all her writings, and becomes the foundational to her mature writing.

That Austen harbored aspirations of becoming a published writer seems clear from her earliest efforts, although her path to publication was fraught with frustrations, broken promises, and disappointments. In August 1797 she completed *First Impressions*, an early iteration of *Pride and Prejudice*, and it pleased her family so much that in November 1797 her father sent it to London publisher Thomas Cadell, even offering to pay for its publication, an offer that was refused with the annotation: “declined by Return of Post,” (LeFaye *AFR* 104). As late as June 1799 it is apparent that she continued to harbor hopes of getting *First Impressions* published when she wrote to her sister from Bath admonishing Cassandra not to let friend, Martha Lloyd, “read First Impressions

again upon any account,” and only half-joking in her accusation that Martha was “intending to publish it from Memory, & one more perusal must enable her to do it,” (Austen *L* 44). While clearly intended as amusing, the sub-text of anxiety about her inability to get this novel published seems palpable in her remarks. A second attempt at publication in 1803 seemed initially more promising. Her brother Henry sold *Susan*, an early version of the mock-Gothic, *Northanger Abbey*, to London publisher Crosby & Son for £10 and a stipulation for early release.⁶² Although it was advertised as “in the press,” Crosby never brought it out, and it was not until April, 1809, after the arrangements to move to Chawton were set, that Austen took it upon herself to write to Crosby identifying herself as the author of *Susan*, asking for an immediate explanation as to why the work was never published, and asserting her right to “secure the publication of my work, by applying elsewhere,” (LeFaye *AFR* 144; Austen *L* 174). Crosby’s snide response was to threaten her with legal action should she attempt to publish without buying back the copyright for the same £10--which she eventually did—yet, her feelings about their failure to publish as promised is evident since she signs the letter with the initials “M.A.D.,” a not so subtle indication of her frustration and disappointment (Austen *L* 174-5).

However, it seems likely that Austen did have one early instance of seeing her words in print and the significance of this success is that it demonstrates that by her early teens Austen already possessed a mastery of ironic wit, and a rebellious sensitivity to society’s disparate treatment of men and women. In January 1789, while the teenaged Jane was already at work composing her first juvenile stories, her eldest brother James, then a Fellow at St. John’s College, Oxford, along with brother Henry also at Oxford,

launched a weekly periodical called *The Loiterer*, which was intended to supply “a regular succession of moral lectures, critical remarks and elegant humour,” in the style of Samuel Johnson’s *The Wanderer* (Sabor 356).⁶³ Although the articles and stories were all published anonymously, in the last issue James provided a key to authorship showing that the bulk of the entries were by himself, Henry and several of their fellow Oxonians. However, it is a letter to the editor published in Issue No. 9, dated 28 March 1789 under the pseudonym, Sophia Sentiment that has sparked a continuing scholarly debate since its authorship was first attributed to a fourteen year old Austen by Zachary Cope in 1966.⁶⁴ Cope concludes that the witty contribution seems more in keeping with young Jane’s style than that of her more serious older brothers, and that the tone seems to be that of a young woman. Some critics such as Li-Peng Geng, editor of a 2000 facsimile edition of *The Loiterer*, also see young Jane’s voice, tone, and “crude irony” in the letter, but Austen scholars Jan Fergus and Claire Tomalin find it lacks the “incisiveness” of the juvenilia, or think it likely to have been written by a “transvestite” James or Henry, possibly with some influence from their younger sister (Sabor 358-9). Tomalin even suggests that the author’s complaint about the publication’s not including the kind of romances favored by women intentionally mocks women’s tastes in literature, but as Peter Sabor notes such mocking was “within the young Jane Austen’s range” (Tomalin 64; Sabor 359). Indeed, Austen often made fun of the superficial or overly romantic reading habits of some women; it is the core of *Northanger Abbey* where Catherine Morland’s consumption of Gothic romances over-inflames her imagination. But, Austen always distinguishes serious reading for the acquisition of knowledge and the improvement of one’s mind, from reading merely for entertainment or to be in vogue. In

early stories such as *Catherine, or the Bower*, an unfinished novel dated to 1792, she derides the pretty, but lightweight Camilla Stanley who has “professed a love of Books without Reading” (Austen *C* 191-2). In contrast, the eponymous Catherine wonders about the “understanding and judgment” of her new acquaintance since she “was herself a great reader” and particularly “well read in Modern history,” thus distinguishing the frivolous and superficial reader from the serious one.

Austen herself was “well read in Modern history,” having recently read Oliver Goldsmith’s four-volume treatise, *An History of England* (1771) sometime in 1790-1791, even making extensive handwritten annotations in the margins of her brother, James’s copy.⁶⁵ It is also likely that she read Edmund Burke’s recent *Reflections on the Revolution in France* (1790), despite its lack of mention in any letters or family histories, because the book was so popular that it went through eleven editions in its first year, the Austens were all great readers and subscribed to many circulating libraries, and her *History* written in 1791 directly responds to many of Burke’s claims of historic succession (Sabor 316-7; Spongeberg *JAHE* 56-7; *JAFR* 278).⁶⁶ This distinction between the superficial and the serious reader re-appears in her mature novels as when Mr. Darcy compliments Elizabeth Bennet and implies that she is a truly accomplished woman because she chooses to improve her mind by reading “something more substantial,” unlike the verbose Caroline Bingley who only talks of reading, but does not (Austen *PP* 29). Thus, the suggestion that because the letter makes fun of women’s sometimes lightweight and overly romantic reading choices the author is not Austen is unconvincing in light of her known predilection to do just that.

More persuasive is the evidence of pre-eminent Austen scholar, Deirdre LeFaye, who finds multiple bases for attribution to a young Jane. First, LeFaye tracks the name Sophia Sentiment to a character in William Hayley's rhyming play, "The Mausoleum" (1785), which Austen knew, even acquiring her own set of Hayley's plays in 1791 (LeFaye *JAWH* 26). Second, the letter uses language in ways that resemble *Love and Freindship*, a zany epistolary novel by Austen dated to around 1790, and which repeats almost *verbatim*, phrases about "running mad" that first appear in this letter. Third, Issue No. 9 is the only issue that the brothers advertised in the *Reading Mercury*, the local North Hampshire newspaper, and the first issue to be sold by local Hampshire booksellers, acts that LeFaye speculates were done to enhance their sister's pleasure in having something she wrote in print and giving her boasting rights to friends and neighbors (Sabor 359-60; LeFaye *AFR* 68).

However, I suggest that there is additional compelling evidence that this is a fourteen year old Austen already bristling at female exclusion. The letter introduces its author as "a great reader" and points to the fact that she read "some hundred volumes of Novels and Plays...in the last two summers," exactly what family history says Austen did once she left boarding school and was given open access to her father's extensive library (Sabor 361; LeFaye *AFR* 52, 57-8, 68; Tomalin 67). It also complains about Oxford itself, noting that the author visited the place once and was "dragged" through "so many dismal chapels, dusty libraries, and greasy halls, that it gave me the vapours," exactly the kind of playful tease Austen might make to her brother James who was in residence in Oxford in 1783 when his sisters were sent there to Mrs. Cawley's school, and who apparently took the girls on a tour (Sabor 361-2; LeFaye *AFR* 47-48). But, what may be

more telling is that the letter concludes by threatening the editor that if the writer's advice is not followed, "may your work be condemned to the pastry-cook's shop, and may you always continue as a bachelor, and be plagued with a maiden sister..." (Sabor 362). The strong implication from these final remarks is that this is a letter written by a sister to a brother because it posits the worst of all possible sororal threats: lumbering a single man with a dependent spinster, the very circumstance Austen later shows gives so much anxiety to Charlotte Lucas's brothers, and which must have been the source of some worry in the Austens' always cash-strapped household. Yet, what seems even more persuasive in establishing that Austen is the author is the pastry-cook reference is that it connects this letter directly to a brief novel by Austen written almost contemporaneously. In July and August 1788 the Austen family visited Kent and returned via London where Austen's sister Cassandra apparently misbehaved (LeFaye *AFR* 66). Shortly thereafter, Austen wrote "The Beautifull Cassandra" in her first notebook, a brisk, 12-chapter novel barely three printed pages in length, and which is effusively dedicated to her older sister (LeFaye *AFR* 66; Austen *C* 41-44). In this tale a young girl runs away from home "to make her Fortune," and proceeds to wreak havoc on the streets of London by taking things without paying, failing to acknowledge friends, only occasionally curtsying to superiors, and at the pastry-cook's shop "she devoured six ices, refused to pay for them, knocked down the Pastry cook and walked away," (*C* 42). The contents of Austen's story, composed only a few months before the *Sophia Sentiment* letter appeared in print, was known only to close friends and family members, making the reference to the pastry-cook a type of insider joke (Sabor xxxvi; LeFaye *AFR* 66-68). While the tale was likely the source of much amusement in the Austen household, mentioning the pastry-cook in

the letter seems both self-referential and an implied warning to her brothers of the lengths to which a disgruntled young girl could go if she was displeased, reinforcing the likelihood that this is Jane, already confident in her bantering with her older brothers.

But, perhaps most compelling is that the letter's main grievance raises the very issue that will become central to Austen's later novels: the suppression or bypassing of women and their concerns, in other words, female displacement. While admitting that "some of the papers are well written" the letter criticizes *The Loiterer's* subjects as "badly chosen" because they lack any female characters and offer no sentimental stories of love and honor. In fact, the letter condemns the editor for snubbing women entirely by noting that: "you have never dedicated any one number to the amusement of our sex, and have taken no more notice of us, than if you thought, like the Turks, that we had no souls," (Sabor 361-2). Insisting that the editor "get a new set of correspondents, from among the young of both sexes, particularly ours..." the writer offers to "give ... a little assistance" with stories of unfortunate lovers, mistresses who go mad, duels or losses at sea, and heroes and heroines possessing a great deal of feeling, the very subjects that Austen was writing about in her juvenile notebooks at the time (Sabor 362). The omission of women from consideration as authors, primary actors, subjects, or readers are issues that Austen takes up repeatedly in the stories she was writing, and implicitly in her eleven page, satiric parody of patriarchal histories entitled, *The History of England from the reign of Henry the 4th to the death of Charles the 1st* which she began writing sometime in early 1791 and which was illustrated by her sister Cassandra (Spongeberg *JAHE* 57).⁶⁷

**Austen's Reading of History's Prejudices: Challenging the Entailed Inheritances of
Goldsmith and Burke**

Until recently, Austen's *History* was not treated as a serious polemic, but merely an entertaining burlesque that exhibited an untoward and inexplicable partiality to the Stuart dynasty generally, and to Catholic monarchs such as Mary, Queen of Scots in particular.⁶⁸ Spongeberg complains that historians have "colluded with this myth" of Jane Austen as someone living through, but unconscious of the historic events shaping her world by treating her writings as merely a source of social history about country life, but wholly silent on current events. Austen's writings, particularly her juvenilia, are generally depoliticized, in part because she was not directly witness to historic events like many contemporary female authors such as Mary Robinson who entertained a pre-Revolutionary Marie Antoinette in Paris, Frances Burney who spent years in exile in France as Madame D'Arblay, or Mary Wollstonecraft who conceived a "barrier child" with her Republican lover (Spongeberg *JAFR* 274).⁶⁹ However, Austen had close, albeit indirect contact with events in Revolutionary France through her older cousin, Eliza de Feuillide who married a French aristocrat, and who made an extensive visit to the Austens in 1786, visited again in 1789, and who remained in England throughout 1790-1792, the period when Austen was finishing the second volume of her notebooks which she dedicates to "Madame la Comtesse de Feuillide," and which volume contains her *History of England* (LeFaye *AFR* 70, 74).⁷⁰ The notion that Austen was unaware of historic events, apolitical in her ideas, and conservative in her principles seems to have originated from the posthumous portrait created by her family, particularly the biographical note of brother Henry published with the 1818 joint edition of *Persuasion*

and *Northanger Abbey*, and the 1870 Memoir by her nephew, both of which describe Austen as a lively and kind spinster devoted to “usefulness, literature, and religion,” but apparently devoid of any political sentiments that deviated from those of her male relations (H. Austen 3). Indeed, her nephew, James Edward Austen-Leigh suggests that while his aunt had “strong political opinions” as a girl, particularly about events in the sixteenth and seventeenth centuries, as an adult “the politics of the day occupied very little of her attention,” (Austen-Leigh 71). Spongeberg suggests that this picture of Austen’s politics was a way to posthumously situate her in the midst of her family’s “moderate Toryism,” a portrayal reinforced by the younger generation of Austens who further “packaged” her to suit high Victorian tastes as a woman with “countrified manners,” a sense of humor, bourgeois values, and an eccentric “attachment to the ill-fated Stuarts” (Spongeberg *JAHE* 58; *JAFR* 275-7). However, Austen’s well-known devouring of historical tracts from the family library, as well as her reading of a wide variety of contemporary writings suggests that from her teen years onward she was much more politically aware than her family’s remembrances give credit.

Modern criticism continues to read her as conservative beginning with Marilyn Butler’s declaration some forty years ago that Austen was a conventional and thoroughly orthodox author whose fiction did as much for the conservative cause as Edmund Burke’s writings, a particularly ironic and misplaced reading of Austen since her *History* specifically assails Burke’s assertions regarding English historiography (Butler *JAWI* 95, qtd. by Duckworth *JACI* 39).⁷¹ Likewise, Edward Said places “Austen first in his lineup of cultural suspects,” because her novels always culminate in a harmonious social space which shows little concern for the labor of slaves in distant locations that underpin the

comforts at home, suggesting either Austen's disinterest in, or her approbation of slavery and English colonial endeavors (Said *JA&E* 113-14; qtd by Fraiman 806). Said's contentions that Austen's novels primarily "express an 'attainable quality of life,' in money and property acquired," have been adopted approvingly by other post-colonial critics including Ruth Yeazell and Tony Tanner, who see *Mansfield Park's* Fanny Price, and by extension Austen herself, as supporting, if not actively promoting a British imperialistic culture dependent upon slave labor and women's subsumation (Said 107, 113).⁷² However, such interpretation has been forcefully repudiated by Susan Fraiman, Gabrielle White, and Soon Wiley among others, who suggest, *inter alia*, that Said's narrow, pre-determined reading of *Mansfield Park* fails to consider Austen's personal background including her brother Francis's strong anti-slavery sentiments, Austen's preference for moral guidance from writers such as William Cowper, Samuel Johnson, and Thomas Clarkson who were each publicly anti-slavery, and the context of contemporary historic events surrounding the period, particularly as *Mansfield Park* was written sometime between February 1811 and summer, 1813, four years after slavery had been abolished in England (Stabler xxxvii). Indeed, the sum of known facts about Austen's attitude towards slavery suggests a quiet, but clear abolitionist view, a conclusion bolstered by the likelihood that she took the title of her eponymous estate from the famous Mansfield Decision of 1772, in which England's Lord Chief Justice Mansfield ruled that a slave brought to England was free and could not be returned to slavery against his will.⁷³ Michiel Heyns questions the logical leap Said makes in slipping from the "incontestable presence" of Sir Thomas's overseas possessions and the wealth derived therefrom in the novel, to this presence being determinative of the values of

either the novel or its author: “if Sir Thomas’s possessions do indeed ‘make possible’ his values, the extent to which ‘Fanny Price (and Austen herself) finally subscribes’ to those values remains a critical question needing a closer scrutiny than Said’s assumption allows” (Heyns 13-14).

Austen fares no better with many feminist critics leading Julia Prewitt Brown to conclude that her “stature has declined with the rise of feminist literary criticism” (Brown 303). Gilbert and Gubar in their feminist reading of nineteenth-century women writers, assert that not only does Austen make a virtue of her own confinement, but “her heroines will do also,” (121). However, more recent readings reconsider Austen’s political positioning to some degree with Claudia Johnson countering the image of Austen as lacking political views independent from her family’s moderate conservatism by suggesting that the author follows a line more closely associated with a middle class, “progressivist position,” at least regarding issues of gender inequality and women’s place (Johnson *WPN* 89-90, 166). Similarly, Spongeberg sees Austen’s youthful history with its direct assault on the elision of women as suggesting a “paradoxical feminism” in which she was conservative regarding class mobility and social change, but fiercely critical of institutional practices that dispossessed women (Spongeberg *JAHE* 71). Far from accepting and adhering to conservative views of class and gender roles, I suggest that in her *History*, as well as the other stories of her juvenilia, Austen demonstrates an incipient challenge to contemporary, conservative representations of society and women’s place in it, by deconstructing and satirizing marriage, inheritance and property practices, all of which contributed to women’s impoverishment, disempowerment, and displacement.

By the time she began her *History* Austen was in her mid-teens and had read extensively, not only novels, plays, and poetry, particularly Shakespeare whom she references repeatedly throughout her juvenilia and novels, but also scholarly works including Vicesimus Knox's *Elegant Extracts*, circa 1770, offering useful passages "for the improvement of scholars" on historic figures, a copy of which was in the Austens' library and in which her handwritten comments survive. She is also known to have carefully studied historical and political treatises such as Oliver Goldsmith's *An History of England* (1771), and David Hume's six-volume *History of England*, published between 1754 and 1762, as well as likely reviewed Burke's *Reflections on the Revolution in France* (Spongeberg *JAFR* 278; Johnston 103). It was shortly after these readings that in November 1791 Austen completed her own *History* demonstrating a grasp of the political biases and personal interests that shape historic treatises by responding to them as merely constructed narratives like her own stories. She seems to have made a particular study of Goldsmith's *History*, a work that itself was "cobbled together largely from authorities such as Rapin, Hume, and Smollet," was further abbreviated in a 1764 version that the author produced, and which by the end of the eighteenth century had become a standard schoolbook, even being used by Reverend Austen with his own pupils (Spongeberg *JAHE* 57; Johnston 106). The evidence of Austen's extensive handwritten comments in her brother, James's copy of Goldsmith's *History*, and her modeling the structure of her *History* on Goldsmith's monarch-to-monarch sketches shows how closely she assessed both form and content of the genre (*JAHE* 57). However, her annotations also reveal her skepticism of the objectivity of such works, since she repeatedly challenges Goldsmith's pretensions to historic neutrality, a stance he claims in the Preface

to his *History* by calling himself “a disinterested and impartial historian”(Johnston 105-6).⁷⁴ When she reached Goldsmith’s entry discussing James Edward, the “Old Pretender” and son of the deposed Stuart monarch, James II, whom Goldsmith calls a “poor leader,” a phrase later echoed by Edmund Burke in his *Reflections*, Austen had enough. She scrawled in the margins: “Oh! Dr. Goldsmith Thou art as partial an Historian as myself!” (Sabor 337). Shortly thereafter, she underscores the bias, prejudice, and selectivity of masculine histories by Goldsmith and his ilk with a rebuke in the form of a parodic subtitle to her own *History* claiming that it is: “By a partial, prejudiced, and ignorant Historian,” and offers little in objective details since “there will be few Dates in this History” (Austen C 134). Certainly, the masculine histories she satirizes suggest her disbelief in the kind of “historical progress” touted by Goldsmith and which Burke offers as the foundation of England’s political legacy with its emphasis on masculine hierarchy and inheritance, while rendering royal women either invisible or sacrificed to male ambitions (Spongeberg *JAHE* 67-8).

From the onset Austen invites comparison between her abbreviated and subversively satiric interpretation of history, and the self-serious, venerable, and more lengthy, masculine productions by calling her eleven-page work *The History of England*, using the definite article to suggest that it is the definitive encapsulation of the national story, while Goldsmith modestly entitles his four-volume treatise, *An History*, using the indefinite article and thus signifying that this is but one of many, a proposition which Austen’s parody clearly suggests that it is. Although the grammatical implications in the title of a work intended to be read by only a narrow circle of friends and family may seem a small point, yet it signals how Austen deliberately situates her extremely abbreviated

and parodic effort in parity with those well-known and conventional masculine historiographies by revealing their “unabashed partisanship” and the selectivity of their content when compared with her own admittedly “riotous departure from those aspirations to dignity, objectivity, and neutrality” (Johnston 105). More significantly, she positions those histories that hold themselves out as factual and comprehensive against her own biased and abbreviated narrative by likening them to fictions, a comparison that she returns to throughout her writings, and perhaps most explicitly in her well-known defense of the novel in *Northanger Abbey*, where she complains that while fictions have provided “more extensive and unaffected pleasure than any other literary corporation in the world, no species of composition has been so much decried,” (Austen NA 59). Deliberately evoking the specter of Goldsmith’s history, in *Northanger Abbey* she bemoans the fact that “while the abilities of the nine-hundredth abridger of the History of England...are eulogized...there seems almost a general wish of decrying the capacity and undervaluating the labour of the novelist” (Austen NA 59).⁷⁵ Freya Johnston acknowledges that Austen’s text is alert “to the provinces of history and fiction” but she is less certain whether they are shown to be “mutually antagonistic or happily co-dependent” genres (Johnston 108). However, there appears to be little ambiguity about Austen’s intentions, with neither of Johnston’s options really applicable. In her *History*, as she later does in *Northanger Abbey* begun around 1798, Austen situates novels and histories as comparable literary productions by exposing the blurred line between fictional and historic compositions, and suggesting that not only is each genre entitled to equal consideration, but each work necessarily bears the imprimatur of its author’s efforts

and predilections. Perhaps more importantly, such a comparison implies that factual truth is as likely to come from fiction as from such purported histories.

Yet, Austen's most pointed invective is reserved for Edmund Burke's espoused view of history since she turns "on its head the very premises of Burke's vision of England's past," (Spongeberg *JAFR* 278).⁷⁶ Although Austen's *History* often is viewed as a satire primarily aimed at Goldsmith, a more careful analysis reveals how it is as much, if not more, a direct reproof of Burke's claims of monarchical continuity and the social stability that he asserts rests on Britain's "hereditary crown" and patriarchal property practices that work to displace women (*JAFR* 278; Burke *R* 25). Austen undermines Burke's myth of England's masculinized progress and entitlement by showing that his patriarchal view of history is in part dependent on the erasure of women through the displacement or murder of faithful wives, and the substitution of bastards or foreigners for legitimate heirs (Spongberg *JAHE* 68). A leading Whig politician and dominant political theorist of his day, Burke wrote his 1790 *Reflections* as a cautionary tract that purports to instruct the English about the dangers inherent in the kind of radical changes he saw happening in Revolutionary France. However, his overarching concern throughout is to prevent England from engaging in the dismantling of aristocratic estates that had been occurring in France which he condemns as a "dishonest, perfidious, and cruel confiscation" of property, while charging the French National Assembly with abnegating its "first duty to protect" property, and to prevent its de-valuation (Burke *R* 105, 121). Historian Ronald Paulson apologizes for Burke's strained reasoning by suggesting that the parliamentarian was struggling with the shifting meaning of revolution from its original sense of a return to a point of origin, and the newer meaning emerging in

the late eighteenth century of an “abrupt, broken and unpredictable sequence of events,” (Paulson 51-2; Spongeberg *JAFR* 273). Yet, Burke seems less confused about the shifting meaning of revolution, and rather more desirous of creating two distinct types of revolution in order to distance the Glorious Revolution of 1688 which brought William and Mary to the throne by characterizing it as a bloodless and orderly transmission of power because it is the centerpiece of his argument for property protections and Protestant monarchy, and the events in France which were violent, confiscatory, and Catholic.

According to Burke, the English model of land conservation based on a system of hereditary estates transmitted through patrilineal succession is the best mechanism for the “perpetuation of society itself” because it provides the basis for English national stability since like land, the nation is predicated on “an inheritable crown; an inheritable peerage; and...a people inheriting privileges, franchises and liberties, from a long line of ancestors,” (Burke *R* 33, 51, 123). Going further than merely warning against the overthrow of aristocratic property ownership, Burke extols the benefits of continued land accumulation amongst the upper classes by linking the orderly transmission of landed estates through English common law inheritance practices, with the perpetuation and transmission of the political power centered in the monarch. The rights of Englishmen in their land are viewed as tantamount to the rights of kings in the crown, with Burke concluding that both land and the crown are “a patrimony derived from their forefathers,” as an “*entailed inheritance*” (Burke *R* 32-33, emphasis in text). For Burke, preservation of property ownership is the primary purpose of government since “the idea of inheritance furnishes a sure principle of conservation, and a sure principle of transmission

[of property]; without at all excluding a principle of improvement,” (Burke *R* 33). Later, in three of her six completed novels, *Sense and Sensibility*, *Pride and Prejudice*, and *Persuasion*, Austen pointedly assails the construct of the entail, an inheritance practice which gained particular traction in the late eighteenth century by devolving landed estates on the male line to the exclusion of more direct and often more deserving female heirs, while she also satirizes the benefits of improvements since both of these land-use and inheritance practices were mechanisms of female displacement.⁷⁷ More importantly, in her *History*, the concept of entailment signifies the disjunction between Burke’s revisionist version of English history as an unbroken line of legitimate monarchies going back to the Tudors and beyond to England’s “antient” past, and impliedly achieved through lawful or at least justifiable successions, and the usurpations, regicides, and exclusions that actually occurred and which Austen satirically represents.

Beginning with the reign of Henry the 4th Austen explains how this monarch ascended the throne of England in 1399 --an accurate date--, “after having prevailed on his cousin and predecessor Richard 2d, to resign it, and to retire for the rest of his life to Pomfret Castle where he happened to be murdered,” (Austen *C* 134). The use of the benign terms “prevailed” and “retire” make it seem as if Richard was merely indisposed and needed some gentle cajoling from his cousin to take a rest. However, his murder, which Austen sarcastically posits as accidental, mockingly replicates the type of revisionist writing that Burke employs in his *Reflections* to justify the later deposition of James II so that he can legitimize the succession of William and Mary in the Glorious Revolution, and the subsequent insertion of the line of Sophia of Hanover onto the English throne despite George I’s being fifty-second in line to inherit (Burke *R* 16-17, 24,

30-31).⁷⁸ By mimicking the self-serious style of well-known histories, and parodying Burke's tortured arguments in her own historical narrative, Austen exposes how Burke's claims to orderly, stable, and lawful transmissions of power are unsupported under any reasonable reading of history or application of a "fixed rule of succession," thus castigating his sophistry as both "ingenious and disingenuous" (Burke *R* 15; Sponberg *JAH* 61). Austen mimics Burke's technique throughout her *History* by assuming the voice of an authoritative, impartial, and straightforward narrator, a pretense that allows her to expose his underlying partisanship and historic distortions. Her litany of the suspicious deaths, outright killings, and occasional oustings that punctuate English history belie all pretensions to following those rules "for *settling* the *succession* of the crown" that Burke proselytizes (Burke *R* 17, emphasis in text). In this way, Austen reveals Edward IV's death as the result of "sloth and self-indulgence," while his son and successor, Edward V, one of the "little princes," is literally a blank space in history and on the page in Austen's text, because he "was murdered by his Uncle's contrivance" and "lived so little...that no body had time to draw his picture" (Austen *C* 136). In turn, the murderous uncle, Richard III, is killed by Henry Tudor, "a great Villain," while Henry's granddaughter, Elizabeth I is presented as "that disgrace to humanity, that pest to society" and "the Murderess of her Cousin" Mary, Queen of Scots, "one of the first Characters of the World" (Austen *C* 136-139). Similarly, she suggests that James I's principal fault was "allowing his Mother's death," while Charles I is born to suffer the "misfortunes" of his Grandmother because he is surrounded by "so many detestable Characters" that he cannot avoid being killed by a "Gang" of villains led by Oliver Cromwell (Austen *C* 142-43).

Austen repeatedly demonstrates that English history is strewn with the bodies of lawful kings and queens. More importantly, where Burke ignores women's role in history almost entirely except for his personification of "the fate of France in the reviled figure of Marie Antoinette," or his extolling Sophia of Hanover solely as the maternal body that produces an "inheritable line" of Protestant male heirs, Austen exposes the way lawful queens and other women have been displaced, even erased from the record of English historiography (Spongeberg *JAFR* 274; Burke *R* 24). While Goldsmith often overlooks women, with the wives of Henry VIII being largely irrelevant except for Anne Boleyn, Austen resurrects many women, and accords them some independent existence beyond the production of heirs, or as signifiers of property (Spongeberg *JAHE* 68). She juxtaposes women's historical importance with that of their male relations by reinforcing how the woman was the rightful but supplanted heir, as when she describes Henry VII's need to marry Elizabeth of York, "by which alliance he plainly proved that he thought his own right inferior to hers, tho' he pretended to the contrary," thus implying that Henry sought to legitimize his claim to the throne through his marriage, with Elizabeth the rightful monarch and Henry the pretender (Austen *C* 136; Spongeberg *JAHE* 67). Here, Austen subtly but clearly creates a parallel to the enthroning of William and Mary, the central monarchy in Burke's *Reflections*, since as a daughter of the deposed James II, Mary has the better claim to the throne of England than her cousin-spouse, William.

Austen also resurrects other women who largely have been ignored in masculine histories including: Margaret of Anjou consort of Henry VI, who is presented as a woman whose "Misfortunes were so great," because she was discarded by the English, and packed off and "sent home" after her husband's murder; and, Henry VIII's fifth wife,

Catherine Howard, who was the niece of the Duke of Norfolk and “universally acquitted of the crimes for which she was beheaded” (Austen *C* 135, 138). She even challenges the English treatment of Joan of Arc, who literally was eradicated from existence because she resisted English masculine aggressions, with Austen declaring: “They should not have burnt her—but they did,” (Austen *C* 135). Austen makes a point of showing how royal women are repeatedly displaced from their positions and could be confined to a convent as Henry VII does to Elizabeth Woodville, Richard III’s queen, or they are executed as is the fate of Anne Bullen, Mary Stuart, and Lady Jane Grey, the latter two women having perhaps better claims to the English throne than Elizabeth I because of her putative illegitimacy (Austen *C* 135, 137, 139).⁷⁹ Spongeberg suggests that Austen’s *History* focuses on subverting “the ordered and hierarchical network of relations” that Burke imagined, by making a point of showing both “the vulnerability of royal women, and their potential to be rendered invisible in the historical record” (*JAHE* 67-68). However, Austen also deliberately re-inserts women into the general historical narrative, albeit to a limited degree, and she does so in ways that seem echoed later in her novels with women whose rights in familial or inherited property are similarly erased in favor of more distant male relations, or women who can only be legitimated in society by marrying the right man, and then are erased under the common law practice of coverture.⁸⁰

In addition, she pointedly exposes the bias inherent in these other histories by making her own bias patently transparent. Thus, Henry VI as a Lancastrian is on the “wrong side” in the War of the Roses, which justifies his murder by Edward, Duke of York, who is now free to become Edward IV because he “was of the right side,” with Austen belligerently telling her readers that if they disagree with her assessment, “you

had better read some other History” (Austen C 135). Her clear implication is that whatever one’s political position there is a history that supports your viewpoint. It is another salvo at the partisanship of Goldsmith and his fellow historians, but it is also a direct assault on Burke’s often strained gloss of historic facts, one that he must make in order to explain away the displacement of a legitimate monarch such as James II, and sustain the illusion of a stable, inherited and “entailed” succession. Like Burke, Austen underplays the many regicides of English history, but where Burke attempts to justify the removal of monarchs with a righteous seriousness, Austen is ironic, wryly suggesting that these fatal outcomes were both desirable and necessary to show the ridiculousness of such claims and the inability of history to support Burke’s assertion of national stability predicated on orderly and inherited succession.

Mary Wollstonecraft in her 1790 *Letter to Edmund Burke* published in the *Analytical Review*, which she wrote in direct answer to his *Reflections*, chose to respond to Burke’s supercilious tone in kind. She engages in a lengthy *ad hominem* by accusing Burke of vanity and suggesting that he wrote his treatise primarily to effect “a glorious revivification of [his] fame” which was on the wane, and not out of principled beliefs, arguing that his logic is inconsistent, his history distorted, and his thesis “a mortal antipathy to reason,” by requiring that society “reverence the rust of antiquity...” (Wollstonecraft *LEB* 9, 70, 107-108). Unlike Austen’s humorous deconstruction of Burke’s historical thesis, Wollstonecraft tries to answer each of Burke’s contentions by challenging him point-by-point on his claim that “patriarchal systems of heredity and property guaranteed civilization” (Spongeberg *JAHE* 64). The result is that her serious critique of Burke’s untenable reasoning and anachronistic view of history is ponderous,

often repetitive, and at times meandering in its argument, while Austen's brief parody of Burke is direct and seems more effective in revealing how his reading of history is selective, inconsistent, and duplicitous in its claimed purpose.

Although Burke does acknowledge a modicum of inconsistency between his assertion that the backbone of the English nation lies in an hereditary succession, while he retrospectively attempts to justify the substitution on the English throne of the Dutch William of Orange in place of the British James II, he minimizes such disparity by calling it "a small and a temporary deviation from the strict order of a regular and hereditary succession," as if this was just a slight glitch in the orderly transition of the crown, when of course it is no such thing (Burke *R* 17). In order to bend historic facts to suit his purpose Burke argues that while James "came to the crown as next of blood," he was "a bad king with good title" and therefore justifiably removed, although he fails to enumerate the specific conduct that evidences this "badness" other than the king's Catholicism. (Burke *R* 23). Instead, Burke repeatedly references the *Declaration of Right*,⁸¹ as primary justification by holding it up as "the cornerstone of our constitution," as if it enumerates specific rights of individuals much like the United States Constitution's Bill of Rights, or the French Declaration of the Rights of Man and of the Citizen (Burke *R* 16-17). However, the 1689 *Declaration of Right* is nothing more than a reiteration of the exclusion of Catholics from public office that had been articulated earlier in the Test Acts of 1673 and 1678, with the one significant addition in that it now sets forth "with more precision the persons who were to inherit the *Protestant* line," thereby explicitly excluding Catholics in perpetuity from the throne (Burke *R* 17; Williams 396; emphasis added).⁸² Burke's real goal is not to warn against the excesses

ongoing in France, and only secondarily to condemn property confiscation; rather, his primary purpose is to explain away the removal of a lawful king from the throne of England and to deflect its awful parallels to France's recent deposition of its own monarchs.

The disingenuousness of Burke's assertions must have rankled Austen who understood that what made James II a "bad" king was that he converted to Catholicism, married a Catholic queen, and produced a Catholic heir, prompting her to declare: "I am myself partial to the roman catholic religion," taking a position in direct opposition to Burke (Austen C 142). Certainly, this seems an astonishing claim for the daughter of an Anglican minister, even if her only readers are family and friends.⁸³ Critics such as Brigid Brophy interpret Austen's identification with the Stuart monarchs as "an adolescent cry of defiance," while Spongeberg posits that Austen maintained an affiliation with her maternal ancestors who refused to recognize George I as the sovereign (Brophy 26; Spongeberg *JAHE* 58). Austen's brothers may have been "staunch Hanoverians," but as Spongeberg contends, both Jane and her sister clung to their maternal heritage and followed a larger feminine tradition in which both Jacobitism and Catholicism were passed through the maternal line because it carried an "outlaw status" that somehow was attractive to many women (*JAHE* 58).

While adolescent rebellion or the romantic appeal of a Catholic Stuart past may have had some influence on Austen, her *History* seems more a response to the kind of *ex post facto* historical recasting that Burke engages in, particularly his efforts at justifying the displacement of someone even he acknowledges was a lawfully anointed king, and "who came to the crown as next of blood according to the rules of a *then unqualified*

succession,” (Burke *R* 23, emphasis added). It is the later imposition of a *qualification* that undoes James’s crown, and which Austen seems to find so unacceptable as to provoke her declared allegiance to the Stuarts, a family that “suffered Misfortunes” since three of its five monarchs were deposed in office (Austen *C* 143). Austen attacks the duplicity of Burke’s argument in which he contends that while it is not “far from impossible to reconcile” it can be accomplished by justifiably changing the rules (Burke *R* 21). However, what Burke styles a reasonable accommodation is really a radical break from the implementation of English lineal succession because he also must justify George I’s ascension despite his being fifty-second in line to inherit. Instead, Burke claims that he can wipe away “the mazes of metaphysic sophistry” through the “use both of a fixed rule and an occasional deviation,” that recasts James’s deposition and the permanent ban on Catholic ascension as an insignificant alteration from historic practices of succession (Burke *R* 21). Burke’s tortured justification for taking something that was legal when it occurred and making it illegal after the fact seems to particularly rankle Austen and to evoke her scorn since she well understood that if the law could be changed to thwart the rights of kings to their inheritance, then how much more easily can the law be contorted or re-interpreted to thwart the rights of others, particularly those who are already marginalized and disempowered by reason of birth, especially women. Indeed, her response to Burke is simple and direct when justifying Charles I’s reign, condemning his execution, and thereby also implicitly supporting the monarchies of all the other deposed Stuarts, because she declares that: “my Argument is that he was a Stuart” (Austen *C* 144). Her point is simple, and stands in direct opposition to Burke’s strained reasoning because she predicates the rights of all the Stuarts to the crown on their being the legitimate heirs

of their family. In this she does nothing more than apply the “fixed rule of succession” that Burke claims to support (Burke *R* 15). Austen’s approach to inheritance here seems to foreshadow many of her mature plots in which rightful heirs are disqualified and displaced because they are female either through the use of an established entail as in *Pride and Prejudice* and *Persuasion*, or by the conscious testamentary bypassing of female heirs in favor of the male line, as in *Sense and Sensibility*.

This point seems underscored at the end of her *History* when Austen explains that the “principal reason” for writing her history was “to prove the innocence of the Queen of Scotland,” a woman denied her rightful inheritance and displaced from her property, her son, her throne, her country, and finally her life, and whose story must have resonated with Austen as a young woman perpetually on the outermost margins of the English gentry, and likely to be displaced further if she did not marry well (Austen *C* 144). Decades later Austen consciously returns to women’s place in history in *Persuasion*, her last completed novel, with Captain Harville complaining to Anne Elliot about women’s inconstancy, a term that carried with it the notion of unreliability and therefore disqualification, by noting that “all histories are against you, all stories, prose and verse,” although here Austen compels him to acknowledge that “these were all written by men” (*P* 188). Thus, from the beginning to the end of her career Austen evidences a concern about what stories are told, from whose vantage these stories are told, and most saliently, whether women’s stories are told at all. It is the same complaint first raised by the Sophia Sentiment letter when she was fourteen. Certainly, Austen’s own extensive readings of history made clear that neither rank, nor marriage guarantees place or property rights, particularly for women, even royal women as the fates of former queens Elizabeth

Woodville, Anne Bullen, and Mary Stuart must have reinforced for her. In her *History*, as she does throughout her juvenilia, Austen increasingly focuses on representations of marriage to expose and challenge its conventions and myths, and she does this in large measure by first situating marriage, much like history, as a masculine genre, a construct designed primarily to benefit men and displace women. Although Austen's mature novels all seem centered on hastening her heroines to the altar, their evolution from her youthful writings suggests instead a deep skepticism of marriage which provides insight into how marriage really is positioned in her later works.

Subverting Lord Hardwicke and Decentering Marriage: Early Plots of Exile and their Connection to her Mature Novels

Events in Austen's own life demonstrate a personal ambivalence towards wedlock particularly with regard to the one certain marriage proposal she received from Harris Bigg-Wither, the heir to a large estate and fortune, and the younger brother of good friends of the Austen sisters. The proposal was received when she was 27, the same age as her last heroine, Anne Elliot, during a visit to the Bigg-Wither home. Austen accepted the proposal on 2 December 1802, and then withdrew her consent the next morning despite the "worldly advantages" she knew that she was losing for herself, her sister, and her mother from this alliance (LeFaye *AFR* 137-8; Austen-Leigh 191). Certainly, the financial straits that the Austen women found themselves in after Mr. Austen's death would have been assuaged had she gone through with the marriage (LeFaye *AFR* 143-173). However, as Austen's niece, Catharine Hubback later recalled, Austen accepted the proposal "in a momentary fit of self-delusion," and was "much relieved" when she recanted (Austen-Leigh 191).⁸⁴ If she had any regrets regarding her refusal, she never

articulated these to her friends and family, because “her books were her children, and supplied her sufficient interest for happiness,” while allowing her some triumph “over the married women of her acquaintance” due to the freedom this decision provided her (Austen-Leigh 191). This same skepticism towards marriage repeatedly appears in many of Austen’s surviving letters in which she often comments on the disadvantages of wedlock for women. She cautions her niece, Fanny Knight, not to “be in a hurry” to marry when consoling the girl after a failed romance, and in another letter she pities a pregnant sister-in-law by calling her a “poor animal,” who “will be worn out before she is thirty,” from doing her wifely duties (Austen *L* 332, 336). Austen is wary of the benefits of marriage for women, even noting that women’s obligations in marriage inevitably lead to pregnancy and the destruction of a woman’s “Constitution, spirits, figure & countenance,” (Austen *L* 332). In these letters, marriage is usually viewed with trepidation not envy or desire, as when she writes to her sister in 1798 about a neighbor woman who gave birth to a dead baby, an event Austen cynically attributes to a fright the woman must have experienced when she “happened unawares to look at her husband,” (Austen *L* 17). The black humor of the letter, written when Austen was in her early twenties, and shortly after she finished early drafts of both *Pride and Prejudice* and *Sense and Sensibility*, shows little sympathy for the unfortunate woman and her family, and suggests someone with few illusions about what happens to middle and upper-class women once they are wed.⁸⁵

Yet, Austen also acknowledges that marriage was one of the few avenues available to poor and displaced women to achieve some financial security and certainty of place, a position she clearly articulates in a letter dated 13 March 1817, and written

only a few months before she died, in which she considers the financial straits of Miss Milles, a family friend whose mother recently passed away leaving her daughter with little to live on, observing that, “Single women have a dreadful propensity for being poor—which is one very strong argument in favour of Matrimony,” (Austen *L* 332). The repeated concern expressed both in her letters and her fictions regarding the fate of women who lack a permanent attachment to property is borne out by the historical record which shows that not only did single women risk a marginal existence, particularly in urban settings, but that over fifty percent of the women arrested in the latter half of the eighteenth century for “itinerant vagrancy,” meaning persistent homelessness, were single (Rogers 134). As a result, Austen’s wariness of marriage is tempered by the recognition that it is the primary counterweight to homelessness and displacement for many women.

This ambivalence appears in her earliest writings and continues into her mature fictions. Her heroines are often faced with the dilemma of whether to marry and to whom, and it is their lack of a permanent home or the means to secure both a physical and social place in society that directs their decision. In contrast, those women with unfettered wealth are shown as more likely to remain unmarried than hastening to the altar, which explains why Austen’s heiresses and rich widows rarely wed. Austen blatantly discourages wealthy widows from re-marrying such as *Persuasion*’s Lady Russell, or *Sense and Sensibility*’s Mrs. Jennings, reasoning that they “should have no thought of a second marriage,” since the legal ramifications of a second union will cause a loss of their property and their autonomy (Austen *P*11). However, Austen’s caution against re-marriage appears as early as *The Watsons*, an unfinished novel dating to

around 1803.⁸⁶ Here, the heroine Emma Watson returns to her impoverished family after a decade of living with a wealthy aunt who intended Emma as her heir. Unfortunately, the aunt suddenly and hastily marries an Irish army captain who promptly expels Emma from “his” home, thus thwarting all further expectations that she would inherit her aunt’s wealth and be able to help her family. The explanation Emma provides her family for her sudden return is that “it did not suit Captain O’Brien that I should be of the party,” (*W* 117). However, the text makes clear that the aunt has acted “foolishly,” losing both her fortune and her independence, and providing Austen with an opportunity to warn of the danger that re-marriage poses for all “elderly ladies” with some property (*W* 117). Perhaps more significantly, this story reveals that even at this early date Austen seems concerned with the off-handed way women are easily disinherited from family wealth and property, an issue she returns to more explicitly in novels such as *Sense and Sensibility*, *Pride and Prejudice*, and *Persuasion*, where disinheritance, or the threat of it, is the chief cause of her heroines being compelled to depart from their homes.

In contrast, a poor widow, such as *Persuasion*’s Mrs. Clay, must play a “double game,” by flirting with both Sir Walter Elliot, and his heir-apparent, William Elliot, in the hope of marrying one of these men and becoming mistress of Kellynch Hall as a way of securing a home and comfort for herself and her children, since no other option is readily available to her (*Austen P* 201; Lane 77). As Maggie Lane explains, Austen’s novels tend to feature two kinds of widows: “the controllers—those with the financial clout to dictate to their families and even whole communities—and the schemers—those left unprovided for, who had to use all the wits and wiles at their disposal to better their circumstances,” (Lane 71). Poor widows who are sickly, elderly, or have lost their

youthful bloom, such as *Persuasion*'s Mrs. Smith or *Emma*'s Mrs. Bates, must depend on the kindness of strangers for assistance. However, those like Mrs. Clay, who still have their wits and attractiveness, must snare a propertied second husband to counter their unsettled circumstances.

Austen's particular interest in the plight of the homeless and financially-strapped widow for whom cunning maneuvers and deceit must be deployed to remediate her situation can be traced back to her early epistolary novella, *Lady Susan*. Composed sometime between 1794 and 1795, shortly after completing *Volume the Third* of her juvenile stories and just before starting early versions of *Sense and Sensibility* and *Pride and Prejudice* in 1795-96, *Lady Susan* recounts several months in the life of an attractive, glib, and libidinous 35 year-old widow who hopes to off-load her questionably-educated teenage daughter to a wealthy dolt, and who survives upon the largesse of friends and relations, most of whom she loathes, but who she must at least superficially flatter and submit to for her room and board (Kaplan *JAAW* 155-56; Doody 86).⁸⁷ Often considered Austen's wickedest heroine, Susan is unapologetically unkind to her sixteen year old daughter and seems indifferent to her welfare. At the same time Susan carries on an extended sexual affair with the "uncommonly pleasing" Lord Manwaring, even when staying at his home as the guest of his wife, while simultaneously seducing Reginald deCourcy, the younger brother of her loathed sister-in-law, Catherine Vernon, a seduction Susan does purely for the "exquisite pleasure in subduing an insolent spirit" (Austen *LS* 4, 12).⁸⁸ While Susan's hedonistic antics garner most of the critical attention, what tends to be overlooked in assessing this early work is that when the novel opens Susan is an impecunious widow with no fixed home, no income, and a marriageable daughter to

support. She has spent the last few years taking care of a terminally ill husband, and under a “trying circumstance” was “obliged to sell” the family home, Vernon Castle, to settle extensive debts (*LS* 3, 8). When considered in this light, Susan seems closer to many of Austen’s later homeless widows such as Mrs. Dashwood who too lacks any legal claim on the family estate, and whose small income to support the four women of her family compels her to rent a cottage at a bargain rate and in a distant county, permanently uprooting her girls (*SS* 15, 19). Susan also foreshadows the kind of frantic machinations of Mrs. Bennet, who in the expectation of future widowhood, obsesses over her potential homelessness and the need to settle as many daughters as possible through marriage before her husband’s demise and the cessation of income (*PP* 87, 233). Mrs. Bennet’s situation seems tentatively resolved when Mr. Collins, a distant relation and heir to the entail on the family’s Longbourn Estate hopes to marry one of the Bennet sisters and assuage the harm his inheriting will cause the family, to which a grateful Mrs. Bennet notes that otherwise they “will be destitute enough” (*PP* 49). Unfortunately, Mr. Collins’s proposal to Elizabeth is rejected, and Mrs. Bennet sternly warns her daughter of the precariousness of their position: “I do not know who is to maintain you when your father is dead.—I shall not be able to keep you,” (*PP* 87). Like a future Mrs. Bennet, or Mrs. Dashwood, Lady Susan is a widow clinging tenuously to her position in the gentry, but with no current income, wealth, or property, either she or her daughter will have to marry well to rescue them both, a scenario that certainly is echoed in the plots of later novels.

Not merely a precursor of Austen’s future poor or scheming widows, Susan also seems the prototype for those “coquettes” who use their cleverness and allurements to try

and acquire a wealthy husband and a home, such as Lucy Steele, Mary Crawford, and even *Northanger Abbey*'s Isabella Thorpe, who has a fling with the dashing rogue, Captain Tilney, while engaged to James Morland, in hopes that one of these relationships will improve her economic circumstances.⁸⁹ The common concern among so many of Austen's female characters is their pressing need to find economic stability and a secure home of their own. Like later heroines, Susan's artfulness and intrigues cannot overcome her limited options to achieve social stability and material comforts, and she eventually resorts to the only real option she has: she weds. Her pursuit of Reginald to the altar is somewhat reluctant since his father is in good health, and Reginald is currently in "a state of dependence on the caprice" of his father for support and home. Moreover, Sir Reginald has a list of objections to Susan as a daughter-in-law, not the least of which is that she is 12 years older than his son, she has no money to contribute as her marriage portion which would be expected in this situation, and she has a reputation for extravagance and dissipation (Austen *LS* 17-18). Once Reginald discovers Susan's continuing infidelities he breaks things off, leaving her with no option other than to marry which she promptly does, wedding the extremely stupid and malleable, but excessively wealthy Sir James Martin, the man she had earmarked earlier for her daughter Frederica. This match assures her of a handsome income, and dominion over her dimwit husband and his estate. She also maneuvers her daughter into the home of her wealthy in-laws, where Reginald eventually proposes to Frederica and she too is settled at the DeCourcy estate at Parklands (Austen *LS* 62-3). As is the case with Austen's later novels, the tale begins with two homeless and economically challenged women who by novel's end have found homes and financial security, albeit through submission to marriage.

Because her juvenile writings, including *Lady Susan* which was Austen's first attempt at a longer fiction, were composed prior to her demonstrating any concerted efforts at seeking publication, these writings are key to understanding Austen's ideas on issues that reappear in her mature narratives but are less susceptible to the demands of the marketplace.⁹⁰ Certainly, Margaret Anne Doody suggests as much when she argues that Austen underwent "a process of accommodation" as she learned to expand her juvenile writings to long-form novels, while also changing her style from that of a late eighteenth-century writer of wit and sparkle to a Regency writer (*TSF* 87-88).⁹¹ Claudia Johnson further clarifies this transformation by arguing that the era of the Napoleonic wars brought some backlash to the cultural experimentation of the prior few decades, particularly in reducing the more open representation of women's lives and concerns, and that this is reflected in Austen's mature novels produced during a period when the courtship novel is brought back, but "softened, moralized, made safer," (Doody *TSF* 93; Johnson *WPN* xxiii). Indeed, Doody contends that while it may be difficult to think of Austen's six novels as anything but the works she intended to write, it may not be the case and that the work produced after 1809 at Chawton "consisted in revising or cannibalizing her older works," in order to get published at a time when tastes were changing and the world was a more circumspect place, chastened by the persistence of war and spasms of economic uncertainty (Doody *TSF* 86, 88).

There is ample evidence that Austen turned to her early works for the material of her mature novels, making her juvenilia the key to understanding her representations of marriage, and indeed women's place and their displacement. While it is generally accepted that *First Impressions* was an early iteration of *Pride and Prejudice*, *Elinor and*

Marianne was revised as *Sense and Sensibility* (Doody *TSF* 86), there are many other indications that Austen mined her juvenilia and that her early, uncensored ideas about women's place, marriage, and inheritance practices are carefully recapitulated in her later novels. Certainly, phrases, storylines, and characters reappear later, so that "you can often hear the zestful teenage voice in the work of the seasoned novelist" (McMaster *YJA* 81-82). Ideas that are only briefly sketched in her early works expand with deliberation and force in her later novels, and linguistic traces re-emerge such as the satiric subtitle of her *History* as written by a "partial, prejudiced, and ignorant historian," echoing in Elizabeth Bennet's self-chastisement after reading Darcy's explanatory letter defending his actions in separating Jane and Bingley by calling herself "blind, partial, prejudiced, absurd," (Austen *C* 132; *PP* 159; see also, McMaster 82). Similarly, the famous opening of *Pride and Prejudice*, which declares it a "truth universally acknowledged, that a single man in possession of a good fortune, must be in want of a wife," seems merely a re-working of the same sentiment expressed in Austen's early unfinished novel, *The Watsons*, when describing Tom Musgrave the likely precursor of Charles Bingley as, "A young man of very good fortune, quite independent, and remarkably agreeable, a universal favourite wherever he goes," (*PP* 1; *W* 108). Even Lydia Bennet's imprudent elopement with Wickham, and the hasty note she leaves behind in Brighton has its origins in *Lesley Castle*, an incomplete novel dated to January 1792. The "thoughtless" note left by Lydia gushes about her intention of running away from Brighton, and begs her friend Harriet not to alert her family to her plans since she intends to write them herself "and sign my name Lydia Wickham" (*PP* 221). However, this ploy and even its language originates in "Lesley Castle," when Margaret Lesley writes her friend Charlotte asking if there is any

news of her father, Sir George Lesley, who is “fluttering about the streets of London, gay, dissipated and Thoughtless,” a phrase resurrected to later describe Lydia Bennet, a flirtatious, fifteen year old girl (Austen *C* 108). Charlotte, responds by enclosing a letter from her friend Susan who is in London and reports that rumors of Sir George’s marriage are true since she was “present at the Ceremony” which should not come as a surprise “when I subscribe myself your Affectionate Susan Lesley,” indicating that she married him herself (*C* 112). Using the same trick to announce an irregular and hasty marriage in two works drafted nearly two decades apart suggests how Austen returned to her juvenile writings for ideas, but more importantly it suggests that her views on marriage and marriage requirements had not materially altered.

Her youthful irreverence towards English laws regarding marriage and property is central to her early stories which only nominally adhere to patriarchal structures, with “the law of the Father... a kind of gesture in the air,” (Doody *TSF* 92). It also indicates how Austen grappled with retaining her skepticism regarding both the formalities of the process and the benefits of marriage for women, at the same time that she needed to adjust her writings to achieve publication, suggesting that the characterization of Austen’s narratives as primarily courtship plots also must be reassessed. In so doing, the marriage plot begins to appear more as a blind for Austen’s assault on marriage, and on those property aggregation and inheritance practices that so often reduced women’s opportunities. Austen repeatedly reveals how marriage often separated women from friends, family, and community, or worse, left them struggling financially even as marriage increasingly became a “commercial game” played for the primary advantage of men (Perry *NR* 211). Thus, Austen’s re-purposing and refining of her earliest

examinations of marriage and inheritance practices makes these youthful works foundational to any understanding of her attitude towards marriage in her mature novels. Perhaps most importantly, the juvenilia is where Austen begins shaping what eventually becomes the template for her property plots, narratives that in her mature novels revolve around issues of female displacement and re-settlement and which are embedded in her superficially conventional stories of courtship and marriage.

Pamela Regis justifies the marriage plot's use in Austen's mature novels by asserting that the genre allows Austen to tell women's stories and counter tales of female inconstancy such as those discussed by Captain Harville with Anne Elliot in *Persuasion* (Regis 62). However, in stories such as *Sir William Mountague*, dated to around 1790 and barely two pages in length, Austen shows that she can counter anxieties about women's fickleness or promiscuity without the marriage plot by using a rakish male whose roving eye and easily inflamed passions prefigure later rogues like Wickham and Willoughby and evidence male inconstancy. But, she also plays with narrative form, structuring this story as an abbreviated picaresque reminiscent of Henry Fielding's *Tom Jones*, "a work she knew well" (LeFaye *AFR* 57). Here, a wealthy young man of seventeen moves swiftly from romantic infatuation to romantic infatuation, and disengages himself on the flimsiest of grounds as when he cancels his wedding to Lady Percival because she set the date on the opening day of partridge season, and he "could not support the idea of losing such a Day, even for such a Cause" (Austen *C* 39).⁹² This story is typical of how from the onset, Austen seems to be maneuvering, satirizing, and testing the parameters of genre and form, rarely organizing a tale as a conventional marriage plot narrative, even as she simultaneously challenges the institution of marriage itself. In *Mountague*, as in many

other juvenile tales, she pointedly calls attention to the economic motivations that underlie many marriage compacts since one of her protagonist's chief allurements is that at seventeen he has just inherited a title, a vast estate, and a "handsome fortune" (Austen C 38).

Austen's juvenile stories repeatedly emphasize the monetary motivations that often drive matrimony, and inspire resistance to parental pressures as in *Love and Freindship*, an epistolary novel dated to June, 1790, where a son refuses to marry the woman he loves because he realizes that his father's approbation of the match is predicated entirely on "the false glare of Fortune and the Deluding Pomp of Title," leaving the son with little alternative but to defiantly refuse an alliance tinged with mercenary undertones: "I scorn to marry her in compliance with your Wishes. No! Never shall it be said that I obliged my Father," he replies (Austen C 79). The financial underpinnings of marriage are similarly an impediment in *Jack and Alice*, where Alice Johnson's father consents to her marrying the object of her attentions, but Charles Adams, "so dazzling a Beauty that none but Eagles could look him in the face," rebuffs the offer by declaring that Alice is "neither sufficiently beautiful, sufficiently amiable, sufficiently witty, nor sufficiently rich for me," and rebuking Mr. Johnson by asking, "what do you mean by wishing me to marry your Daughter?" since she does not meet his threshold of superficial and financial objectives (C 11, 23). The legal niceties of contracting a marital union through parental consent are revealed to be a guise for the underlying economics driving such matches, a point emphasized in *Frederic and Elfrida*, a brief novel dated to around 1787, where the courting couple are bypassed entirely as "the parents of Frederic proposed to those of Elfrida" who "accepted with pleasure"

underscoring how these unions are all too often about the families' desires and ambitions and not romance (Austen C 6). In this regard, Austen follows in the tradition of works she knew as an avid reader of Samuel Richardson such as *Clarissa* (1747-8),⁹³ in which the beautiful and obedient middle daughter of the Harlowes disrupts her family's upwardly mobile aspirations by personally inheriting a valuable property from her grandfather, a property which the family anticipated would bolster her brother's aspirations for a peerage and thus increase family wealth and status (Richardson C L4). Her refusal to marry the odious Mr. Solmes, her family's choice of spouse because they could control him, and which "would probably prevent your grandfather's estate from going out of the family," leads to her estrangement from her family, her displacement from all good society, and ultimately her demise (Richardson C L17). While Frederic and Elfrida do eventually marry at story's end, the narrative barely adheres to the conventions of the courtship plot since decades elapse before the wedding finally occurs, with Elfrida growing "old and too ugly to be any longer agreeable (sic)," and Frederic fancying younger, more attractive women, only relenting to aid in the recovery of Elfrida who has been ill with a "succession of fainting fits," a circumstance which suggests that although this union is made at last, any pretense of a happy marital ending is ambivalent at best (Austen C 10).

Austen further mocks the pretense of marriage as the culmination of a deep romance in stories such as *The Three Sisters*, which begins with Mary Stanhope writing to her friend Fanny and declaring herself "the happiest creature in the World" because she received an offer of marriage from Mr. Watts and can triumph over her sisters and neighbors, much as the silly Lydia Bennet later does in her hasty marriage to Wickham

made to thwart the taint of impropriety (Austen *C* 55; *PP* 240-241). Miss Stanhope likes the idea of marriage, but not the reality of it since at thirty-two Mr. Watt is too old, extremely disagreeable and she hates him more than anyone else, his sole attraction being his large fortune and her expectation that he “will make great Settlements” on her (Austen *C* 55). However, he is also very healthy, and thus unlikely to die soon and leave her a substantial jointure, meaning that she will have to put up with him for years and will not achieve her wish for wealth and independence that a quick widowhood would bestow (*C* 55). Characters such as Miss Stanhope anticipate later mercenary women such as Mary Crawford or *Persuasion*’s Mrs. Clay, for whom marriage is the means of securing or enhancing wealth and its associated status and stability. However, it also shows that marriage is not viewed as that culminating event that will suppress a woman’s liveliness or eradicate her legal existence, but rather it is repeatedly positioned as a means to a financially secure end, and often occurs early in these youthful stories, and not as its conclusion.

Doody finds that even in these earliest stories Austen is “strikingly unlike her contemporaries, male and female,” because she seeks a way to “sustain some of her own deeper interests while submitting to the restrictions of the domestic and moral courtship novel” as the dominant narrative form (Doody *TSF* 96-7). Among these deeper interests I suggest is her enduring concern with the causes and responses to women’s displacement and disinheritance. The seeming centrality of marriage in her texts is undermined because she rarely adheres to the courtship plot in her juvenile tales. Sometimes, marriage occurs not at all as in *Edgar and Emma* from the first volume, in which the youngest daughter of the Marlow family, Emma, pines for Edgar, the eldest son of the neighboring Willmots

whose wealth includes “a considerable share in a Lead mine, and a ticket in the Lottery” (Austen *C* 28). However, Edgar is away at college, never appears in the story, and never returns, so that Emma is left to stay in her room and continue “in tears the remainder of her Life,” (Austen *C* 30). Marriage here is not even a means to an end, but a void, a wish for affection, companionship and some autonomy that remains perpetually unfulfilled. In her juvenilia, the formalities of the Marriage Act⁹⁴ are frequently disregarded or subverted as in *Frederic and Elfrida*, where Miss Fitzroy, a friend of the heroine elopes by running off with a Coachman without parental consent, breaching both propriety and class codes. Austen revisits the problems associated with eloping with Maria Bertram and Henry Crawford in *Mansfield Park*, precipitating the only divorce of a major character in Austen’s canon, or in Lydia Bennet’s infamous elopement with Wickham, which is only regularized by Darcy’s intervention to “secure and expedite a marriage,” meaning that he obtained a special license, a waiver of the banns to hasten the service by paying double the cost of a regular wedding, a circumstance that underscores how this option is only available to the rich (*PP* 245; Perry *NR* 206).⁹⁵ Instead, marriage is shown as a problematic arrangement regardless of whether the requirements are thwarted as in these irregular marriages, or where they are rigorously enforced as when *Frederic and Elfrida*’s Mrs. Fitzroy refuses permission for her younger daughter, Rebecca, to marry her sweetheart, Captain Roger on the grounds that the pair must “wait a little while till they were a good deal older,” although this “young couple” of supposedly “tender years,” are actually ages 36 and 63, respectively (*C* 5). Mrs. Fitzroy’s consent is given only after the Captain threatens to stab her in the heart: “Such gentle and sweet persuasion could not fail to have the desired effect,” his future mother-in-law ironically

says to explain the sudden reconsideration of her approbation (C 5). Without directly referencing the consent provisions of Lord Hardwicke's Act, Austen demonstrates how they can stymie rather than facilitate lawful marriage by demanding that persons who are otherwise adults seek permission to wed, thus further underscoring that marriage increasingly was a familial enterprise susceptible to arbitrary and unreasonable interference, since parental consent became the common practice regardless of the age of the parties to the union (Staves 117).

Austen consistently represents marriage as an ambivalent institution and one that is as likely to create instability and uncertainties for women, as it is to provide them with a home. In *Love and Freindship*, Laura relates the details of her "Misfortunes and Adventures" to a friend's daughter as a cautionary tale about marrying, demonstrating how all her woes began with her marriage to Edward, a young man from a wealthy, titled family, who stumbles upon her father's house where the pair "were immediately united by [her] Father, who tho' he had never taken orders, had been bred to the Church," (Austen C 75, 80). Despite Laura's receiving parental consent, the requirements of the Marriage Act are disregarded, even mocked, while the consequences of her hasty marriage are severe since Edward is disinherited by refusing to marry his father's choice of bride, and then goes off and marries Laura, leaving the young couple and their friends with little choice but to embark on a life of crime which results in the men being caught and thrown into Newgate prison, and their later escape precipitating further catastrophes, including multiple deaths. Here, as in many of her other juvenile tales, marriage is not the happy ending, but the beginning of homelessness, calamity, and poverty.

Austen's wariness of how courtship and marriage are represented in contemporary novels and tracts reveals how she too grapples with the problematic nature of courtship and matrimony. She positions marriage as a mechanism whose purpose is less about romance, affection, and companionship and more about resolving or aggrandizing those economic circumstances that primarily favored men. Matches that have any hope of proving emotionally and intellectually satisfying in Austen's fictions are invariably formed outside of the public gaze and therefore without the officious interference of parents, family and even friends. Certainly one of the pleasures derived from Austen's mature novels is her indication that the process of forming lasting and successful unions must develop "gradually" and may require transgressing social mores, something shown with Darcy and Elizabeth who often have private meetings and surreptitious written communications, and "form and pursue most of their relationship in secret and alone [that] not only electrifies this intimacy, but pushes it to the verge of impropriety" (*PP* 286; C. Johnson *WPN* 90).⁹⁶ Indeed, Elizabeth's closest confidante, her sister Jane, is shocked when told of the engagement to Darcy. Her initial reaction is, "You are joking Lizzy. This cannot be!" underscoring the clandestine and even irregular nature of their courtship, particularly since Jane knew that her sister had refused his earlier proposal (*PP* 285, 170-171). Yet, the union of Darcy and Elizabeth Bennet is probably the most well-known and satisfying in the Austen canon primarily because it is shown to develop in contravention of expected courtship conventions, suggesting again Austen's repudiation of typical novelistic marriage practices.

