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UNTIL DEATH DO US PART?
MARRIAGE, MOTHERHOOD, AND DIVORCE IN
THE TENANT OF WILDFELL HALL

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RESUMO

Até que a morte nos separe? Casamento, maternidade e divórcio em *The Tenant of Wildfell Hall*

The Tenant of Wildfell Hall (1848), escrito por Anne Brontë, é uma representação do sistema opressor e das expectativas sociais a que as mulheres inglesas foram submetidas ao longo da primeira metade do século XIX. O romance demonstra a realidade de muitas mulheres dessa época e apresenta as prerrogativas da sua condição enquanto esposas e mães, bem como a imutabilidade das suas circunstâncias. Além disso, o foco nas relações domésticas e nas dinâmicas de género permite um estudo aprofundado das noções de casamento e divórcio deste período e uma maior compreensão de como a lei e o costume eram esferas dominadas por homens, negando às mulheres qualquer tipo de igualdade no direito civil. Mais importante, analisada através de uma perspetiva histórico-literária, a obra mostra a premência e a necessidade de reforma jurídica, enquadrando/sendo enquadrada pelos debates ocorridos nas décadas seguintes sobre as injustiças económicas, jurídicas, políticas, sociais e culturais perpetuadas contra as mulheres, nomeadamente mulheres casadas.

Esta dissertação foca-se nas formas como o casamento e a feminilidade foram teorizados no passado. Com este estudo, procuro oferecer uma leitura minuciosa do romance, apresentando uma explicação mais ampla sobre o contexto histórico no momento da escrita, incluindo as discussões jurídicas e públicas sobre casamento e divórcio em meados do século XIX (com particular ênfase reformas legais de 1839 e 1857), os argumentos dos diferentes participantes nestas discussões e uma visão geral do desenvolvimento desses temas ao longo do século. Mostrarei também como as principais tensões da época (o “papel da mulher” como mãe e esposa, o seu estatuto legal e as perceções sociais das mulheres no seu quotidiano) são retratadas em *The Tenant of Wildfell Hall* e como o estudo do romance pode informar melhor o nosso conhecimento da vida das mulheres em Inglaterra durante a época Vitoriana.

Palavras-chave: casamento; divórcio; reformas legais; século XIX; *The Tenant of Wildfell Hall*

ABSTRACT

Until death do us part? Marriage, motherhood, and divorce in *The Tenant of Wildfell Hall*

Anne Brontë's *The Tenant of Wildfell Hall* (1848) represents the societal expectations and the oppressive system English women were forced to move in throughout the first half of the 19th century. The novel gives an account of the reality of many women at the time and an insight into their conditions as wives and mothers and the immutability of their circumstances. Furthermore, the focus on domestic relationships and on gender dynamics allows for an in-depth study of the period's notions of marriage and divorce and a greater understanding of the extent to which law and custom were male-dominated spheres, denying women any sort of civil equality. More importantly, from a historical-literary perspective, it shows how pressing the need for legal reform was, and frames/is framed by the debates which occurred in the following decades regarding the economic, legal, political, social, and cultural injustices perpetrated against women, especially married ones.

This dissertation focuses on the ways in which marriage and womanhood have been theorised in the past. With this study, I aim to offer a thorough reading of the novel by presenting an ampler explanation of the historical background at the time of writing, including the legal and public discussions about marriage and divorce in the mid-19th century (in particular the 1839 and 1857 legislation reforms), the arguments of key participants on each side of those discussions, and an overview of the development of these themes as the century went on. I will also show how the major tensions of the era ("women's roles" as mothers and wives, their legal status, and the social perceptions of women in their daily lives) are portrayed in *The Tenant of Wildfell Hall* and how the study of this novel may better inform our insights into the lives of women in Victorian England.

Keywords: 19th century; divorce; legal reforms; marriage; *The Tenant of Wildfell Hall*

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Introduction

The 19th century in England was a time of constraints on women's liberty of action and thought. In the middle of the century, "a new gender ideology pervaded the English-speaking world" (French, 2002, p. 128), and societal preconceptions about women narrowed. The cult of female domesticity and the principle of separate spheres between men and women were particularly central to the middle-class way of living, but they also had great repercussions on the lower and upper classes.

The place of the woman was then asserted around three axes: family (on the one hand, as an emanation of marriage and, on the other hand, as the nucleus of society), motherhood (to ensure the continuation of the human species), and property (this one related to work and individual liberties; Fraisse, 1991). Women were considered the caretakers of morality; a virtuous woman was key to a virtuous family and the necessary counterpoint to the aggressive and competitive characteristics of the outside world, the sphere of men. A household that was well taken care of, a husband who was satisfied, and children who were properly brought up were thought to be the crucial complement to the male public life and, by extension, to a prosperous nation.

Although this "separate but equal powers" belief was the basis of societal organisation, it served only to deepen inequality between the sexes, for women were barred from public (i.e., economic and political) matters, while men controlled the private realm through the control of their own wives and daughters. The upholding of the status quo was assured by the state through legislation: the law regulated the "personal life of its subjects" and "codified social relations along the axis of a normative heterosexuality that reinforces what counts as proper (gendered) behavior and identity" (Poovey, 1988, p. 467).

Legal prerogatives, such as the principle of coverture, which women were under upon entering the marriage institution, guaranteed that they should be "protected" by their male counterparts, which, in practice, meant that they were not considered legal subjects and therefore could not enjoy basic rights, as, for example, holding property in their name. However,

Only as long as women did not assert any desire that exceeded maternal love or transgressed the marital bond and only as long as a wife's domestic labor was rhetorically distinguished from paid labor could the illusion be maintained that there were separate spheres, that there was an antidote to the alienation of the marketplace,

and that men were fundamentally different from women. (Poovey, 1988, p. 477)

In an era when the freedom and autonomy of the individual were being asserted, the dispute about the inequality of the sexes would naturally follow. As explained by Fraisse (1991), men and women, both beings endowed with reason, should, based on this principle and on the new configuration of individual independence, be considered equals. At the same time, this meant that a re-evaluation of the gendered relationships at the base of society became even more pressing.

Addressing these territories of inequality between the sexes meant changing the structure of society as a whole, but it also meant addressing the foundation of that organisation: the law. The law had evolved, since Aristotle, as the corollary of supposed natural inequalities, such as the physical inferiority of women and, more relevantly, their weakness of reasoning (Fraisse, 1991). In the 19th century, these prerogatives, combined with the archetype of separate spheres dictated by sex, put women in increasingly subservient positions, legally existing in relation to men, the only true subjects of the law. The jurists tried to legitimise the inequality of rights by stating that such deep differences in treatment were only to women's advantage: they should be protected from themselves and their "natural" deficiencies by their male counterparts.

The female legal status was, thus, a testimony of the tensions between society and the structures of power. The fate of women was deeply intertwined with that of men because their conditions were linked. At the same time, if women wished for a change in their status, they knew it could not be done unless the law itself changed. Equality, or the next best thing available to 19th-century realistic goals, depended on resolving the conflicts within those axes mentioned earlier—it meant changing legal perceptions of marriage, motherhood, and proprietorship.

Contrary to Millet's (1972, p. 52) affirmation that "the Victorian faith in marriage was too universal and too deep to question," some individuals started doing just that, questioning the foundations of the institution and the consequences it had on women in particular, but also on society as a whole.

Crucially, progress in education meant that female literacy improved greatly in the 19th century, especially during the decades between 1830 and 1850. Even if girls' education did not go beyond the feminine requirements of basic reading and writing, religion, and domestic skills, it helped increase the readership of print culture (Reynolds, 2006) and female production of written texts. English women's literature was heavily dominated by conduct books, but there was also an expansion of novels and pamphlets, for example, written by and for women. "In such texts, women could present a female perspective on phenomena that men could explore

through more ‘respectable’ genres” (Rostek, 2019, p. 35).

These changes meant that women were, little by little, exploring the themes of marriage, motherhood, and proprietorship through literary texts both as authors (as was the case of Jane Austen, the Brontës, and Elizabeth Gaskell, to name a few) and as readers, a process which played its part in creating a group conscience that was vital in the fight for reform, especially if that reform were to take a place in a sphere from which women were excluded.

One of the novels which best explores the 19th-century gender dynamics and legal and social limitations, as well as their consequences on the lives of individuals, is Anne Brontë’s *The Tenant of Wildfell Hall* (henceforth also referred to as *Tenant*), first published in 1848. The novel tells the story of Helen Huntingdon, who we first meet as Helen Graham, and her mysterious stay at Wildfell Hall, along with her son, Arthur, and Rachel, her maid. Partly epistolary, this novel defies 19th-century social conventions: the female protagonist is an artist who apparently makes a living out of selling her works and, most strikingly, a single mother in seclusion. Helen is rapidly judged by the village people, and all sorts of stories are made up about her and her past. Later, as she gives her diary to her suitor, Gilbert Markham, to explain why she cannot have a relationship with him, we learn that she has escaped from her abusive and alcoholic husband, Arthur Huntingdon, and lives in isolation so as to protect her son from his father’s vices.

By many considered a truly feminist novel, *Tenant*’s story is a reverberation of the *zeitgeist* of mid-19th century England, where an upheaval about family law was taking place. Bellamy (2005, p. 255) states that Brontë “placed her novel firmly in the context of women’s legal status of her times and the slow changes being brought about,” but also that “readers today miss the significance of much of Anne’s writing because they are not aware of these issues.” Indeed, upon a first reading of the novel, we are left with many unanswered questions. For a modern reader, it may be difficult to understand Helen Huntingdon’s course of action, her overprotective view of motherhood, and her elusive form of handling marital emotional and psychological abuse. Reading the novel today, one is brought to simply ask, “why does she not just leave this oppressive environment and start anew?” *Tenant* is then a novel which, I believe, cannot be fully enjoyed without some understanding of its historical context. This dissertation is thus an attempt to go further in my reading (and other readings) of the novel and give an ampler view of the legal, political, economic, and social struggles that frame it. I wish to offer a thorough account of the most impactful legal changes in mid-19th century English law and how these shaped women’s conditions and their roles as wives and mothers to later better

inform my assessment of the novel. Basing my research on the attentive reading and further analysis of academic papers and monographs, but also of some primary sources (i.e., coeval texts), I offer a historical and literary analysis of *Tenant*, structuring this dissertation as follows.

The first two parts will provide the historical background for the social scenes and political and legal debates which I believe are the most important to the understanding of *Tenant*. The first chapter will be an introductory explanation of the institution of marriage as it stood at the beginning and during the first half of the 19th century in England. It will accompany the changing ideals regarding the union of husband and wife and the part each was to play in their life as a married couple. I will also give a quick overview of the law regarding the act of “getting married,” that is, what was and was not permitted and how marriages were considered (or not) legitimate. This short legal analysis is inextricably linked with a religious dimension, since marriage, as we will see, was an institution deeply rooted in the customs of the Church of England. This section will also be devoted to a study of the preconceptions around women and their roles in society, especially the idea of the separate spheres between men and women and the concept of the “angel in the house” developed by Coventry Patmore in the 1854 poem of the same name.

Chapter 2 will, in turn, be focused on the breaking up of marriage—that is, divorce. As will then be further explained, marriage and marital laws started being questioned for being one of the main perpetrators of women’s oppression. In the same vein, divorce became a more prominent subject, and there were many public discussions around the possibility of changing divorce laws and, by extension, laws regarding custody. Indeed, 19th-century England was marked by a clash between conservative views of marriage and reformist proposals for a more egalitarian legal regulation. The chapter is thus an analysis of the arguments made both for and against marital and divorce legal reforms; I will also highlight some of the most important public debates leading up to the 1839 Custody of Infants Act and the 1857 Matrimonial Causes Act—the most important acts for the scope of this dissertation, both chronologically and because of the overlaying of the arguments with *Tenant*’s themes—and I will give an overview of the most relevant legal changes in the English common law system regarding wives’ and mothers’ rights.

Instrumental to an understanding of this era and the fight for equality is the role played by the English writer Caroline Norton, whose political pamphlets are non-fictional testimonies of the same concerns portrayed in Brontë’s novel. Along with an examination of Norton’s role and arguments in the fight for new divorce and custody legislation, I will later present the work

of two other key players who fought for more egalitarian women's rights on this front: Barbara Leigh Smith and the Law Amendment Society. The discussion will be broadened by also analysing the discussions in Parliament prior to 1839 and 1857 and the implications of the laws themselves. After all, "the public debate stirred by the effort to pass the Divorce Act was a significant—although tentative—first step in the campaign to improve the legal status of married women" (Shanley, 1982, p. 355). At the end of Chapter 2, I give an overview of the most critical moments in divorce law reform after 1857, ending with the 1923 Matrimonial Causes Act.

Chapter 3 focuses entirely on *The Tenant of Wildfell Hall*. The novel is "the portrait of an age" (Senf, 1990, p. 450), and it represents the oppressive system and societal expectations English women were forced to move in throughout the first half of the 19th century. Reading the novel transports the reader to the reality of many women at the time and gives an insight into their conditions as wives and mothers and the assumed immutability of their circumstances. Furthermore, the focus on domestic relationships and on gender dynamics allows for an in-depth study of the period's notions of marriage and divorce and a greater understanding of the extent to which law and custom were male-dominated spheres, which perpetuated gender inequalities. More importantly, from a historical-literary perspective, it shows how pressing the need for legal reform was and frames/is framed by the debates which occurred in the following decades regarding the economic, legal, political, social, and cultural injustices perpetrated against women. As such, and to sustain my argument, I will start by going over the heroine's different roles, from a young girl to a married mother, and from an apparent widow to a remarried woman, while also paying close attention to the characters' expectations regarding these same roles. Furthermore, I will delve into the essential characteristics of a wife and of motherhood as portrayed in the novel and how these shape her experience and eventually force Helen to leave an abusive husband and become a single mother under her mother's maiden name.

Simultaneously, I will also pay attention to the village of Linden-Car's perceptions of Helen, a single and reclusive mother and tenant of a house, and how those perceptions affect her new life and her possibilities of starting anew, hoping to show that the social repercussions of single motherhood could be almost as aggravating as the dangers Helen fled from. The last part of the chapter reflects on the novel's ending with the marriage of the protagonist to Gilbert Markham and comprises an exploration of the ambiguity of the moral principles conveyed by Brontë in making her heroine remarry, considering her past experiences with the institution.

Finally, I analyse the impact of Helen's story at the time of publishing, linking it with the legal reforms and cultural assumptions of the period. I also consider its impact on modern-day readers and finish with a reflection on Brontë's accomplishments in writing this novel, and my own personal take on the themes debated in this dissertation.

The Tenant of Wildfell Hall is an often-overlooked novel, especially if considered alongside the books written by Anne's sisters, Emily and Charlotte Brontë. The next pages are the product of a sincere wish to disclose the many dimensions of Anne's work as a "robust enquiry into [upper- and] middle-class female experience in mid-Victorian England" (Leaver, 2007, p. 227) and a door to richer musings on womanhood, motherhood, religion, morality, conjugal relationships, and injustice.

1. Marriage in the First Half of 19th-Century England

In 2018, a BBC news article alerted its readers to a record low in marriages in England and Wales, following a steady decline that dates from the 1970s (Frymorgen, 2018). “According to the Office for National Statistics,” it reads, “the number of opposite-sex marriages fell from 247,372 in 2014 to 239,020 in 2015—a drop of 3.4%.” In the same article, experts mention that factors such as the high costs of marriage celebrations are putting off younger people; however, the first cause cited is the higher rate of divorces, which seems to have affected a younger generation’s perceptions of married life. “It’s possible that the experience of seeing parents go through painful break-ups is giving young people cold feet” (Frymorgen, 2018).

Indeed, divorce, a somewhat normalised practice nowadays¹, has troubled people for centuries. Moreover, the idea that divorce could impact the once unshakable institution of marriage is not a novelty, and ever since it started to be discussed, voices clamoured that, if accepted, divorce would mean the end of good morals for both men and women. That has not been the case. Neither has it meant that marriage is at the end of its expiration date. In fact, even during a worldwide pandemic, where traditional celebrations were not allowed, people were still getting married and even celebrating it more than once². Stephanie Coontz, a historian who researches marriage and family history, shows that this is actually part of a long-held belief that marriage is in crisis and looks at the past as its golden age:

The ancient Greeks complained bitterly about the declining morals of wives. The Romans bemoaned their high divorce rates, which they contrasted with an earlier era of family stability. The European settlers in America began lamenting the decline of the family and the disobedience of women and children almost as soon as they stepped off the boats. (Coontz, 2005, p. 1)

Coontz also explains that this bias against the present time comes from some misconceptions about what is considered “traditional,” like the licensing by the state or the sanctification of the church:

In ancient Rome, the difference between cohabitation and legal marriage depended solely upon the partners’ intent. Even the Catholic Church long held that if a man and woman said they had privately agreed to marry, whether they said those words in the kitchen or out by the haystack, they were, in fact, married. For more than a thousand

¹ For example, in the U.S., “rates of divorce increased throughout most of the 20th century and the rise occurred in all social classes (although divorce remained more common among the less educated)” (Cherlin, 2009, p. 226). This pattern seems to be common everywhere in the Western world.

² An article written for *The New York Times*, released on March 9, 2022, speaks of “the year of the wedding” and tells the stories of many couples who were “having two or three wedding events because of the pandemic, a trend some experts say will continue to influence how many celebrate” (Block, 2022).

years, the church just took their word for it. Once you had given your word, the church decreed, you couldn't take it back, even if you'd never had sex or lived together. But, in practice, there were many more ways to get out of a marriage in the early Middle Ages than in the early modern era. (Coontz, 2005, p. 2)

For some centuries, a church ceremony was an extravagance few could afford. Furthermore, as explained by Lopes (2019), Christian marriage was only considered a sacrament in the late 12th century, and it was not until 1563 that Catholics established the doctrine and practice of marriage, a principle followed by Protestantism and Calvinism at the same time, or even later. This did not apply uniformly to every ecclesiastical unit; in many European areas, the rites and concepts of marriage took time to change. Indeed, the shift in views about marriage and its praxes continues to this day. The changing ideals regarding marriage also led to a greater discussion on how to break it up. In 19th-century England, arguments about the acceptance of divorce by law and its status as a legal procedure sanctioned by the state were perhaps as important (indissociable, even) as those around the societal, economic, and cultural role of marriage, and particularly, of women's place in it. The debates around the future of the sanctity of marriage are a reflection of Victorian ideals but also of the evolution of new ways of seeing women's place in society as independent economic and political agents. Because these discussions are still pressing matters today, I believe it is essential to study them, which is what I propose to do in the following sections.

1.1. The Marriage Institution in England at the Beginning of the 19th Century

1.1.1. The Law

For most of history, marriage was but a politically driven move for the upper classes and an economic step for everyone. Love and marriage represented two different realms, and sexual and emotional intimacy were usually reserved for concubinage. Love was a feeling that should be kept private.

Probably until the Enlightenment, people believed that love should flourish with married life, but they did not think it should necessarily precede it. Prior to marriage, the most important aspect was actually setting up a good dowry for the woman and a steady yearly income for the man; "such capital, it was thought, would certainly help love flower" (Coontz, 2005, p. 18).

Indeed, in the early Middle Ages, marriage implied a private contract between two families concerning property exchange, which also provided some financial protection to the bride in case of the death of her husband, desertion, or divorce. "For those without property, it was a private contract between two individuals, enforced by the community [sic] sense of what

was right” (Stone, 1977, p. 31).

The official Christian view of marriage was basically as set out in the Anglican Book of Common Prayer. Matrimony was ordained for three objects: firstly, for the procreation of children; secondly, to avoid the sin of fornication; thirdly, for the mutual society, help and comfort that the one partner ought to have of the other, both in prosperity and in adversity. In the marriage service the Church advocated partnership and mutual involvement of the spouses, though a woman also promised to “obey” her husband as St Paul enjoined her to. (Perkin, 1989, p. 20)

Notwithstanding the clear objectives of the marriage institution, until 1754, one could get wed in a variety of ways. For those who had property, a written legal contract with the financial arrangements was required. Afterwards, the spouses would have to formally exchange their vows orally, preferably with witnesses present. This was followed by the “public proclamation of banns in church, three times, the purpose of which was to allow claims of pre-contract to be heard (by the seventeenth century, nearly all the well-to-do evaded this step by obtaining a licence)” (Stone, 1977, p. 31). The final two steps consisted of a church ceremony to publicly verify both parties’ consent and receive the religious blessing and the sexual consummation. It should be stressed that, although ecclesiastical authorities obliged people to undergo a church ceremony, an exchange of promises before witnesses followed by cohabitation was regarded in law as a valid marriage.

The praxis was not the same everywhere. After the Council of Trent, for a marriage to be valid to the Catholic Church, the act should be celebrated in the presence of the priest of the parish of either the bride or the groom or another authorised priest, and at least two witnesses (Lopes, 2019). The Anglican Church never took such measures and kept the medieval law of marriage which gave the final say in matrimonial litigations to ecclesiastical courts. Deciding who was and was not married became a very intricate task. For the Church courts, marriage in church was considered of no validity or even adulterous if it could be proved that there had been “a prior oral contract *per verba de praesenti* by one of the pair with another person or a contract *per verba de futuro* followed by consummation” (Stone, 1977, p. 32). Furthermore, according to the canons of 1604, a church wedding “should take place between the hours of 8 a.m. and noon in the church at the place of residence of one of the pair, after the banns had been read for three weeks running” (Stone, 1977, p. 32). If a wedding was performed in a secular place, during the night, or in a place that did not correspond to one of the spouses’ places of residence, the clergyman responsible for officiating the ceremony could find himself in serious trouble. Marrying before the age of 21 without a parent or guardian’s consent was also illegal.

These limitations resulted in many clergymen working outside of the superior

ecclesiastical jurisdiction—they “would marry anyone for a fee, no questions asked” (Stone, 1977, p. 33). This practice became increasingly common during the 17th and 18th centuries, especially because many young people chose to disobey their parents and elope:

Many London churches, which were by various legal quirks unlicensed or exempt from superior jurisdiction, specialized in quick marriages. Between 1664 and 1691 some forty thousand marriages took place in St James’s, Duke Place [...]. The most flourishing trade of all was done by decayed clergymen in the vicinity of the Fleet in London, particularly in the first half of the eighteenth century when official weddings were heavily taxed, and those around the Fleet were both legally valid and very cheap [...]. For the poor within walking distance of London, Fleet marriages were a financial godsend, but many drunken, hasty and exploitative unions were also sealed in these sordid surroundings, and once performed they could never be dissolved. These venal clergymen were also prepared, for a fee, to back-date a registration to legitimize children already born, or even to supply a man for a woman seeking a husband in a hurry. (Stone, 1977, p. 33)

In short, the end of the 17th and beginning of the 18th centuries regarded as valid and indissoluble a contract whose existence could stem from an illegal practice of the officiating clergyman. At the same time, the lower classes tended to cohabit and exchange vows orally, not always in a manner considered legal by the religious courts. “The Church canons said one thing about the conditions under which a clerical wedding ceremony was legal, the Church courts quite another about what made it valid” (Stone, 1977, p. 34).

It is then hard to say exactly what marriage was before 1753. Cohabitation and cheaper clandestine ceremonies were common among the lower classes. The aristocracy and some of the bourgeoisie bought their way into matrimony, obtaining a special license. Stone (1977) estimates that no more than half of the population were married according to the actual rules of canon law. The easy path available to escape the law worried the nobility, who feared losing their property to illicit in-laws or having their daughters seduced by a man of lesser rank capable of convincing them to escape and marry without the guardian’s authorisation. Public scandals were commonplace, and there were numerous stories about clandestine marriages. Moreover, hostility between parents and their offspring kept rising.

The House of Lords started to try and amend the law, and, after some setbacks, in 1753, Lord Hardwicke’s Marriage Act asserted that only a church wedding was legally binding, and any prior oral promises would be disregarded in the eyes of the law. The bill also declared that all church marriages had to be entered into the parish register and signed by both parties.

Furthermore, it was illegal to marry anywhere or anytime not provisioned by the 1604 canons³, no one could be wed under the age of 21 without the consent of a parent or a guardian, and secular courts were now responsible for ensuring that the law was respected and could sentence wrongdoing clergymen to 14 years of transportation (Stone, 1977). In many ways, “marriage was now regarded as a contract like any other, subject to statutory controls for the public good” (Stone, 1977, p. 36).

Clandestine weddings still took place, and those who could eloped to Scotland, where the marriage regime was looser. One popular place to wed in secret was Gretna Green, a parish situated on the Scottish side of the border between Scotland and England, where parental consent was not necessary from the age of 16. Despite this possibility, this type of eloping never became the norm (Frost, 2008).

Further amendments would be added on July 1, 1837, when the list of possible places to have a wedding in was expanded: a couple no longer had to marry in the parish of one of the parties; instead, they could choose to be married according to other religious rites as long as the ceremony took place in a registered building (or any buildings at all if they were Jews or Quakers). Alternatively, a ceremony could be dispensed with, and a couple could get a legal wedding in their local registry office—it was the validation of civil marriage (O. Anderson, 1975)⁴.

From 1754, marriage was, for the first time, definable and verifiable. It did force many poor people who could not afford the whole process to just live in concubinage⁵, which was not without its drawbacks, especially for women and children:

Women who cohabited with men now had no legal claim to the status of wife. Critics of the bill had pointed out the hardships it would entail for women [...]. Furthermore, children born to these unions were illegitimate, and this was no small consideration, since the English bastardy law was the harshest in Europe. Illegitimate children were literally parentless at law (*filius nullius*), and even the subsequent marriage of their parents did not legitimise them. The position of illegitimate children became even more precarious after the New Poor Law of 1834. This law’s Bastardy Clause placed the

³ Frost (2008, p. 15) clarifies that only registered chapels could perform valid marriages, but it was not common knowledge which ones were certified. Additionally, with the growth of the population, it was necessary that more places could officiate ceremonies, so Parliament had to pass bills expanding the number of legal locations for marriage, in 1781, 1804, 1825, and 1830. However, as the overseas territories expanded, the problem became global.

⁴ O. Anderson (1975) is a very relevant source to better understand the implications of the introduction of civil marriage in 19th-century English society.

⁵ “The working class always had a higher percentage of couples outside marriage than other groups [...]. Rural areas also tended to have fewer such couples than urban areas, where they could be more anonymous” (Frost, 2008, p. 5).

responsibility of maintaining illegitimates onto their mothers. Women could no longer name the putative fathers of their children and receive support from them. Although some changes occurred in this law in 1844 (and more substantially in 1872), women remained at a disadvantage in collecting support; in addition, the amount of maintenance was small and ended when the child reached thirteen. And even if women avoided the legal and financial penalties, they were far more likely than men to face social snubs. In short, the Hardwicke Act, combined with the New Poor Law, made marriage both more difficult and more necessary for women. (Frost, 2008, pp. 11–12)

In response to the limitations imposed by the state and the peril in which it put cohabitating women and children, the majority made an effort to “marry in the prescribed manner” (Frost, 2008, p. 27). Indeed, marriage laws became clearer, and, in a century, so would the divorce laws.

1.1.2. Women’s Condition

It should be said that even under the purview of the marriage institution, women were not in an equal position to that of men. The double standard was enshrined in society’s practices and the law⁶. Women were almost inevitably under the tutelage of a man—either the father or the husband. The female sex was seen as physically weaker, and their economic and legal dependence was justified as existing for women’s “own good,” to protect them from the hard reality they could not otherwise endure. One standard example of the day’s beliefs is the view held by Sir William Blackstone, a Tory politician and one of the most influential jurists of the 18th century, whose four volumes of the *Commentaries on the Laws of England* (1765–1769) were considered compulsory reading for anyone who wished to study English law. In one of these volumes, Blackstone explains that the lesser legal status of a woman was “for her protection and benefit, so great a favourite is the female sex in the laws of England” (as cited in Perkin, 1989, p. 1). He added that, by marriage, husband and wife became one in the eyes of the law and that a woman’s legal existence was incorporated into that of her husband, “under whose wing, protection and cover she performs everything” (as cited in Perkin, 1989, p. 2).

This legal regime had the name of *coverture*, and, through it, a woman became a *femme covert*, someone “covered”. “In Orwellian language, she became an ‘unperson’” (Perkin, 1989,

⁶ The conception of the sexes as different is not new, of course, and was not new in the 19th century. As Coontz (2005, p. 30) explains: “Through most of history marriage has generally involved a societally approved division of labor between the partners, with each sex doing different tasks. If a man went out on long hunting trips, which always ran the risk of his coming home empty-handed, it was good to have a woman gathering plants and nuts or tending crops. If a male was trapping animals, it helped to have a female manufacturing pottery and clothes. For millennia, one reason people married was that an individual simply could not survive trying to do everything on his or her own.” The disparity underlined in the text has to do with the submission of one part (the female part) to the other (the male part).

p. 2). The coverture system meant that upon entering marriage, the husband was entitled to all of his wife's property and earnings unless her relatives held it in a trust for her. The man could will everything as his, except for her personal jewellery and clothes, which he could dispose of during her lifetime, having only to allege the wife's consent. In this instance, American law evolved quicker than its English counterpart: in the U.S., between 1839 and 1850, most states had passed some legislation permitting married women to own property (Perkin, 1989); across the pond, any money a married woman earned belonged entirely to her husband. Moreover, her receipt of any of the earnings was illegal, and her husband could take the money regardless of the form of payment. When it came to her testament, a woman could technically will her personal property, but only with her husband's permission, who, in turn, could rescind his leave at any time before confirmation.

Perkin (1989, p. 2) presents some advantages to the woman's "demeaning legal position." For example, if a married woman was charged with a crime other than murder or high treason and it was proven the husband had been present at the time of the event, it was assumed that she had been coerced and was not deemed to be found guilty. If she had debts, those too were her husband's responsibility, even if they had not been contracted under his roof⁷. The only way for a man to relieve himself of his wife's debts was to repudiate them through an announcement in the public press. Furthermore, while they shared bed and board—something encouraged by the law—he was under the obligation to support her and could not "ill-use her beyond reasonable chastisement" (Perkin, 1989, p. 2) nor imprison her with impunity. However, the limits of a husband's actions were too mild, and the beating of wives, children, and servants was not at all uncommon.

In regard to their offspring, English law differed from other countries. In England, it was assumed that any child a woman carried was her husband's unless he sued a man for criminal conversation⁸ and it was proved he had been a victim of adultery. Still, male privilege and domination were a stark reality: the legal custody of any child belonged to the father, and, while the father was alive and sane, the mother had no rights over her children. The male guardian could also prohibit the mother from seeing her children if he so wished. These prerogatives would only change in 1839, as we will see in Chapter 2, but the change would have significant

⁷ As with every other regulation, not assigning debts to a married woman was not an act of sympathy, rather it was based on the belief that creditors were more likely to be reimbursed by the husband who was actually in charge of the family finances (see Perkin, 1989).

⁸ In common law, criminal conversation is a crime arising from adultery. According to the Collins online dictionary (Criminal conversation, n.d.), "conversation" is a now-obsolete form of speaking about adultery. It is still only used as a synonym when paired with "criminal."

limitations. “According to a popular proverb, seemingly oblivious to the fact that most servants were female, ‘England is the paradise of women, the hell of horses, and the purgatory of servants’ [...]. But it was males who ruled in paradise, as well as in hell and purgatory” (Perkin, 1989, p. 2).

The submissive role women played does not mean all were publicly—or even privately—eager to emancipate themselves. Most wives accepted their role and for the majority of women getting married was an integral part of their life plan. The burden of single state, no matter the compromises necessary in a marriage, was far too heavy to be seen as a good option: “The consequences of remaining single, if women had no private income or means of earning a decent living, were economic hardship and social marginality” (Perkin, 1989, p. 311).

Female singlehood was considered a problem in Victorian England and the relatively high number of unmarried adult women even became known as the “spinster⁹ problem”¹⁰. All in all, women seemed to be “better off” married, and the freedom they enjoyed also depended greatly on their social class. For one, the upper classes allowed married women a greater degree of freedom. Besides, they enjoyed power over middle- and lower-class women. Despite representing less than 1% of the population of England, the upper classes “dominated social life in Society [...]. Marriage *à la mode*, the fashionable, tolerant, free and easy form of almost open marriage which allowed the partners to have their own friends and go their own way, was at the heart of that lifestyle” (Perkin, 1989, p. 312).

It is not that upper-class women were not subject to the same common law as other women, but money did provide them with better escape routes from the “dull domestic life,” on the one hand, and the hard working-class conditions, on the other. Their families could set them trust funds protected by equity, which, in turn, granted them some sort of independent income that was not necessarily their husband’s. This made them less subservient to the traditional wifely duties and subjection. They were not immune to unhappy marriages and/or cruel husbands—Caroline Norton, who will be discussed later in the text, being the paramount example—but they did live more comfortably and were freer than the women in the ranks below.

⁹ The evolution of the term accompanied the increasing idealisation of marriage and changes in the way society viewed unmarried women. “Originally an honorable term reserved for a woman who spun yarn, by the 1600s it had come to mean any woman who was not married. In the 1700s the word took on a negative connotation for the first time, the flip side of the new reverence accorded to wives” (Coontz, 2005, p. 147).

¹⁰ For an in-depth analysis of the “spinster problem” in mid-Victorian England and its economic consequences, see M. Anderson (1984).

On the opposite side of the class structure were the working classes, which made up about three-quarters of the population (Perkin, 1989) and were a very heterogeneous group. Their main differences depended on the area they lived in and whether they were skilled, semi-skilled, or unskilled workers¹¹. As for women in this social stratum, their life was made of hardship. They were expected to contribute to the household income through full-time, part-time, or casual work. On top of that, they also had the same homely duties as other wives, without the help of servants or even their male counterparts. However, Perkin (1989) explains that the life of the wives was mostly dependent on the partner's personality—"brutal, drunken husbands were not uncommon" (Perkin, 1989, p. 314). For those positioned lowest in the working class, marriage was taken as a less serious commitment, and, occasionally, one of the spouses—usually the man—would "run away, to emigrate or commit bigamy, and sale of wives was not as infrequent" (Perkin, 1989, p. 314).

Middle-class wives were the most impacted by marital laws, although this is a difficult class to define, for it covered a wide range of circumstances—the middle classes consisted of a fifth to a quarter of the English population—in some cases almost indistinguishable from the aristocracy¹². The lower ranks of the middle class could gather an income similar to the working classes but did not share a comparable lifestyle. Their heterogeneity with the middle classes was evident in aspects such as religious practices and beliefs, housing, hobbies, dressing styles, and even the number of servants employed.

Why did women in the middle classes marry, then? Well, first of all, there was a societal pressure: "The pressures on women to marry were enormous in nineteenth-century England, and in 1871 nearly 90 per cent of English women between the ages of forty-five and forty-nine were or had been married" (Shanley, 1993, p. 9). Young women were expected to look for a suitable partner, and, if possible, they should hope to marry above their rank. Economically, it was also a much safer path:

Jane Austen wrote to her niece that "anything is to be preferred or endured rather than marrying without affection." But, she added, "single women have a dreadful propensity for being poor—which is one very strong argument in favor of Matrimony." Single women could rarely support themselves living on their own for more than a few years at a time, much less save for their old age. Many women saw marriage as the only

¹¹ For further information on the composition of the working classes, see Perkin (1989).

¹² The traditional three-class model of social structure (aristocracy, middle class, and working class) applied to 19th-century England is regularly used by historians but it is an oversimplification of the heterogeneity of English society. Neale (1968), in an article which proposes a five-class model, shows the overlapping of social classes and the difficulty of encompassing the many social, economic, and cultural differences in just three ranks. Thus, for an understanding of the disparate conditions within the middle classes, see Neale (1968).

alternative to destitution or prostitution or, even in the best case, genteel dependence on relatives. In the absence of job security and pensions, a woman who was not married by her thirties generally had to move in with relatives. Sentimental novels aside, this was not always an idyllic life. (Coontz, 2005, p. 185)

Religious reasons were also important. Given that the traditional family was highly valued by the Church, marriage was encouraged. As stated previously, it was a manner of assuring procreation and of keeping people away from the sin of fornication: “Marriage was seen as a vehicle for self-discipline and self-restraint” (Perkin, 1989, p. 237). The sanctified union should mirror that of Christ and his Church.

Still, marriage was not necessarily seen as the burden so often portrayed. Even if things were not always easy, the overall female inclination was to make the best of their situation, trying to find purpose within the institution. In 21st century views, women who endured bad situations can be seen as excessively submissive, but, in the 19th century, the honourable act was to try and ameliorate their condition. The roles, albeit idealised and not reflective of the actual functioning of society¹³, were clearly separated: “The husband was the family’s economic motor, and the wife its sentimental core” (Coontz, 2005, p. 146).

Ultimately, and making use of religious concepts, marriage was a *duty*; a wife’s mission revolved around taking care of her husband and children and putting others above one’s needs was a synonym of female virtues. This was the case even for women who were not religious (Perkin, 1989).