This counter-process of courtship has its origins in juvenile stories such as *Amelia Webster*, a seven-letter epistolary novel from the first notebook in which Austen not only

exposes the artificiality of the epistolary form as a means of representing the intimate communications of courtship, but more importantly she uses it to deconstruct the conventions of courtship itself, particularly the pretense that meaningful relationships can be formed in public settings where the participants are accorded only limited contact under the watchful eyes of parents, guardians and others with vested interests in the outcome, and in structured settings such as evening parties, balls and dances. In this story Amelia and her friend, Matilda Hervey exchange tiny snippets of letters that say almost nothing because the writer invariably runs out of paper, as when Amelia notes: "I have many things to inform you of besides; but my Paper reminds me of concluding," (Austen *C* 46). McMaster finds Austen's tone mocking of the epistolary form, concluding that Amelia's paper "must have been unusually miniscule," but Austen also mocks the convention in which epistolary exchanges carry the pretense of conveying thoughts, feelings and events, thus exposing the limitations of the medium. The persistent lack of further imaginary sheets of paper needed for the correspondent to explain what is really happening reveals the artificiality of the form. The story offers the barest hint of a courtship plot only because the last letter gestures towards a marital ending by referencing wedding announcements in the newspaper. One of these engagements is between Amelia and George Hervey whose courtship on the page exists in a single, brief missive in which George tells Amelia that he watched her "thro a telescope" and was so struck by her charms that he has "not tasted human food" since (Austen *C* 46). The next and final communication is the wedding announcement, with no evidence of what, if anything passed between the betrothed couple other than Hervey's apparent spying on Amelia, and her apparent consent to marry a man who may or may not be a cannibal! The

epistolary courtship narrative is stripped bare so that nothing remains but the thinnest outline of structure: the boy, the girl, a communication, and then the wedding announcement. In this way Austen questions what really happens between two people by making clear that reading their letters are not enough, a point further suggested in the similarly truncated courtship of Sarah Hervey and Benjamin Bar where a single exchange mentions a hollow oak used as a mailbox between the lovers without revealing the contents of any communications conveyed by this method. Even at this earliest stage in her career Austen seems concerned with the hermeneutical questions raised by a narrative form intended to bring the reader closer to the character's inner thoughts and feelings, but which often fails to facilitate any real understanding of a process which must be conducted in secret because the regulated nature of courtship impedes the formation of real intimacy and knowledge of each other. In her later novels, Austen more openly eviscerates this idea of public courtship with Charlotte Lucas's satiric assertion that "it is better to know as little as possible of the defects of the person with whom you are to pass your life" before marriage, a claim that is later exposed as a risky approach to a union that was nearly impossible to legally sever, with Mr. Bennet imparting his personal knowledge of this danger to Elizabeth on her betrothal to Darcy: "let me not have the grief of seeing you unable to respect your partner in life" (*PP* 289).⁹⁷ Certainly in her earliest writings, marriages formed in the prescribed method are consistently shown as unfulfilling, and frequently perilous to the woman's well-being.

Similarly, formal romance rituals are mocked, and marriage itself is regularly treated as the source of female disinheritance, estrangement, and homelessness. In *Evelyn*, a story dated to 1792, Mr. Gower, who repudiated his father's choice of bride,

loses his way and knocks on the door of the Webb home where he promptly asks for Mr. Webb's house, and then his daughter, Maria: "I like the house extremely, . . . complete [your] generosity by giving me [your] eldest daughter in marriage with a handsome portion," and Mr. Webb cheerily complies, although it means that the Webbs are now poor, homeless, and must take up lodgings in Westgate Buildings, an address Austen returns to in *Persuasion* as the low-rent and unfashionable home of the poor and widowed Mrs. Smith (Austen *C* 177-78, 185; *P* 127). Here, marriage is shown as little more than the demand and transfer of assets from one man to another. But, it also makes clear that these assets can include a dependent daughter whom the husband is now free to do with as he pleases, which he promptly does, abandoning his new bride upon hearing of his sister's putative death, and leaving Maria "so much grieved at his departure" that she dies of a broken heart within three hours of his leaving her (*C* 183). The ridiculousness of her devotion and swift demise only underscores that as the lawful owner of those assets transferred to him, Gower is now free to do with her as he pleases, and he does, by quickly ridding himself of a wife who can give him nothing more financially, a point proven when he returns to the Webb home shortly thereafter with a new bride, a widow with a property that he gives to his not-dead sister and her husband. The marriage plot is ignored entirely, since marriage occurs at the beginning not as a conclusion or culmination, and it is presented purely as a mechanism that enhances male wealth and property, not a haven for women.

Austen also subverts the convention of the "perfect heroine," demonstrating the costs of female obedience and submission by particularly deriding the kind of narrow female education that relieves women of all sense of self and trains them to be compliant

and subservient, readying them for their role as wife (McMaster 89). In *Frederic and Elfrida*, the character of Charlotte agrees to two separate marriage proposals, one from an “aged gentleman with a sallow face and old pink Coat,” and the other from “a young and Handsome gentleman with a new blue coat,” assenting to both men merely because they each came to the door and asked her (Austen *C* 7). Trained to sublimate her own desires and preferences for the sake of others, particularly men, Charlotte accepts both proposals because she is unable “to resolve to make any one miserable,” (Austen *C* 7-8). Instead, she makes herself miserable because her double engagement leaves her in despair knowing that one of the men must be disappointed, thereby precipitating her suicide in an Opheliaesque drowning (Austen *C* 7-8). In stories such as this, unimpeded by her later aspirations for publication, Austen more openly challenges the preferential treatment of men under English laws of property and marriage, because these early stories adhere to marital conventions “only nominally—or not even that,” while deriding the social expectations of female docility, compliance, and submission to men in marriage (Doody *TSF* 92).

In *Love and Freindship* (1790), as in so many of her early stories, marriage is less the culmination of a lengthy romance, and more the originating source of female displacement and disaster. In this early epistolary narrative, Laura loses her husband and his best friend in a carriage accident, and then loses her friend Sophia shortly thereafter because the woman is unable to recover from the trauma of witnessing the men’s demise. Laura travels the length and breadth of the kingdom, stealing or ingratiating herself to survive. Along the way she finds and is then repulsed by many of her remaining relations including her grandfather and cousins. She seeks refuge in Scotland in the McDonald

home, but because she encouraged the elopement of McDonald's daughter to M'Kenzie, an "unprincipled Fortune-hunter" she is immediately evicted, only to learn that she will receive no legacy from her mother who has starved to death, leaving Laura with little choice but to join a band of roving performers, until she encounters her father-in-law who relents and gives her a small widow's allowance which permits her to at last find a home "in a romantic Village in the Highlands of Scotland" (Austen C 94, 104-105). In this and other early tales, Austen is already at work on what I argue will become the structural foundation of her later novels, the property plot, narratives constructed as a series of shifting geographies that follow the course of female characters from displacement to eventual re-settlement, beginning with an often compulsory departure from their "home social system," after which they undergo trials, adjustment, and gradual assimilation at some new venue where they finally achieve a permanent residence and acceptance into a new community, often despite, rather than because of marriage (Naficy 16-17; Ghosh and Sarkar 104).⁹⁸

Many of Austen's early stories, as well as all her mature novels are structured much like modern exile narratives, since Austen carefully stages the movements of her heroines from dispossession to eventual re-entry into a new community, a trajectory that is particularly visible in *Persuasion* because of its singular focus on Anne Elliot as she moves through three discrete geographic set pieces beginning at Kellynch and nearby Uppercross after she is compelled to vacate her ancestral home which is leased out to assuage her father's debts, shifting to Lyme as an intermediary locale where the opportunity of a new situation is made possible by constant contact with a trio of naval officers, and then ending at Bath where she separates from her family's indefinite exile

there and becomes part of a new social group represented by her former fiancé, Wentworth and his naval friends and relations.⁹⁹ However, this pattern can be traced in all of Austen's novels, as well as many of her juvenile stories. It can be found in the constant circulation between different locations of Jane, Elizabeth, and even Lydia Bennet in *Pride and Prejudice*, as they test and evaluate new places and situations in anticipation of the day their family must inevitably depart from Longbourn. The exile pattern also appears in the shifting venues of Elinor and Marianne Dashwood in *Sense and Sensibility*, beginning with their compulsory departure from their familial estate of Norland Park, their move to a downsized Barton Cottage in Devonshire, their extended visit to London and thereafter to the Palmers' home at Cleveland, an intermediary step where Marianne nearly dies of fever, and where Elinor must nurse both her sister and her own broken heart. Their domestic situation only resolves with their return to Devonshire where each sister, now ready and receptive to assimilate into local society, finally achieves a permanent home in that county, which is distant from the one of their birth. As she does in her early stories, Austen's focus seems less on marrying her heroines off, and more on settling her heroines so that they have a stable, permanent home over which they are mistress. This goal is perhaps, most clearly seen in Marianne Dashwood, whose marriage to Colonel Brandon at the end of *Sense and Sensibility* is less about romantic attachment, which the text clearly indicates only develops later and "in time," and more about her "submitting to new attachments, entering on new duties, placed in a new home, a wife, the mistress of a family and the patroness of a village," (SS 288). Being a wife, being married is buried among and secondary to her new and permanent attachments to home, place, and community. This is the language of the a narrative of property and

exile, not of courtship and marriage, and it suggests how Austen reformulated her earlier stories of female displacement to conform to the conventions of the marketplace by providing a marital ending and the superficial sense of a romantic resolution, without abandoning her underlying goal of resolving female homelessness.

Perhaps no early story more clearly represents Austen's repudiation of the marriage plot while anticipating her mature novels of disinherited and displaced women, than *Henry and Eliza*, another brief tale written before 1790. The story opens with the wealthy Sir George and Lady Harcourt overseeing and abusing their laborers when they find an infant girl in the hay, and adopt and raise her. At eighteen, the girl Eliza, steals fifty pounds from them and is banished by the Harcourts. She soon finds a position as a companion to the formidable Duchess who has her own army to aid in the bullying of her tenants. This is merely a tentative home for Eliza since she soon marries against the Duchess's wishes, thwarting plans for the dowager's daughter's engagement to the same man with whom Eliza elopes, and forcing Eliza to flee to France. She soon loses her husband, returns to England and eventually finds herself captured and imprisoned by the Duchess who has her own "little Newgate" which was "erected for the reception of her own private Prisoners," (Austen C 34).¹⁰⁰ While the Duchess's captive, Eliza's starving children nibble on her fingers for sustenance until she escapes, and in her flight she encounters Lady Harcourt who recognizes and embraces Eliza, explaining to her husband: "she is not only Eliza our adopted Daughter, but our real child," (Austen C 36). Lady Harcourt reveals that she thought her husband would resent having a daughter as his sole heir, so she placed the baby girl where they would discover her, and then promptly forgot that the child was her natural daughter. To please a husband, Lady Harcourt

readily repudiated her own child, implicating the constraints that marriage places on women who are often at the mercy of a husband's caprice, and under pressure to produce the far more valued male heir, something more subtly implied with later characters such as Mrs. Dashwood or Mrs. Bennet. As for Eliza, once she is finally, and by the merest of chances, reunited with her real family, she gathers an army of her own and proceeds to demolish the Duchess's castle, "gaining the Blessings of thousands, and the Applause of her own Heart" (C 37). Here, in a few pages is the core of the plots of *Sense and Sensibility* and *Pride and Prejudice*, beginning with a woman who is disowned because her gender deems her an unworthy heir of family land and wealth. Once dispossessed, the woman must find a way to survive, and this makes her ostensibly a vagabond, changing locations and moving from venue to venue, until a situation emerges that allows her to finally claim a stable and permanent home, often by thwarting the plans of rich and powerful landowners. Here, marriage is not the culmination of Eliza's tale since her elopement occurs midway in the story and is shown as fraught with perils because it offers her neither safety, nor stability of place, nor any lasting economic security. Rather, *Henry and Eliza* is a story about female displacement, not about courtship leading to marriage, and its serving as predicate to later novels strongly suggests that they too are less about the process of courtship and marriage, and more about re-settling a woman displaced by contemporary inheritance and property practices.

At this very early stage, Austen is experimenting with the formulation of her property narratives, which includes a simultaneous repudiation of the structure of the conventional courtship plot. Rather than being positioned as the culmination of Eliza's life and the means for according her a home, marriage becomes her undoing. As she does

frequently in her youthful stories, Austen situates marriage early in the narrative so that it serves as the cause of female exile and homelessness, not its solution. The de-centering of marriage in the narrative's structure is significant due to this early story's clear connection to later works such as *Pride and Prejudice*, and further suggesting how Austen re-worked her early stories to conform to contemporary publication tastes, even as she retained elements that challenge the marriage, property, and inheritance practices that dispossessed women. Certainly the Duchess, described as a formidable lady whose "passions were strong, her friendships firm, her Enmities unconquerable," and who was a widow with one Daughter who was on the point of marriage to a young Man of considerable fortune, is an early version of Lady Catherine DeBourgh whose plans to unite her nephew and her daughter are stymied by "the upstart pretensions of a young woman without family, connections, or fortune" (Austen *C* 32-33; *PP* 272). Similarly, the spunky heroine, Eliza who thwarts the Duchess's plans for her daughter's marriage seems reincarnated in Elizabeth Bennet, who is often called Eliza in the text. Elizabeth's rebuttal of Lady Catherine's attempt at assuming authority over her by refusing to repudiate the possibility of a union with Darcy manifests in Elizabeth asserting her right to make decisions about her own life: "I am only resolved to act in that manner, which will, in my own opinion, constitute my happiness, without reference to *you*, or to any person so wholly unconnected with me'" (*PP* 273 emphasis in text). However, this refutation is merely a more artful version of the earlier Eliza's destruction of the symbol of the Duchess's pompous authority and the conventions it represents when she declares that she acts not to please others, but to achieve "the Applause of her own Heart" (Austen *C* 37). The similarity of characters and circumstances, the presence of heroines

disinherited because of gender, and a nemesis in the form of an overbearing dowager who assumes that her wealth and property endow her with all manner of authority to direct the lives of others, support the notion that Austen both recovered and re-purposed her early stories for incorporation into her later novels. More importantly, it also strongly suggests how she must have grappled to represent marriage and related inheritance practices in narratives that had to adapt to contemporary tastes that demanded satisfying marital endings, while realizing that marriage was both the primary mechanism of female displacement, and the primary option for a poor woman to achieve that singularly English goal of becoming the mistress of her own home.

In the early unfinished novel, *The Watsons*, an impoverished and disinherited Emma Watson rebuffs and silences Lord Osborne who has been wittering on about women's cleverness by brusquely advising him that, "there are some circumstance which even *women* cannot control.—Female economy will do a great deal my Lord, but it cannot turn a small income into a large one," (Austen *LS/TW* 136 emphasis in text). Here, Austen eviscerates the social myth that a women's attractiveness, agreeableness, and competence can compensate for her lack of property or wealth. Similarly, in *Catharine, or the Bower*, an incomplete novel dating to around 1792, the orphaned heroine rebukes the wealthy Miss Stanley, by demonstrating both her independence of thought and her superiority of mind when dispelling her friend's romantic notions about marriage by noting that it is not "lucky, for a Girl of Genius and Feeling to be sent in quest of a Husband to Bengal, to be married there to a Man of whose Disposition she has no opportunity of judging till her Judgement is of no use to her..." (Austen *C* 197). Again and again, Austen punctures the conventional belief that marriage is the solution to a

woman's lack of property or place. The ready dispatch of women to the farthest points of the earth on the mere possibility of a husband at the other end reveals the unsatisfactory expectation that marriage was treated not as a relationship of affection and compatibility between a couple, but primarily a remedy to women's economic and physical displacement. In these early writings Austen not only captures "the conventions of her day in order to send them up," but she lays the groundwork for her concerns about women's place that will reappear in her mature novels (McMaster *YJA* 87, 89). From her earliest stories to her final writings, Austen emphasizes that a woman's paramount quest is for a permanent home and some economic security, rather than a spouse, although in most instances achieving the former requires the latter. It is a sentiment perhaps most clearly, albeit satirically articulated in her early novel, *Jack and Alice* (circa 1787), when Lucy Simpson writes to her friend Lady Williams about a recent marriage proposal received from the Duke of ____, an elderly, ill, but wealthy man, explaining her inclination to accept him: "There are a thousand advantages to be derived from a marriage with the duke, for besides those more inferior ones of Rank and Fortune, it will procure me a home, which of all other things is what I most desire" (Austen *C* 24). Although articulated in an early, juvenile writing, it clearly suggests that Austen already viewed securing a permanent home as the most pressing priority for a woman, with position, fortune, even marriage merely secondary considerations. In this early story the acquisition of a permanent home is the heroine's overarching concern, and it remains the paramount concern of Austen's mature heroines, even if marriage is used to achieve this end. Her youthful writings therefore become key to understanding Austen's treatment of

marriage, law, and inheritance and property practices in her mature novels, which is the subject that I take up in the next chapter.

Chapter 4:

“Single Women have a dreadful propensity for being poor—which is one very strong argument in favour of Matrimony.”

--Jane Austen, *Letter to niece Fanny Knight*.

“I do think it is the hardest thing in the world, that your estate should be entailed away from your own children...”

--Jane Austen, *Pride and Prejudice*

Beneath the Marriage Plot: the Exile Paradigm in Austen’s Novels of Female Displacement

Introduction

Jane Austen must surely have understood from an early age how girls are less valued than boys, even girls from the most loving of families, because they are so easily displaced. In 1783 when Jane was just seven years of age and her sister Cassandra ten, they were sent to Mrs. Cawley’s school in Oxford where their older cousin, Jane Cooper, was already in residence (LeFaye *AFR* 47). While all of their brothers received early educations at home and from their father in preparation for university, the Austen girls were entrusted to others for their basic education both because it was family tradition to send girls elsewhere to learn some writing, French, history, drawing, music, and needlework, but more importantly because it was necessary to make room in the Austen household for the resident male students that Mr. Austen taught and whose tuition was essential in supplementing the family’s income (LeFaye *AFR* 44-45, 51-2). Shortly after the sisters’ arrival, Mrs. Cawley relocated her school to the port city of Southampton

where her pupils promptly contracted typhus, an illness from which the young Jane Austen “nearly died,” and which killed her Aunt Cooper who had gone with Mrs. Austen to nurse the girls (LeFaye *AFR* 49).¹⁰¹ Yet, within eighteen months of this episode Jane and her sister were once again dispatched, this time to the Abbey House School in Reading where they remained until 1786 when the family finances could no longer support even this expense (LeFaye *AFR* 52).¹⁰²

Although all of the Austen children eventually left home for their educations, “no child but Jane was banished from the family as young as seven,” (Walker *WWJA* n. pag).¹⁰³ Her early experiences at these boarding schools remained with her all her life, reappearing in mature works such as *Emma* (1816), in which the worst of these institutions is characterized as a place “where young ladies for enormous pay might be screwed out of health and into vanity,” and where even the better schools provided little more than “a reasonable quantity of accomplishments...sold at a reasonable price” (Austen *E* 18). Austen represents these institutions as little more than warehouses for young females by characterizing them as places “where girls might be sent to be out of the way,” and at which they receive dubious educations, taught by an “ignorant class of school mistresses” (Austen *E* 18; Austen *L* 101).¹⁰⁴ However, it is the ease with which girls can be gotten out of the way, particularly if their absence inures to someone else’s economic benefit, which is the focus of this chapter since I contend that female displacement, not marriage is the central concern and the structural underpinning of all of Austen’s work, particularly her mature novels. From her teenaged stories and fragments to her mature novels, Austen’s plots critically assess and assail certain socio-legal practices particularly marriage, land aggregation and enclosure, and the entail, the final

stage in the inheritance device known as a strict settlement, since these are the primary mechanisms that displace middle and upper class women and disconnect them from home, community and property. At the same time, Austen's novels acknowledge the intricate negotiations and maneuverings that women had to employ to secure a home and to achieve some permanent right of place, and that short of inheriting money, marriage was one of the few ways women could assure themselves a permanent home and connection to community.

This chapter suggests that rather than centering her narratives on courtship culminating in marriage as critics almost universally concur, Austen's mature novels target the causes and effects of female displacement by revealing how marriage and affiliated property and inheritance practices favored by the middle and upper classes, channeled women into anomalous states of permanent or temporary dependency, even homelessness. Her narratives quietly advocate for a reconsideration of contemporary attitudes and practices affecting women, particularly in marriage, by consistently warning that the "greatest danger" for a lively and intelligent woman is to enter an "unequal marriage," that is, a marriage where the parties are not intellectually and temperamentally compatible, while discounting the import of mismatched fortunes or status, since these circumstances can be remediated (Austen *PP* 288). Feminist critics from Carolyn Heilbrun in the 1970s to the more recent studies of Deanna Kreisel, find that the courtship or marriage plot is the structural foundation of all of Austen's novels, and that her marital endings affirm contemporary conservative domestic values and demonstrate her sanctioning a woman's subjugation to her husband's legal dominion by lauding marital unions that invariably constrain a woman's individuality and intellect (Heilbrun

MP 163; Kreisel 217). Even those who find some subversive elements in Austen's narratives such as Laura Baudot contention that the author plants "evidence for the matters of fact that the conventions of the courtship plot and the act of novel reading allow readers to suppress," still view the courtship plot as Austen's core and only narrative structure (Baudot 326). Sandra Gilbert and Susan Gubar similarly conclude that while Austen "demonstrates her discomfort with her cultural inheritance," she persistently encourages female submission as a survival tactic by pandering to male readers, repeatedly "taming...a rebellious, imaginative girl" (Gilbert & Gubar 112, 154). As a result, Austen's marriage plots are viewed as representative of her conservatism since her happy marital endings are read as intentionally reinforcing the imperative for women's silence, if not outright embrace of their subjugated status under wedlock (Gilbert & Gubar 154).¹⁰⁵

Still, noted Austen scholar Claudia Johnson finds that Austen's novels evince the author's uneasiness with contemporary social constructions precisely because of her formulaic use of marriage to rescue her heroines. Defending Austen's representation of marriage, Johnson suggests that it was employed as "the best possible arrangement in an imperfect world" where women had few other options (Johnson *WPN* 89). She concludes that Austen transformed "apparently conservative material in order to question rather than confirm" those political configurations associated with marriage and woman's place by making her narratives "exploratory and interrogative, rather than hortatory and prescriptive," (Johnson *WPN* 21, xxii; qtd. by Marshall at p. 43). Margaret Kirkham points to Austen's Enlightenment roots as the basis for the creation of heroines such as Elinor Dashwood and Elizabeth Bennet, women who demonstrate an ability for rational

judgment over sentiment, a stance that also appears in Mrs. Croft's rebuke of her brother, Captain Wentworth and his policy of refusing to carry women on his ship when she argues: "But I hate to hear you talking so...as if women were all fine ladies, instead of rational creatures" (Austen *P* 60; qtd. by Kirkham at 83). Kirkham concludes that because Austen was writing during a period of renewed conservatism, she had to revert to an "ironic subtext" to raise questions regarding women's rights and the place of marriage (Kirkham 161).

Like Johnson and Kirkham, I too question those analyses that find Austen's novels reinforcing the containment and disempowerment of women because her plots are generally precipitated by women's lack of independent wealth and connection to place, which compels marriage as the most acceptable available solution. By reading across Austen's canon a pattern emerges that reveals a palpable dissatisfaction, even a repudiation of the socio-legal practices that made women reliant on others for home and support, focusing on marriage and patrilineal inheritance practices as the chief mechanisms for displacing women. What seems especially telling is that Austen's novels consistently demonstrate a genuine link between marriage and contemporary inheritance and property aggregation practices which in concert destabilized women's lives and dissociated them from most, if not all rights of property and place. Rather than sanctioning marriage, this chapter argues that Austen's mature novels deconstruct the customs and practices surrounding the nuptial union by unsettling the legal presumption that marriage protects and provides economic security for women which she regularly reveals to be little more than wishful thinking and socio-legal myth.¹⁰⁶ By filling her novels with hapless husbands and feckless, oblivious, and even indifferent fathers,

Austen demonstrates how men habitually and spectacularly fail their female relations by showing them as unreliable sources of domestic stability. She also dissects those legal practices associated with masculine control of familial property and the preference for the transmission and accumulation of land and wealth among and between men, since these too contributed to women's dependency and dislocation.

In novels such as *Sense and Sensibility* and *Emma*, Austen also targets the deleterious impact on women and working families of enclosure, a land aggregation process that was closely associated with other land improvements, and which privatized previously common or open lands either through agreement or private Parliamentary bill. For example, Emma makes regular charitable visits to poor families of women and children who are displaced by recent enclosures and who live in shacks on the outskirts of Highbury, while the Dashwood sisters are forced to sell their mother's jewels for their living expenses even as their step-brother, John, complains of the expense incurred by enclosing Norland Common, apparently having forgotten his earlier promise to assist his sisters financially by instead directing his money to his own land-aggrandizing projects (*E* 79; *SS* 169). Austen's many descriptions of the hedgerows, fences, and walls that are the signifiers of enclosure appear in all her novels and indicate the inherently contradictory nature of a practice that claimed to perpetuate social and economic prosperity and stability, when in fact it accorded these benefits to a limited circle of mostly elite, landed men, and to the exclusion, if not detriment of wives, daughters, and sisters. By repeatedly noting the markers of enclosure as her characters move across landscapes, Austen records the very real impact that this form of land consolidation was causing on rural England, and which she was witnessing all around her. It hardly seems

coincidental that from 1793 to 1815, the very years Austen was writing, also was the period of the most intense privatization of land in England's history with nearly 2 million acres of arable open fields and 905,000 acres of commons aggregated under numerous private arrangements or Parliamentary enclosure bills (Mingay 22).¹⁰⁷ The fact that her heroines must cross, climb, and jump over these barriers to reach their destinations and achieve goals, suggests both how carefully Austen was observing the impact of this process on the countryside, but also how these physical obstacles serve as tropes signifying the impediments women must overcome to achieve economic security and a fixed abode. She similarly deploys the strict settlement whose final stage usually is an entail, as this too proves instrumental in displacing and disinheriting women. An inheritance device that became particularly popular with the landed classes in the second half of the eighteenth century and for decades thereafter, the strict settlement was another means of preventing land from leaving familial possession. An ancestor could mandate transmission of property exclusively through the male line, using a will or marriage settlement that directs who must inherit for "two successive life estates, followed by an estate tail on the unborn son," effectively barring females from inheriting family land for three or more generations, since the tail heir was often persuaded to repeat this process with his own settlement or will (Habakkuk 11).

As in her youthful writings, Austen's mature novels continually question, even repudiate marriage as contemporaneously configured through plots that connect marriage with those property practices that disparately and negatively affected women and destabilized their rights of place and property. Because her mature novels evolve from her youthful writings, I contend that Austen only superficially adheres to the marriage-

plot formula with its seeming propulsion of women towards a nuptial union, but that marriage serves as a blind for Austen's core concern: the causes of and limited remedies available to counter women's displacement and homelessness. This chapter begins with a foundational discussion of the marital, inheritance, and property aggregation practices in use at the end of the eighteenth century and into the first decades of the nineteenth century, and which severed or impaired a woman's connection to property and place. I then question whether Austen's mature novels should be viewed as marriage or courtship narratives at all.¹⁰⁸ The marriage plot was the dominant narrative paradigm of the period, and Austen's novels have long been branded as conforming to this genre by scholars, including recent studies of Sally Livingston and Elsie Michie. In linking the rise of capitalism with the concomitant anxieties about money that are reflected in all of Austen's novels, although Michie finds that Austen's plots are as much about "the engrossments of wealth as they are about love," a thesis that generally is consistent with this chapter's discussion of how the author exposes marriage as a primary contributing factor in women's disconnection from home and community (Michie *VQM* 26). However, where my analysis and Michie's differ is in the application of marriage in Austen's texts. Michie largely predicates her analysis on Austen's use of a particular marriage-plot paradigm in which the hero must choose between "a woman who might enhance his social position and a poorer, more altruistic and psychologically independent woman who is the antipode of her rich rival," (Michie *VQM* 1).¹⁰⁹ This arrangement is read as demonstrating Austen's condoning the subordination of women during both the courtship process and ultimately in marriage, even if the hero is compelled to mediate his

own commercial motives, since the morally superior women functions to temper his values.

Instead, I contend that Austen uses the marriage plot as the cover story to make her novels publishable, but her more pressing goal is to highlight the causes of and limited remedies available to women to counter their tenuous rights of place and property. The repeated instances of female disinheritance and even expulsion that punctuated her earliest writings, reappear in more restrained, but persistent form in her later novels, suggesting not only that the mature Austen scavenged her earlier stories for characters, language, and plots, but that the audacious assaults on the conventions of marriage, courtship, inheritance, and property practices of her juvenilia remained her concern, and were re-inscribed in her later works. Her happy marriage endings may correspond to the expectations of contemporary reading tastes, but the process of bringing her heroines to the altar reveals a deep skepticism about marriage and its benefits for women in the absence of some serious renegotiation of terms, and a re-adjustment of attitudes on both sides. Austen's mature narratives are threaded with a persistent wariness of the legal practices that limit or exclude women's inheriting or owning land, concerns that contemporaneously appear in her surviving letters, and which are a hallmark of so many of her early stories including *Henry and Eliza*, written sometime between 1797 and 1790, *Love and Freindship*, *Lesley Castle*, dated to 1790, and *Evelyn*, dated 1792.¹¹⁰

While her juvenile stories experiment with form and genre,¹¹¹ Austen's mature novels use a consistent narrative structure that follows the movements of key female characters as they depart their homes, often unwillingly, travel through one or more temporary relocations, and finally find some resolution by re-settling at a new location,

usually, but not always, through marriage. This staged pattern of incremental moves takes her heroines along a path that begins with their disconnection from home and community because they lack ownership, wealth, or inheritance rights that would give them lawful claims to remain. Their travels to different locations, whether it is Lyme Regis, Bath, London, or the homes of friends and relations, form an intermediary period for these women when “all connections and commitments” are temporary and often disorienting (Said *ROE* 183). Most of Austen’s female characters experience periods of liminality, in which their place is uncertain and their status undefined, a circumstance which today is more typically identified with modern exile narratives. These transitional periods arise when there is an actual or threatened loss of home, her female characters are denied an inheritance or other property interests, and they are seen as having indeterminate class or social status, all of which contribute to their removal or distancing from their place of origin, and necessitating their traveling through a series of changing venues in search of a more permanent home. The uncertainty of place and status is readily seen in the debate about whether *Mansfield Park*’s Fanny Price can mingle freely in society—“Pray, is she out, or is she not?”— this query exemplifying how Austen’s heroines are typically found in precarious and often undefined states of existence (Austen *MP* 39).

Modern post-colonial scholars, from Edward Said to Hamid Naficy, Bishnpirya Ghosh and Bhaskar Sarka, have identified the pattern of compelled departure, wandering or stopping at transitory locations, and finally achieving some form of re-settlement as exemplifying the modern exile narrative in which subjects suffer indefinite dislocation, even isolation as they progress through a “continuum of displacement,” by passing through a series of temporary venues until the possibility of gradual re-assimilation is

achieved (Ghosh and Sarka 104; Naficy 6-7). Said employs a similar taxonomy of exile to describe the modern dislocations of whole communities or peoples resulting from national upheavals, religious conflicts, and wars. Disconnection becomes a state of forced and often aimless wandering away from family and familiar places, in which one feels marginalized, and the “isolation and displacement...distances him or her from all connections and commitments,” to home, even if that exile is within one’s own country (Said *IE* n.pag.; Said *ROE* 183; Barbour 293). While Said positions exile as a “potent...motif of modern culture,” it is suggested here that Austen’s novels already articulate a trajectory that anticipates modern exile narratives because so many of her female characters experience comparable social and physical disruptions and dislocations punctuated by their repeated expressions of longing for a place that for them no longer exists or to which they cannot return (Said *ROE* 173).¹¹² Her heroines express loss and longing for home in language that typically is associated with exile narratives, as when Anne Elliot thinks of her “beloved home made over to others...she could not think of much else,” or Fanny Price remembers “all of her earliest pleasures, and of what she had suffered in being torn from them...and it seemed as if to be at home again, would heal every pain,” (Austen *P* 43; *MP* 290). The leitmotiv of loss of home and the longing for those comforts that can never be reclaimed resonates in the nomadic structure of modern exilic plots, but this chapter suggests that beneath the froth and seeming ordinariness of what others characterize as her courtship plots, Austen reveals the consequences of the recent reconfiguration of marriage under Lord Hardwicke’s 1753 Marriage Act, and the inheritance and property practices of the late eighteenth and early nineteenth centuries

that excluded most women from gaining meaningful interests in land other forms of wealth, and made them ostensibly domestic exiles.

Three of her six novels—*Sense and Sensibility*, *Pride and Prejudice*, and *Persuasion*—each begin with families of daughters who are threatened with losing their homes, or are compelled to depart their residences because of inheritance provisions that use an entail to direct family land and wealth to male relations only, leaving marriage as the primary, if not only means of resolving the daughters' displacement. In contrast, heiress Mary Crawford freely circulates among several venues until she determines to re-settle with her sister in London, having little financial impetus to wed after her failed attempt with Edmund Bertram (*MP* 369). Only *Emma* does not strictly follow this pattern since the eponymous heroine, an "heiress of thirty thousand pounds," is firmly fixed at her father's estate of Hartfield, never venturing beyond the village of Highbury and environs, and even negotiating with her fiancé to remain in her family home once she is married (*Austen E* 122, 407). Emma may have the wherewithal to resist being moved, but Austen surrounds her with women who have tenuous claims to place such as Harriet Smith, the parlour boarder at Mrs. Goddard's school, Mrs. Weston, who until her recent wedding was the governess of a grown Emma and no longer needed, and most obviously, Jane Fairfax, a poor orphan who relies on the largesse of friends and relations for temporary lodgings, and whose situation closely resembles Austen's own period of homelessness. Why Austen crams her novels with so many women circulating among various locations and without permanent residences, or with the prospect of losing their home is the question this chapter endeavors to answer. This chapter's chief goal is to challenge the general consensus that Austen writes marriage plots, by demonstrating that

her novels really are property plots, stories of women undergoing or threatened with some form of exile that is brought about by their lack of legal rights in property or attachment to place, and by their legalized erasure in marriage.

The Failings of Marriage and Men: Contextualizing Austen's Property Plots

The idea that women can become exiles in their own land seems to suffuse all of Austen's mature works. This pattern of displacement and unsettlement first appears in many of her juvenile stories, and seems to reflect the series of moves that Austen experienced both as a girl and as a young adult. Between 1801 and 1809 she was little more than a domestic exile herself, "a sojourner in a strange land" according to her nephew and biographer James Edward Austen-Leigh (67).¹¹³ Like so many of her female characters, Austen went through a "series of both small and large dislocations and relocations in space" well into adulthood, a phrase Said associates with the movements of *Mansfield Park's* Fanny Price, a young girl viewed as an economic liability by her immediate family, and who is shunted about by others because she lacks any legal claims of permanency anywhere (Said *JA&E* 108).¹¹⁴ For over eight years Austen had no fixed address, and her situation worsened with her father's death in 1805 after which the constrained finances of Austen, her mother, and sister resulted in their occupying a series of "temporary residences" in Bath and Southampton until brother Edward, who had been adopted by wealthy relations, was finally prevailed upon to provide his mother and sisters with the cottage on his Chawton estate in Hampshire that became Austen's "*second*, as well as ...*last* home," (Austen-Leigh 67, emphasis in text). The gap between Austen's early life at Steventon Rectory, and her finally settling into the cottage at Chawton is "an

eight-year blank during which she was miserable and depressed,” and in which little writing was produced other than letters (K. Sutherland 17). Although Austen did not become the sole mistress of Chawton Cottage, there was an equitable distribution of housekeeping responsibilities and authority among Cassandra, family friend Martha Lloyd who had moved in with the Austen women after her own mother died in 1804, and Jane, who was responsible for breakfast and then free to work on her writing thereafter; Mrs. Austen, now seventy, retired to lighter pursuits. The arrangement afforded Austen a sense of authority in her own home, and the permanence that she had lacked for years (LeFaye *AFR* 177-78).¹¹⁵

The importance of having a certain and stable residence carried a particular significance in Georgian England. Unlike other contemporary European cultures that had traditions of communal family living, the English invariably linked social status and personal happiness with individual rights in property because “the English . . . placed an unusual premium on retaining a clearly defined home of one’s own” (Vickery 24, 6). A man could not expect to marry without his own home and the income to support it as Austen illustrates in *Sense and Sensibility* (1811), when Colonel Brandon offers a disinherited Edward Ferrars the living at Delaford which includes a rectory and an income of £200 per annum; not much, but as a disappointed Elinor observes, enough “to enable him to marry” Lucy Steele (Austen *SS* 213). Having a home of one’s own was a “universal goal,” for both men and women, and it was a significant one because it was tangible “proof of adulthood,” and therefore “central to social respect and personal autonomy” (Vickery 24, 6-7). Unmarried women with no home of their own were dependent on other family members for their support which meant that they often became

“unpaid housekeepers, nursery maids, and sick nurses,” inevitably also losing any “property in their own persons” because they were viewed and treated as little more than children or servants (Vickery 188; Greenfield 91-2).¹¹⁶ Austen also intimates that women with no rights in property and who live at the sufferance of others may be subjected to a prolonged childhood with its concomitant lack of autonomy since in *Mansfield Park* a financially dependent Fanny Price continues residing in the attic rooms that had once been the nursery of the Bertram children even after she has “come out” into society. At eighteen she should be considered an adult, but her remaining in these rooms suggests that she continues to be viewed as a child by her Aunt and Uncle Bertram, Mrs. Norris, and others (Austen *MP* 8, 244).

In fact, having a home of one’s own was seen as far more important than marriage, even for women as evidenced by the case of Gertrude Saville (1697-1758), the intelligent, educated, but portionless sister of a Nottinghamshire baronet, whose lack of property or inheritance kept her in a prolonged adolescence well into middle age. Saville’s diary entries reveal decades of absolute misery and loneliness as the dependent of her wealthy brother in whose home she resided, but in which she had less authority than the servants. Not only was she expected to be subservient to her sister-in-law who was mistress-in-chief, but she also had to accommodate and submit to her mother, and later to an aunt who also resided with them and took precedence over her in all things, causing her to struggle for any attention or authority: “My Satisfaction or credit of no consequence, while Servants, Coach...are at my Aunt’s command,” she bitterly complains in one entry (Vickery 191). Although by 1717 her brother had settled a small annual allowance on her of £80, it was insufficient for her to achieve independence, and

her diary entries demonstrate her utter misery as when she writes: “Entirely confine myself to my room... That, and my Cat all my pleasure...” (Vickery 189). Saville understood and often remarked upon the impact of the laws and practices that disempowered and displaced her because of her gender, noting that her brother has “a vast estate and I have nothing,” or, complaining that she has to “grovel to Sir George for “every gown, sute of ribbons, pair of gloves, every pin” (Vickery 188). However, Saville’s misery ended at age forty when a cousin aware of her circumstances, left her his sizeable estate near Newcastle. Now independently wealthy and free to maintain her own residence, Saville promptly moved-out of her brother’s home and leased a home near her family, and after her brother’s death, purchased outright a house in London on Great Russell Street where she lived until her own death, having finally achieved her most cherished ambition and one long discountenanced by her family: becoming her own mistress and having “independence without marriage” (Vickery 192).

Saville’s case underscores how having a home carried far greater importance for many woman during the eighteenth and early nineteenth centuries than having a husband, a sentiment that Austen’s fictions often reflect, and which is expressed directly in *Emma* (1816) when her heroine explains to a naïve Harriet Smith that as “a single woman of good fortune,” she has more “consequence” as mistress of her father’s house than if she were married, since “few married women are half as much mistress of their husband’s house” (*E* 77). The point is that by the time she was writing her mature novels, Austen acknowledges that having a home in which one has concomitant authority must be a woman’s overarching goal. For Miss Taylor, Emma’s former governess who no longer possessed even “the shadow of authority” at Hartfield since Emma’s adulthood, the only

realistic option to regain some influence was to marry, a choice Emma defends to her father by explaining, “you would not have Miss Taylor live with us for ever...when she might have a home of her own!” (Austen *E* 6). Here, as she does repeatedly in her novels, Austen positions marriage as the primary means for women to achieve their own home, since oversight of a respectable residence represented tangible proof of one’s maturity and meaningful presence in Georgian society. It is rare for Austen to justify a marriage upon the grounds of affection and companionship alone. Even the fabled romance of Elizabeth Bennet and Mr. Darcy arises “gradually” which for Elizabeth, dates from her “first seeing his beautiful grounds at Pemberley,” making his house and estate the impetus for her reconsideration of his suit rather than his personal attractions, the wryness of the observation belied by its underlying truth (Austen *PP* 286). Although marriage is the most likely method for a poor woman to achieve a home, in characters as diverse as Lady Russell, Mrs. Jenkins, and Mrs. Goddard, the mistress of the boarding school in *Emma*, Austen demonstrates that it is not the only means available to women, and certainly not a desirable option for widows who risk losing their property and their authority upon remarriage, because a woman “of steady age and character...should have no thought of a second marriage” (Austen *P* 11).¹¹⁷ According to historian Amanda Vickery who surveyed surviving eighteenth-century diaries, letters, and other documents held in both private collections and public repositories and gathered from across Britain, acquiring a permanent home was far more important for most women than acquiring a husband. The records repeatedly reveal that “few spinsters sighed aloud for the lost opportunity of marriage...but lament for a safe haven was recurrent,” (Vickery 34).

In Georgian England “to be mistress of a house was no paltry achievement” since it brought a woman status, security, and the means for attaining some personal authority, something generally denied poor and dependant females (Vickery 87-88).¹¹⁸ Like Gertrude Saville, characters such as *Pride and Prejudice*’s plain, twenty-seven year old Charlotte Lucas demonstrate that it is the lack of her own home and the lack of independent means, not the lack of a husband that makes a woman the potential target of ridicule, or relegates her to perennial servility or dependence. For Charlotte, the eldest of many children, and with parents who “could give little fortune,” securing a good home, not a husband, becomes her single goal in life: “I ask only a comfortable home,” she explains to a perplexed Elizabeth after accepting the proposal of Mr. Collins, “a conceited, pompous, narrow-minded, silly man,” she barely knows, but one who will give her a respectable position in society, and an attachment to land as mistress of Hunsford parsonage (*PP* 94, 96, 105, 121). Charlotte’s advantage in securing both “a stupid husband and a modest house” makes this “a most eligible match” as Jane Bennet concludes, and one that Austen clearly demonstrates is neither pitiable nor “unaccountable” as Elizabeth contends since it allows Charlotte to become the mistress of her own home despite her age and other impediments (Vickery 86-87; *PP* 104-5). Moreover, even if this marriage proves “uncertain of giving happiness,” what it certainly gives Charlotte is an attachment to place and domestic authority, tangible benefits which she sees not only as a stroke of “good luck” but more importantly, as the “pleasantest preservative from want” (Austen *PP* 94).

Becoming one’s own mistress also provides “a degree of contentment,” something Elizabeth soon realizes when visiting the Collinses a few months later and observing

Charlotte's pleasure in having fitted her home with "a great air of comfort," particularly her own private sitting room located far from her husband's book room, thus according her a space all her own (Vickery 86; *PP* 121-2, 129). In contrast, for a dispossessed and disinherited woman such as *Sense and Sensibility's* Marianne Dashwood, becoming the mistress of a comfortable home such as Allenham is her fantasy as demonstrated by her wholly improper visit to Willoughby's cousin's residence while the owner is away, and allowing herself to imagine how she would re-decorate and run the place if it were hers to rule (Austen *SS* 51-53). For women, legal ownership of property was less important than having a legal right to reside somewhere free of the possibility of dispossession, since this is the circumstance that provides a woman with some managerial authority, a point illustrated by Charlotte's enhanced status as the wife of a respectable clergyman, and her repeatedly expressed satisfaction directly flowing from becoming the mistress of the parsonage. Indeed. Charlotte could anticipate her happiness and security to increase knowing that she will eventually become the mistress of Longbourn and supplant Mrs. Bennet who already was worrying that Charlotte had begun "anticipating the hour of possession" (*PP* 100). Having a home of her own also meant that Charlotte eluded a lifetime of dependency by relieving both her parents and her brothers "from their apprehension of Charlotte's dying an old maid," and their having to shelter and support her for the rest of her life (*PP* 94). As Austen shows again and again, for a displaced, dependent, or disinherited woman securing a home of her own is far more important than securing a husband, a point that seems to be underscored when Elizabeth Bennet's first response at seeing Pemberley is to express regret for the loss of her right to occupy and oversee that grand edifice, but not for the loss of its owner as her spouse: "And of this

place...I might have been mistress!” she sardonically observes (*PP* 186, emphasis added).

Austen certainly understood that having a permanent home brought security and a sense of well-being, even happiness, feelings she expresses in a poem written to her brother Francis just days after moving to her new and final Hampshire residence: “Our Chawton home—how much we find/Already in it to our mind,/And how convinced that when complete,/It will all other Houses beat...” (Austen *L* 176). While hardly great poetry, Austen’s use of both the present and future tenses demonstrates her belief that this home was now, and for the indefinite future her permanent residence, a circumstance that was already contributing to her sense of security and pleasure, and which also proved essential to her own literary production. Other than writing letters there is no evidence that Austen composed anything substantial in the years between her final departure from Steventon and settling at Chawton, those years when she was circulating among rented lodgings, or making extended visits to friends and relations, yet, “as soon as she was fixed in her second home, she resumed the habits of composition which had been formed in the first,” (Austen-Leigh 81).¹¹⁹ Within her first year at Chawton she revised and prepared both *Sense and Sensibility* (1811), and *Pride and Prejudice* (1813) for publication, and between February, 1811 and August, 1816 she wrote and completed the finished versions of *Mansfield Park* (1814), *Emma* (1816), and *Persuasion* (1818),¹²⁰ and was already at work on *Sanditon* when she died in July, 1817 (Austen-Leigh 81). Her output was prodigious: nearly a novel a year, after almost nothing for the six years prior, the years when she had no permanent home. But, what may be even more striking is the way female homelessness and displacement suffuse the plots of all the novels written or

revised at Chawton: in the expulsion of the Dashwood women from Norland upon the death of Henry Dashwood; in the departure of Anne Elliot and her family from Kellynch because of extreme debt and an entail; in the removal of ten year old Fanny Price from her familial home so “that poor Mrs. Price should be relieved from the charge and expense of one child entirely”; in the transport of Catherine Morland to Bath the moment she stops being “noisy and wild” and relinquishes “her love of dirt,” thereby improving her marriageability; and, in the perpetual anxiety of Mrs. Bennet who well understands that when her husband is dead Mr. Collins “may turn [her] out of this house as soon as he pleases,” (*MP* 5; *NA* 39; *PP* 46). Even in *Emma*, where the eponymous heroine may be as secure as any male heir in her right to remain and oversee her father’s estate at Hartfield, she is surrounded by other women such as Jane Fairfax, Harriet Smith, and even aging spinster Miss Bates, who have very precarious lives because they lack permanent homes and rights in property.

Austen not only experienced the effects of female displacement firsthand, but she witnessed and commented on its impact among her family members and acquaintances. Her surviving letters support Vickery’s findings that women’s primary imperative was to secure a home not a husband, by repeatedly discussing women who lost their homes or property rights and the need to re-situate them, with marriage or re-marriage rarely proffered as an option.¹²¹ Indeed, the loss of a home is invariably associated with a husband or brother who failed to adequately provide for his female relations, or where legal practices deliberately excluded females from rights in real property or place. For example, in October 1800 Austen writes to her sister Cassandra concerned about Mrs. Martin, a widow who two years earlier started a circulating library to which the Austens

subscribed, but was now bankrupt: “Our whole Neighbourhood is at present very busy greiving (sic) over poor Mrs. Martin, who has totally failed in her business, & had very lately an execution in her house,” (Austen *L* 26, 50). Austen seems particularly distressed because Mrs. Martin’s personal property was seized by bailiffs on behalf of creditors of whom the principal one was Mrs. Martin’s own brother. In 1813 she worries about Miss Benn, a spinster-tenant residing in a local cottage who was “warned” out of the house she had lived in for years by the landlord, Mr. Philmore, so that his son could take possession. Empathizing with Miss Benn’s plight, Austen suggests communal responsibility for re-housing the lady: “how full of cares she must be, & how anxious all Chawton will feel to get her decently settled somewhere,” (Austen *L* 208). That same year she writes about two different female relations on her mother’s side each of whom lost their rights in property due to legal provisions that transmitted land to male relations. First, there is her spinster cousin Elizabeth Leigh whose recently deceased brother, Thomas, only had a life estate at Adlestrop, leaving Miss Leigh with no right to continue in her residence there. Austen’s concern is apparent when she writes her brother asking: “We are very anxious to know...where his excellent Sister will find a home for the remainder of her days” (Austen *L* 216). Later, she bristles at the fate of her aunt, Mrs. Leigh-Perrot, whose husband took a cash settlement in exchange for resigning his claim to the Stoneleigh Abbey estate, prompting Austen to comment: “There is another female sufferer on the occasion to be pitied. Poor Mrs. L.P.,--who would now have been Mistress of Stoneleigh” had not the disputed claims to the estate been resolved to follow “the usual rules of primogeniture,” (Austen *L* 216; LeFaye *AFR* 156).

The concerns of her letters reverberate in the plots of her novels, since both connect contemporary legal practices and the attendant maneuverings that favor masculine claims in land with women losing their homes or property rights, evidencing Austen's particular concern for the ease with which women could be "shut out from domestic comforts and social fireside" (Vickery 24). Indeed, Austen repeatedly reminds that marriage does not necessarily provide women with protection from domiciliary or economic instability since husbands, fathers, brothers, and uncles often fail to make the necessary arrangements so that female relations have incomes and a stable and certain residence. *Sense and Sensibility*'s Henry Dashwood dies with little to leave his wife and daughters who are compelled to depart their home at Norland Estate when it is inherited by wealthy step-brother, John Dashwood. The reduced circumstances of the Dashwood women are further aggravated because their nearest male relation, this same John, fails to keep his deathbed promise to their father and assist his step-mother and sisters financially, allowing his greedy wife to help him rationalize away any obligations he has to his female relations (*SS* 9-11). Similarly, *Persuasion*'s Sir Walter Elliot is a "spendthrift baronet" who exceeds his substantial income and must re-trench by permanently moving away from the family's palatial home at Kellynch and renting it to others just to generate an income to live on, retaining little of value to give his two unmarried daughters as their marriage portion or inheritance (*P* 199).¹²² But, perhaps the clearest example of how marriage often accords women little assurance that they will have a certain home and degree of long-term comfort appears in *Pride and Prejudice* where Mr. Bennet has more than twenty years and ample income to set aside funds to provide for his wife and daughters after his death, but he fails to do so. It is only the crisis

of Lydia's elopement that forces him to briefly wish that "instead of spending his whole income, he had laid by an annual sum, for the better provision of his children, and of his wife," (*PP* 231). However, once the urgency of Lydia's elopement abates, resolved entirely by others, "he naturally returned to all his former indolence" by resuming his practice of making no provisions for his wife and remaining daughters after his death, and leaving Mrs. Bennet in a perpetual state of anxiety (*PP* 233, 235).¹²³ The point is that rather than hastening young women to the altar, Austen's narratives repeatedly demonstrate that neither marriage nor a consanguineal relationship guarantees women a stable home and a lifetime income, despite the legal and social presumptions to the contrary.¹²⁴

The tentative nature of female rights of place and property is Austen's persistent concern, and demonstrated by plots centering on the ease with which women are divested of interests in family wealth, and readily expelled from ancestral homes, often in favor of distant and undeserving male relations. Yet, she simultaneously acknowledges that marriage is one of the few options available to women to counter their situation. Austen's acerbic pen repeatedly demonstrates that while marriage remains the primary option for women to acquire a home and a clear social place, it also is a chief mechanism for disrupting their claims to remain in their homes and community. Both *Sense and Sensibility* and *Persuasion* begin with families of daughters whose stability of place is compromised because of entails, an inheritance practice that favors male heirs to the exclusion of females, or because patriarchs fail or refuse to make the appropriate provisions to counter the devastating effects that such bequests and devises will cause their wives and daughters. In *Pride and Prejudice*, Mrs. Bennet's constant fretfulness

about getting her daughters married off seems less about making compatible matches and more about their procuring a home and economic stability: “The business of her life was to get her daughters married,” because unlike her lackadaisical husband, her hysterical efforts were a mechanism to assuage the worry of having to provide for them after Mr. Bennet’s death (Austen *PP* 3). Moreover, it is not merely the central heroines who garner Austen’s concern on this subject. As Alastair Duckworth points out, Mrs. Smith, a minor character in *Persuasion*, is an “unsupported woman, reduced to bare existence, without husband, society or friends,” (Duckworth *TIOTE* 3; Austen *P* 160). Her failing health and lack of funds forces her to reside in two small, rented rooms--“a noisy parlour, and a dark bedroom”-- in the decidedly down-market Westgate Buildings in Bath after her deceased husband’s investments utterly collapse, hastened by an unscrupulous William Elliot who had been acting as his attorney (Austen *P* 125-6). Mrs. Smith’s greatly reduced circumstances force her to eke out a meager living making “little thread-cases, pin-cushions and card-racks” sold through her part-time attendant, Nurse Rooke, further underscoring the potentially deleterious consequences where men fail to either provide for or designate separate female rights in property and wealth (Austen *P* 125-6).¹²⁵

Austen’s focus is not limited to the young, marriageable heroines of her novels, the Bennet sisters of *Pride and Prejudice*, the Dashwood sisters of *Sense and Sensibility*, Fanny Price in *Mansfield Park*, or Anne Elliot in *Persuasion*, when revealing the problem of female displacement through the deprivation of rights in land and wealth. Her novels are thick with secondary, and even peripheral female characters, whether single, married, or even divorced, whose presence in her texts exposes a range of displacement situations, and the resulting uncertainty it engenders since the law and social conventions offer these

women few options beyond marriage to avoid destitution. From Harriet Smith, the “natural daughter of somebody,” in *Emma*, whose maturity signals her shift from pupil to parlour-boarder, making her a tentative lodger at Mrs. Goddard’s school, to the elder Eliza of *Sense and Sensibility*, an orphaned heiress who is financially and physically exploited before being divorced by a brutish husband, expelled from her childhood home, only to end her days in debtor’s prison, Austen’s overarching concern seems to be describing the potential fate of women whose often compelled reliance on men can leave them with uncertain rights in property and with no home, regardless of their class or marital status (Austen *E* 19; *SS* 154-155; *PP* 218). Duckworth concludes that the displaced female “haunts all of [Austen’s] novels,” appearing in many characters including Miss Bates, or prefiguring an older Jane Fairfax or Anne Elliot had they remained “socially unrescued,” (Duckworth *TIOTE* 3). To understand how Austen’s fictions respond to contemporary socio-legal mechanisms that disconnected women from home and community, it is essential first to examine the changing legal landscape in which Austen was writing, particularly the increased use of strict settlements, the imperative to accumulate property among the landed classes through enclosure, and certainly the institution of marriage which divested women of any property rights not sequestered by a pre-marital trust, since these were the most common means of depriving women of any rights in property or place.

Lord Hardwicke’s Act and the Rise of Marriage-Centric Plots

Like so many of the remarks about marriage in her letters, Austen’s novels often strip bare the marriage conventions that by the eighteenth century regularly “disconnected women from their consanguineal families” and left them with little or no

financial means to self-support (Perry *NR* 235). How a marriage was formed and conceived was due in large measure to the recently enacted Lord Hardwicke's Act of 1753, which also dictated who were parties and parties-of-interest to a marriage, and decreed that any non-conforming marriage was void *ab initio*.¹²⁶ The result was that common law marriage practices that once had given women some parity in the formation of the marital relationship were deemed unlawful because such informal arrangements could divert male rights in inheriting land. At the same time, the new marriage law imbued families with much more say in the marriage arrangement than ecclesiastical law which had overseen marriage practices and had governed rights in chattel (non-land) property for generations prior. The practices developed in the decades following Lord Hardwicke's Act further "reduced women's rights to reasonable parts of their father's or husband's moveable goods" (Perry *NR* 47).¹²⁷ Not only did women's ability to inherit family property contract, but "women in this period had no place in their families of origin," since upon reaching marriageable age they were expected "to seek homes elsewhere," becoming figurative, if not actual orphans or exiles (Perry *NR* 50). This usually meant that women were compelled to marry, and then assimilate into their husband's family, circumstances regularly reflected in Austen's novels.

The custom for a woman to reside in her husband's home upon marriage was part of ritual of transfer that involved a woman's property interests and her marriage portion, as well as the transference of her physical person along with an expected shift of allegiance from her "consanguineal" to her new "conjugal" kin (Perry *NR* 51). Separating women from their birth family and home upon marriage became increasingly prevalent during the eighteenth century as "the older common law concept of marriage as

status...crumbled when challenged by contract ideas” that were part of the re-conception of marriage enshrined in Lord Hardwicke’s Act (Staves 4). By redefining the relationship between husband and wife, and the duties and rights between parents and children, Hardwicke’s Act deepened patriarchal structures while supplanting common law social organization and practices that had given women some say in who they married and how their property was disposed.¹²⁸ Fathers were now the primary “political and legal actors, acting publicly for themselves and as representatives of the women and children subordinated to them and dependent upon them,” while daughters were increasingly viewed as “free-standing individuals” because it was anticipated that they would soon be disconnected from their birth families and depart upon marriage (Staves 4; Perry *NR* 42). This shift in the configuration of family is reflected in novels of the period, particularly those written by women, since they often “register this sense of protagonists being unfairly de-legitimized, of rightful inheritors having to make their own way in the world,” and daughters being viewed as “temporary, partial, and burdensome” interlopers within a family corporation (Perry *NR* 42).

Although her novels all resolve with one or more weddings, Austen’s narratives simultaneously demonstrate the unreliability of marriage as providing a home and support for women because they persistently show that marriage is no guarantor of women’s security as evidenced by the marriages of Mrs. Bennet, Mrs. Dashwood, and *Persuasions*’s Mrs. Smith, and underscored by Mary Crawford’s cynical condemnation of wedlock as a “manoeuvring business,” (*MP* 37). The persistent presence of destabilizing marriages in her novels suggests Austen’s unsentimental approach to a reality in which so many enter the marital state with the expectation of some advantage

only to find themselves “entirely deceived,” about the property, rank, personality, or prospects of their spouse or their own status and situation thereafter (*MP* 37). Her representations of marriage demonstrate a broad skepticism of it as a panacea for remedying women’s limited opportunities to improve or at least stabilize their economic and social circumstances, thus also raising questions as to whether the marriage plot itself really is the “grand feature” of Austen’s mature novels as most scholars contend (V. Jones 285).

Austen’s representation of marriage in her novels seems consistent with many of the comments from her surviving letters that show both ambivalence and pragmatism toward an arrangement that was intended to, at the least, provide a residence to an otherwise displaced woman. Thus, Elizabeth Bennet, threatened with dispossession from Longbourn upon her father’s death has her situation permanently resolved when she becomes the mistress of Pemberley, while Jane Bennet takes up residence at an estate thirty miles from her sister which Bingley finally purchases outright so that he can implant his family firmly into the landed gentry (*PP* 295). Similarly, by novel’s end the dispossessed Elinor Dashwood is respectably settled with Edward Ferrars at the Delaford Parsonage which she has fully redecorated to make it her own, while Marianne is now the mistress of Delaford Mansion House, having acquired both a new home and the status of “patroness of a village” (*SS* 285, 288). For Austen, women who are displaced or face potential displacement invariably marry to achieve a home since marriage is the only practical option available.¹²⁹ Thus, illegitimate and tenuously-housed Harriet Smith, “a good-tempered, soft-hearted girl” might have found “happiness with any good tempered man,” but she marries tenant-farmer Robert Martin because he offered her a home with

“the hope of more, of security, stability...” (Austen *E* 430, 438). The trajectory of Austen’s plots always moves towards achieving secure and stable homes for her displaced heroines.

In contrast, Emma “with a comfortable home” where she had been mistress from an early age, manages to remain at her family estate after marrying, a plot turn so unusual that the omniscient narrator must intrude to remind readers that “very few men in a rank of life to address Emma would have renounced their own home” for their future wife’s (Austen *E* 3, 439-440). Austen draws attention to this radical development to show that custom can be circumvented, and women can remain in their familial residence after marriage under the right circumstances. A plausible justification for this reversal may have been concocted—Mr. Woodhouse’s anxiety about recent chicken thefts—but this does not diminish the subversion of a marriage practice that by the time Austen was writing was treated as expected, if not also mandatory. The implication Austen makes is that the customs of marriage are flexible and subject to negotiation, at least in those circumstances where the woman has some independent wealth and a strong connection to place. Certainly, in Austen’s novels marriage is rarely offered as a resolution for her heroines unless they are displaced or threatened with displacement, and require the stability of a home that marriage can provide, or as with Emma, a plausible circumstance can be contrived so that she can retain her authority while remaining in her familial home.

Austen wrote at a time when marriage itself was being redefined, shifting from a personal relationship between two parties which could be formed without benefit of clergy, familial approbation, or much formality, and was transformed into a legal contract

with defined and regulated parameters, duties, and constraints as prescribed by Lord Hardwicke's Act which set twenty-one as the age when parental consent was no longer required for both men and women, and made marriage a public event with the mandatory publication of marriage banns for three consecutive weeks.¹³⁰ No longer encompassing the rights of the nuptial parties alone, this Act made clear that marriage materially affected the property interests of extended family members, and particularly those of parents or guardians who had the authority to control land and wealth, direct a woman's inheritance, marriage portion, and even her sexuality, making marriage more a commercial enterprise for the transference and control of assets, and women merely factors of transmission (Perry *NR 35, 277*). At the same time, centuries of common law marriage practices were dropping away under the new marriage law and attendant customs. Clandestine or secret marriages formed by mutual promises of perpetual fidelity, cohabitation, and sexual consummation, or through informal ceremonies such as "jumping over a stick," all common methods of marrying for generations, were rendered archaic, and any future relationships so formed were deemed void from the onset (Perry *NR 210, 277-78*).

Instituted only a generation before Austen's birth this new contractual definition of marriage emanating from the 1753 Act was intended to give family members legally cognizable interests in regulating when one could marry, and who one married by requiring parental consent for both males and females under age twenty-one, and by custom extending this practice to parties above the age of consent among the propertied classes. The consent provision also implicitly empowered the woman's parents or guardians to negotiate the marriage settlement terms with a prospective husband and his

family, without any requirement to notify or even consult with the bride, demonstrating her further disempowerment. Hardwicke's Act ostensibly consolidated and made mandatory practices that imbued what was primarily a cabal of men with the authority of directing the marriage union and its associated property rights, including female reproduction since lawful marriage was determinative of legitimate heirs (Perry *NR* 277-8, 34; Staves 214-15; Erickson 5). Moreover, the Act transformed marriage from a private arrangement to a public spectacle, requiring an open ceremony performed by an ordained Anglican minister, and the publication of banns for three consecutive weeks announcing the prospective union, thereby "changing the jurisdiction of marriage from the church to the state," and effectively secularizing the rules about what constituted a lawful marriage (Perry *NR* 205, 278).¹³¹ Since one of the Act's primary purposes was to prevent women from forming unsanctioned relationships and perhaps producing children without familial knowledge and consent which could potentially disrupt lines of inheritance, marriage emerged as "the key to the consolidation and transfer of property across generations" (Perry *NR* 217).

Historian Lawrence Stone argues that this shift in marriage actually accelerated the transition from dynastic marriages predicated on the perpetuation of wealth along male lines, to a more modern form of nuptial union grounded in mutual affection, a desire for companionship, which he sees as "bolstered by the emergence of individualism" (Stone *FSM* 99, qtd in Perry *NR* 192-3).¹³² In contrast, Ruth Perry challenges Stone's thesis as a "male-centered fantasy" about marriage by noting that the consolidation of family and familial assets that occurred in the wake of Lord Hardwicke's Act was less a function of mutual attraction, and more the product of economics (Perry *NR* 217, fn8, 195). For

Perry, the rapidly shrinking social network that a woman encountered upon marrying signified a concomitant reduction in her prospects for personal and financial autonomy, particularly as marriage almost always signaled a physical displacement from her own community, and her containment within the confines of her husband's domestic domain (Perry *NR* 221).