In 1839, Sarah Lewis, a woman about whom few details are known, published a book called *Woman’s Mission*, where she praised maternal care and elevated it almost to a national spiritual and moral endeavour:

The moral destinies of the world [...] depend not so much upon institution, or upon education, as upon moral influence. The most powerful of all moral influence is the maternal. On the maternal character, depends the mind, the prejudices, the virtues of nations; in other words, the regeneration of mankind. (Lewis, 1839, p. 21)

And she added:

Let men enjoy in peace and triumph the intellectual kingdom which is theirs and which, doubtless, was intended for them; let us participate in its privileges, without desiring to share its dominion. The moral world is ours,—ours by position; ours by qualification; ours by the very indication of God himself, who has deigned to place in woman’s heart the only feeling [...] which affords the faintest representation of his most extinguishable

¹³ For an account of the indispensable role of women in the domestic economy in 19th-century Europe, see Scott (1995) and Scott and Tilly (1975).

love to us, his erring and strayed children. (Lewis, 1839, p. 129)

The moral guidance a mother was responsible for was particularly important in the case of young boys, for “maternal influence is almost the only moral influence to which boys in their early training are subjected” (Lewis, 1839, p. 25). “No longer the slave of man, but the servant of God” (Lewis, 1839, p. 142), a wife and mother was in a privileged position to educate men to be the best version of themselves, for women had “fewer worldly interests, and are by nature and education less selfish” (Lewis, 1839, p. 144). A mother’s role was thus irreplaceable and only a good mother could ensure the nation’s wellbeing. Their maternal mission was wrapped in the religious values of the time:

The production and upbringing of children was likewise a carrying out of God’s will, and for middle-class families a major source of both pleasure and worry, since they thought it their duty to produce sons who would become future leaders of local communities, priests, lawyers, doctors, teachers and business men, and daughters who would reproduce and give moral training to the succeeding generation of worthy men. Personal pride was mingled with the belief that they were making England a better and more secure country. When from the 1850s it became evident that middle-class families were limiting the number of children they had, it was a source of acute anxiety to those who wished to see the middle class increasing in size and power. (Perkin, 1989, pp. 239–240)

The wife’s role was also financial, of course, since a frugal home economy—seen, for example, in the way the servants were handled—could make the difference between the existence of surplus and adjacent luxuries and a more contained lifestyle. This all-encompassing view of a woman’s duty and mission to educate as paramount to the wellbeing of the nation would be upheld as a contrasting standard to the emerging women’s rights and emancipation campaigns of the 19th century, and “even adventurous, strong-minded women believed it more womanly to exert authority without proclaiming it ostentatiously” (Perkin, 1989, p. 243).

The image of the “angel in the house” (a reference to the 1854 poem by Coventry Patmore with the same name) was glorified and helped maintain the status quo. This ideal was further supported by the absence of alternatives for adult women: the world of paid work was not half as appealing and there were few jobs that were socially acceptable, the one of governess being the most agreeable for a middle-class woman, although not exactly coveted (Perkin, 1989).

Generalisations should not be made. Despite the general acceptance of women’s conditions, not all were willing to live quiet and homely lives, and some struggled to fit in the venerated image of the “angel in the house.” The cult of domesticity resulted in women who were unable to be full-time wives and mothers being often labelled as “moral degenerates”

(Coontz, 2005, p. 169). A woman's realm was rigidly circumscribed to the family house. Ultimately, her actions were subordinate to the husband's control, even within her own house, the "gilded cage of bourgeois marriage," as Perkin (1989, p. 233) calls it. Used to this kind of life and seeing change as an unlikely promise, women made what they could of their lives under the stronghold of patriarchal values and fought for their autonomy and agency in the forms available to them, which more often than not meant cajolery and persuasion:

Home must always have been a contest of wills, with family life [...] a continuous cycle of tension and accommodation, though Victorians were loathe to admit publicly to any discord. The injunction of the marriage service, that the man was to rule and the woman was to obey, was not a rule that most women accepted without a fight. The easiest way for a middle-class married woman to make sure her personal wishes were considered and often fulfilled, was for her to learn to "manage" her husband [...]. The art of knowing when to ask for something was cultivated. The wife made sure that her husband was relaxed, well fed and feeling comfortable when he was approached for approval of some plan of which he was likely to disapprove. Wives learned not to contradict their husbands too frequently, and above all not in public. As Sarah Ellis [19th-century English author who wrote extensively about the roles of women] said, it was inadvisable for them to appear to be more intelligent than their husbands, even if that were the truth of the matter. (Perkin, 1989, p. 258)

Until the mid-19th century, there was hardly any escape from marriage. Divorces were quite rare and the saying "until death do us part" was often a reality. Women, pushed into marriage by society and unable to escape it, had to find ways to overcome the limitations imposed on their existences. Where love was not enough or even extant, the female half learned to survive. This was not a straightforward compromise, nor did women go into marriage thinking they would really have "to make do." Marriage was the key to promised love and affection, children, economic stability, and respectability. In some cases, it was so. And in the instances when it was not, the shackles lay in the lack of other options.

2. Divorce Law in Victorian England: The Path to Reform

At the end of the 18th and beginning of the 19th centuries, new ideas arose about the role women played in society and the status quo was gradually contested, which led some to raise relevant questions about a woman's condition not only as a wife and mother but also as a citizen. The French Revolution, especially, set the tone for more in-depth philosophical conversations about the political position of women in the Western world, but particularly in France and the United Kingdom, with two names marking the appearance of far-reaching proto-feminist philosophical treatises: Mary Wollstonecraft and Olympe de Gouges.

Mary Wollstonecraft (1759–1797) was a moral and political philosopher who wrote extensively on the condition of women in the 18th century. Her first political treaty was *A Vindication of the Rights of Men* (1790; henceforth *Rights of Men*), a response to Edmund Burke's *Reflections on the Revolution in France* (1790) and his belief in the aristocratic system. Even though this book would prove her value as a writer and thinker, the follow-up work, *A Vindication of the Rights of Woman* (1792; henceforth *Rights of Woman*) would mark a real watershed moment in the fight for women's political and economic equality. In it, she criticises the “prevailing opinion” (i.e., the gender stereotypes of the time), the cause for the “sexualized hierarchy of roles and relationships” (Botting, 2019, p. 362) which underpinned 18th-century society. Wollstonecraft identifies three vectors in the construction of the restrictive roles each sex had to play: the economy, the law, and girls' education. These vectors, especially perpetuated by the aristocratic system she had set out to attack in *Rights of Men*, also served, according to her, to oppress women and were the reflection of an extremely patriarchal society which allowed men to live lives of privilege and dominance over their female counterparts.

For Wollstonecraft, there was an urgent need for reform, especially regarding young girls' education, the first form of oppression in a woman's life. She defended that there was a universal human nature based on reason and that the only real difference between men and women lay in physical strength. “All other distinctions are the result of education and socialization. She consistently asserts that if women do not think for themselves, if they are weak-willed and vacillating or if they are preoccupied by externals of clothing and manners, this is solely the result of their training” (Lindeman, 1991, p. 158). Seeing as human beings are a species gifted with reason and that reason is present in every individual, everyone should strive to be virtuous on an equal footing. As such, if a girl is “not prepared by education to become the companion of man, she will stop the progress of knowledge and virtue; for truth

must be common to all, or it will be ineffectual [sic] with respect to its influence on general practice” (Lindeman, 1991, pp. 162–163). The writer regrets that women:

spend many of the first years of their lives in acquiring a smattering of accomplishments; meanwhile strength of body and mind are sacrificed to libertine notions of beauty, to the desire of establishing themselves,—the only way women can rise in the world,—by marriage. (Wollstonecraft, as cited in Rostek, 2019, p. 44)

Marriage is an especially contentious point in Wollstonecraft’s argumentation. In her writings, she consistently contests coverture, comparing marriage to slavery, and claims that divorce acted as “a means of regaining financial and emotional independence” (Rostek, 2019, p. 50). Education is for her the key capable of unlocking women’s emancipation and making women economically more independent in case they cannot fall back on the financial support of a man, be it a father or a husband.

She suggests a somewhat radical solution at the time: state-sponsored free and public schools for children of all races, classes¹⁴, or sex as a form of reaching a far more equal and just society—“If education is held constant between the sexes, they demonstrate the same behaviors and occupy similar social roles” (Botting, 2019, p. 363).

Her claims were radical and controversial, drawing censure from many of her contemporaries, but they also resonated with many women at the time and in the decades that followed.

As mentioned, other writings at the time also reflected the confinement women were subjected to. On the other side of the English Channel, Marie Olympe de Gouges (1748–1793), Wollstonecraft’s contemporary, was also a prolific writer of pamphlets and treatises arguing for political and legal equality for women. Basing—much like Wollstonecraft—her arguments on human universal logic, she writes *Les Droits de la Femme* (1791) as a response to the French Constitution’s preamble *Déclaration des Droits de l’Homme et du Citoyen* where she outlines constitutional principles of the rights of women:

She called for full equal rights for women with social distinctions based only on requirements of general utility [...]. De Gouges demanded equal opportunity for employment, education, and holding public office. This remarkable document also called for women to have equal access to public programs, and for the right to outright ownership and control of property while married. A separate part of this treatise includes

¹⁴ Mary Wollstonecraft was quite aware that the shackles imprisoning women were stronger in the lower social classes. For example, her novel *Maria: Or, the Wrongs of Woman* (1798) is a didactic tale about the contrasting experiences of women in different classes. Telling the life stories of Jemima (a lower-class woman) and Maria (part of the middle class), Wollstonecraft aims to prompt solidarity between women “for their distinct but related struggles” (Botting, 2019, p. 368).

a draft of a model social contract between men and women which de Gouges offered as a replacement for conventional marriage vows which then provided the legal foundation of the family. (Waithe, 1991, p. 227)

Olympe de Gouges transposes to women the advantages of the rule of law, insisting on the bisexual character of the civil and political community (Sledziewski, 1991, p. 53). However, her character and political thought were “too disruptive” for her time; in 1793, de Gouges was sentenced to the guillotine on account of her association with the Girondins and for defending a plebiscite to allow citizens to choose their form of government.

Nonetheless, ideas around the conditions of women throughout Europe were slowly starting to be contested. “Who made man the exclusive judge, if woman partake with him the gift of reason?” is the question at the beginning of Wollstonecraft’s *Rights of Woman* which would shape future discourse alerting to a new “feminine reason and judgement” in contrast to a more male logic that had thus far dominated civilisation (Sledziewski, 1991, pp. 55–56).

Indeed, the fight against the oppression women faced, legally, socially, and economically continued throughout the 19th century. In England, as we have seen, the doctrine of coverture was perhaps the legal instrument that caused the most immediate harm to women and most suppressed individual liberties (Shanley, 1993), leaving them almost entirely dependent on their husbands; still, the extent to which it harmed women also depended on their social class:

It was middle-class wives who were most affected by the laws of marriage, and who most reacted both for and against them. The gilded cage of bourgeois marriage called forth strong reactions both from those who idealised its comfort and security and those who found it claustrophobic and frustrating. Antimarrriage sentiment in nineteenth-century England was so strong that it provoked calls not only for changes in the legal relations between husband and wives but even for a boycott of the institution and a crusade against marriage. (Perkin, 1989, p. 7)

At the same time, however, the 19th century still worked to tighten the female public sphere and reduce it to everyday frivolities. The moral and legal discourses united in order to strictly demarcate the female and male spaces. Furthermore, given its symbolic role in regulating society, the law set the rules of social living and determined social roles (Arnaud-Duc, 1991, p. 97). Keeping in mind that the family was considered the bastion of morality of 19th-century English society and that the institution of marriage was the basis of the family unit, “the nation’s moral prowess dictated that its divorce laws be harsh and inflexible” (Bolivar, 2012, p. 255).

Hence, 19th-century England saw a dispute between more conservative views of the marriage institution and reformist ideas that asked for more egalitarian legal regulation. In the

following sections, I will analyse the arguments made both for and against marital and divorce legal reforms; I will also highlight some of the most important public debates leading up to the 1857 Matrimonial Causes Act, and I will give an overview of the most relevant legal changes in the English common law system regarding wives and mothers' rights.

2.1. Divorce in England Before the 19th Century

The Catholic Church did not allow or recognise divorce, and the only way a marriage could be declared as “null” (i.e., as if it never happened) was if there was proof that it had been contracted in a manner that violated the rules of the Church for the constitution of marriage—for example, if one of the parties had been forced to enter the union. Lutheranism and Calvinism had somewhat “looser” views. When Luther parted with the Catholic Church, he conceived divorce to be possible in two circumstances: adultery or desertion, in which case a partner could get divorced and remarry. Luther found divorce abhorrent but believed these two instances were contrary to the sanctity of the matrimonial link and sufficient grounds for the breaking up of a marriage. Calvin's position drew on Luther's stance: divorce was only justified in cases of adultery or desertion (Cherlin, 2009). Contrary to some beliefs, the Church of England did not allow divorce either. As Cherlin (2009) explains, even Henry VIII, when founding the Anglican Church, never actually got a divorce: he either declared that his marriages were null (as did the Catholic Church) “or simply beheaded his wives” (Cherlin, 2009, p. 227).

If the medieval impediments could have previously led to the nullity of marriage, thus solving a quarrelling couple's problems, after the Reformation there were only three grounds for an annulment: pre-contract to somebody else, consanguinity within the Levitical degrees (cf. Leviticus 18: 6–18), or male impotence over a period of three years. Moreover, if one of the spouses left home without notice and there was no news about him or her for seven years, the remaining party was free to marry since it was assumed that the missing spouse was dead. In case of a return, one of two situations occurred: either the first marriage took priority over the second, or the wife could choose which husband she would prefer to remain married to. Notwithstanding, these were infrequent occurrences and in no way to be viewed as the norm; “for most people in England¹⁵, therefore, marriage was an indissoluble union, breakable only by death” (Stone, 1977, p. 38).

However, there was another form of separation, which, unlike the statement of nullity of

¹⁵ “After the Reformation, England was unique among Protestant countries in not allowing divorce. Scotland, which looked towards Protestant Europe, legalized divorce in 1560 for adultery and malicious desertion” (Wolfram, 1985, p. 157).

marriage, did not allow the parties to remarry. The Court of the Bishop, the institution that vouchsafed canon law in England, could grant a separation *a mensa et thoro* (loosely translated to “of bed and board”) on the grounds of adultery, heresy, or cruelty¹⁶, and which “separated the lives and the property of two people but did not make them legally single and eligible for remarriage” (Woodhouse, 1959, p. 262). This was usually accompanied by a financial settlement. Alternatively, a divorce *a vinculo matrimonii*—an absolute dissolution—was possible on the grounds of an invalid marriage due to age, mental incompetence¹⁷, sexual impotence, or fraud.

This was also possible by a private act of parliament: for that to happen, a man had to first institute a suit of criminal conversation in a common-law court alleging the supposedly guilty party to have been adulterous with the plaintiff’s wife. Staves (1982, pp. 279–280) describes the essence of criminal conversation as follows:

In the notorious common-law action for criminal conversation [...] husbands whose wives had committed adultery could recover monetary damages from the men who had cuckolded them. Husbands were to be compensated for the loss of their honor¹⁸ as a consequence of the adultery and for the loss of the wife’s consortium, it being assumed that the husband could not condone the adultery by continuing to live with a guilty wife [...]. In criminal conversation the courts tried to adjust damages to an estimate of how much honor the individual plaintiff had lost; how much honor each plaintiff had lost, in turn, depended in part on how much honor he was adjudged to have had initially. Counsel for both sides engaged in argument about what constituted honor and judges and juries tried to quantify honor so as to give appropriate damages. Though it was sometimes suggested that only the vulgar would declare their cuckoldom in open Court and demand monetary damages under such circumstances, the facts are that gentlemen and aristocrats were frequent plaintiffs in these cases and that, the more wellborn they were, the more money they demanded and got.

For his case to be considered, it was necessary for the complainant to prove his marriage and that the defendant had had adulterous intercourse with his wife. Conversely, the defendant

¹⁶ It should be stressed that this study only looks at English law. Scottish legislation was usually much more permissive in regard to marriage and divorce. For example, divorces *a vinculo* with a right of remarriage were recognised by statute in 1563, and the statutory right to divorce for desertion followed in 1573 (de Montmorency, 1926).

¹⁷ For a greater understanding of how husbands appropriated lunacy claims to get rid of unwanted wives and how the lunacy laws changed throughout the 19th century, see Bolivar (2012).

¹⁸ In a section called “Male Honour and the Duel,” Stone (1990, pp. 237–243) explains how male dignity had long been at the centre of adultery disputes but that the state had had to intervene so that those disputes were moved to the realm of the law: “The shift from violence to the law was of course a by-product of the growth of the nation-state in the sixteenth and early seventeenth centuries. In the process, the aristocracy and squirearchy had slowly been weaned from their earlier irresponsible and unregulated use of violence and persuaded to settle their disputes by other means: first by ritualized duelling, and then by litigation in the royal courts—by ‘wars in Westminster Hall.’ It was not until the late seventeenth century that the state began exerting its full power to place curbs upon the duel, by prosecuting for manslaughter those duellists who killed their opponents.”

could avoid being declared guilty if he could do one of two things: either demonstrate that the marriage or the adultery was insufficiently proved or, as was common, according to Staves (1982), by showing that the plaintiff had consented to the affair:

In *Allen v. Hodges* [an exemplary case], for instance, the defendant emerged unscathed by contending that the plaintiff connived at his wife's adultery and supporting this with two witnesses who said "that the plaintiff was much in the habit of introducing obscene discourse in the presence of his wife, and that he had invited several young men, at different times, to see her, and would afterwards go out and leave them together in his bed chamber." (Staves, 1982, p. 281)

Eighteenth-century rules of evidence did not allow the plaintiff, the defendant, nor their respective wives to be considered competent witnesses; therefore, the onus of providing credible testimony often fell on house servants of the appellant or those of the inns and lodgings frequented by the adulterous couple¹⁹.

The amount received by the injured husband depended on many factors and could go from one shilling—reserved for when a wife had been found adulterous, but the husband might have mistreated her badly enough to push her in that direction—to £20,000²⁰. If a man found guilty did not pay what the Court had instructed him to, he was "liable to arrest and incarceration in a debtors' prison, only to be freed when the debt was paid" (Atkinson, 2013, p. 5).

If the case were won, the complainant would then have to file a petition for separation in an ecclesiastical court, which, if successful, could result in a decree of separation *a mensa et thoro*. The next step involved an application for complete divorce before the House of Lords, where the evidence presented in the two previous trials would be reanalysed. After the Lords—or a select committee therein, from 1789—listened to the case, it would go on to the House of Commons, where private bills were usually passed on the recommendation of the Lords. Finally, the plaintiff could be granted a divorce *a vinculo* (Woodhouse, 1959).

As reported by Wolfram (1985), the requirement for "verdicts at law" (i.e., successful

¹⁹ "Testimony from servants or from relatives, friends, or acquaintances of the plaintiff might also be provided to attest to the happiness of the couple before the alleged actions of the defendant; the happier they were before the adultery, the more the plaintiff could claim to have lost" (Staves, 1982, p. 282).

²⁰ "The single £20,000 verdict was in the case of *Rochfort v. Rochfort*, a case in which Robert Rochfort, Baron Bellfield, later Earl of Belvedere, sued his younger brother; in this case the fact that the adultery was incestuous [the concept of incest extended to intercourse with relations by affinity] was seen as an aggravation of the injury. Between these extremes, more normal awards cluster around £10,000, £5,000, £2,500, £1,000, £500, £200, and £50 [...] the amount of damages awarded depended upon a number of factors, but under fact situations most favorable to the plaintiff and other things being equal, aristocratic plaintiffs were likely to be awarded £5,000 or £10,000, respectable gentry plaintiffs between £1,000 and £5,000, merchant or professional plaintiffs between £500 and £5,000, and lesser tradesmen £50 to £200—these, of course, being rough estimates of ranges to which there are exceptions caused by circumstances other than the class status of the plaintiff" (Staves, 1982, p. 284).

criminal conversation cases) was not absolute. It could be waived, especially in later years, in circumstances where it was deemed impossible to bring a lawsuit against the adulterer, for example, when the person was unknown, dead, foreign, bankrupt, or out of the court's jurisdiction.