At the same time that female rights were being reduced by marriage, there was an expansion of male prospects because marriage became the chief means for many men to accumulate and consolidate valuable assets, particularly land (Perry *NR* 221, 230). Perry suggests that Stone erroneously characterizes marriage as an increasingly equitable proposition from his misreading of contemporary conduct books that were written primarily by men to encourage women to self-educate so that they might converse with their husbands intelligently and instruct their children (Perry *NR* 193-4). Re-characterizing Stone's terminology of "companionate marriage" to "privatized marriage" Perry argues that the latter term more accurately expresses the relationship of wedlock to the burgeoning capitalism, rampant consumerism, and the imperative to privately accumulate wealth and property that consumed the middle and upper classes in the late eighteenth century often through marriage. As a result, "marriage was the linchpin of a system that transferred the sexual, social, productive and reproductive services of women" from their (consanguineal) birth family, to their (conjugal) married relations (Perry *NR* 193, 196). Moreover, this arrangement reinforced the power imbalance in the marital relationship by bolstering the hierarchy in which men acquired all the power and property, and women were little more than subjects to their husband's desires and authority.¹³³

Since fictions generally reflect the concerns of the culture from which they arise it is hardly surprising that so many works produced in the latter half of the eighteenth century and into the nineteenth have at their core plots of female displacement that are primarily associated with marriage, illicit arrangements, and disinheritance. While the representation of life in fictions “is never transparently mimetic,” these stories do represent the kind of “anxiety about family membership” experienced by women who are “cast out of a family” and must enter a new group through marriage, either because they are themselves transmitters of property or, as is the case in most of Austen’s novels, her heroines lack property entirely and are often disinherited, thus necessitating their submission to marriage to stabilize their socio-economic circumstances (Perry NR 8). In novels such as Samuel Richardson’s *Clarissa* (1743), Clara Reeve’s *The Old English Baron* (1777), Frances Burney’s *Evelina* (1778) and *Cecilia* (1782), and Ann Radcliffe’s *The Mysteries of Udolpho* (1794), to name but a few of the fictions Austen was consuming as she embarked on her own writing career, courtship and the familial pressures to wed are often depicted as fraught with perils, with marriage frequently portrayed as a necessary, rather than a desirous outcome to counter female disinheritance and dispossession (Perry NR 7, 9, 42-43, 391). Indeed, as Perry observes, “it is difficult to think of a single novel in which no woman is pressured to marry against her will—or not to marry where she wishes—because of some family exigency,” (Perry NR 54). While the marriage or courtship plot increasingly became the “master narrative” of the late eighteenth and early nineteenth centuries, these fictions also “look like the story of women scrambling to find new homes and to negotiate new families” rather than the

stories of romance and companionship that they are often interpreted as representing, and certainly Austen's novels fit this profile (Perry *NR* 7).

Austen's Cover Story: Contesting the Marriage Plot Through the Property Plot

There seems to be a disjunction between the representation of marriage in fictions of the eighteenth and nineteenth centuries that situate it as a triumphant and satisfying resolution for their heroines, and the historic circumstances of marriage in which most women were reduced to legal nullities and economic dependants, wholly reliant on the prudence and largesse of their male relations. In exchange for a home and the status of being a married woman, is the concomitant loss of autonomy because marriage demanded obedience and subservience. Because Austen's novels invariably orchestrate the trajectory of her heroines towards a culminating nuptial alliance, her mature works are viewed as adhering to the marriage-plot paradigm with its singular aim of "pairing off female and male protagonists" in a fantasy of nuptial harmony (O'Connell 364, 384; White 71).¹³⁴ The overwhelming consensus of literary criticism over generations is that Austen's primary narrative goal is to propel her female characters to the altar which and the containment and suppression of her lively "heroines' dynamism and fancy— ruthlessly reining in their spheres of energy, activity, and even fantasy" by compelling their entering a relationship that was designed to be dominated by and benefit men (Kreisel 217). For those taking this view, marriage functions as the mechanism by which Austen knowingly finishes-off her heroines by making it the "only destiny possible to women who were trained for nothing else", according to feminist critic Carolyn Heilbrun, who complains that Austen's marriage endings offer a "too simple" and too neat response

to women's real social, political, and moral dilemmas (Heilbrun *WWCOA* 25; *MP* 165).¹³⁵ Like so many critics who see Austen as complicit with the patriarchal restraints imposed on women's lives and finances, Heilbrun concludes that Austen constructs heroines who can expect "at best contentment, at worst a kind of vague disquiet," and thus the author does little more than report on women's social-legal situation, rather than assail it (Heilbrun *WWCOA* 25).

Other Austen scholars such as Vivien Jones are somewhat kinder and more sensitive to the tightrope Austen must walk in questioning contemporary property and marriage practices while achieving publication, suggesting that Austen's works show an "awareness of the financial and therefore vulnerability of women of her class" in which marriage is the only realistic outcome for her "financially precarious heroines" (V. Jones 285-8). Similarly, both Laura Mooneyham White and Claudia Johnson offer some justification for Austen's routinized use of the marriage ending by reading it as a more benign, albeit a necessary structural goal signifying the heroine's maturation and her readiness to join society even if she also is metaphorically subsumed into her husband, with Johnson defending the centrality of marriage in Austen's novels as "the best possible arrangement" in a world where women have few other options (White 73-74, 83; Johnson *WPN* 89).¹³⁶ Laura Baudot even suggests that Austen's inclusion of quotidian details such as Catherine Morland's discovery of the washing bills in *Northanger Abbey* "bring to the reader's attention...the material facts that the marriage plot represses," thereby overriding the surface fantasies inherent in courtship narratives by disclosing the economic and corporeal realities of marriage (Baudot 331, 334-5). Yet, even when her novels are credited with providing some limited criticism of the constricted role accorded

women within and outside of marriage, the overwhelming consensus is that “the marriage plot is the preoccupation” of Austen because she resolves all her novels with seemingly happy nuptial endings (Livingston 85, 3). Whether Austen’s writings are viewed as repressing female aspirations and autonomy through narratives that romanticize courtship and marriage, or they endeavor to expose the genre’s pretenses to realism by demonstrating that these fictions “blind female readers to facts about marriage and courtship,” her works are invariably defined as centering solely on the process of courtship leading to marriage (Baudot 332).

Although Austen scholars generally consider marriage the central feature of all her novels, it must be emphasized that Austen’s heroines only marry where it resolves their social or physical dislocation, with the sole exception of Emma. At the same time, her novels are crammed with bad marriages and cautionary domestic episodes that reveal the dangers of imprudent matches. Even if her plots make marriage seem inevitable, they also invariably postpone wedlock until both partners have undergone considerable re-assessment and re-adjustment of their moral and social values to make this solution palatable, if not preferable to the heroine’s alternative of comparative poverty, dependence, and even homelessness. What seems more significant however, is that Austen’s marriage endings which are generally viewed as the hallmark of her novels are such predictable and perfunctory resolutions that one must suspect they are routinized to make her novels conform to contemporary literary tastes and modes of women’s fiction, rather than representing her desire to return women to their natural and subservient place. Although critics such as Heilbrun disparagingly liken Austen’s happy nuptial endings to the escapist fantasies of modern romance novels, Lloyd Brown and Margaret Kirkham

among others, find an undercurrent of feminist thinking in Austen's novels because she repeatedly questions masculine assumptions about women, and even dramatizes many of Mary Wollstonecraft's arguments through her female characters (L. Brown 324; Kirkham 162; qtd. in Marshall at p. 39). As Brown explains, the focus on marriage as a narrative goal in the novels does not necessarily mean that Austen accepts the idea that women instinctually need marriage, or that she is signaling her approbation of an arrangement that she knew furthered women's dependency and assured that their primary function was child-bearing. Instead, he posits that her "satiric treatment of love and marriage is not about her own pathological fear of sexuality nor any "spinsterly envy," of her married friends and relations, but more a product of "the feminist's skepticism...about the way in which both have functioned in the woman's identity," (L. Brown 324-5). Brown points to Anne Elliot's fairly explicit questioning of man's domination in education, literature and history, and the advantages this confers on them as evidence of Austen articulating a challenge to women's role in conventional marriage and particularly to marriage's unequal hierarchical nature. The point is that by treating marriage as the core of Austen's narratives and indicative of her condoning its confining effects on women, most critics miss the fact that roiling just below the surface of all her plots is a much more politically-charged story designed to question if not undermine a socio-legal landscape that makes the lives of most women very precarious.

As discussed in the previous chapter, it is significant that Austen's juvenile stories more often begin with, and rarely end in marriage. In stories such as "Love and Freindship" and "Henry and Eliza," marriage is the starting point for a female character's troubles including impoverishment, disinheritance, and dislocation. Since Austen's

mature novels both borrow and evolve from these early works, it also seems likely that her mature plots are adaptations of these stories, in whole or part, with her marriage endings contrived to assuage publishers' concerns about meeting the public's expectations. The key, however, is that Austen manages to provide marital endings without fundamentally altering her underlying challenge to eighteenth-century gender relations and particularly to the problem of women's displacement which is often a function of marriage. For Margaret Doody, "Austen's advance to the Long Novel... was a process of accommodation," however, where Doody sees Austen's adaptation as primarily stylistic since changing times demanded that she suppress the Augustan wit and sparkle she had inherited, I contend that in this process of adjustment Austen also retooled the formulaic marriage plot to facilitate her works' publication while carving-out space within her narratives to question the mechanisms that impoverish women and render them disconnected from home and community (Doody *TSF* 88). Marshall and Kirkham reach similar conclusions in their "feminist rereading" of Austen by finding that the author's famous irony serves as subtext for more pointed discussions of women's lot. According to Kirkham, "Jane Austen learned to tell the truth through a middling irony which 'dull elves' might misread, but which she hoped readers of sense and ingenuity would not" (Marshall 39; Kirkham 162). How Austen accomplished this subterfuge is suggested by Joseph Allen Boone in his study of the social ideologies that shape the "novelistic marriage tradition," in which he concludes that slippages in the dominant discourse provide opportunities for simultaneous counter-narratives to emerge as "a small but subversive attack upon the evolving hegemony of the marriage tradition in Anglo-American fiction" (Boone 2). I suggest that for Austen the marriage plot served as just

such a slippage point, using the formulaic structure of this narrative form as the cover story while enabling her to mount a subtle, but persistent campaign to question the social imperative of marriage. This formulaic construction allows the creation of tableaux that reveal the often disheartening realities of women's lives, including how they are too often infantilized, disinherited, and displaced, both within and outside of marriage. Austen's fiction, particularly her six mature novels, therefore function as counter-narratives despite their superficial conformity to the marriage-plot paradigm which she uses as camouflage for her consistent subversion of those iniquitous inheritance, property and marriage practices that disinherited women and disconnected them from home, property, and community.

Coverture: Consolidating Masculine Authority through the Divestiture of
Woman's Property

During Austen's lifetime an increasing network of interconnected social customs, laws, and legal practices regulated, contained, and eliminated female property rights beginning with marriage itself since the common law practice of *coverture* permanently transmuted a woman's wealth, person, and property to her husband's exclusive ownership, control, and jurisdiction once they wed.¹³⁷ This meant that all property belonging to a wife at the time of her marriage irrevocably became the property of her husband in the absence of an express pre-marital agreement or established trust, and any property, income, or earnings inuring to the wife during the marriage also became the husband's irrevocably (Blackstone 189).¹³⁸ This circumstance is made particularly visible in the case of Lady Caroline Norton, a professional poet and novelist, whose wastrel husband Godfrey Norton, threatened and even sued her publishers from time-to-time in

his bid to possess all of his wife's earnings from her writing.¹³⁹ After years of acrimonious fighting and even witnessed physical abuse by Mr. Norton against his wife, the couple separated and entered a written agreement that enumerated the terms of their financial arrangement, including expressly providing that Lady Caroline could keep her earnings in lieu of her husband paying her support (Norton *CND* 21, 28-29, 31). Nevertheless, her husband periodically laid claim to her earnings by "dunning" her publishers while paying her no support, with complicit courts refusing to enforce their separation agreement since, as a married woman, Norton was a legal non-entity and therefore lacked the legal existence needed to enter the agreement on her own behalf in the first place (Norton *CND* 25, 29). Their arrangement was treated as a nullity, and therefore void and unenforceable, a result Norton later bitterly complained about in her lengthy 1853 essay excoriating *English Laws for Women*: "The names of my publishers occur as if they were Mr. Norton's bankers," she asserts (Norton *CND* 25). The courts directed that her earnings go to her husband, while providing her with absolutely no legal recourse even though he failed to pay her the support that coverture presumes would be made since she was viewed as having "voluntarily" left the marital residence.

A vigorous campaigner for women's legal rights during the first half of the nineteenth century, Norton's writings repeatedly compared women's negated and disempowered status to slavery: "When I, like the slave Norris, endeavoured to struggle against the gross breach of faith,-- I was informed that by the law of England, '*a married woman could not make a contract, or have monies of her own,*'" (Norton *CND* 18, emphasis in text). Calling for the total elimination of coverture, Norton argues that since other unjust laws had been reversed, "why should unjust laws for women be more

permanent than other unjust laws?” (Norton *CND* 6).¹⁴⁰ Her repeated and very public railings against “the defective state of Laws for Women in England,” detailed their untenable position which rendered women the “more helpless classes...set apart as not having free control of their own destinies,” since they were denied even the most basic protections for home and support with “redress *impossible*” (Norton *CND* 14, emphasis in text). As barrister and legal scholar Peregrine Bingham succinctly explains in his 1848 treatise on coverture, married women were situated “in matters of contract, to a greater disability even than infants,” since the contracts of infants were merely voidable, but the contracts of married women were “absolutely void” meaning that wives lacked even the limited authority of children to buy provisions or lease a residence, leaving them unable to achieve the most basic necessities without a husband’s authorization. Children could affirm their contracts upon majority, but married women could not transform themselves to acquire any legal authority, even if later widowed (Bingham 180). Indeed, even a wife’s physical person was not hers to control under coverture as “the courts of law still permitted a husband to restrain his wife of her liberty, in case of any gross behavior,” reinforcing both the patriarchal and hierarchical nature of marriage (Blackstone 190). Wives were relegated to the status of naughty child and made the object of a husband’s unchecked although lawful discipline and dominion. Writing shortly after Austen, Norton’s complaints excoriate those laws and practices that intentionally deprived women of their property, and particularly assailed the way married women were denied even the most basic protections under the law, reiterating many of the issues that Austen’s novels already raised about the impact of coverture.

Although Austen never explicitly references coverture in her novels, she does weave into their fabric evidence of its impact on wives and daughters. In *Persuasion* for example, there had been “moderation and economy” in the household while Lady Elliot was alive, but “with her died all such right-mindedness” ended (Austen *P* 14). Sir Walter may have ceded household oversight to his wife, but after her death his unchecked authority over family wealth and finances for over thirteen years results in “heavy bills” and the depletion of his wife’s ten-thousand pound marriage portion so that “only a small part” of the money remained for his daughters (Austen *P* 10, 14, 200). Sir Walter’s unconstrained right to spend the legacy his wife intended for her daughters, leaves assets severely depleted. Likewise, Mr. Bennet makes no plan for his family’s financial future despite the certainty that an entail will divert his estate and the income derived therefrom away from his wife and daughters after his death. Although these are not the only husbands and fathers in Austen’s novels whose dubious ability to manage and retain money to which coverture entitles them, threatens the future stability of their female relations, by highlighting the incompetency of these men Austen makes obvious the dangers attendant with a system that is skewed in favor of masculine oversight of assets, while denying women, whether wives or daughters, the financial means to provide for themselves. Coverture was a key social practice that made married women wholly reliant on men who might not have the competence or the will to provide. It is little wonder that Mrs. Bennet’s biggest fear is homelessness and comparative penury, repeatedly fretting that “the Collinses will turn us out, before [her husband] is cold in the grave,” and warning daughter Elizabeth that, “I do not know who is to maintain you when your father is dead.—*I shall not be able to keep you,*” (*PP* 218, 87 emphasis in text).

Austen also demonstrates a father or husband's often detrimental and overbearing exercise of his authority as with *Mansfield Park*'s Mr. Price, whose loutish conduct bullies and belittles his family: "he was more negligent of his family, his habits were worse, and his manners coarser...he swore and he drank, he was dirty and gross," observes his eldest daughter upon returning to her family (Austen *MP* 305). Here, Austen reminds that in the hierarchy of marriage there must be "submission and expediency" to the father as head of household, so that the limited funds from Mr. Price's "small income" must first pay for his "rum and water," even though his "superfluity of children" are hungry and "begging for toasted cheese," (Austen *MP* 304,306, 312).¹⁴¹ Austen repeatedly reveals the hierarchical nature of marriage, in which the husband's wants must take precedence even in small things, as when Mr. Price sits and reads his "borrowed" newspaper, commandeering the household's "solitary candle," while his daughter is literally in the dark, and his wife is reduced to little more than a servant: "I often do half the work myself" Mrs. Price informs Fanny (Austen *MP* 4, 300, 303). Although Fanny has been away for over eight years, her father scarcely notices her except "to make her the object of a coarse joke," a phrase suggesting that his remarks are both sexual in nature and degrading, and thus symptomatic of the kind of masculine swagger and bullying enabled by a configuration of marriage that imbues all authority and control of household property and income in the man (Austen *MP* 306).

While these are relatively benign instances of the way coverture enabled a patriarchal dominion that often placed women's security of place and person in jeopardy, on the peripheries of her novels Austen provides hints at more deleterious, even sinister consequences of the inequity of marriage, particularly where it is entered purely for

profit. In *Persuasion*, William Elliot's wholly mercenary marriage to a wealthy woman for whom he had no feelings and who was socially beneath him was driven entirely by his desire to "make his fortune" without earning it, a point reinforced by his openly acknowledging that "money, money was all that he wanted" (Austen *P* 160-61). Once wed, he rapidly ran through his wife's great fortune, and after her death he began borrowing from Colonel Wallis to sustain his extravagant lifestyle until he could gain the baronetage and the Kellynch estate which he planned to promptly sell.¹⁴² More worrying is the first-hand account of Anne's friend, Mrs. Smith, who had many opportunities to observe Mr. Elliot and his wife, and concludes that he was "very unkind" to his wife, and he made her "wretched," words that gesture toward possible physical cruelty, and certainly mental abuse and neglect (Austen *P* 170). Austen even hints at masculine exploitation and mistreatment as recounted in *Sense and Sensibility* by Colonel Brandon about his cousin and first love, Eliza, an heiress who was forced by his father, her guardian, into marriage with his older brother who not only had "no regard for her," but had much regard for her money which he acquired upon marriage. There also is the strong implication of sexual and physical abuse when Brandon explains that his brother's "pleasures were not what they ought to have been, and from the first he treated her unkindly," (Austen *SS* 154). Austen enumerates a range of abuses facilitated by coverture which took away women's legal status, women's property, and indeed most human rights within the marriage, so that wives were left to hope for a benevolent despot, but often did not find one. The satisfactory marriage ending that appears at the heart of Austen's narratives, overlays how within each novel there is evidence of the same wariness about marriage expressed in her surviving letters, and a depiction of the precarious, even

dangerous nature of the marital state for women. By providing examples of women's powerlessness, misery, financial uncertainty, and even physical mistreatment from husbands who control all their property and have unfettered authority over them, Austen gives some indication that her narratives may be less about happy nuptial resolutions and more a cautionary message to women about the inherent inequities when entering the marriage relationship.

Consent at Any Age: The Authorization of Familial Interference

Further circumscribing a woman's rights in marriage was the regulation and regularization of marriage imposed by Lord Hardwicke's Act, the first statutory substitute for the customary marriage practices that had been employed for centuries. Among the key provisions of this Act was the requirement that no one under the age of twenty-one could marry without parental consent, and that with few religious exceptions, all marriages had to be publicly announced by the publishing of banns for three weeks before the performance of the marriage ceremony which must be overseen by a duly ordained member of the Church of England. Enacted only a generation before Austen's birth, this law's consent requirement gave families greater authority to grant or withhold authorization to wed, gaining legally-sanctioned control over who one married, when marriage occurred, and the terms of the marriage settlement. By empowering parents to grant or withhold consent, they could, and often did dictate the terms of any attendant property exchanges, and even determine the legitimacy of children born to a couple since marriage was no longer a private matter between a man and woman, but had become the subject of "public interest and social regulation" (Perry *NR* 179). As a result, fictions produced in the second half of the eighteenth century and well into the nineteenth century

frequently detail the impact of this law, particularly showing how it transformed marriage into one of the chief causes for the displacement of middle and upper class women.

During this period the nature of family relationships underwent a transformation, fueled in large measure by the general societal shift to a market economy which strengthened the impetus to aggregate and redistribute land, while the rise of a middle class whose commercial and professional practices were grounded in buying and selling, fostered the notion that marriage too was merely a negotiated deal (Perry *NR 277-279*). In this milieu, marriage served as a primary means for transferring or retaining family wealth, particularly land, while conveying a woman's physical person to others since she literally was given to her husband by the very words of the marriage ceremony, passed from father to waiting spouse. The overall effect was to leave women with little or no independent property and few personal rights.

However, fictions of the period often took particular aim at the very real problems presented by the consent and public notice provisions of this newly-implemented marriage law, such as the anonymously written, *The Histories of Some of the Penitents in the Magdalen House* (1760). Published only a few years after Hardwicke's Act took effect, *The Magdalen House* openly critiques a law designed to disempower and displace woman.¹⁴³ Amongst the several personal histories of the residents of this femino-centric community of outcast women is the story of a trader's daughter from the country who consents to a secret marriage with a university gentleman after rebuffing his attempts at making her his mistress. Although the couple lived together for several years, because she was both underage at the time of the marriage and the ceremony was clandestine and thus did not strictly conform to the consent and public banns provisions of the new

marriage law, when this academic man grew tired of his “wife” he evoked the tenets of Hardwicke’s Act which he knew about but she did not, and he was able to invalidate the marriage, leaving her destitute (*Magdalen House* 88-9; see also, Perry *NR* 277). In this episode, the affected woman recounts how her desperate situation grew worse when all her entreaties to her father for help result in his disclaiming “so shameless a daughter,” her shame being that she willingly made a marriage without his consent despite the law’s requirement that he be consulted and agree (*Magdalen House* 88).

Ruth Perry aligns this story with many others produced in the decades after the passage of Hardwicke’s Act, because it exemplifies the way fiction “dramatizes how the new requirements for a valid marriage rendered women more vulnerable than ever before” (Perry *NR* 277). Austen’s novels similarly reflect the increased perils for women now that marriage was reconceived as a commercial relationship requiring the imprimatur of both family and state to be valid, a requirement that was imposed as necessary for the valid transmission of wealth and the determination of ownership. Writing during this period of socio-political changes, Austen’s novels are mimetic of a world she is closely-observing, recording, and commenting on from her peculiar vantage straddling the boundary between the gentry and the commercial classes, particularly as these recent changes to marriage and inheritance customs were profoundly effecting women’s place and their rights to remain where they chose. During Austen’s lifetime, marriage under Hardwicke’s Act was directly aligned with a bundle of other laws and practices that channeled property primarily to men, which in addition to coverture also included: the supplanting of a widow’s common law rights of dower in favor of the contractually negotiated jointure¹⁴⁴; and, the accelerated use of enclosures, both private

and Parliamentary, privatizing once open and common lands by allowing wealthy landowners to expand their holdings at the expense of tenants, villagers and small farmers.¹⁴⁵ Beginning in the mid-eighteenth century and continuing to the end of the nineteenth century, these interrelated legal practices transformed marriage into a legally-defined rather than a church-sanctioned relationship, and an arrangement that primarily enriched men who were the vast majority of landowners. By giving husbands, fathers and brothers the right to regulate and control the property of their female relations, women were reduced to a “special status” of dependency and subordination, and once they married, their circumstance narrowed further since they became a nullity at law with any former individual legal rights no longer cognizable (Holcombe 25).¹⁴⁶ In addition, by requiring parental consent to marry for both men and women, bequests both testamentary and *inter vivos*, became the means of compelling compliance with family wishes and aspirations.¹⁴⁷ Hardwicke’s Act placed an increased burden on women to be compliant to assure a continued residence, support, and maintenance for themselves and their children. If women took any rebellious stance, husbands could turn to this law to avoid financial responsibility for any child not born in strict compliance with its legal requirements, even refusing to provide necessities to a wife who is deemed recalcitrant as Caroline Norton can attest (Perry *NR* 278).

Perhaps more important is the fact that because marriage could disrupt inheritance, the landed classes routinely secured parental consent consistent with the tenets of Hardwicke’s Act even if one or both of the parties were over twenty-one and legally not obligated to gain parental approbation. This practice repeatedly appears in Austen’s mature novels, with parental consent being sought even where the parties do not

require it.¹⁴⁸ In *Northanger Abbey* for example, Henry Tilney seeks the consent of his father to marry Catherine Morland, although he is well above the age of consent and the Morlands readily consent on behalf of Catherine. Since Henry is a clergyman with a modest independent living, to be assured of getting his full share of any inheritance from his father, Henry felt that General Tilney's "*consent* was all that they wished for," and it only was given once the General was assured that Catherine came from a respectable family and she had a £3,000 marriage portion (*NA* 238, 239, emphasis in text). Austen repeatedly demonstrates that among the propertied middle and upper classes obtaining consent was expected since it assured the couple a share in family fortunes, land, and appropriate alliances. By the end of the eighteenth century, securing parental approval was viewed as mandatory regardless of age since fathers (or mothers, if a widow) might wish to "advance their own visions of dynastic or familial interests," through their children's or ward's marriages (Staves 117). Consent assured that a daughter received her full marriage portion and any additional benefits that were within her parents' power to bestow, or that a son was not disinherited (Staves 117). In just a few decades, the provisions of Hardwicke's Act had become firmly embedded as a customary practice among the English monied and propertied classes.¹⁴⁹

Austen regularly critiques the imperative of parental consent by showing how it is all too often wielded capriciously to further the parent's aspirations at the expense of the child, as is the case with Edward Ferrars in *Sense and Sensibility*, who fails to gain his mother's consent to marry the portionless orphan Lucy Steele to whom he had been "secretly" engaged for years. When he repudiates his mother's preference for Miss Morton, an heiress with £30,000, Edward is promptly disinherited and left without the

means to marry anyone. Despite his history of “duty” and “affection” to his mother, his refusal to yield to her wishes eclipses any past filial devotion, with his mother vowing to “do all in her power to prevent his advancing...” which also stymies Lucy’s chance for a home, position, and economic security (Austen *SS* 200-201). But with Austen, there always is a subversion of harshly imposed parental authority. Mrs. Ferrars may have rescinded Edward’s inheritance by promptly “talking over the business” with her lawyer and irrevocably settling the entirety of her estate on her younger son, Robert, but this act unintentionally facilitates Robert’s ability to marry that same Lucy Steele whose affections miraculously shift from one brother to the other with the transference of wealth. Lucy’s lawful, but private marriage to Robert effectively nullifies the impact of Mrs. Ferrars’s refusing consent to Edward, and indeed, Robert boasts of how he defied his mother’s authority when he declares that he is “very proud of marrying privately without his mother’s consent,” (Austen *SS* 200-202, 168, 286; Staves 117).

Here, as elsewhere in her novels, Austen condemns the mischief that can be done by parents who abuse their power to sanction or prevent a marriage, but she also invariably undermines that authority by showing that children can persist until they secure consent, or they can rebel against it and repudiate the need for parental approbation. Even more significant is that her plots are configured so that any unjust withholding of consent eventually turns to the benefit of a displaced woman such as Lucy Steele. Although deceitful, maneuvering, even malicious in her communications with the silently suffering Elinor, Lucy and her sister are more precariously clinging to middle class respectability than the Dashwoods, as they circulate among the homes of friends and relations with little hope of acquiring a permanent residence in the absence of

marriage (Austen SS 100-101, 278). With only her prettiness and cunning to counter her limited prospects, Lucy must sacrifice “time and conscience,” in “securing every advantage of fortune,” in order to marry well (SS 286-7). Elinor Dashwood may seem the heroine of the novel, her “gentleness and forbearance” serving as an example of moral rectitude for her younger sister, but Austen probably admired Lucy’s guile and perseverance more since these characteristics allow her to successfully maneuver herself into a marriage of wealth and position, reversing and remediating her own displacement (Austen SS 263). In a letter to her niece Fanny Knight discussing heroines in novels, Austen explains that she dislikes heroines who are “too good,” finding that these “pictures of perfection...make me sick & wicked,” which suggests Austen’s admiration for women who can use their intelligence, cunning, and persistence to counter their own often dire circumstances (Austen L 335). Austen may contrive a happy ending for Elinor and Edward to conform to the conventions of the romance plot novel, but the happier ending seems to belong to Lucy Steele since her skills at ingratiation and self-promotion not only reward her with a home, position, and financial stability, but she soon becomes the “favourite child” of her mother-in-law who lavishes “liberal assistance” on the newlyweds, assuring Lucy’s assimilation into this wealthy family and a long-lasting security that includes residences in both town and country (Austen SS 287). In *Sense and Sensibility*, as in all of her mature novels, Austen strips bare the socio-economic aspirations of parents who wield consent as a weapon to compel the compliance of a son or daughter, but she simultaneously undermines this marriage custom by transforming it into an opportunity in which a determined, displaced, and impecunious woman can use it to secure a home and social place.

Similarly in *Persuasion*, Wentworth initially proposed to Anne when she was nineteen thus requiring her father's consent to wed. However, since Sir Walter sees rank as paramount, his consent was withheld, particularly as Wentworth was in the Navy, a profession to which Sir Walter took particularly strong objection because it brought "persons of obscure birth into undue distinction" (Austen *P* 22). However, it is later made clear that had Wentworth contacted Anne two years later in 1808 when he returned to England and she was twenty-one and able to consent on her own, she would have done so: "'Would I!' was all her answer" to his query (Austen *P* 199). Contrary to the book's title and the suggestion that Anne was persuaded by her family and by her surrogate mother and close friend, Lady Russell, to refuse Wentworth's first proposal lest she "throw herself away at nineteen," in fact Anne required parental consent for a lawful union, a point underscored by the text's noting that Lady Russell employed "almost a mother's...rights" to prevent the union, implying a refusal of consent (Austen *P* 27). As Austen shows consistently in her writings, the law and its applications are the primary impediments to women securing social and physical place. In this instance, as in so many others in her canon, the refusal of parental consent as required under Lord Hardwicke's Act leaves Anne "forced into prudence in her youth" (Austen *P*30).¹⁵⁰

The self-aggrandizing motives of parents like Mrs. Ferrars that form the impetus for this type of marital intermeddling have been the subject of Austen's satire from her earliest writings. In juvenile stories such as *Frederic and Elfrida* (circa 1787), the parents of Frederic directly propose to the parents of Elfrida who accept, the story not very subtly showing how the marrying parties are mere pawns to family ambitions (Austen *C* 66). In this same story, parental refusal is shown as arbitrary and pretextual since Mrs. Fitzroy,

an ambitious and controlling woman who pre-figures many such mothers reappearing in later works, refuses her consent to her daughter's marrying on the grounds of the "tender years" of the couple, although "Rebecca being but 36 and Captain Roger little more than 63" (Austen *C* 5; LeFaye *AFR* 69). The couple has to threaten her with violence for her to relent, however, Austen's point is that while the law did not require it, the practice of securing consent regardless of age was firmly entrenched in the propertied classes by the last decades of the eighteenth century, and it could be withheld arbitrarily, and on the most specious of bases. More importantly, this early story, like many others from her juvenilia, suggests that even as a teenager Austen had developed a sharply critical view of the way that Hardwicke's Act was transforming marriage by making it more of a corporate merger through the uniting of family fortunes, property, and status, than a match between a compatible and affectionate couple, as many contemporaneous fictions seemed to represent.

This sentiment reverberates throughout her mature novels, and certainly in *Pride and Prejudice* where parental intermeddling appears in the form of Lady Catherine who assumes the right to act *in loco parentis* for her orphaned, albeit adult nephew Mr. Darcy. She withholds her consent to his rumored alliance with Elizabeth Bennet by declaring: "I am almost the nearest relation he has in the world, and am entitled to know all his dearest concerns," which she sees as justifying her sudden, confrontational appearance at Longbourn (*PP* 271).¹⁵¹ By claiming her kinship connection, Lady Catherine expects that her materteral interests will dissuade any contemplated union between her nephew and Elizabeth, a strategy bolstered by the assertion that a prior, albeit "peculiar" engagement already exists between Darcy and her daughter made by the mothers while

Darcy and Miss DeBourgh were each still “in their cradles,” reiterating the parental proposal of *Frederic and Elfrida*, and demonstrating Austen’s longstanding propensity to satirize the blatant familial ambitions enabled by Hardwicke’s Act (Austen *PP* 271).

Lady Catherine’s use of this pre-arranged, infantile engagement is clearly the pretext for thwarting “the upstart pretensions of a young woman without family, connections, or fortune,” since such a marriage would stymie her own expectations of enlarging her holdings through the merger of her nephew’s estates with her own (Austen *PP* 272). That her interference in Darcy’s romantic life is not instigated by familial affection is made clear when she famously hurls the epithet at Elizabeth, “Are the shades of Pemberley to be thus polluted?” revealing that her true aim is to protect valuable land from the potential occupation, even oversight of someone she deems socially and financially unworthy of it (Austen *PP* 273). Lady Catherine’s officious interference is so deliberately offensive, and her motives for preserving familial property so patently transparent that Elizabeth’s rejoinder, “I am a gentleman’s daughter; so far we are equal,” effectively transforms her father’s “very small park” into a property that is comparable to Darcy’s grand estate, showing that Elizabeth well understands that Lady Catherine’s purpose in withholding her approval is for the protection of family property from an unqualified interloper (Austen *PP* 272, 269). As with all supercilious assertions of familial rights in Austen, Lady Catherine’s authority over her nephew proves impotent since she is not Darcy’s parent, and his age requires no consent to wed under the law. More significantly, this intermeddling actually emboldens Darcy to renew his proposal to Elizabeth once he learns of his aunt’s efforts, as he later explains: “unluckily for her ladyship, its effect had been exactly contrariwise” (Austen *PP* 280).

In *Pride and Prejudice*, as in all of her mature novels, Austen mocks the key requirements of Hardwicke's Act by undoing its authorization of parental interference and unmasking its real purpose as facilitating the preservation or augmentation of family wealth, property, and status regardless of a woman's displaced status. Certainly, the ambitions of her perpetually anxious mother are thwarted when Elizabeth rejects the proposal of her cousin and heir to her family estate, Mr. Collins, despite her mother's threats to disown her daughter, because Mr. Bennet refused to acquiesce to the match, and a father's consent or refusal was dispositive. In the case of Elizabeth Bennet, as well as all her impecunious, homeless, or lower-status heroines, Austen demonstrates that parental interference confuses, even impedes a poor but otherwise deserving women's chance for a home and social place, and thus must be contravened. Consent wrongly withheld, or granted to force compliance with family aspirations is always reversed or circumvented: Mrs. Ferrars's objections to Edward marrying Lucy are thwarted by Robert's marrying her; General Tilney's opposition to Catherine and Henry's union is ameliorated by an adequate marriage portion; Mrs. Churchill's impedance of Frank Churchill's plans to wed poor Jane Fairfax is alleviated by her death; Sir Thomas's exile of his niece, Fanny, for disobeying his directive to marry Henry Crawford is circumvented by her marriage to his son Edmund, giving her permanent residence within the purview of Mansfield Park; and, the opposition of Sir Walter Elliot and Lady Russell to the marriage of Anne and Wentworth dissolves with time and circumstances.¹⁵² By contriving plots that consistently undermine the kind of officious parental intermeddling authorized by Hardwicke's Act, Austen demonstrates a disdain for the law that granted untoward parental involvement in what should be a purely personal relationship. The

contempt for such intrusions may have been more openly displayed in her juvenile writings, but in her mature novels Austen more precisely discloses the economic and status motives underlying the granting or refusing of consent, and how this adversely affects those women for whom marriage is the primary if not only means of countering social and physical displacement. In Austen's novels, parental consent granted or refused is always countermanded if it is interposed to inhibit the marriage of a woman of lower status, limited economic means, or destabilized living situation from achieving a home and a place within a community.

Why Heiresses Hardly Ever Marry

In contrast, Austen shies away from marrying-off her wealthy women. Heiresses such as Caroline Bingley and Georgiana Darcy, each of whom has significant personal wealth and access to a brother's country estate or town home, have little need of the material benefits associated with marriage, and neither character is headed toward marriage within the confines of the novel. Similarly, the wealthy and authoritative Emma Woodhouse feels no compulsion to marry in the absence of genuine love, a sentiment she clarifies to her naïve protégé, Harriet Smith, by explaining that because she lacks neither fortune, nor employment, nor consequence she is disinterested in wedlock since it is "poverty only which makes celibacy contemptible" (Austen *E* 77).¹⁵³ When Emma Woodhouse eventually agrees to marry her brother-in-law and lifelong friend, Mr. Knightley, the text emphasizes that the basis for this union is genuine mutual affection, not economic necessity, since the parties finally acknowledge their true feelings for one other: "—The affection, which he had been asking to be allowed to create if he could, was already his!...*Her* change was equal" (Austen *E* 392). While there is an implicit

financial merger between Knightley's Donwell Abbey and the extensive, adjacent Hartfield estate of Emma's father, what is more significant is that this union comes with no loss of autonomy and authority for Emma who expressly conditions her acceptance on Knightley's assurance that she will continue to oversee and live at her father's estate (*E* 390, 392-3, 419, 425). Indeed, throughout her canon Austen rarely has heiresses marry, and when they do it is only after either declarations of mutual affection and attraction have been exchanged, or as in the case of Willoughby's loveless match with the wealthy Sophia Grey, the woman's financial dominance allows her to have a man wholly under her control, retaining all the power in this relationship that her great wealth imbues (*SS* 249).¹⁵⁴ Heiresses who are unable to elicit expressions of love and respect from the objects of their attentions, or are unable to exert control by dint of their wealth and position remain unattached because they have no need for the material comforts and certainty of place associated with marriage as evidenced by *Mansfield Park's* Mary Crawford and *Pride and Prejudice's* Caroline Bingley.

Critics such as Elsie Michie see the heiress as central to understanding the valences of the marriage plot, in which the archetypal heiress is portrayed as both devoid of natural feelings and contemptuous of those socially and economically below her, thus representing the negative values of "money, vulgarity, and disgust" that are connected with wealth, status, and rising commercialism (Michie *VQM* 3). For Michie, Austen falls within a coterie of nineteenth-century authors who employ a narrative paradigm in which the man becomes the pivotal figure because he must choose between two opposing types of women representing two antithetical and competing moral value systems: the materialistic heiress, and the emotionally charged, but poor woman who represents those

moral virtues and other “intangible attributes” that signify the “antimaterialist heroine” (*VQM* 16-18, 40). This type of analysis is superficially appealing because it readily explains the *seeming* rivalry between Caroline Bingley and Elizabeth Bennet for the attentions of Mr. Darcy, and certainly Fanny Price’s vying for Edmund Bertram with the wealthy and ambitious Mary Crawford. But, as is often the case with Austen, this explanation fails to hold up under closer scrutiny and certainly does not account for Austen’s many deviations from this model. Such a marriage plot-triangle might explain why it takes Edmund Bertram almost the entire novel to realize that Mary Crawford’s self-aggrandizing and modern values are incompatible with his own modest clerical aspirations while Fanny’s are not. However, it does not explain Edward Ferrars’s choice between two “genteelly impoverished” women, Elinor Dashwood, and the similarly impecunious Lucy Steele in *Sense and Sensibility*, since both women lack independent wealth, status, and a secure home. (Michie *RWPW* 421).¹⁵⁵ He rejects at once his mother’s choice of bride, the heiress Miss Morton, who is never a candidate for his affections (*SS* 168). Similarly, *Persuasion*’s Captain Wentworth seems caught between the lively, middle-class Louisa Musgrove, and her older sister-in-law, his former fiancée, Anne Eliot, who because of reversals in her family’s fortunes is now in a comparable social and economic position to her seeming rival. While Louisa is younger and more flirtatious, her values seem very close to Anne’s own, particularly as Louisa repeatedly demonstrates a genuine affection and admiration for Anne whom she wishes had married her brother years earlier (*Austen P* 75). Moreover, as Austen later reveals, the real impediment to Wentworth and Anne reuniting is his resentment of the past and his jealousy of William Eliot whom he perceives of as a rival for Anne’s hand. The text

unequivocally suggests that Wentworth's personal prejudices, his lingering emotional wounds, and his misreading of events are what must be overcome, all of which have little to do with choosing the poorer over the wealthier woman, particularly where the two seeming choices are ostensibly socio-economic equivalents (Austen *P* 193-194).

In Austen, the wealthy hero is just as likely to be singularly attracted to the wealthy heroine as is the case with George Knightley who shows no interest in any woman other than his wealthy sister-in-law, Emma, even if he admires the talents of the poor and demure Jane Fairfax, or appreciates the "unpretending" nature of the illegitimate Harriet Smith (Austen *E* 259, 298). Any textual suggestion that Knightley is attracted to either of these women comes solely from the misapprehending imagination of Emma herself, which of course is Austen's point since this is a novel about her heroine's misjudgments and inept manipulations of others (*E* 298). Similarly, it is only in Caroline Bingley's imagination that "an alliance between her commercial fortune and Darcy's landed one," is a possibility (Michie *RWPW* 427). And, Lady Catherine de Bourgh's desire for a union between her sickly, but wealthy daughter Anne and her nephew so that the family wealth unites and "properties will become one," is based on a "peculiar" fantasy arrangement made between the mothers when their children were infants, a re-working of the ploy of parents' proposing to one another that first appeared in Austen's juvenile "Frederic and Elfrida" (Austen *PP* 271; Austen *C* 6). Indeed, Darcy never shows the slightest interest in any woman other than Elizabeth as he was "disgusted with the women who were always speaking and looking, and thinking of [his] approbation," while Elizabeth was "so unlike *them*," (Austen *PP* 291 emphasis in text). From the onset of their acquaintance he is drawn entirely to the witty, intelligent and middle-class

Elizabeth, and defends her repeatedly against Caroline Bingley's many unkind jibes, even though he understands that choosing Elizabeth is "against [his] will, against [his] reason, and even against [his] character" (*PP* 146). For example, when Elizabeth arrives at Netherfield muddy and with her face "glowing with the warmth of exercise," Caroline attempts to denigrate her to Darcy by suggesting that "'this adventure has rather affected your admiration of her fine eyes.'" Darcy's rejoinder, however, is to praise Elizabeth by noting that her eyes "were brightened by the exercise," (*PP* 24, 26). His repeated defense of Elizabeth whenever her behavior, her status, or her connections are attacked by Caroline or others, makes clear that Austen did not intend a "love-triangle", nor is Darcy situated so that he must choose between the two women as Michie suggests, either directly or implicitly. Rather, Austen demonstrates the need for individual reform of values and judgment by both Darcy and Elizabeth.

McMaster characterizes Darcy's struggle to resolve his ambivalence between what he knows is expected of him in choosing a wife, and who he is drawn to as "an evolution in his attitude" in which he must learn "the quality of humanity" and judge others by "moral and humane standards" rather than mere social status (McMaster *C* 125). This evolution seems to have less to do with his choosing between women who each represent opposing socio-economic values as Michie argues, and more to do with developing the maturity to recognize his own core values in order to achieve happiness, as both Gilbert Ryle and Bruce Stovel conclude (Stovel 64, 74; Ryle 168). Moreover, centering analysis on the choice of bride by male characters overlooks how Austen is more likely to deviate from this paradigm of the marriage plot than conform to it, and this is because the trajectory of narrative movement in her fictions is resolutely in favor of

those women who are most in need of securing permanent homes. Heiresses such as Caroline Bingley may lack connection to the kind of great country estate that is the hallmark of the landed gentry because her family's fortunes had been "acquired by trade," and her father never "purchased an estate" (Austen *PP* 10). Nonetheless, she has a London home, a fortune of ten-thousand pounds at her disposal, and she can rely on her good-natured brother for a respectable residence as long as she needs it and behaves (Austen *PP* 10). In Austen's world she is unlikely to wed or even be a prospective bride because she lacks the necessity of a home.

In contrast, Elizabeth's position is far more precarious since she, her mother, and her sisters are wholly dependent on their father's continued health to remain at Longbourn (*PP* 20). Thus, when Bingley weds Jane Bennet and finally purchases a permanent estate in a neighboring county to that of Darcy and Elizabeth, Caroline understands that in order "to retain visiting rights at Pemberley" and at her brother's manor, she must, and does offer "every arrear of civility to Elizabeth," underscoring how Caroline's relationship to property is easily secured so long as she acts appropriately which she promptly does (*PP* 10, 295, 297). Similarly, *Mansfield Park's* Mary Crawford, handsome and with a twenty-thousand pound fortune at her command had little interest in the marriage business until her aunt's death when she realizes that continued residence with her now bachelor uncle, the Admiral, was no longer tolerable and she needed "to find another home" (Austen *MP* 32). Because she could not "persuade her brother to settle with her at his own country house," she initially set her sights on marrying Tom Bertram, as the "eldest son of a Baronet" and the heir to "a real park five miles round, [and] a spacious modern-built house," a match that would provide her with a fixed and

certain attachment to place, indicating that her real interest is in becoming attached to land in the traditional way: through a husband. Tom's lack of interest causes her to re-focus her sights on the more amenable second son, Edmund (Austen *MP* 33, 38, 341). Mary is less in search of a husband, than she is in search of a permanent home. She is one of Austen's rare heiresses who seems close to marrying. But, once her relationship with Edmund ends, she quickly finds a new home in London with her sister, the recently widowed Mrs. Grant, thus settling herself without marriage, and in a place where she can reassess her values under the guidance of her kindly older sister (Austen *MP* 37, 369).¹⁵⁶

In Austen's fictions unmarried heiresses who lack a clear and personal connection to place and property may also need to establish some permanent attachment, and initially may seek marriage in much the same way as Austen's more impecunious and displaced women. However, heiresses are financially secure enough that they can gain a home without having to marry since they usually only require a relative with a comfortable residence in which they can establish themselves.

Heiresses who have autonomy and some indissoluble connection to land can dictate the terms of any potential marriage. Emma Woodhouse who is "handsome, clever, and rich, with a comfortable home," as the novel's opening sentence establishes, is so secure in ruling her father's estate that she declares herself under no compulsion to marry (Austen *E* 3, 77). When she finally is presented with the marriage she desires, Emma resists the expected marital displacement by expressly conditioning her acceptance of George Knightley's proposal upon his resigning Donwell Abbey and his moving into her home at Hartfield (Austen *E* 407-8). While the pretext for this condition is that Emma cannot leave her father, "a nervous man...hating change," and about whom Sir Walter

Scott noted in a contemporary review, “objected to any body committing the rash act of matrimony,” it hardly alters the fact that Austen manipulates the conventional marital paradigm by compelling the man to change his residence, rather than the woman leaving hers, and demonstrating that women with some authority through wealth, and a fixed attachment to property can resist this marital displacement (Austen *E* 5; Scott 195). The radical nature of Knightley’s vacating his home upon marriage is pointedly acknowledged in the text in the form of community gossip noting that he “must be sacrificing a great deal of independence of hours and habits,” to agree to her terms, a clear reminder of how expected it was for the woman to change her residence upon wedlock (*E* 408).

Similarly, *Sense and Sensibility*’s Sophia Grey, with fifty-thousand pounds at her disposal and above the age of consent, chooses to marry Willoughby, a man so desperate to avoid “comparative poverty” that she is able to gain total authority over him while still managing to retain control over her own assets (Austen *SS* 145, 243).¹⁵⁷ The point is that in Austen’s canon of novels the only heiresses who marry are Sophia Grey, who weds a man so frantic for financial rescue that he cedes all of his lawful husbandly power to his wife, and Emma, who marries a man she has known all her life, who has been her closest friend and confidante, and with whom there are clear expressions of mutual and equal affection.¹⁵⁸ In contrast, Austen’s novels offer far more marriages involving women who are in financial straits, and whose connection to a permanent residence is non-existent or tenuous at best. While it is tempting to engraft a complex theory of money and morality onto Austen’s plots to explain why some characters wed and others do not, a considered overview of the author’s canon, including her *Juvenilia*, suggests that her overarching

concern has always been to craft “responses, both overt and covert, to the patriarchal English society in which women’s lives were constricted,” and more particularly, to imagine credible ways for women of “the middling classes” to resolve their uncertain connections to home and attain that modicum of authority and autonomy which such status bestows on them (Marshall 39). On the other hand, heiresses have no need of marriage since their wealth and position imbue them with the independence that Austen’s poor and displaced women lack. Like rich widows, Austen rarely contrives marriage for heiresses because they have no need of the benefits that gaining a home this way bestows.

Displacement by Disinheritance: Austen’s Use of Strict Settlements and Entails

While heiresses with money, position, and residential rights have little need to wed and generally do not, female characters who are denied the right of receiving family wealth or property because of inheritance practices that bypass them entirely, drive those plots that assail the wealth transmission devices that contributed to their uncertainty of place and comparative poverty. Austen was writing at a time when practices such as primogeniture and the preferential treatment of male heirs had taken a firm hold amongst the landed classes. However, the custom of leaving all family land to the eldest son did not emerge from the mists of time immemorial, but rather came into increasing use in the sixteenth century when it supplanted the practice of gavelkind which encouraged equal division of property among all children, sons and daughters alike (Habakkuk 7-8). This shift from an equitable distribution to a patriarchal one suggests that as English society increasingly commercialized and emphasized the accumulation of wealth in all forms, women were more and more viewed as impediments to maintaining wealth and property

intact, and increasingly were limited in the types of benefits they would (or should) receive. One of the chief mechanisms for female exclusion that emerged in this period was the strict settlement, which typically employed the entail as the final stage for devolving property to male relations no matter how remote, while further reducing the options available to women for forming or retaining attachments to property and place (Perry *NR* 46).¹⁵⁹ The effect of a strict settlement was to direct the inheritance of land along the male line for three generations, at which time it was expected that the tale heir who inherited land in fee simple, would create a new strict settlement again, directing the passage of land patrilineally. Middle and upper class women were particularly impacted by this shift in marriage and inheritance practices since it provided a stronger impetus to sacrifice women's traditional claims in property to satisfy familial expectations and ambitions, a shift made particularly visible in the incremental move away from widows being able to claim their traditional common law rights of dower which gave the widow a life income in one-third of any real property owned by her husband during the marriage (Perry *NR* 53). Increasingly, the trend was to provide for a woman using a jointure, a contractual arrangement that gave her an income from any source of property, including chattels, owned by her husband during the marriage, but not necessarily from land (Perry *NR* 53). The income from a jointure could be derived from any source of investment since the terms of the jointure often were configured to have little to no affect on the alienability of real estate. Jointures were seen as particularly beneficial to the male inheritors of property since they obviated the constraints that common law dower rights imposed on land, freeing-up the alienability of land by those inheriting it after the husband's death.

As a result, the drive for land accumulation created the impetus for severing women's rights as dower widows, first by practice, and finally by law with the Dower Act of 1833 enacted shortly after Austen's death.¹⁶⁰ However, even for heiresses who wed this shift to the private contractual arrangement signified by jointure proved daunting since it became essential that they "bring ten times as much property to their new conjugal estates by the beginning of the eighteenth century as they would receive in annual income should their husbands die before them," which was a typical jointure practice (Perry *NR* 53). Ostensibly this device gave the woman an income from her own money, that is, from the marriage settlement she brought with her into the union. As Habbukuk concludes, the accumulation and aggregation of land into large estates which accelerated during the latter half of the eighteenth century made it difficult even for heiresses to find husbands, since they needed to bring a sufficient amount of their wealth to the marriage to fund a jointure which by common law, cut-off their right to receive a widow's dower income from a husband's land even before the 1833 Act did away with this right entirely (Habbukuk 84-6; qtd. by Perry *NR* 53-54). The shift to these private, contractual arrangements was beneficial to the male inheritors of land since women's traditional dower rights could inhibit some uses and certainly prevent the sale of land during the widow's lifetime, a point made explicit by Maria Edgeworth at the conclusion of *Castle Rackrent* (1800) when the last Lady Rackrent's jointure on the estate of her late husband stymies Jason Quirk's subsequent plans for the estate he has acquired through foreclosure (Edgeworth *CR* 89-90).¹⁶¹ The shift from a widow's common law rights of dower, to a contractual arrangement that had to be negotiated during the husband's lifetime demonstrates how women's traditional property rights were continually made to

yield to masculine imperatives for control and accumulation of land, until finally in 1833 the Dower Act legally eliminated a widow's traditional dower rights entirely (Perry *NR* 46-49).¹⁶²

At the same time, the increasing use of strict settlements directed the transference of family lands and wealth to a single male inheritor, deliberately bypassing closer female family members, a practice justified on the grounds that this prevented the property from going to someone outside the family (Habbukuk 13-14). In return, it was expected that the male heir would use the methods at his disposal to maintain and even increase familial holdings, thereby enhancing family status and wealth. However, this “imperative for accumulation--‘engrossing’ was the eighteenth-century word—in large landowning families,” simultaneously circumscribed, and often severed the connections of female members to familial land and community (Perry *NR* 49). Although dividing lands and goods among all children had been the practice in England for centuries, it was all but done away with during the eighteenth century.

By the second half of the eighteenth century, traditional ecclesiastical and common law property transmission methods gave way as wealthy families “tampered with the rules of inheritance” to further reduce the possibility of real estate going directly to women on the assumption that “willing property to a daughter meant letting it go out of the family” once she wed (Perry *NR* 48, 51; Spring 10-15). These practices were not law, nor were they legally obligatory, but instead they were unwritten rules, customs that were increasingly adopted and followed primarily by landed families (C. Jones 271). As economic historian John Habbukuk explains, after the English Civil War, the strict settlement emerged as the preferred device to maintain an estate in the family because it

furthered dynastic ambition by excluding females from the line of succession, thus assuring that property stayed within the male line. However, it also constrained some owners from alienating their property by making them merely life tenants, and thus impairing their ability to provide for wives and children (Habbukuk 14). Of course, as Austen demonstrates with feckless husbands and fathers such as Mr. Bennet or Sir Walter Elliot, being constrained by the provisions of a strict settlement or entail also effectively stymies their will to provide for their families by making them feel their failure as inevitable, further assuring that there would be little to support surviving wives and children.

Perhaps more than any of her contemporary authors Austen not only records, but also reveals the effects of these marriage, inheritance, and land aggregation practices prevalent in Georgian England, and their role in displacing women. Her fictional representations so accurately set out contemporary inheritance practices that Habukkuk references Austen's novels throughout his influential text, *Marriage, Debt and the Estate System: English Landownership 1650-1950* (1994), to illustrate the workings of these property transmission devices, particularly the entail (Habukkuk 1-2).¹⁶³ The consequences of disinheriting daughters, wives, and sisters in favor of distant male relations run throughout her novels, even as her fictions also reveal that male ownership was little guarantee of good stewardship or preservation of property, despite this often being the pretext for such practices. In *Sense and Sensibility* for example, Willoughby's profligate ways compel his cousin to remove him as the heir to her estate at Allenham, and threaten the loss of his own estate, Combe Magna (Austen SS 242, 244-245). While in her last completed novel, *Persuasion* (1818), Austen challenges the assumption that

men are better stewards of property with lawyer Shepherd persuading bankrupt baronet Sir Walter Elliot to rent-out the estate that he overburdened with debt to the Crofts because, “A house was never taken good care of...without a lady,” a subtle nod to the late Lady Elliot whose “method, moderation, and economy” had kept the family solvent (Austen *P* 24, 14). At the same time Sir Walter could not sell his land since he only was a life tenant with limited rights in the property because of a testamentary provision that devolved the Kellynch Estate upon the next male relation, most likely his cousin William Elliot, “the heir presumptive”, and a man described as careless of money, duplicitous in his motives, and “disposed to every gratification of pleasure and vanity” (Austen *P*14, 168). Indeed, Mr. Elliot’s reckless attitude towards this property is clear since he once offered to sell his birthright for “fifty pounds, arms and motto, name and livery included,” suggesting that he is likely either to dispose of the land once it is his outright, or to further burden the property with debts, compounding those already incurred by the present owner, Sir Walter, who had “condescended to mortgage as far as he had the power” (Austen *P* 163, 15).¹⁶⁴ Similarly, no one would think that Mr. Collins, a heretofore estranged relation who is repeatedly described as stupid, lacking sense, and with a “deficiency of nature,” is more deserving of Longbourn Estate, or would be a better manager of the property than Jane or Elizabeth Bennet, but the entail against which Mrs. Bennet rails repeatedly in *Pride and Prejudice* will install Mr. Collins as master and owner of the property when Mr. Bennet dies merely because he is the nearest male relative, and despite the fact that “he shows precious little sign of being morally worthy of it,” (Austen *PP* 20, 52, 93; McMaster *C* 120).

Although it is not until the Inheritance Act of 1833 (Ch. 106, 3 and 4 Will. 4) that the preference for the male line is codified into law, reifying the practice of transmitting property to and through men that predominated by the end of the eighteenth century, Austen's narratives anticipate this development by consistently confronting the inequity and the consequences of these socio-legal practices already in use.¹⁶⁵ Indeed, *Sense and Sensibility*, Austen's first published novel begins by connecting the failure of men to fulfill their moral and legal obligations to support women with the property practices that benefitted men and displaced women. The preference for male heirs and the deleterious effect these customs have on females is a subject Austen returns to again and again. In its first two paragraphs, *Sense and Sensibility* exposes the fallacy of the social and legal presumptions that fathers, husbands, and other male relations will provide a home and support their female relations, thus exposing men as wholly unreliable stewards of wealth and property. While Henry Dashwood lacks the means to make financial arrangements for the support of his wife and daughters after his death, his wealthy, elderly uncle reneges on a promise made a decade earlier that if Henry and his family cared for him, he would make Henry the "legal inheritor" of his estate, Norland Park, but the old man does not keep this promise. Aggravating the situation is the fact that John, Henry's son from a prior marriage who is independently wealthy from his mother's fortune and his wife's ten thousand-pound marriage portion, fails to keep his deathbed promise to his father to assist his step-mother and sisters, breaching a moral rather than legal obligation (Austen *SS* 3-5, 11, 284; Staves 7).

However, Austen goes further, exposing how the failure of men to fulfill obligations to support and provide for women is exacerbated by the routinization of legal

or quasi-legal customs that prefer males over more deserving, and certainly more needy females by making direct comparison of circumstances and outcomes by gender. Thus, it is a chance visit to Norland by John Dashwood, and John's toddler son that derails the expectations of Mrs. Dashwood and her daughters as their bachelor uncle seizes this opportunity to create a male line of inheritance for three generations through an irrevocable strict settlement that gives his nephew, Henry, only a life estate with "no power of providing for those where were most dear to him, and who most needed provision," while leaving the remainder to John in trust for the boy as tail heir: "the whole was tied up for the benefit of the child" (Austen SS 3-4; Habukkuk 1-5). Although John already was "amply provided for by the fortune of his mother" and "the succession to the Norland estate was not so really important [to him] as to his sisters," the preference for male heirs is clear, and clearly derided by Austen who shows that all it takes are the "cunning tricks" of a little boy to "outweigh all the value of all the attention which for years [the uncle] had received from his niece and her daughters" (Austen SS 3- 4). The old man's purported affection for the Dashwood girls counts for very little since he leaves them only one thousand pounds each, a particularly modest sum from a man without children and whose estate generates an income of over four thousand pounds per year (Austen SS 5). This is the same amount Austen later shows is the Bennet daughters' expectation in *Pride and Prejudice*, and which both Mr. Collins and Mrs. Bennet consider "so small that it would in all likelihood undo the effects" of the girls' loveliness and amiable qualities, and stymie their prospects for marriage (Austen SS 4-5; *PP* 83).¹⁶⁶

The opportunity to create a male line of inheritance at the expense of his poorer female

relations results in the uncle being succinctly condemned by Austen: “He meant not to be unkind, however...” he was (Austen *SS* 4).

Moreover, Austen makes a direct connection between inheritance and land aggregation practices such as enclosure on the one hand, and the impoverishment and displacement of women on the other. Midway through *Sense and Sensibility*, Marianne and Elinor visit London to sell some of their mother’s “old-fashioned jewels” to supplement the family income. At the same jewelers they encounter their half-brother John who has come to order a bespoke seal for his wife Fanny, and his brother-in-law, Robert Ferrars, who dithers about the purchase of an expensive, jewel-encrusted toothpick case (Austen *SS* 165-66). These men are oblivious to the economic plight of the sisters because they take no notice of the fact that the women are there to sell rather than make expensive, discretionary purchases like their male relations. Instead, John complains to them about his perceived financial woes, explaining that the “inclosure of Norland Common...is a most serious drain” on his already substantial income (*SS* 169). These comments suggest how Austen links John’s earlier decision not to give his sisters the three-thousand pounds he initially contemplated, and the same amount more or less, that he must have recently laid-out on a private Parliamentary bill to enclose what had long been common land, along with the sum expended on his purchase of an adjacent farm which he saw as his “duty to buy,” a duty that apparently superseded any obligation stemming from his verbal promise to his father, or his moral obligation to his sisters (*SS* 5, 169).¹⁶⁷ Michie concludes that John’s expenditures demonstrate how engrossment blocks economic activity rather than stimulates it because such practices keep wealth out of circulation, with the Dashwood sisters merely symbolizing those social and

psychological values that present a counterweight to the “impact of wealth on society” (Michie *VQR* 28-29). This view is contradicted by Chris Jones who finds that the type of improvements associated with the engrossment of enclosure actually stimulated the development of towns, ports, roads, and canals in a process that linked the landed aristocracy and gentry with a variety of commercial activities that also tended to enhance their wealth (C. Jones 273). This is a connection that Austen herself later makes in *Sanditon*, the novel she was working on at her death, and involves the development of a seaside resort through land speculation intended to “encourage commercial, professional and leisure industries” (C. Jones 273). By reducing Austen’s heroines to mere value signifiers, Michie diverts attention away from how the way these economic practices effectively marginalized, disempowered, and displaced women which seems Austen’s more pressing and persistent concern, particularly as she invariably positions engrossment along with related patriarchal inheritance practices, as the chief causes of women’s loss of home and their financial instability. This connection is made obvious with John Dashwood, who not only is the usurper of his sisters’ inheritance, but whose blindness to their straightened circumstances stems directly from his pre-occupation with expanding the large estate he recently inherited (Austen *SS* 5, 11).¹⁶⁸ Austen persistently exposes how the processes of wealth and property accumulation directly contribute to the impoverishment and homelessness of women. Her plots almost always center on the problems faced by women who are displaced and disconnected from home, revealing how they can become the collateral damage of these property practices, and portraying many of her female characters as if they are exiles in their own land.

Tropes of Exile in Austen's Property Plots: Gipsies, Enclosures, and the Longing for Home

By the time Austen began publishing, the surge of Parliamentary acts of enclosure that began when she was a child was reaching its peak, augmenting the number of self-help enclosures that had been underway for decades. In 1770, five years before Austen's birth, Oliver Goldsmith wrote *The Deserted Village*, a poem decrying the effects of enclosure, little knowing that the swell of Parliamentary enclosure acts that would reach their apex during Austen's lifetime was still a few decades away (Mingay *PE* 124). Opposition to enclosure was widespread and sometimes violent, "even in the face of severe legal, economic, and social sanctions," suggesting that the cottagers and small farmers who were substantially aggrieved by these changes in "agrarian organization" were willing to risk all to countermand their effects (Humphries 21). Nonetheless, the process of Parliamentary enclosure accelerated during the last quarter of the eighteenth century when approximately one private bill per week was passed, resulting in a total of more than three million acres of English wastes, commons, and heaths lawfully reverting to private ownership (Mingay *PE* 14; Winchester 23). Historian Michael Wood concludes that the immediate effect of late eighteenth-century enclosure was to undo 900 years of English communal and cooperative farming (Wood 334-5). Of particular significance is the fact that of the total number of Parliamentary enclosure acts passed between 1727 and 1845, nearly half occurred in the years 1795 to 1815, the very period when Austen was writing, which suggests just how closely Austen was recording the impact of these land aggregation practices ongoing around her in her novels (Mingay *PE* 20-21, qtd. by Kelly, *Enclosure*, n.p.).

Enclosure consolidated planting fields and pasturing land that once were held by small landholders and tenant farmers, while privatizing common lands which the poor of the parish had historically worked to derive subsistence so that vast swaths of the countryside were now in the hands of small circle of large landowners who were almost entirely male (Mingay *PE* 12-13, 124, 133; Perry *NR* 48-50). Enclosure also signaled the extinction of ancient rights of communal farming that had existed for nearly a millennium through the, “physical separation of the newly created fields...[and] the erection of fences, hedges and stone walls,” leaving a pattern of boundaries that is still visible on the English landscape today (Wood 334-5; Mingay *PE* 7). These walls, hedges, stiles, and other physical barriers represent tangible evidence of exclusive ownership, and distinguish those with irrevocable rights and privileges in land from those without property connections, or claims to place. The detrimental effect of enclosure on agricultural laborers, small farmers, and their families was confirmed in a 1797 survey of *The State of the Poor* conducted by Sir Frederick Eden which found that those without land were now increasingly “dependent on the extensive system of charity organized by the parish,” a circumstance Austen explicitly depicts in *Emma* (Wood 338-9; Austen *E* 75-80).¹⁶⁹ Throughout the eighteenth century, this transformation and re-organization of real property across England using consolidating practices such as enclosure, simultaneously decreased the economic value of women since many middle and working class women had contributed to family earnings through activities such as tending flocks or foraging on the once open lands, which now ceased to be a potential source of income (Perry *NR* 55-56). Moreover, Austen demonstrates that middle and upper class women like the Dashwoods were also negatively impacted by the imperative to both consolidate

and increase land holdings, as women were regularly affected by both the literal and metaphoric forms of enclosure and engrossment, because the advantages of large landholdings rarely inured to the benefit of women since inheritance practices typically excluded women, even heiresses, from receiving land.