Whereas it was sufficient for a man to prove that his wife had committed adultery to get a divorce *a vinculo*, a woman “had to prove against her husband not only adultery but also bigamy or incest or exaggerated cruelty” (Woodhouse, 1959, p. 262). In addition, “women petitioning for divorces were exempt from the need to bring criminal conversation cases, if indeed they were available to them which they almost certainly were not” (Wolfram, 1985, p. 160).

The term “cruelty” is quite recurrent in the literature about divorce laws, but one that should be clarified because of its apparent ambiguity—What classifies as *cruelty*? Hammerton (1990) offers a pretty detailed study on the law of matrimonial cruelty, explaining that by the late 18th century, “ecclesiastical courts had generally come to equate legal cruelty with extreme violence.” The author illustrates the basis of cases regarding cruelty by citing Sir William Scott (1745–1836), a famous English judge and jurist:

The cause must be grave and weighty, and such as shew an absolute impossibility that the duties of married life can be discharged. In a state of personal danger no duties can be discharged; for the duty of self-preservation must take place before the duties of marriage, which are secondary both in commencement and in obligation; but what falls short of this is with great caution to be admitted... What merely wounds the mental feelings is in few cases to be admitted where they are not accompanied with bodily injury, either actual or menaced. Mere austerity of temper, petulance of manners, rudeness of language, a want of civil attention and accommodation, even occasional sallies of passion, if they do not threaten bodily harm, do not amount to legal cruelty: they are high moral offences in the marriage state undoubtedly, not innocent surely in any state of life, but still they are not that cruelty against which the law can relieve. Under such misconduct of either of the parties, for it may exist on one side as well as the other, the suffering party must bear in some degree the consequences of an injudicious connection; must subdue by decent resistance or by prudent conciliation; and if this cannot be done, both must suffer in silence. (as cited in Hammerton, 1990, p. 273)

Deriving from this legal view, the Court would consider cruelty if evidence was presented that there had been a danger to life, limb, or health or if there was “reasonable apprehension” of eminent threat on these grounds (Hammerton, 1990). During the first half of the 19th century, cruelty was decided mainly based on actual or threatened physical injury.

Thus, “an Act to dissolve the marriage of m with n his now wife and the said m to marry

again...’ and *mutatis mutandis* for a woman granted a divorce” (Wolfram, 1985, p. 161). In these Acts, the division of property and the payment of maintenance would be included. An act also declared that the husband retained all property rights, and that the wife was from then on excluded from receiving a dowry. Likewise, the husband was barred from any right to future property the wife inherited or acquired (Wolfram, 1985). Although the husband who had been successful in his divorce plea could remarry, the same did not apply to the “guilty party,” usually the woman. The principle stood until 1857, as we will see further ahead.

Douglas James, who studied parliamentary divorces between 1700 and 1857, claims that “unsurprisingly, legislation dissolving marriage forms a tiny proportion of the activity” during those years, amounting to “300-odd of several thousand acts” (James, 2012, p. 170). According to the author, a question that has been central to historiography is whether divorce granted by Parliament was a prerogative of the rich²¹ (James, 2012; see also Stone, 1977, 1990; Wolfram, 1985; Woodhouse, 1959).

Woodhouse (1959, p. 261) asserts that the average divorce *a vinculo matrimonii* “entailed several months if not years, heavy expenses and an excessive exposure of privacy,” concluding that “the great majority of Englishmen were by financial considerations barred from divorce.” The author further adds the following about timing and expenses:

The Deputy Register of the Consistory Court of London, the Bishop of London’s Court, estimated that if a case were presented to the ecclesiastical Court at the appropriate term and was not appealed, it could be obtained in six weeks or two months at a cost varying from £120 to £140. But should the defendant contest the case, three or four months would be required to investigate and fees would run as high as £500. To get a private bill through Parliament cost about £180, exclusive of lawyer’s fees. Thereafter alimony was a continuing expense till death dissolved it. (Woodhouse, 1959, p. 261)

Stone (1977) argues that, especially until 1760, this was a costly procedure, essentially circumscribed to owners of large estates at risk of being passed on to a male heir by a second marriage. “Between 1670 and 1799, there were only one hundred and thirty-one such Acts, virtually all instituted by husbands, and only seventeen passed before 1750” (Stone, 1977, p. 38). More recent studies do not necessarily contradict this idea. For example, James (2012) indicates that between 1731 and 1760 alone there were 23 successful parliamentary divorces. Upon studying the ranks of the men who entered petitions in Parliament to get divorced, the author concludes that “divorce was never an absolutely open or closed shop. No group was

²¹ Please refer to the Annexes for tables and graphics on the number of divorces organised by absolute number and by the rank of the person filing for a divorce.

entirely debarred, no group automatically admitted” (James, 2012, p. 176). After exploring the success and failure rates of divorce bills in Parliament, from 1700 to 1857, the author does, however, point out that:

If there were groups that can be said to have suffered demonstrable exclusion, then perhaps women and servicemen might be emphasized. They were the only sectors of society that failed on average more than 30% of the time. Then again, even servicemen enjoyed a success rate of over two-thirds and only about 10% less than those who were titled. Women were truly anomalous, however. At 40% success, they are all of 29.2% behind the military men. It might be surprising that even 40% were successful, given the strength of the sexual double-standard [...]. It should be borne in mind that women could come from different backgrounds and were not socially homogeneous. None the less [...] it required heinous and morally insupportable aggravating behaviour on the part of the defendant husband for the Lords to look unfavourably on him and grant divorce to his wife. (James, 2012, p. 178)

This is in line with Holmes’ (1995, p. 604) findings, that women were the group for whom divorce was harder to get:

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

The literature does not seem to be consensual on whether or not getting a divorce was a prerogative of the wealthier. Charles Dickens himself criticised the costly endeavour that was getting a divorce in the 1854 novel *Hard Times*:

There *is* such a law [...]. It costs money. It costs a mint of money [...]. Why, you’d have to go to Doctors’ Commons with a suit, and you’d have to go to the Court of Common Law with a suit, and you’d have to go to the House of Lords with a suit, and you’d have to get an Act of Parliament to enable you to marry again, and it would cost you (if it was a case of very plain-sailing), I suppose from a thousand to fifteen hundred pound [...]. Perhaps twice the money. (Dickens, 1854/1996, p. 110)

Wolfram’s (1985, p. 162)²²—an important precursor to the work of James (2012)—analysis of divorce data from 1700 to 1857 shows that “although the aristocracy was prominent in divorce cases, especially in the early stages, divorce was by no means such a prerogative of the aristocracy as it was alleged to be. In the last quarter of the century before 1857, the aristocracy was not much involved” (see Annexes). The author states that the idea that “only

²² This is a seminal article on various fronts. It statically studies not just the costs of getting a divorce, but also the value of damages, the number of years marriages that ended in a divorce usually lasted and if there were children. Thus, for general further information on the implications of private divorce bills between the years 1700 and 1857, see Wolfram (1985).

the very rich could afford divorce may be exaggerated” (Wolfram, 1985, p. 166) and lists many other possible reasons for the divorce reform of 1857, as we will see ahead.

Hammerton (1990, p. 271) claims that divorce by parliamentary act was “restricted to the minority wealthy enough to finance” it. Probert (1999) says just that divorce was popularly believed to cost around £1,000, and Shanley (1993, p. 36) remarks that “obtaining a parliamentary divorce was legally complex and extraordinarily expensive.” James, building mainly on Wolfram (1985), is not able to derive from his analysis a clear favouring of a social class in detriment of others—“too many groups shared trends for one to conclude that success or failure hinged on social status” (James, 2012, p. 179)—, only that women were far less successful in having their request for divorce fulfilled than their male counterparts, as we have mentioned (see Annexes).

In spite of what the costs associated really amounted to, divorce was definitely not a common practice, nor was it widely accepted: “For most Victorians, to sanction divorce was to sanction immorality” (Bolivar, 2012, p. 256).

2.2. *Divorce Law Reform: The 1857 Matrimonial Causes Act*

Although different authors will show different rates at which the following happened, historiography seems to be in agreement that the number of divorces grew higher as the middle of the 19th century approached (see James, 2012; Stone, 1977; Wolfram, 1985; Woodhouse, 1959). On one hand, as divorce numbers grew, so did the complaints regarding the many steps of the process (i.e., winning a criminal conversation case, getting a divorce *a mensa et thoro* in the ecclesiastical courts, and petitioning Parliament to pass a private Act) and how long it took to achieve them. On the other hand, the increasing number of petitions started to weigh in on parliamentarians who had other duties to fulfil. In 1850, a Select Committee had been set up to deal specifically with such bills, but still, the manoeuvre was not enough to answer all the criticisms of the process (Probert, 1999). According to Stone (1990, p. 369), “the prime objective was to destroy the fifty local ecclesiastical courts by transferring to two new secular courts virtually all their non-clerical business, that is the probate of wills and matrimonial affairs.” Shanley (1982) also argues that the divorce bill was a measure to take authority away from the ecclesiastical Court but that defenders of women’s rights took hold of the moment to complain about the double standard for men and women in divorce law and the incapacity of married women and, by extension, the divorced-to-be, to hold property in their own names.

The Select Committee’s report of 1853 suggested that a civil court be established to deal

with divorces *a vinculo*, traditionally a prerogative of the ecclesiastical courts. These would be granted upon a wife's adultery. It was also stated in the report that a divorce *a mensa et thoro* should be granted to men and women for adultery, gross cruelty, and wilful desertion for an extended period (Shanley, 1982).

In 1854, Lord Chancellor Cranworth, relying on the suggestions given by the Royal Commissioners, submitted a divorce bill to the House of Lords, which differed from the 1853 report in that it provisioned that a wife should be allowed to get a divorce *a vinculo* on the grounds of adultery aggravated by incest, bigamy, or gross cruelty. Also according to the bill, actions for criminal conversation would be retained in the King's Bench or Common Pleas courts, coming only after separation or divorce. "The bill was thus little more than an open power play by the common and equity lawyers to capture full control of all matrimonial litigation" (Stone, 1990, p. 370). It did not reduce the allegedly high costs of divorce, nor did it simplify the process by abolishing criminal conversation suits; quite the contrary: by centralising the matters in London, the bill would possibly increase the expenses of getting a divorce, thus depriving yet another large group of the population of being equal in the eyes of the law²³. Many of the Lords were against the bill and even argued that there should be no form of divorce whatsoever. Thus, the bill died after a second reading.

There were other attempts at passing a divorce law, and only after various complex discussions, public and in the Houses, was a bill finally passed in 1857. The final Divorce Act upended the ecclesiastical doctrine of the indissolubility of marriage. In its last version, it also contained more grounds for wives to divorce their husbands, especially if compared to the initial proposals, which had none. Yet, as we will see, the final bill did not answer suitably any of the actual complaints made by women regarding the double standard or property. Was it useless for women, then? Well, that depends on the perspective. It did not achieve immediate reform of women's rights. Still, it did show a new perspective of marriage that did not follow the ecclesiastical doctrine of the indissolubility of marriage nor the common law doctrine of spousal unity—in short, those who "carried on the agitation for these reforms stimulated a reform movement of great significance for the legal status of married women, and their efforts provoked a reconsideration of marriage which was central to the development of feminist thought in the later nineteenth century" (Shanley, 1982, p. 356).

²³ "One MP pointed out that under the new proposals, a poor man would be obliged to hire both a local attorney and a London attorney, and to travel with all his witnesses to London to give evidence at a series of trials. The total cost of all this would be far beyond his means" (Stone, 1990, p. 372).

Reforms such as the 1857 Marriage Causes Act are usually multicausal and pointing to one event as the prime reason for its execution is oversimplifying and ignoring important historical events. However, it is also true that some happenings have a greater weight than others in the historical outcome under consideration. For example, talking about the law shifts in 1857 and not speaking of Caroline Norton's life would be to ignore one of the most notorious driving forces behind the said shift. As Poovey (1988, p. 469) puts it, "the history of Caroline Norton [...] is a veritable case study in the wrongs a married woman could suffer in the first half of the nineteenth century." However, Caroline did not change the law alone. Shanley (1982, p. 358) recognises Mrs Norton's importance but adds two other sources to "the impetus to broaden the discussion": the Law Amendment Society (LAS) and Barbara Leigh Smith.

The next subsections will be dedicated to the work of these three "sources." I will also analyse what comprised the discussions in Parliament and the implications of the law itself. Lastly, I will give an overview of the most critical moments in divorce law reform after 1857, terminating in the 1923 Matrimonial Causes Act.

2.2.1. Caroline Norton

Caroline Elizabeth Sarah Sheridan was born on March 22, 1808, in London. The granddaughter of the playwright Richard Brinsley Sheridan, Caroline would grow up to be a successful poet and writer. Amongst her most famous literary works, one can cite two collections of poems, *The Sorrows of Rosalie* (1829) and *The Undying One* (1830). However, it was her matrimonial difficulties and the writings that derived from her fight against the legal regime of coverture that prompted her to succeed as an author to this day (Caroline Norton, 2022).

In 1827, Caroline married George Norton, the youngest son of a Tory aristocrat and non-practising barrister. In many ways, the marriage was an unhappy one, and Poovey (1988) argues that Caroline was the primary provider of financial income through the earnings she made from her writing. Money seems to have been a contentious point for the Norton couple, and it was Caroline's refusal to let him raise money against her marriage trust that acted as the biggest lever for what was to follow.

To fully grasp the importance of the Norton case, it is necessary to review the most contentious episodes of Caroline and George's marriage, starting with the Easter of 1836. Caroline and her children had been invited to spend the holidays in her brother's, Richard Brinsley Sheridan, house in Dorset. According to Atkinson (2013), Richard had not invited

George, whom he disliked from the beginning, but Caroline decided she would go anyway. The evening before Caroline and her three boys were to leave for Frampton House, George took her out to dinner, and the two argued into the night, according to the account of the children's nurse, Martha Morris. In the middle of the night, George woke Martha to tell her that the children would not be accompanying their mother to Dorset the following day. The next day, Caroline visited her sister, who lived within walking distance, to tell her what had happened. When she returned, she found out that her husband had ordered the little boys to be taken to a family lodging house accompanied by their nurse. To make matters worse, her husband, who had left for work that same morning, had also commanded that no one should allow Caroline to see the children, which, according to the law, he was in his right to do. "She begged to see them for an hour, but his wishes were obeyed and she reluctantly left 'in great distress'" (Atkinson, 2013, p. 17). Caroline was, from that day onwards, prevented from seeing her children.

The couple seemed to be in clear need of a divorce. However, to grant a divorce, George Norton had to first process and file a criminal conversation suit against a man his wife would have cheated on him with and win the said case. Going after a wife's friend (and possibly lover), George Norton put Lord Melbourne, by then already the prime minister of Great Britain, on trial for criminal conversation with his wife. Atkinson (2013) states that the reasons for the prosecution may have been political and not just the result of a man in search for his honour and virtue to be reinstated: if the case were to be found against Melbourne, it could be the end of his government and political career, which would be of interest to a Tory like Norton.

George Norton alleged that Lord Melbourne had denied him "the benefits of 'domestic harmony and affections', which led to a dereliction of Caroline's conjugal duties and Norton's conjugal rights" (Atkinson, 2013, p. 2). Norton asked for £10,000 in compensation for the life Melbourne had allegedly refused him, but he was not successful in his quest: Lord Melbourne's legal team was able to deny the charge, and the prime minister was judged not guilty. In fact, "so ludicrous was George Norton's evidence that the jury returned a verdict [...] without calling a single witness or leaving the box" (Poovey, 1988, p. 469). The action was dismissed on June 22, 1836 (Bailey, 1995).

Notwithstanding, significant damage had already been done to Caroline Norton, over whom the label of "fallen woman" was somewhat cast—"Polite society and the wider public made their own decisions: the trial itself, regardless of the outcome, had branded the Honourable Mrs Norton a dishonourable and scandalous woman. It was a label she would never quite shake off for the rest of her life" (Atkinson, 2013, p. 23; see also Shanley, 1993). Perhaps

worse than that, Caroline was prevented from seeing her children. The following years would consist of a legal fight against English custody laws.

2.2.1.1. Custody Proceedings Before 1839

Blackstone, in his *Commentaries*, pronounced the custody of children under the age of 21 as “the empire of the father,” and, he added, a “mother, as such, is entitled to no power, but only to reverence and respect” (as cited in Abramowicz, 1999, pp. 1356–1357). Indeed, 19th-century jurisprudence had crystallised the father’s absolute rights by repeatedly rejecting maternal rights as a sufficient basis for removing children from their fathers.

Before 1660, custody was dictated by guardianships in chivalry. In 1660, the Tenures Abolition Act—which, as the name says, abolished tenures in chivalry, also abolishing guardianships—gave fathers the right to appoint guardians to their infant heirs, either to take over custody during the father’s lifetime or to succeed him in custody after his death; the only two conditions the appointed guardian had to fulfil was to hold property and not be a Catholic. The principle could be applied until the child reached the age of 21. This guardianship took precedence even over that of the mother. If an unfortunate event occurred (e.g., a father died without appointing a guardian or the testamentary guardian had become disabled), the Court of Chancery would come forward to appoint a new guardian “whose legal status was akin to that of a testamentary guardian” (Abramowicz, 1999, p. 1370). In any case, “the interest of the infant” was put first and what the Court of Chancery decided was based on the belief that it was in the child’s best interest: “The decisions [...] tended to be those that favored the ward’s inculcation into the customs and religion of England, requiring that the ward live in England, study at an English school, and learn to practice the official English religion” (Abramowicz, 1999, p. 1379).