Austen's mature novels frequently reference the artificial boundaries of enclosure--the stiles, walls, and hedges that denote exclusive ownership as her characters traverse the countryside, these barriers serving as tropes for the patriarchal laws and practices of social distinction that her heroines must breach to achieve their goals of love, community, and most importantly, a permanent place.¹⁷⁰ In *Persuasion* for example, Anne Elliot sits on one side of a "hedge-row," an enclosure boundary, and overhears Wentworth and Louisa Musgrove talking, flirting, and gleaning nuts on the other side. Her position outside of this boundary fosters her realization that any hope of re-kindling her romance was gone: "[e]verything was now marked out for Louisa and Captain Wentworth; nothing could be plainer," she reasons (Austen *P* 75-6). The hedge signifies Anne's physical and emotional separation from the man she still loves by marking her marginalization and displacement from society, and making it especially acute since she currently is homeless, and at twenty-seven is on the verge of a spinsterhood that will cast her further to the social margins.¹⁷¹ In contrast, Louisa is ensconced at her parents' comfortable home not so subtly called "the Great House," and which is presented as a safe and secure residence for this much-loved daughter of indulgent parents (Austen *P* 37-38, 42). By locating Anne on the other side of the hedgerow Austen situates her literally and metaphorically alongside other characters who have been cast out by enclosure and related inheritance practices including Fanny Price, Elinor and Marianne

Dashwood, and even Catherine Morland who is unceremoniously ejected from Northanger Abbey in the wee hours of the morning because she is not an heiress, but rather is someone who lacks a claim to significant property as General Tilney had hoped.¹⁷² Here, Anne's location on the other side of the hedge is a trope for her displacement, her loss of that certain status she once held in the community, while Louisa and Wentworth are secure and emplaced, a point underscored by the fact that Wentworth's family now lawfully occupies what was until recently Anne's ancestral home, impeding her ability to ever go back.

Similarly in *Emma*, Austen periodically diverts the narrative to the physical periphery of Highbury as a way of revealing the poverty and desperation lurking on the margins of a village that otherwise seems a whirl of dinner parties, dances, and picnics. The indices of enclosure permeate the encounter with the "gipsies" who are homeless and encamped on the edge of town outside the newly-enclosed common, and who prove to be only a woman and some children begging from the slightly better off Harriet Smith (Austen *E* 300-301). Austen's use of "gipsies" in this scene seems satiric, intended to suggest the kind of dismissive nomenclature that facilitates polite society's blindness to the existence of the homeless on their margins, particularly as the term "gipsy" was used at this time to reference someone lacking a permanent home.¹⁷³ However, the term carried a specific meaning at this time as it was associated with those who had no fixed address, and no ties to place or community (Rogers 144). Austen's point seems reiterated at the novel's end by juxtaposing the "perfect happiness" enjoyed by Emma and Knightley, and their "small band of true friends" whose comfortable homes and easy lives almost render invisible those subsisting on their margins until they are reminded of

the poor and homeless by the sudden spate of poultry thefts, just the type of petty crime redolent of desperation and hunger rather than criminal profit (Austen *E* 439-40). The connection between poverty, displacement, and property practices such as enclosure is made explicit when Emma, on one of her charitable missions, visits a poor family living in a ramshackle cottage “a little way out of Highbury” (*E* 75). The outlying location of the hovel and the fact that Emma must cross a “low hedge” and “tottering foot step” to get there strongly suggests a fairly recent enclosure since there has been insufficient time for the hedge to mature, or for the stile to set (*E* 79).¹⁷⁴ McMaster suggests that in writing about the poor and the “gypsy vagrants” Austen “fills in the large social picture and provides indirect commentary” (McMaster *C* 127). But, the insertion of scenes of desperate poverty in a novel appearing to be a frothy concoction of good intentions and misjudgments amongst the gentry seems more a pointed reminder of the human cost that extensive and ongoing enclosure causes to support such a lifestyle, particularly when Emma explains to Harriet that she expects to “get intimately acquainted with all the hedges, gates, pools, and pollards of this part of Highbury,” because she also realizes that her continuing attendance to the “wants and sufferings of the poor family,” will be needed even more in a Highbury undergoing rapid enclosure (Austen *E* 75-76, 79, 80).¹⁷⁵

While Austen often provides glimpses into the impact of enclosure on the most economically-challenged members of society, her fictions invariably center on the lives of middle-class or marginally upper-class women who are threatened with displacement because of enclosure and its interconnected inheritance and marriage practices. In seeking a resolution for their social and physical dislocation despite their limited resources and even fewer options, Austen often has these characters first imagining that they can

transgress these markers of rank and circumstance as when Marianne Dashwood daydreams about living at Allenham once it was “newly fitted up” to her taste, or Catherine Morland thrills in contemplating Northanger Abbey, despite “all the chances against her of house, hall, place, park, court, and cottage,” (Austen *SS* 53; *NA* 147). Similarly, the diffident Fanny Price who has been shunted about since age ten whenever she is perceived as being a drain on another’s resources, and in the belief that “it can make very little difference...whether [she is] in one house or the other,” repeatedly imagines having a permanent and fixed home which to her is the “truest description of a yearning,” and where she is “the equal of those who surrounded her” (Austen *MP* 5, 290, 338). The youngest of Austen’s displaced heroines, Fanny is left to self-define and assimilate into the new culture of Mansfield Park ostensibly on her own. Her longing to return to her family in Portsmouth is expressed through her reading and re-reading of William Cowper’s poem, “Tirocinium,” and her focus on one line in particular: “‘With what intense desire she wants her home,’ was continually on her tongue,” in which Fanny switches the pronoun “his” of the original text to “her” to more closely represent her own feelings of homelessness and exile (Austen *MP* 338).¹⁷⁶ In fact, Fanny is the only one of Austen’s heroines who experiences her displacement by expressly categorizing her removal from Mansfield Park as “her present exile from good society, and distance from every thing that had been wont to interest her,” suggesting that Austen, too conceived of this displacement, and indeed the displacement of so many of her female characters as exile, an irreversible removal from your place of residence and social connections (Austen *MP* 309).

Fanny is typical of the way Austen populates her novels with female characters who experience their physical displacement as exile, a “psychosocial condition,” in which their ruminations are their only mechanism for expressing the uncertainties associated with that “slippery zone between home and host culture” which they must negotiate to persist, and perhaps to achieve a permanent right of place (Ghosh & Sarkar 105). The transition from a homeless to a re-homed state manifests in all of Austen’s mature novels through a lexicon of “spatial tropes” which in *Mansfield Park* includes the lack of a fire in Fanny’s attic room which was once the nursery, in the walls and hedges and stiles of enclosure that appear in all of Austen’s novels, and most significantly, in the way heroines like Fanny are constantly thinking about the houses both real and imagined, that they have been compelled to leave or long to inhabit. By using these metaphors of “double space” as part of the language of that “place and placelessness” which is the hallmark of modern exilic theory, Austen requires her readers to track her heroines’ movements in their endeavor to achieve both social and spatial resolution (Ghosh & Sarkar 104-105). Austen signals that Fanny’s years without a fire, and thus her period of homelessness are ending when her uncle pledges “that every advantage of affluence will be doubled by the little privations and restrictions that may have been imposed,” indicating that at last she is to be warm and safe, permanently assimilated into life at Mansfield Park after years of displacement and uncertainty as to where she will reside (Austen *MP* 245).

As in modern exile narratives, Austen is constantly calling attention to her heroines’ “physical traversing of spaces—the constant drifting between places, as well as journeys and searches” which often involve a conflation of the actual and political

landscape, a circumstance particularly apparent in Elizabeth Bennet's solo walk to visit her sister Jane convalescing at Netherfield Park (Ghosh & Sarkar 104-105). Elizabeth's disregard, even contempt, for the indices of rank and ownership signified by enclosure is made clear as she crosses bordered fields, jumps stiles, and literally steals land by its thick accumulation on the hem of her petticoat as she goes (Austen *PP* 25-26). Her refusal to show the expected deference to these markers of class and ownership prompts Caroline Bingley, a woman "over-eager to ally herself...with the prestige of the Darcy family," to view Elizabeth's "scampering about the country" as "an abominable sort of conceited independence" precisely because it demonstrates a conscious defiance of the ownership and status symbolized by enclosure and to which the landless, nouveau-riche Bingleys aspire (McMaster *C* 124; Austen *PP* 26).¹⁷⁷ By repudiating the authority of those real and figurative boundaries intended to distinguish and determine social and physical place Elizabeth, the disinherited heir, is deliberately situated as the opposite of her obsequious, heir-apparent male cousin, Mr. Collins, whose fealty to the patronage of Lady Catherine mandates that he scrupulously adhere to all signifiers of station and ownership typified by his never crossing "the paling" that separates his parsonage from Rosings Park except by invitation (Austen *PP* 120).¹⁷⁸

While it is left to Lady Catherine, one of the few powerful female landowners in Austen's canon, to try and contain "the upstart pretensions of a young woman without family connections or fortune," it is significant that her method is to belittle the family's estate, since this also impliedly reminds Elizabeth of her prospective displacement and disinheritance. By characterizing Longbourn as having only "a very *small* park," with only a "prettyish kind of *little* wilderness," Lady Catherine invites comparison with the

vast acreages of Pemberley or Rosings Park, and reminds that land still defines status and power (Austen *PP* 269). However, because her father still is a landowner, Elizabeth can repudiate this bullying by claiming parity with Lady Catherine, and by implication with Darcy as well. She asserts her connection to land through her father: ““He is a gentleman. I am a gentleman’s daughter; so far we are equal,”” she declares (*PP* 272). Elizabeth insists on the equality of her situation knowing that it may later vanish, but that too seems to be Austen’s point: having an established connection to property empowers Elizabeth to speak. If she lost her home and fixed attachment to land Elizabeth might be obliged to behave more like a displaced woman such as the superficially deferential Lucy Steele, or the taciturn Anne Elliot whose “word had no weight” (Austen *P* 11).

More significantly, although Lady Catherine seems the staunchest defender of the rigid class system and its attendant property practices, treating a woman such as Elizabeth whom she views as clinging to the edges of the gentry, “a nobody... shrewdly on the make,” she also argues the loudest against practices such as strict settlements because they disparately exclude women from ownership and connection to family land: “I see no occasion for entailing estates from the female line,” she proclaims, adding that “it was not thought necessary” to follow this practice by the de Bourghs, her husband’s illustrious family (McMaster *C* 117; Austen *PP* 126). It may seem anomalous that this haughty grand dame who is so full of her own “self-importance” that she sets herself up as an unofficial but “most active magistrate in her own parish,” and who bestows her condescension sparingly, should be the one to so succinctly repudiate an inheritance practice used to preclude women’s connecting to land (*PP* 123, 125, 130). While Chris Jones contends that Austen typically puts radical remarks in the mouths of conservative

characters as a way of being thought-provoking, Perry suggests that Lady Catherine's assertions are intended to justify the inheritance of her sickly daughter by showing "the wearing away of this earlier customary practice" of primogeniture as part of the author's imaginative attempt to counter women's vulnerability (C. Jones 271; Perry *FM* 324). However, I suggest that as the largest landholder and the person of highest rank in the novel, Lady Catherine's declaration has the most impact in its strong repudiation of the practice of disinheriting daughters and disconnecting women from rights of property and place. Lady Catherine's own fastidious and able management of Rosings Park stands as an example of women's competence to steward large estates, and invites comparison with the inept, titled male parents in Austen's canon such as Sir Walter Elliot who grossly mishandles his estate and is bankrupt, or even Sir Thomas Bertram whose family's extravagant expenses at Mansfield Park necessitate his expedient trip to Antigua "for the better arrangement of his affairs," (Austen *MP* 25). The potency of Lady Catherine's declaration stems from her status as a bulwark of establishment rank and privilege, making her indictment of practices that stymie women from inheriting family real estate not only "unnecessary" as she declares, but unreasonable as Austen's own Enlightenment upbringing must have recognized (Austen *PP* 126). Lady Catherine adds *gravitas* to the rational argument that Austen has been making all along in her writings that women like men, need an attachment to property or at least to community, and they need to have an independent stake in property or wealth and a permanent home. Much as Elizabeth's facility with words fosters an equalization of rank, so too does Lady Catherine's declaration equalize the gender disparity in ownership practices by eradicating the

distinctions made between male and female entitlements that contribute to women's loss of home, even exile.

Juliet McMaster finds Lady Catherine's declaration as evidence of Austen's tendency to reveal the subtle layers of social distinction to affect a "relative flattening" of ranks and enable her heroines to marry up the social scale (McMaster *C* 118).¹⁷⁹

However, blurring the lines between the middle and upper classes to facilitate some, but not all marriages in her novels, seems a minor concern for Austen whose overarching project from her earliest writings to her last novel is in revealing and remedying the problem of women's disconnection from home, community and wealth due to inheritance and property practices skewed in favor of men. In her last completed novel, *Persuasion*, her heroine, Anne Elliot, an outcast in her family, with a father who had "no affection" for her, and her sisters who were "cold and unconcerned," acutely feels the family's forced departure from their ancestral home due to fiscal mismanagement: her "beloved home made over to others...she could not think of much else" (Austen *P* 199-200, 43). However, Anne's assent to wed her former fiancé, Captain Wentworth, is not predicated on any flattening of class ranks; indeed, although Wentworth is now the wealthier party, Anne believes "the disproportion in their fortune was nothing," because of their mutual affection and "harmony" (Austen *P* 202). Wentworth's position may have gone up in the world with the wealth he acquired during the Napoleonic Wars, while Anne's has gone down as the daughter of a now bankrupt and de-homed baronet, but the perceived disparity in rank was never the real impediment for the couple themselves.

What seems more important, however, is that *Persuasion* is the only one of Austen's mature works in which her displaced heroine is given a way back to the home

she was compelled to leave. Anne's staged exile from Kellynch to Uppercross, then Lyme, and finally to Bath leads to her reuniting with Captain Wentworth. Although he has "no landed estate, no headship of a family" of his own, he had, "come to Kellynch as to a home" (*P* 201, 63). The inference is that when he and Anne "settled" after their marriage, it is to Kellynch where the newlyweds receive Mrs. Smith as their "earliest visitor" (Austen *P* 202). Austen certainly gestures towards just such a return in the original final chapters of the novel that she later revised, when Wentworth is dispatched as Admiral Croft's agent to offer Anne the option of cancelling the lease to Kellynch in the belief that she was to marry her cousin William, the estate's heir apparent, and it was expected that she would wish to "live at Kellynch" (Austen *P* 207). Anne's ability to re-occupy her ancestral home, even if temporarily, is significant because it thwarts those hereditary property practices that disqualified her because of her gender, and caused her displacement. In a sense, she must go back to move forward, and Kellynch serves as the staging ground for Anne's transition into a new life amongst people who earned, rather than inherited their place in society. It is here that she sheds her cold and uncaring family and substitutes Wentworth's brothers and sisters who welcome her even though she had "no relations to bestow" (Austen *P* 202). While this may seem like Perry's transfer-marriage paradigm where a woman serves as the object of exchange between her consanguineal and conjugal families, in fact, Austen makes clear that the choice is Anne's alone asserting her autonomy by not consulting her family, although this time they made no objections "beyond the want of graciousness and warmth" (Perry *NR* 14; Austen *P* 199). Here, Anne willingly becomes part of a new social configuration in which affinity and community are more important than consanguinity, hereditary titles, and

landed estates, a result that seems to anticipate the social mobility and social changes that will become so central in Victorian narratives.

Indeed, the novel's closing chapters suggest that the way of life encapsulated in the book of the Baronetage, a book of history and hereditary male privilege revered by Sir Walter, but in which women's names feature only in relation to births, deaths, and marriages, represents a past that is receding. Austen underscores this point in Anne's debate with Captain Harville regarding the roles society traditionally ascribes to men and women, and in which Anne strongly repudiates the type of masculine historicity associated with the Baronetage: "I will not allow books to prove any thing," she asserts, because they are all written by men, "the pen has been in their hands" and thus, they "have had every advantage of us in telling their own story" Anne concludes (Austen *P* 188-9). In this episode and the novel's closing paragraphs Austen insists that women too have a place in the national narrative, restating her assault on masculine historicity first made in her juvenile parody, "The History of England" and in the "Sophia Sentiment" letter over a quarter of a century earlier, decrying the omission of women's stories and emphasizing that women's rights of place are as valuable as men's even if what women do is "more distinguished in domestic virtues than in its national importance" (*P* 203). In *Persuasion*'s concluding chapters Austen restates the arguments for improving women's education made by contemporary women writers such as Mary Wollstonecraft and Maria Edgeworth, however, she does more by arguing against women's confinement in the domestic sphere and advocating for women's participation in those "professions, pursuits, business of some sort or other" from which they have been excluded (*P* 187). In creating an enduring picture of the socio-legal landscape in the first decades of the nineteenth

century Austen decries the practices that displace women, and anticipates, if not directly lays the foundation for those mid-Victorian fictions in which the law's relation to women's place becomes central as narratives increasingly reflect the conflict between gender and property rights (Austen *P180*).¹⁸⁰

Chapter 5

“They are fast married, and can’t be unmarried.”

--Charles Dickens, *Little Dorrit*

“...and one and all of us have agreed that, while we have a superfluity, it is not only a duty but a pleasure,...to give what we can”

--Elizabeth Gaskell, *Cranford*

Counternarratives of Displacement in the Mid-Victorian Novel and Beyond:

Marital Breakdowns, Female Communities, and the Specter of the Asylum

Introduction

On Saturday, June 12, 1858 Charles Dickens took the extraordinary step of devoting the entire front page of his popular weekly journal, *Household Words* to certain “domestic troubles of mine, of longstanding” by offering a full-page explanation of his matrimonial fracas published under the one-word banner headline, “Personal.”¹⁸¹ It had been more than twenty-three years since he embarked on a literary career in which he scrupulously maintained a socially concerned, yet witty presence as the primary face of his “relations with the Public.” However, because of his “conspicuous position” as the most famous author of the age, he felt that “for the first time in my life, and I believe for the last” he had to breach his usual practice of separating his private life from his public persona to publicly address “some domestic trouble” he was experiencing, and the continuing spread of “misrepresentations, most grossly false, most monstrous, and most cruel” regarding himself, his wife, and others.¹⁸² The statement was a masterpiece of suppression in the guise of disclosure because it admitted to having some marital

difficulties, while carefully omitting any meaningful details that might directly address the swirling speculation that the cause of Dickens's failing marriage to Catherine, his wife of twenty-two years and the mother of his ten children, was his questionable relationships with teenaged actress Ellen Ternan and his sister-in-law, Georgina Hogarth, who had been helping in the Dickens' household for years and who continued to live with Dickens even after the marital separation (Slater *DW* 147-149).¹⁸³ What turned Dickens against his plump, middle-aged wife is open for speculation, but what is certain is that this public declaration was only one salvo in a long and expanding war that Dickens would wage for the rest of his life to retain control over the public's knowledge about his domestic situation, and to retaliate against anyone who assisted or sided with his estranged wife, including family, longtime friends and colleagues, and even his publishers (Slater 138, 141).¹⁸⁴

Dickens's personal situation reads like the plots of many novels produced in the middle decades of the nineteenth century including several of his own works, because his personal situation features a despotic or abusive husband; a financially dependent woman supplanted in her domestic roles as wife and mother; the woman's banishment or flight from the family home; and, threats of the asylum to contain the unruly woman. As Dickens explains in *Little Dorrit*, which he serialized between December 1855 and June 1857, marriage is as an indissoluble bond despite acts of cruelty, abuse, or deceit.¹⁸⁵ By the Summer of 1858, Dickens had displaced Catherine from nearly every aspect of her life: he moved out of their bedroom then built a barrier closet between their rooms to deny her access to him and prevent his seeing her; he terminated her access to money and property except as he determined; he publicly discredited her mental competence and

maternal affections¹⁸⁶; and he substituted her younger sister, Georgina, in the role of mistress of his homes and primary caretaker of the Dickens' children, insisting that all the children live with him and Georgina at Gad's Hill in Kent, or at Tavistock House in London. Catherine was permanently barred from both family residences and from any contact with her children even though Plorn the youngest, was just five years old (Tomalin *CD* 295; Slater *DW* 146-7). Only his eldest son, Charley, resisted these draconian measures by writing his father that he refused to abandon his mother (Tomalin *CD* 296). Yet, the one thing Dickens was unable to do was divorce his wife. Although the Matrimonial Causes Act of 1857,¹⁸⁷ the first legislative attempt to shift family matters into an efficient, modern, legal process by secularizing divorce and consolidating custody, alimony, and support matters into a single judicial venue, had come into effect after years of Parliamentary wrangling, Dickens lacked the legal grounds to avail himself of this new law (Wright *UTK* 903-904).¹⁸⁸ This Act was skewed in favor men who only had to prove a single legal ground for divorcing a wife, usually adultery or desertion, yet Dickens had no evidence to sustain any viable cause against the much maligned Catherine (Holcombe 101-106). Even worse for Dickens was that while the new law retained the double-standard of proof for women, requiring that a wife establish both adultery and some aggravating circumstance such as bigamy, desertion, incest, or cruelty, it seems that Catherine may have had sufficient evidence against Dickens based on his alleged adultery with Ternan, or even incest with her sister Georgina, as well as his witnessed cruelty to her (Slater 147-8). More troublesome was that the worst rumors about his conduct seemed to originate with Catherine's mother and another sister, prompting his vehement public denials, and likely fueling his not-so-veiled threats to

have his wife committed to an asylum in the absence of a full surrender, compelling her mother and sister to sign documents in which they “solemnly declared” their disbelief in the scandalous rumors that were circulating about him, which capitulations facilitated the finalization of the couple’s Deed of Separation (Slater 151).¹⁸⁹

This chapter is organized differently than the prior chapters because rather than focusing on an individual author’s novelistic representation of laws and legal practices displacing women, I instead focus on how mid-Victorian fictions reveal marriage as a primary displacement mechanism of women, by examining counter-narrative paradigms that subvert the marriage plot. I begin this chapter by recounting the details of Dickens’s own failed marriage because it reads like one of his own novels, suggesting how closely contemporary fictions seem mimetic of the social and legal issues surrounding the causes, consequences, and remedies for female displacement, particularly if it is the result of a failed marriage or the failure to marry well. The Victorian era saw sweeping legal reforms, many enacted in response to the increased pressure from organized groups such as The Society for Promoting the Employment of Women, often called “the Langham Place Group,” and publications like *The English Women’s Journal* founded and financed by activist feminist, Barbara Bodichon, and by influential treatises such as John Stuart Mill’s *The Subjection of Women* (1869), often viewed as “the most devastating critique of male domination” (Lacey 1; Hager *DRD* 1). The rise of a powerful women’s movement by mid-century pressed not only for the franchise, but for an equalization of property, education, and employment opportunities for women, which necessarily included parity within marriage. Yet, some of the most sweeping reforms of the century benefitted men at the expense of women, such as the Reform Act of 1832 which expanded the franchise

to men possessed of limited property rights thus doing away with centuries of wealth as a barrier to voting, while simultaneously and for the first time expressly prohibiting otherwise qualified women property owners from voting. The effect of this law was to eliminate the heretofore recognized property rights that some women enjoyed pertaining to the franchise.¹⁹⁰

By the last decades of the nineteenth century there also were legislative advances for women's property rights including the series of Married Women's Property Acts enacted between 1870 and 1882, the last amendment of which finally and legislatively eradicated coverture. In addition, there was a gradual expansion of women's custody rights following the Custody of Infants Act in 1839, and the instigation of a civil divorce process in 1857 gave women greater opportunity to legally rid themselves of abusive, philandering, or absconding husbands (Hager *DARD* 4). As Kelly Hager points-out in her study of failed marriages in Dickens's novels, Victorian attitudes towards matrimony were "paradoxical" since there was an increasing legislative recognition of women's separate rights, particularly their right to independent property, even as this expansion was countered by a simultaneous conservative movement to retain women in purely domestic and subordinated roles epitomized by well-known literary works such as Coventry Patmore's 1854 paean to the feminine virtues of his wife, "The Angel in the House," and John Ruskin's articulation of the ideal conservative woman which provided justification for retaining different and separate spheres for men and women, "Of Queen's Gardens" (1865) (Hager *DARD* 4).

Critical studies of mid-Victorian novels in the twentieth through twenty-first centuries continue to view the marriage or courtship plot as the "defining model" of

nineteenth-century fictions, and conclude that it represented the cultural norm despite the obvious confused and continually modifying attitudes towards women's place in the public sphere, the ongoing re-assessment of marriage and marital roles, and the series of legal reforms that accorded women expanded rights to some independent property and education that were occurring across the century. Indeed, Victorian England was undergoing a re-configuration of English domestic social organization, which changes should also have de-throned the marriage plot as the central narrative paradigm of the era, but did not (Hager *DARD* 4). According to Hager, the myth of "matrimonial bliss" which persisted throughout the nineteenth century both before and after the new divorce law, effectively obscured significant recognition of the way Victorian novels increasingly reflected a more problematic institution which was depicted in the many plots and sub-plots about the unraveling of unhappy and unsuccessful unions (Hager *DARD* 5). Although her particular focus is on Dickens's novels, Hager's conclusion that "marital failure appears so often in the novel it constitutes a plot in itself," seems more broadly applicable, since these alternative plots both complement and compete with the courtship plot, thus allowing the novelist to work beyond the narrative closure of the culminating nuptial union (Hager *DARD* 6-7).

Nevertheless, these plots of failed marriages are too often ignored and overlooked by well-respected critics of Victorian fiction, with Hager pointing to both Ian Watt and Jeff Nunokawa. One explanation is that nineteenth-century novels tend to be approached with a pre-determined outcome in order to "read the novel as a conservative agent" intended to align individual desires and impulses with those familial norms that drive the plot towards a conventional marital union and its seeming resolution of all conflicts

(Hager 16).¹⁹¹ That modern critics persist in reading Victorian novels as centered on the marital relationship is hardly surprising since the marriage plot formula is a deliberate strategy used by Victorian novelists to perpetuate the fantasy of idealized domesticity in the face of contemporary reforms that made it easier for women to seek and secure divorce or legal separation, and which often restored women's access to separate property and training.¹⁹² This myth of marriage as the core narrative underpinning of Victorian novels drives the assessments of many modern critics who find nineteenth-century fictions complicit in re-inscribing the hierarchical inequities inherent in the conventional marital relationship.¹⁹³

In contrast, in analyzing Victorian novelistic marriages, Joseph Allen Boone acknowledges the presence of a simultaneous counter-narrative that was intended to undo the dominant marriage plot paradigm through concealed contradictions and “slippages in the logic governing marriage and marriage fiction” (Boone 2). According to Boone, some form of unhappy marriage appears in virtually every Victorian novel and amounts to a “subversive attack on the evolving hegemony of the marriage tradition” (Boone 2). While he finds these incursions merely “exceptions to the rule” rather than true alternative narrative paradigms, in this chapter I argue that plots of marital failure not only expose the disjunction between contemporary myths about marriage and marital realities, but they actually constitute a separate genre of fictions intended to challenge those laws and social practices that perpetuated the inequities of the marital relationship and resulted in the denial of women's independent rights of property and social place. Moreover, I suggest that these counter-narratives occur so frequently that they cannot be viewed merely as “skirmish literature” as Boone contends, but instead are a separate and

alternative narrative category of fiction that was emerging in the nineteenth century in response to the transforming socio-legal landscape.¹⁹⁴ I begin this chapter building on Hager's premise that Victorian novels are as likely, if not more likely to demonstrate the failure of marriage as a way of undermining the hetero-normative resolution associated with the marital ending. However, instead of merely suggesting that there is a competing line of unhappy marriage narratives, I identify three plot paradigms that were regularly employed in the long nineteenth century, and directly engaged with those key laws and socio-legal practices that fostered female displacement since they were positioned to compete with the marriage plot, and indeed appear in many of the most popular fictions in order to deconstruct the marriage plot itself by revealing the inherent contradictions of the marital relationship. Key to recognizing the presence of a counter-marriage plot is that a novel's central marital union often occurs early in the text, usually within the first half of the narrative, so that the remainder of the story can address the legal fictions associated with marriage, precipitating the unraveling of the union and disrupting the wife's connection to property, community, and place, if marriage occurs at all.

The first of these counter-narratives is the asylum plot in which a woman is confined either in a private home or asylum through the use of various Lunacy and Asylum laws that neutralize her existence. Once the abusive and ambitious husband gains control of his wife's property through marriage, the wife no longer is an economically valuable asset to him, and the asylum presents itself as an easy way to be rid of her without the expense and public spectacle of a divorce proceeding, while also obviating the prospect of court-ordered support or alimony. Moreover, the asylum has the advantage of inhibiting the woman from easily freeing herself from her confinement, a

great advantage over the domestic space since she is unlikely to regain her status or her property once committed as any subsequent efforts to free herself are read through the lens of madness. In novels such as Mary Wollstonecraft's unfinished and posthumously published work, *The Wrongs of Woman, or Maria* (1798), Charlotte Brontë's *Jane Eyre* (1847), and Wilkie Collins's *The Woman in White* (1859), to name but a few of the fictions following this pattern, husbands are shown as taking advantage of laws and lunacy protocols that were vague in construction, broadly interpreted to encompass a wide-range of supposedly deviant behaviors, and were inconsistently enforced, particularly if there was money paid to doctors or other officials to ease the process of committal. The plots of these fictions not only reveal the danger of marriage's power inequities, but they depict how easily men could dispose of and displace troublesome wives since these fictions articulate the inherent dangers of the asylum system which was eager to label as mad anyone whose behavior could be viewed as diverging from rigid definitions of normalcy. In addition, these fictions suggest that release from these institutions without outside assistance was nearly impossible as both Wollstonecraft's *Maria* and Mary Elizabeth Braddon's *Lady Audley* demonstrate, mirroring the concerns raised by the series of "lunatic panics" that occurred across England in the 1850s and 1860s due to the public reporting of numerous cases in which sane men and women were wrongly diagnosed, committed, and prevented from availing themselves of any means to seek their own release (Small 184). In the first part of this chapter I explore how novels that employ the asylum plot created an epistemological crisis between the medical and legal professions on the one hand, and literature on the other regarding the definition of madness, since these fictions question who determines the meaning of madness, and

whether the asylum is a therapeutic institution, or merely a substitute prison with the advantage of lower barriers to entry.

The second archetypal plot is that of female escape and self-recovery in which the woman leaves, or more likely, flees an oppressive and unhappy marriage and then slowly rebuilds her life by recouping her identity, her place, and her property. Elements of this plot often appear near the end of George Eliot's novels, such as *Daniel Deronda* (1876), in which Gwendolen Harleth frees herself from her abusive, philandering husband by failing to aid him as he drowns (Eliot *DD* 692, 701-2, 806). Her release from Grandcourt, a man who married her purely to subdue her, allows her to acknowledge that she "ought not to have married" for money and comfort, and instead must re-assess her own values (Eliot *DD* 692).¹⁹⁵ After his death, the small property and monetary legacy her wealthy, baronet husband leaves Gwendolen is not the "handsome provision" that Grandcourt's cousin and executor, Sir Hugo Malinger, and the eponymous Daniel believe was her due. Yet, she accepts this modest bequest as enough for herself, and sufficient to assist her mother and younger sisters, reasoning that she "will be contented with it" because it allows her to recover herself so that she might now be better than she was (Eliot *DD* 717, 757, 807). Similarly, Dorothea Brooke in *Middlemarch* (1872), is bullied and "fettered" by her rigidly priggish and overbearing husband, Casaubon, who continues to control her life even from the grave since a codicil to his will leaves her his extensive property on condition that she not marry his cousin, Will Ladislaw, with whom she has an affectionate relationship (Eliot *M* 458, 466). So long as she keeps Casaubon's fortune Dorothea is constrained by her husband's *will*, a term that carries a clear double-meaning as both his testamentary bequest, but also his intention to posthumously retain control

over her. Although she tries to do good with her wealth, her plans never materialize, and eventually she realizes that to be free of Casaubon's dominance and meanness she must give up "position and fortune" in order to recover herself and marry the man she most admires, and with whom she has "a love stronger than any impulses" (Eliot *M* 791).

However, it is in Anne Brontë's *The Tenant of Wildfell Hall* (1848), that the escape and self-recovery paradigm is most fully realized since Helen Huntingdon loses everything including her name, her social position, her property, and her identity due to her ill-conceived marriage to Arthur Huntingdon, a swaggering, philandering drunkard and brute. The core of the narrative centers on the actions she takes to recover those things taken or lost through marriage including her sense of self, her independent earnings, her child, her name, and her connection to place, and she does this largely through her own efforts after she escapes her adulterous, cruel, and domineering husband. While all three Brontë sisters address the dislocation of women in their respective novels, only Anne constructs her text as a marriage-plot counter-narrative because her heroine not only escapes the displacement of her marriage, but she actively repudiates her nuptial captivity by defiantly recovering herself, her property, and her place.¹⁹⁶

While these first two categories of alternative narratives challenge the dominance of the conventional marriage plot as Boone suggests, there is a third plot paradigm involving female cooperative communities which appears regularly in novels of the long nineteenth century, but where marriage becomes secondary, even peripheral to the central story whose concern is inter-female assistance and collaboration to counter displacement.¹⁹⁷ Often categorized as utopian novels because they advocate seemingly unrealistic ideals that are predicated on apparently untenable forms of social organization,

these tales of female communities or female networks envision an alternative to conventional marriage because they proffer a society based on “emotional, educational, and moral ties rather than legal or biological ones,” through groups of women organized on principles of shared values and cooperation. Their obvious goal is in reforming contemporary British society’s individualistic and capitalistic imperatives by articulating a means “to provide properly for the dispossessed and powerless of several kinds, including women” (Pearl 135; G. Kelly *Intro.* 28). Not only do fictions of female communities subvert the entrenched traditions and socio-legal constructions of marriage and guardianships that constrain female opportunity and independent property, but they wholly de-center marriage, and thus sideline the marriage plot as an organizing narrative principle (D’Monte & Pohl 3-5; Nardin 30). In novels such as Sarah Scott’s *Millenium Hall* (1762), a group of middle-aged, monied widows and spinsters who have all suffered financially, emotionally, and physically at the hands of husbands, fathers, and guardians, eschew further nuptial entanglements and instead pool their resources to start a self-sustaining community on an estate in the Cornish countryside that will provide each with a permanent residence. Because they have all experienced some form of displacement either by disinheritance, widowhood, or marital failure, they construct a society that is free from “the constraints of marriage and maternity” (Pearl 135). Instead, their enterprise allows them to support themselves, while they also expand and provide employment to the surrounding community, and educate girls according to their class expectations.¹⁹⁸ Marriage is not wholly abandoned in this scheme, but it is tangential to the main function of the community which is predicated on shared values, shared expenses, and heterosocial companionship, a “female Arcadia” in which men play marginalized roles,

reversing the power positions of contemporary society (Scott *MH* 223). In assessing the internal justifications for “utopian” fictions such as *Millenium Hall*, Jane Nardin both lauds its attempt at advocating for reform in an “imperfect world,” but questions its “facile and illogical” solution, taking particular umbrage at the impossibility of women founding and operating such a community in eighteenth-century English society (Nardin 30). For Nardin, Scott’s “primary purpose” is not to provide a template for an actual feminocentric community that could exist in eighteenth century England, but rather to articulate “the values and rules that govern an imagined community” (30).

This last section questions Nardin’s characterization of fictional female communities as impractical utopian fantasies. The long, historical line of narratives depicting various forms of female communities demonstrates that women have always felt the need to imagine other places and spaces and transcend their own alienation since, “communities of women...have haunted our literary imagination from the beginning [as] emblems of female self-sufficiency which create their own corporate reality,” (Auerbach 5). Moreover, as Nicole Pohl, Rebecca D’Monte, and Nina Auerbach all observe, there is a discernible and continuous dialogue between fictional female communities and the actual creation of such communities and networks. As such in this last section I contend that beginning in the late eighteenth century and continuing throughout the nineteenth century, a transitional shift occurs away from the earlier fantasy communities of women predicated on religious affiliation, or as sanctuaries for escape, study, and contemplation (D’Monte & Pohl 3). Instead, I suggest that as the long nineteenth century progresses, narratives of female communities increasingly articulate viable organizational structures in response to women’s continued displacement both within and outside of marriage.

These fictional female communities transform from somewhat isolated enclaves into realistic, urban networks of women providing each other with mutual support and cooperation, and which function seamlessly within the larger society, and increasingly mirror the upsurge of groups advocating for women's suffrage, improved employment and educational opportunities, and individual rights in property. Moreover, these narratives delineate viable and more emotionally satisfying forms of social organization for women who do not marry or who no longer are married, since by the latter half of the nineteenth century marriage was less an option for many women with "half a million more women than men" in England, and where these women were viewed as odd or superfluous because they were unlikely to wed, as George Gissing later notes in *The Odd Women* (1893) (Gissing *OW* 44).¹⁹⁹

Early offerings such as Christine de Pizan's fifteenth-century text, *The Book of the City of Ladies* (1404), can only imagine an "allegorical, fortified city" linking a continuum of intelligent and resourceful women in a virtual community connected across time (Pohl *SP* 50). Similarly, the seventeenth-century works of Margaret Cavendish and Mary Astell provide visions of fantasy scholarly communities of women who manage to achieve release from their obligations as wives and mothers, and live together in self-supporting harmony.²⁰⁰ Indeed, even the anonymously-published, *The Histories of Some of the Penitents in the Magdalen-House* (1760), appearing a scant two years before Sarah Scott's *Millenium Hall* (1762), seems little more than a lesson in penance for women who have morally strayed, rather than a template for a viable cooperative community of women because it is organized as little more than a rigorously religious refuge for reforming the bodies and minds of fallen women through a daily sixteen-hour regulated

routine of work and prayer. However, by the late eighteenth century although utopian fictions still follow a typical pattern of “disenchantment and reenchancement,” many, such as Scott’s, begin to blur the “boundary between utopia and the world at large,” which I suggest is a deliberate strategy to encourage the possibility of such communities, and later, the establishment of networks of collaboration that more realistically provide a mechanism for countering women’s displacement (Pearl 135).

Eighteenth-century scholar Gary Kelly tempers his view of narratives such as *Millenium Hall* by characterizing it as a “problematic” alternative to marriage because the stories are too reliant on a confluence of fortuitous circumstances, arguing, for instance, that in Scott’s novel the “proprietors have gained their utopia through exceptional moral and intellectual qualities” and the sheer luck of unexpected inheritances, convenient male deaths, and fortunate friendships that allow the community’s founding (G. Kelly *Intro. MH* 31-32). Yet, as Jason Pearl suggests, historic events in the late eighteenth century, particularly the American and French revolutions, instigated a reconceptualization of both geographic and idealized spaces, as the settings of romances began yielding to more realistic fictional spaces that made some form of utopia not only a possible mapped place, while providing narrative space to articulate feminist alternatives (Pearl 1-2). Sarah Scott’s fictional community may seem impractical from the retrospective vantage of more than two centuries, especially because it retains rigid class structures and associated distinctions of rights, authority, and accommodation, yet its promotion of such humanist imperatives as shared prosperity tempered with economic pragmatism does gesture toward mechanisms that would make the implementation of a more equitable and inclusive society actually possible. Moreover, *Millenium Hall* transforms the older

models of utopian communities that are truly fantasies of celibacy and intellectual or religious contemplation into a social organization that is potentially viable because its rules and practices are flexible and inclusive rather than exclusive, even though many of the novel's underlying precepts remain grounded in the legal and religious values of late eighteenth-century English society (Scott *MH* 116-117). Indeed, one key distinguishing mark of fictions of female communities in the long nineteenth-century is that they rely on alternative concepts of social and legal organization, functioning as a cooperative commonwealth rather than a competitive hierarchy. This notion is exemplified by *Millenium Hall's* ninth rule which provides universal health coverage for all residents because it is paid for from the common fund, thus assuring that everyone is attended to when ill (Scott *MH* 117).²⁰¹

By the middle of the nineteenth century fictions such as Elizabeth Gaskell's *Cranford* (1853), and later George Gissing's *The Odd Women* (1893), and even E.M. Forster's *Howard's End* (1910), dispense with the idea of a wholly separate and isolated idealistic female community. Instead, these later novels configure female communities as networks of women who support and assist one another in countering dislocation or disconnection, either due to failed marriages or the lack of marriage, by responding to women's limited economic options. These novels depict women operating within the larger society, even as they function within mutually-supportive systems that employ collaboration, shared ownership rights or duties, and encourage educational and employment opportunities that would make women more self-sustaining.

Where *Millenium Hall* seems to synthesize contemporary bluestocking feminism through its community of women freed from the constraints of wedlock to pursue

educational and economic endeavors, mid to late Victorian fictions reiterate the positions of contemporary reform groups such as the Langham Place Group, an influential association of women that emerged in the 1850s and 1860s, and encouraged resistance to the patterns of displacement and dispossession to which women were subject within and outside of marriage, expressing these goals through vigorous campaigning for women's property rights and women's suffrage (Pearl, 135; Lacey 1).²⁰² Rather than centering on courtship and marriage, these later novels tend to incorporate the type of rhetoric that underpinned the suffrage and associated women's rights movements of the later Victorian period, eventually leading to the legalized expansion of women's rights of place and property culminating in part, in the 1882 Amendment to the Married Women's Property Act. This legislation legally ended coverture and enabled married women to independently own real and personal property, enter contracts, and retain earnings, thus releasing women from two centuries of constraints imposed by the legal fictions that had been inherent in the marital relationship under English Common Law.²⁰³

Even in a novel such as Gaskell's *Cranford*, which is generally read as a nostalgic homage to a world rapidly yielding to mid-century urbanization and industrialization because of its reliance on "'lavender and lace' sketches" told with "artless charm" and "pastoral delicacy," there is a strong rhetorical undercurrent echoing contemporary campaigns for women's rights of place and property (Boone 295). Not only does the novel's well-known opening in which the Amazons, the ladies of the ersatz Cranford cooperative, possess all the houses above a certain rent thus establishing their irrefutable attachment to property, but even in characters that seem resistant to change the rhetoric of mid-century reformers resonates. For example, Deborah Jenkyns, the self-appointed

leader of the ladies and the arbiter of all proprieties finds the “modern idea of women being equal to men” ridiculous since “she knew they were superior,” thus contravening the fundamental justification used to circumscribe women’s rights and their subservient socio-economic status which was predicated on the notion that women were intellectually and physically inferior to men (Gaskell *C* 5, 18). This final chapter section therefore examines the evolution of female utopian novels as they become narratives of female networks that repudiate the centrality of marriage. In these fictions the marriage plot is supplanted by stories offering an alternative socio-legal organization for women built on cooperation rather than on hierarchical, capitalistic competition as a way of countering female displacement.

Unruly Wives and the Specter of the Asylum

When Dickens publicly suggested that his wife was mentally unstable during their separation negotiations in the summer of 1858, his underlying threat was palpable and Catherine Dickens had to realize this. Within Dickens’s own circle his good friend, the politician, playwright and novelist, Edward Bulwer-Lytton who was running for re-election to Parliament, also had a “troublesome” wife from whom he was separated, and who blamed him for the premature death of their daughter. Lady Lytton made a point of inconveniently appearing at her husband’s election rallies spewing forth a “tirade of accusations” against him (Small 188). Her public interruptions resulted in Bulwer-Lytton’s collusion with two doctors, one of whom was the President of the Medico-Psychological Association, and possibly also Dickens himself, to have his wife committed as mad to Inverness House, a private asylum (Small 188-9). It was only through the public outrage of her friends and relations whose letter of protest appeared in

newspapers across England that Lady Lytton eventually was released, although for the remainder of her life she blamed both her husband, “Sir Liar” and Dickens, “that patent humbug” as responsible for her “abduction and incarceration” (Small 189).²⁰⁴ However, Lady Lytton’s case was just one of numerous instances of asylum commitments that were so suspicious that they spurred the first of two “lunacy panics” that swept Britain between 1858 and 1860, and in which public demonstrations decried the many instances of men and women who had been wrongly diagnosed as insane, denied access to any legal recourse or other means to contest their commitment, and were confined indefinitely, forcing the empanelment of a special jury to look into the matter (Small 184, 252). As Sarah Wise explains, the “lunacy panics” underscored the growing fear that the English were “allowing the medical profession to curb individual freedom by labeling unconventional behavior as a pathological condition, in need of cure or containment” (Wise xvii). No rank in society was exempt, and indeed those with money or property were more likely to be the object of someone else’s ambitions since bribery made it easy to obtain a “malicious lunacy certification,” the necessary documentation given by medical doctors with no particular training or experience in mental illness, but who, under the existing Madhouse law, could easily certify a private patient for the asylum. Even more concerning was the fact that women were particularly susceptible to being certified (Small xix-xxi; Wise 252).²⁰⁵

Negotiating with Dickens in the midst of the increasing public anxiety about the misuse of mad certifications, Catherine Dickens must have sensed the very real threat to her freedom when her husband publicly declared that she was mentally unstable, even though no corroborating evidence of her having any such a condition was ever produced

beyond Dickens's singular assertion (Small 190). Yet, Dickens's friendship with London Lunatic Commissioners like fellow writer, Bryan Procter, and John Forster who was the Lunatic Commission's secretary at the time and later a Commissioner himself as well as Dickens's first biographer, had to give Catherine grave concern. Although scholars Helen Small and John Sutherland doubt that Dickens genuinely "intended to put his wife in an asylum," even they acknowledge that he leveraged his powerful connections to the Lunatic Commission to "persuade" Catherine and her family to acquiesce to his settlement terms (Small 190; Sutherland *DR&HC* 6). Dickens seems to have taken advantage of both the easy process for committing someone to an institution as insane, and the helplessness of those deemed mad and institutionalized when he floated the possibility of his wife's mental instability into the public ether, demonstrating how close to reality are those fictions in which men with money and connections readily rid themselves of inconvenient wives or other female relations under the pretext of madness.

From the mid-eighteenth century through the end of the nineteenth century a series of laws had been enacted to deal with a range of socially unacceptable behaviors which included the series of Madhouses Acts from 1744 to 1828, and the Asylum and Lunacy Acts from 1845 through 1890.²⁰⁶ These laws were intended to contain the sick, the old, the mentally ill, the poor, and others considered immoral by their failure to have consistent work, or by their refusal to conform to expected public behaviors. Although these laws were written as gender-neutral and supposed to be applied equally to both men and women, in fact, they enabled the disproportionate committal of women whose behavior was deemed to deviate from accepted norms, much as the Vagrancy Laws had resulted in the incarceration or confinement of more women than men in the last quarter

of the eighteenth century (Rogers 128).²⁰⁷ A particular problem with these laws was that they had an overly broad mandate to remedy the “persistent problems of social irregularity,” a euphemism encompassing everything from homelessness to wifely disobedience, as well as any other perceived social aberration.²⁰⁸ While these laws generally are not referenced specifically in novels, their workings seep into contemporary literature, and particularly appear in those plots intended to repudiate the harsh application of asylum practices as a means of regulating behaviors deemed non-conforming to social norms, or what William Hughes characterizes as “the uneasy interface between curative therapy and manipulative abuse” (Hughes 145). Indeed, female characters in fictions of the long nineteenth century who suffer confinement, incarceration, or committal to an asylum are usually portrayed as both sane, and as victims who have been maneuvered out of their situations and property in order to benefit others, with these novels also functioning as a public rebuke to the way the laws were being applied. From Samuel Richardson’s *Clarissa* (1753), Ann Radcliffe’s *The Mysteries of Udolpho* (1793), and Mary Wollstonecraft’s *The Wrongs of Woman, or Maria*, to Charlotte Brontë’s *Jane Eyre* (1847), Anne Brontë’s *The Tenant of Wildfell Hall* (1848), Wilkie Collins’s *The Woman in White* (1859), and Mary Elizabeth Braddon’s *Lady Audley’s Secret* (1862), the long nineteenth century is replete with plots depicting women committed to asylums and workhouses, or confined domestically in order to effectuate or perpetuate their estrangement from their social place, a separation from their property, or both.²⁰⁹

Mary Wollstonecraft’s last, unfinished novel, *The Wrongs of Woman, or Maria* (1798), is an early iteration of the asylum plot, telling the story of a hapless wife who has

been committed to an institution by her libertine and debt-ridden husband. The story exposes the ease with which she was disempowered and then hidden away after being declared a mad adulteress. In her “Author’s Preface” to the text, Wollstonecraft makes clear that her aim in writing this novel is her “desire of exhibiting the misery and oppression, peculiar to women, that arise out of the partial laws and customs of society,” with the narrative’s invective particularly targeting women’s overall disparate treatment by society and the laws that make it easy to label a woman as mad (Wollstonecraft *WOW* 59). In addition to pointing to the inequities created by the marriage relationship as facilitating such results, Wollstonecraft endeavors to enlist public support to reform the lunacy laws by arguing that anyone is susceptible to an unfounded “accusation of insanity” since her heroine, Maria, is clearly maligned, misused, and distressed, but not mad (Wise xvii). Maria’s story begins conventionally with an unhappy marriage to an abusive philanderer who also is an unsuccessful speculator with extreme debts. She is pressured to relinquish an inheritance from her uncle that she holds in trust for her infant son, but which her desperate husband needs to satisfy his obligations. Although she manages to escape the marital home, she is discovered by her husband’s spies and captured, only to learn that her child is dead, probably murdered at her husband’s behest (Wollstonecraft *WOW* 137-8). Since she now lacks a “legitimate heir” her husband offers her the choice of signing over half of the legacy from her uncle in return for free transport to Dover where she may leave the country. However, unlike her husband, Maria shows that she is a woman of principle by refusing to bargain with her child’s murderer, “nor would she purchase liberty at the price of her own respect,” (Wollstonecraft *WOW* 138). With the collusion of her husband’s attorney-friend, she is confined in an asylum and

accused of adultery. In this novel fragment which was never completed, Wollstonecraft articulates the paradigm of the mad-wife plot: a woman charged with being mad because she resists the authority of a male relation while simultaneously insisting on her individual rights, particularly those associated with wealth, property and motherhood. Once her assets are taken from her, or she threatens the property or position of a man, she is committed to an asylum with little hope of release. This template re-appears in novels throughout the long nineteenth-century.

Through first-person narration Wollstonecraft details her heroine's tale of woe, while also establishing that she is coherent and rational in relating how she came to the madhouse, thereby demonstrating the gross injustice of her confinement based on "entirely fabricated" evidence from her husband (Small 29). As Helen Small notes, the novel is "overtly polemical" in rejecting the commonly held belief that "insanity naturally follows a woman deceived" by her husband or lover, or that madness is a "quintessentially feminine condition" because one of Maria's confidantes is a man confined in similar circumstances (Small 29). Yet, the text's real invective seems directed at the harmful abuses to which women are subjected because they cease to be treated as adults once they wed, making the marital state the source of women's vulnerability to confinement by an unscrupulous spouse who orchestrates the loss of her place and property. At times the text's narrative style is clichéd, even melodramatic, as the asylum inmates reveal their distressing paths to confinement.²¹⁰ However, it is the descriptions of these madhouses as "abodes of horror" and "mansion(s) of despair" that offer genuine insight into the realities of the asylum system, and the particular dangers for married women. Here, Wollstonecraft compares marriage to an asylum, calling it an inescapable

prison for women—“Marriage had bastilled me for life,” the character bemoans at one point (Wollstonecraft *WOW* 115). For Wollstonecraft, the danger inherent in marriage is that it easily functions as the gateway to the asylum since marriage leaves women “despised and shunned, for asserting the independence of mind distinctive of a rational being, and spurning at slavery” (*WOW* 117). Although, as Wise notes, there is critical debate about whether Wollstonecraft successfully distances this text from lapsing into shrill sentimentality, the novel fragment does provide some context for the way contemporary lunacy laws and marital practices worked in concert to facilitate the disposal of inconvenient women under the pretext of madness, thus paving the way for those mid-century fictions that make the asylum a primary trope of women’s social and legal displacement (Wise 30-31).²¹¹

Bertha Mason’s Confinement and Lady Audley’s Committal

In the latter half of the eighteenth century the attempt at regulating the lunacy laws was largely ineffective since anyone could obtain a license and open an asylum, thus assuring that “abuses were notorious and widespread” (History of County Asylums, Intro. n. pag.). This situation was not improved with the new Madhouse Act in 1828, since as *Jane Eyre* (1847) illustrates, Rochester easily achieves a fifteen-year confinement of his wife, Bertha Antoinetta Mason, with the aid of complying doctors.²¹² The 1828 *Act to Regulate the Care and Treatment of Insane Persons in England*, often called “The Madhouse Act,” was supposed to prevent the sane from being incarcerated because it required certifications of two doctors and a statement from the person who had alerted the doctors, usually a relation such as a spouse (Wise xxi). Although the 1828 Act was intended to assuage the growing public concern regarding asylum abuses and wrongful

incarcerations by doubling the earlier requirement of only a single medical certification, as Charlotte Brontë's novel makes clear, Mrs. Rochester's lengthy attic imprisonment underscores the ease with which a woman could still be confined upon a man's claim that her behavior is "gross, impure and depraved" and the assent of readily compliant physicians (Hughes 138; C. Brontë *JE* 261). Although these laws are never expressly mentioned, the process Rochester describes in confining his young wife reflects the steps for committing a Chancery lunatic since it only required a relation willing to financially support the claimed mad person, and the hiring of the physicians to declare Bertha insane to satisfy legal requirements: "the doctors now discovered that *my* wife was mad—her excesses had prematurely developed the germs of insanity..." Rochester later explains to Jane (C. Brontë *JE* 261). How the doctors discovered Bertha had the potential for madness is not articulated in the text, but it can be assumed that Rochester himself was the primary, if not the sole source of their information. The ready complicity of the medical profession to certify madness, especially when only "the germs" of any potential condition are evident, is precisely what fueled public anxieties since "the asylum was... a classic locus of unease with regard to abuse and wrongful incarceration" (Hughes 138). The intervention of fictional representations of lunatic proceedings leading to the asylum or other confinement both embodied and subverted contemporary medical discourse by closely mirroring actual, well-known cases such as those of Lady Lytton, or Mrs. Cumming, an elderly and wealthy widow whose adult children maneuvered her through a series of well-publicized Lunacy hearings and asylum stays because she exhibited a "moral madness," a designation also applied to Bertha Rochester, and further

underscoring how fictions depicting commitment were closely reflecting the lack of meaningful checks on the real abuse of actual mad certifications.²¹³

In Bertha Rochester's case it seems significant that other than the doctors who were paid for their certifications, the only witness attesting to Bertha's madness is Rochester himself, a man who admittedly has a dubious grasp on truth and candor. After all, he hides his wife for over a decade from everyone in the neighborhood, even from his housekeeper; he disguises himself as a gypsy woman in a failed attempt to manipulate Jane's affections; he uses Blanche Ingham to make Jane jealous; he teases Jane that when he is married to another he will find her employment in Ireland and she will have to leave although he actually intends to marry her; he disappears for months on end despite being the guardian of a small child; he holds himself out as an unmarried man and behaves accordingly; and the story he tells about his wife has too many inconsistencies to be credible. He complains that shortly after his marriage he discovered "what a pygmy intellect she had," but when he describes Bertha's many efforts to escape her imprisonment she has "cunning" (*JE* 261, 264, 250).²¹⁴ She cannot be both feeble-minded, and yet so cunning that she manages to seize those few opportunities to temporarily escape her imprisonment and rage through the house. This disparity raises the possibility that Bertha's condition is exaggerated, even fabricated by the man who gained all legal power over her once they wed, as well as gaining her sizable marriage portion. Indeed, when her brother, Richard Mason, unexpectedly appears in Yorkshire some fifteen years later he shows no trepidation about going alone to visit his sister, suggesting that he did not anticipate any violence from the women he hadn't seen in years and who "looked so quiet at first" until she attacked him and sucked his blood: "she

said she'd drain my heart," he moans (*JE* 181). However, the attack seems to enact a justice for the woman who gave her heart and received confinement in return. Her wild-haired and enraged state may be more the result of years of living under severely restricted conditions, because her only recounted physical attacks are on the two men who authored her fate, her brother and her husband, making her actions seem more like directed revenge than unprovoked madness.

Since we never hear Bertha's view of events, it is left to Rochester to define who she is, supplanting her from any self-description. Although he claims he was "dazzled" by her, his "senses excited" by her "beauty," and he considered her a "fine woman... tall, dark and majestic," once they are married his view radically changes and she becomes "intemperate and unchaste," a phrase suggesting that her real fault was that she was not virginal before they wed (*JE* 260-261).²¹⁵ Rochester's repugnance seems to stem from his decision that Bertha has a "moral madness," a Victorian category primarily reserved for women whose sexuality or other deviance from expected norms of feminine behavior is deemed sinful, and which I suggest likely explains Rochester's subsequent attraction to the young, plain, but virginal Jane (Small 165).²¹⁶ Helen Small links Bertha to *Ivanhoe's* Ulrike, a Saxon woman kidnapped by a Norman lord and kept his prisoner and concubine for years until she goes mad and leaps from the battlements of the castle during a skirmish. Brontë was known to be particularly partial to Sir Walter Scott's fiction (Small 157-158).²¹⁷ As such, this comparison offers some suggestion that like Scott's Ulrike, Brontë may be implying that Bertha was made mad by years of neglect and confinement in a cold, foreign land, rather than as Rochester contends, that she suffered from hereditary insanity along the female line (C. Brontë *JE* 249, 260-261). Certainly,

Rochester's sense of obligation to his wife is limited, tempered by his view that she is an unfair burden on him, and his shameful secret (*JE* 263). While he asks for sympathy, even pity for himself, he expresses no remorse for his treatment of his wife, nor for his efforts to ensnare Jane into an unlawful union although he claims that she is the woman he "resolved to marry" (*JE* 269). He is more than willing that Jane be "entrapped into a feigned union" as a participant in bigamy, a circumstance that Victorians viewed as grossly immoral, because he rationalizes away his conduct, claiming that he "could and ought...to be free to love" as he chooses (*JE* 249, 251, 264). In this regard the fictional Rochester's complaints begin to sound increasingly like those of the real Bulwer-Lytton, or even Dickens, men of position and power who long for young, slim girls and not women who have become middle-aged, bloated and unattractive; men who treat the asylum as a viable alternative for displacing and containing recalcitrant wives when divorce is not possible (*JE* 250-51).

The determination of madness essentially eradicates the indices of Bertha's existence even before she is removed from Jamaica, a metaphor for the marital state itself in which the woman legally disappears and is merged into her husband upon wedlock. Bertha's invisibility continues when she is brought to England, since only "Grace Poole of the Grimsby Retreat...and the surgeon Carter" knew that his wife was locked in the attic at Thornfield, underscoring how male authority and financial patronage can easily secure the silence of those entrusted to oversee persons deemed mad (*JE* 264). Even Mrs. Fairfax, his housekeeper and a distant relation, has no idea who Grace Poole's charge is, with Rochester boasting of his clever deception since, "Mrs. Fairfax may indeed have suspected something; but she could have gained no precise knowledge as to facts," (*JE*

264). In the mid-Victorian period there were no clearly defined standards for assessing madness, and a Chancery lunatic such as Bertha Rochester, that is, someone subsidized privately, could be confined without review by the Lunacy Commission because no public funds were employed for her care. Moreover, the pronouncement of madness could be predicated on as little evidence as a single relation's say so, and without any independent examination (History of County Asylums n. pag.). Brontë shows the terrifying outcome when almost no review process or oversight is required to commit someone as Rochester so easily does with Bertha once he gains complete control of her thirty-thousand pounds, while justifying his conduct through his subsequent repugnance of his wife: "I found her nature wholly alien to mine, her tastes obnoxious to me," he argues (*JE* 261). However, these are statements of incompatibility, not insanity. When the death of his brother and father improve Rochester's financial situation further and he is now a wealthy and powerful landowner in England, he returns to claim his patrimony. As there are no friends or relations to interfere with his transportation of Bertha to England, nor his treatment of her thereafter, Rochester is free to do with her as he pleases, and he does just that.

What is particularly telling of Brontë's goals in portraying Bertha's long confinement is that while Rochester tries to evoke sympathy for himself from Jane, he makes no mention of having sought the best or most advanced treatment and care for his wife, even in England. Rather, his only thought is to hide her away in the care of a chronic drunk who, as a former matron at the local asylum carries the whiff of abuse and neglect about her. Rochester's chief focus is bemoaning his own circumstances, complaining that he "could not rid [him]self of *it* by any legal proceedings" and believing

himself to be the innocent and injured party, the victim of a conspiracy that entrapped him into marriage, while failing to acknowledge the irony of his wife being physically entrapped by him (C. Brontë *JE* 261, 262, 250, emphasis supplied).²¹⁸

Brontë responded to reviewers who found her descriptions of Bertha shocking by clarifying that Mrs. Rochester's sinful life led to her suffering from "moral madness" in which "all that is good or even human seems to disappear from the mind and a fiend of nature replaces it" (Wise 202). While she ascribes the mental degeneration as immorality, a coded word for some sexual deviance, Brontë apologizes for not having dwelt more on the sympathy and pity such a condition should elicit (Wise 202). However, her narrative never directly compares the dissolute conduct of Rochester to that of his wife, although the text necessarily invites readers to make this assessment. By his own admission Rochester is far more immoral in his behavior than his unfortunate wife seems to have been. His quick temper, even rage is displayed on many occasions, yet he is not condemned nor confined. Indeed, Rochester's tale about his years of travel abroad and his hedonistic lifestyle supported by his wife's money involve several adulterous liaisons with other women including an Italian Giacinta, a German Clara, and Adèle's mother, Céline Varens, a French opera dancer, prompting even his admission that he is "an unfeeling, loose-principled, rake" (*JE* 265, 266). While perhaps unintended, Brontë does summon up the double-standard that forgives the man his moral trespasses although he is an admitted multiple adulterer and a would-be bigamist, while his wife's moral transgressions result in her being dispossessed of everything: her name, her country, her fortune, her freedom, her status as a wife, and finally her humanity which she loses when years of confinement transform her into little more than a caged animal.

Traditional feminist approaches to *Jane Eyre*, such as Gilbert and Gubar's assessment in *The Madwoman in the Attic* (1984), interpret the text's motif of female containment merely as a trope for women's existence within marriage, even concluding that Jane's red room incarceration as a child was merely a "dreadful omen of experiences to come," once she married Rochester (Gilbert & Gubar 341). Ironically, Bertha Rochester, whose domestic imprisonment gives title to their text, figures little in their analysis except as a dark double or "avatar of Jane" (Gilbert & Gubar 359; Small 167).²¹⁹ Another approach is Thomas Tracy's post-colonial assessment which sees Bertha Rochester as the central figure in the text because "her confinement at Thornfield Hall drives the plot" (T. Tracy 59). For Tracy, Bertha's sole purpose seems to be as a representative of the dominated imperial subject who takes her incendiary revenge for her years of confinement by burning down the Hall, the symbol of patriarchal, imperial England. In contrast, Sarah Wise focuses on the Victorian response to mental illness by contending that Bertha is a human aberration who Brontë positions so that her readers, like the "penny visitors" who came to "gawp" at the inmates of Bedlam, watch Bertha snarl and growl like a wild animal to provide a display of madness as entertainment and curiosity (Wise 201). While Bertha certainly snarls and rages for visitors, yet Brontë's construction of her suggests that her madness may have more method to it than is first apparent.

The text seems ambivalent as to whether Bertha has succumbed to hereditary madness as Rochester claims, or whether she is a woman made mad by her years of confinement, another female victim of masculine ambitions and medical complicity. Despite the anger she displays, it seems significant that the narrative recounts only two

vicious attacks by her and these are against the two men who used and confined her: her brother, whom she stabs and bites, and Rochester whose bed she sets alight, an act that seems symbolic of the loss of her own marital bed by his conduct. In contrast, when Bertha enters Jane's room the night before the supposed wedding, she does not attack her romantic rival even though she holds a candle and peers closely at her face. Instead, she takes Jane's wedding veil, mockingly wears it in an evocation of her own ill-fated wedding, tears the garment and tramples on it, a gesture of interference with a wedding that should not occur, and then she departs without harming Jane (*JE* 242). This sequence of events suggests a woman in control of her thoughts and actions because she tries to punish those who cast her into a confinement that is tantamount to a living death, but she takes no actions against those who are blameless for her situation. Despite her bloated, bulging, and frizzled appearance, the likely result of years of neglect, lack of fresh air and sunlight, and lack of proper diet and hygiene, the text seems to infer that she might not be mad, but like Mary Elizabeth Braddon's Lady Audley, she is confined because she threatens the wealth, status and freedoms of the men society presumes will support and protect her, and this makes her dangerous. Her wild appearance may be little more than a façade of madness that has been imposed upon her, thus making the burning of Thornfield a reasonable means to gain release from the bastille that displaced and imprisoned her.