If guardianship orders were disobeyed, the Court of Chancery’s role was to decide the proper punishment for whoever had committed the infraction. In the second half of the 18th century, the provisions made for testamentary guardianships were extended to the father. Thus, from then on, the Court of Chancery’s jurisdiction included the supervision of fathers themselves. Initially, the Court only looked at cases in which the fathers had breached financial duties to their children; before long, however, it also took under its wing cases where fathers had failed their overall paternal responsibilities. Judicial intervention in fatherhood on financial grounds can first be seen in 1789 in the case of *Powel v. Cleaver*:

In *Powel*, the Court found that a father had failed in his paternal duties, and therefore

forfeited his paternal rights, when he refused to let others control his child in exchange for a legacy. *Powel* involved a father who rejected a legacy for his children when he realized that it was granted upon the condition that his rights of guardianship be terminated. The Court refused the father permission to interfere with the education of his children as arranged by the executor, on the grounds that the children had certain “expectations” that the legacy had created, and must be educated in accordance with those expectations. Hesitant to admit the extent to which it thereby abrogated a father’s rights to his child, the *Powel* court finessed the issue by refusing to articulate the basis for its jurisdiction to do so. [...] the Court declared: “It is no where laid down that the guardianship of a child can be wantonly be [sic] disposed of by a third person. The wisdom would be not to raise points on such a question, as the Court will take care that the child shall be properly educated for his expectations.” (Abramowicz, 1999, pp. 1384–1385)

The Court decided that if a father failed his children by prohibiting them from having a wealthier lifestyle than the one he was able to provide, he was putting his interests above the children’s, therefore neglecting his paternal duties. The same principle underlaid *Creuze v. Hunter* (1790), in which a bankrupt father was impeded from managing his child’s finances because the latter was heir to an estate. The Court believed that the father’s example could lead the child to mismanage their property and decided that such a father should not interfere with a child’s material well-being, thus withdrawing the father’s parental rights.

de Manneville v. de Manneville, in 1804, started the “tradition” of meddling in father’s rights based on non-financial reasons:

de Manneville involved a French father and a British mother who had literally snatched a child back and forth. The mother petitioned the Court of Chancery to force the father to deliver the child to her. The Court refused to deliver the child to the mother, on the ground that to do so would be to sanction her illegal separation from her husband. But it decided that once the case had been brought before it, it could make any decision which would be in the child’s best interests [...]. After considering all aspects of the situations of the child, mother, and father, the Court ruled that the child would remain with the father, but the father was to be prohibited from removing his child out of England. (Abramowicz, 1999, pp. 1386–1387)

From 1804 to 1839, the Court of Chancery would restrict fathers from interfering with the custody of their children if they understood the father had conducted himself in a manner not proper to child-raising, which, based on recent jurisprudence, could involve financial and non-financial grounds. This did not mean the mother gained full and unreserved access to her children’s custody: “Where the husband’s behaviour was not considered a risk [...] the children would generally be returned to the father” (Bailey, 1995, p. 396).

2.2.1.2. The 1839 Custody of Infants Act

Although George Norton's criminal conversation trial was not a success, he had not acted in a way the law saw as unfit to keep the custody of his children; thus, if he denied his wife access to the children, he was technically within his right to do so. At first, Caroline tried to negotiate a settlement with her husband, but she was repeatedly disappointed— "it began to seem that legislative reform was the only means by which Mrs. Norton could hope to obtain access to her children" (Bailey, 1995, p. 404).

In her first two prominent political pamphlets, *A Plain Letter to the Lord Chancellor and The Separation of Mother and Children by the Law of "Custody of Infants," Considered*, Caroline Norton wrote about the injustices the law committed against mothers. Norton's ability to share a well-written account of her fortitude and her close acquaintance with some of the most prominent people in the country gave her a high public profile and turned her into the spokeswoman for many suffering English wives. Furthermore, her study of the law and her articulate exposition of its implications granted her the credibility she would always have to fight for as a woman writing about something widely regarded as a "man's subject." Writing under a male pseudonym and intervening in typically male environments, Caroline Norton's efforts can be considered a *tour de force* in the advancement of women's rights in Victorian England.

Abramowicz (1999, p. 1359) says that Caroline created the "misperception that under English law before 1839, fathers had absolute rights to the custody of their children" because she devoted little or no space in her pamphlet to the occasions in which the Court had found against the father. In the cases she revisits, she speaks of competing rights but somewhat ignores the revocation of paternal rights²⁴. This does not mean her writings should be disregarded: if one can forgive Caroline's bias in her political writings, we are still left with a historical source worth going over. And an influential one at that; as Abramowicz (1999, p. 1362) herself recognises, "Norton's agitation on behalf of the Custody of Infants bill did more than change the future of child custody law. It also changed the way in which the future would read the custody law of the past. Members of Parliament debating Norton's proposal often disagreed

²⁴ "This is exemplified by her treatment of *de Manneville*. Here Norton mentions the court order forbidding the father from taking the child out of the jurisdiction, but does not view this as an abrogation of paternal rights. Norton focuses instead on the court's refusal to grant custody to the mother, spinning the facts of the case to make the decision stand for the proposition 'that "the father's right" extends to the hour of a child's birth, and that he may tear it from the breast of its mother, in the act of affording it the nourishment which supports its life'" (Abramowicz, 1999, p. 1361).

about the advisability of passing it into law [...]. But they accepted Norton's view of legal history."

Indeed, it was a friend of Caroline's, the Whig MP Thomas Noon Talfourd, who, on April 25, 1837, presented a first bill "to empower the Lord Chancellor and judges to make orders relating to access to children of tender years in cases where the parents are living apart, upon the application of either parent, or on the return of a writ of *habeas corpus* issued at the instance of the father" (as cited in Bailey, 1995, p. 410). Despite the seemingly urgent subject, after several postponements and a general election, a first reading of the Bill, by then with alterations to the first text, would only occur on December 14, 1837. Citing examples like the *de Manneville* cases and pointing out the faults in the law and jurisprudence, Talfourd insisted:

The most dreadful cases were those where the "silent operation of the law's power" compelled "an innocent wife to resign property, or to submit to disgrace, on pain of being excluded for ever from the sight of those who are dearer to her than life." He described such cases as "moral torture playing on the finest nerves of agony." (Bailey, 1995, p. 413)

In line with Caroline's strategy, Talfourd was not seeking radical change, nor did he attempt to deny fathers what was theirs "by nature." The aim of the Bill was simply to diminish the mothers' suffering.

Technical objections to the redaction of the Bill meant that it had to be read a second time, which took place on February 14, 1838. One of the Bill's greatest opponents, Sir Edward Burtenshaw Sugden argued that he could not accept the Bill because it would make separations easier and reconciliations less probable. Conversely, a supporter of the Bill, Mr V. Smith, asked the House:

not to take advantage of a mother's attachment to her children to compel her "to reside with a husband who treated her with neglect and cruelty." He pointed out that "[a]ll the difficulties of separation were at present on the side of the woman, and therefore in all the bickerings of married life the wife felt it expedient to yield, as she was the party on whom punishment must fall... [T]he wife was placed in the position of a slave." (Bailey, 1995, p. 416)

Still concerned about facilitating separations, the Bill went through to a third reading on May 23, 1838. Sugden reiterated his concerns which were shared by other men in the House. In the meantime, Caroline Norton had been campaigning for the Bill. In her pamphlet *The Separation of Mother and Children by the Law of "Custody of Infants," Considered*, her arguments spoke to the law reformers and were particularly poignant in a time when humanitarian protection of individual rights was increasingly important. Sugden still opposed

the Bill, basing his position on moral grounds and child protection. Still, the third read was a success, and the Bill passed by a vote of 60 to 14 and was then moved to the House of Lords, where it found new opponents. “The argument that the law should secure the system that was best for society as a whole rather than intervening to address injustice in individual cases was emphasized by most opponents of the Bill” (Bailey, 1995, p. 424), and so it was moved to a second reading, scheduled for July 30, 1838, where the vote was comprised of nine “ayes” and 11 “nays.”

After this defeat, Norton wrote another pamphlet addressed to the Lord Chancellor, *A Plain Letter to the Lord Chancellor on the Infant Custody Bill*. The way Caroline expressed her arguments also helped her “make way without making shift.” She did not go openly against the system of coverture, and she endorsed it in her fight against mothers’ lack of rights. Bailey (1995, pp. 405–406) explains it best: “she advocated piecemeal reform, rather than radical change, and then only if necessary and to the extent necessary.”

In her pamphlet, she starts by describing the hardships mothers deprived of their children went through, stating that the law forced a woman to remain with an abusive husband just so that she could keep her children’s company:

If by reconciliation be meant simply the return of a woman to her husband’s house, there is no doubt it might be effected in many instances; though in others, where the woman shewed more fortitude and nobleness, and at the same time more steady resistance of wrong, this permission by law to *rack the hear* instead of the body, would be found utterly to fail of its purpose. But the question is, on what principle the legislature should give a man this power to torment; this power to say to his wife “You shall bear blows, you shall bear inconstancy, you shall give up property, you shall endure insult, and *yet* you shall continue to live under my roof, *or else* I will take your children, and you shall never see them more?” Or, on what principle, if his victim leaves him, he is to say with hard and insolent triumph, “She shall return to her home, or weep her heart out; I make no promise—I admit no man’s right to interfere—I care not what truth there may be in her complaints of my conduct; all I say is, that either she shall *return*, or she shall never again see or hear of her children.” Can the return under such circumstances be deemed a “reconciliation,” or even a voluntary and spontaneous act? (Norton, 1839)

Caroline voiced “women’s strong emotional link to their children and need for protection” (Bailey, 1995, p. 409), which helped her gather some more defendants of reform. She appealed to the protective instincts of legislators and addressed the counterarguments enunciated thus far. She started by addressing the difference between being subject to authority and being subject to oppression:

An inferior position, that is, a position subject to individual authority, does not imply the absence of claim to general protection. To say that a wife should be otherwise than dutiful

and obedient to her husband, or that she should in any way be independent of him, would be absurd: as Johnson said of a woman's independence of public opinion, "If it were possible it would not be just; and if it were just it would not be possible." But there is a very wide difference between being subject to authority and subject to oppression. Take any analogous instance of inferiority of position; [...] take a soldier, a sailor, or an apprentice; the situation of captain of a ship, colonel of a regiment, master of a parish apprentice, being perhaps the nearest approach to despotic power known in England. In all these instances [...], authority is stretched to its utmost limits; but oppression is forbid and guarded against. The sailor on the high seas, the soldier serving at home or abroad, the forlorn and friendless apprentice, all know that the strong arm and vigilant eye of the law exist for them, as much as for those who are set over them. Nothing but a defect of evidence—nothing but the secrecy which rarely attends crime, can in these instances prevent acts of injustice, cruelty and oppression, from being followed by punishment. Is it so with the authority of the father over the mother of his children? Does the clear evidence of its being a case of cruelty secure her redress? No. But this injustice [...] results [...] from an anomaly in the law; from a peculiar defect of protection in this single instance, which has not its parallel in any other feature of the social system; and which habit and prejudice alone could teach us to mock with the name of justice. (Norton, 1839)

She also addressed those who believed changing custody law would lead to more separations because women would not have the "check" of losing their children stopping them:

That check cannot be said to be *removed* which never existed; and it is certain that so far from women in general being aware, that by separating themselves from their husbands they also eternally separated themselves from their children; the general impression was (not only among women, but among two-thirds of those who are now called to legislate upon this question), that *until seven years of age* the mother could claim the sole custody of her infant, and that after that age circumstances would regulate her intercourse with it. Till the painful disclosures consequent on the discussion of this Bill, were made; it never was publicly known or understood that the father had a right to deprive his wife of her infant children at any moment, and for any cause; it never was publicly known or understood, that infidelity and brutality on the part of the husband, and blamelessness on the part of the wife, made no difference in the decisions of courts of justice: it never was publicly known or understood, that in this free country, a man could take his innocent legitimate child from his wife, and give it to the woman with whom he was living, and that the English law, the law which boasts "a remedy for every wrong,"—the law of the country which piques itself on the protection of the oppressed—gave that mother no redress, but left her child in the custody of its father's mistress. Women have hitherto imagined (naturally enough), that if they could prove they had been faithful wives and careful mothers; if they could prove that the fault of separation was not theirs; if they could prove that it was merely from vengeance, from interest, or to gratify the caprice of some unhallowed object of attachment, that their children were taken away, the strong arm of the law would interfere to protect them. This was believed in error and in ignorance; but that it *was* believed is sufficient reply to those who talk of the law as it exists having been a check against separations. The very last case which was decided, was, under this belief, carried by the appealing mother from Judge's Chambers to the Court of King's Bench, and from the Court of King's Bench to the Court of Chancery, still imagining that *somewhere* the power to protect

must exist. She knew nothing of the supposed “check” which was to be held *in terrorem* over her, to compel her to submit to the coarse infidelities of her husband, or to part for ever from her infant children; she knew nothing of the operation of the law which aided the oppressor to tyrannise, punishing the innocent and letting the guilty go free. Simply imagining that her own blamelessness and affection for her children, (to whom *she* had been acting a mother’s holy part, while their father was living with a wanton) would suffice to establish her claim to protection, she appealed to the English law; and appealed in vain. (Norton, 1839)

As her arguments progressed, Caroline was capable of pointing out the contradiction in the reasoning of those who were against the Bill, and more examples could be cited. One of the most important passages is, perhaps, when she invokes the child’s best interest:

The woman who is mother to the children of a profligate and tyrannical husband is bound by her *duty*, even if she were not moved by the strong instinct of her own heart, to struggle against the seizure of her infants. It is not *her* happiness alone that is involved, *theirs* is also at stake; their comfort, their well-being, perhaps the tenor of their whole future lives, depend on their not being legally permitted to be made the innocent victims of their father’s caprice. To refuse the protection which would enable a blameless wife to continue her care of infants in such a case, merely on the plea that the law will not interfere with the husband, what is it but to deny the position of the woman as a rational and accountable creature? (Norton, 1839)

Writing under the pseudonym Pearce Stevenson—a necessity for a woman who wished to partake of and be taken seriously in “men’s business,” as well as the legal and political worlds—, Caroline gave a universalising tone to her pleas. It is hard to say with 100% accuracy that it was *because* of her pamphlets, but the new redaction of the Bill presented on May 9, 1839, now allowed mothers to apply for the custody of children under the age of seven.

Sugden was part of the special committee organised to decide on the Custody Infant Bill, and he made one last stand against it, saying that it reduced the obligations of marriage. However, his motion was defeated, and the Bill was passed on to the House of Lords once again. It was read for the first time on July 2 and a second time on July 18. “On 2 August 1839, [a] third reading took place in House of Lords with no debate, and the law for which Mrs. Norton had lobbied for two-and-a-half years was finally passed” (Bailey, 1995, p. 436).

Hence, by the final months of 1839, the Custody of Infants Act was in force. According to it, the Court of Chancery had the power to grant a mother—as long as she had not committed adultery—custody of her children under the age of seven. The father’s custody could also be overruled by giving the mother visitation rights. Nonetheless, this was not the first time the law overrode fathers’ rights, as that had already been the case in the previous decades, especially since 1804. At the same time, this did not mean that the Court did not find for fathers whenever

it could: as Bailey (1995, p. 393) puts it, “the Custody of Infants Act had little effect on the exercise of judicial discretion, which remained in favour of paternal rights over custody and access in most cases.” It was a first step in undermining the patriarchal status quo, but still a very timid one.

As for Caroline, the possible suit in the Court of Chancery and the fatal injury of her youngest son in a riding accident and his death before she could see him led to George allowing her to see the boys regularly (Shanley, 1993).

2.2.1.3. Further Struggles

By 1848, the dispute had softened, and the Nortons agreed to a written deed according to which George would provide Caroline with a £500 allowance *per annum*. Notwithstanding, in 1853, money became an issue yet again. On her passing, Caroline’s mother had willed her an inheritance of £480 a year. “George, who inherited from Mrs. Sheridan’s estate the life-interest on Caroline’s portion from her father, declared that since Caroline now had additional income, he would reduce the allowance agreed to in the separation deed” (Shanley, 1993, p. 26). Thinking the deed was binding, Caroline was shocked to learn the news and believed George could not legally do such a thing. The problem was he could: because of coverture, a man could not contract with his wife—it was as if he was contracting with himself, which would certainly not make any sense. To make matters worse, Caroline could not sue her husband based on the same principle. Atkinson (2013) clarifies that there was another complication. In 1835, Caroline had left George Norton after an argument, but by later returning to him, she had, in the eyes of any court judging her case, condoned his behaviour, making it even more difficult for the female writer to leave her husband. Living away from her husband meant that she had forfeited the right to see her children unless her husband permitted it—which he did not.

The writer was infuriated by the discovery and set out to do everything she could to have her money and dignity back. “Because a wife could not sue her husband, Caroline allowed a carriage repairman to sue George for his failure to pay Caroline’s bill” (Poovey, 1988, p. 470). The trial took place on August 18, 1853, at the Westminster County Court, and the financial situation of the Norton family was the centre of the conflict. “George used the occasion to bring up the legacy that Lord Melbourne had left for Caroline upon his death in 1848 in order to besmirch her reputation one more time” (Poovey, 1988, p. 470). George won the case, and Caroline did what she could as a woman and writer to fight the Court’s decision: she made use of the press.