Public anxieties about asylum commitments and mad confinements continued to be a source of general concern in subsequent decades, with the lunacy panics finding "direct expression" in works such as Braddon's *Lady Audley's Secret* (1861-3), written at the height of these agitations (Small 184). Sensation fiction such as *Lady Audley* offered

a litany of aberrant behaviors from bigamy, adultery, and murder, to other crimes and “lesser transgressions which shocked and titillated their audience,” but which also provided a perfect platform to examine socially normative behavior and the mechanisms available to suppress or contain conduct viewed as deviant “irregularities” (Nemesvari 515).²²⁰ Lady Audley’s ultimate confinement in a foreign asylum is not the result of any medical diagnosis of insanity, rather it is because her behavior has breached too many social taboos, including bigamy, false identity, and arson, and therefore she must be displaced and removed not just from good society, but from England itself. In this way, novels such as *Lady Audley’s Secret* deliberately reinforce the perception that the lunacy system continued to function as an alternate penal system, but without the due process of the courts. This seems emphasized by Braddon when Robert Audley, a barrister by training, clearly articulates that he wants his step-aunt, the beautiful Lady Audley, to be entombed in an asylum to prevent the Audley family from the public scandal of a murder trial (Braddon 377).²²¹ Unlike other fictions where the asylum often is merely the place for containing aberrant behavior, Braddon is explicit in showing how the legal system can be wholly bypassed using commitment as an alternative to the public proceedings of the law (Braddon 377). As with Bertha Mason in *Jane Eyre*, and Anne Catherick and Laura Fairlie in Wilkie Collins’s *The Woman in White* (1859-60), Lady Audley is presented as a woman displaced by the ambitions or greed of men with power, titles, and connections even though the law presumes that these same men will protect and support their female relations.

As for the eponymous Lady Audley, her story is another counter-marriage plot since her first marriage to George Talboys, a man above her in rank, deteriorates when

her husband is disowned by his wealthy father. After more than three years of living in poverty with her small child, having been abandoned earlier by her husband, Helen Talboys determines to improve her life by re-inventing herself as the governess, Lucy Graham, and ultimately the “trophy wife” of the older, wealthy baronet, Sir Michael Audley. It is Helen/Lucy’s bad luck to become the victim of her step-nephew, Robert Audley, whose sudden energetic pursuit of her stems from the unexplained disappearance of his school friend, George Talboys, who returned to England only to discover that his wife was not dead as he was initially told, but rather is married to another. Robert’s attraction to his beautiful young aunt soon transforms into a quest to expose the secrets she is hiding (Braddon 161). Doggedly unearthing Lady Audley’s real identity and proof of her bigamy, Robert is impelled by his conviction that she murdered his friend and her first husband who mysteriously disappears in the first third of the novel. Although George Talboys re-appears alive and well near the end of the story, it is after Lady Audley has been committed to the asylum on the pretext of his murder, a situation that is never rectified, thus further reinforcing the notion that the asylum was being used as an alternative to the legal process.

Until Lady Audley entered his life, Robert had been a lazy and non-practicing barrister. However, his decision to unmask his aunt’s past becomes his “first brief,” as he determines to put this accomplished and attractive woman in her place, which means displacing her from her position as the wife of the wealthy and elderly baronet, Sir Michael Audley, and also preventing her from potentially producing a male heir who would supplant Robert’s claim to the familial title (Braddon 155).²²² Once he believes that he has amassed sufficient proof to demonstrate that Lady Audley murdered George

Talboys, Robert takes command of the family honor by insisting that she be certified as mad and confined in a foreign asylum under an assumed name (Braddon 377). Despite his legal training, Robert cannot convince even family friend, Dr. Mosgrove, that he has adduced adequate evidence to demonstrate that Lady Audley murdered her first husband: “you have no evidence of his death,” the doctor succinctly points out. As an alternative, Robert persuades the doctor to sign a certificate of madness to rid the family of the taint of Lady Audley because she is a “wicked woman” (Braddon 379). However, wickedness is not madness, and indeed the doctor himself remonstrates that Lady Audley’s actions are rational and sane, even if they are also criminal:

‘She ran away from home, because her home was not a pleasant one, and she left it in hopes of finding a better. There is no madness in that. She committed the crime of bigamy, because by that crime she obtained fortune and position. There is no madness there. When she found herself in a desperate position, she did not grow desperate. She employed intelligent means, and she carried out a conspiracy which required coolness and deliberation in its execution. There is no madness in that.’ (Braddon 377)

Here, Braddon enumerates the kinds of behaviors that often formed the basis for declaring a woman mad in real life, repeating why her behavior does not meet this classification, as when the elderly Mrs. Cumming was determined insane and committed to an asylum merely because she disliked and disinherited her greedy adult children who then claimed that this showed a “deviation from maternal affection [that] was a strong indicator of moral insanity” (Wise 134, 136, 146). Braddon similarly suggests that exhibiting behavior that is perceived as deviating from what is acceptable for one’s

gender and class may be enough for securing the necessary medical certifications. Even though Dr. Mosgrove concludes that Lady Audley does not exhibit the symptoms of any mental illness, he willingly certifies her for the asylum. The fears of the “lunacy panics” are realized, with Braddon illustrating the real danger when the asylum becomes an easy alternative to the legal system, and a ready method for displacing inconvenient women. The text underscores how the procedures for committal to the asylum lack the scrutiny of a public trial, a jury, defined rules of proof, and afford no opportunity for the victim to raise a defense and test the case, all elements of the legal system, which while certainly not providing a perfect justice, offered more checks and balances than the madhouse laws with their easily purchased certifications. Thus, Braddon reaffirms the public’s anxiety about the persistence of wrongful committals and their use to confine persons deemed inconvenient (Braddon 379-80).

More significant perhaps is Braddon’s portrayal of the collusion between the legal and medical professions to circumvent the criminal justice process in order to avoid “any exposure—any disgrace” that could taint the Audley men, or the Audley name (Braddon 380). Braddon demonstrates the ease with which two men, Dr. Mosgrove, the physician, and Robert Audley, the lawyer, conspire to displace a woman whom they determine problematic, bypassing the legal system entirely, and instead using the asylum as the mechanism to confine this woman deemed intelligent, resourceful, determined, and energetic, but who presumes beyond her station and engages in desperate acts to improve her economic and social status. The result is her permanent confinement in a foreign madhouse, a life sentence which Dr. Mosgrove succinctly sums up as a living death, the

product of collusion between two men, the lawyer and the doctor, who rationalize what they are doing as “a service to society” (Braddon 381).

Braddon was one of several authors whose fictions responded to the “continuing “lunacy panic” by “giving imaginative force to public fears about the competence and trustworthiness of doctors who cared for the mad” (Small 185). Although Dr. Mosgrove finds no evidence to support a diagnosis of madness and refuses to declare Lady Audley mad, he is willing to condemn her to an asylum because “she is dangerous!” (Braddon 379). *Lady Audley’s Secret* does more than merely reveal the problems of the madhouse system, it deliberately intervenes in the debates over how madness is defined, challenging the medicalization of unacceptable behaviors and the collusion of the legal and medical professions in superficially adhering to the process of commitment while circumventing its intent, all of which contributed to the displacement of inconvenient women, a motif repeatedly represented in mid-century fictions. Indeed, *Lady Audley* intentionally intrudes on the province of the medical establishment by highlighting the abuse of both legal and medical authority in making it possible to displace a woman from every aspect of her life without affording her any means to contest her fate.

“The Last Chance of Restoring Her to Her Place in the World”: *The Woman*

in White

The fates of both Bertha Mason and Lady Audley are sealed the moment they are certified as mad. However, Laura Fairlie the unfortunate Lady Glyde of Wilkie Collins’s popular sensation novel, *The Woman in White* (1859-60), does manage to escape the asylum, but only because she is rescued through the resourcefulness of her half-sister, Marian Halcombe, who bribes a nurse to assist in an escape plan. Committed to the

asylum in the place of her deceased half-sister, Anne Catherick, Laura's plight points to the untenable laxity of the madhouse system in which physicians could commit persons whom they have never met, let alone examined. The unchecked admission and containment of individuals to the asylum is shown as condoned, even exacerbated by asylum administrators who, as in Laura's case, turn a blind eye in exchange for money, indifferent to who is actually occupying a place at their institution.

Also written during the height of the lunacy panics and serialized shortly thereafter in Dickens's *All the Year Round* magazine, *The Woman in White* draws on many actual and secondary sources for both plot and the construction of characters, particularly Maurice Méjan's *Recueil des causes célèbres* (1814). Méjan's story recounts the true and celebrated case of Madame de Douhault who was wrongfully incarcerated in an asylum in France at the end of the eighteenth century under an assumed name by her greedy brother, and was unable to convince anyone of her true identity or recover her freedom and her lost wealth (Small 191).²²³ Collins's novel intentionally raises questions about the lack of exacting procedures for asylum commitments, particularly as women were more susceptible to being incarcerated, especially if their presence proved inconvenient to others, usually a male relation, rather than for any clinical condition. More significantly perhaps, the novel implies that women are too often viewed as fungible commodities since mere resemblance facilitates the novel's female substitution as part of an elaborate scheme to protect a man's status and preserve his economic stability.

Helen Small suggests that both Collins and Dickens struggled with addressing "the wrongful incarceration debate in fiction," by using their writings to intervene with

the continuing concerns about the purchase of committals for other than medical reasons (Small 185-6). Yet, Dickens never seems to get beyond displaying psychologically damaged characters such as the reclusive and vengeful Miss Havisham of *Great Expectations* (1861), since his novels lacking any meaningful examination of the madhouse as an institution, and he fails to offer any substantive critique of the processes of committal.²²⁴ Although the serial publication of *Great Expectations* commenced in Dickens's *All the Year Round*, a scant ninety days after he had finished the last installment of *The Woman in White*, Dickens seems to avoid engagement with the asylum process and instead focuses entirely on the causes of female madness as instigated by lost love and unfulfilled femininity, rather than on systemic and legal issues and abuses. In contrast, Collins targets and indicts the asylum system itself. While both novels appeared during this period of heightened public anxiety about the abuse of asylum commitments, only Collins addresses the corrupt process that facilitates the internment of women like Anne Catherick, which in the text is achieved by a conspiracy between her mother and Sir Percival Glyde to prevent Anne from revealing the secret of Sir Percival's illegitimacy.²²⁵ Unlike Dickens, Collins directly exposes the asylum's facile and corrupt admissions process, particularly as he later demonstrates how easily Laura, Lady Glyde, is substituted in place of Anne through an exchange of female bodies that reveals the terrifying lack of any meaningful procedures to test the validity of the committal, as well as the absence of any means for securing a release, and certainly the lack of any genuine form of treatment for those committed.

Generally following the asylum plot format, *The Woman in White* centers on the young heiress, Laura Fairlie, who feels obliged to marry Sir Percival Glyde, the older

man her dead father had selected for her, and despite her having fallen in love with another. Sir Percival has carefully maintained an image of himself that obscures his true history and financial situation from his bride-to-be. In fact, Sir Percival is a man who has assumed an identity to which he is not entitled, and whose enormous debts require not merely the substantial marriage portion Laura brings to the union, but everything he would acquire upon her death in the absence of children. Where novels like those of Wollstonecraft or Charlotte Brontë merely reveal how women are readily discarded once they have been divested of their worth upon marriage, Collins condemns the asylum scheme itself because it encourages, if not also enables this type of mercenary marriage. By revealing the difficulty in gaining release in the absence of vigorous outside help, Collins seems to intentionally evoke recent events, particularly the case of Lady Lytton whose asylum release is only achieved through an outside campaign of friends and supporters. Collins underscores the corruptness of a system that makes it easy for men with money and connections to incarcerate a woman. This point is made explicit through Sir Percival's nefarious accomplice, and indeed Laura's uncle by marriage, Count Fosco, who later admits the ease with which he "procured the services of two gentleman who could furnish me with the necessary certificates of lunacy" and "whose vigorous minds soared superior to narrow scruples" (Collins *WIW* 625). What is particularly damning of the asylum process is that Fosco makes clear that these so-called physicians never met with Lady Glyde before committing her under a false name despite their willingness to certify her as mad.

In a novel such as *Great Expectations*, Dickens may forge a link between fiction and medicine, but he does so only by returning to the well-worn convention of the "love-

mad woman,” someone whose romantic disappointment is manifested in clinical symptoms and other “evidence of physiological disturbance” (Small 193). Dickens reinforces conventional beliefs that woman’s nature is driven primarily by the heart, or by a heart that has been irrevocably “broken” since Miss Havisham is unable to move beyond the day of her aborted wedding, and she continues to wear her now yellowed and tattered wedding gown, and live amidst the decaying remnants of her wedding feast (Dickens *GE* 57). Her presence in the text may point to the failure of the medical profession to assuage the kind of profound loss and depression she experienced as Small contends, but Dickens’s lapse into the stock figure of the woman driven loony by lost love also reveals an author with little interest in taking on the deficiencies of the medical profession or the failings of the madhouse system, perhaps because he held this alternative in reserve for his own wife should she prove troublesome. Instead, he contrives a way to avoid the presence of doctors in the text entirely by having Miss Havisham eschew all physicians, although she apparently still welcomes lawyers such as Mr. Jaggers, to assist in the management of her assets.

Small further concludes that Collins similarly employs the figure of the love-mad woman in a white dress in the figure of the supposedly simple-minded Anne Catherick in *The Woman in White* (Small 193). Yet, there is a marked difference in Collins’s use of this trope and Dickens’s construction of Miss Havisham; Anne wears white not because she is driven mad by a romantic failure, but in homage to Mrs. Fairlie, the one person from her childhood who treated her kindly: “I will always wear white as long as I live. It will help me to remember you,” Anne tells her temporary benefactress (Small 193-197; *WIW* 59). Anne’s choice of dress seems less a clinical failing or the product of a

psychological disorder, than a token reminder of those early kindnesses that she rarely received. In contrast to Dickens, Collins constructs a more direct indictment of a system that committed this young woman to the asylum not because of her style of dress as symptomatic of a deeper clinical problem, but solely to silence her, and indeed he shows that she was sold into institutionalized silence by her mother to protect Sir Percival Glyde's secret past. The irony of course is that disclosure of his secret would do to Glyde what he has done both to Anne, and subsequently to his wife, Laura: it will strip him of his rank, his property, his identity, and his place because he is illegitimate, and therefore was not his father's lawful heir and he would be disinherited (Collins *WTW* 520-21).

In *The Woman in White*, Collins seems to question the "growing institutional power of medicine," by suggesting a conspiracy between the legal and medical professions in these acts of "wrongful incarceration" (Small 197). His firsthand observations of the commitment of Lady Lytton only the year prior may have served as impetus for his clear countering of the moral righteousness exhibited by those literary men he knew who were involved in that disturbing episode, since in his novel he deliberately releases both women wrongfully committed: Anne by her initial escape and then by her untimely death; Laura by her rescue through her sister's efforts, much as Lady Lytton's friends rallied to achieve her release. Collins's fascination and familiarity with the lunacy system seems underlined by the fact that he dedicates *The Woman in White* to Bryan Waller Procter his "fellow brethren in literature" who also was a friend of both Bulwer-Lytton and Dickens, and a Lunacy Commissioner, suggesting that Procter was probably a chief source for Collins's knowledge of "contemporary asylum conditions and laws" (Wise 189; Small 186). Yet, this dedication seems somewhat paradoxical,

since Collins exposes the venality of the current asylum system to which easy admission can be bought, as well as its potential for mistreating or over-medicating inmates to keep them compliant, something Marian implies in her concern that any delay in rescuing Laura “might be fatal to her sister’s intellects” (Collins *WIW* 430). Even more significant in repudiating the current configuration of asylum procedures is that Collins makes clear that the asylum is complicit in the confinement of women on little more than a husband’s payments to the institution and some easily secured medical certifications, since no form of personal examination is even required of the certifying physicians. This lax process allows for the later substitution of Laura for Anne Catherick, even though the “proprietor of the Asylum acknowledges that he had observed some personal change” in the woman he later admitted as Anne from the Anne who had been in his “care” for years, yet he did nothing about this obvious discrepancy, instead choosing to view Laura’s insistence that she was Lady Glyde as merely a “delusion,” a part of her illness (Collins *WIW* 428, 427).

Ultimately, what may be a more important statement about the relationship of money and the asylum system is that Laura is finally rescued from a state of existence that Collins characterizes as “dead-alive” by her sister, Marian Halcombe, who uses her limited personal assets to bribe a nurse and recover Laura from the legal death imposed on her by Glyde and his co-conspirators (Collins *WIW* 429). Collins makes clear that it is only because Marian is unmarried and has some assets that are hers alone, that she is able to implement her plan of rescue, fulfilling Laura’s earlier plea that Marian never marry because she is “so much better off as a single woman,” who has freedom of movement, an unfettered access to her small holdings, and such limited property that she is not a tempting target for a predatory male like Glyde (*WIW* 215). Indeed, once Marian

discovers that Laura has been substituted for Anne in the asylum, she reasons that all that she need do is find a sympathetic nurse and offer her enough money to secure her assistance (*WIW* 427, 430-31). Collins further chastises the asylum system by suggesting the enormous difficulty and delay in attempting a release “by legal means” (*WIW* 430). Instead, the text implies that subterfuge, cunning, and cash are the most expeditious and perhaps the only means for rectifying the bureaucratic imbroglio that is the Victorian madhouse. It seems a deliberate and damning indictment of a system that is constructed to be easily manipulated from the outside, and impossible to work from the inside, especially for women who because of their legal nullification in marriage, often lack the independent funds that would enable them to purchase their freedom and defend themselves against accusations of madness.

However, the text also strongly condemns the configuration of marriage which enables the displacement of women through asylum commitments since the common law practices attendant with marriage strip a woman of most of her property, and make her more susceptible to a committal that can eradicate any of her limited, remaining rights. Thus, Laura’s vast inheritance is lost to her husband’s greed, a point emphasized by Collins when Laura’s art master and second husband, Walter Hartright acknowledges that Laura’s “fortune is gone...with all prospect of recovering her rank and station more than doubtful” (*WIW* 575). Despite the best efforts of Marian and Hartright to amass the evidence that would irrefutably prove the conspiracy against Laura, Hartright also realizes that “the last chance of restoring her to her place in the world” lies with Count Fosco, a surviving member of the masculine conspiracy who can fill-in the missing details (Collins *WIW* 575). This situation is further exacerbated by that fact that Laura’s

uncle and guardian, Frederick Fairlie, feels too imposed upon to acknowledge that Laura is not dead, nor to make the effort of restoring her remaining property and position to her. Although he had been her guardian until her marriage, Mr. Fairlie refuses to accept that Laura is alive, and insists that Marian has been “duped by Anne Catherick,” the woman whom everyone claims has “unusual slowness,” and seems too dull-witted to have undertaken such a deception (*WIW* 575). It is only after the production of overwhelming evidence of Glyde’s and Fosco’s plot against Laura by her second husband, Hartright, and by family lawyer, Mr. Kyrle, that Mr. Fairlie is compelled to acknowledge that his niece lives, so that her home, position, and the small remainder of her fortune can be returned to her as well as her place as heiress to Limmeridge, her father’s estate which her uncle retains as a life tenant only; Laura is the tail heir (*Collins WIW* 437, 58, 633).

Collins therefore constructs a plot that articulates those anxieties surrounding the ongoing “lunatic panics” by highlighting the easy disposal of women like Anne who are without defenders, and even Laura, who is readily substituted for her half-sister because of a family resemblance, and whose displacement is motivated by her male relations’ need to acquire her fortune. However, he also demonstrates the utter failure of a socio-legal system predicated on the infantilizing of married women by showing that the two men society and the law presume will protect and provide for Laura’s well-being, her husband and her guardian, dispose of her, ignore her, and exploit her and her property. Esther Godfrey suggests that in narratives such as *The Woman in White*, there is an intentional circumvention of the marriage-plot paradigm because the story is not about materialism, but instead exposes how money has “the potential to trouble gender” (Godfrey 163). For Godfrey, whose focus is the heiress’s relation to her own wealth

“both before and after marriage,” the limited economic ability of all women, whether married or not, makes them vulnerable to the types of abuses Collins portrays. Because the sexual economics of Victorian fictions tend to focus on the desire for “male financial security,” they too often overlook the way “independent wealth could both empower and imperil women” (Godfrey 163-4). In those narratives where a woman is confined either domestically or in an institution, the woman’s wealth often serves as the impetus for her displacement, and marriage is shown as the mechanism that facilitates this end by imbuing all power and property in the man.

The Woman in White emphasizes that women need both independent rights of place and control of some separate property to repel the potential for an unwarranted institutional displacement. While Laura’s second husband is instrumental in “restoring her to her place,” it is the limited financial means of her sister, Marian, that recovers Laura’s liberty, and indeed resurrects her from a living death by saving her from languishing in the asylum for the remainder of her life (Collins *WIW* 575). By liquidating her small holdings, Marian has enough money to give the nurse a “wedding-portion for a reward,” and to retain some funds to open a joint bank account for herself and Laura to cover their living expenses which they “calculated... to the last farthing” (*WIW* 431, 441). That Marian must rescue her sister with her limited assets underscores the need for all women to have independent property, since it is only because of Marian’s *feme sole* status that she could retain enough to tempt the nurse, and then secure modest accommodations for herself and her sister. More salient may be the fact that here as in many other fictions of the period, the asylum is positioned as the correlative to the domestic residence, the space in which most wives are confined, whether literally or

metaphorically. The plot of displacement thus becomes the alternative narrative formulation to the marriage plot since failed marriages invariably result in the disconnection of women from place and property, and where there is money, can lead to the asylum. Not only does *The Woman in White* emphasize the ease with which the asylum system was being abused, but more importantly the text gestures toward the need for assuring a woman's independent rights to her property, and that it is often other women who are the only means of rescuing the woman in distress and preventing or countering their displacement.

**Gaining Ground: The Outlaw Woman, and the Recovery of Property and
Place in *The Tenant of Wildfell Hall***

Although the cult of domesticity reached its apex in the mid-nineteenth century inscribing women as queens of the home, invariably it was a home that they could not, or did not own. As Tim Dolin observes in his study of women, property, and Victorian fiction, "few Victorian novels depict women who choose to live independently either protected by equity settlements or as single women with common-law property right," in part because to do so would de-throne the centrality of the marriage plot with its imperative for the legal "absorption and dispossession" of women into domestic invisibility (Dolin *MTH* 3). In those fictions in which the marriage plot is central to the text, female characters tend to be portrayed as representatives of property transferred through them in marriage, or through equitable arrangements such as marriage trusts. Yet, in Victorian England having even a limited proprietary interest in real estate imbued one with both privilege and position, something made clear with the passage of the Reform Act of 1832. This law expanded the franchise to men whose household worth

was as little as ten pounds per annum, even as it simultaneously codified for the first time the exclusion of property-owning women from the vote regardless of the size or value of their holdings (Chalus 20).²²⁶ This caused a significant shift in determining franchise rights by making gender a more important qualifier than wealth or possession of land. In contrast, from the seventeenth century forward into the first decades of the nineteenth century there is evidence that women who otherwise had the right to vote in Parliamentary or parish elections because of independent property interests, often did vote, with female property-owners forming a “small but undeniable political constituency” (Chalus 20).²²⁷ However after 1832, single women or widows who “technically met the franchise requirement” could no longer vote, (Gleadle & Richardson 11; Chalus 21). While women landowners could still attempt to influence their tenants’ votes, the well-known case of Yorkshire landowner, Anne Lister, demonstrates the real impact in eliminating women’s political rights entirely and leaving them with little more than influence, and often ineffectual influence since Lister’s attempts at putting “pressure on her tenants did not always have the desired effects,” (Davidoff and Hall xxiii-xxiv). Ironically, Leonore Davidoff and Catherine Hall conclude that the exclusion of women from public political life fostered by the 1832 Reform Act effectively “fuelled the feminism of the 1850s,” which I suggest is already manifest in Anne Bronte’s 1848 novel, *The Tenant of Wildfell Hall* (Davidoff and Hall xxiv).

While Helen Huntingdon, the heroine of Anne Bronte’s 1848 novel is not directly concerned with securing the franchise, her story does deconstruct the predicate for the franchise by questioning the socio-legal impetus for divesting women of all rights connecting them to property or place. Since women’s interests in land were integrally

connected to the disputes about their political currency, this section examines the second counter-narrative plot in which a woman survives an abusive marriage by removing herself from the marital home in order to reconstitute her life and recoup her individual identity, her place, and her property ceded in marriage. In this novel, Brontë emphasizes the need for married women to have a defined, independent interest in property, even if only as a tenant, because this status imbues the woman with the right to remain, no longer reliant on the goodwill of a husband or other male relation.²²⁸ The novel deconstructs the fictions associated with marriage by illustrating the deleterious effects stemming from the denial of women's independent property rights, even rights in her own person, thus effectively disrupting the marriage plot itself since Helen's first marriage is not a culminating event, but proves to be the origin of her degradation, abuse, and displacement.

Certainly, Anne's older sister, Charlotte Brontë understood the empowering nature of property when her heroine, Jane Eyre, finally inherits an uncle's legacy of twenty-thousand pounds, and Jane immediately declares herself not only rich, but also an "independent woman" and her own "mistress," no longer a dependant or servant to anyone (C. Brontë *JE* 326, 370). Jane uses her new-found wealth to assert her right to create a permanent connection to land by returning to Thornfield, which she fled to avoid the degradation of a bigamous union, but where she now threatens Rochester that if he will not consent to her living with him, she has the authority and the finances to "build a house of my own up to your door" (C. Brontë *JE* 370).²²⁹ Here, Charlotte Brontë does seem to acknowledge a woman's fundamental need to claim a home for herself and a permanent connection to land. However, the resolution of the novel with the union of

Jane and Rochester after his wife's convenient suicide, means that any threat from Jane's momentary claim to autonomy is never enacted because she is soon happily and willingly subsumed into the marriage that she gushingly announces at the beginning of the novel's last chapter, thus allowing her to acquire place by yielding to a conventional marriage.²³⁰

Yet, in *The Tenant of Wildfell Hall* published within a year of *Jane Eyre*, Anne Brontë refuses to situate marriage as the source of her heroine's permanent connection to place, nor is it shown as the embarkation point into conventional domestic invisibility as is the case with Charlotte's heroine. Rather, marriage becomes the impetus for Helen Huntingdon's initial dispossession and eventual trajectory towards a culminating assumption of both personal autonomy and property ownership. Her movement away from the tenuous connection to place inherent in the marital relationship to an independent right of place challenges Victorian conventions of gendered space and authority, and subverts the numerous indices of female displacement associated with women's legalized eradication through marriage. Indeed, Anne Brontë's plot insists that marriage is constructed to lawfully deprive of woman of all rights of place, and even rights in her own person as exemplified by Arthur Huntingdon's repeated reminders to his wife that, "you promised to honour and obey me," making a threat that carries with it the sinister implication that she must yield to him in all matters including physical and sexual submission (A. Bronte *TWH* 224). Once Anne's heroine manages to escape her husband, a man who cheated on her, confined her, threatened her, removed her as mistress of her home and caretaker of her child, and who indulges in every possible vice, she considers herself liberated from the yoke of wedlock, and thus also free to assume the status of tenant at a remote family property which imbues her with an independent, albeit

tentative right of place. However, by novel's end Helen has recovered all that her marriage took from her and more, becoming an owner of land by inheriting two large estates, and thus achieving a permanent bulwark against further displacement.

Critics from Christine Colón to Jill Matus and Margaret Mary Berg note that *The Tenant of Wildfell Hall* not only bares a strong “family likeness” to *Jane Eyre*, but it functions as a deliberate rebuke to Charlotte's conclusion that romantic love will protect a woman from future displacement, or offer her enough to provide for a satisfying life (C. Colón 21).²³¹ According to Colón, *Jane Eyre* is about a woman content to escape into an isolated, “romantic utopia,” (C. Colón 20). However, I suggest that *The Tenant of Wildfell Hall* responds by showing how marriage can become a dystopian trap from which a woman must either escape or risk being destroyed. Indeed, Ian Ward suggests as much when he concludes that this novel “shattered the pretences of marital harmony beloved of many Victorians (Ward *TCHH* 151). Like many of Dickens's novels, *The Tenant of Wildfell Hall* reveals a range of unhappy marriages including Ralph Hattersley's marriage to the timid Milicent Hargreaves which is eventually repaired with Helen's intervention; and Lord Lowbrough's marriage to the adulterous Annabella Wilmot, the collapse of which results in a rare Victorian divorce because it occurs in the years prior to the 1857 Matrimonial Causes Act (A. Bronte *TWH* 340-341, 439). However, it is the progression that Helen Huntingdon makes after she escapes her husband that demonstrates how this novel positions itself as antithetical to the conventional marriage plot paradigm since it reveals many unpleasant realities about what can happen to a naïve bride after the wedding.

The core of the novel is set forth in Helen's diary which details the deterioration of her marriage over several years' time until she escapes, and is gradually able to create a new and different life for herself and her son by posing as a middle-class widow, and supporting herself through her paintings. For Laura C. Berry, what makes the text so radical is Helen's insistence on retaining custody of her child at any cost in order to protect him from lapsing into his father's care and adopting his father's abusive and excessively hedonistic ways (Berry 39). However, I suggest that what makes this "an astonishingly feminist novel, with few counterparts" in Victorian literature, is its recounting of the excruciating details of an abusive marriage, and the fact that the oppressed wife escapes to claim an independent connection to property and place, reconstituting her life, rather than submitting, or dying by her own hand or by the hand of her oppressor as with Bill Sikes's murder of a devoted Nancy in Dickens's *Oliver Twist* (1838) (Clapp 113-114). While Helen's insistence that her son not become like his profligate father is certainly one motive for her flight and subsequent actions, the novel's exceptional stance lies in its militant advocacy for women's independent rights of ownership and wealth, as well as their right to an education that is both academic and practical since the text strongly argues for women's individual ownership rights and against women being "taught to cling to others" or to being "kept in ignorance and restraint" which makes women vulnerable to abuse and displacement (A. Brontë *TWH* 30-31).²³² Indeed, the novel promotes the idea that a woman should leave her abuser and take what she can, even if she becomes an outlaw, since at least she will no longer be "deprived of self-respect and self-reliance" (A. Brontë *TWH* 3). Particularly startling for its time, the text contends that it is better to live independently, even if in "two or three

rooms made habitable,” rather than in a great manor house as a man’s slave (A. Brontë *TWH* 31, 12). What makes this novel so unusual is not that Brontë insists that the story is based on real events and real characters—“such characters do exist” she advises in her Preface—since many other Victorian realist novels do likewise (A. Brontë *TWH* 4). Rather, it is her explicit advocacy for women’s independent rights of place and property, which directly challenges the fantasy of the marriage plot with its happy nuptial ending that signals the woman’s subsumation into her spouse, the very ending that Charlotte had just given her own heroine as Anne was finishing this text.

The main action of the story begins in autumn 1827 before the passage of the 1839 Custody of Infants Act (2 & 3 Vict. c.54), the first Parliamentary legislation to recognize that women might have some right to seek the custody of young children. As such, Helen lacks any authority to take her son without his father’s consent. Since “a child’s relations to his family [w]as financial,” and his status tantamount to “property,” the father’s right to custody was “legally absolute” because of the man’s unassailable right of all ownership (Berry 33-34). Helen’s absconding with the boy amounted to theft and made her an outlaw (A. Brontë *TWH* 471, 9).²³³ Helen’s treatment within her marriage may explain her desire to escape, yet within the confines of Victorian society she lacked any lawful justification for her flight, and indeed her conduct would have been viewed as unlawful enough to render her susceptible to detention, even, arrest not only for taking her son as her husband’s property, but unlawfully leaving, and for retaining what she earned from her painting, which under coverture also was the absolute and sole property of her husband (Bellamy 256).²³⁴ As Helen comes to realize, in marriage she is expected to be submissive and silent because this is an arrangement in which she has “no

right to complain,” no authority to rescue her son from the potential ruin of his father’s harmful influence, nor the right to any property of her own (A. Brontë *TWH* 197, 353). Where Charlotte’s plot conforms to the conventional marriage-plot ending by having the nuptial union joyfully eradicate Jane Eyre’s years of displacement and loneliness because she expects to live “entirely for and with what [she] loves best on earth,” Anne positions Helen’s marriage early in the novel, and as “a serious thing” that imprisons, if not enslaves her, terms Helen repeatedly uses to describe the marital state in which she finds that she has no rights, and little guarantee of place, position, or even affection, (C. Brontë *JE* 383-4; A. Brontë *TWH* 125, 234, 304, 352).

Although Helen’s story confronts conventional ideations of wifely subservience and resignation by demonstrating that when a woman’s romantic illusions are shattered by the conduct of an abusive, philandering, and dissolute husband, she may, and indeed should reclaim herself, and her property. Yet, there are ramifications to this choice since a woman who fails to submit to the “bondage” of her marriage, even if it has become intolerable, is viewed as unnatural and unwomanly, which makes this portrayal of a wife repudiating her husband’s legal rights of dominion over her person and property, a singular departure from the social, legal, and religious precepts that held the bonds of matrimony indissoluble and which underpin the fantasy inherent in the marriage plot (A. Brontë *TWH* 308-9).²³⁵ The boldness of the novel’s suggestion that women have the right to leave abusive husbands engendered a public backlash. A review in *The Spectator* of 8 July 1848, found the subject of the novel objectionable, and the writing “coarse in tone,” an opinion apparently shared by older sister, Charlotte, who as Anne’s literary executor suppressed the novel’s later re-publication (Alexander & Smith 502; Clapp 114 n.5).

However, by April 1854, even Charles Dickens ironically emerged as a champion of women's independent property rights, including their "natural rights as mothers" to custody of their children, suggesting that a shift in attitudes towards women's rights of property was occurring.²³⁶ Dickens commissioned Eliza Linn Linton to write a piece for his publication, *Household Words*, entitled "One of Our Legal Fictions." The essay was intended to contest the precepts of coverture and those laws and practices that deprived women of their "individuality" which included their right to child custody, and to retain their earnings, using Caroline Norton's notorious and problematic marriage as a realistic factual predicate (Linton 260; N. Anderson, 138).²³⁷ Thus, Brontë's advocating that a woman could, and even should leave an abusive husband and re-establish herself elsewhere may have shaken the underpinnings of a Victorian society that was still viewing the marital relationship as the foundation of domestic stability at the time, although within a few years there seems to be some easing in attitudes towards women's custody and property rights.

While Anne Brontë's earlier novel, *Agnes Grey* (1847), also demonstrates the difficulties faced by a woman forced to earn her own living without male protection, because Agnes is single, a *feme sole*, there is no necessity that she hide her identity, since she may lawfully retain her earnings. In contrast, it is only through the subterfuge of widowhood that Helen can create an identity that gives her the appearance of being a *feme sole*, while simultaneously allowing her the pleasure of obliterating her husband's existence, thus mirroring the eradication of her own legal existence upon their marriage. Helen's dissatisfaction with her marital lot aggressively breaks through the text in a sequence of actions that assault the socio-legal conventions defining women's place

because the novel resolutely advocates for the kind of self-ownership that also might lead a woman to the ownership of both real and personal property.

This connection is significant since a relationship to property also accords some protection against the various displacements to which women were subject, whether married or not.²³⁸ Still, Ian Ward asserts that “property is not a major driver of the novel,” concluding that it is only in the closing chapters that Helen’s wealth in the estates she inherits enables her future with Gilbert Markham, her second husband (Ward *TCHH* 167). For Ward, Helen’s second marriage to Gilbert is purely the product of her new wealth and position which he views as facilitating an equalization of the relationship by compensating for the socio-legal advantages imbued in the man upon marriage. However, it is important to note that Helen delays this union for over a year to assure herself that her second marriage will be one of companionship and compatibility, explaining that “the greatest worldly distinction and discrepancies of rank, birth, and fortune, are as dust in the balance compared with the unity of accordant thoughts and feelings” (A. Brontë *TWH* 468). Moreover, Ward seems to predicate his assessment on a narrow interpretation of property by implying that only fee simple absolute ownership of land constitutes the kind of relationship to property that is sufficient to drive a narrative. This approach seems to misapprehend the many finely nuanced layers of property interests that were extant in Britain since the eighteenth century, and which imbued individuals with rights of place, even rights of suffrage although such interests could amount to little more than a limited tenancy. For example, merely having a lawful right to occupy a house with a chimney and a fireplace for cooking gave a householder the vote in borough elections, as did burgage rights, fixed tenements to work a plot of land for a fee (Chalus 32). The point is

that rights in property encompassed more than absolute and unimpaired ownership interests in land. Certainly, Brontë approaches property as a bundle of varying interests in real estate and its appurtenances by using property as the trope that signifies both Helen's loss of rights of ownership in herself, her child, her family wealth, and her place, and also her incremental countering of these displacements as she reclaims or acquires a range of property rights by the novel's end, culminating in her ownership or control of two vast, landed estates.

Indeed, even Helen's ownership of her own story is contested real estate. Nicole Diedrich, articulates the view of many critics who find Gilbert's overarching control of the narrative structure by his preternaturally long framing letter to his friend and brother-in-law Halford, as demonstrating Brontë's intention to reassert and restore a normative paradigm of female submission and male ownership by the story's conclusion (Diedrich 37-38). However, this interpretation misreads the nature of Brontë's radical assault on women's relationship to mid-Victorian concepts of marriage, property, and ownership rights which she deploys through the narrative's gradual expansion of Helen's rights in property and place. Indeed, the framing narrative of Gilbert's letter is little more than an empty shell since without Helen's story Gilbert has "nothing to tell" as he readily acknowledges, relegating him to little more than its publisher and minor editor because he does nothing more than insert her authorial product into his letter without meaningful editing or editorial comment: "I know you would not be satisfied with an abbreviation of its contents and you shall have the whole, save, perhaps, a few passages here and there of merely temporal interest to the writer," Gilbert explains from the onset (A. Brontë *TWH* 7, 122). Without Helen, Gilbert admittedly has no story of his own, and that seems to be

Brontë's point. Critics such as Alisa Clapp suggest that Gilbert, like Arthur before him, tampers with Helen's rights of property by editing her diary which act "obliterates her as a person with self-expression and free agency" (Clapp 118). In contrast, Maria H. Frawley concludes that the framing device is an "innovative treatment" of narrative mainly because it offers Helen the opportunity of self-representation largely unmediated by masculine interference (Frawley 145). Like Frawley, I suggest that by giving Helen the means to tell her own story Brontë intentionally facilitates her heroine's autonomy since ownership of her story becomes part of the text's overarching pattern of restoring property rights to a woman. Beginning with Helen's tenancy at Wildfell Hall and the income that she derives from making it the subject of her art, to her culminating ownership of the large estate at Staningley, and her stewardship of Grassdale estate in trust for her son, the narrative provides a progressive re-envisioning of the relationship between women and all forms of property, including the intellectual property that is her story. At the same time, the text's concluding chapters deflate any implausibility in Helen's being able to retain control of the real estate she inherited even after her re-marriage. In contrast to her elder sisters' more popular works, Anne Brontë's apparent goal in *The Tenant of Wildfell Hall* went beyond merely noting the problematic nature of marriage and the impact of its attendant property practices on women. Instead, she graphically exposes the inequities of a system that makes women legal incompetents, negating even the right of self-ownership, which right should encompass their own stories. Rather, Anne Brontë formulates her narrative to posit an alternative legal view that accommodates female ownership, even while retaining a recognizable and harmonious familial structure.

Contextualizing the Legal Relationship of Women and Land

By the 1840s when Anne Brontë was writing her two novels, women's infantilized economic dependence on their male relations, particularly husbands, had become an acute problem made even more problematic if the man was an abusive spendthrift, as was made clear by the ill-conceived and very public marriage of Sir George and Lady Caroline Norton. Their union produced a notorious record of public discord during the 1830s resulting in two unsuccessful adultery actions for criminal conversation brought by Norton against Lord Melbourne, then the sitting Prime Minister and a personal friend of Caroline, as well as various episodes of Norton using the law to confiscate Caroline's earnings from her writing. Norton also refused to honor agreements made with his wife that she could keep her earnings, while depriving her not only of custody, but of contact with her three young sons.²³⁹ Lady Caroline's very public campaign for women's custody rights, as well as the right to retain some economic autonomy to counter a married woman's dependence upon the largesse of her husband did eventually contribute to the passage of the Infant Custody Act in 1839, and the subsequent Matrimonial Causes Act of 1857. However, it is the parallels between Caroline Norton's case and Brontë's depiction of Helen Huntingdon's marriage in *The Tenant* that have provoked numerous critical studies from Joan Bellamy and Laura C. Berry, to Elisabeth Rose Gruner, who notes that like Helen Huntingdon, Caroline Norton soon came to discover "the failure of her conventional 'plot,'" suggesting a chink in the fiction of marriage's platitude of "happily ever after" (Gruner 306). More significant are the differences between the novel and the Norton situation which reveal how Anne Brontë boldly re-conceives of women's place in society. Where the outspoken Caroline

Norton failed to derail most of the laws and practices that privileged her husband's rights of custody and property over her own, in *The Tenant* Helen overcomes similar socio-legal constraints by achieving every form of ownership possible: custody of her son, a self-created identity, dominion over her chastity, possession of her earned income, the right to regain her personal property, and finally acquisition and control of extensive real estate holdings, the ultimate signifier of Victorian power and position since land mediated between political power and those subject to it. While certainly within the context of mid-Victorian English society this narrative seems fantastic, or perhaps merely aspirational, yet it serves as a strong argument against the legal practices that separated mothers from children, and made women little more than dependent children themselves.

In *Uneven Developments* (1988), Mary Poovey contends that after England abolished slavery in 1833, "women became the paradigmatic case of human property in Britain," as evidenced by the simultaneous elimination of women's customary rights of dower, the life estate interest that a widow was entitled to claim in those properties that had been owned by her husband in fee at the time of his death (Poovey *UE* 75, 77).²⁴⁰ Lee Holcombe disputes this finding in her study of wives and property by viewing the nineteenth-century reforms less pessimistically, and contending that by 1833 when the Dower Act abolished the widow's common law claims on her husband's land, other legal mechanisms such as the jointure were increasingly employed to provide for a widow, and thus women retained reasonable expectations of personalty, if not realty as the surviving marital partner (Holcombe 22). However, the efficacy of contractual alternatives such as the jointure was inconsistent as this method invariably relied upon the existence of valuable non-realty assets, and on the husband's making express provisions for his wife

through legal devices such as wills, trusts, or other settlement arrangements. Indeed, Poovey rejects any attempt at downplaying a connection between the concurrent abolition of slavery and women's ancient rights of dower in 1833, by affirmatively linking the loss of one form of wealth represented by human cargo with its replacement commodity in the married woman (Poovey *UE* 75).²⁴¹ By eradicating this common law right, widows were made further dependant on the arrangements of their husbands, fathers, or both during the marriage or pre-marital settlement negotiations. As married women, they were relegated to that category of individuals requiring masculine oversight and protection that also included infants, children, and lunatics, denying them the ability to negotiate on their own behalf even for a post-mortem settlement (Poovey 75).²⁴² Moreover, jointures were generally derived from the woman's own marriage settlement, thus this arrangement merely returned to the woman some of the property that she had brought to the marriage, and usually accorded nothing to women who had little to no marriage portion.

The connection Poovey makes between marriage and slavery is explicit in the text as Helen repeatedly describes marriage as servitude, noting just eight weeks after her honeymoon that she has become "indissolubly bound," and views her wifely duties as "bondage" (Bronte *TWH* 191, 309). Helen even warns her friend, Esther Hargrave that marrying is tantamount to selling yourself to someone you dislike, and to whom you are "bound...for life" (Bronte *TWH* 359). By continually associating marital union with involuntary servitude Brontë underscores how women are too often viewed much as any other form of chattel property, a status which also renders them available for use, theft, or borrowing. This point is emphasized when Helen's husband, Arthur, prolongs his stay in London leaving Helen and their son alone in the country. Her situation is viewed by other

men as one of having been abandoned by their owner, which leaves Helen susceptible to their claims. Her position is exacerbated by the fact that her husband actually invites this outcome: “My wife! What wife? I have no wife...I value her so highly that any one among you that can fancy her, may have her and welcome...my blessing in the bargain!” he declares to his circle of friends (Brontë *TTWH* 340). That Helen is considered a commodity up for grabs is made clear with Hargrave’s sudden appearance at her home and his offer to “protect” her because it is clear that her marriage has irretrievably collapsed, and her husband is willing to relinquish his ownership in her to any of his friends (Brontë *TWH* 341). However, the real significance of Brontë’s equating marriage and slavery lies in the fact that both institutions are predicated upon the deprivation of all forms of self-ownership in those persons who are themselves defined as property. By demonstrating how Helen’s unfortunate marriage strips her of all that she owned, including her body, her name, the “decent fortune” her father was persuaded to bestow on her when she married, and her right to educate and nurture her child, Brontë is then able to suggest how a woman might incrementally rebuild or reclaim her property rights, thereby demonstrating a transitional path for women from owned to owner (Brontë *TWH* 168).

Repudiating Male Ownership: Reclaiming Chastity, Custody, and Place

While the underlying impetus for legitimizing the dependant role of women was largely economic, the justification for doing so was predicated on a convenient interpretation of human physiology that ascribed nurturing, noncompetitive and non-aggressive behaviors to women, traits which were assumed to demonstrate that females were naturally domestic, and therefore in need of male dominion and protection (Poovey

76-7). As such, a woman who repudiates masculine attempts to acquire her under the guise of protection is deemed to be acting against Nature because she is refusing to accept her role as property. Brontë exposes the fallacy of such an assertion when Hargrave chastises Helen after she rebuffs his advances by calling her, ““the most cold-hearted, *unnatural*, ungrateful woman I ever yet beheld!”” (Brontë *TWH* 343, emphasis added). By asserting the right to choose with whom she will associate, Helen provokes the charge that she is acting contrary to the natural order of things, and therefore is unfeminine. However, what really underlies Hargrave’s rebuke is Helen’s refusal to submit to his attempt at claiming her for his own; after all, Huntingdon expressly and publicly relinquished his ownership (Brontë *TWH* 340). Although Arthur seems to repudiate his right to possession of Helen, he does temporarily reclaim her when thwarting Helen’s initial escape plans which he views not as a rupture of his marital bond, but rather as interference with his property interests since the first thing he declares when learning of Helen’s efforts to leave him is to state, “we must have a confiscation of property” (A. Brontë *TWH* 350). Arthur’s sense of ownership encompasses not only his right to possess his wife, but also those things most intimately associated with her: her paints, jewels, money, and her son, thus returning her to being merely “a slave, a prisoner” (A. Brontë *TWH* 352). However, by stripping Helen of everything that she possesses, including her motherhood, a status that he assumes control over when he hires a governess—who is also clearly his mistress-- and tells Helen that she is not fit to teach her own child, Arthur leaves her with nothing left to lose, and thus simultaneously and unwittingly frees Helen to redefine and reconstitute what she has lost, including finding a new place for herself and her child to live.

Arthur also robbed Helen of her virtue, a fact that she obliquely references when defending her method of raising Arthur to the Markhams and Millwards by arguing that a girl who is “pure and innocent,” but kept in “ignorance and restraint” is susceptible to the loss of her virtue by not understanding the nature of real sin (Brontë *TWH* 30-31). Even before the marriage ceremony Arthur considers himself master of Helen’s virtue as evidenced by the scene in which he steals the miniature painting that Helen was working on and which depicts a young girl in a field of flowers. Arthur asserts his claim over Helen’s virtue by describing the painting’s subject as a “fitting study for a young lady...girlhood just ripening into womanhood,” signaling his intention to deflower her. (Brontë *TWH* 150). However, even if Arthur had not “stolen” Helen’s virtue, her chastity lawfully became his intangible property by her marital promise to “honour and obey” as he frequently reminds her (Brontë *TWH* 224). The slamming of Helen’s bedroom door against Arthur, not only signals the assertion of her right to control her person, but also her virtue, an act which Clapp concludes “resounded throughout the novel” and “throughout Victorian England” (Clapp 114). Later, Helen reclaims both ownership and control of her own sexuality when in an echoing of the earlier scene, she hands a Christmas rose to Gilbert with the explanation that while it is “not so fragrant as a summer flower...the keen frost has not blighted it,” (Brontë *TWH* 465). The allusion of chastity as a flower is not subtle, but it does underscore that a woman’s sexuality was seen as part of the property she brought into a Victorian marriage, with Brontë suggesting that it can and should be reclaimed by the woman as another property right over which she must take control.

A similar theft of a woman's chastity occurs in Wilkie Collins's *The Woman in White* (1861), with Laura returning from her honeymoon and revealing to her sister that her new husband, Sir Percival Glyde, "used" her, and that he was a "mean, cunning, and brutal man," implying both sexual abuse and physical coercion (Collins *WIW* 254-55). John Sutherland concludes that Laura remains largely silent about this episode throughout the novel because she unhappily realizes that one of the things Glyde intended to acquire and exploit by their marriage was her "sexual *pudeur*" (J. Sutherland *TLD* 634). Sutherland reasons that if Laura told her story she also would have to reveal the brutal sexual behavior of her husband, and thus spoil the mystery Collins was so carefully crafting (J. Sutherland *TLD* 634). Yet, Collins returns to this subject in his 1870 novel, *Man and Wife*, where he explicitly challenges "the hard marriage laws of this country" through his heroine, Anne Sylvester, who like Laura Fairlie, is trapped in a "mercenary marriage" to a man who not only hates her, but whose husbandly privileges included "outrages" against her under the "sanction of marriage" (Collins *M&W* 520, 550-51). While Laura characterizes her mistreatment as a function of her husband's brutal nature, Anne directs her rage against the law's hierarchical configuration of marriage which empowers her husband while nullifying even her right to resist abuse, denouncing marriage as "Absurd!" because "Law and Society armed her husband with his conjugal rights. Law and Society had but one answer to give, if she appealed to them:--You are his wife," (Collins *WIW* 253-3; *M&W* 550). Collins's animus towards marriage is clarified in his Preface to the text in which he condemns the "present scandalous condition of the Marriage Laws of the United Kingdom" because they are predicated on the legal fiction that a husband owns his wife, thus facilitating a man's right to use her with impunity

(Collins *M&W* 5). For Collins, the only way to rectify the abuses enabled by this power imbalance is for a married woman “to possess her own property, and to keep her own earnings,” which he concludes will “purify the corruptions which exist in the Marriage Laws of Great Britain and Ireland” (Collins *M&W* 5). Thus, Collins directly links the disempowerment and displacement of women with their loss of all forms of property within marriage.

Collins’s insistence that the remedy to the inequities of Victorian marriage is to acknowledge a woman’s rights to separate property and to self-ownership is a stance hailed by scholar, Norman Page, as a “radical questioning” of Victorian religious, legal and social conventions, and a “remarkably courageous and modern” view of marriage that anticipates Thomas Hardy a generation later (Page ix). While Anne Sylvester perhaps portends characters such as Hardy’s Sue Bridehead in *Jude the Obscure* (1895) and the eponymous *Tess of the D’Urbervilles* (1891), women whose lack of property and loss of ownership of their own sexuality precipitate tragic events, or even Susan Henchard who is sold to another man by her drunk and irate husband in *The Mayor of Casterbridge* (1886), reducing her to little more than chattel property herself, yet it is Hardy’s earlier heroine, Bathsheba Everdene of *Far from the Madding Crowd* (1873), who most closely embodies Collins’s insistence that autonomy and property ownership are essential counterweights to the displacements and inequities women suffer in marriage. Unlike Tess, Hardy’s Bathsheba is a woman who retains control of her sexuality, even if her choice proves foolish. Moreover, even when she becomes a deserted wife, she prevails in retaining her autonomy and position in the community because she has what other Hardy women do not: “a farm of her own” (Davis *Hardy and*

the Law 97). Yet, even Hardy who carefully researched the law for his fictions long before he became a magistrate in 1884, seems hard put to explain how, within the bounds of extant law, Bathsheba manages to retain her property rights after marrying the feckless Francis Troy (Davis *Hardy and the Law* 19; Hardy *Far* 317). Instead, the author emphasizes that ignoring the law is the only way that Bathsheba can keep the farm she inherited and worked hard to improve, retaining the place she established for herself: “She had latterly been in great doubt as to what the legal effects of her marriage would be upon her position, but no notice had been taken as yet of her change of name,” (Hardy *Far* 317).

While Collins and Hardy are lauded for their progressive views on women’s property rights, more than twenty years earlier Anne Brontë articulates a far more radical stance because she not only exposes how marriage renders women susceptible to all forms of displacement and abuse with little lawful recourse, but she also delineates a path for women to reclaim all manner of property lost to marriage. Rather than merely ignoring the law as Hardy does, Brontë’s Helen directly challenges and rebuffs the law by taking direct actions that invalidate the law’s authority over her while defeating Arthur’s aggressions towards her. Moreover, she asserts her rights over her story by disclosing her husband’s cavalier use and abuse of her sexuality, recording her story in her journal which she later knowingly shares, thus irrevocably making her abuse and marital displacement public, and establishing that she is in control of her own story.

Helen further asserts a right to custody of her son, despite the law’s granting the husband the absolute custody of even very young children, by presuming the man to be the only financially able parent, and because mothers did not legally exist (Wright *TCCC*

183). Yet, this masculine right is subverted when Helen absconds with the boy, an act tantamount to theft. With the goal of saving her child from the “embryo vices” that Arthur and his friends were teaching him, Helen intends to “deliver my son from his hands” a phrase that suggest that her goal is to effectuate a transference of physical possession by defying the lawful authority of her husband to retain the property that is his child (Brontë *TWH* 355). Later, Helen acknowledges that she committed a property crime when she reads a letter from her husband delivered through her brother and declares, “he does not *want* me back; he wants my child,” meaning that her husband wants his more valuable asset back, his son and heir (Brontë *TWH* 378 emphasis in text). However, Helen prevails in the battle for actual possession of her son by demonstrating that a determined woman can defy the law’s constraints and retain what should reasonably be hers. Her repudiation of her husband’s right of physical custody of their son is almost an obsession for her, embodied in her assertion that the boy is her only “treasure,” a term implicating the mother-son relationship as a proprietary one involving the possession of something valuable, and a property right that should be equal to the father’s legally-protected interest (A. Brontë *TWH* 25.)

Brontë’s heroine dismantles the claims of ownership and control that her husband had over both herself and her son when she constructs an identity that wholly ignores Arthur’s existence. Mirroring the loss of her own identity in marriage with its associated loss of her maiden name and herself as a separate legal being, Helen re-christens herself Mrs. Graham, a name she takes because she has “some claim to” it since this was her mother’s maiden name (A. Brontë *TWH* 372). Her new identity repudiates the mechanisms of coverture which legally subsumed her legal and physical self into her

husband, while also suggesting an alternative, matriarchal line of inheritance that is equal to and competitive with traditional patriarchy. Moreover, by taking-up residence in her family's ancestral home at Wildfell Hall, albeit with her brother's assent, Helen disrupts traditional patrilineal patterns of inheritance by claiming a right to occupy such real estate independently, a claim that is legitimized by her status as a tenant which makes her a lawful occupier. Although Helen has unlawfully left Grassdale, her marital home, her tenancy at Wildfell is at least superficially lawful since, like any other legal tenant, she is there with the permission of the owner, her brother, and she asserts the legitimacy of her tenancy when she attends church and occupies the family pew (A. Brontë *TWH* 14).

Helen's process of reclaiming everything that she lost through marriage includes reconstructing a new identity for herself and her son, a goal superficially achieved by dressing herself in the black veil and plain black dress of a widow, and her son in the coarse and plain clothing that masks his upper class status (A. Brontë *TWH* 374). Her self-defined position as a widow and artist also allows her to earn wages, an experience which gives her "more pleasure in my labour," since what she has "is legitimately all [her] own" (A. Brontë *TWH* 377). As the Widow Graham she is able to retain her earnings, where as Mrs. Huntingdon she could not (Diedrich 31). Having eradicated the existence of her husband through these subterfuges, Helen is now positioned to repossess the remainder of what she lost in marriage including a permanent place for herself and her son, even if this is initially accomplished by fraudulent or concealing acts (Bronte *TWH* 351; Diedrich 32).

One's Proper Place: The Transformation From Tenant to Owner

As Tim Dolin suggests in his analysis of fictional territoriality in Charlotte Brontë's *Shirley* (1849), "Women's nature...was consistently implicated in deciding her proper place," that is, who she was, and where she belonged, or rather, *to whom* she belonged (T. Dolin *FTAWP* 197). In contrast, Anne Brontë appears to align concepts of proper place with the individual's rights to self-ownership and self-determination. Rather than being told one's place, Brontë's narrative argues that one can either accept society's often circumscribed designation of your place, or you can resist and attempt to self-determine where you belong. Her text is persistent in challenging conventional conceptions of "proper place" particularly those derived from the gendered distinctions associated with that inner sanctum of Victorian life, the home. For example, Rose Markham, Gilbert's sister, repeatedly complains about her status in the household as the ostensible servant to her brothers, "*I'm* nothing at all—I'm told not to think of myself..." she moans (A. Brontë *TWH* 52-3 emphasis in text). Her grievances facilitate a family debate that centers on defining women's "proper place." Ironically, it is not Mrs. Markham who expresses sympathy for her daughter's servility since she tells Rose to accept her "duty" because satisfying the needs of men is a "good doctrine" (A. Brontë *TTWH* 53). Instead, it is brother Gilbert who views the conventional definition of women's place as a "convenient doctrine," and argues with his mother for a form of gender parity by suggesting that he will be as pleased to make his wife comfortable and happy as women are expected to do for men, a claim that his mother dismisses as "mere boy's talk," since for her gender defines "proper place" (Brontë *TWH* 54). Later, Mrs. Markham and Reverend Millward chastise Helen for what they see as her overprotecting

little Arthur through her aversion-therapy to alcohol, Helen defends the manner in which she is raising her son by asserting the need for an equality of the sexes: “You would have us encourage our sons to prove all things by their own experience, while our daughters must not even profit by the experience of others. Now *I* would have both so to benefit by the experience of others” (A. Brontë *TWH* 29,31, emphasis in text). A lone female among a crowd of strangers, Helen quite literally stands her ground, taking a position that seems anathema to conventional gender roles, but which unknowingly echoes Gilbert’s earlier dispute with his mother regarding his anticipated behavior in marriage.

Certainly, Gilbert’s earlier assertions of parity in marriage are tested when he travels to Staningley Hall after Arthur has died and he finds Helen newly ensconced as the property’s mistress. Although intimidated by her status as an extremely wealthy landowner, Gilbert also sees her as “re-instated in her proper sphere,” a remark that reiterates the earlier discussion in the Markham household about everyone settling into their “proper place,” while acknowledging her independent right as a substantial property owner (A. Brontë *TWH* 457, 54). Brontë further challenges traditional patrilineal succession since Helen not only inherits Staningley from her uncle, disrupting the expected line of male succession since her brother Frederick should be next male heir, but the property is left to her because it was her aunt’s wish, and because her aunt had “brought most of the property” into the marriage (A. Brontë *TWH* 456). Overturning the convention of male succession, Brontë again suggests that property can just as easily and lawfully pass through the female line, implicating the speciousness of those socio-legal practices that exclude women’s rights to land, and gesturing towards an equality of entitlement in inheritance. More importantly perhaps, there is the implication of a

parallel, but equally viable line of matriarchal inheritance that should neither be discounted nor overlooked.

To underscore this fact, at the end of the narrative Gilbert cedes his interest in the family farm at Linden-car and its living to his younger brother, Fergus, disrupting the expected transmission of land through primogeniture, since he was the eldest son. Nicole Diedrich contends that Gilbert is actually making no sacrifice by relinquishing his claim on the Markham farm since as Helen's new husband he "claims it all as custodian of his wife's property," making his disavowal of any interest in Helen's property meaningless in the absence of a trust instrument. (Diedrich 35). While Diedrich acknowledges that "Gilbert may not squander Helen's wealth as Arthur did," she notes that under coverture he would have the right and authority to do so. This interpretation glosses over two key points: first, since this story is told in retrospect some twenty years after the events and Helen and Gilbert are still married, the reader can infer that Gilbert did not squander Helen's property. The text may be silent on this point, but having already left one husband who abused her and dissipated her fortune, Helen certainly would have no compunctions in doing so again. Second, Gilbert expressly declines any claims to any of Helen's property that were originally her aunt's marriage portion: "'By all means, dearest Helen!—do what you will with your own'" he declares (A. Brontë *TWH* 469). In the absence of some textual confirmation, it cannot be assumed that he did assert dominion over her property as Diedrich contends.

Since one of Brontë's key motifs is to demonstrate how Helen transforms from a romantic, naïve girl into a savvy, cautious, and self-sufficient woman who claims her place, it seems inconsistent to suggest that after having seen her initial marriage portion

diminished by her first husband, and having observed similar spendthrift behaviors in his friends such as Lowborough and Hattersley, that Helen would not employ all lawful means to protect herself and her property in her second marriage. This view seems reinforced by the fact that she was adamant in having Arthur sign witnessed documents granting her custody and protecting her son's inheritance: "I was determined my son's interest should not be forgotten; and having clearly written out the promise I wished Mr. Huntingdon to give upon a slip of paper, I...made him sign it in the presence of Rachael'" (A. Brontë *TWH* 410). There is no reason to assume that when Gilbert tells Helen she can do what she will with her own property, that he does not mean precisely that—it is hers. The text's silence on the existence of a further trust instrument does not necessarily demonstrate that none was made, indeed Gilbert's renunciation of any interest, and Helen's insistence on executed legal documents in her final dealings with Arthur suggest that in all likelihood the necessary trust documents impliedly were entered. However, any quibble about legal documentation misses the overarching imperative of Brontë's narrative which is to demonstrate the inequity of socio-legal practices that deny a woman's legal existence, and therefore also refuse to acknowledge or grant her independent rights of ownership and place particularly as the thrust of the novel is about Helen regaining all that she lost in marrying Arthur, including "the absolute, unconditional possession of her own fortune," which is wholly restored to her by novel's end (A. Brontë *TWH* 453). Even Arthur recognizes that his wife has the ability to manage property when she returns to care for him in his final illness since he entails Grassdale to his son enacting the traditional patrilineal succession, but he expressly "left the full control and management of the estate during her son's minority" to Helen as

Trustee, who masterfully deals with the tenants and the estate's affairs after his death, although Arthur could have appointed his brother-in-law, Frederick Lawrence, or one of his male friends in her stead (Brontë *TWH* 452-453). As Robert Liddell notes in his study of the works of Emily and Anne Brontë, Huntingdon could have prevented Helen from marrying again by making her guardianship of little Arthur conditioned upon remaining a widow, much as Casaubon in George Eliot's *Middlemarch* imposes a testamentary forfeit as the consequence should his wife, Dorothea, re-marry (Liddell 106). Brontë imposes no such condition on Helen because a chief goal of this narrative is removing the imperative to have men determine a woman's connection to property, and to reconstitute Helen's relationship to land by revealing that men are not necessarily the better stewards of land and familial wealth, and that an intelligent and self-possessed woman is as capable, if not more capable of "nursing a fine estate" (A. Brontë *TWH* 456).

Helen's tenancy at Wildfell Hall initiates her transformation from someone with tenuous rights of place, as a quasi-orphan living with her aunt and uncle and dependent upon the largesse of others, to eventually having independent ownership or control of extensive landed estates. Her change of status begins when she transforms Wildfell Hall and its grounds into the subjects of her paintings, demonstrating an ability to use land as a source of income, and facilitating the kind of practical education she was denied as a young woman in which time-filling decorative arts and husband-acquiring flirtation skills were considered all that a young woman needed know (A. Brontë *TWH* 131). At Wildfell, where Helen has freed herself from the constraints of marriage but not motherhood, she acquires those practical skills denied her by the typical female education, while transforming her principles into practice and developing "self-respect

and self-reliance” since her pleasure is derived from the fact that “what little I possess is legitimately all my own” (A. Brontë *TWH* 31, 377). This apprenticeship in property occupancy and management eventually convinces her uncle and her first husband to entrust possession and oversight of their landed estates to her alone upon their respective deaths.

In her Preface to the Second Edition of the text, Brontë responds to critics who “censured [her] with... asperity” by claiming a duty to speak the “unpalatable truth” about marriage in order to prevent “one rash youth..., or one thoughtless girl from falling into the very natural error of [her] heroine,” (Brontë *TWH* 3-4). Brontë certainly shattered “the pretenses of marital harmony so beloved of many Victorians” as Ward suggests. However, the novel does more than expose and condemn the tyrannies of marriage, since it demonstrates that such abuses are facilitated by the imbalance of power within marriage, particularly the deprivation of “women’s right to property, and to their own children” (Ward *TCHH* 151-2). While a dismantling of marriage and the marriage plot dominates the narrative, what seems particularly overlooked in critical analyses is that Helen’s escape from her abusive marriage and her ability to forge a new life is assisted by the support of her loyal servant, Rachel, a fifty year old spinster who herself has “no home” but with her mistress (A. Brontë *TWH* 368). Helen’s first attempt at leaving Arthur is stymied when he discovers her plans and confiscates everything Helen values or possesses to prevent a second attempt (A. Brontë *TWH* 351). However, Rachel not only aids in the preparations for Helen’s second effort at departure, but she donates her “bits o’ savings” which prove crucial in enabling Helen to leave (A. Brontë *TWH* 368-9). Although initially reluctant to accept her maid’s financial contribution and the offer of

her unpaid labor, Helen relents and embraces Rachel as a “faithful friend,” breaking down the class distinction between mistress and servant, and instead uniting them as two displaced women intent on supporting each other in establishing a new home. This resolution gestures towards the final plot paradigm in which female displacement is countered by female community and networks of cooperation (A. Brontë *TWH* 369).