Although her writings for the *Times* were surprising enough, it was in her two pamphlets—*English Laws for Women in the Nineteenth Century* and *A Letter to the Queen on Lord Cranworth's Marriage Divorce Bill*—that she really exposed what married women endured at the time:

A married woman in England has *no legal existence*: her being is absorbed in that of her husband. Years of separation or desertion cannot alter this position. Unless divorced by special enactment in the House of Lords, the legal fiction holds her to be “one” with her husband, even though she may never see or hear of him [...]. If her husband take proceedings for a divorce, she is not, in the first instance, allowed to defend herself. She has no means of proving the falsehood of his allegations. She is not represented by attorney, nor permitted to be considered a party to the suit between him and her supposed lover, for “damages” [...]. If an English wife be guilty of infidelity, her husband can divorce *her* so as to marry again; but she cannot divorce the husband *a vinculo*, however profligate he may be. No law court can divorce in England. (Norton, 1855)

Norton's complaints align with James' (2012) findings that if there was prejudice in the law, it was mostly against women. The whole pamphlet could be cited as proof of the injustice women suffered. The following passage, however, is of particular importance in its denouncement of the double standard enshrined in the law:

She cannot prosecute for a libel. Her husband must prosecute; and in cases of enmity and separation, of course she is without a remedy. She cannot sign a lease, or transact responsible business. She cannot claim support, as a matter of personal right, from her husband. The general belief and nominal rule is that her husband is “bound to maintain her.” That is not the law. He is not bound to *her*. He is bound to his country; bound to see that she does not cumber the parish in which she resides. If it be proved that means sufficient are at her disposal, from relatives or friends, her husband is quit of his obligation, and need not contribute a farthing: even if he have deserted her; or be in receipt of money which is hers by inheritance. She cannot bind her husband by any agreement, except through a third party. A contract formally drawn out by a lawyer,—witnessed, and signed by her husband, —is *void in law*; and he can evade payment of an income so assured, by the legal quibble that “a man cannot contract with his own wife.” Separation from her husband by consent, or for his ill usage, does not alter their mutual relation. He retains the right to divorce her *after* separation,—as before,—though he himself be unfaithful. Her being, on the other hand, of spotless character, and without reproach, gives her no advantage in law. She may have withdrawn from his roof knowing that he lives with “his faithful housekeeper”: having suffered personal violence at his hands; having “condoned” much, and being able to prove it by unimpeachable testimony: or he may have shut the doors of her house against her: all this is quite immaterial: the law takes no cognisance of which is to blame. As *her husband*, he has a right to all that is hers: as *his wife*, she has no right to anything that is his. As her husband, he may divorce her (if truth or false swearing can do it): as his wife, the utmost “divorce” she could obtain, is permission to reside alone,—married to his name. The marriage ceremony is a civil bond for him,—and an indissoluble sacrament for her; and

the rights of mutual property which that ceremony is ignorantly supposed to confer, are made absolute for him, and null for her. (Norton, 1855)

In both pamphlets, with a greater focus dedicated to the issue on *A Letter to the Queen*, Caroline Norton exposes the injustices in marriage laws of the time, “calling attention to their class and gender bias and pointing to the masculine self-interest that was inhibiting reform” (Poovey, 1988, p. 473). Contrary to what one may be at first sight inclined to think, Caroline never asked to stand as an equal to her male counterparts:

If, as I have said, my defence be disapproved, blame the LAW, which left me the task of defending, instead of the possibility of being defended. Or, if you still blame me, yet amend the law! [...] I shall die and be dust; but the laws of my country will survive me. It is very fit and fair that there should be repugnance and distrust, when women meddle in these matters: yet no one can feel them like a woman. It is a rule you do not apply to other subordinate groups [...]. Petitioning does not imply assertion of equality. The wild and stupid theories advanced by a few women, of “equal rights” and “equal intelligence” are not the opinions of their sex. I [...] (I, with millions more), believe in the natural superiority of man, as I do in the existence of a God [...]. Masculine superiority is incontestable; and with the superiority should come protection [...]. Women have one RIGHT (perhaps only that one). They have a right—founded on nature, equity, and religion—to the protection of man. POWER is on the side of men—power of body, power of mind, power of position. With that power should come, not only the fact, but the instinct of protection. Even the poor dumb animal will defend its companion and its young. Even the tiny bird, that pants to death in a child’s hand, will resist, to the extent of its fragile force, an attack upon its nestlings and its mate. Power, in its purer form, is protection. Power, in its corrupt form, is oppression. [...] the deep instinct of protection which lies in the human heart, applauds, as the noblest and most natural exercise of power, the resolution to DEFEND: whether it be home, country, the honour of woman, or the safety of infancy and age. (Norton, 1854)

We cannot tell whether Caroline actually believed or not in the natural inferiority of women and that her arguments were not strategically conceived so as not to be so “revolutionary” that they would not even be considered. We have only her pamphlets to work from. What Caroline Norton demanded—at least formally and on paper—was never equality but protection. In her texts, she accepted that women were more fragile than men and, because of that, the law should foresee nature’s imbalances and act in such a way as to compensate for them. Women should not be granted the same marital rights as men because they were their equals but precisely because they were not. They needed to be protected, and the law was not protecting them from the dangers and precariousness the double standard in divorce acts entailed. Calling on God and religion to appeal to her readers and, ultimately, the sovereign of her country, Norton explained that the excess of power leads only to corruption and oppression. She acknowledged men should have that power, but, as if a Machiavelli speaking to a myriad

of princes, she exhorted lawmakers to make men use their power wisely and justly by protecting their mothers, wives, daughters, sisters—in short, women.

Following 19th-century principles²⁵, Caroline recognised that men and women moved in different spheres and that the public sphere was his while the domestic sphere was hers. With the right to frequent different spheres should come the right to be protected in each one (Poovey, 1988). Thus, the way the law could protect divorced women was by granting them the right to property and ownership outside of marriage. The problem with Lord Cranworth's Bill had been precisely that it ignored the hardships a propertyless woman had to withstand.

2.2.2. New Stakeholders: The Law Amendment Society and Barbara Leigh Smith

2.2.2.1. The Law Amendment Society

Caroline was not alone in her struggle, of course. In 1844, the former lord chancellor Lord Brougham, joined by other legal reformers, founded the LAS. The idea was to merge the courts of law and equity “as a way to eliminate the legal complications and conflicts caused by having two courts administering two distinct and often contradictory bodies of legal rules” (Shanley, 1982, p. 360). Ten years later, in light of the new protests and public interest in the Norton case, the Society underlined the adversities caused by the coexistence of common law and equity courts²⁶. The system of coverture was widely accepted and considered the legal norm for every married couple in England at the beginning of the 19th century. There was technically, however, a form of avoiding such provisions of the common law, albeit only reachable for the wealthiest:

If [...] the woman's family was sufficiently wealthy, her property could be settled upon her by means of a trust, which was administered for her by a (male) trustee. The trustee was bound in equity to deal with the property according to the terms of the trust and

²⁵ Many authors have discussed the female condition during the 19th century and especially during the Victorian era. For further reading on this subject, it is worth reading Perkin's (1989) *Women and Marriage in Nineteenth-Century England*, with a special focus on middle-class women in Part III “The Gilded Cage.” For more on the subject, Hammerton (1990) speaks about prescriptive manuals for women and how they were an important instrument in perpetuating gender norms; two of Shanley's works cited in this dissertation are also of great value to understand the societal view of women's roles, ““One Must Ride Behind”: Married Women's Rights and the Divorce Act of 1857” (1982) and *Feminism, Marriage, and the Law in Victorian England* (1993). Many contemporary texts, written by men and women alike, could also be cited. An in-depth study on two fundamental texts written by men with diverging views on women's rights and nature—and thus a good introduction to texts written at the time—is the chapter written by Millett (1972) titled “The Debate Over Women: Ruskin vs. Mill” in the book appropriately called *Suffer and Be Still: Women in the Victorian Age*, edited by Martha Vicinus. In the same book, one also finds a discussion of how other mediums, such as painting, portrayed the ideal of women as kind, passive, sweet—Roberts' (1972) “Marriage, Redundancy or Sin: The Painter's View of Women in the First Twenty-Five Years of Victoria's Reign.” These are tentative suggestions and in no way exhaustive, but I believe are, nonetheless, good places to start.

²⁶ The characteristics of the coexistence of common law and equity are quite complex and hard to explain in detail. For a good summary of the 1856 report organised by the LAS on the differences in women's property rights between common law and equity, see Perkin (1989, pp. 15–19).

therefore (generally) according to the woman wishes. But although equity could thereby give the married woman almost all the rights of a single woman, her relation to property continued to be both indirect and limited, partly because her testamentary and contract rights were limited to the value of her separate property, and partly because, by a clause known as the restraint upon anticipation, a woman could be prevented from selling her property or charging it with her debts as long as she was married. (Poovey, 1988, pp. 474–475)

The two codes of law provided the country with distinct rules, diametrically opposed on the subject of marriage (Perkin, 1989). As mentioned, the rich could get around common law provisions and present their cases to the courts of equity; for the rest, common law was *the* law. Many jurists—Blackstone included—disliked equity jurisprudence, “which invaded common law doctrines and introduced into the laws of England principles akin to those of the Roman law with respect to married women’s property rights” (Perkin, 1989, p. 18).

Because of the conflict between the two codes’ coexistence and the social asymmetry it entailed, there were those willing to reform the legal statutes. The LAS emerged as a response to this increasing discomfort. Since changing the relationship between common law and equity greatly impacted women’s property rights, the LAS members became valuable allies to protest for legal restructuring.

2.2.2.2. Barbara Leigh Smith (Bodichon)

Another woman’s pamphlet, albeit less famous, was a landmark in the 1850s fight for the rights of married women: Barbara Leigh Smith’s (last name Bodichon, upon marriage), born in Oxfordshire in 1827. Leigh Smith was the leader in the movement for women’s education and political rights and was instrumental in founding Girton College, Cambridge, the first faculty in England for women (Barbara Leigh Smith, 2021).

In 1854, she published *Brief Summary in Plain Language of the Most Important Laws Concerning Women*, in which—in an arguably less emotional form when compared to Norton’s writings²⁷—“she insisted that parliament give statutory recognition to married women’s rights to hold property, to contract, to sue and be sued in their own names, and otherwise to enjoy an independent legal personality from that of their husbands” (Shanley, 1982, p. 362). After an overview of the then-current laws of her country, she embarks on a comparative exercise with other countries’ laws for married women, emphasising the more liberal laws in some American states, whose legal system had been greatly influenced by the English one. She concludes by

²⁷ For the starkest differences between the writings of Barbara Leigh Smith and Caroline Norton, see Shanley (1993).

stating that the law, as it stood, was anachronistic in terms of “our peaceful times” (Bodichon, 1854) and adds:

Since all the unmarried women in England are supported either by their own exertions or by the exertions or bequests of their fathers and relations, there is no reason why upon marriage they should be thrown upon the pecuniary resources of their husbands, except in so far as the claims of a third party—children—may lessen the wife’s power of earning money, at the same time that it increases her expenses. Of course a woman may, and often does, by acting as housekeeper and manager of her husband’s concerns, earn a maintenance and a right to share in his property, independent of any children which may come of the marriage. But it is evident that daughters ought to have some sure provision—either a means of gaining their own bread, or property—as it is most undesirable that they should look upon marriage as a means of livelihood. Fathers seldom feel inclined to trust their daughters’ fortunes in the power of a husband, and, in the appointment of trustees, partially elude the law by a legal device. Also, the much abused Court of Chancery tried to palliate the Common Law, and recognizes a separate interest between husband and wife, and allows the wife alone to file a bill to recover and protect her property, and trustees are not necessary if there has been an agreement. Why should not these legal devices be done away with, by the simple abolition of a law which we have outgrown? We do not say that these laws of property are the only unjust laws concerning women to be found in the short summary which we have given, but they form a simple, tangible, and not offensive point of attack. (Bodichon, 1854)

Barbara Leigh Smith’s vindications—and the Married Women’s Property Committee’s, a group Leigh Smith had organised advancing women’s opportunities for education and employment—were different from those of Caroline Norton, or at least they stemmed from other principles. While Caroline’s demands were for legal protection when a husband did not duly guarantee it, the Committee “insisted that married women, like all other adults, had an inalienable right to their own property and the fruits of their own labor. Coverture did not simply cause hardship in exceptional cases where husband and wife lived apart, it was itself ‘radically unjust’” (Shanley, 1993, p. 33). Leigh Smith’s ideas were much more egalitarian in theory, which may help explain why the two never joined forces and why these seem parallel accounts of the same struggle.

One of the members of the LAS, Richard Monckton Milnes, a liberal MP, submitted Leigh Smith’s pamphlet to the group’s Personal Laws Committee, which, in 1856, delivered a report in which it was insisted that the laws regarding women’s property were revised. Thus, a campaign was started. On May 31 of that year, the LAS held a meeting on this issue and adopted a resolution “condemning the common law rule of married women’s property and endorsed the equitable concept of separate estates” (Shanley, 1982, p. 362).

In line with the actions of the LAS, Leigh Smith was inspired to act and, together with

six colleagues, drafted and circulated a petition for a married women's property law, which gathered 3,000 signatures. During the spring months of 1856, Parliament received almost 70 petitions, amounting to 24,000 signatures (Shanley, 1982).

2.2.3. Parliamentary Debates and the 1857 Matrimonial Causes Act

On the first day of June, Sir Erskine Perry presented the petitions and the LAS report and entered a resolution to the House of Commons, which condemned the common law rules of property respecting married women. It further proposed "making all married women, whether living with their husbands, separated, or deserted, responsible for their own property, their own debts, and their own torts, capable of making contracts, and able to dispose of their property in life and by will" (Stone, 1990, p. 377). The majority of both Houses opposed Perry's suggestion, stating that it was "likely to lead to separation of economic interests in a single household and thus to 'a corruption of morals'" (Stone, 1990, p. 377). The reading was postponed to the following year.

In the meantime, Caroline Norton, the LAS, and Barbara Leigh Smith kept up the campaign to amend the law of divorce and women's property rights. In May, Lord Lyndhurst, former Lord Chancellor, established a Select Committee to review the Bill proposed in 1854 by Cranworth with two aims: equality in grounds for divorce and protection of married women's property. The Committee proposed that (a) besides incest, cruelty, bigamy, and wilful desertion for four years be added as aggravations allowing women to divorce, and (b) a wife who was divorced from her husband *a mensa et thoro* be regarded as a *feme sole* when it came to her property and contracting. As had happened in the debates prior to the 1839 Child Custody Act, many members of the Houses became preoccupied with the meaning of such amendments to the functioning of English society and the safekeeping of good morals.

In the House, "proponents of sexual equality were clearly in the minority, and the proposal to equalize divorce grounds for men and women was rebuffed first in the Select Committee and subsequently by both the Lords and the Commons" (Shanley, 1983, p. 364).

A significant amount of the debates was spent on the reservations about a more permissive attitude towards divorce. Many members of the Houses worried that the Bill would encourage sexual deviation, of women, of course, but especially among the poorer. It was maybe because of this concern about lower-class immorality that, in the end, the Act established only one Court for divorce trials, situated in London; there was no open admittance that the law had been made for the rich, but it did make it a lot harder for couples with fewer material possibilities to get

divorced.

Those who were for the passage of the Bill arranged their arguments to “remind” their opponents that marriage was, in many ways, just like any other civil contract; and, as such, it should be dissolved if any of the parts violated its terms. Lyndhurst adopted this principle in his interventions:

The man promises during their joint lives to support, protect, and cherish the woman, and that he will never forsake her for another. There can be no more sacred promises...no contract more binding. But if he disregards that promise, and abandons his wife, why was the contract still to be binding upon her? In commercial contracts if one party violated the agreement the other was released from it. Why should not the same principles be extended to cases such as he had mentioned? (as cited in Shanley, 1982, p. 367)

This put the onus of the well-functioning of the relationship on the parties involved. However, it was not sufficient to convince both Houses that adultery practised by women was fundamentally the same as adultery committed by men, nor to assure a provision for married women’s property.

During the months of June, July, and August 1857, the debates became more intense, and it seemed that Prime Minister Lord Palmerston was set on not terminating the session in Parliament until the subject was fixed once and for all (Stone, 1990). There was still strong opposition to (a) giving married women (in a typical marital situation) control over their property, (b) extending the grounds upon which wives could sue for divorce, and (c) allowing the remarriage of a guilty wife to her lover. What to do with the actions for criminal conversation was also a point of contention²⁸, as well as the future of judicial separation (“the legal replacement for the old ecclesiastical court separation from bed and board, but now stripped of the bond to remain chaste and not to remarry in the lifetime of the spouse”; Stone, 1990, p. 381).

In August, exhaustion gave way; with many empty seats in Parliament, an amendment

²⁸ The attitudes towards criminal conversation actions were perhaps among the most consensual topics discussed and “speaker after speaker in Parliament stigmatized the action as ‘abominable,’ ‘scandalous,’ ‘the reproach of our laws,’ and an ‘odious action...by which a man put the wages of his own dishonour in his pocket.’ In Lords, the Marquess of Lansdowne referred to crim. con. as ‘that great stigma upon the legislation, the manners, the habits, and the customs of this country...which...is represented in all other countries in the world as an indication of, I will not say the ‘degraded,’ but of the loose, selfish, and sordid principles which prevail in this country.’ Lord St. Leonards inquired, ‘what a man was to do with the money so recovered? He could scarcely mix it up with his common funds, or consent to use it for his own benefit in any of the ordinary transactions of life. He would no more touch it than he would scorpions.’” (Staves, 1982, pp. 292–293). The discussions were not exactly about keeping criminal conversation rather about whether to abolish it altogether or to replace it with a different legal proceeding. In the end, “the principle of allowing monetary damages for adultery survived. In fact, the right to such damages was not abolished in England until 1970” (Staves, 1982, p. 293).

bill was passed with a tight margin of 46 to 44. On the 25th, it finally came the time for Queen Victoria to give royal assent to the Act for Divorce and Matrimonial Causes (Shanley, 1982). Because of the lengthy discussions and the many points on which MPs disagreed, the Bill's final draft bore little resemblance to the one introduced two years prior. According to the 1857 bill, only one Court—previously, there had been three—would be established in London to hear divorce cases. Additionally, all ecclesiastical jurisdiction on the matter was abolished (de Montmorency, 1926).

Also according to the new Bill, a husband could present a petition for divorce if his wife had been unfaithful. The wife, on her part, could only deliver a petition on the grounds of adultery coupled with cruelty, bigamy, or desertion, without reasonable excuse, for two years or more (de Montmorency, 1926). Furthermore, “when a wife sued for adultery she now might name the ‘other woman’ as co-respondent, if she knew who she was. The Court also took into consideration whether adultery was the product of such neglect that the defendant could scarcely be held responsible for the act” (Woodhouse, 1959, p. 273).

As previously stated, the criminal conversation acts were a great point of discussion during the debates. Although the practice was put to an end, the Act still enabled the husband to claim damages and costs from an adulterous correspondent. Notwithstanding, this remained a male prerogative; “a wife seeking a divorce had no such right of action against another woman” (Holmes, 1995, p. 605).

If a decree dissolving a marriage became final, the parties were allowed to marry again “as if the prior marriage had been dissolved by death” (de Montmorency, 1926, p. 40). The Act did permit moral objection on the part of the clergy since no clergyman in holy orders was obliged to sanctify the remarriage of the party that had been found guilty. However, if a minister rejected officiating the ceremony, he should consent to another cleric doing it in his church or chapel.

One cannot look at such an event and not wonder what its immediate impact was. Was it a step forward in women's rights and equality? Did it revolutionise the marriage institution? Or was it just a different procedure that still maintained the status quo? Based on the close analysis of the Bill's provisions and comparing them to the vindications made during the campaign for its passage, Woodhouse (1959) defends it did not change much. Shanley (1993, p. 47) states that the 1857 Divorce Act was not the “watershed statute” many legal historians had called it but rather a form of perpetuating the “patriarchal understanding of the marriage bond.”

Wolfram (1985, p. 158) shows that “the divorce rate went up from about 3.3 p.a. to about 150 p.a. after the Act of 1857, and had reached about 500 by the turn of the century—insignificant figures by comparison with the 150 000 divorces a year by 1980.” However, the author also adds that, by organising the data of the divorces rates from 1730 to 1980 logarithmically, one finds that “the 1857 Act has a claim to be the watershed it was believed to be by many of its contemporaries, and that ‘legalizing’ divorce may be the aptest description of what it did” (Wolfram, 1985, p. 158; see Annexes). According to Wolfram, the Act increased the percentage of successful divorces requested by women. However, the data available does not allow for a study to empirically determine whether the observed correlation implies causality, i.e., whether this phenomenon was a direct consequence of the passage of the Act.

These opinions depend on the consequences which are privileged. The Bill may have made divorce more accessible for some people, hence the higher numbers after 1857, but it did not respond to the women’s claims for “legal protection,” on Norton’s terms, or “legal equality,” on Leigh Smith’s. The double standard, which many people had fought so ardently against, remained a legal reality until 1923. “Both the margin by which the idea of equal treatment was rejected and the nature of the arguments advanced indicated that the double standard still had a stronghold” (Probert, 1999, p. 79). The grounds for divorce were different for men and women, and only a man could pecuniarily be compensated for his wife’s adultery. As Holmes (1995, p. 606) puts it, “under the provisions of the 1857 act, then, adultery continued to resemble another ancient civil wrong: trespass. The image of woman as the property of man was clear.”

Furthermore, women were expected to be tolerant of their husband’s faults; the same on their male counterparts was almost “degrading” (Holmes, 1995). And the truth is that, by asking women for more accusations than just adultery, the law indirectly obliged them to endure unfaithful relations.

The fundamental question of property was probably the most significant loss in the whole process. Many rose to oppose what to them seemed like an absurd idea, that women should be allowed to have possessions of their own, claiming that it forced women to be “more independent than they would have wished” or that they might misuse the money for lack of sound advice from their husbands. Poovey (1988) explains that the principle of coverture codified the difference between those who could and those who could not own property: legal subjects differed from non-subjects (children, orphans under guardianship, lunatics, and married women) because the first were capable of determining and acting upon their own

interests, and, thus, of entering a contract. The law protected the latter by interceding in their rights. The author adds that, at mid-century, the distinction was based on property: property owners (men) were legal subjects, and representatives of property (women and children) were not. “In nineteenth-century Britain, the fundamental criterion of subject status [...] was underwritten by another capacity, the ability to possess himself. Locke had formulated this notion of the male proprietary self in his statement that ‘every man has a property in himself’” (Poovey, 1988, p. 476).

The theory went that the very nature of women made them non-confrontational and non-competitive, leaving them out of the ferocious world that was the market economy. The selflessness supposedly present in every woman made her ideal for the home environment but not for the real-world jungle in which only strong characters could thrive. The 1857 Bill would, in principle, subvert the foundations upon which 19th-century society had been built: that women, whether different or not, were not limited by their nature and could, in fact, be property owners much like their male counterparts. Poovey (1988, p. 478) says that, while threatening to subvert the ideological oppositions of the society she was part of, Caroline Norton formulated her complaint in a way that actually enforced the status quo. Indeed, she asks for sympathy, not equality. Still, I would argue that her fight for women’s rights gave momentum to an essential legal conversation and paved the way for future changes and actions in the direction of equality.

Unfortunately, at the time, it was not enough. When the divorce bill was released nine days from passing its second reading in the Commons, the questions regarding property were shut down; married women’s property was only secured in 1882, and equal access to divorce only in 1923.

It should be mentioned that the lack of direct protest against the crystallisation of the double standard does not indicate that everyone believed it to be correct and did not defend its abolishment in their private views and thoughts. Instead, one should keep in mind that challenging general views is never easy and usually comes at great costs, far too great for most people to risk their lives over. Public defiance, especially female and especially in the 19th century, was not at reach unless one were at least a little privileged. Caroline Norton was part of the most influential and powerful sections of society. Barbara Leigh Smith also had a comfortable life. Neither were working women whose lives were mainly devoted to subsistence. Thus, although “ordinary women” must have also performed their “small” acts of resistance, eventually, a legal reform of this magnitude was something only the “great names” (Probert, 1999) could put into motion. Also, as with every norm, women had grown up to think

that they did indeed occupy a lesser place in society and their education was generally devoted to perpetuating those patriarchal ideals. Moreover, having the ideal family and financial stability meant compromising the female self. Still, as the decades progressed, more women from different backgrounds became aware that their condition could be improved and “by the late nineteenth century many working-class youths were rejecting the segregation of the sexes and the ideal of female modesty” (Coontz, 2005, p. 192). The times were changing, and the law was bound to change too.

2.2.4. Legal Reforms, 1857–1923

The rest of the 19th century saw the growth of movements for women’s rights and, consequently, the pressure for the elimination of the double standard increased. New voices arose to contest the still precarious legal condition of English women, and not just female but male as well, as was the case of John Stuart Mill.

In 1861, the influential philosopher John Stuart Mill published *The Subjection of Women*, a collection of essays he wrote with his stepdaughter Helen Taylor, and which was inspired by his wife Harriet Taylor. The book delves into the subaltern position of women throughout history and discusses the legal coverture, the weak education given to young girls, and the overall subjection women faced in the Victorian period. Recuperating some of the arguments posited by Wollstonecraft some decades prior, Mill contends that “what is commonly regarded as feminine character is but the predictable outcome of a highly artificial system of cultivation” (Millett, 1972, p. 127) and that what is regarded as inherently feminine is but “an eminently artificial thing—the result of forced repression in some directions, unnatural stimulation in others” (Mill, as cited in Millett, 1972, p. 127).

This social, legal, and economic arrangement had its full expression at the home, the setting where oppression was the most worrying, the centre of “domestic slavery.” Because of the treatment of women as chattel and the condoning of that by the law, Mill is an advocate for equal access to divorce. “‘Divorce,’ Mill urges with ironic force, would seem the least concession in a system where ‘a woman is denied any lot in life but that of being the personal body-servant of a despot’” (Millett, 1972, p. 131). Writing comprehensively about male brutality, the philosopher recognises that not allowing women to be freed from abusive husbands was the same as legally obliging victims to remain “in the power of the executioner” (Millett, 1972, p. 133). Broadly speaking, Mill postulated that if there was such a thing as freedom, then it should not be delegated; rather, it should be a prerogative of *all* individuals—

women and men, regarding civil and political rights, in the public or domestic spheres; marriage should not annul a woman's rights (Fraisie, 1991, p. 83).

While speaking of Mill, it is also important to dedicate a few lines to his life companion, Harriet Taylor Mill, who he recognised as being a great contributor to his works²⁹. Their relationship was special not only in that they both produced very important philosophical works but also because their life as a couple defied the norms of the time. Before Mill and Harriet Taylor got married, the former wrote *Statement on Marriage* renouncing the powers the law gave him over his wife:

The whole character of the marriage relation as constituted by law being such as both she and I entirely and conscientiously disapprove, for this among other reasons, that it confers upon one of the parties to the contract, legal power and control over the person, property, and freedom of action of the other party, independent of her own wishes and will; I, having no means of legally divesting myself of these odious powers (as I most assuredly would do if an engagement to that effect could be made legally binding on me), feel it my duty to put on record a formal protest against the existing law of marriage, in so far as conferring such powers; and a solemn promise never in any case or under any circumstances to use them. (as cited in Gouverneur, 2019, p. 87)

This was a strong statement and proof of the exceptionality of the couple's life. During their time together, besides other political and economic treatises, Harriet Taylor and Mill together prepared *Essays on Marriage* (1832) and *Enfranchisement of Women* (1851), where both authors further discuss the faults within the marriage institution and the problem of divorce. Taylor, at the beginning of *Enfranchisement of Women*, expounds that for men to be considered superior to their female counterparts is an "unqualified mischief, a source of perversion and demoralization" (as cited in Gouverneur, 2019, p. 75). A relationship between a man and woman could never be of true companionship as long as it had hierarchy as its foundational basis.

Harriet Taylor and John Stuart Mill argue strongly and in the sharpest terms for changes in the legal status of women. They urge men to take a stand and call out their hypocrisy in not doing anything to protect their wives, daughters, mothers, and sisters. However, Mill was not very fortunate with male readers; "the reviews was [sic] disastrous; he was denounced as mad or immoral, often as both"³⁰ (Millett, 1972, p. 124).

²⁹ The extent to which Harriet Taylor actually contributed to the published works of John Stuart Mill is an ongoing scholarly debate. For more on this and why her name was not included in the title of the joint works, see Gouverneur (2019) and Waithe (1991).

³⁰ I recommend reading Millett's (1972) entire chapter to fully understand how dissenting Mill's views were at the time. In it, Mill's writings are compared to John Ruskin's, an influential critic of the Victorian era who was a great supporter of the ideal of "the angel in the house" and who defended the subjection of wives, who had "nothing to

Still, the larger awareness of the injustices perpetrated against women and the progressively weaker basis of the double standard led to further reforms throughout the rest of the second half of the 19th century and well into the 20th century. In 1882, the Married Women's Property gave married women the right to own property apart from their husbands, which was a great step in the fight for legal equality.

Another big step was taken in 1895, with an act providing for the protection and maintenance of any wife whose husband was guilty of an assault upon her for which he had been sentenced to a fine of more than £5 or a term of imprisonment exceeding two months. "The act also included persistent cruelty or cruelty or neglect that caused a wife to live apart from her husband as grounds for separate maintenance" (Holmes, 1995, p. 608). The grounds for which a wife could file a provision and be legally separated from her husband were slowly expanding, and the ideal of the "self-sacrificing" wife was gradually put aside, only to come back in full force in the mid-20th century (Coontz, 2005).

By the decade of 1910, the legal double standard in divorce laws had become almost wholly anachronistic. The First World War was also a great push forward in the fight for women's rights; by the end of it, "women gained the right to vote, to serve on juries, and to sit in Parliament. The removal of the double standard from the divorce laws was consistent with these changes" (Holmes, 1995, p. 616).

The 1923 Matrimonial Causes Act made adultery by either husband or wife the sole ground for divorce. Even if still a conservative measure—a charge of adultery was required for a successful petition—it marked the beginning of a new era for married women and for women in general.

complain of and are even treated as royalty" (Millett, 1972, p. 123). Upon reading Millett's study, one understands more deeply the accepted societal ideals (represented by Ruskin) and what was considered unorthodox thought (represented by Mill).

3. *The Tenant of Wildfell Hall*: Escaping Marriage Despite the Law

When *The Tenant of Wildfell Hall* was first released, it was a publishing success, but the critics' responses were not all favourable (Ward, 2007). Reviewers attacked Acton Bell (Anne Brontë's pseudonym) for the story's "unpleasant excess of truth" (Jacobs, 1986, p. 206), and a famous article in *The Spectator* described the author as having "a morbid love for the coarse, not to say the brutal" (as cited in Miller, 2013, p. 17) and condemned the choice of subject, using adjectives as "displeasing" and "repulsive" to qualify the narrative. Coarseness was often attributed not just to *Tenant* but also to the writing of all the Bells³¹ who, critics said, chose to show the worst point of view of all offensive subjects (Miller, 2013). Other reviewers echoed the condemnation of the poor choice of subject:

The Rambler condemned the book's "uncalled-for and unhealthy representation of the vilest phases of human life." *The North American Review* complained that "the reader of Acton Bell gains no enlarged view of mankind, giving a healthy action to his sympathies, but is confined to a narrow space of life, and held down, as it were, by main force, to witness the wolfish side of his nature literally and logically set forth." Strongest in its denunciations was *Sharpe's London Magazine*, which called the book "unfit for perusal...we will not believe any woman would have written such a work," with its "disgustingly truthful minuteness." (Jacobs, 1986, p. 206)

More surprising was perhaps the author's sister's view of the novel. In a text entitled "Biographical Notice of Ellis and Acton Bell," published after the untimely deaths of Anne and Emily, Charlotte writes:

The Tenant of Wildfell Hall, by Acton Bell, had [...] an unfavourable reception. At this I cannot wonder. The choice of subject was an entire mistake. Nothing less congruous with the writer's nature could be conceived. The motives which dictated this choice were pure, but, I think, slightly morbid. She [Anne] had in the course of her life been called on to contemplate, near at hand and for a long time, the terrible effects of talents misused and faculties abused; hers was naturally a sensitive, reserved and dejected nature; what she saw sank very deeply into her mind; it did her harm. She brooded over it till she believed it to be a duty to reproduce every detail (of course with fictitious characters, incidents and situations) as a warning to others. She hated her work, but would pursue it. When reasoned with on the subject, she regarded such reasonings as a temptation to self-indulgence. She must be honest; she must not varnish, soften or conceal. This well-meant resolution brought on her misconstruction, and some abuse which she bore, as it was her custom to bear whatever was unpleasant with mild, steady patience. She was a very sincere and practical Christian, but the tinge of religious melancholy communicated a sad shade to her brief, blameless life. (C. Brontë, 1850/2020, pp. 239–240)

³¹ The sisters all adopted male pseudonyms with the same surname and with the same first letter as their real names: Anne was Acton, Emily was Ellis, and Charlotte was Currer.

Because of her ill-opinion of *Tenant*, the author of *Jane Eyre* would later decide not to republish it along with other editions of her and Emily's works. Some critics say that such a decision, combined with the fact that Anne passed away at a young age (still in her twenties), leaving only two novels—*The Tenant of Wildfell Hall* and *Agnes Grey*—and some poetry, is the reason her work is less known and celebrated in comparison to her sisters' (Langland, 1989).

Speculation aside, *Tenant* did depict everything the moralising ideals of the mid-19th century society wished to hide: excessive drinking, marital abuse, adultery, and the underlying faults of the myths of domestic happiness and the image of the pure woman—for some reason the critics still saw it as *truthful*, despite its coarseness and brutality. It was also shocking in its *exposé* of these vices because it was set in a middle- and upper-class milieu, when excessive alcohol consumption and violence were deemed to be themes circumscribed to the lower classes.

When Anne Brontë gave her readers a portrait of their time that the public preferred to overlook, she was not expecting to receive reviews as hard as the ones cited above (cf. "Preface to the Second Edition," in Brontë, 1848/2012). In response, Anne wrote a preface to the second edition in which she addressed the main arguments in the criticism directed towards her second novel. In it, she affirms that it was her duty to use her talents to "speak an unpalatable truth": "With the help of God, I will speak it, though it be to the prejudice of my name and to the detriment of my reader's immediate pleasure as well as my own" (TOWH³², p. xiii). Although unpleasant, the author considered that it was a truth worth telling; and, to the day, many readers agree.

Set in the decades of 1820 and 1830, *Tenant* offers a close account of Helen Huntingdon's experience of the marriage institution: her first years of marriage, motherhood, the disruption of her union, and how she eventually manages to escape the control of her abusive husband. We accompany her throughout her journey from a single young woman to the widow of a vicious man and are in close contact with her views of the world and how they are defrauded over time. Thus, by studying Helen's struggles, I hope to show the novel's relevance for a better understanding of the female condition in the 19th century. As such, in this chapter, I will give an overview of the different roles Helen takes on and her expectations from each of them, which in time, she realises are far from the reality she comes to live in. Simultaneously, I will go over her need to change the core characteristics of those same roles in order to protect her son,

³² References in this format always refer to the edition of *The Tenant of Wildfell Hall* I am using in this dissertation, and which corresponds to A. Brontë (1848/2012).

something she accomplishes by fleeing from little Arthur's father and becoming a single mother under her mother's maiden name. I will also explain why her situation is unique and how it is that uniqueness that helps her succeed in her intent—namely, having a brother with the material resources to help her and the professionalisation of her art. I will also focus on the village's perceptions of Helen, a single and reclusive mother and tenant of a house, and how those perceptions affect her new life and her possibilities of starting anew, in order to show that, no matter how high a price a woman had to pay in order to leave an abusive marriage, the social repercussions of single motherhood could be almost as aggravating as the dangers she fled from. I aim to show that Helen's actions, as noble and courageous as they may be, are still conditioned by society's views of what a mother, and by extension, a wife, should be. Lastly, I will reflect on the novel's ending with the marriage of Helen to Gilbert Markham and explore the ambiguity of the moral principles conveyed by Brontë in making her heroine remarry, considering her past experiences with the institution.

3.1. *The Wife*

When Helen meets Arthur Huntingdon, she is but an 18-year-old girl, who is quickly drawn to his joyous manners and youthful ways, particularly considering the middle-aged suitor she has in line for her future. As she falls in love with him, she is warned by her aunt of the mismatch Arthur represents to her. Her aunt tries to make her see that Arthur is a profligate man and not fit to be a good husband, all of which Helen refutes. In this encounter between experience and a hopeful youth—in two chapters relevantly called “The Warnings of Experience” and “Further Warnings”—, Helen is quick to assert that whichever faults Arthur has, she is ready to undo:

“Is he a *good* man?”

“Yes—in some respects. He has a good disposition.”

“Is he a man of *principle*?”

“Perhaps not, exactly; but it is only for want of thought. If he had some one to advise him, and remind him of what is right—”

“He would soon learn, you think—and you yourself would willingly undertake to be his teacher? But, my dear, he is, I believe, full ten years older than you—how is it that you are so beforehand in moral acquirements?”

“Thanks to you, aunt, I have been well brought up, and had good examples always before me, which he, most likely, has not; and, besides, he is of a sanguine temperament, and a gay, thoughtless temper, and I am naturally inclined to reflection.”

“Well, now you have made him out to be deficient in both sense and principle, by your own confession—”

“Then, my sense and my principle are at his service.” (TOWH, p. 153)

But it is not only her aunt who advises her against her wishes. Helen is, on different occasions, warned of the importance of her steps by other characters, including her maid Rachel (who will, later on, help her escape from her marriage), who promptly tells her, “I think, if I was you, Miss Helen, I’d look very well before I leaped. I do believe *a young lady can’t be too careful who she marries*” (TOWH, p. 209, emphasis added).

Perhaps more critical to the outcome of Helen’s marriage and in line with Caroline Norton’s writings on the way pre-marital financial arrangements and the regime of coverture served only to disadvantage women are her uncle’s discussions about money. First, knowing the significance of material comfort to one’s life, he begins by regretting that Helen should prefer Arthur over older Wilmot “with his house full of gold” (TOWH, p. 140). Afterwards, when Helen is set on marrying Arthur, money becomes even more of a pressing matter, although she does not realise to what extent:

“[...] I questioned this young spark on the matter of settlements,” continued he; “and he seemed disposed to be generous enough on that point—”

“I knew he would!” said I. “But pray don’t trouble your head—or his, or mine about that; *for all I have will be his, and all he has will be mine*; and what more could either of us require?” (TOWH, p. 186, emphasis added)

Leaver (2007) claims that the text criticises Helen for her irresponsible and ignorant approach to money; although that may in part be true, we should keep in mind that a girl’s education, unlike that of a boy’s or a young man’s, did not delve on financial nor legal matters and that most women were kept in the dark on these subjects, which only proves the relevance of the arguments posited by Wollstonecraft some decades earlier. If Helen does seem naïve, one can blame it on her youth and inexperience, but we are also inclined to forgive her and all young women who must not have been fully aware of the implications of not keeping some money of their own for future endeavours. Her lack of knowledge is so striking that she only gets half of the equation right: she knows that everything she owns will be Arthur’s, but she also lives under the illusion that Arthur’s possessions will be hers. Norton would have sighed at the idea. Moreover, as far as we know, she has no private fund protected under equity which could financially alleviate her burden when later she flees the house and becomes dependent on her brother’s help and the selling of her paintings, as we will see further ahead. Upon marriage, she becomes entirely conditioned by Arthur’s will to give her money, which she undoubtedly believes will not be a problem because of her trust that her husband is “good at heart” and that she is capable of refining him further.

Throughout a significant part of her account, Helen is set on making Arthur a better man.

She has completely internalised the famous 19th-century ideas of the wife as a moralising force in the household. When her aunt returns, in Chapter XX, to call her attention to Arthur's faults and the inadequacy of his connections, Helen attributes Arthur's "imperfections" to the poor education his own mother must have given him ("a foolish mother who indulged him to the top of his bent, deceiving her husband for him, and doing her utmost to encourage those germs of folly and vice it was her duty to suppress"; TOWH, p. 183) and readily declares that "his wife shall undo what his mother did!" (TOWH, p. 183). She believes in his salvation, something she fights for until the very end. However good her intentions, though, they will not suffice, and the reader is quick to see how her aunt's advice proves to have been more prophetic than young Helen would have liked to imagine.