Countering Displacement through Fictions of Female Communities:

Millenium Hall, Cranford, and Beyond

Narratives of female communities typically are classified as utopian fiction because they are considered unrealistic and idealized spaces predicated on a “general plan of imaginary government in which every aspect is perfectly regulated according to the satisfaction of each” (Acosta 108).²⁴³ For critics who regularly examine female utopias such as Nicole Pohl, novels such as *Millenium Hall*, Sarah Scott’s 1762 feminocentric community thriving on an estate in eighteenth-century Cornwall, offers a challenge to conventional gender roles and gender relations because it is a “separatist, utopian space where women are given the opportunity of self-determination” which the larger world would deny them (Pohl *SP* 49). These narratives take the protected space of the country house and transform it into an idealized community whose organization may provide a seeming “fantasy of collective social harmony,” and a stark counterpoise to the reality of most women’s lives in the long nineteenth century which were often marginalized and disempowered, whether married or not (Beaumont 90; Pohl *SP* 50).²⁴⁴ Moreover, many of the fictions of female communities that appear at the end of the eighteenth century and throughout the nineteenth century do so by reforming contemporary social organization since like *Millenium Hall*, they directly assail those English laws and socio-economic

practices that all but eliminated the prospect of independent rights of property and place for most women, certainly for married women. Rather, fictional communities of women produced during the long nineteenth century tend to offer a vision for a reconstituted society that connects women to each other by de-emphasizing class, wealth, or marital status and advocating for alternative socio-economic configurations that contravene existing law.

In his *Commentaries on the Law* (1758), William Blackstone, the eighteenth-century's most influential jurist, explains the increasing dominance of English Common Law as the arbiter of most rights and duties in England, particularly those pertaining to property, while noting the simultaneous reduction in the relevance of Ecclesiastical and Chancery law (Blackstone 68-73). This shift is significant as common law practices were predisposed towards masculine property ownership through mechanisms such as primogeniture, entails, and other formulations enabling male succession and property transmission while excluding or limiting female rights. The impact of the Common Law becoming the dominant legal jurisdiction in England was to simultaneously reduce the efficacy of the parallel jurisdictions of Chancery and the Ecclesiastical courts. Not only had these competing legal authorities determined English jurisprudence for centuries prior, but they also tended to grant far more equitable property rights to wives and daughters than the Common Law (Perry *NR* 46-47; Habukkuk 17; Erickson 28-9). Although under the English common law construct of coverture a married woman ceased to legally exist, the reality was that spinsters and widows fared only marginally better since they were generally excluded from inheriting family lands by common law practices such as primogeniture, or by the strict settlements that favored male heirs no

matter how distant the relationship (Perry *NR* 58-61; Gewirtz 18). As a result, the eighteenth century saw the relegation of women to limited household oversight which was a relatively recent development.

Ironically, during the Middle Ages women actually enjoyed broader autonomous economic rights because they could participate as dues-paying members of medieval guilds (Perry *WLN* 27). Similarly, women could be enfeoffed as vassals to an overlord by performing services in exchange for land holdings in the same way as men, and until the time of Queen Elizabeth I there was no gender distinction cognizable in English law regarding property ownership so that women who otherwise met property qualifications had the same rights and obligations as men (Perry *WLN* 28, 31). In addition, women could engage in a variety of professions and trades as carpenters, barbers, bakers, brewers, tailors and saddlers, and apprentices in the linen, grocery and gold trades (Perry *WLN* 28-29). However, those occupations primarily performed by women began to take on pejorative meanings by the eighteenth century, so that Spinsters, a term originating in the medieval textile trades where working women and men earned a good living spinning thread and making cloth, now lost its association with that occupation and instead was applied exclusively to unmarried and dependent females (Perry *WLN* 29). This migration of meaning was indicative of the increasing economic dependence and shrinking options available to women. By the end of the seventeenth century and into the early eighteenth century, as populations began moving into cities and industrialization commenced, the usurpation of traditional women's occupations by professional men accelerated; thus, trained physicians replaced midwives, and women now found themselves debarred from many trades (Perry *WLN* 35). This development placed increasing pressure on women to

marry since they were both precluded from participation in most lawful occupations, and they were also frequently excluded from inheriting familial lands and other valuable property (Perry *WLN* 37).

The disconnection of women from independent wealth or rights in property became a regular subject of fiction. As Karen Gewirtz explains, the late eighteenth century saw the novel itself become an effective medium for popularizing and reinforcing limitations on female ownership rights with particular concern raised about widows who retained some financial autonomy. As a result, widows are often depicted as the “agents of economic and social instability,” whose misuse of their financial holdings was viewed as antithetical to economic growth (Gewirtz 14-15, 17). Pointing to earlier iterations of widows such as Geoffrey Chaucer’s Wife of Bath in *The Canterbury Tales* as offering a more ambiguous, even benign attitude towards independent women, Gewirtz argues that by the eighteenth century fictional portrayals of widows such as *Evelina*’s Madame Duval, *Tristram Shandy*’s Widow Wadman, or *Tom Jones*’s Lady Bellaston, depict women who may have independent wealth, but who also are portrayed as comical figures and serious threats to the social order by their poor judgments and mismanagement of their property (Gewirtz 15). For Gewirtz, a novel such as *Millenium Hall*, in which virtuous spinsters and widows establish an altruistic female community in the remote countryside to provide themselves with a permanent home, operate a farm-based business, and do good for others, demonstrates Scott’s complicity with this novelistic trend. Instead, she views this novel as reinforcing the reasons for the socio-legal constraints imposed on female wealth and autonomy by concluding that Scott’s female characters’ resistance to “imperialistic or commodifying forms of exchange” actually

establishes their untrustworthiness and un-businesslike motives and practices (Gewirtz 49-50). Her conclusion is that these fictional female utopias merely reinforce a type of idealistic and wishful thinking that lends support to the justifications for excluding women from participation in the larger economy by highlighting women's unrealistic approaches to property and wealth (Gewirtz 49-50).

However, in this last section, I question Gewirtz's findings by arguing that those narratives of female communities produced in the late eighteenth century and continuing throughout the nineteenth century, such as *Millenium Hall*, Elizabeth Gaskell's *Cranford* (1853), and even George Gissing's *The Odd Women* (1893), offer increasingly realistic counter-narratives to the dominant marriage-plot by constructing female communities, and later female networks that offer viable forms of socio-economic organization, and provide women with viable economic sources and a connection to place and community without marriage. Recent analysis of utopian narratives in the seventeenth and eighteenth centuries such as Jason R. Pearl's 2014 study, *Utopian Geographies & the Early English Novel*, find that by the middle of the eighteenth century the peripheral fantasy geographies of earlier works were yielding to fictions that focused on English space, particularly English domestic space, while also addressing contemporary issues (Pearl 3-4). Scott's *Millenium Hall*, not only articulates the ideology of the Bluestockings, the elite and cultured group of mid-eighteenth century women who sought to penetrate "masculine, feudal-aristocratic public society and culture," but it also expresses the group's Enlightenment ideology of philanthropic activities particularly in aiding working class men and women, and in their coextensive support of widows and spinsters (G.Kelly *Women's* 166-7).²⁴⁵ These fictions essentially marginalize the imperative to marry by

relying on collaborative and cooperative organizational structures that provide women with a physical home and economic stability. Their plots imagine a functional society that is run by women, usually predicated on developing a set of rules that serves as an alternative legal system, and in which acceptable conduct within the community is defined. However, unlike contemporary British society with its reliance on a hierarchy of exclusiveness that favors men, a key characteristic of these alternative feminine legal systems is their imperative for inclusivity and for flexibility in the application of the rules, which as *Cranford*'s Miss Pole explains is essential since, "if we did not relax a little, and become less exclusive, by-and-by we should have no society at all" (Gaskell *C* 78).

Although fictions of female communities evolved from their more fantastic utopian antecedents, iterations such as *Millenium Hall* do aspire to offer a more realistic alternative to marriage. However, because residual elements of the more imaginative narratives sometimes remain, including the use of unconventional forms of exchange such as bartering services for food and shelter, critics like Gewirtz dismiss these later fictional communities as anachronistic and untenable (Gewirtz 49-50). Additionally, the somewhat remote geographic setting of a novel such as *Millenium Hall* is seen by critics such as Johanna M. Smith, as imposing constraints on the lives of the community's spinsters and widows resulting in her assertion that the enclosed structure of the estate and its seemingly strict rules of conduct are more Foucauldian in nature than utopian because they appear to employ containment and surveillance to effect compliance (J. Smith 266). Yet, this type of reading overlooks the first rule of *Millenium Hall* which states that any woman may leave at any time, and that, "Whenever she leaves the society,

her fortune should be repaid to her” gesturing toward individual freedoms that belies any Foucauldian comparison (Scott *MH* 116). As Joseph Allen Boone observes, what seems to contain the residents of a community like Millenium Hall actually provides them with a “cache of freedom, integrity and power invisible to the external world of love and marriage” because these women no longer feel constrained by the general rules and expectations that govern the larger society (Boone 286). Perhaps, even more significant is the way that these imagined female communities seem to gesture towards a much more modern world by anticipating the formation of family-like groups based not on blood or marriage, but on familiarity, affection, respect, and mutual support, both emotional and economic, all of which give their members a strong sense of belonging and a security of place despite their lack of formal familial ties or individual wealth.

Generally considered an “experimental and transformative genre,” narratives of female utopian communities appearing in the long nineteenth century create a world that is both mimetic and aspirational, but more significantly, they expose and attempt to fill the gap between the ideal world and actual lived space (Pohl *WSU* 2). Set “in a world meant to resemble our own,” these narratives offer plausible socio-political configurations that enact values of predicated on cooperation and sharing (Goodwin 6-7). As such, in this concluding section I suggest that by the end of the eighteenth century, fictions of feminine utopias begin transitioning into the more loosely-configured female networks that appear later in the nineteenth century. With increasingly viable configurations, these female networks retain a cooperative model of social organization that provides women with social place and economic stability or, as Mrs. Mancel

explains to the male visitors at Millenium Hall: “We do not set up for reformers... we wish to regulate ourselves” (Scott *MH* 166).

Millenium Hall: A Sisterhood of Peace

By the time Scott published *Millenium Hall* in 1762 the pattern for utopian fictions was well-established, with Scott’s own wide reading of contemporary fictions, histories, and other texts, suggesting her familiarity with the characteristics of the genre, particularly Thomas More’s 1516 island idyll, *Utopia* (Nardin 31). These narratives typically follow a pattern in which the narrator stumbles upon, or is shipwrecked at some isolated locale, usually an island; there he discovers or creates an unknown ideal community, records its operations, and upon returning home, publishes this discovery to educate the larger world about how to improve society (Nardin 29). However, as Jane Nardin notes, female utopias such as *Millenium Hall* tend to renounce “the convention of the newly discovered isolated island or valley utopias...by showing how her protagonists manage against great odds to establish a small utopian community in [the midst of] eighteenth-century Britain” (Nardin 30). Although *Millenium Hall* retains some elements of the discovery trope because the community is in a peripheral location, this proves practical because it allows the women to acquire the original estate at a reasonable price, and indeed to expand their enterprise with the recent acquisition of a “larger mansion” nearby, properties that would be prohibitively expensive in more central locations, while also serving the secondary purpose of deterring unwanted male interference (Scott *MH* 121).

When the narrative opens this community has been in existence for over twenty years, advertising regularly amongst the gentry for daughters who could benefit from

such a retreat, women “who from scantiness of fortune, and pride of families, are reduced to become dependant,” although it remains generally unknown to the world of men (Scott *MH* 116, 160). Through a re-telling of the individual histories of the largely upper middle class, altruistic widows and spinsters who founded the community as a sanctuary for themselves and other “women alienated by seduction, courtship, marriage and family” it is made clear that a need exists for this type of supportive female enclave (Pearl 135). By pooling their resources to purchase and restore a crumbling estate, the woman not only provide a home for themselves, but for “the dispossessed and powerless” of society, while also achieving a profitable success that allows them to expand their efforts into the larger community by setting up schools, building homes for the poor and elderly, and establishing farming, weaving, spinning, and manufacturing facilities that employ hundreds of local villagers (Scott *MH* 219, 243).

Broadly mirroring the format of earlier utopian fiction, the story is told from the vantage of the two men who chance upon the colony when their carriage breaks down and are amazed to find a “sisterhood...which is most productive of peace,” (Scott *MH* 118). Yet, the narrative moves beyond the original limits of the genre by taking “an essentially alien feminist vision and render[ing] it accessible” to a wider audience (Scott *MH* 116, 160, 118; Boone 289). The text takes pains in explaining the reasons for the community’s founding by detailing the deceits, misuse, and abuses that the original ladies suffered at the hands of husbands, guardians and family members. Although Emma Liggins contends that it was not until the “New Women” fiction of the 1870s and 1880s that “the idea that woman’s lot outside marriage might be a valid subject for women’s fiction to explore,” in fact by the late eighteenth century works such as *Millenium Hall*

and Clara Reeve's *The School for Widows* (1791), do suggest that women can lead productive and satisfactory lives outside of marriage by centering their stories on the quotidian details of unmarried women's lives (Liggins *OW* 59).

Although the lengthy framing letter of the older, unnamed gentleman who relates his impressions of the community to the larger world opens the text to the type of criticism to which Anne Brontë's *Tenant* was later subjected since his narration can be viewed as mediating the women's endeavors for more general consumption while reinstating male authority, yet because it is made clear that the narrator is converted to their way of thinking, "convinced by the conduct of the ladies of this house, that their religion must be the true one," and their scheme must be replicated, the women become the innovators and leaders, and not the reverse (Scott *MH* 249). Certainly, the closing lines of the text suggest that the women were not following or subjected to men, but instead are inspirational since the narrator declares that, "my thoughts are all engaged in a scheme to imitate them on a smaller scale" (Scott *MH* 249). As such, Scott seems to anticipate and neutralize potential criticism that the men are controlling the narrative and restoring masculine authority within the community, by having the male visitors merely observe and record only such information as the ladies are willing to provide. Moreover, this effective female economy is presented as preferable to the exploitative practices of masculine commerce: "How directly were we led to admire the superior sense, as well as the transcendent virtue of these ladies, when we compared the use they made of money with that to which the two late possessors had appropriated it!" here, referencing the two men who had previously owned the estate and had exploited their tenants by growing rich on the labors of others (Scott *MH* 222, 65).

Millenium Hall therefore articulates an alternative social configuration that offers a place to those the larger society marginalizes and displaces, through “a reversal of the relations of men and women of the dominant social class in terms of political economy” (G. Kelly *Women’s* 179). The text presents itself as a viable model for re-organizing society, a term that Mrs. Mancel, one of the ladies, defines as “a state of mutual confidence, reciprocal services, and correspondent affections” (Scott *MH* 111). The model envisioned here eschews the hierarchical and competitive nature of conventional social organization, by emphasizing shared obligations, with Scott positioning these ladies as knowledgeable and adaptable leaders, thus reversing what their positions would be in the larger society where they would be disempowered (Scott *MH* 65). Instead, they are free to re-imagine a more peaceful and profitable society in which “the social comforts of friendship” underpin the happiness of the residents, and guarantee the success of the endeavor since everyone is given a stake in the community’s continued profitability (Scott *MH* 110). More importantly, this form of organization provides a certainty of place for the founding ladies who are also the owners of the estate, while offering homes to others displaced and marginalized by the larger society including the elderly, the poor, the infirm, and even those considered freaks because of their size, deformity, or appearance (Scott *MH* 72-73, 113). The victimized, particularly the single woman or widow, is thus restored to her “proper place in the home,” but it is a home in which ownership or associated authority is shared, the ladies thus providing themselves with protection against future displacement (Elliott 536).

Eschewing contemporary society with its vanities, ambitions, constant desires and continual fears that rely upon “unremitted tumult and envy,” *Millenium Hall* is proffered

as a place that provides everyone within its purview with social comforts and pleasures because it is founded on reason, and not “irrational pursuits” such as the capitalistic speculations that often have unreliable success (Scott *MH* 111). In this regard, Scott intimates that her approach to social organization may be more in keeping with contemporary Enlightenment thinking than concurrent English social configurations which the text suggests are “more probably compared to that state of war, which Hobbes supposes the first condition of mankind” (Scott *MH* 111). By twenty-first century standards this community may not seem quite the ideal: it is still hierarchical, with servants waiting on mistresses, villagers residing in smaller cottages while the elite ladies occupy the main mansion, and with rules of conduct sometimes rigidly enforced since even minor infractions can bring expulsion. However, the world of *Millenium Hall* is primarily one of inclusion rather than exclusion, since regardless of gender, age, birth, class status, or physical condition, everyone is provided with a decent place to live—indeed, a room of their own, sufficient food, meaningful employment, adequate income, and they may look forward to further gifts, rewards, friendships, and even marriage and children if they wish (Scott *MH* 66-67). This is a community that seems to comport more closely with Enlightenment principles by enacting Jeremy Bentham’s vision of utilitarianism in which the cornerstone of government is viewed as affording the highest possible degree of happiness to the greatest amount of people (Bentham 1).

From the onset, the text also engages with dominant issues of the day to convey a sense of social realism and to demonstrate the benefits of cooperative rather than hierarchical social organization. Issues including slavery, women’s place in society, property ownership and inheritance practices, and modes of economic organization, are

discussed to demonstrate that this community is not out-of-touch nor unaware of the larger world.²⁴⁶ Indeed, the narrative positions this community as a viable substitute for contemporary British society implicitly arguing that it is formed on principles of cooperation, generosity, and fairness which the text suggests will prove more profitable and pleasurable in the long run than the current free-market capitalism that favors the propertied and primarily male elite at the expense of all others. As Gary Kelly explains, female utopias such as *Millenium Hall* not only critique “court government, culture, and society,” but in the decades leading up to the French Revolution, they presented themselves as both “achievable and imminent” (Kelly, *Intro.* 35). Assailing the social configurations and practices that are predicated on class, gender, and even racial distinctions, *Millenium Hall* contrasts British colonial enterprises reliant on the labor of slaves with the ladies’ model of political and economic organization since the narrator, who had grown ill after two decades living on his plantations in Jamaica, gains a newly-restored vigor and purpose after experiencing the benefits of Millenium Hall’s enlightened commonwealth with its regimen of work, collaboration, and companionship (Scott *MH* 54). Scott aligns the inequities of systems reliant on the type of slave labor that underpinned the Jamaican sugar industry, with the conduct of the former owners of the Millenium Hall estate who got rich on the labors of tenants who barely subsisted. Moreover, she juxtaposes these male-centric and hierarchical models in which the few benefit at the expense of the many, with her proposed socio-economic paradigm that allows everyone a share in the prosperity (Scott *MH* 65). The text’s anti-slavery stance is emphasized when it is revealed that the ladies’ compassion compelled them “to purchase these worst sort of slaves,” consisting of persons who were miserably mistreated because

of their physical deformities and were placed on show by “monster-mongers,” necessitating a rescue to ameliorate further pain, but only with the consent of those rescued (Scott *MH* 73). Although these physically-different persons live in their own little sub-community, it is their choice since they no longer wish to experience the “horror they had conceived of being exhibited as public spectacles,” even as they integrate into this society (Scott *MH* 75). Again, Scott makes clear that the primary difference between British imperial and domestic endeavors and the equanimity of Millenium Hall lies in whether people are exploited and discarded, or given opportunities and choice. Millenium Hall therefore becomes a model of compassion which the narrative emphasizes is a function of the ladies’ “extraordinary humanity,” and their re-formulated social organization that repudiates all forms of enslavement, a stance that necessarily implicates the enslavement of women through conventional marriage (Scott *MH* 74-75).

Positioning her community as a model of social, political and economic government and the antithesis of the hierarchical, competitive capitalism of the current British system, Scott advocates the benefits of the cooperative model employed by the ladies of Millenium Hall. This point is underscored when the narrator receives a testimonial from an old village woman now living in one of the neat, two-room cottages built on the estate for the elderly and infirm, who explains that before the ladies came to the parish: “few of us had rags to cover us, or a morsel of bread to eat, except the two Squires, they indeed grew rich because they had our work and paid us not enough to keep life and soul together...” (Scott *MH* 65). The deliberate comparison of the current satisfied state of those Cornish villagers associated with the Millenium Hall project, and

their prior wretchedness under the hierarchical capitalism employed by the former male owners reveals the benefits of a system predicated on a more equitable sharing of rights of place and profits. Indeed, as configured, Millenium Hall functions as a sort of eighteenth-century welfare state in which everyone has a comfortable place to live, food, friendship, and meaningful work for fair compensation (Scott *MH* 115-117). Where masculine capitalism benefits the few from the labors of the many, Millenium Hall argues that its scheme of communal work predicated on friendship and reason, benefits all, albeit not equally. The community becomes the converse of British governance because its basic organizational principle is one of cooperation and sharing, not individual profit, as Mrs. Mancel explains:

‘What I understand by society is a state of mutual confidence, reciprocal services, and correspondent affections; where numbers are thus united, there will be free communication of sentiments, and we shall then find speech, that peculiar blessing to man, a valuable gift indeed.’ (Scott *MH* 111).

Indeed, one of the most fundamental comparisons Scott invites is between the hierarchical, patriarchal legal system of eighteenth-century England, and Millenium Hall’s legal system which is predicated on a series of rules that define not only basic social behavior, but the benefits attendant with compliance including a bed-chamber to one’s self, each person alternatively to preside at table, twenty-five pounds a year for each person’s “cloaths and pocket expences,” and a health plan in which the community pays the expenses, all of which seem a modest price for conforming to regular hours and dressing neatly and plainly, particularly when the alternative can be subservience to others, subsistence, a lack of privacy, and no certainty of place (Scott *MH* 116-7).

Moreover, the social structure is one in which “no one is obliged to stay a minute longer in company than she chuses,” thus challenging critics like Johanna Smith who read such idealized communities as predicated on models of containment and surveillance (Scott *MH* 119; J. Smith 266). Here, the rules that regulate behavior do so minimally and offer residents much freedom of choice, since the primary purpose of the community is to more fairly distribute wealth and provide friendship, comfort and a place to reside, a stark contrast to the women’s situation in the larger society where their residences, their comforts, and their opportunities were far more circumscribed and almost wholly dependent on the largesse of men. Indeed, one of the text’s chief aims seems to be an articulation of those factors that would counterbalance the marginalization and exploitation of “those woman, who from scantiness of fortune, and pride of family . . . bear all the insolence of wealth” and who are tolerated in their families as little more than “voluntary slaves” (Scott *MH* 115). As Mrs. Mancel emphasizes when explaining the community’s regulations, the ladies do not seek to become enforcers or to demand obedience, but instead because no “severe commands” are imposed, there is an expectation of reasonable compliance because those subject to them do so by “consent” (Scott *MH* 166). Here, Scott seems to articulate the kind of Enlightenment thinking that conceives of government as created out of the needs, wants, and consent of the governed. Indeed, Millenium Hall’s socio-political organization seems echoed in the language of the Preamble to the United States *Declaration of Independence* (1776), which similarly states that democratic governments derive “their just powers from the consent of the governed.” Scott’s community of ladies therefore anticipates the implementation of those fundamental Enlightenment precepts that underpin the founding of the United States and

most other modern democracies. The narrative's reliance upon the foundational democratic principles of belonging by shared purpose and generating shared benefits, also derives its authority from the consent of the governed, suggesting that Scott is not depicting a social formulation that is idealistic and impractical as is the common critique of this fiction, but rather is proposing an application of these principles as a method that provides a place for all, including those women who would be marginalized and discounted by society.

While the imperatives of the community may seem altruistic, they are essential to maintaining the stability of the enterprise, particularly as this is hardly a monastic community since the girls who receive their educations here are free to marry and indeed, the community seldom celebrates "fewer than two marriages a year, sometimes more" (Scott *MH* 167). Unlike other fictional communities predicated on abstinence and shared work as in *The Magdalen House* where celibacy and chastity are mandatory, this is a community supportive of those who wish to marry and start families, a circumstance that reinforces its continuity since it is not dependant solely on recruitment. What is particularly emphasized, however, is that everyone contributes and participates according to their ability, which is the very definition of a commonwealth.²⁴⁷ This approach finds approbation in the younger male visitor who declares himself wholly reformed and purportedly weaned from their participation in self-serving capitalism, acknowledging that the ladies of *Millenium Hall* are "the first people he ever knew who lived entirely for others, without any regard for their own pleasure," (Scott *MH* 244). Likewise, the older, unnamed narrator is not merely reformed, but he is converted, (Scott *MH* 223, 249, 251; Pohl and Tooley 108; Nardin 34). *Millenium Hall*'s vision of shared duties, shared lives,

and shared prosperity built on a cooperative rather than a hierarchical, competitive model may not seem wholly feasible, but it does articulate the possibility of a society where marriage is not the only means by which women can achieve the comfort of a secure place and a meaningful life, and seems to gesture towards later novels of female communities such as *Cranford*, where the centrality of a feminine cooperative society appears in the form of a social network for women who fail to wed, are widowed, or who lack wealth, but who continue to reside and have meaningful lives within the larger society, and where the marriage plot is marginalized as irrelevant to the narrative.

**Cranford: Where the Amazons All Possess A Genteel Competency, and
Giving is “not only a duty, but a pleasure”**

Elizabeth Gaskell’s serialized 1853 novel, *Cranford*, seems a gentle portrayal of the kind of village society that had all but faded into history by the time of its publication.²⁴⁸ Jill Rappoport characterizes it as “a quaint and old-fashioned feminine utopia” much like *Millenium Hall*, because its community of aging widows and spinsters living in a market town on the periphery of the growing industrial metropolis of Manchester, here called Drumble, seems more a naïve fantasy when juxtaposed against the realities of mid-century masculine politics, industrial expansion, and economic speculations (Rappoport *COS* 95). The novel retains some elements of the older utopian genre, because the women seem to function as an insular, self-contained community. Yet, *Cranford* differs significantly from prior feminocentric utopias in several key elements, particularly in the way it dispenses with the isolated enclave motif since the central characters maintain their individual residences, and are demonstrably well-integrated into the larger community. By seamlessly embedding this cooperative group within the town

of Cranford, the text can reveal the daily lives of women who might otherwise be only anecdotal figures in conventional marriage plot novels. Moreover, Gaskell dispenses with the male narrator-discoverer who must mediate the tenets of a female-dominated community for the larger world. Instead, the story is told by Mary Smith, a younger, spinster from the nearby metropolis who regularly visits over many years' time, and thus is able to detail the key episodes that epitomize the values, organization, and functioning of the group. She also is the conduit between the ladies and her father, a successful businessman in Drumble, thus connecting these women to the larger world of masculine commerce and politics beyond the confines of Cranford. As a younger version of the women about whom she reports, Mary is able to provide a more empathetic and intimate portrait of their lives, particularly as her visits are frequent and her stays extended, allowing her to discover, observe, record, and most significantly participate in the women's activities, particularly their rules and regulations for visiting and entertaining. In this way, the narrative retains its focus on the network of support and camaraderie that the women provide each other, since as Mary notes, "it was impossible to live a month at Cranford, and not know the daily habits of each resident" (Gaskell, *Cranford* 16).

Despite their "general but unacknowledged poverty" that in other venues might disqualify them from having any meaningful social or political role, in Cranford the ladies are known, and their presence accepted because they have deep ties to the community which renders them both respected and respectable. Their status in the town is not dependent on their economic situation, their marital status, or even the latest fashions: "What does it signify how we dress here in Cranford, where everybody knows us?" they observe, their "sublimely out-of-date" style proving equally irrelevant outside

of Cranford “where nobody know us” (Gaskell, *Cranford* 6; Boone 298). Gaskell’s point of course, is that the value of these women no longer is dependent upon whether they are married, nor their outward appearance because their authority, influence, and self-worth are derived from their connections to one another and to the community. Their ability to function as a network of female cooperation and collaboration rather than as an isolated and autonomous colony is what allows them to overcome their reduced circumstances and their potential for social marginalization.

These women have learned self-reliance and inter-reliance, which renders men peripheral to their lives, although not necessarily unwelcome (Gaskell, *Cranford* 7). The women have dispensed with all forms of male dominion, particularly in the domestic realm by concluding that, “A man... is *so* in the way in the house!” (Gaskell, *Cranford* 5). Instead, they emphasize cooperation, friendship, and “goodness of heart,” which supplants both family and marriage as social organizing principles, and assuages most of the “loneliness, recurring memories of lost loves, and... unfulfilled maternal yearnings” of these ladies because their interdependence and their self-possession are derived from their unassailable attachment to each other and to their town (*Cranford* 16; Boone 298). The result is a novel that de-centers the marriage plot by centering on the lives of women who no longer consider the altar a reasonable or even a desirable goal, and who would typically be sidelined and discounted in contemporary Victorian society. These women know their place and relish it, enjoying a particular security in having their own homes, which also means that when one of their members, Miss Matty, faces possible displacement due to financial losses, they rally to her assistance and thwart any such eventuality.

Critics such as Nina Auerbach and James Mulvihill find the eradication of men in the text as indicative of the fantasy nature of this fictional female community. Auerbach reads the dominance of the ladies in the narrative as a strategic subterfuge to mask the realities of male domination in which the men either magically disappear or become absorbed into the “feminine structures of Cranford’s reality” (Auerbach 85, qtd. by Boone at 298). Mulvihill similarly notes that Cranford men seem superfluous, pointing to the novel’s initial paragraph which ironically queries, “What could they do if they were there?” (Mulvihill 338; Gaskell, *Cranford* 5). However, the text’s wry suggestion that all the men have disappeared is not a literal claim, but a figurative expression of the unusual positioning of Gaskell’s aging widows and spinsters as central figures for whom the male figure of a husband is vestigial, but whose stories still are worth examining because the text intently re-focuses attention to the lives of women who would otherwise be on the periphery of a typical marriage plot novel, the Miss Bateses or Mrs. Smiths of Austen’s novels.²⁴⁹ Moreover, the text is clear that these women do not constitute an isolated and insular community and do have regular, if not daily contacts with male neighbors including Captain Brown, tradesman like Mr. Johnson, the surgeon Dr. Hoggins, and Jem Hearn, the carpenter who marries Miss Matty’s maid and moves in with her to help defray the rent when the spinster loses her savings in a bank failure. Moreover, they will on occasion, accept gentlemen into their midst. For example, Captain Brown, a half-pay captain with two daughters moves next door to the Jenkyns sisters, and is “so brazen as to talk of being poor,” an indelicate topic which “savoured of commerce and trade” (*Cranford* 7-8). Yet, he makes himself “respected” enough by the ladies because of his “excellent masculine common sense” and his “absolute tenderness” towards his daughters

(*Cranford* 9, 17). As “a man of infinite resources,” he becomes part of their community, “even admitted in the tabooed hours before twelve” according to their visitation rules, thus proving a flexibility in the administration of their practices, although he too later disappears, perishing in a railroad accident (*Cranford* 7, 8-9, 17, 22-23).

Within their small society the women view themselves as more or less equal because they all consider themselves “aristocracy” even though each has limited means and must practice that “elegant economy,” associated with their subdued and genteel tastes, as well as the prudent practice of serving nothing more expensive than “wafer bread and butter” to visitors (Gaskell, *Cranford* 7-8). They organize their interactions and regulate their attitudes to overlook the limits imposed on them by their pocketbooks and by the conventions of a larger society that discounts such poor and aging widows and spinsters: “We had tacitly agreed to ignore that any with whom we associated on terms of visiting equality could ever be prevented by poverty from doing anything that they wished,” Mary Smith explains in accounting for the “kindly *esprit de corps*” of “Cranfordians” (Gaskell, *Cranford* 7-8). As fixtures in Cranford, these ladies are unusually certain of belonging to this community, making their singleness, whether as widows or spinsters, a virtue, since it enables them to resist the usual female displacement associated with the marital state.²⁵⁰ They command both the geographic and psychological space of their domain from which they derive a “power of material ‘possession’” that enables them to defy “parallel enclaves of women confined with the male-defined reality of the Drumbles of England” (Boone 298). Unlike earlier fictions of female communities in which physical separation seems essential for the establishment of a re-conceptualized female-dominant society, *Cranford* deliberately situates its female

cooperative in the midst of a busy market town to demonstrate the authority and security imbued by the ladies' network.²⁵¹

Mulvihill seem perplexed by the novel's positioning of the women, viewing it as a "curious demographic circumstance without accounting for it" (Mulvihill 338). However, Rappoport counters that in a nation where most women, particularly unmarried women who failed to inherit fortunes, faced financial challenges, Gaskell deliberately imagines an "alternative economy" in which this tightly-knit, female community is organized on principles of conservation rather than consumption, and sympathy rather than competition (Rappoport *COS* 95). Although the ladies' "elegant economy" seems to evoke a time when the term "economy" was associated primarily with concepts of household management that were the exclusive province of women, their approach to financial matters gestures to a nimbleness in accommodating the vagaries of the contemporary marketplace despite the limitations of their bank accounts.

Gaskell's usage seems to intentionally engender the older meaning of economy which in Dr. Johnson's Dictionary (1755) is defined as, "the management of a family; the government of a household," as well as the broader meaning that was being applied to the burgeoning commercial world of the mid-nineteenth century (Skinner 5).²⁵² The opening decades of the eighteenth century saw the term acquire a second and more general application, referencing anyone who attends to, and effectively uses anything, especially money (Skinner 5).²⁵³ By the nineteenth century, women were still expected to be parsimonious in the fiscal management of their households, but the concept of economy was increasingly applied to the regulation and direction of all forms of economic activities with a simultaneous masculine incursion from the commercial world into the

domestic space (Skinner 5-6).²⁵⁴ As Ruth Perry explains, “The notion of the family as a small-scale model of city or even national government,” became widely accepted, with the twin realms of the marketplace and the household conflating as men expanded their roles in both spheres, and women’s place was simultaneously contracting (Perry *WLN* 34). In *Cranford*, Gaskell seems to employ both meanings in her use of the word “economy” when referencing her ladies, evoking both the earlier domestic meaning of fastidious household oversight, but also the newer sense of engaging in commerce because the text shows these ladies enlarging their sphere of activities through a range of commercial transactions, even as they are mindful of their own limited budgets. Boone concludes that Gaskell’s usage of “elegant economy” is merely a “verbal subterfuge” masking the “reality of their penury,” (Boone 299). However, I suggest that despite their obvious financial limitations, Gaskell’s use of this alliterative oxymoron signifies how the ladies’ well-developed social organization and their ability to exploit even “small opportunities,” constitutes a competing economic system that allows them to live reasonably comfortably, albeit simply, through practices that accommodate their financial limitations, such as their modest outlays for entertaining, or their gathering fallen rose-leaves to “make into a pot-pourri” (Gaskell, *Cranford* 22).

Rather than a subterfuge, I suggest that their frugality is an adaptation that demonstrates the efficacy of the sub-culture within which they operate; their penury is assuaged by their prudence (Gaskell, *Cranford* 8). Gaskell takes pains to explain how they thrive on so little since, “Things that many would despise, and actions which it seemed scarcely worthwhile to perform, were all attended to in Cranford” (*Cranford* 22). Their creative economics allows them to thrive by emphasizing thrifty habits as

exemplified by Miss Matty Jenkyns, the naïve and unworldly, fiftyish spinster who was dominated by her father, and then by her older sister who oversaw all matters financial in their little household. In middle-age Miss Matty finds herself for the first time having to manage her household and her investments to generate income for her own support (Gaskell, *Cranford* 155). Like the other ladies of the Cranford circle, she employs an intuitive sense of basic domestic economy by saving fractions of pennies, covering new carpets with newspaper to inhibit fading, eating fried pudding for breakfast to avoid waste, and burning only one candle at a time although “it required some contrivance to keep our two candles the same length” (Gaskell, *Cranford* 52). Her cautious use of resources assures that everything will be “restored to equality,” which seems an apt and intentional metaphor for the ladies’ overall parsimonious practices, which when coupled with the group’s general cooperation and assistance, allow these women to persevere in the face of continually reduced and trying circumstances. The ladies’ economic practices suggest that they operate their households like a business, maintaining what is ostensibly a balance sheet of their accounts so they do not exceed their modest incomes.

As Rappoport acknowledges, Gaskell addresses the financial challenges facing unmarried women, by “envisioning alternative forms of economic power,” (Rappoport COS 95). While Miss Matty readily admits, “I don’t pretend to understand business,” her simple faith that “everything will be cleared up,” and will all come right and balance out much like the candles, may suggest someone simultaneously naïve and ignorant of the uncertainties and the ruthless practices of the larger financial world, yet mindful of the need to maintain economic equilibrium. Thus, she is “incredulous” to discover that a bank that her sister had encouraged her to invest in could fail and “Miss Matty was

ruined,” (Gaskell, *Cranford* 146, 148, 150). However, on the balance sheet of Miss Matty’s life her basic kindness and her inherent sense of fairness and generosity outweigh her monetary shortcomings. Her situation is stabilized by the collaboration of the Cranford ladies, and indeed, by the greater community to whom she has been generous and kind all her life. In a secret meeting the Cranford ladies acknowledge that while none of them may be rich, they all possess a “genteel competency, sufficient for tastes that are elegant and refined,” and pledge that while any of them has a “superfluity, it is not only a duty but a pleasure, --a true pleasure” to contribute a small annual sum to Miss Matty’s income, thus saving her from the dire poverty she would otherwise face when the bank in which the bulk of her capital is invested collapses (Gaskell, *Cranford* 160-161).

Moreover, it is important that it is not just the ladies of the Cranford cooperative who contribute to Miss Matty’s income, since others helped by Miss Matty over the years also repay her. Mrs. Fitz-Adam, a widow, insists on making some contribution because years earlier when she was just a “country girl” Miss Matty held her hand and comforted her as her mother lay dying. Similarly, shopkeeper Mr. Johnson who, touched by Miss Matty’s scruples in consulting him before she opened a competing tea shop to supplement her meager income, “repeatedly sent customers to her, saying that the teas he kept were of a common kind, but that Miss Jenkyns had all the choice sorts” (Gaskell, *Cranford* 163, 170). Indeed, as soon as Miss Matty opens her small tea shop in her parlor to defray her financial losses, her sales surpass all expectations because, “The whole country round seemed to be all out of tea at once” (Gaskell, *Cranford* 171). Rather than forfeiting “her right to the privileges of society in Cranford,” by selling tea and being in trade, because her place within her network and her community is secure, she retains her

station, her place, and indeed her home despite her seeming innocence about how the larger world operates (*Cranford* 168). The ladies' refusal to allow one of their members to succumb to economic disaster, coupled with the larger community's contributions, reveals the resistance and resiliency of these older, unmarried women despite their financial limitations, since by banding together and having a secure attachment to place, they are able to overcome adversity.

Yet, Liggins dismisses the women of Cranford as just another "sheltered spinster community, cocooned from the contradictions of mid-Victorian society," (Liggins *OW* 54). This type of interpretation discounts how Gaskell makes these women integral and active participants in their bustling market town, as well as essential to one another's survival. Indeed, as the novel progresses, even retiring and conventional spinster Miss Matty expands her network through her tea shop "which brought her into kindly intercourse with many of the people round about" who not only paid for their purchases, but frequently left little presents of cream cheese, eggs, and ripe fruit knowing that she had been compelled to engage in trade to remain in her home (Gaskell, *Cranford* 174). Rather than a female utopia that is an isolated enclave of feminine homosociability and accumulated disappointments, *Cranford* reveals the kind of supportive female network that by mid-century even Liggins ironically acknowledges actually were being established by single women for emotional support and companionship, and to counter the "isolation as well as prejudice" that "old maids had to contend with" by "normalizing their alliances and their places within the community," (Liggins *OW* 54-55).

Indeed, *Cranford* seems to anticipate the more robust New Women novels that emerged in the last quarter of the century and feature self-supporting, or trained women.

Although contemporary reviewers continued to ignore the presence of single women in most mid-Victorian fictions, they did so “despite the growing sense that the fixation with marriage in fiction was becoming somewhat clichéd” (Liggins *OW* 58). Novels such as *Cranford* were “written against the grain of traditional ideology” by refusing to position this group of aging, unwed women as uninteresting and deserving of relegation to the margins of their society, or as peripheral comic figures such as Mrs. Gamp, the drunk, incompetent nurse in Dickens’s *Martin Chuzzlewit* (1843) (Langland *Nobody’s* 131; qtd. by Liggins *OW* at 52). Although *Cranford* is often viewed as a nostalgic look backwards to an earlier and simpler time, it seems to gesture forward as well, looking towards the end of the century and the period when lone women poured into cities to work in shops and offices, and where a woman’s place and community often became a function of her network of female supporters, and not necessarily her marital state or family ties. The ladies of *Cranford* may seem relics of the past with their archaic visiting customs and antiquated clothing, but they are far from the antithesis of characters such as Rhoda Nunn and Mary Barfoot, the educated and enterprising spinsters who operate a secretarial agency and training school for middle-class daughters in turn-of-the-century London in George Gissing’s, *The Odd Women* (1893), or the outspoken, independent, and erudite Schlegel sisters of E.M. Forster’s *Howard’s End* (1910).²⁵⁵ Rather, *Cranford* seems prescient by anticipating the unmarried women in these later novels because of its insistence that the lives of single women are interesting, meaningful, and a fitting subject for fiction.²⁵⁶

As in *Cranford*, the unmarried women who populate Gissing’s novel rely on a network of other women for emotional and even financial support, which seems echoed

in the evening lectures of Rhoda Nunn and Mary Barfoot encouraging a more energetic incursion into the male domains of business and commerce by advocating “female competition in the clerkly world” in order to make “strong and self-reliant and nobly independent” women who no longer need to rely on men to establish their rights of place and their economic stability (Gissing *OW* 151, 153). *Cranford* seems an early example of how the female utopian narrative evolved into a more realistic arrangement predicated on female networks of collaboration and support, and making Gaskell’s novel more forward focused than is apparent. It may retain some longing for those “unprogressive ideas” that embrace an older form of gentility and gender roles, but *Cranford* subtly anticipates those later fictions that directly confront the displacement of unmarried women by showing that even those who fail to marry can still forge meaningful and permanent attachments to place, and have congenial lives through their friendships and connections within their community (Harsh *Women* 84-85).

More importantly, Gaskell’s narrative slyly engages with contemporary political issues, particularly those laws affecting women’s property and voting rights. Set in the first two decades after the passage of the First Reform Act of 1832, this novel makes a particular assault on this new law which was one of the most widely-debated and transformational pieces of legislation to come out of the first half of the nineteenth century.²⁵⁷ On the surface, the Reform bill seems a progressive piece of legislation because it expanded the parliamentary vote to middle class men who owned or rented property valued as little as ten pounds per annum. Yet, this also was a law that expressly and for the first time in English history excluded women from enjoying the full rights and privileges of their property ownership, since even if a woman met the property

requirements of the Act, and many did, she was now barred from casting a vote (Chalus 20, 23-25).²⁵⁸ The express use of the word “male” in the Act made clear that even women property owners who had heretofore enjoyed the rights of the franchise, lost that right merely because they were women.²⁵⁹ While the Reform Act of 1832 disenfranchised all women in England and Wales from voting in parliamentary elections, shortly thereafter the Municipal Corporations Act of 1835 similarly disenfranchised women from voting in local elections (Chalus 20).

Gaskell certainly would have been aware of the controversy surrounding the newly-passed Reform Act and its repercussions since she married William Gaskell during the summer of 1832, just as this law was adopted, and just as she knew she would legally cease to exist upon wedlock.²⁶⁰ Thereafter, despite her success as an author she never directly received the income from her own writing, and instead was dependant on her husband for an allowance for the remainder of her life (Lacey 4). The Reform Act had been hotly debated in the press, and in a highly unusual move Queen Adelaide, who heretofore had been a docile consort to her more flamboyant husband, William IV, publicly lobbied against the bill’s passage, even enlisting the Duke of Wellington and her daughters to dissuade the King from creating the several new peerages that would provide the additional votes needed to pass the bill in the House of Lords (Gleadle and Richardson 5). While politicians and the press railed against this type of “petticoatery,” the unwarranted interference of females into the political arena, what seems to have so disturbed the Queen, and indeed many women, was that this legislation would declare that women could no longer vote even if they were unmarried and owned qualifying land and paid taxes (Gleadle and Richardson 6-7). In the decades following the Act’s passage,

Gaskell herself quietly engaged in political activities that impacted women's rights including promoting anti-corn law activities in the 1840s, and later joining petitions to amend the Married Women's Property Acts (Morgan 124).²⁶¹

In writing *Cranford*, she seems to directly address the impact of this law by intentionally returning to the era of the First Reform Act since she sets the novel's opening chapters in the 1830s. More significantly, she compels a re-examination of this Act by evoking its language in the text's first paragraph, thus signaling that in a novel seemingly about a group of somewhat eccentric, frugal, unmarried and unimportant women, the right to vote and the state of women's rights and their relationship to property is placed at issue. Gaskell begins the novel by echoing the relevant language of the Reform Act which states:

That every male person of full age, and not subject to any legal incapacity, who shall be seised at law or in equity of any land or tenements...or of any larger estate, of the clear yearly value of not less than 10£...shall be entitled to vote in the election of a knight or knights of the shire to serve in any future parliament...(Reform Bill, 1832 §XIX).

However, Gaskell inverts the valences of this law by offering an alternative society in which "all the holders of houses, above a certain rent, are women" (Gaskell, *Cranford* 5). Indeed, the novel's first chapter is titled, "Our Society," suggesting a deliberate effort at reconstructing, or at least re-envisioning a society in which women are central to its organization and functioning, and where their interests are not bypassed or diminished. Rather than the women being disenfranchised and disappearing from the voting rolls, or their ceasing to legally exist upon marriage, in Gaskell's reconfiguration it

is the gentlemen who now vanish (*Cranford* 5). Here, Gaskell constructs a place where women dominate, and men have no real purpose: “What could they do if they were there?” the text asks, mocking the circumscribed role to which even women with rights in property were relegated, particularly after the Act’s passage (*Cranford* 5). By both tracking, yet modifying the salient language of this Act, Gaskell shifts the power and political currency imbued by a clear connection to property to her group of middle-aged women: “In the first place, Cranford is in possession of the Amazons; all the holders of houses, above a certain rent, are women” (Gaskell, *Cranford* 5). This clear revision of the language of the Act suggests that despite the sentimental digressions of her novel and its homely overlay, this is a narrative focusing on women’s connection to and rights in property and place, and the attendant authority this imbues within a community. While these women may not have the vote, their ability to join forces and circumvent adversity even with the limited options available to them, provides each woman with some assurance of a continued home, a place within their community, and sufficient means to live with dignity. Cranford thus becomes a town in which precisely because the women possess all of the houses “above a certain rent” they are able to nullify some of the effects of those laws and practices which would displace and disempower them (*Cranford* 5).

Certainly, the ladies’ ability to effectively respond to a crisis is best exemplified when kindly spinster, Miss Matty loses her small income in a bank failure. This event demonstrates the efficacy of Gaskell’s female collaborative in resolving real-world problems. Upon learning of Miss Matty’s dire situation, Miss Pole, another spinster, takes command and convenes an assembly after she first “conversed in private” with each lady as part of her informal caucusing to assess the situation and possible remedies.

Thereafter, the ladies come together in what is characterized as a “state occasion” and Miss Pole having polled the constituency, the ladies unanimously vote to assist Miss Matty with whatever their own limited resources would allow (Gaskell *Cranford* 160-61). Here, in miniature is a picture of a model government, a democracy that works for these women to swiftly resolve a crisis for one their members. These ladies embrace democratic forms even though as householders disqualified to vote solely because of their gender, they manage to create their own alternative government (*Cranford* 5).

Both Elizabeth Langland and Emma Liggins ultimately find *Cranford* daring because it refuses to portray the spinsters and widows as anomalous outsiders, refusing to consign these women to the margins of society. The text challenges “heteronormative notions of the family and community” by demonstrating that these ladies constitute an alternative familial group and social organization predicated on mutual comfort, friendship, and even financial support, while functioning as a vital part of the larger community (Liggins *OW* 55). Yet, Langland and Liggins also conclude that the ladies’ fears of burglary, highwaymen, and men hiding under their beds evidence a residual need for masculine rescue and male authority. They point to orphaned Jesse Brown’s fortuitous marriage to a former suitor, and prodigal son, Peter Jenkyns returning from India after forty years to save his sister from a life of penury and struggle, as demonstrating Gaskell’s ultimate conclusion that masculine intervention is necessary for a woman’s physical and economic security (Liggins *OW* 52-53; Langland *Nobody* 131). To reach such a conclusion, however, is to overlook Gaskell’s careful and nuanced construction of this network of women. Rather than succumbing to their fears and requiring male protection, the ladies devise mechanisms to protect themselves such as

banding together when walking down Darkness Lane at night to “brave the dangers,” or the acquisition of a penny ball by Miss Matty to roll under her bed and assure that no one is hiding there (*Cranford* 116-117). The point is that these women neither seek nor expect male rescue, and instead cleverly resolve their concerns and anxieties amongst themselves, evidencing the efficacy of their network. What sustains these women is their active mutual concern, their sense of responsibility for one another, and their support from the larger community. Even Mary Smith’s hard-boiled businessman father who comes from Drumble to help sort out Miss Matty’s affairs is brought to tears upon learning of the assistance provided by the network of ladies, lauding how “a good innocent life makes friends all around,” and is a “good lesson” because this arrangement gives seemingly unprotected and impoverished woman like Miss Matty the ability to live with some comforts despite her misfortunes (*Cranford* 165).

Yet, Auerbach dismisses the Cranford ladies, finding them “aligned with incompetence and unreality,” and existing beneath an “idyllic veneer” in which their “etiquette of penury” masks their deprived, isolated and static lives that have been sidelined from the conventional female roles of mothers and wives (Auerbach *CoW* 80-81). However, this assessment seems reliant upon the very Victorian values that Gaskell demonstrates are not essential to a satisfying life. Throughout the text Gaskell repudiates the view that a woman’s failure to marry is wholly aberrant, and that the biological imperative to bear children coupled with the legalized dependence on a man through marriage as a woman’s irrefutable and only destiny. It also ignores Gaskell’s assiduous deconstruction of these social benchmarks by demonstrating that these women derive comparable security and comfort from their unbreakable connection to place, and their

close and abiding female companionships. Although the “providential” return of Miss Matty’s brother may relieve her of the burden of self-support, it is clear that even without this reunion she would not be destitute because she was willing to adapt and accept changed circumstances, making her home and her place within the community secure due to the reliable assistance of her lifelong friends, the community, and even the tenancy of Martha and Jem Hearn who become her surrogate family, obviating the necessity for a conventional male intervention. That Miss Matty’s rescue is by a brother rather than a husband, further demonstrates Gaskell’s desire to displace the ordinary romantic sentiments of the marriage plot and reinforce the novel’s “counter-traditional” intentions (*Cranford* 182; Boone 302). By focusing on these unmarried and fiscally-challenged women, *Cranford* not only reveals “the unexpectedly full lives of these husbandless women,” but suggests that women can sustain themselves through their strong connections to one another and to place (Boone 303).

British fictions about unmarried women began to change by mid-century with the rise of movements pressing for the vote, and for expanded employment and educational opportunities for women. The fact that many women would not marry, or not re-marry was reflected in novels in which “their eccentricity came to be valued, diffused or integrated into alternative versions of normal,” and increasingly spoke to those contemporary political movements seeking voting rights, property rights, and improved education and employment for women (Liggins *OW* 2). In this way, Gaskell anticipates those later fictions that more directly engaged with the political movements for women’s property and suffrage rights such as *Gissing’s The Odd Women*, Gertrude Colmore’s *Suffragette Sally* (1911), Forster’s *Howard’s End*, as well as the many New Woman

novels appearing near the end of the long nineteenth century. This shift suggests that the heteronormative constructions of marriage and family no longer were viewed as essential for achieving a stable home and position in a community, with the marriage plot dethroned as the central narrative paradigm and marriage no longer the necessary mechanism for connecting women to place.

CONCLUSION: From 1882 to 1919

The series of Married Women's Property Acts that began in 1870 and culminated in the 1882 Act (45 & 46 Vict., c.75), ended the legal fictions perpetrated by coverture which affirmatively declared that married women could, even should own property separate from their husbands; that married women could enter contracts or bring legal actions independent of and without the consent of their husbands; and, that married women should have the same rights over property as unmarried women. This law also ended the legal distinction between *feme covert* and *feme sole*, since married women, much like single women, could keep the entirety of their earnings and prevent their husbands from gaining their inheritances, a goal that author and women's rights activist Caroline Norton who died in 1877, advocated for but did not live to see. Although never expressly articulating a repudiation of the common law practice of coverture and the associated legal fictions that rendered married women legal nullities and compelled their financial dependence and infantilization, the 1882 law does impliedly do this by stating that: "A married woman shall, in accordance with the provisions of this Act, be capable of acquiring, holding, and disposing by will or otherwise, of any real or personal property as her separate property..." and that her relationship with property, income and debt shall

be “as if she were a feme sole,” and no longer in need of a trustee (45 &46 Vict., c. 75 §1).

The passage of this statute tends to be the endpoint for most studies of novels examining the representation of women’s relationship to property in the nineteenth century. Mary Poovey in her landmark survey of the ideological work of gender in literature, *Uneven Developments* (1988), deliberately employs a chronology that limits her analysis to the mid-Victorian period ending in 1882, reasoning that this was when “the middle-class ideology we most often associate with the Victorian period was both contested and always under construction” (Poovey *UD* 3). Poovey confines her focus to mid-century fictions because she finds that they most clearly deploy the spatial fiction of separate spheres to reveal the home as the locus of contested authority. This approach implicitly relies on the Victorians’ use of the “institutionalized binary oppositions” of gendered space to reveal the power valences inherent in marriage which Poovey suggests is exemplified by the domestic mismanagement and incompetence of David Copperfield’s first wife, Dora, whose childishness imperils domestic ideals and jeopardizes her husband’s middle-class identity, while the homemaking efficiency, selflessness, and patience of David’s second wife, Agnes, bolsters his masculine currency (Poovey *UD* 1, 3, 115, 100-101). Poovey’s analysis of married women’s property is predicated on the fact that there is none; any rights of place or ownership a wife may enjoy are wholly derived from and defined by her husband’s separate status, property, and legal rights. The wife’s domestic domain is an illusion since it remains under the ultimate control of the husband, even if its harmonious running is left to the wife.

In contrast, Tim Dolin's study of the relationship of gender and property, *Mistress of the House* (1997), focuses on mid-Victorian narratives that begin with unmarried women who are the owners of valuable properties such as Charlotte Brontë's *Shirley*, Thomas Hardy's Bathsheba in *Far from the Madding Crowd*, and George Meredith's *Diana of the Crossways*, in which the conflict between marriage practices and property laws runs through the texts and fuels the central dilemma of these plots. Like Poovey, Dolin expressly limits the scope of his study to novels produced in the years between 1854 and 1882, although it is noted that *Shirley* was published in 1849 (T. Dolin 2-3). His reasoning is that this was the period when "organized feminist agitation to reform the statutory regulation of married women's property in Victorian England [was] most active" (T. Dolin 2). Although Dolin concludes that these fictions do not expressly take issue with the laws that constrained women's rights in independently owning property, nor do they directly address the public debates and movements for reform that had begun mid-century, he argues that they do impliedly evoke the public discourse "surrounding a woman's rights and powers to own" land by persistently constructing the "propertied woman" as an anomalous figure embodying both "social wishes and social fears" (T. Dolin 9). For Dolin, the fictional propertied woman enters the public discourse as a response to the conventions of marriage, and hence to the conventional marriage plot because the heroine is positioned so that she must find a way to relinquish her property upon marriage by casting the union "as a personal fulfillment," or she must choose to live outside of marriage and retain her property "without collapsing the narrative" (T. Dolin 10). By viewing these mid-Victorian novels as presenting a clear and discrete oppositional dilemma for their heroines-- own land or marry—Dolin implies that there

are only two alternatives for women with property, and these are legally and socially incompatible with one another. His analysis overlooks the many narratives that fail to neatly fall within these either/or categories such as Gaskell's *Cranford* (1853), with its group of middle-aged widows and spinsters who hold the leases to valuable properties within the eponymous town, but are no longer susceptible to the problem of whether to marry and yield, or not wed at all. Moreover, any controversy faced by women with property dissolves with the passage of the 1882 Married Women's Property Act, since the effect of this law was to make women's rights in property equal to those of men regardless of marital status. The impact of this law on fictions produced thereafter seems direct and immediate. The propertied heroine no longer has to choose between marriage or land, thus nullifying the decisional conflict between marriage and property that had been driving so many plots because it simply ceased to be a viable fictional predicate.

Indeed, attitudes about women's rights to individual property had been slowly changing in the decades prior to the Married Women's Property Amendment in 1882, a year that also saw the passage of the Settled Land Act (45 & 46 Vict. c. 38) which is rarely, if ever, addressed in studies of fictional female property owners. Yet, historian John Habukkuk categorizes this law as "the natural end" to the strict settlement, the property transmission device that came into use about 1650 to preserve family lands across several generations of male heirs, and whose end stage, the entail or fee tail, Austen repeatedly railed against in her novels (Habukkuk 1-2). The point is that the Married Women's Property Act of 1882 is but one piece of legislation in a trend that saw a gradual reversal of the effects of the laws and practices constraining women's rights in property and which seemed to peak in in the first half of the nineteenth century. Evidence

that this altering view of women's rights in property was seeping into both fictions and non-fictions, can be found in Dickens's weekly magazines as early as an 1854 essay in *Household Words* by Eliza Lynn Linton entitled, "One of Our Legal Fictions," a thinly-veiled recounting of Caroline Norton's loss of both the custody of her children and her earnings to her idle and abusive husband, and intended to illustrate the harsh consequences of coverture. This essay strongly advocated for married women's independent property, as did an 1870 anonymous editorial appearing in *All the Year Round* just two weeks after Dickens's death, which argues that married women should be able to control their own earnings, and which appeared in support of a bill recently introduced in Parliament by Russell Gurney, underscoring how closely law and literature worked in tandem to re-define women's relationship to property (Linton, 257; *AYR* 89; T. Dolin 68-69).

Novels too seemed to actively track these attitudinal changes. By mid-century the entail had all but ceased to appear as a motive for plots of female displacement, supplanted by other causes including abusive husbands as in *The Tenant of Wildfell Hall* (1849), abandonment as in *Lady Audley's Secret* (1862), or illegitimacy and disinheritance as in Wilkie Collins's *No Name* (1862). Moreover, fictional heroines were becoming more assertive regarding the retention of personal rights in property. In Anthony Trollope's 1875 novel, *The Way We Live Now*, Marie Melmotte the abused and bullied daughter of a financial charlatan claims her independent right to the money that years earlier her father had placed in her name to hide from his creditors under the pretext that this would be her marriage portion. Despite the imminent collapse of her father's house-of-cards empire, she adamantly refuses to sign documents that would release these

funds and prevent her father's ruin. When her father tries to convince her that these assets never were hers, and her right to them a mere "quibble of law," she insists that the contrary is the case: "But I know that it did become mine,--legally," and indeed, this money is hers and beyond her father's reach without her consent (Trollope vol.2, 253). Now that she is the owner of an independent fortune, Marie acts cautiously to protect herself and preserve her fortune as when she confirms that a married woman has more rights to retain her own property in the United States than in England when considering a relocation to San Francisco and marriage to Mr. Fisker, a former business associate of her late father (Trollope vol. 2, 453). In this novel Trollope describes the sweep of Marie's transformation from being viewed as her father's "chattel for his own advantage" to becoming an autonomous owner of valuable property in her own right, no longer "submissive" to any man and intent on retaining control of what is lawfully hers (Trollope vol. 2, 256, 451). She has gone from being the property to becoming an owner of property, the knowledge of which empowers her to resist the entreaties of others to relinquish her wealth and its concomitant authority. Written as the series of Married Women's Property Acts between 1870 and 1874 were authorizing an easing of the constraints on rights of independent ownership since even married women could begin to retain their separate earnings, keep the proceeds from annuities, and keep inheritances or bequests, the text reflects the ongoing conceptual shift regarding women's relationship to all forms of property.²⁶² Trollope's novel records the changes that were occurring both in the laws and practices defining women's rights to property, but also in the shifting attitudes towards women's independent rights to ownership. It is not just Marie Melmotte who emerges as a type of "new woman" who proves herself a competent manager of her

assets, because in a novel whose very title evokes a society undergoing dramatic transformation and a break with the past, even the attitudes of conventional men such as the stodgy, middle-aged bachelor Roger Carbury must change with the times. Despite his efforts at clinging to the patriarchal past, Roger finally resolves to leave his estate to his cousin, Hetta, an intelligent and competent woman, and not to her wastrel brother Felix although he is the nearest male relation and thus would be considered the heir presumptive. Because Hetta's prudence will preserve the family estate for future generations, Roger recognizes that he "must throw aside the law of primogeniture which to him was so sacred," by repudiating the practices of the past to maintain family land intact (Trollope vol. 2, 404). Trollope's express rejection of this archaic, male-favored inheritance practice suggests that even before the legal eradication of coverture in 1882, fictions were reflecting and recording the relaxation, even repudiation of laws and practices that had been denying women property rights and had precipitated their displacement for generations.

The simultaneous passage of these two laws in 1882 merely confirms how the constraints on women's separate rights in property were undergoing a broader attitudinal transition that was not limited to the rights of married women alone, and was seeping into the plots of contemporaneous novels because the old tropes of female displacement associated with coverture and patrilineal inheritance practices no longer seemed relevant. While fiction may not be fully mimetic of reality, it still is "derived from lived experience," and here the legislative elimination of two property-related practices that had effectively de-barred women for over a century from retaining independent connections to land, income, and other wealth, also appears to influence the shape and

content of subsequent narratives (Perry *NR* 8).²⁶³ It hardly seems coincidental that by the time the 1882 Married Women's Property Act and the Land Settlement Act were enacted, New Women fiction had begun to appear featuring narratives that tended to reject the "outworn marriage plot of middle-class respectability" in favor of stories in which women were demanding co-equal rights of property and place through the political process (Childers 94). The increasing number of women who had begun to work outside the home to achieve some financial independence or participate in movements advocating for greater parity between men and women in education and employment, fostered a demand for fictions that reflected the issues of a modernizing British society. While some female characters, such as the first Mrs. Wilcox in E.M. Forster's *Howards End* (1910) were "only too thankful not to have the vote," evidencing the reaction by many women who "had a cultural and personal investment in the perpetuation of certain codes of femininity" including retaining women's inferior "political acumen," novels also served as the vehicles for circulating those new ideas that "had a significant impact upon the process of subjectivity" and the move to expand women's political presence (Forster 73; Gleadle *Borderline* 2-3). The marriage plot and its compulsory yielding of a woman's autonomy and property in exchange for the security of a husband and home by making a virtue of being cast forever in the subservient role of wife had run its course. The enactment of the 1882 laws appeared at the moment when the construction of plots involving women's rights and their relationship to property both within and outside of marriage had already begun to shift, underscoring the dialectical relationship of fiction and law as disciplines functioning in tandem.

Yet, what may be more significant is that even in novels featuring the “distinctly modern figure of the emancipated woman,” plots of female displacement continued to appear. Constance Harsh suggests that novels were still adjusting to the rapidity of social change and that the cultural integration of progressive ideology had not fully taken root (Harsh *Women with Ideas* 81). While this provides some explanation for the persistence of plots of female displacement, I suggest that an additional and perhaps more compelling reason for the continued representation of displaced women in narratives published after the 1882 was that neither the Married Women’s Property Act nor the Settled Land Act fully neutralized the continuing disparity in women’s legal rights, particularly with regard to education, employment, and political status since women still lacked the vote and its attendant political power. In novels produced after the 1882 Acts such as George Gissing’s *The Odd Women* (1893), the Madden sisters are disconnected from their family home and from their West Country community with the sudden death of their father. His meager legacy of only £800 proves insufficient to support his six daughters, and his refusal to educate them during his lifetime so that they might be able to support themselves was a function of his old-fashioned belief that “girls having to work for money was so utterly repulsive,” (Gissing *OW* 7, 14). It is not a bypassing of these women and the channeling of an inheritance to a male relation that hastens their financial dilemma and departure from the family home, rather it is the now seemingly archaic “Victorian” attitude in refusing to recognize or anticipate the changing social landscape which suggests some women will not marry, that creates a crisis of survival for the sisters and initiates the plot’s development as the women are forced to pursue the few opportunities that present themselves to supplement their limited resources. Dr. Madden’s

insistence that masculine rescue through marriage was his daughters' inevitable and only fate precipitates their separation from home, as the ill-equipped surviving sisters must take miserable, menial jobs as companions, governesses, or shopgirls, often for room and board only and with "not a penny of salary" (Gissing *OW* 18). The result is that these unmarried sisters frequently live apart and in small rented rooms or other people's homes, underscoring their extremely precarious, impoverished, unsettled, and disconnected lives. Their circumstances not only emanate from their lack of rights in property, but as the text itself intimates, it is more because they lack the means to adequately self-support, a situation largely unaffected by the laws that equalized married women's property rights.²⁶⁴

Indeed, Gissing deliberately juxtaposes the dire circumstances of the Maddens with those of Rhoda Nunn, an acquaintance who, because she long-anticipated having to support herself secured the extensive business training that enabled her to obtain progressively remunerative positions, and led to a partnership in a secretarial school with her typing teacher, and the security of a comfortable Chelsea home (*OW* 27). In the waning years of the Victorian era, Gissing suggests that property ownership may be less important to establishing a woman's place and economic security to resist displacement than her ability to secure satisfactory employment. Yet, acquiring the skills to provide for one's own support remained a particular problem since laws and social practices continued to bar women from many educational institutions, and from most professions and occupations. In what Harsh characterizes as "the longest set-piece" in the novel, and one which reverberates with contemporary language from the suffrage and women's rights movements, Rhoda and her partner, Mary Barfoot, lecture their middle-class

female students on the role of “Woman as an Invader,” rousing their acolytes to persist in entering the commercial world, and girding them to ignore the inevitable gibes that they would be denying some male clerk employment, or lowering salaries overall (Harsh *Women with Ideas* 85; Gissing *OW* 150-51). Here, Gissing conceives of women’s parity in employment as a contest of property rights in which women must encroach on the masculine space of commerce to achieve economic stability, reversing the valences of power inherent in marriage plot narratives by making the women the displacers rather than the displaced, and gesturing towards an empowerment that is denied the Madden sisters because they lack the skills to even attempt this goal. While the novel is set in a period when competing ideologies were in flux, it also suggests how “physical circumstances shape ideas,” since the key circumstance seem to be the increasing numbers of women pursuing emplacement through employment rather than succumbing to displacement through marriage (Harsh *Women with Ideas* 88). The space of the home which had been a contested site for over a century transforms into the space of the workplace where women must continue to resist their own displacement.

While the Madden sisters find themselves rapidly falling out of the middle class, even women possessing adequate private incomes risk being compelled to leave their homes due to rapid urban development and commercialization, as is the case with the Schlegel sisters in *Howard’s End*. Set in a modernizing Edwardian London, Margaret and Helen Schlegel must find other accommodations once the lease on their family home in Wickham Place expires, although they have spent their entire lives there. The lease will not be renewed because the landlord wishes to pull down the house and build modern flats to generate more income (Forster 77-8). The destabilizing effects of this

type of compulsory and permanent departure from their home is articulated by Margaret Schlegel's friend, Mrs. Wilcox, who characterizes the reason for their moving as "monstrous" and "horrible," and declares that: "To be parted from your house, your father's house—it oughtn't to be allowed. It is worse than dying... Can what they call civilization be right, if people mayn't die in the room where they were born?" (Forster 78). The sense of exile that runs through this and other narratives of female displacement across the long nineteenth century is made transparent here since not only are the Schlegel sisters to permanently leave the family home which will soon cease to exist, thus barring any potential return, but Margaret's search for an alternative home proves fruitless, and the solution reached is that Helen, who also is pregnant, will travel to the Continent and their German relations, while Margaret weds Mr. Wilcox after his first wife's death, thus securing a home in the traditional way by acquiring a husband, and with him a house. That one sister must leave England entirely, and the other must marry to redress their imminent eviction suggests that options for women to resist or remedy their displacement remained limited. However, it is not until the novel's ending when the informal bequest of the late Mrs. Wilcox who was so troubled by the Schlegels' displacement is enacted that the sisters are relieved of further risk of homelessness. Instead, Mr. Wilcox yields ownership of his first wife's only separate property, the suburban house Howards End to his second wife, Margaret, not only because it was his deceased wife's dying wish, but because he now recognizes her need for a place "independent of me," and in the knowledge that this will preclude the prospect of any future homelessness for either of the sisters (Forster 318). This acknowledgment by Wilcox, a man whose extensive business dealings in Africa are redolent of a muscular

British imperialism, signals a meaningful change in how women's connections to independent property were increasingly viewed.

In the decades following the 1882 Act, the ideological conflict of women's rights of place failed to fully resolve largely due to "women's non-existent political rights" (T. Dolin 112). Forster subtly addresses the continued disparity in public opportunities and status between men and women in a scene involving a luncheon party that the Schlegels host for the conservative first Mrs. Wilcox, and in which the discussion inevitably turns to votes for women. Margaret, the more traditional of the sisters, never quite advocates for women's suffrage, yet even she argues that: "Whether women are to remain what they have been since the dawn of history, or whether, since men have moved forward so far, they too may move forward a little now. I say they may" (Forster 74). Thus, even in a more conventional and complacent character such as Margaret Schlegel, there is an echoing of the demands and arguments for women's progress that was a hallmark of the women's political movements and which was finding its way into contemporary fictions. Novels such as *Howards End*, written in the early twentieth century, demonstrate the persistence of plots whose progression relies on the dislocation or displacement of women, but as here, the focus increasingly centers on women's lack of political rights as the causal factor, even if there were contemporary women writers including Sarah Lewis and Sarah Stickney Ellis, who continued to insist on limiting women's political engagement to their domestic role as "moral agents" only (Gleadle *Borderline* 4).

Although women's employment and educational opportunities had improved somewhat by the turn of the century, their situation regarding their direct political participation had not. Gertrude Colman addresses this issue in her thinly-veiled

recounting of the events surrounding the 1910 Conciliation Bill and its aftermath, *Suffragette Sally* (1911),²⁶⁵ a novel that almost verbatim replicates actual speeches and arguments made and reported on regarding women's rights of place within British society which were fueling the concurrent movement to enfranchise women. The Conciliation Bill, which had been drafted by fifty-four members of Parliament and would have enfranchised some property-qualified women, had passed in the House of Commons by a substantial margin of 109 votes. However, it was returned to committee by Prime Minister Asquith hoping to delay its enactment, precipitating widespread suffrage riots across London which resulted in 114 women being arrested. The event came to be known as "Black Friday" (Colmore, Appendix D, 342; *The Times*, 25 Nov. 1910, 4, 5-6). The inclusion of these real events in an almost simultaneously-published fiction deliberately makes visible the gaps left by earlier legal reforms that failed to accord women full rights of citizenship. Not only does the eponymous heroine, a working-class housemaid, join the suffrage movement thereby losing her position and her place of residence at once, but her participation in the increasingly violent protests leads to her arrest and eventual death following a hunger strike, reinforcing the notion that women saw this not merely as a political movement, but as a life-or-death struggle for a substantive place within a modernizing British society.

In this novel, the arguments of the suffrage movement are reiterated with journalistic precision, as when the middle-class Edith Carstairs explains that she became active in the movement when her widowed mother, "who was accounted the equal of her male neighbours, in so far as she was called upon to share in the payment of the rates and taxes," was not allowed to exercise the same right to vote as male property-owning

taxpayers merely because she was a woman (Colmore 54). Colmore's text repeatedly underscores that if women have the same civic duties and obligations as men, they are due the same privileges of citizenship. In her *Author's Note* inserted immediately after the novel's ending, Colmore makes clear that her intention is to blur any remaining boundary between literature and political advocacy, seeing it her duty as an author to employ the moral power of narrative by intervening in the ongoing political debates about women's place which she classifies as a "story which cannot be finished now," and one that will not resolve until women are legally equal to men, or as she explains, "till it has reached its appointed place, the end of this book cannot be written" (Colmore 290).

The shift away from depicting either marriage or property ownership as the stabilizing factors in women's lives transforms the focus of novels such as *Suffragette Sally* by linking displacement to women's lack of full civic rights while simultaneously contesting women's "much vaunted indirect political influence within the family, and therefore by extension within the state," which was frequently interposed to challenge women's suffrage by suggesting women did have political impact (T. Dolin 112). Colmore's goal is to remind that this type of influence is just another meaningless socio-legal fiction perpetuating women's displacement and lack of power in English society. Novels such as *Suffragette Sally* suggest that the sweeping legal and social changes that occurred across the nineteenth century did not resolve fully the continued denial to women of those rights that would give them the means to resist being marginalized or uprooted involuntarily. As historian Kathryn Gleadle concludes, beginning in the critical period of British expansion after the Napoleonic Wars and throughout the nineteenth century, women were considered "borderline citizens" whose status as political actors

was “often fragile and contingent” (Gleadle *Borderline* 2). Women might seem integral to social development and the political process, but “this could quickly evaporate in the face of cultural pressures,” (2).

As I suggest, many novels produced after the 1882 Acts both reflected and intervened in the ongoing debates about women’s place. However, even these fictional interventions seem to disappear with the passage of two laws that legislatively recognized a near parity of rights for women, at least on paper: the 1918 Representation of the People Act (7 & 8 Geo. 5) which re-enfranchised women aged 30 and over who held a property interest having an annual value of £5;²⁶⁶ followed shortly thereafter by the Sex Disqualification (Removal) Act in 1919 (9 & 10 Geo. 5, ch. 71), mandating that citizenship would no longer be defined by sex, and instead, as John Stuart Mill proposed more than a half-century earlier, this statute uses the gender-neutral term “person” in enumerating the rights of citizens, beginning with a declaration that neither sex nor marital status could be a disqualification from the exercise of any public function, from holding any public or judicial office, from practicing any profession or occupation or vocation, or for admission into any incorporated society (9 & 10 Geo. 5, ch. 71, §1). With the granting of the vote and the equalization of opportunities, women’s political power was no longer merely advisory and therefore illusory, and fictions reflect the legal shift in women’s place.

I began this study by suggesting that the placement of two statues in central London seemed to embody women’s marginalization in English society during the long nineteenth century. I conclude with two statutes which form a natural terminus to those paradoxical laws and legal practices that perpetuated women’s displacement and

underpinned the many narratives of the long nineteenth century in which female characters were homeless, propertyless, and placeless. In the years immediately following World War I things had changed, and fictions reflected this monumental shift. Unless a story was set in the past, plots no longer were propelled by the same legal inequities. No longer were stories of coverture, or entails, or patrilineal inheritance practices that bypassed women being written because the underlying laws and socio-legal practices had been repealed, replaced, or repudiated. As Rosemarie Bodenheimer notes in explaining the politics of story in Victorian social fiction, the value of social-problem novels is not necessarily because they contain information continuous with contemporary nonfictional documentation, which they frequently do, but because they characterize the contradictions and paradoxes of people living through “a period of unprecedented social change” (Bodenheimer *Politics* 5). Narratives of female displacement of the long nineteenth century reveal the paradox between the societal norms that presumed male protection and support of female relations and the relegation of women to homes in which they often lacked legal rights or any rights of independent property. The Modernist fictions of the 1920s and subsequent decades might still contend with defining women’s place, but the sweep of narratives dependent upon women’s displacement due to laws and socio-legal practices that denied them rights to own property or remain in their homes had reached its end.

ENDNOTES

Notes to Chapter 1- Introduction

¹ After Parliamentary debates, in which particular objections were raised by Irish peers regarding whether public funds should be expended for the erection of a statue to Cromwell, a compromise was effected in which a “private benefactor” paid the costs for the statue, while approving its installation in the garden at the north side of Westminster Palace (See, *Parliamentary Debates, fourth series*, 62 Victoria, Vol. LXX. (April 28, 1899): 809-812). It was later revealed that former Prime Minister, Lord Roseberry, who was married to the heiress to the Rothschild fortune, was that benefactor. See, “Court Circular,” *The Times*. (23 September 1899) : 7.

² Pankhurst died in 1928 and the statue was unveiled by Prime Minister Stanley Baldwin in 1930. Ironically, Baldwin had vigorously opposed votes for women. See, <https://www.royalparksgardens.org.uk/parks/victoria-tower-gardens/things-to-see-and-do/emmeline-pankhurst-memorial>. It is noted that April 24, 2018 that a statue of another woman, the suffrage campaigner, Millicent Fawcett, will be unveiled in Parliament Square just opposite Westminster Palace. Fawcett’s statue is the only monument to a woman among the eleven statues of men some of whom are not British, and include: Winston Churchill, Benjamin Disraeli, Abraham Lincoln, Nelson Mandela and Mahatma Gandhi. See, <http://www.bbc.com/news/uk-politics-43868925>.

Notes to Chapter 2: *Castle Rackrent*: Unreliable Histories and the Transformation of Land into Portable Female Property

³ Maria Edgeworth’s name first appeared on the title page of *Castle Rackrent* with the third London edition published in 1801 (Kirkpatrick, Intro. CR xxxviii).

⁴ The Act of Union of 1800 (39 & 40 Geo. III, c. 67) united the Kingdoms of Ireland and England into a single governmental entity controlled by the English Parliament and headed by the English monarch, thus transforming the status of Ireland from merely an English colony, to a province of the United Kingdom. The push for union was instigated after a series of rebellions in Ireland, the most recent in 1798. The Irish Parliament had apparently been bribed to dissolve itself and accept Union, much as Scotland had done in 1707, so that Catholic Ireland became governed by the Protestant Parliament in Westminster (Halliday 162-3).

⁵ Juliet McMaster finds Austen’s Juvenilia to be uncensored stories that are “irreverent, rollicking, spontaneous, hyperbolic, indecent, indecorous, [and] outrageous,” (McMaster 81). For a fuller discussion of Jane Austen’s Juvenilia and its irreverent challenge to patriarchal property practices and traditional historicity, see Chapter 3, *infra*.

⁶ For example, Sara Maurer contends that *Castle Rackrent* is an “exploration of losses,” but those losing consist of the Members of the Protestant Ascendancy, those English families granted estates seized from Irish Catholics in the seventeenth century and who primarily are landlords, and see themselves now as the “true people of the Irish nation” who have lost their separate legislature with union, and the native Irish, the “men of no property” whose sense of identity arose from their loss of land and rights by the English (Maurer *TDS* 30). For Maurer, Anglo-Irish Union in 1800 failed to fulfill the expectation of preserving property and its attendant rights and privileges by removing political control further away from Ireland, making both the male Anglo-Irish landowners, and the male native Irish further disempowered and dispossessed (Maurer *TDS* 31).

⁷ The use of the term “paratexts” throughout this chapter relies on the definition as used in, *Paratexts: Thresholds of Interpretation*. Cambridge: Cambridge Univ. Press, 1987, in which French literary theorist Gérard Genette suggests that texts are published with and surrounded by supplemental materials, often supplied by editors, which both frame the main text as well as affect the text’s interpretation and reception by the public. In *Castle Rackrent*, Edgeworth’s deliberate insertion of the Glossary and footnotes is not merely supplementary and explanatory, but was intended as contributing to the overall meaning of the text since she is both primary author and presumed editor.

⁸ It is interesting to note that nearly three-quarters of a century later, George Eliot makes this same point in the final paragraphs of *Middlemarch* (1872) when discussing the legacy of Dorothea Brooke, and indeed all women whose “daily words and acts” have incalculable effect because “the growing good of the world is partly dependent on unhistoric acts”(Eliot *Middlemarch* 794).

⁹ Stanley Solomon in his examination of the “ironic perspective” in *Castle Rackrent* suggests that Edgeworth uses a sardonic overtone to aid in the complicated development of meaning beyond the obvious political disputes (Solomon 69). As an example, Solomon points to Thady, the narrator who details the Rackrent decline and is supposedly both loyal and illiterate, when in fact his own narration “supplies us with enough clues to the fact that he very well understands the nature of the family’s improvidence,” and his illiteracy is dubious based on his knowledge of the law, and his signing and witnessing Sir Condy’s memorandum of jointure (Solomon 69; Edgeworth *CR* 40, 108, 78).

¹⁰ Edgeworth demonstrates the tenuous, even specious authority of the Anglo-Irish Rackrents as representatives of patriarchal authority with a series of shams involving property. For example, there is Sir Condy’s sham run for Parliament in order to stave-off foreclosure of his debts, and the sham qualifications of the freeholders who voted for him, standing on sods of earth to swear they had been upon their land (*CR* 56). The confiscation of Sir Murtagh’s body by his creditors is called a “sham seizure” (*CR* 12).

¹¹ The *Oxford English Dictionary* (2017) defines cousin-german as an old-fashioned term for a first cousin. The use first appeared in the *OED* in 1893.

¹² When Edgeworth’s narrator, Thady, calls Lady Murtagh “as good a wife and great economist as you could see,” because she filled her “privy purse” by squeezing tenants for sealing money and weed ashes, the ironic tinge seems to be overshadowed by a genuine admiration of her clever use of these traditional emoluments as lady of the manor (Edgeworth *CR* 17).

¹³ In his 1815 review of Jane Austen’s *Emma* appearing in *The Quarterly Review*, Sir Walter Scott makes a comparison between Austen’s work with Edgeworth’s, praising Austen—whom he did not know was the author at the time since she published anonymously—for writing about the “middling classes” with “originality and precision,” while concluding that “the scenes of Miss Edgeworth are laid in higher life, varied by more romantic incident” (W. Scott 193). Scott must have forgotten or overlooked *Castle Rackrent* in making this assessment, since the Rackrents are just the sort of borderline gentry that also are Austen’s subjects, although certainly their escapades are more fantastic. Moreover, *Castle Rackrent* also includes a wide variety of lower and working class characters that are essential to Edgeworth’s project of providing a more comprehensive view of Ireland.

¹⁴ The text’s Preface makes clear that the fictitious Editor is male through a reference to “his readers” (Edgeworth *CR* 4).

¹⁵ Perhaps not so coincidentally, at almost the same time, Jane Austen also challenges English historiography in her juvenile, “*The History of England from the reign of Henry the 4th to the death of Charles the 1st*” which she began writing sometime in early 1791 and which is discussed more fully in Chapter 3, *infra*.

¹⁶ Margaret Cavendish, the Duchess of Newcastle, in addition to writing a biography of her husband, was a well-known late-seventeenth and early eighteenth-century writer whose works included numerous plays, philosophical and scientific treatises, and *The Blazing World* (1666), which many consider to be the first science fiction narrative in English. Samuel Johnson's *An Account of the Life of Mr. Richard Savage* was published in 1744. (Edgeworth CR 119, note 6).

¹⁷ In *Ennui* a bored, debt-ridden, cuckolded and dissolute English aristocrat flees to his Irish estate to be "lord of the manor" only to discover eventually that he is neither Irish, nor an aristocrat but the substituted son of an Irish servant, and thus his national and class identity is undone. While he still holds the title and the land as life tenant only, the "heir at law" to his estate is a distant female relation with whom he eventually falls in love requiring that he prove his worth, but first he must preserve the land for her benefit. In *The Absentee*, a young Anglo-Irish Lord must save his debt-ridden parents who live in England, and leave their Irish estates to be mismanaged and their tenants exploited; he falls in love with a cousin whose heritage seems questionable, but he eventually proves her both legitimate, English and an heiress, and offers restitution for his father's exploitation of her property. In both of these Irish National Tale novels, intended to familiarize English readers with Irish customs and culture, Edgeworth also assures that her heroines are the ultimate heirs of landed estates, thus disrupting both Irish and English male claims to property, and assuring her heroines of rights of place.

¹⁸ Corbett also suggests that the Rackrent women, like Thady, fail to recognize their complicity in the systems that subject them, because the women use tactics of domination and exploitation much like the men and use it destructively. See, Corbett, Mary Jean. "Another Tale to Tell: Postcolonial Theory and the case of *Castle Rackrent*." *Criticism*. 36.3 (Summer 1994): 383-400, at p. 397; also qtd. by Kirkpatrick at *GTL* p.24. However, this criticism presumes that women would have other mechanisms to achieve income, property and place than men, which seems an irrational and unsubstantiated contention.

¹⁹ Here, Maurer also references Robert Tracy, "Maria Edgeworth and Lady Morgan: Legality versus Legitimacy." *Nineteenth Century Fiction*. 40.1 (1985): 1-22. However, Maurer's position overlooks that in both *Ennui* and *The Absentee*, Edgeworth deliberately makes the ultimate heirs to contested estates in both England and Ireland a woman who had previously appeared to be disinherited or disqualified. The suggestion is that the contest for land in Edgeworth's novels is rarely, if ever, merely a contest between competing male factions as she always insinuates women into the competition, usually with the better claims to the contested landed estates.

²⁰ "Burkean" is a reference to the philosophy and political stance of influential Anglo-Irish Whig politician, Edmund Burke who most forcefully articulated his anxieties about class uprising in his popular treatise, *Reflections on the Revolution in France* (1790). See also section entitled, "Austen's Reading of History's Prejudices: Challenging the Entailed Inheritances of Goldsmith and Burke" in Chapter 3, *infra*.

²¹ 1782 is also the first year of the short-lived Irish Parliament. See also (Edgeworth CR 118, fn.2).

²² Ruth Perry characterizes the routinized separation of women from their homes and consanguineal (birth) family and relations upon marriage as part of the great legal disinheritance of women which gained particular traction in the eighteenth century (Perry NR 38).

²³ Mike Cronin suggests that Ireland may have been incorporated into Great Britain with the Act of Union, but it was overseen as a "monarchical colony within the kingdom" with no independent status for generations prior (Cronin 85).

²⁴ See, 9 William 3, c. 3 (1697).

²⁵ Blackstone defines “chattels” as “things personal...by our law do not only include things movable, but also something more,” meaning that it encompassed interests in land that were not in fee, that is full ownership, such as leases (Blackstone at 442-443). This meant that the circumscribed Irish land interests were further reduced in value by being considered as the equivalent of portable goods and not a right in land, therefore it could not confer the owner with a right to vote.

²⁶ See note 12, *supra*.

²⁷ The Rackrents had converted to Protestantism a few generations earlier by shedding their Irish name of O’Shaughlin as the condition for the estate coming into the family, pursuant to “Act of Parliament,” a reference to the series of laws enacted from the seventeenth century onward to preclude Catholic ownership of land (Edgeworth *CR* 8-9).

²⁸ See Chapter 4, for a discussion of English enclosure practices and their effect on women’s rights of place appearing in the novels of Jane Austen.

²⁹ This practice is shown through Lady Murtagh who received “her sealing money upon the signing of all the leases...from the tenants, if offered properly, to speak for them to Sir Murtagh,” (*CR* 17).

³⁰ Cliona O’Gallchoir notes that the well-known report of how *Castle Rackrent* was composed was given by Edgeworth herself in 1834 (O’Gallchoir 62).

³¹ The use of the term “paratexts” throughout this chapter relies on the definition of the term as used in, *Paratexts: Thresholds of Interpretation*. Cambridge: Cambridge Univ. Press, 1987, in which French literary theorist Gérard Genette suggests that texts are published with and surrounded by supplemental materials, often supplied by editors, which both frame the main text as well as affect the text’s interpretation and reception by the public. In *Castle Rackrent*, Edgeworth’s deliberate insertion of the Glossary and footnotes is not merely supplementary and explanatory, but was intended as contributing to the overall meaning of the text since she is both primary author and presumed editor.

³² Thady’s insistence that he is “honest” note only evokes Shakespeare’s deceitful and disloyal villain from *Othello*, “honest Iago,” but as his son, Jason, is the wily lawyer who maneuvers the feckless Rackrents and eventually acquire their estate, Edgeworth creates a lingering whiff of conspiracy between father and son in hastening the Rackrent dynasty’s demise. Stanley Solomon argues that Edgeworth sets out to “destroy the reader’s expectations of narrative reliability” as part of her assault on moral laxity as the new norm. (Solomon 72).

³³ Here, Maurer also references Robert Tracy, *The Unappeasable Host: Studies in Irish Identities*. Dublin: University College Dublin Press, 1998, at 17.

³⁴ General reference is made to the narrative theories of Mikhail Bakhtin in which all cultural discourses are really mixed with and influenced by the speech of others, so that any narrative is necessarily polyphonic, that is, a mixture of many voices. See also, Bakhtin, Mikhail. *Speech Genres and Other Late Essays*. Trans. Vern W McGee. U of Texas P, 1986.

³⁵ Kirpatrick similarly suggests that there is a conflation of fiction and property, and this is central to Edgeworth’s own basis for authorship (Kirpatrick *GTL* 23).

³⁶ As Jane Humphries explains in her study of “Enclosures, Common Rights and Women” in the late eighteenth century, there was widespread opposition to enclosure “even in the face of several legal, economic, and social sanctions,” (Humphries 21). There is a more detailed discussion of enclosure in England in Chapter 4, *infra*.

³⁷ Nearly half of the 15-page Glossary involves explanations of female activities or entitlements.

³⁸ The Editor is viewed as an English male voice because the text's "Preface" explicitly uses masculine pronouns in association with the Editor as in: "The Editor hopes **his** readers will observe, that these are 'tales of other times,' . . . (Edgeworth *CR* 4, emphasis added).

³⁹ Katharine O'Donnell suggests that the "crypto-conversions" from Catholic to Protestant that haunt the text are part of Edgeworth's elimination of those sectarian divisions of ethnicity, religion and class that destabilizes the signifiers in the text (K. O'Donnell 122).

⁴⁰ The legal reforms anticipated by the promise of English Prime Minister, William Pitt that there would be "equal political rights to Catholics" after the conclusion of the 1800 Anglo-Irish Union, proved to be a slight easing of the restrictions affecting Catholic male property owners, but had no impact on the property and inheritance practices constricting women's rights (Kirkpatrick *Intro.* xxxiv).

⁴¹ Edgeworth's knowledge of the nuances of English property law seems extensive. In *Ennui*, she also falls upon this anomaly of English law in which personal debts could not be satisfied by judicially attaching real estate since this was viewed as potentially impairing the transmission of the property fully intact to the next lawful heir. See also, *Staves* at 92.

⁴² Kirkpatrick also suggests that one goal of Edgeworth is to reveal the great difference between law and practice (Kirkpatrick *GTL* 22).

⁴³ For a fuller description of the Norman invasion of Ireland, see, e.g., Gerald of Wales. *The History and Topography of Ireland*. John O'Meara, trans. and intro. London and New York: Penguin, 1982. Gerald of Wales first visited Ireland in 1183, and again in 1184 when he joined the entourage of Henry II as part of the Norman expansion (Wales 12).

⁴⁴ Sir Murtagh's boast is that "Out of forty-nine suits he had, he never lost one but seventeen, the rest he gained with costs, double costs, treble costs sometimes—but even that he did not pay," (Edgeworth *CR* 15-16).

⁴⁵ As lengthy notes in the Glossary explain, duty fowls involve an obligation inserted into tenants' leases requiring that they pay their landlord's wife a certain quantity of birds in addition to any other payment obligation, while weed ashes were another ancient right inuring to the wife of the squire "who holds the ground in his own hands" because she receives all of the "weeds" of the farm (Edgeworth *CR* 103, 107). The alkaline salts from weed ashes were in "great demand" because they were used for bleaching, and provide the lady of the manor with another source of independent funds (Edgeworth *CR* 107). Similarly, the "sealing money" that Lady Murtagh acquires is for acting as intermediary between her husband and the tenants in negotiating leases: "it was custom in Ireland for tenants to give the squire's lady from two to fifty guineas as a perquisite upon the sealing of their leases," (Edgeworth *CR* 17, 107).

⁴⁶ Austen also accords women with jointures significant financial ease and independence as exemplified by Mrs. Jennings in *Sense and Sensibility*, a widow with a "fine jointure." In his *Commentaries on the Law*, Blackstone explains that under the ancient right of dower a widow became entitled to a conditional estate in one-half of her husband's lands, with the proviso that she remained chaste and unmarried (Blackstone 289-90). The Dower Act of 1833 eliminated a widow's dower rights. Ruth Perry argues that the trend to substitute a jointure for dower caused a "steady diminution" in the inheritance of women and a marked "disinheritance of daughters," because jointures provided widows with about twenty percent of the gross income of the estate, much less than the one-third interest in a husband's land to which they were entitled under dower (Perry *NR* 53).

⁴⁷ This circumstance seems particularly prescient since some twenty-five years later when her brother Lovell incurred extreme estate and personal debts, all that he could do to salvage the estate was to “put his affairs into Maria’s hands,” empowering her to act as his agent and rescue the family which she did, in part, from the proceeds from her writings (Butler *ALB* 421-422).

⁴⁸ This general plot outline seems echoed in Austen’s last completed novel, *Persuasion*, in which William Elliot, from a cadet branch of the family but the next male heir, who too was “bred to the bar,” abandons his practice to wait and watch what happens at the Kellynch Estate to see whether his cousin, Sir Walter Elliot the present Baronet, will re-marry and produce a male heir or not.

⁴⁹ O’Gallchoir links the early Isabella to Owensons’s Glorvina in *The Wild Irish Girl*, since both characters are romantically modern and highly unrealistic in their expectations of marriage. However, unlike Glorvina, Isabella “wises up” and secures as much property as she can from her somewhat remorseful husband before she departs (O’Gallchoir 66-67).

⁵⁰ The value of a jointure was often dependent upon the bride’s dowry through a contract entered into by her father or other male relation and was usually couched in terms of a percentage of the full dowry amount. Heiresses would have to bring in about ten times as much property to their new conjugal estates by the beginning of the eighteenth century to receive an acceptable annual income (Perry *NR* 53). The amount of the jointure is significant as it is based on nothing by the Rackrent land. It is only slightly less than the support of £600 per annum that Charles Dickens gives his estranged wife Catherine, and which was considered a very comfortable income in 1858 (Slater 151).

⁵¹ Habukkuk notes that in the early nineteenth century jointures for a percentage of generated income were often supplemented by insurance policies, but where as here they were for a fixed amount per annum, they were often less than the one-third interest of dower, citing to the case of Lord Calthorpe’s widow who received an annual stipend of £1800 as her jointure, which amounted to only 15 per cent of the estate’s net income (Habukkuk 85).

⁵² The Irish Parliament lasted from 1782, the year the Edgeworths moved to Ireland, until dissolved as part of Anglo-Irish Union in 1799 (Butler *ALB* 181-2).

⁵³ In her biography of Edgeworth, Butler explains that Edgeworth’s male ancestors were also the models for the succession of male Rackrents: the first Sir Patrick was probably a composite of the typical Irish hunting squire described in the Black Book, while the mean and litigious Sir Murtagh was probably based on her grandfather’s uncles, Robert, Henry and Ambrose, against whom her grandfather, a recently admitted barrister, had to “go to law” to regain the Irish estate that they stole from him. The cheerful Sir Kit is based on a seventeenth century John Edgeworth who went off to England to get a rich wife, while Sir Condy, who fritters away his inheritance is based on an Edgeworth cousin who lost all his wealth (Butler *ALB* 241-242).

⁵⁴ Dower is the English common law right of a widow to claim income from one-third of the lands owned or in legal terms, *seised*, by her husband during his lifetime to support her during the balance of her life. Dower was a burden on the land as it prevented the subsequent owner from fully selling or in any way diminishing the incomes derived from the land during the widow’s lifetime. The jointure, a contractual arrangement became the increasing device of choice after the 1535 Statute of Uses, because it more clearly specified the wife’s entitlement and the sources. For the husband, it meant that the jointure income could be derived only from designated sources which could be investments or wealth other than land, thus freeing the land from this burden (Habukkuk 8-9). Dower should not be confused with dowry, the latter being the “bride price,” that is the wealth a woman brought with her into a marriage (Perry *NR* 51).

⁵⁵ Understanding just how large a fortune Edgeworth earned from her writing may best be appreciated by considering that in Austen's *Pride and Prejudice*, the plain and freckled Mary King was thought a substantial heiress, even attracting the rakish George Wickham, with her fortune of only £10,000, considerably less than Edgeworth's £11,000 plus earnings. Jane Austen earned only £685 from her writing during her lifetime according to the meticulous records she kept (Heldman 44).

Notes to Chapter 3: If You Don't Know the Juvenilia, You Don't Know Austen

⁵⁶ See the next section of this chapter for a discussion of her earliest attempts at publication. In August 1797 she completed *First Impressions*, an early version of *Pride and Prejudice*, which her father sent to London publisher Thomas Cadell, offering to pay for its publication, an offer that was refused by return post (LeFaye *AFR* 104). A second attempt at publication in 1803 seemed initially more promising. *Susan*, an early iteration of *Northanger Abbey*, was sold to London publisher Crosby & Son for £10 and a stipulation for early release. Although advertised as forthcoming, Crosby never brought it out and in 1809 Austen demanded back the rights to her work, eventually having to return the £10 to do so (LeFaye *AFR* 144; Austen *L* 174).

⁵⁷ Doody argues that Austen had to change her style from the sparkle and wit that evolved out of her Augustan readings, and adapt to the more constrained form of Regency romance in the years after the French Revolution (Doody *TSF* 87).

⁵⁸ LeFaye notes that on November 26, 1791 Austen finished *The History of England* which she dedicated to her sister, Cassandra who drew and painted the portraits that accompanied this satirical work (LeFaye *AFR* 74).

⁵⁹ Lord Hardwicke's Act of 1753, also known as "An Act for the Better Preventing of Clandestine Marriages," (26 Geo. II, c.33) required all marriages in England to be performed by the local priest in the parish where the parties resided, mandated that the banns be posted before marriage unless a special license was obtained, and most saliently, required the consent of parents or guardians for all parties under age 21. The goal was to preclude informal, or common law marriages, but as Susan Staves notes in her study, *Married Women's Separate Property in England, 1660-1833*, women were often coerced by relations into marriages with men they did not like to assuage family finances, citing well known examples of this including Mary Granville, married at 18 to a man nearly 60 (Staves 214-5). While this Act equalized the age of consent to marry for both men and women from earlier ecclesiastical practices, it imbued families with much more authority to control who and when a woman below the age of consent might marry (Staves 128). Austen carefully assigns the ages of her heroines and secondary female characters, using the age of consent strategically in her plots.

⁶⁰ Austen exhibits a lawyer's nuanced understanding of the requirements of Hardwicke's Act as shown in *Mansfield Park* where the eighteen year old Fanny Price is able to independently refuse the proposal of Henry Crawford, despite Henry's having obtained her uncle's consent to the match, and even though she is below 21, the legal age of consent. While Sir Thomas may appear to be Fanny's *de facto* guardian, he has no legal authority to grant or refuse consent, a point Austen makes clear when Sir Thomas admits to his niece, "You do not owe me the duty of a child," (*MP* 250). Fanny's father is alive in Portsmouth, and by law he is the only authorized parent to grant consent, which is why Henry soon appears at Portsmouth ingratiating himself to Fanny's parents. However, Fanny seems to understand that because of her anomalous living arrangements, she can thwart an engagement to Henry by her independent refusal of him despite her uncle's pressure, while anticipating the indolence of her father.

⁶¹ It is noted here that Poovey, in her essay, "Jane Austen's Nonreferential Aesthetic" also manages to "recover" the context in which Austen wrote by suggesting that "several linked sets of allusions to historical circumstances that we know directly affected Jane Austen" help penetrate beyond the surface of

her domestic plots and give access to what Poovey categorizes as “the money plot” by suggesting traces of the Bank Restriction Act of 1797 in *Pride and Prejudice*. This statute allowed the Bank of England to ignore redeeming notes in gold and created a “monetary and epistemological situation” that accounts for Austen’s persistent and specific money references (Poovey *JANA* 252-3, 257).

⁶² LeFaye suggests that *Susan* was an early version of *Northanger Abbey* in which the heroine’s name was originally planned to be “Susan.” (LeFaye *AFR* 110).

⁶³ Peter Sabor, editor of the Cambridge edition of Austen’s *Juvenilia*, references Issue No. 1, p. 3 of *The Loiterer*.

⁶⁴ See, Zachary Cope. “Who Was Sophia Sentiment? Was She Jane Austen?” *Book Collector* 15 (1966): 143-51, qtd. by Sabor at p. 357.

⁶⁵ Austen made so many handwritten comments in her brother’s copy of Goldsmith’s *History*, that historian Mary Spongeberg characterizes it as vandalizing (Spongeberg *JAHE* 57).

⁶⁶ Spongeberg finds the Austen family silence on Burke’s popular treatise “perplexing” and suggests that Austen and the other family members must surely have been acquainted with this work which was extensively disseminated in England during 1790-91 and was a “bestseller”. She opines that the family may not have wanted to acknowledge reading the text because of the unpleasant connection between Burke and the Austens. Mr. Austen’s old friend was Warren Hastings, once Governor of Bengal and from whom Mr. Austen sought assistance to get a promotion for son, Francis, who was in the Royal Navy. Hastings was also the “putative” father of Eliza de Feuillide, Mr. Austen’s niece, and thus the lover of Mr. Austen’s sister, Philadelphia. In 1787 the Whig Parliament impeached Hastings on charges of cruelty and extortion while in office, and his trial dragged on for years in Parliament prosecuted by none other than Edmund Burke. Eliza and another cousin, Philadelphia Walter, watched the trial in 1788 and reported on Burke’s oratory to the family. It was not until 1795 that Hastings was overwhelmingly acquitted (LeFaye *AFR* 8, 89; Spongeberg *JAFR* 280).

⁶⁷ The original notebook with the illustrated manuscript is in the British Library in London. Annette Upfal and Christine Alexander posit that Austen’s *The History of England* is “in some sense a representation of the Austen family” and suggest that Cassandra, a competent amateur artist, used family and friends as the models for the miniature portraits of historic figures that accompanied the text. They suggest that the portrait of Mary Queen of Scots, whom the young Jane so favors in her *History*, is a portrait of Jane herself (Upfal & Alexander 1).

⁶⁸ Spongeberg posits that Austen’s favoritism towards the Stuarts may have a more personal explanation since a maternal ancestor was elevated to a baronetcy by a Stuart monarch, her maternal family never supported the Hanoverian succession, and indeed her great grandfather, Theophilus Leigh never reconciled himself to the Glorious Revolution, nor recognized George I as the monarch (Spongeberg *JAHE* 58).

⁶⁹ See also, Marilyn Butler, *Jane Austen and the War of Ideas*, in which she refers to the *Juvenilia* as burlesques fed by Austen’s dislike for literary manner, rather than moral idea (168).

⁷⁰ Eliza de Feuillide, née Hancock, was married to Count Jean Capot de Feuillide who was guillotined in 1794. Eliza was probably visiting the Austens in June 1790 when Jane dedicates the epistolary novel, “Love and Freindship” to her from Volume the Second of her notebooks. Eliza came to England in 1789 and remained, nursing her mother who died of cancer in February 1792. Eliza’s mother, Philadelphia, was Mr. Austen’s sister, and Eliza visited the Austens again the following August to be comforted by an Uncle whom she “tenderly loved” and to find companionship with her two younger cousins, Jane and Cassandra (LeFaye *AFR* 70, 74-5).

⁷¹ As historian, J.C.D. Clark explains, terms such as “Conservatism,” and “patriarchalism” are nineteenth-century inventions intended to give a particular “spin” on an ideology. Categorizing Burke as the “father of Conservatism” is anachronistic as the term did not come into being until the 1830s to describe the “nexus of Church and State which Burke defended” and which by this time had been “displaced from its hegemonic position,” (J.Clark 6). Thus, Butler’s description of Austen’s politics as conservative employs retrospective and anachronistic terminology.

⁷² It is interesting to note that in assessing Austen’s attitude towards British imperialism and its reliance upon slavery, Said references a passage from John Stuart Mill’s *Principles of Political Economy* (1848), an important later, mid-nineteenth century economic treatise. Said focuses particularly on a passage about how West Indian colonies exist for the convenience of the English sugar and coffee trade and lack any real independent industry (Said *JA&E* 115). Although Mill’s observations occur a half-century after Austen, Said bootstraps Austen into a willing beneficiary, if not an outright supporter of slavery. What is particularly telling of Said’s contentions is that his analysis wholly ignores any discussion of Austen’s relationship with the actual Mansfield decision of 1772 which was the initial salvo in legally dismantling the English slave-trade and colonial slavery, and was a decision Austen was certainly aware of from her own readings of anti-slavery writers such as Samuel Johnson, William Cowper and Thomas Clarkson. This landmark anti-slavery decision seems the likely origin of the title of the very novel Said argues epitomizes Austen’s complicity in England’s imperialist endeavors, particularly slavery, *Mansfield Park*.

⁷³ Fraiman, Wiley, and White point out that by 1807 England had abolished the slave-trade, and a campaign was expanding to abolish chattel slavery, that is, the use of slave labor throughout the remainder of British territory. References in the text suggest that Austen deliberately sets the main action of the novel **after** 1807, probably sometime between 1809-1810-- and not in 1806, as Patricia Rozema’s 1999 film of *Mansfield Park* expressly suggests-- indicating that this novel dates to a time when slavery continued to exist only in overseas colonies of the British Empire but no longer in Great Britain itself. Indeed, Wiley argues that Said’s view is anathema to “everything we know about Austen and her values...of slavery” and points to the fact that Austen is known to have “read and loved” Thomas Clarkson’s *History of Abolition* despite its graphic portrayals of the realities of slavery, since these were intended to show the horrors of this institution to the British public at home in order to hasten the total eradication of the practice (Wiley 59, 63; Lew 278). G. White similarly explains that among Austen’s favorite writers were three who were passionately anti-slavery: Clarkson, Doctor Johnson and William Cowper, whose epic poem, *The Task* (1785) at Book Two, poses the question: “We have no slaves at home—then why abroad?” (G. White 1). Indeed, Austen’s brother Henry, who wrote the biographical notice to the posthumously published joint edition of *Persuasion* and *Northanger Abbey* (1818) underscores that “her favourite moral writers were Johnson in prose, and Cowper in verse” suggesting that Cowper’s most well-known work was a likely source of moral guidance for Austen on the issue of slavery, and that her views, both personal and implied in her texts, favor abolition (Austen *P* 6).

Wiley further argues that Austen could hardly have avoided knowledge of the slavery debate, and particularly the growing anti-slave sentiment in England, which began shortly before her birth with the 1772 decision of Lord Chief Justice Mansfield, whose name is the likely source for the title of Austen’s eponymous estate. The Mansfield Decision as it came to be known contemporaneously (*Somerset v. Stewart*) held that James Somerset, a slave who was brought to England could not be removed from English soil against his will and taken back into slavery, thus bringing the debate about slavery and the slave-trade to the fore of public discussion (Wiley 61; also see, <http://www.commonlii.org/int/cases/EngR/1772/57.pdf>, for the full text of this decision).

Indeed, the debate in *Mansfield Park* between the Crawfords and Edmund Bertram as to whether Fanny is “out” or not, that is, whether she may be freely seen, speak, and move in public, seems to be a direct parallel to this earlier debate about whether Somerset, or for that matter any slave on English soil is free or

not, thus subtly evoking the public discussions on the slavery issue that were ongoing. More importantly for this analysis, this episode connects the debates about slavery with the “domestic tyrannies” that were constraining women’s right of place at home. Fraiman explains that “the slave trade offers a convenient metaphor which forges a connection between the “abolitionist and feminist discourses emergent in Austen’s day,” a connection that Austen makes explicit in her next novel, *Emma* (1816) during a discussion between Mrs. Elton and Jane Fairfax in which the “governess-trade” is likened to the “slave-trade” because in both circumstances humans are offered for sale in order to perform unpleasant labor (*MP* 39; qtd. by Fraiman 812; *E* 271).

Further connection can be made between Lord Mansfield’s anti-slavery stance and Austen’s text since Mansfield and his wife took in and raised “with the greatest affection” and from a “young age” his great-niece, Dido Elizabeth Bell, the illegitimate, mulatto daughter of his nephew, Captain John Lindsay and Maria Bell, a black slave (Wiley 65-66). Not only does Lord’s Mansfield’s personal history regarding his paternal relationship to his niece find a correlative in Austen’s fiction since Sir Thomas Bertram similarly raises his impoverished niece Fanny from an early age, but Austen positions the issue of class associated with Fanny to mirror the real-life challenge raised by Dido Bell’s race and ambivalent social status in the Mansfield home. While Austen’s distant relation on her mother’s side, the third Duke of Chandos, openly favored slavery, it is significant to note that her naval brother Francis, with whom Austen was very close and who seems the likely model for William Price, Fanny’s naval brother in the text, saw slavery first-hand while in the West Indies, and “is strongly on record as being opposed to it” having written of his opposition in a surviving 1808 notebook, giving further credence to the likelihood that Austen aligned her ideas about slavery with those of her brother and was pro-abolition (Wiley 63). It may not be coincidental that the novel’s heroine bears the same name, Francis /Frances, as Austen’s anti-slavery brother, since it is Fanny, otherwise silent and taciturn throughout the narrative, who breaks her silence and raises the issue of slavery upon her uncle’s return from Antigua, only to be met with “such a dead silence” by her otherwise loquacious cousins that her query functions as a rebuke to those who complacently benefit from the practice (*MP* 155). The implication from this episode is that through Fanny’s question Austen presents the issue of slavery for public discussion and those who have been the particular beneficiaries of the practice—offer no defense of it. Austen admittedly does not expressly rail against the practice of slavery or complain about British imperialism as Said seems to require for her to be absolved of complicity in these practices. However, as Wiley explains, Austen does in her own way critique the system: “Her method may be more subtle and—dare I say—more clever, but the criticisms are unmistakably present” (Wiley 64).

⁷⁴ Austen wrote over 100 comments in the margins of her brother’s four-volume edition of Goldsmith’s *History* (Sabor 316). Goldsmith continues his pretensions to neutrality in his *History of England in a Series of Letters from a Nobleman to his Son* (1764), in which he warns his young readers that “Abridgers, compilers, commentators, and critics, are in general only fit to fill the mind of unnecessary anecdotes,” a phrase Austen will later echo in her defense of the novel in *Northanger Abbey* (Johnston 106, qtd. Goldsmith’s *History of England in Letters*, I, p. 4).

⁷⁵ Spongeberg calls Goldsmith a “Whig hack” (*JAFR* 66).

⁷⁶ Similar to my own analysis, Spongeberg also contends that Austen’s *History* is shaped to refute Burke’s “spurious account of English history” (*JAHE* 54).

⁷⁷ In *Mansfield Park* Austen takes particular aim at the benefits derived from improving estates in the buffoon character of Mr. Rushworth who is perpetually meddling with the landscape of his own vast estate, spurring Fanny Price to evoke William Cowper’s poem about “fallen avenues” of trees, and declaring that she “should like to see Rushworth’s Sotherton before it is cut down,” in other words, before it is ruined by improvement at the instigation of an undeserving male owner (*MP* 44-45).

⁷⁸ George I was 52nd in line, but as the first Protestant heir under the Act of Settlement he was invited by Parliament to assume the throne although he spoke no English (Halliday 140). See also, the British Monarchy's website:
<http://www.royal.gov.uk/historyofthemonarchy/kingsandqueensoftheunitedkingdom/thehanoverians/thehanoverians.aspx>.

⁷⁹ The archaic spelling of Anne Boleyn's name that Austen uses in her *History* is used here when specifically referencing Austen's own usage.

⁸⁰ Blackstone defines coverture as the restriction placed on women by marriage, since "the husband and wife are one person in law, that is, the legal existence of the woman is suspended during the marriage, or at least is incorporated into that of the husband, under whose protection and cover, she performs everything... A man cannot grant anything to his wife... for the grant would be to suppose her separate existence" (Blackstone 189). As a result, all property of any kind belonging to the woman irrevocably becomes the sole property of her husband upon marriage.

⁸¹ Act of 1st William and Mary, sess.2. ch.2.

⁸² The English Bill of Rights (1689), entitled, "An Act Declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown" enumerates the many efforts to "subvert and extirpate the Protestant religion" by James II, which includes such conduct as, "assuming and exercising a power... without the consent of Parliament," and then articulates the mandate that all subsequent monarchs be Protestant and take oaths abjuring all aspects of Catholic practices. (Halliday 132); see also full text: http://avalon.law.yale.edu/17th_century/england.asp. To show the speciousness of Burke's reliance on the Declaration of Right, one of the allegations against James II in the Declaration is that he assumed power and executed laws without the consent of Parliament, when it was Charles II who actually ruled without Parliament. That religion is the sole determinative factor used by Burke to ascribe "badness" to a monarch seems apparent if one compares James's conduct to that of his brother, Charles II, who maintained the appearance of being a Protestant although he secretly made an arrangement with his Catholic relation, Louis XIV of France, who paid him an allowance if he kept out of Continental disputes. While James never dissolved Parliament during his rule, Charles actually disbanded Parliament entirely and ruled without them for the last years of his reign, yet he was not compelled to abdicate, nor identified as a "bad" monarch by Burke (Halliday 126).

⁸³ It could be argued that Burke represented the Whigs' hold on Parliament and their reformation of the crown in opposition to the interests and predispositions of Austen's primarily moderate Tory family, and that this political schism is what informs Austen's animus towards Burke's rhetoric, that and the familial wariness towards Burke as the prosecutor of close family friend, Warren Hastings. However, as this chapter argues, Austen demonstrates an independence of thought from familial political affiliations, particularly as her arguments and response seem directed at the untenable and inconsistent rhetorical efforts of Goldsmith, Burke and other historians.

⁸⁴ Bigg-Wither eventually married Anne Howe-Frith who bore him ten children over eighteen years, suggesting that Austen may well have seen her future had she not repudiated her acceptance of his proposal, and it bode a future which would never have permitted her any opportunity to write (Marshall 44).

⁸⁵ Austen's sister, Cassandra recalled that *First Impressions*, an early iteration of *Pride and Prejudice*, was finished in August 1797. Revisions to *Elinor and Marianne*, the early version of *Sense and Sensibility*, were begun in November 1797 and took Austen about a year to complete (LeFaye AFR 104).

⁸⁶ Austen scholar and biographer Deirdre LeFaye dates *The Watsons* to around 1803 based upon Austen “family tradition” (LeFaye *AFR* 144).

⁸⁷ LeFaye speculates that *Lady Susan* may have been the first work composed on the small mahogany writing desk that her father purchased for her for 12 shillings on December 1794 (LeFaye *AFR* 89). Christine Alexander and David Owen also place the initial composition of *Lady Susan* to about 1794 (Alexander & Owen 54).

⁸⁸ See, e.g., Barbara Horowitz’s “Lady Susan: The Wicked Mother in Jane Austen’s Novels.” *Persuasions*. 89. (1987): 84-88. Jasna.org. Web., in which she calls Lady Susan an “immoral woman” who is cruel to her daughter and obviously ignores the tenets of contemporary conduct books, even as she superficially conforms to them to “seem respectable” (84).

⁸⁹ Lady Susan has the reputation as “the most accomplished coquette in England” and a “distinguished flirt” (Austen *LS* 7).

⁹⁰ *Lady Susan* is the only complete epistolary manuscript to survive from the period that Deborah Kaplan characterizes as “the Middle Fictions,” and others more dismissively refer to as the “Minor Works” or “the betweenities,” by viewing the novella as “on the border between [Austen’s] juvenilia and later novels” (Kaplan *JAAW* 157; Murphy 53; Alexander & Owen 60).

⁹¹ Both McMaster and Doody conclude that the juvenilia is not yet restrained, adapted, and accommodated to make these stories publishable (McMaster 82; Doody *TSF* 88).

⁹² Margaret Anne Doody, the editor of the Oxford edition of Austen’s juvenilia, *Catharine and Other Writings*, links Mountague to another infamous rake, Richardson’s Lovelace from *Clarissa*, by noting his is a related family name (Austen *C* Endnote 38, p. 300).

⁹³ Austen frequently references Richardson’s *Sir Charles Grandison* in juvenile stories such as *Evelyn* (*C* 181).

⁹⁴ Reference is made to Lord Hardwicke’s Act of 1753, which defined the requirements for a lawful marriage in England.

⁹⁵ Certainly, Austen satirizes a system where only the wealthier classes could avoid the publicity of publishing the banns in the local parish church by the purchase of a special license which typically cost twice as much as a banns’ wedding, by showing how this alternative was most attractive to the silliest and most status conscious such as Mrs. Bennet who views a special license as mandatory for the marriage of Elizabeth to the wealthy Mr. Darcy: “You must and shall be married by a special license,” she tells her daughter, although there is no urgency for such a measure in this situation (Austen *PP* 290; Perry *NR* 206).

⁹⁶ Indeed, when Elizabeth reveals to her sister Jane that she has gotten engaged to Darcy, and Jane asks how long Elizabeth has loved him, she replies, “It has been coming on so gradually, that I hardly know when it began,” suggesting that Austen’s view of how lasting and satisfactory marriages are formed is not in the socially acceptable, structured environment of formal events and parental oversight (*PP* 286).

⁹⁷ Before the Matrimonial Causes Act of 1857, there was no civil divorce procedure, so that the only method for divorcing was to get a special bill through Parliament, which required the advocacy of a Member of Parliament, and was still unlikely to succeed since only four divorces had been granted women by special bill during the entirety of the prior century because grounds were complex and difficult to prove (Hager 37). The process was also legally complicated as it first required a separation, a *divorce a mensa e thoro* (literally from bed and board) in the ecclesiastical courts before a Parliamentary bill for *divorce a*

vinculo matrimonii, an absolute divorce, could be sought. Divorce was costly and could exceed £1000; the process was lengthy and had little likelihood of success (Hager 37).

⁹⁸ These are the steps Hamid Naficy, Bishnpirya Ghosh and Bhaskar Sarka delineate as the structural model or taxonomy of modern exile narratives beginning with: 1) leaving a home social system as a refugee or émigré; 2) entry and adjustment into a host location as visitor or foreigner with non-immigrant status; 3) gradual assimilation and hybridization as an “exile immigrant”; and finally, 4) complete incorporation into new location. These stages are categorized as the “continuum of displacement” (Ghosh and Sarka 104; Naficy 6-7) and discussed more fully in the next chapter.

⁹⁹ *Persuasion* is the only novel in which the heroine marries, but does not also gain a fixed home in landed property. She does, however, gain a family and community: “. . .but to have no family to receive and estimate him properly; nothing of respectability, of harmony, of good-will to offer in return for all the worth and all the prompt welcome which met her in his brothers and sisters, was a source of as lively pain as her mind could be sensible of” (*P* 202). The increasing importance of network over a fixed home seems to signify a major social shift in Austen’s writing since money, community and connections supplant the authority of land ownership, a change reinforced by Austen’s last, unfinished novel, *Sandition*, in which the heroine-narrator finds herself among a group of middle-class land speculators at a seaside resort. The novel is set among people for whom land is no longer a stable signifier of place association and identity, but has become a commodity to be bought and sold.

¹⁰⁰ The connection of this story to Austen’s cousin, Eliza de Feuillide is apparent since she also married and lived in France for years. Year later and after her husband is guillotined, she re-marries Austen’s brother Henry.

Notes to Chapter 4: Beneath the Marriage Plot: the Exile Paradigm in Austen’s Novels of Female Displacement

¹⁰¹ Linda Robinson Walker suggests that a recurrence of her childhood typhus may well have been the cause of Austen’s early death, and not Addison’s disease as is generally accepted, based upon her analysis of Austen’s recorded symptoms and complaints. Walker also questions whether Austen “nearly died” from typhus as a child without disputing Austen’s having contracted the disease (Walker n.pag., fn 4). While Austen scholar Deirdre LeFaye in her detailed biography, *Jane Austen: A Family Record* makes this claim, Walker notes that Austen’s nephew, James Edward Austen-Leigh in his *Memoir* of his aunt never mentions Austen being near to death as a child, nor do any of the surviving letters or other writings of Austen or her immediate family members. Walker traces this assertion to the 1949 biography, *Jane Austen* by Elizabeth Jenkins, published by Minerva Press, noting that this claim has been repeated without attribution by many subsequent writers, including LeFaye (Walker n.pag.). Jan Fergus also repeats this claim without attribution in her brief “Biography” of Austen appearing in *Jane Austen in Context* (2005) published by Cambridge University Press and edited by Janet Todd, another Austen scholar of repute.

¹⁰² LeFaye explains that by the end of 1786 the Austens found that they could no longer afford the tuition for the Abbey House School which charged about £35 per pupil per annum. The girls returned home and continued their educations by relying upon the guidance of immediate family and friends, and their own choice of readings since they had free access to Mr. Austen’s extensive library of some 500 volumes (LeFaye *AFR* 52, 57).

¹⁰³ It is noted that in the “Recollections” of her aunt written in 1864, nearly five decades after Austen’s death, Anna Lefroy claims that at age 7 Austen was too young to be sent to school, but that she insisted on going with her elder sister, Cassandra, and the Austens acquiesced (Austen-Leigh 160). Whether this is true has never been confirmed by any other members of Austen’s immediate family, particularly Cassandra.

What is clear is that after recovering from typhus, both Jane and Cassandra were bundled-off to another girls' boarding school in Reading so that room could be made for Mr. Austen's male pupils once again.

¹⁰⁴ See, letter of 11 April 1805 to her sister, Cassandra, in which Austen declares it rare to find anyone rational at girls boarding schools since they are run by "an ignorant class of school mistresses," (Austen *Letters* 101).

¹⁰⁵ Christine Marshall argues that Gilbert and Gubar's reading of Austen is "gloomy" because they wrongly conclude that her overarching conservatism is revealed by an approbation of women's subservience (Marshall 41). Instead, relying on the writings of Lloyd Brown and Margaret Kirkham, Marshall argues that Austen's themes more closely resemble those of Mary Wollstonecraft, particularly in her questioning of certain masculine assumptions about society (Marshall 39; qtd. in L. Brown at 324, and Kirkham at xv-xvi).

¹⁰⁶ Reference is made here to the legal presumption inherent in coverture that a husband will provide for his wife and children. This presumption is the underlying legal rationale for coverture (Blackstone 189).

¹⁰⁷ Historian G.E. Mingay explains that while large landowners benefitted from acquiring even larger holdings, the effects of enclosure often were devastating on those reliant on grazing and foraging on open lands, and on smaller freeholders, those with farms of 150-200 acres or less. Those small freeholders occasionally were able to band together to block proposed enclosure, as was the case in Buckinghamshire in the years just before the Napoleonic Wars (Mingay 27).

¹⁰⁸ In this chapter, the terms "courtship plot" and "marriage plot" are used interchangeably as this also seems to be the usage employed by most scholars and critics. It is noted that Carolyn Helibrun suggests that courtship, and not marriage is the focus of much early literature including Austen's, arguing that marriage as a subject is too prosaic, or in her words, too "quotidian," because happy marriages are "not news," and therefore bring narratives to a conclusion (Heilbrun *MP* 163). See also, Lisa O'Connell's discussion of the rise of the marriage plot (O'Connell 364).

¹⁰⁹ A more extensive definition and discussion of the marriage plot in Austen's novels appears later in this chapter. However, it is noted here that critics such as Elsie Michie predicate their analysis of Austen on the contention that the marriage or courtship plot demonstrates the process of economic exchanges which culminate in wedlock. According to Michie the "most common" marriage plot, and the one she ascribes to Austen's novels involves a hero who must choose between a wealthy, materialistic and status-conscious woman who would enhance his position and property, and a poorer, more altruistic and independent woman who represents preferred morals and values (Michie *RWPW* 421-22). Michie imbues the decisional power in the man, leaving him to choose between two women representing competing value systems. I challenge this approach, and argue that Austen only seems to conform to the conventional marriage-plot. Her novels constantly shift the power valences away from men and imbue female characters with decisional authority regarding their own fates; or as Elizabeth Bennet explains: "I am only resolved to act in that manner, which will, in my own opinion, constitute my happiness," (*PP* 273).

¹¹⁰ Dates for these writings are based on Austen's own notations in her juvenile volumes, ranging from 1787 to 1792 (LeFaye *AFR* 66-67).

¹¹¹ As discussed in the prior chapter, Austen mimics contemporary forms of conventional histories, romances, and short fictions by showing an understanding of the "strict rules" of these genres (Doody *TSF* 87).

¹¹² John D. Barbour suggests that exile is a “constant awareness that one is not at home,” and in which one’s life story and orientation in time invariably centers, “around that pivotal point of departure” since this is what defines the condition of absence (Barbour 293).

¹¹³ According to Austen scholar and biographer, Deirdre LeFaye, in December 1801, Jane returned from a visit with her friend Martha Lloyd to be greeted by her mother announcing that Mr. Austen had determined to retire, and it was all settled that the family would move to Bath within the week, permanently vacating their Steventon home. Family lore claims that Jane promptly fainted at this news. The lack of surviving letters from this period between Jane and her sister Cassandra who was away visiting in Kent, suggests that there may have been correspondence in which the sisters vented feelings of grief, even anger at this abrupt uprooting since it was their habit to write frequently when apart, fueling speculation that these letters were subsequently destroyed by Cassandra after Jane’s death when she carefully culled correspondence she did not wish to be made public (LeFaye *AFR* 128). From 1801 onwards, Jane, her mother and sister remained without a permanent residence until brother Edward gave them a cottage on his estate at Chawton to which they moved in July, 1809 (LeFaye *AFR* 172-3).

¹¹⁴ Said suggests that Fanny’s shifting venues in *Mansfield Park* represent her trajectory towards becoming the “pre-imperialist” spiritual mistress of the estate, but as Susan Fraiman emphasizes, Fanny never becomes the mistress of Mansfield Park, spiritually or otherwise (Fraiman 812, fn. 11). Indeed, Fanny never lives at Mansfield Park after her marriage, first residing at Edmund’s property, Thornton Lacey, and later relocating to the Mansfield Parsonage when it was vacated after Mr. Grant’s death. The point is that Austen always situates Fanny on the periphery of the estate, and thus places her at a distance from any taint of imperialist guilt (*MP* 371-2). More importantly, while Fanny does eventually gain acceptance into the Bertram family as “the real daughter” Sir Thomas had always wanted, the text makes clear that the shift in her status from niece to daughter is expressly a function of her impending marriage to Edmund since blood and marital relationships were characterized in the same terminology at this time: “the joyful consent which met Edmund’s application...realized a great acquisition in the promise of Fanny as a daughter,” (*MP* 371). The oft-quoted phrase that “Fanny was indeed the daughter that he wanted,” immediately follows Edmund’s request to his father for permission to marry Fanny (*MP* 371). Said misreads the text by assuming that Fanny’s assimilation into the Bertram family is purely a “spiritual” adoption, rather than the more prosaic method of simply marrying-in (*cf.* Said *JA&E* 117).

¹¹⁵ Family friend, Martha Lloyd moved-in with the Austens at Bath in 1804 after Mrs. Lloyd died and left Martha “almost alone in the world,” becoming another woman Austen knew who lacked a claim upon any permanent residence (LeFaye *AFR* 148-9). Martha continued to live with the Austen women for the next 20 years, even remaining with Cassandra at Chawton after Mrs. Austen’s death until 1828, when at age 63 she became the second wife of Austen’s brother Francis (LeFaye *AFR* 266).

¹¹⁶ Section 27 of Chapter V of John Locke’s *Second Treatise of Civil Government* (1690), entitled, “Of Property,” concludes that “every man has a property in his person; this no body has a right to but himself,” (Locke 19).

¹¹⁷ This point was earlier raised by Austen in her unfinished novel *The Watsons* (circa. 1803), when Emma Watson, who had lived with her wealthy, widowed aunt for years and expected to be her aunt’s heir and thus be able to help her penurious family, loses all when her aunt abruptly remarries an Irish army captain, dashing all of Emma’s hopes of assuaging her family’s financial circumstances. As a neighbor, Mr. Edward observes to Emma: “Elderly ladies should be careful how they make a second choice,” (*W* 117-118).

¹¹⁸ In *Northanger Abbey*, Eleanor Tilney must apologize to Catherine Morland for having to bear her father’s message that Catherine, who is not the heir of the wealthy Allens, must immediately depart, with the explanation that: “...you must have been long enough in this house to see that I am but a nominal

mistress of it, that my real power is nothing,” (Austen *NA* 218). Austen’s point is that to be the real mistress of a house imbues the woman with a personal authority, something Eleanor lacks.

¹¹⁹ Sometime before 1804 Austen completed about 17,500 words of *The Watsons*, but once close family friend, Mrs. Lefroy died at the end of 1804, followed shortly thereafter by her father’s death in 1805, Austen never returned to complete this work (LeFaye *AFR* 144-5). No major writing projects were undertaken until Chawton.

¹²⁰ *Persuasion* was actually completed in 1817 shortly before Austen died, but was not published until the end of 1817, although the original title page reads 1818. It was incorporated into a single volume with the first publication of the revised *Northanger Abbey* by Murray & Co. (LeFaye *AFR* 245, 259).

¹²¹ Only 160 of Austen’s letters survived being destroyed by her sister, Cassandra after Austen’s death, and of those letters that do survive, many contain extensive excisions by her sister (LeFaye *Letters* xv-xvi).

¹²² Anne could expect to receive only “a small part of the share of ten thousand pounds which must be hers” which no doubt was the remainder of the legacy of her mother intended for her three daughters (*P* 200).

¹²³ As early as her unfinished 1792 novel, *Catharine, or the Bower*, Austen shows concern for the husband who fails to provide for his family during his lifetime, when the eponymous heroine and her friend, Miss Stanley discuss the current poverty of the Wynne family, with Catharine noting: “was not it shameful in Mr. Wynne to leave his Children so distressed, when he had actually the Living of Chetwynde and two or three Curacies, and only four children to provide for...” (Austen *C* 195). It seems likely that Mr. Wynne later re-appears with more subtly in the figure of Mr. Bennet in *Pride and Prejudice*, and in other feckless fathers, such as Sir Walter Elliot of *Persuasion*.

¹²⁴ In a 1789 case *Strathmore (Countess of) v. Bowes* (1789) 2 Cox 28, at 33, Lord Chancellor Thurlow explained that the marriage law gave a husband rights over his wife’s property in exchange for the legal obligation to support her which he assumed at marriage (Staves 7). Similarly, William Blackstone, a leading eighteenth-century jurist, notes in his *Commentaries on the Law* that, “A husband is bound by law to provide necessaries to his wife...” (Blackstone 189). The problem was that a wife lacked the legal existence necessary to compel a living husband for support, and a widow in this predicament usually lacked the financial and legal wherewithal to pursue a widow’s right of dower, a life interest in her late-husband’s land.

¹²⁵ Mrs. Smith’s husband had “been extravagant” in the years before he died, leaving his tangled affairs in the hands of the unscrupulous William Elliot who was his attorney, which meant that his wife was left a “helpless and “poor” widow” (*P* 124). Here, on the periphery of the text Austen provides yet another women whose misplaced reliance on the men society expected to provide for her or protect her assets, results in her being homeless and near-destitute.

¹²⁶ Lord Hardwicke’s Act of 1753 (26 Geo. II. C. 33) provided in relevant part, that after Lady Day, 1754, no marriage ceremony was recognized as lawful other than one performed by a member of the clergy of the Church of England after the third consecutive publication of the banns, or the purchase of a special license from the bishop of the parish where the marriage would lawfully occur, and that parental consent was required for any party under the age of twenty-one (Perry *NR* 277 fn 63).

¹²⁷ As Perry points out, while critics often focus on English common law which emphasized primogeniture as the preferred method of transmitting familial property across generations, in fact England had a “triadic legal system” which also encompassed chancery, or equity, where women’s property or inheritance rights had better protections, and ecclesiastic law, that allowed family land to pass to daughters if there were no

sons (Perry *NR* 46-7). However, by the late seventeenth and early eighteenth centuries, common law was increasingly the dominant legal system employed, and it overwhelmingly favored transmission of family land and wealth to male heirs (47). Efforts to circumvent this practice were discouraged, if not repudiated. For example, in a letter to Lord Kames, Lord Hardwicke, author of the revolutionary Marriage Act, was particularly wary that fraud was being perpetrated by women who were establishing a trust for their property prior to marrying because this could deprive a husband of his common law rights to use her property for his own benefit. Similarly, trusts established by widows while they were still considered a *feme sole*, or single woman, for the purpose of protecting themselves and children of the prior marriage from second husbands, were, he noted approvingly, generally declared a fraud and voided by courts as denying the new husband his anticipated property rights (Staves 50-51).

¹²⁸ There were weeks of heated parliamentary debate about the social function of marriage for procreation to increase the population, to consolidate class interests, and to discourage promiscuousness, prior to the passage of Hardwicke's Marriage Act (Perry *NR* 279).

¹²⁹ As Austen makes clear in *Emma*, working as a governess does not provide the kind of home situation that imbues a woman with genuine authority in a house, nor does it provide any long-term security since children grow-up and no longer require these services, as is the case with Miss Taylor, Emma's governess who looks to marriage as the only way to achieve "A house of her own" (Austen *E* 3, 6). Similarly, Jane Fairfax, an impoverished orphan who has to "earn her bread," views the prospect of becoming a governess akin to being a slave, which may suggest that Austen too viewed this option as the barest means for survival, but not a way to achieve the security and autonomy of being firmly attached to one's own home (*E* 147, 271).

¹³⁰ See, Note 127, *supra*. for further reference to Lord Hardwicke's Act of 1853.

¹³¹ A clergyman who performed a marriage where publication of the banns had not been complied with and where there was no special license, or where necessary consent of parents or guardians was not obtained, was held personally subject to penalties of 100 pounds or more. Moreover, if consent of a parent was missing, the marriage could be declared null and void and any children therefrom declared illegitimate. (Blackstone 187).

¹³² Pamela Regis in her assessment of marriage in Jane Austen's *Persuasion*, agrees with Stone, noting that while the sweeping social movements of the eighteenth century resulted in the legal fiction of *feme covert*, in which the woman is subsumed by her husband, and has virtually no rights of ownership or autonomy except as her male relatives may have negotiated in marriage contracts or trusts, this situation was countered by the later movement towards companionate marriage (as opposed to the dynastic marriage made for alliances of wealth, title, power and heirs), and the concurrent emergence of the individual, in which personal happiness replaced the old value system of duty to God, family, or other authority (Regis 63).

¹³³ As Heilbrun notes, the only "uniquely married couple in all Austen" meaning marriage of equals, is the Crofts in *Persuasion*, because Mrs. Croft is shown as unusually competent and shares her husband's life, decisions, adventures, and is openly admired by him (Heilbrun *MP* 168). The Crofts seem to be the most compatible and happily married couple in all of Austen's canon—which is why the text emphasizes that Anne studies them carefully, particularly their joint driving of the carriage "which she imagined no bad representation of the general guidance of their affairs," in anticipation of her own eventual re-uniting with Wentworth, Mrs. Croft's brother (Austen *P* 78).

¹³⁴ See Note 108, *supra*.

¹³⁵ In a 1981 opinion piece for the *New York Times* entitled “Hers,” Heilbrun likens Austen’s novels to Harlequin Romances, discounting their irony by suggesting this technique is like a drug spiking a pleasant drink. Heilbrun, Carolyn G. “Hers.” *New York Times*. 26 February 1981. NYTimes.com. (n.page).

¹³⁶ Cf., Gilbert and Gubar who suggest that Austen’s novels end with marriage to signify the “taming” of not just any woman, but of a “rebellious, imaginative girl who is amorously mastered by a sensible man”; but, even they acknowledge that Austen shows this “female submission” as a necessity for survival (Gilbert & Gubar 134).

¹³⁷ *Coverture* is the common law practice in which a married women’s legal existence is subsumed into that of her husband during his lifetime. Although not legislatively enacted, the practice became so embedded in English jurisprudence that courts enforced the legal presumption that during marriage, the husband and wife are “one person at law” and that person is the “husband, her baron or lord,” so that the wife’s “condition during marriage is coverture,” or covered (Blackstone 189). The common law is a series of customs and maxims that developed over time, and legitimized to become part of English jurisprudence by decisional law (Blackstone 18).

¹³⁸ Susan Staves explains that these pre-marital trusts circumvented common law rules, including inheritance and tax rules, although they could accord a married woman some control over the trust property denied her under common law (Staves 42). However, Lord Hardwicke, the author of the 1753 Marriage Act, was against the establishment of any trusts that could prevent a husband from acquiring and using any property that was his wife’s.

¹³⁹ Lady Caroline, the granddaughter of the playwright, Richard Brindsley Sheridan, was an accomplished poet and essayist by the time she married Godfrey Norton in 1827, only a decade after Austen’s death, and at the urging of her family to assuage financial circumstances.

¹⁴⁰ Here, Norton makes an indirect reference to slavery. The slave trade had been abolished by law in England in 1807, and chattel slavery abolished throughout the British Empire by 1833, pursuant to the *Slavery Abolition Act of 1833*, 3&4 Will. 4, c.73. Norton’s plea that other unjust laws had been repealed implicitly refers to the Parliamentary Acts that abolished slavery since her argument is studded with numerous references to slavery, even mentioning *Uncle Tom’s Cabin* the most famous abolitionist novel of the day (Norton *CND* 15).

¹⁴¹ When the novel opens, Mrs. Price “was preparing for her ninth lying-in” (*MP* 4).

¹⁴² The text states that William Elliot had given Colonel Wallis “an interest in watching all that was going on” at Sir Walter’s residence in Camden Place where there was the possibility of the current baronet marrying Mrs. Clay, and thus producing a new heir who would impede William’s inheriting Kellynch which he clearly was using as collateral for loans. The use of the word “interest” suggests that he has pledged Kellynch as security to Colonel Wallis, and thus must assure that he does inherit (Austen *P* 166). William’s intention once he inherits is to liquidate the estate: “my first visit to Kellynch will be with a surveyor, to tell me how to bring it with best advantage to the hammer,” meaning to auction for sale (*P* 164).

¹⁴³ See also, Perry *NR* at pp. 276-277 discussing *The Magdalen House*. In their Introduction to the Pickering & Chatto edition of *The Magdalen House*, Jennie Batchelor and Megan Hiatt note that in 1759 Lady Barbara Montagu, leader of the elite group of female artists and writers known as “the Bluestockings,” presented a manuscript copy of the text to Samuel Richardson claiming that the author was a female friend and neighbor who sought Richardson’s help in getting the text published, something he soon arranged. Hiatt and Batchelor suggest that the known circumstances surrounding the text’s publication point to either Montagu’s sister, Sarah Scott, author of *Millenium Hall* (1762), a slightly later novel about a

female community whose founders were escaping bad experiences with marriage and men, or Sarah Fielding, sister of the jurist and novelist, Henry Fielding, and an author in her own right, as the real author of this text (Batchelor & Hiatt xx-xxi).

¹⁴⁴ In 1833, within fifteen years of Austen's death, the Dower Act (3&4 Will. 4, c. 105) eliminated a widow's traditional common law right of dower which had given her a life estate, ostensibly an annuity, in one-third of any real property which her husband legally owned during the marriage, and which guaranteed the widow an income for life (Habukkuk 8-9). Now, the widow had to extract a jointure from her husband during his lifetime, which gave her some rights in property, usually bank accounts rather than land. If she did not know the law or have someone advise her, she could no longer claim her former rights as a widow. The result was that widows with jointures like Mrs. Jenkins in *Sense and Sensibility* were very comfortable, but widows like *Persuasion's* Mrs. Clay or Mrs. Smith, who lacked jointures, were left with little if anything to live on.

¹⁴⁵ There were two types of enclosure acts: Parliamentary enclosure requiring a private bill authorizing the physical enclosure and privatization of once open or common land, affecting not only the land, but customary rights; and, private enclosures or enclosures by agreement, in which the large landowners in a parish would enter an agreement designating what land would be enclosed, negotiating compensation to those landowners affected, since once enclosed these lands had exclusive use rights for the owner (Mingay PE 4, 11). Small landholders and tenants had no right of input and received no compensation from this latter form of enclosure.

¹⁴⁶ Brothers and other male relations often were appointed guardians for underage females if there were no fathers or uncles, and they had the same right to consent or refuse marriage as parents. More important was their duty to guard female property usually through a trust. Austen provides such a scenario when Mr. Wickham tries to elope with 15 year old Georgiana Darcy to acquire her marriage portion of £30,000 in *Pride and Prejudice*. Both her older brother, Fitzwilliam Darcy, and her cousin Colonel Fitzwilliam are her appointed guardians, with Darcy intervening in the planned elopement and preventing this marriage. Perhaps more importantly, as the text notes, it saves the fortune left to her which is to be used to merge with a suitable husband's wealth: "Mr. Wickham's chief object was unquestionably my sister's fortune..." Darcy explains to Elizabeth to justify his animosity towards Wickham (PP 154-55).

¹⁴⁷ Samuel Richardson demonstrates the problematic results when family aspirations supplant a woman's right to choose her own husband in *Clarissa, or the History of a Young Lady* (1747-8), written when the debates about marriage reform were ongoing. Here, because Clarissa has inherited in her own right, a valuable estate from her grandfather which her family had expected would be left to her brother, and increase his (and thus the family's) wealth and further his political aspirations. As a result, the family only consents to her marrying the odious Mr. Solmes, whom she detests, but who they can control so that the property will not leave the family auspices. Austen was a greater reader of Richardson's writings (Richardson C 53, 58, 77; LeFaye AFR 57).

¹⁴⁸ Even if the parties are above twenty-one, the age of consent as designated in Hardwicke's Act, there is indication that convention, particularly among the landed classes, necessitated parental approval of a match, circumstances regularly shown in fiction such as Frances Burney's *Cecilia*, where Mr. Delville conditions his consent to his adult son's marrying the heroine on Cecilia's renouncing her claim to her uncle's estate because of its peculiar name-taking requirement, and Austen's *Pride and Prejudice* where Mr. Bennet's approval is sought by both Bingley and Darcy although their intended brides, Jane and Elizabeth respectively, were each over the age of consent as were the grooms (Burney C 808-809; Austen PP 265, 287-288). See also, Susan Staves's discussion of the practice of seeking paternal consent even when parties were above twenty-one and free to marry without consultation (Staves 117).

¹⁴⁹ Austen mocked the consent requirements of Hardwicke's Act in many of her earliest writings, such as "Frederic and Elfrida" from her first notebook and dated to around 1787, in which Mrs. Fitzroy, an ambitious and controlling woman, refuses her consent for her daughter's marrying on the grounds of the "tender years" of the couple although her daughter is 36 and the prospective groom, 63.

¹⁵⁰ Lady Russell similarly "persuades" Anne to refuse Wentworth, seeing him as "hardly capable of success" (*P* 27). Like Lady Catherine, she assumes the place of Anne's mother, seeing herself as having "almost a mother's love, and mother's rights," although her refusal carries emotional weight, but no legal effect (*P* 27, 28). This is why at the narrative's end Lady Russell is made to acknowledge that she had "been unfairly influenced by appearances," meaning rank, and had to admit "that she had been pretty completely wrong" about Wentworth, requiring that she take up "new opinions," that is, that she would no longer be influenced by class position and outward "correctness" (*P* 200).

¹⁵¹ Darcy is at least 26 and well above the legal age of consent since the text explains that he is more than ten years older than his sister, and Georgiana is 16 during the period of relevant events (*PP* 154-55).

¹⁵² While it may appear that Anne Elliot was "persuaded" not to marry Wentworth when he first proposed, contemporary readers of *Persuasion* would have recognized that since "Anne was nineteen" at the time, she required her father's consent to marry. While she may be been convinced by Lady Russell that the engagement was a "wrong thing—indiscreet, improper, hardly capable of success," to assuage her feelings of regret, without her father's consent there could be no marriage. Austen is certainly aware of this because Anne's next proposal comes when she is twenty-two from Charles Musgrove; the refusal here was hers alone and this is significant since Sir Walter would have consented to the match, which he later does with his young daughter, Mary (Austen *P* 28-29).

¹⁵³ In *The Watsons*, an unfinished novel from around 1804, Austen articulates the correlative sentiment when Emma Watson explains to her sister that since she is no longer the presumptive heir of her aunt, and from a poor family, either she or her elder sister must marry well: "it is very bad to grow old and be poor and laughed at" (Austen *W* 109; Austen *E* 77).

¹⁵⁴ Willoughby eventually explains to Elinor why he married Sophia Grey: "her money was necessary to me, and in a situation like mine, any thing was to be done..." (*SS* 249).

¹⁵⁵ Although Lucy seems much more mercenary and manipulative in achieving a financially secure marriage, her circumstances are even more desperate than Elinor's, with no surviving parent and even less income than the Dashwoods. This seems the likely explanation for her being rewarded with marriage to Robert Ferrars, the successor heir to his family's wealth. Indeed, it would appear that Lucy is the one with the pivotal choice: either proceed with marrying her no-longer-secret fiancé, Edward, or switch her affections to his more gregarious brother, Robert, once Edward is disinherited. Lucy chooses the former over the latter, expending "no other sacrifice than that of time and conscience" (*SS* 286). However, what is clear is that Edward is not choosing between two women from the opposite ends of the economic spectrum because their situations are comparable, rather he feels morally bound to Lucy by his prior commitment to her as someone he once thought "amiable and obliging" (*SS* 275).

¹⁵⁶ Patricia Rozema's well-known film adaptation of *Mansfield Park* (Miramax ©1999) suggests that after Edmund Bertram breaks off his attachment to Mary Crawford, realizing that the woman he had been "too apt to dwell on for many months past" was actually "the creature of my own imagination," she happily takes up residence in London with her brother, Henry, where they both resume their "modern" ways of romantic socializing (*MP* 360). This is hardly Austen's ending for Miss Crawford. Rather, after her romantic disappointment with Edmund, the text explains that Mary was "in need of the true kindness of her sister's heart, and the rational tranquility of her ways" and so moved in more or less permanently, with her elder sister, Mrs. Grant (*MP* 369). The lessons of honesty, shared values and mutual affection that she

observed at Mansfield Park were not lost on Mary, contrary to what the film clearly suggests, because she is forced to re-assess her priorities and values, much as Marianne in *Sense and Sensibility* does after a similar kind of crisis.

¹⁵⁷ James Heldman points out that Miss Grey is the wealthiest of Austen's heiresses, with a fortune that is worth well in excess of \$1.6 million calculated in 1988 dollars, and probably several million more in today's dollars (Heldman 40).

¹⁵⁸ Lloyd Brown also suggests that Emma's "womanly instinctual needs, her desire for love, for marriage, for motherhood are all obvious in her role as matchmaker," and thus suggest a predisposition for the domesticity of marriage, despite her representations to the contrary (L. Brown 323).

¹⁵⁹ A strict settlement is a legal device for the transmission of property that came into usage in the eighteenth century as a response to the 1680-83 Duke of Norfolk's case which held against a settlor for entailing a property he owned in perpetuity thereby diminishing ownership rights of successive generations, and preventing their right of alienation. Out of this decision came the Rule Against Perpetuities, a common law principle which limited testamentary land bequests to the life of an initial beneficiary, plus twenty-one years, or two to three generations at most (Macpherson 8). Strict settlements emerged as a way to get around the Rule Against Perpetuities with the added benefit of "preventing alienation of the land away from the male line," (Staves 60; Habukkuk 5). Using a strict settlement, property is left to a male beneficiary as a life tenant, and thereafter the property goes to one or more known residual heirs through an entail. This legal formulation carried an expectation that each successive owner in fee, that is, absolute ownership not subject to any restrictive provisions, would repeat this method of settlement (Habukkuk 2-3; see also, C. Jones 272-274). According to historian Susan Staves, "strict settlement, entailing property in the tail male and making present occupiers tenants for life without power to alienate were worse clogs on alienability than dower, and yet judges collaborated with the conveyancers to permit strict settlement," probably because dower only affected women (Staves 90). John Habukkuk sets the period in which the strict settlement was used as ranging from about 1650 until the Settled Land Act of 1882 (45 & 46 Vict. c. 38) which "was the natural end" to strict settlement (Habukkuk 1-2). It is noted that Susan Staves questions Habukkuk's assertion that strict settlement created a virtual equivalent of perpetuities in tail male, and suggests that while strict settlement was linked to the increased importance of consolidating land to acquire parliamentary power, there was more flexibility in the practice than Habukkuk credits (Staves 200-201). Chris Jones also points out that these arrangements were not law, but customs, "unwritten rules" that were accepted and employed by the landed classes (C. Jones 270-271).

¹⁶⁰ See, Note 46 *supra*. and Note 162 *infra*., for a discussion of the effects of the 1833 Dower Act.

¹⁶¹ The widow of the last Rackrent heir, Sir Condy, managed to get a jointure from her husband before he died, so that the novel ends with the new owner of the estate, Jason M'Quirk, "set about going to law about that jointure" because this interest interfered with his rights to sell or develop the estate during Lady Rackrent's lifetime (Edgeworth CR 96).

¹⁶² Ruth Perry explains that the "disinheritance" of women that repeatedly appears in novels during the latter half of the eighteenth century reflected a reality that "had been building slowly for several centuries, with the erosion of provisions for daughters (and wives and widows)" in decisional law made by Courts of Equity, manorial law and ecclesiastical law, as well as in common law (Perry NR 46; see also, Erickson 23-39). By 1833 dower, a widow's life interest in her husband's land was legally abolished because it allegedly interfered with the alienability of land it was viewed as an impediment to the (male) owner's ability to maximize its value and profitability. Instead, jointures were increasingly favored as an alternative mechanism for making provisions since these generally gave widows an income, but usually from sources other than land, and when entered, also were a bar to dower rights (Staves 27, 32-33; Habukkuk 80-81). The problem was that under dower all widows, by common law, were entitled to claim their rights, but

jointures were contractual and had to be negotiated before or during the marriage; a woman who lacked the wherewithal personally or through friends, relations, or lawyers to make such an agreement could find herself with very little to live on, precisely the situation Austen depicts for the widowed Mrs. Dashwood in *Sense and Sensibility* (1811), but not for Mrs. Jennings, also a widow, but one who had obtained an “ample jointure” (SS 28; see also Habukkuk 81). Also, see Holcombe at pp. 21-24 for a more detailed discussion of dower rights and the terms and effect of the Dower Act of 1833.

¹⁶³ See e.g., Habukkuk at pp. 1, 166, 167, 239, 329, 383 for instances where Austen’s novels are used to illustrate inheritance and property transmission practices in the eighteenth and early nineteenth centuries.

¹⁶⁴ William Elliot shows clear intention of selling the estate once it is his in fee absolute, to assuage his own debts. See, *Persuasion* at p. 164.

¹⁶⁵ The Inheritance Act of 1833 at Section 7 entitled, “The Male line to be preferred,” enumerates how paternal lines were given priority over maternal lines, and all male relations and their descendants given priority over female relatives as follows: “None of the maternal ancestors of the person from whom the descent is to be traced, nor any of their descendants, shall be capable of inheriting until all his paternal ancestors and their descendants shall have failed; and also that no female paternal ancestor of such person, nor any of her descendants, shall be capable of inheriting until all his male paternal ancestors and their descendants shall have failed; and that no female maternal ancestor of such person, nor any of her descendants, shall be capable of inheriting until all his male maternal ancestors and their descendants shall have failed,” (1833. C. 106, Regnal. 3 & 4 Will. 4, sec. 7).

¹⁶⁶ Habukkuk suggests that one thousand pounds was such a paltry sum that it would damage Elizabeth Bennet’s “chances of a good marriage.” In fact, he reasons that only in the novelist’s imagination is Elizabeth able to wed a great landowner: “In real life she would probably have to settle for Mr. Collins,” (Habukkuk 167).

¹⁶⁷ Austen’s contemporary readers would have recognized the considerable expense of enclosure involving not only Parliamentary fees, but also the costs of solicitors, surveyors, fencing, new roads, and drainage and would have amounted to several thousand pounds, about what John initially intended to give his sisters. See, Mingay at pp. 102-107, for an explicit discussion of the costs to enclose land. Parliamentary enclosure required only the consent of three-quarters of the owners of land affected, which meant that smaller landowners were often compelled to sell their land to the larger owners because they could not afford to share in the cost of transforming the landscape and paying for the obligatory “fencing, hedging or walling enclosures;” John’s purchase of the adjacent farm suggests that this was the cause of its availability for a price (C. Jones 274).

¹⁶⁸ A more satirical variation on this practice can be found in *Northanger Abbey* (1818), when Catherine Morland is summarily expelled by General Tilney from his eponymous home once he realizes that she is neither “handsomely legacied,” nor the “future heiress of Fullerton” the estate of the wealthy and childless Allens, which he has discovered, “must devolve” on a young man, suggesting that a strict settlement directs the property to a male heir (NA 217, 235-236). The General’s consent to Catherine marrying his son, Henry Tilney, is finally given, but only after it is confirmed that the Morlands are neither “necessitous or poor,” that Catherine will have a marriage settlement of three-thousand pounds, and that the Allens’ Fullerton estate, “which he was at some pains to procure,” is still “open to every greedy speculation” suggesting that there may be a way for him to acquire it after all (NA 249-40). Thus, Catherine’s temporary expulsion from Northanger Abbey was due to her inability to bring another desirable estate into the family in furtherance of the General’s engrossing ambitions.

¹⁶⁹ As a social leader of Highbury society and the daughter of a wealthy landowner, Emma not only saw it as her duty, but she was “very compassionate” about the “distresses of the poor,” and had “no romantic

notions” about their virtues or ignorance since it “was sickness and poverty together which she came to visit” (Austen *E* 79). Here, Emma is doing the kind of parish charity that was expected of a woman of her social standing in the community, something she emphasizes when encountering Reverend Elton shortly after a visit to impress him with Harriet’s partaking of this work.

¹⁷⁰ In her recent study of Austen’s response to enclosure and other land aggregation practices of the late eighteenth and early nineteenth centuries, Helena Kelly challenges both Raymond Williams’s well-known pronouncement that Austen was an author of interiors, as well as the body of Austen criticism that perceives Austen as only addressing metaphoric enclosure signifying female containment in the domestic space (H. Kelly *Enclosure* n.pag).

¹⁷¹ Similarly, lawyer Shepherd reminds of another incident when an enclosure boundary was breached because someone was poor and hungry, referencing a farm laborer who stole apples from the Kellynch orchard by crossing a broken wall; Wentworth’s clergyman brother intervened to prevent legal prosecution and reach an “amicable compromise” (Austen *P* 25).

¹⁷² Indeed, her name seems a pun, a nod to the type of word game for which Emma has some mastery, since Catherine is shown as a woman in want of “more land,” in short, she “was guilty of being less rich than he had supposed her to be” (Austen *NA* 217, 234-235, 239-40).

¹⁷³ Austen’s use of the word gypsy or “gipsy” as signifying someone without a home is supported by the historic record since in a contemporary study conducted by London Police Magistrate Patrick Colquhoun in the 1790s and reported in his *Treatise of Indigence* which sought to identify the causes of vagrancy, the following groups of individuals were associated with homelessness and beggary: gypsies, peddlars and traveling players. Colquhoun concluded that vagrancy was part of “a wider problem of indigence” that needed to be addressed (Rogers 144; see also Patrick Colquhoun, *A Treatise on Indigence: Exhibiting A General View of the National Resources for Productive Labor; with Propositions for Ameliorating the Condition of the Poor, and Improving the Moral Habits and Increasing the Comforts of the Labouring People*. London: Hatchard, 1806 at pp. 8-14).

¹⁷⁴ See also, Helena Kelly, “Austen and Enclosure” (n.p.), who makes a similar analysis.

¹⁷⁵ As the largest landowner in the area, Mr. Knightley is implicated in the ongoing enclosures since this process required approval of three-fourths of the affected landowners.

¹⁷⁶ Austen borrows line 562 of Cowper’s 1785 poem, “Tirocinium, or A Review of Schools,” with one minor modification; she changes the male pronoun, “he” in the original to the female pronoun “she” as the line reads: “With what intense desire *he* wants his home.” The poem is about the feelings of a boy sent away from home for his education, and when he does return he finds “unexpected change” and experiences displacement, a circumstance paralleling Fanny Price’s removal to Mansfield Park at age ten, and her longing to be back amongst her family (line 567), and which also may reflect the displacement Austen felt when she was sent away to boarding schools to make room for her father’s male pupils. When Fanny does return to her birth family, she finds changes she had not recalled that not only are unpleasant such as her father’s drinking and yelling, the slatternliness of her mother, the filth and noise of the house, but also children who had not been born when she left and whom she did not know (Austen *MP* 298-304).

¹⁷⁷ The Bingleys were a “respectable family in the north of England” who had acquired their fortune in trade, but had no estate, nor any permanent connection to property. The senior Mr. Bingley “had intended to purchase an estate, but did not live to do it” (Austen *PP*10).

¹⁷⁸ A paling is a fence made from pointed wooden stakes that establishes a physical boundary and barrier.

¹⁷⁹ A variation of this strategy appears in *Persuasion*, when Sir Walter initially refuses to rent his house to a naval man because it is “the means of bringing persons of obscure birth into undue distinction,” but his extreme debts necessitate that he lease to Admiral Croft, a self-made man, and naval hero who is now rich; here, Austen uses merit and intelligence to equalize the advantages of birth and rank, but this flattening of class distinctions does not facilitate a marriage, at least not directly (Austen *P* 22).

¹⁸⁰ Tim Dolin suggests that women’s relationship to property “dominates the mid-Victorian novel” (T. Dolin *MTH* 2).

Notes to Chapter 5: Counternarratives of Displacement and the Mid-Victorian Novel: Marital Breakdowns, Female Communities, and the Specter of the Asylum

¹⁸¹ All initial quotations are from *Household Words* Vol. XVII, p. 429, 12 June 1858. All citations are to this page of *Household Words*, unless otherwise noted. This announcement was reprinted in *The Times* of London shortly after its appearance in *Household Words*, but the magazine *Punch* refused it, causing Dickens to break with its publishers, Bradbury and Evans, who were also his publishers (Tomalin *CD* 298). Indeed, Bradbury and Evans informed Dickens that they declined “to gratify an eccentric wish by a preposterous action” (Tomalin *CD* 465 note 25). See also *Household Words* online at: <http://babel.hathitrust.org/cgi/pt?id=uc1.32106011955066;view=1up;seq=611>.

¹⁸² Among the rumors circulating were allegations that Dickens’s “sister-in-law had three children by him”, and an acquaintance reported to his friend, the influential social thinker and art critic John Ruskin, that one reason Dickens had turned the mother of his children out of his house was that she had a “cutaneous eruption” (Slater *DW* 150).

¹⁸³ Michael Slater suggests that by the summer of 1858 juicy gossip was circulating among the London Clubs concerning Dickens’s incestuous relationship with his sister-in-law Georgina, and his liaison with the young Ternan, which talk persisted and followed Dickens into the countryside when he went on his nationwide reading tour later that year, even being referenced in Scottish newspaper stories while he was reading there (Slater *DW* 148-9). By May, 1858 London was buzzing with rumors of Dickens’s adulterous conduct as Annie Thackeray notes in a letter to a friend, relating that she had been told by her father, William Makepeace Thackeray, a member of Dickens’s literary circle, that Charley Dickens claimed to have unexpectedly encountered his father walking alone on Hampstead Heath with Ellen Ternan, which report only fueled the speculations further (Tomalin *CD* 297). Yet, Dickens fails to identify either young woman by name in his public refutation of the gossip about their connection to him.

¹⁸⁴ After refusing to re-publish his “Personal” announcement in their publication, *Punch*, Dickens not only broke off with his publishers, Bradbury and Evans, but he later refused to attend the wedding of his eldest son, Charley to Mr. Evans’s daughter. Around this time Dickens also ended his friendship with Mark Lemon who was assisting Mrs. Dickens in the separation discussions, even asking his children to cease seeing the Lemon children who were their friends (Tomalin *CD* 297-8).

¹⁸⁵ In *Little Dorrit* (1857), written shortly before his own domestic debacle became public, Dickens portrays several unhappy marriages, particularly those of Mrs. Clennam, whose “strange marriage” to Mr. Clennam resulted in their living apart and on separate continents for decades since their union was based on “revenge, and a suppression”; the mercenary marriage of the Merdles which collapses along with Mr. Merdle’s financial ponzi scheme and his suicide; the unfortunate marriage of Fanny Dorrit to the feckless Mr. Sparkler, Mrs. Merdle’s son from a prior marriage; and , the abusive marriage of Pet Meagles to Henry Gowan who expects his wife’s father to replenish his fortunes, prompting his mother to remind Mr. Meagles that, “They are fast married, and can’t be unmarried,” echoing Dickens’s persistent pre-occupation with the legal impediments to divorce, even where the marriage has become untenable (Dickens, *Little Dorrit* 804, 546).

¹⁸⁶ In the infamous “Violated Letter” which Dickens wrote on May 25, 1858 in the midst of separation negotiations, he paints himself as the injured and innocent spouse, implies that his wife’s mother and sister had slandered him by suggesting he was an adulterer, while he accuses his wife of being an unloving mother and having a “mental disorder,” thus setting her up for commitment to an asylum should she or her relations prove uncooperative (Slater 374; Tomalin *CD* 299). This letter was given to his friend, Arthur Smith to do with as he (Smith) determined, and it was promptly given to the London correspondent of the *New York Tribune* with the letter appearing in print in New York on August 16, and soon copied and re-printed by London papers including *The Times* (Tomalin *CD* 299).

¹⁸⁷ The full name of the law was “An Act to Amend the Law Relating to Divorce and Matrimonial Causes in England,” 20&21 Vict., c. 85 (1857).

¹⁸⁸ Under the new law, by 1858 a separate Divorce and Matrimonial Court had been established that consolidated all chancery, probate, Parliamentary, ecclesiastical and civil matters related to divorce and family matters into a single, specialized judicial forum that made custody orders and awarded both child support, and where appropriate even alimony (Wright *UK* 907-908).

¹⁸⁹ A May 20 letter from Catherine to Mark Lemon may hint at her possible pursuit of divorce, however this letter so distressed Lemon that he forwarded it to Dickens’s friend John Forster who was assisting Dickens in the negotiations, and the letter was no longer mentioned thereafter, and seems to have disappeared (Slater 148). Forster at this time was the Secretary to the Commissioners of Lunacy, the body authorizing commitments to asylums. Shortly thereafter, a Deed of Separation was reached during the Summer, 1858 in which Dickens agreed to pay Catherine £600 per annum, which was a reasonably generous allowance, although it also meant Catherine was banished from the family’s homes and limited in her contact with her children (Slater 151). Catherine maintained a separate residence for 12 years, describing herself as already a widow. After Dickens’s death, Catherine re-united with all her children and even her sister, Georgina who had sided with Dickens in the separation. Dickens’s eldest son Charley, bought Gad’s Hill after his father’s death and his mother often visited there “enjoying the company of her grandchildren” (Tomalin *CD* 404). Dickens may have had the power during his lifetime, but Catherine prevailed in the end.

¹⁹⁰ Women in England were not legally disenfranchised from voting in Parliamentary Elections until the Reform Act of 1832 which explicitly excluded women, even if they met the property requirements, and there is evidence that some women did exercise the vote prior to this law’s enactment; women were further disenfranchised from municipal elections in which many more qualified woman had voted, by the Municipal Corporations Act of 1835 (Chalus 20). Indeed, Queen Adelaide, William IV’s wife, strongly lobbied against the passage of the Reform Act of 1832, and was so feared in influencing her husband against the bill that pro-Reformists circulated pamphlets lobbying against this “Petticoat Plot” and its goal of scuppering the law (Gleadle & Richardson 5).

¹⁹¹ Reference is to: Ian Watt, *The Rise of the Novel*. U of California P, 1957; Jeff Nunokawa, *The Afterlife of Property: Domestic Security and the Victorian Novel*, Princeton UP, 1994.

¹⁹² In the first nine years of the new Matrimonial and Divorce Court established in 1858, there were over 2500 divorce petitions filed, with the vast majority of wives walking away with no property and no order for future support although they were the injured and innocent spouse in the marital breakdown. This suggests that freeing themselves from a failed marriage was a more important outcome than wrangling over assets, particularly as their resumption of *feme sole* status allowed them to acquire and keep their subsequent separate property (Wright *UTK* 908-909).

¹⁹³ For example, in a novel such as Dickens's *David Copperfield* (1849-50), the narrative may conclude with the happy union of David and Agnes Wickfield (*DC* 844), but the text is strewn with failed marriages: Clara Copperfield's unfortunate second union with the predatory Mr. Murdstone who is cruel and abusive to David and immediately assumes ownership and control of Clara's property from her first marriage while bullying her to death; David's own first marriage to the childish and incompetent Dora Spenlow; and Aunt Betsey Trotwood's marriage to a violent rogue and adulterer who repeatedly returns to her for money, contrary to the terms of their informal separation agreement (*DC* 669-70). Aunt Betsey calls herself an "incurable fool" for having believed in the myth of marriage, suggesting that despite concluding many of his novels with a culminating union, Dickens like many mid-Victorian novelists including Anne Brontë, William Thackeray, and Anthony Trollope, expends considerable space examining the many variations of failed marriages. See also, Hager *DARD* at p. 5.

¹⁹⁴ As discussed in Chapter 3, "skirmish" literature is a term applied by French theorist Jean-François Lyotard at fictions designed to "gnaw away at the great institutionalized narrative apparatus" through the instigation of numerous "skirmishes that take place on the sidelines" (Lyotard 132).

¹⁹⁵ Grandcourt's intentions are made clear when he indicates that he wanted to marry Gwendolen in order to "more thoroughly" establish his mastery over her. After all, "he judged he had not married a simpleton unable to perceive the impossibility of escape..." (Eliot *DD* 425).

¹⁹⁶ Rebecca Steinetz in her analysis of Emily Brontë's *Wuthering Heights* (1847), suggests that the novel is about the "fundamental experience of place as displacement," since Catherine Linton, née Earnshaw, is harangued and harassed by the men in her life, and "finds little space readily available to her at Wuthering Heights, emotionally, physically, and structurally" (Steinetz 256-257). However, unlike Anne's heroine, Catherine is never able to find release from male authority, and instead "replace(s) emplacement with displacement" (Steinetz 257). As a result, Catherine never recovers from her marital displacement, even in death.

¹⁹⁷ In their study of Female Communities from 1600-1800, Rebecca D'Monte and Nicole Pohl argue that the exploration of female communities was a "consistent theme" in English Literature, however, I suggest that it is more than a theme, but rather an alternative plot that persists throughout the long nineteenth century, and challenges the domination of the marriage plot with its advocacy of a cooperative rather than competitive and hierarchical system of socio-legal organization (D'Monte & Pohl 3).

¹⁹⁸ Nardin notes that Scott conveniently kills off all the domineering and abusive men who stand between the women and the "autonomy enjoyed only by mature single women and widows," making Millenium Hall a community built on a series of convenient male deaths (Nardin 34).

¹⁹⁹ Frances Power Cobbe addressed the pressing concern for providing marriage alternatives for the surplus female population in her well-known essay, "What Shall We Do with Our Old Maids?" published in the 1862 edition of *Frazer's Magazine*, noting that at least one-fourth of the female population "is certain not to marry" and decrying schemes whose only solution was to deport nearly half a million surplus women. Cobbe suggests instead that making women's labor more remunerative would be a start in addressing this issue and making women's independent lives both free and happy (Lacey 354-355).

²⁰⁰ Reference is to Mary Astell's *A Serious Proposal to the Ladies* (1694), and Margaret Cavendish's *The Convent of Pleasure* (1668) and *The Blazing World* (1666). See, also e.g., D'Monte & Pohl at p. 11, and *Introduction to The Magdalen House* at pp. xii-xiii.

²⁰¹ The ninth rule states: "The expences of sickness shall be discharged by the patroness of this society" (Scott *MH* 117).

²⁰² While elite artistic and intellectual women such as the Bluestockings of the second half of the eighteenth century, or Georgiana Cavendish, the Duchess of Devonshire and wife of the fifth Duke, were active in exercising their own brand of political influence by directing campaigns and controlling their families' political power, they generally did not vote nor seek the vote for themselves. Instead, they used their role as "political hostesses" to sway outcomes (Gleadle & Richardson 154-5).

²⁰³ In 1849, Barbara Leigh Bodichon, a single woman with an independent annuity, started *The English Women's Journal*, a publication designed to promote women's causes, which was based at 19 Langham Place in London. Out of this beginning, a group of women came together to form the Society for the Promotion of the Employment of Women, often called "the Langham Place Group" and which included Frances Powers Cobbe, and Besse Rayner Parkes, among many others, and whose goal was to lobby for changes in the laws and practices affecting women's rights and opportunities through articles, pamphlets, lectures and petitions. (Lacey 1-5). Elizabeth Gaskell knew Barbara Leigh Bodichon, and was a signatory on petitions authored by the Langham Place Group including one in support of a Married Women's Property Bill since Gaskell herself "received none of the income from her writing but had to depend on her husband giving her a small allowance" (Lacey 4-5). See also the full text of the 1882 Amendment to the Married Women's Property Act (45 & 46 Vict. c. 75) at: http://www.legislation.gov.uk/ukpga/1882/75/pdfs/ukpga_18820075_en.pdf.

²⁰⁴ In 1840, novelist William Thackeray's wife, Isabella, apparently lapsed into a madness attributed to a delayed reaction to childbirth. He first had her confined in a Parisian asylum, and later placed her under private confinement in England upon the advice of his friend, the poet, playwright and Lunacy Commissioner, Bryan Procter (Small 180-181). Both Thackeray and Procter were in Dickens's circle of friends. In 1862 Wilkie Collins dedicates *The Woman in White* to Procter.

²⁰⁵ The 1774 Act for the Regulation of Private Madhouses (14 Geo.3 c.49) required only a single medical certification to commit a paying patient to a private madhouse, and no certificate if the patient was confined in his or her own home. The 1828 Act to Regulate the Care and Treatment of Insane Persons in England, also known as, The Madhouse Act (Geo. 4., c.40) superseded the earlier law and now required two certificates of lunacy by two different doctors for private patients; paupers only required one doctor's certification and the second certification could be from a clergyman, magistrate, even schoolteacher (Wise xxi). In 1845 the Lunatics Act (8 & 9 Vict. c.100) attempted to impose an orderly and regulated procedure for commitments by establishing the Lunacy Commission to review cases. Many of these Commissioners like John Forster, Bryan Procter, and others were influential men, but had no training or experience in mental health assessment or treatment, and indeed Forster and Procter were writers and personal friends of both Dickens and Bulwer-Lytton. The increasing number of such commitments led to public panics in the 1850s and 1860s about the rate of asylum commitments occurring and the lack of any standards to assess mental condition (Wise 252).

²⁰⁶ The Lunacy Acts also resulted in the establishment of the Lunacy Commission, a centralized inspectorate intended to oversee commitments and even persuade a signatory to change his opinion in cases of doubtful incarceration. The Lunacy Commission consisted of 12 Commissioners in Lunacy, six of whom were employed and paid on a full-time basis and consisted of three lawyers and three doctors, assisted by five part-time lay members. The Commission had the power to inspect the 949 institutions housing certified lunatics, and had the authority to license such institutions, and to review dubious commitments. The problem was that no uniform standards for treatment or commitment were established so that inconsistencies and injustices were rampant (Wise 82-83). Moreover, those confined in private houses with only a single medical certification, were not subject to any Commission oversight since no public funds were being expended in their behalf.

²⁰⁷ According to Nicholas Rogers, more than 28 Vagrancy Laws were passed between 1700 and 1824 whose policies after several series of Select Committees investigated, were consolidated into the 1834 Poor

Law Amendment (Rogers 128-9). More than half the women arrested for vagrancy in London in the last decade of the eighteenth century were single and had no means of support, while another 20% of the women arrested were married with husbands who had abandoned them or were drunk and idle (Rogers 134). While men certainly could find themselves arrested for vagrancy, Rogers's extensive study of conviction and incarceration records for London and surrounding counties in the eighteenth century leads to his conclusion that "the vast majority of those indicted for vagabondage in eighteenth-century London were women, a fact seldom acknowledged by contemporaries" (Rogers 133). The problem of arrests and confinement was exacerbated by the fact that many unscrupulous officers, mostly constables and beadles, were incentivized by being paid a bounty of between 2 and 10 shillings for each vagrant brought before a magistrate (Rogers 129-30).

²⁰⁸ In *The Wrongs of Women, or Maria*, Mary Wollstonecraft specifically addresses the disparity of employment opportunities, when the asylum servant, Jemima tells of her own difficulties in finding respectable employment, condemning those books that claim "every person willing to work may find employment," and noting that men may lapse into "insensible indolence," but women "will submit to the most menial bodily labour," if they could find it, presumably to avoid any pretext for their arrest or confinement (Wollstonecraft *WOW* 88).

²⁰⁹ In a twist on this convention, Charles Reade in *Hard Cash* (1863) reverses gender by having his hero wrongfully incarcerated in a lunatic asylum by his villainous father who plans to take his son's inheritance, drawing heavily on the real case of Edward Fletcher who in 1858 was confined to an asylum by "greedy uncles" and was another episode that spurred the "lunacy panic" of that year (Wise 199).

²¹⁰ For example, much of Jemima's story of being orphaned, going into service and being a sexual resource, her corruption into vice and a stint in a whore house seem derivative of Daniel Defoe's *Moll Flanders* (1722).

²¹¹ While Margaret Anne Doody defends Wollstonecraft's radicalism in freeing herself from the limits of sentimental conventions, Janet Todd sees the text as emptying madness of its signification, and making it a "trope of sentimental fiction" (Wise 30).

²¹² The 1828 Madhouse Act superseded the Act of the Private Regulation of Madhouses in 1774 (14 Geo. 3. c.49) which was the first legislation to regulate private lunacy care, provided that "madhouse keepers could only accept a paying patient upon the signed certificate of a medical man." (Wise xix).

²¹³ In the 1840s to 1850s, Mrs. Catherine Cumming, a widow in her seventies with an inheritance in excess of £30,000, was embroiled in a lengthy series of trials before the Lunacy Commissioners over claims of her insanity which she fought to avoid being committed by her adult children who asserted that she was "morally mad" because she showed some eccentric behaviors including doting on her five cats and disinheriting her children and their spouses. Allegations against Mrs. Cumming also included charges that she ceased, "being ladylike and civil," that she engaged in "rages" and that her dislike of her greedy children showed a "deviation from maternal affection [that] was a strong indicator of moral insanity" (Wise 134, 136, 146). While Mrs. Cumming, with the help of her lawyer and friends eventually survived her stints in the asylum and several insanity proceedings to reclaim the property that had been placed in trust on her daughters' allegations that she was "unfit to manage her affairs," her case provides insight into contemporary views of what constituted "moral madness" or "moral insanity," suggesting that it was used as a buzzword to cover any behaviors that someone else deemed deviated from the expected norm (Wise 147). It also demonstrates the corruptness of the lunacy system, and the ease with which women were particularly vulnerable if they had property. Indeed, the doctors who certified Mrs. Cumming as mad never met with her at any length, nor had they spoken with the nurse who cared for her. Instead, they relied on the family representations of her unnatural dislike of her children as the basis for signing the lunacy order (Wise 137). Although one of the two physicians was a business partner of her son-in-law's, this conflict-of-

interest was never brought out at the time, but it reveals how corrupt the process was, allowing the commitment despite a committing doctor's pecuniary relationship with an interested party. *Jane Eyre* closely makes use of such actual insanity proceedings, and highlights how the law made it easy to displace vulnerable women from their social place and from their property (Wise 137).

²¹⁴ Sarah Wise suggests that Bertha Rochester is first characterized as a "moral maniac" and then her intellect collapsed entirely (Wise 201).

²¹⁵ In her 1966 re-imagining of the story from Bertha's viewpoint, Jean Rhys in *The Wide Sargasso Sea*, suggests not a mad Bertha, but a creature of the tropics, of light, color, warmth, and freedom of movement who is brought to an England she has heard about as a promised land, but finds it cold, confining, and confusing: "I...lie shivering for it is very cold...I have been brought here...They tell me I am in England, but I don't believe them," she says in her first days at Thornfield (Rhys 106-07). Rhys suggests that Bertha is a woman confused and disoriented by her radical displacement.

²¹⁶ Mrs. Cumming was also declared to suffer from a "moral madness" for disliking and disowning her children, and preferring her cats, acts viewed as unnatural.

²¹⁷ Here, Small references a letter from Charlotte Bronte to her friend, Ellen Nussey in 1834 in which she insists that the canon of current good fiction was reduced to one writer alone, Walter Scott (Small 157). His novel, *Ivanhoe, a romance*, was published in 1820.

²¹⁸ As Candida Lacey notes, a marriage ceremony with one who is a lunatic or idiot is void *ab initio*, because that person lacks the capacity to consent to marry. However, "insanity after marriage does not make the marriage null and void," meaning that if Bertha appeared normal when they wed, Rochester indeed cannot divorce her on the grounds of madness manifesting after the marriage (Lacey 24).

²¹⁹ A similar approach comes from Adrienne Rich who concludes that Victorian narratives of female confinement demonstrate the madness women suffer because of the infantile dependency to which they are lawfully relegated in a patriarchal society, and because of their legal eradication upon marriage (Rich 470).

²²⁰ Elaine Showalter famously characterized Victorian sensation novels as "a genre in which everything that was not forbidden was compulsory," from Elaine Showalter, *A Literature of Their Own: British Women Novelists from Bronte to Lessing*. Princeton: Princeton Univ. Press, 1977, at p. 158.

²²¹ At first, Dr. Mosgrove believes Robert wants to prevent the "esclandre" of a Chancery suit, but Robert is not thinking of marital annulment, or even a lunacy proceeding, but a criminal murder trial (Braddon 377). Even, Lady Audley's husband, Sir Michael, after hearing the details of his wife's story can only think of her with bitterness, not pity for her poverty, her abandonment by her first husband, her efforts to survive and her determination to re-invent herself, and he leaves the room never to see her again (Braddon 358).

²²² While Alicia Audley as Sir Michael's only child is his heiress, Robert Audley, his nephew and nearest male relation will inherit the title of baronet after his uncle (Braddon 32-33).

²²³ The story of Mme. Douhault was reported in *The Cornhill Magazine*, Vol. 7, 1863, pp. 629-637 during the end of the lunacy panics in England. She had been the wealthy widow of the Marquis de Douhault who himself had been institutionalized for over 20 years before he died. Mme. Douhault had one brother who had been stealing the wealth left by their father from under his mother and sister. Lured by her brother to Paris, Mme. Douhault's next recollection was waking up in the Asylum of Saltpetrière, a hospital for female lunatics and criminals. While in the asylum under the assumed name, of Anne Buirette, Mme. Douhault was declared dead, and her brother, who orchestrated her commitment, took possession of her property as her nearest male relation. When she was released some three years later she brought a civil action to regain her

identity and her property, but the court did not believe her although she had the physical marks of Mme. Douhalt and several witnesses testified that her brother had tampered with them to get favorable testimony. She died unable to regain her identity or her property.

²²⁴ Small links Miss Havisham to the many real-life recluses Dickens would have known about (Small 191). Dickens began publishing *Great Expectations* in the December 1860 issue of *All the Year Round*. He had just finished publishing the serialized version of Collins's *The Woman in White* in August, 1860.

²²⁵ Although the text makes clear that Anne was unlikely to know the substance of the secret, even her mere suggestion that there is a secret of Glyde's past seems enough for her to have been condemned to the asylum, particularly where that committal brought a steady income to her mother as a pay-off from Glyde for her silence (Collins *WfW* 480-81).

²²⁶ The full name of the law was, "An Act to amend the representation of the people in England and Wales," 2&3 Wm. IV, c. 45. A subsequent Municipal Corporations Act of 1835 barred qualified women from voting in local elections (Gleadle & Richardson 20).

²²⁷ In the eighteenth century some women did hold the vote in their own names in some burgh and freeholder boroughs, even testifying in disputed elections cases held under the auspices of the House of Commons. This right changed with the formal exclusion of women property owners as voters in 1832 by the Reform Act (Davidoff and Hall xxiii).

²²⁸ As Elaine Chalus explain, rights in property and place also defined the right of franchise, since for example, after 1768 all inhabitant householders in certain "potwalloper or householder boroughs" had the franchise, except those on poor relief (Chalus 22). The vote was not necessarily tied to fee ownership, but only required an interest or right of place, so that even women with only burgh rights, that is, a tenure of land in a town held in return for service or annual rent, "had 'places recognized by custom and by the determination of election committees'" (Chalus 22). Having a legally recognized connection to a particular piece of land or a particular place provided the holder with rights of civic participation.

²²⁹ Jane does share part of her inheritance with her cousins who cared for her in her illness.

²³⁰ Charlotte Brontë's next novel, *Shirley* (1849), is set in the first decades of the nineteenth century during the Luddite riots in Yorkshire. As with *Jane Eyre*, the eponymous heroine inherits wealth and property, including a mill, albeit much earlier in the novel than Jane. Shirley Keeldar, spends most of the novel using her wealth and power to influence and effect change in her community, giving roles of importance to marginalized spinsters, and directing local clergy and leaders to improve workers' conditions, expand education and mediate the ongoing war between the masters and mill workers. She self-denominates, calling herself "Captain Keeldar" and often refers to herself with male pronouns to demonstrate that she exercises the power associated with her wealth like a man, even initiating a marriage proposal to her former tutor: "I do not ask you to take off my shoulders all the cares and duties of property, but I ask you to share the burden" (C. Brontë *Shirley* (274, 624). However, once she is engaged to wed Shirley becomes silent: "She will neither say Yes nor No to any question put." The suggestion is that like Charlotte Brontë's earlier heroine, Jane Eyre, who initially was outspoken and feisty, Shirley is willing to be subsumed into marriage, her taciturn lack of activity in the closing chapters signaling an acceptance of her new, subordinate role, in which she cedes control of her property and place to her husband (C. Brontë *Shirley* 639).

²³¹ Reference is to Jill Matus, "'Strong Family Likeness': *Jane Eyre* and to *The Tenant of Wildfell Hall*." *The Cambridge Companion to the Brontës*, edited by Heather Glen, Cambridge UP, 2002, p. 119; and, Mary Margaret Berg. "*The Tenant of Wildfell Hall: Anne Brontë's Jane Eyre*." *Victorian Newsletter*, vol. 71, 1987, pp. 13-14. The lapse between the writing of the two novels suggests that Anne had sufficient time after her elder sister finished to make her novel a response to *Jane Eyre*.

²³² Here, Brontë makes the kind of argument that is soon reiterated by mid-Victorian activists such as Barbara Leigh Bodichon and the Langham Place Group who were challenging the laws and practices that denied women equal educational and professional opportunities, with Bodichon ironically noting in an 1854 treatise on the legal condition of unmarried women and spinsters, that “the professions of law and medicine, whether or not closed by law, are closed in fact” and that “there is no important office which they can hold, with the single exception of Sovereign,” (Lacey 23).

²³³ While the 1839 Custody of Infants Act recognized some legal rights in a mother to the custody of and contact with her children, even this act was very limited in scope since a mother’s role in child responsibility was legally viewed as “secondary” (Berry 33). A mother who was blameless in the failure of the marriage and of good character could petition the court for custody of children under age 7, but she could only seek visitation with children over 7, since the father, as the person with the financial means, was considered the primary custodial parent (Wright *TCCC* 210-213).

²³⁴ Courts rarely awarded custody of even small infants to mothers except in the most extraordinary circumstances. One argument against granting mother’s custody was that it would lead to “separation, perjury, immorality, and social instability,” suggesting that a woman stayed and did not flee the marital home in order to stay with her children (Wright *TCCC* 214).

²³⁵ Pre-dating the Matrimonial Causes Act of 1857, Helen could only rid herself of her abusive and adulterous husband in two ways: his death or the expensive bifurcated procedure of an ecclesiastical divorce *a mensa et thoro*, literally from bed and board. Then, she had to secure the evidence of adultery plus drunkenness, cruelty or other aggravating circumstance, after which she could petition Parliament for a full divorce, a process that was lengthy and costly, and generally unsuccessful for women since in the hundred years before the Matrimonial Causes Act only four women were successful in securing divorces in this manner: Georgina Hall in 1850 (13 & 14 Vict. c.25); Ann Battersby in 1840 (3&4 Vict. c.48); Louisa Turton in 1831 (1&2 Will. 4 c. 35); and Jane Campbell (Addison) in 1801 (41 Geo.III. c.102). (Wright *UK* 906).

²³⁶ It is ironic that Dickens seems in favor of a mother’s custody rights and a wife’s right to independent property when within a few years he would be vigorously depriving his own wife of custody of her children and the right to reside in the family homes.

²³⁷ As Nancy Anderson notes, Linton wrote this piece at the behest of Dickens for whom she had been submitting articles for a few years and before she permanently became the vocal anti-feminist of her later writings (N.F. Anderson 138).

²³⁸ There is speculation that Anne drew upon the dysfunctional marital experiences of a Mrs. Collins who visited the Brontës in April 1847, and was an abused wife who managed to take care of herself and her children after being abandoned by her husband (C. Colòn 21).

²³⁹ For more detailed information regarding Caroline Norton’s situation, and her writings in furtherance of women’s custody and property rights, see, for example, Norton, Caroline. *Caroline Norton’s Defense: English Laws for Women in the Nineteenth Century*. 1854 Chicago: Academy Chicago, 1982.

²⁴⁰ For a more detailed discussion of the Dower Act of 1833, see Ch. 5, Note 46.

²⁴¹ See, The Slavery Abolition Act, 1833 (3 & 4 Will. IV c. 73) which was enacted almost simultaneously with The Dower Act, 1833 (3 & 4 Will. IV c. 105), the law that eradicated a widow’s common law right to dower.

²⁴² In a well-known essay entitled “Criminals, Idiots, Women and Minors. Is the Classification Sound?” published in *Frazer’s Magazine* in December 1868, Frances Powers Cobbe famously poses this question asking why intelligent, adult women are treated as children or mentally defective merely because they married (Lacey 378-401).

²⁴³ Acosta references Raymond Trousson’s *D’Utopia et d’Utopistes* (1798, Paris: L’Harmattan, 1998) for her definition of utopia.

²⁴⁴ A similar community is found in Clara Reeve’s 1791 epistolary novel, *The School For Widows*, about two childhood friends who lived hard lives as the virtuous wives of improvident and immoral husbands, and who are left as penniless widows. They join forces and open a school for girls, and eventually become productive members of society, providing an example of a potential opportunity for widows in eighteenth-century England.

²⁴⁵ Scott’s sister, Elizabeth Montagu, was the leader of the Bluestockings, a mid-eighteenth century group of upper class, women of independent means who set about involving women in a variety of more public intellectual and cultural endeavors through social gatherings and exhibitions (G. Kelly *Women’s* 166-7). See also, Eger and Peltz, *Brilliant Women: 18th Century Bluestockings* at pp. 31-35.

²⁴⁶ There is even a discussion of how this community works to preserve natural resources including water, animals and woodland viewing themselves as a “joint tenant” with the “animal race” in perfect equality of nature’s bounty,” suggesting a nascent environmentalism that is contrasted with masculine exploitation of resources, in which man is characterized as a “merciless destroyer” (Scott *MH* 69).

²⁴⁷ *Black’s Law Dictionary, rev. 4th ed.*, defines a commonwealth as “a republican frame of government, -- one in which the welfare and rights of the entire mass of people are the main consideration, rather than the privileges of a class or the will of a monarch,” (Black 348).

²⁴⁸ As Emma Liggins notes, by 1862 when Dora Greenwell wrote a piece on “Our Single Women” for the *North British Review*, 36 (1862): 62-87, *Cranford* was seen as “an example of a vanishing way of life for the Victorian woman” because of its emphasis on women remaining “at anchor for the rest of life” instead of seeking opportunities in the larger world (Liggins *Odd* 54).

²⁴⁹ Boone similarly suggests that the lack of men in the novel “insures the relative autonomy of Cranford’s women” (Boone 298).

²⁵⁰ For example, Jessie Brown, who loses both her father and sister early in the novel, and is left near destitution and must consider working in a shop, is encouraged by Deborah Jenkyns to accept the renewed proposal of a suitor, Major Gordon, a move that rescues Jessie financially, but which also separates her from the Cranford community since her husband had inherited an estate in Scotland and he also was posted abroad (*Cranford* 28-29, 183).

²⁵¹ Gaskell seems to somewhat revert to the older form of female utopia in her later novel, *My Lady Ludlow* (1858), originally published in Dickens’s *Household Words*, and which recounts the daily lives of the widowed Countess of Ludlow of Hanbury and the spinster Miss Galindo, whose father was a Baronet, and their caring for and providing a conventional female education to single women and girls from good families on Lady Ludlow’s estate. Thus, there is another community of women created, but one that is both somewhat isolated from the larger community, and also more hierarchical in organization, since Lady Ludlow is the singular final word on all matters pertaining to the estate’s running and the educations provided to the women in her care.

²⁵² Samuel Richardson uses the term in *Clarissa* (1747) to convey this same domestic meaning, as when the heroine's friend, Miss Howe, describes her deceased friend as "an excellent ECONOMIST and HOUSEWIFE" (Richardson C 1468, L529).

²⁵³ Skinner also notes that for the period 1710 to 1841 the *Oxford English Dictionary* records that "economy" and "economist" were terms rapidly migrating out of the domestic and into the commercial sphere (Skinner 5).

²⁵⁴ Referencing Raymond Williams's similar explanation of the evolving definition of "economy," James Mulvihill notes that the term initially referred to the management of a household, then the management of a community, until it expanded to reference a system of "production, distribution, and exchange," (Mulvihill 337-8).

²⁵⁵ In *Howard's End* the independent spinster, Margaret Schlegel befriends Mrs. Wilcox, the wife of a wealthy representative of British commercial and imperial endeavors. When a dying Mrs. Wilcox learns that the Schlegel sisters are to lose their childhood home to the developers, she informally leaves her own childhood home and the one property she owns separate from her husband, Howard's End, to Margaret, setting off a crisis in the Wilcox family (Forster 93-94). The confused state of ownership is resolved when Margaret later marries Mr. Wilcox and by agreement, he cedes Margaret that same Howard's End and reveals his first wife's earlier intentions. Here, Forster suggests the longevity and power of these female connections since Mrs. Wilcox's dying concern was to provide a home for the Schlegels to counter the displacement of two women with whom she had developed a warm connection outside of her immediate family circle (Forster 73-74). See also, Conclusion, *infra*.

²⁵⁶ Similarly, later novels written at the height of the women's suffrage movement in the years before World War I and at the end of the long nineteenth century, reinforce the idea of female utopian communities transitioning into female networks of mutual purpose and support such as Gertrude Colmore's *Suffragette Sally* (1911) which follows three women from very different classes as they join together and support one another during the period of militant efforts for the vote.

²⁵⁷ The Reform Act of 1832 is designated as: William IV c. 45 (7 June 1832). Patricia Ingham in her Introduction to the Penguin Classics edition of *Cranford* suggests that the first chapter is set in the 1830s while Deborah Jenkyns is still alive, and the remaining chapters are set in the 1840s and 1850s (Ingham *Intro*. xiii).

²⁵⁸ For example, in the archives of The Women's Library, London, now part of the London School of Economics, there is a 1911 letter on WSPU (Women's Social and Political Union) letterhead and signed, "E. Pankhurst," in which the leader of the women's suffrage movement expresses gratitude to a Mrs. Sterling for "having unearthed and published such a valuable piece of evidence that women voted prior to the Reform Bill of 1832." Pankhurst, Emmeline. Letter to Mrs. Sterling. 11 May 1911. Microfiche Box 4. v. 10(A) v.22. [Originals in Box AL 11]. The Women's Library, London, UK. For years, Mrs. Pankhurst had been amassing evidence that some women who otherwise met the property qualifications had indeed voted in both parochial and Parliamentary elections in the last decades of the eighteenth century and the first decades of the nineteenth century to bolster her claim to re-enfranchise women.

²⁵⁹ On May 20, 1867, during the debates in Parliament regarding the Second Reform Bill intended to expand the franchise further, John Stuart Mill argued that qualified women should be included, proposing that the word "man" be substituted to that of "person." This was consistent with the argument he makes in his 1859 treatise, *Thoughts on Parliamentary Reform*, "That all should be admitted to the franchise who can fulfill these simple requirements" (Mill 25).

²⁶⁰ William IV assented to the Act on June 7, 1832.

²⁶¹ In 1854 Barbara Leigh Bodichon published *A Brief Summary, in Plain Language, of the Most Important Laws Concerning Women: Together with a Few Observations Thereon*, which begins by noting that although a single women has the same rights to property, to protection from the law, and has to pay taxes like a man, “Yet a woman of the age of twenty-one, having the requisite property qualifications, cannot vote in elections for members of Parliament” (Lacey 23).

Notes to Conclusion: 1882 to 1919

²⁶² See, Holcombe at p. 277 for these, the major provisions of the 1870 and 1874 Married Women’s Property Acts.

²⁶³ In Thomas Hardy’s 1891 novel, *Tess of the D’Urbervilles*, the heroine’s disconnection from land, title, and wealth is the culmination of generations of feckless male ancestors that preceded her to the point of extinction rather than legal practices that excluded female ownership or inheritance (Hardy *Tess* 14-15).

²⁶⁴ While the Madden sisters find themselves in dire circumstances with the death of their father, a lack of training, and a small, shared legacy, an almost identical situation proves an opportunity for the Lorimer sisters of Amy Levy’s 1888 novel, *The Romance of a Shop*. Although the four sisters are left only £500 aggregately upon the sudden death of their father, the Lorimers reject the idea of trying to preserve their principle and live on the small interest generated as the Maddens do, concluding that becoming teachers or governesses is unacceptable because it would separate them. Instead, they boldly decide to invest their capital in opening a photography studio in central London as entrepreneurs because “a business...It is progressive; a creature capable of growth; the very qualities in which women’s work is dreadfully lacking,” as Gertrude Lorimer explains to her sisters (Levy 54-55). In this regard, the Lorimer sisters’ willingness to risk the little they have by investing it in themselves and engaging in commerce pays off as they gain skill in business and find themselves in a world “more varied and interesting than their own,” (Levy 135). Much like Rhoda Nunn and Mary Barfoot in *The Odd Women*, they invade the masculine province of commerce as “new women” and eventually succeed.

²⁶⁵ Conciliation Bills had been proposed for the three succeeding years of 1910, 1911 and 1912 based upon petitions submitted to the government to enfranchise women, and containing hundreds of thousands of signatures. Although a majority of members of Parliament approved these bills, they were routinely sidelined by Prime Minister Asquith in his efforts to enfranchise all men before any women got the vote.

²⁶⁶ The enfranchisement of all women over 21 years of age did not occur until the Equal Franchise Act of 1928 (18 & 19 Geo.5, ch. 12) which increased the number of women eligible to vote by 1.5 million.

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