There are some moments before the pair are united through the "sanctity of matrimony" that foreshadow Arthur's flawed character. As an artist, Helen expresses her sentiments through her creations. She paints a miniature portrait of her lover in secret and claims that she will keep it as such "until I know for certain whether my aunt's opinion of him or mine is nearest the truth; for if mine is altogether wrong, it is not he that I love; it is a creature of my own imagination" (TOWH, p. 156). However, when Arthur discovers the portrait "and thereby her partiality for him" (Maunsell, 1997, p. 46), he snatches the drawings and peruses them as he wishes, despite Helen's evident distress at the scene:

"Mr. Huntingdon," cried I, "I *insist* upon having that back! It is mine, and you have no *right* to take it. Give it me directly—I'll never forgive you if you don't!"
But the more vehemently I insisted, the more he aggravated my distress by his insulting, gleeful laugh. At length, however, he restored it to me, saying,—“Well, well, since you value it so much, I'll not deprive you of it.” (TOWH, p. 166)

In a moment of anguish, Helen tears the sketch in two and throws it into the fire, shredding Arthur's picture as he will later shred all her expectations of married life. If the scene may seem somewhat rash or even childish, one can see how Arthur enjoys vexing her and twisting the meaning of her actions to manipulate her:

"Helen, why did you burn my picture?"
"Because I wished to destroy it," I answered, with an asperity it is useless now to lament.
"Oh, very good!" was the reply; "if *you* don't value me, I must turn to somebody that will." (TOWH, p. 167)

Maunsell (1997, p. 46) explains that "Arthur has lost a trophy and a symbol of victory" but also that Helen had to, in turn, destroy her art and the sentiments Arthur made public without her consent: "The pattern of coercive violence is established; Arthur can now exploit his psychological victory until he also gains control of Helen financially and physically."

Indeed, this is a pattern that will be repeated throughout their marriage. Not many weeks have passed since Helen and Arthur got married, and the former is already aware of the probable mistake she may have committed:

I am married now, and settled down as Mrs. Huntingdon of Grassdale Manor. I have had eight weeks' experience of matrimony. And do I regret the step I have taken? No, though I must confess, in my secret heart, that Arthur is not what I thought him at first, and if I had known him in the beginning as thoroughly as I do now, I probably never should have loved him, and if I loved him first, and then made the discovery, I fear I should have thought it my duty not to have married him. (TOWH, p. 211)

Helen is aware of her mistake, but as a dutiful wife and (probably) conscious of her lack of options, she accepts that the deed is done and that she must now *endure* her predicament. Still, the fragmentation of their marriage is swift. “The mental and emotional abuse escalates, and soon Helen finds herself trapped in a kind of Gothic horror” (Ward, 2007, p. 156). An early problem, Arthur has difficulties entertaining himself and “rejects the notion of enjoyment deferred” (Thormählen, 1993, p. 836), despite his wife’s continuous warnings against his “unfortunate predilection for the pleasures of the table” (TOWH, p. 279) and appeals for moderation:

“I am hungry, and I see before me a good substantial dinner; I am told that if I abstain from this to-day I shall have a sumptuous feast to-morrow, consisting of all manner of dainties and delicacies [...]. I should be loth to wait till to-morrow when I have the means of appeasing my hunger already before me [...], as Solomon says, ‘Who can eat, or who else can hasten hereunto more than I? [...] I’ll sit down and satisfy my cravings of to-day, and leave to-morrow to shift for itself—who knows but what I may secure both this and that?’” (TOWH, pp. 215–216)

But Arthur never responds to Helen’s appeals as she would have him do. In fact, his cravings get worse, and they contribute to Helen’s deteriorating situation. Another troubling aspect is Arthur’s enjoyment, on several opportunities, in telling his wife about his past affairs, which deeply aggravates her. Their first quarrel is, indeed, during a scene where Mr Huntingdon depicts his intrigue with a Lady F—, whom Helen believes contributed to his corruption. Here, Helen still considers that she can save her husband from immoral forces; invoking a Victorian stereotype of the *femme fatale* who does not observe the ideals of a chaste, domestic, and subordinate woman, living instead in dissolution and corrupting men in turn (see Hedgecock, 2008), she implies that Arthur is not entirely to blame for his depraved behaviour. However, his insistence on the subject and his profligate vision of marriage and love lead her to acknowledge that “for the first time in my life, *and I hope the last*, I wished I had not married him” (TOWH, p. 219, emphasis added).

“Seeing that his delight increased in proportion to my anger and agitation” (TOWH, p. 217), Helen is obliged to gradually hide her feelings, a mission which becomes even more difficult as Arthur’s inconsequential lifestyle leads him to drink immoderately. As time goes on, his corrupting power becomes more and more heightened: “There is a marked difference, too, between the roisterer who boasts of not being ‘a tippler’ [...] and the nervous wreck of a man who swears at luckless servants and deliberately inflicts pain on his dog” (Thormählen, 1993, p. 837). This “dog scene” is particularly revealing of Huntingdon’s vicious nature. After having “an unusual quantity of wine, but not enough to loosen his tongue” (TOWH, p. 221) during dinner, Arthur finds Helen occupied with a book and goes to sleep in the same room.

But his favourite cocker, Dash, that had been lying at my feet, took the liberty of jumping upon him and beginning to lick his face. He struck it off with a smart blow, and the poor dog squeaked and ran cowering back to me. When he woke up, about half an hour after, he called it to him again, but Dash only looked sheepish and wagged the tip of his tail. He called again more sharply, but Dash only clung the closer to me, and licked my hand, as if imploring protection. Enraged at this, his master snatched up a heavy book and hurled it at his head. The poor dog set up a piteous outcry, and ran to the door. I let him out, and then quietly took up the book.

“Give that book to me,” said Arthur, in no very courteous tone. I gave it to him.

“Why did you let the dog out?” he asked; “you knew I wanted him.”

“By what token?” I replied; “by your throwing the book at him? but perhaps it was intended for me?”

“No; but I see you’ve got a taste of it,” said he, looking at my hand, that had also been struck, and was rather severely grazed. (TOWH, pp. 221–222)

The scene shows the violent nature of Arthur Huntingdon’s responses to situations which do not please nor favour him. The blood which runs from Helen’s hand is to Maunsell (1997, p. 48) “a taste of the violence which will permeate their existence, and, it is implied, will continue to treat her as he treats his spaniel”³³. From this moment on, Arthur’s behaviour becomes progressively more erratic. He often runs to London with his debauched friends on the account that his wife does not love him (cf. TOWH, p. 224) and rarely writes to Helen (cf. TOWH, p. 229). After all,

his [Arthur’s] idea of a wife is a thing to love one devotedly, and to stay at home to wait upon her husband, and amuse him and minister to his comfort in every possible way,

³³ It should be noted, however, that the suggestion of physical violence which is implicit in this attack on his dog is never realised in the novel. The only hint at marital physical violence (the other type of physical violence consists in Gilbert’s attack on Lawrence) happens between another couple, Milicent and Hattersley, as we will see ahead. Perhaps to avoid shocking her readership further, and probably aware of the sensitive topics she was delving into already, Brontë decided to leave physical violence out of her story. It is hard to say with certainty why Brontë chose to leave this part out, but, to me, and considering the values of her time, it seems it does add to the moralising dimension of the story that the book was “just brutal enough” to teach a lesson, but not to become sensational or gratuitous in its violent portrayals of married life. Furthermore, there is a possibility that the insertion of physical violence would have made the publication altogether impossible.

while he chooses to stay with her; and, when he is absent, to attend to his interests, domestic or otherwise, and patiently wait his return, no matter how he may be occupied in the meantime. (TOWH, p. 256)

Helen is, in several moments, left to her own devices in the “gilded cage” of Grassdale Manor, with the aggravating fact that her old passion—painting—is increasingly disregarded. She describes that “the reading and answering of my letters, and the direction of household concerns, afforded me ample employment for the morning: after lunch I got my drawing, and from dinner till bed-time I read” (TOWH, p. 220). Diederich (2003) calls to attention that, before her marriage, Helen often devoted long passages in her diary to talking about her art (e.g., TOWH, p. 164). As we will see, until she decides to use her art to escape her marriage, her diary is but a testimony of her wifely and homely duties as well as crumbling marriage: “She reads, she visits the poor, she interacts with her guests, but there are no longer any developed references to her as an artist. Helen has embraced the nineteenth-century ideal wherein the wife takes on the responsibilities for running a household and nurturing others [...] rather than herself” (Diederich, 2003, p. 27). These ideals were deeply internalised by women; in the novel, Mrs Markham, Gilbert’s mother, even states that “in all household matters, we have only two things to consider, first, what’s proper to be done; and, secondly, *what’s most agreeable to the gentlemen of the house—anything will do for the ladies*” (TOWH, p. 54, emphasis added). Furthermore, running a household, especially attending to 19th-century expectations, was a full-time job; Simonton (2006, p. 149) explains that “the ideological mission of womanhood” meant that women were expected to be frugal and thrifty in their home management and it was believed that the way a woman kept a house was a reflection/would be reflected on her social conduct and her family’s. Marriage acts then as a form of denying women whichever forms of expression do not fit the “angel in the house” format.

If Arthur does not directly force her to give up her hobbies and passions, he decidedly does not encourage her independence. He rather enforces the faults of a system which oppresses women and dictates that they be nothing more than diligent housewives while also using the discursive clichés of the time—e.g., he calls Helen “my angel monitress” (TOWH, p. 208), an otherwise endearing term, but which here denotes a sense of proprietorship over the wife who oversees the running of the homely affairs. A disconcerting scene is the one in which Helen tells Arthur (and the reader) of the passing of her father:

My poor father died last week: Arthur was vexed to hear of it, because he saw that I was shocked and grieved, and he feared the circumstance would mar his comfort. When I spoke of ordering my mourning, he exclaimed,—
“Oh, I hate black! But, however, I suppose you must wear it awhile, for form’s sake;

but I hope, Helen, you won't think it your bounden duty to compose your face and manners into conformity with your funereal garb. Why should you sigh and groan, and I be made uncomfortable, because an old gentleman in ——shire, a perfect stranger to us both, has thought proper to drink himself to death? There, now, I declare you're crying! Well, it must be affectation."

He would not hear of my attending the funeral, or going for a day or two, to cheer poor Frederick's solitude. It was quite unnecessary, he said, and I was unreasonable to wish it. What was my father to me? I had never seen him but once since I was a baby, and I well knew he had never cared a stiver about me; and my brother, too, was little better than a stranger. "Besides, dear Helen," said he, embracing me with flattering fondness, "I cannot spare you for a single day."

"Then how have you managed without me these many days?" said I.

"Ah! then I was knocking about the world, now I am at home, and home without you, my household deity, would be intolerable." (TOWH, pp. 281–282)

After having spent time away with profligate friends and hardly giving any news, as happens more than once during Helen's account of her married life, Arthur comes back to his wife to claim her like a material possession—only his and devoid of any free will in his eyes. He hardly permits her to mourn and wear black and impedes her from attending her father's funeral out of caprice. He deprives her of the fundamental acts of societal and family life and does so with the full support of the law—after all, coverture meant that even these aspects of physical mobility could be dictated by the husband. This becomes even more unjust to modern eyes if we realise that any money Helen's father may have had and which she may have inherited is now completely Arthur's (Leaver, 2007).

As the story progresses, Helen's ability to determine her course of action becomes more and more limited by Arthur's whims. In fact, he manages to go a step further and even tries to deprive her of her faith. In more than one scene, Arthur assures Helen that he is not particularly religious, and Helen does not entertain the illusion that he might become devout. Earlier on, she claims that he is "neither a sage nor a saint" (TOWH, p. 220). However, in the face of boredom due to the lack of interest in the everyday life and duties of the upper-class man of 19th-century England (when the weather is bad, Helen notes that "poor Arthur was sadly at a loss for something to amuse him or to occupy his time" and that "he never reads anything but newspapers and sporting magazines"; TOWH, pp. 217, 220) and given his selfish nature ("Arthur is selfish [...]. It had been displeasing to him in as much as it proved that I could take delight in anything disconnected with himself"; TOWH, p. 212), he even tries to strip Helen of her faith by fashioning her a new god to adore:

"Helen," said he, with unusual gravity, "I am not quite satisfied with you." [...] "It is nothing you have done or said; it is something that you are: you are too religious. Now I like a woman to be religious, and I think your piety one of your greatest charms; but

then, like all other good things, it may be carried too far. To my thinking, a woman's religion ought not to lessen her devotion to *her earthly lord*. She should have enough to purify and etherealise her soul, but not enough to refine away her heart, and raise her above all human sympathies." (TOWH, p. 213, emphasis added)

First, Arthur's words would be severely frowned upon by most religious groups³⁴. Second, he has so well internalised that a man should be the master of his wife that he wants full possession of Helen—physically and spiritually. Although he seems to be the only one in the book with such heretical ideas, he is not the only character to believe that his wife owes him total earthly devotion. The idea that a wife should live to please her husband is echoed throughout the narrative and finds a spokeswoman in Mrs Markham, Gilbert's mother, who tries to teach her son to think likewise:

"[...] when I marry, I shall expect to find more pleasure in making my wife happy and comfortable, than in being made so by her: I would rather give than receive."

"Oh! that's all nonsense, my dear. It's mere boy's talk that! You'll soon tire of petting and humouring your wife, be she ever so charming, and then comes the trial."

"Well, then, we must bear one another's burdens."

"Then you must fall each into your proper place. You'll do your business, and she, if she's worthy of you, will do hers; but *it's your business to please yourself, and hers to please you*. I'm sure your poor, dear father was as good a husband as ever lived, and after the first six months or so were over, I should as soon have expected him to fly, as to put himself out of his way to pleasure me. He always said I was a good wife, and did my duty; and he always did his—bless him!—*he was steady and punctual, seldom found fault without a reason, always did justice to my good dinners, and hardly ever spoiled my cookery by delay—and that's as much as any woman can expect of any man.*"

Is it so, Halford? Is that the extent of your domestic virtues; and does your happy wife exact no more? (TOWH, pp. 54–55, emphasis added)

Gilbert is ahead of his time in his notions of sex equality and marital harmony, but his intentions continually face the trials of going against the social norm. He is told he is not supposed to satisfy his wife but the other way around; a husband should only worry about pleasing himself, and a wife should only worry about pleasing the husband. Additionally, very little is required of a "good husband," according to Mrs Markham; he has only to be punctual, reasonable, and "do justice" to the wife's dinners—"that's as much as any woman can expect of any man." The rhetorical question at the end does invite the reader to reflect upon the ideals of the time, who is probably even more dismayed at the conclusion that women endorse the same system which oppresses them. Gilbert is taught by his mother what to expect of a wife and how little he must do in return. The mother acts as corrupting influence, which strengthens

³⁴ Coontz (2005, pp. 17, 179) explains that there were some Catholic and Protestant theologians who argued that married couples who loved each other "too much" were committing the sin of idolatry. This sentiment was also prominent in more conservative environments of the 18th and 19th centuries.

Helen's position in wishing to educate her son in a completely different manner and away from as many such corrupting forces as possible. Coherently, she blames Arthur's mother for his defective behaviour and believes she can "undo what wrong she had done." But perhaps Helen had never envisioned the length to which Arthur assumed he could own her. Certainly not spiritually. Still, she does not fall for the discursive trap her husband sets for her in asking her to adore him more than her Maker. Her answer to his claim that she does not love her "earthly god" enough is evidence of her true devotion; at the same time, Arthur's lack of commitment to God is yet another aspect which pushes his wife further away from him:

I will give my whole heart and soul to my Maker if I can [...], and not one atom more of it to you than He allows. What are *you*, sir, that you should set yourself up as a god, and presume to dispute possession of my heart with Him to whom I owe all I have and all I am, every blessing I ever did or ever can enjoy—and yourself among the rest—if you are a blessing, which I am half inclined to doubt. (TOWH, p. 214)

Helen acts according to the religious precepts of her time: in the face of God, she recognises no other ruler. Arthur's irreligiousness is a source of distress to Helen (and 19th-century readers), and many are the moments in which she asks and hopes for his salvation. Universal salvation is a recurrent theme in the novel, and a relevant discussion around this topic marked Victorian England, an age "intensely concerned with eschatology" (Thormählen, 1993, p. 838). Until the very end and even at Arthur's deathbed, some years later, she urges him to repent and pray and pursue God's forgiveness, which he never does, eventually dying without divine mercy.

Helen knows well the price one pays for sinning as the part of her life which is illustrated in the novel is the aftermath of her youth's vanity and pride, as Thormählen (1993) argues: it was vanity which induced her to marry a man fully believing that she could save him from his own faults and vices; and, I would add, it was also pride that did not allow her to take counsel from more experienced voices³⁵. Alas, it is her pride which suffers (metaphorical) blow after blow during the marriage, "its final collapse occurring when she tries to restrain Huntingdon from drinking too much by reminding him that the effects would lessen his appeal to his mistress" (Thormählen, 1993, p. 840). If the existence of a mistress(es) is a pressing matter which I will delve into in due time, Arthur's drinking must be carefully analysed, for it is a central problem in Helen's married life and in the novel and one that stays with her even after

³⁵ Arguably, this is also a dimension of character building which adds up to the relatability of Helen Huntingdon. As Langland (1989, pp. 142–143) writes, "Helen Huntingdon is not simply 'good' [...]; she is a woman of passion and vacillation—a fully credible, struggling individual."

she has left him.

Hyman (2008, p. 451) clarifies that alcohol was a chief concern for mid-century Victorian England, stating, “Brontë’s *The Tenant of Wildfell Hall* is a novel sodden with drink.” Arthur Huntingdon’s relationship with alcohol is the main reason for his demise, but throughout the novel, he is not always a heavy drinker. At the beginning of his relationship with Helen, he assures her that he is not a “tippler”: “I’m nothing at all of the kind, and never was, and never shall be. I value my comfort far too much. I see that a man cannot give himself up to drinking without being miserable one-half his days and mad the other” (TOWH, p. 202). He even acts as a reasonable friend to Lord Lowborough, advising him “to embrace the *media-via, ni-jamais-ni-toujours* plan—not to kill himself like a fool, and not to abstain like a ninny—in a word, to enjoy himself like a rational creature, and do as I did” (TOWH, p. 202).

Nonetheless, despite his seemingly sound reasoning, Arthur drinks excessively throughout the novel, and his drinking moments almost always lead him to maltreat Helen afterwards. In an article called “‘An Infernal Fire in My Veins’: Gentlemanly Drinking in ‘The Tenant of Wild Fell [sic] Hall,’” Hyman (2008) sets out to understand what are the motives for what modern readers would call Arthur Huntingdon’s “drinking problem” and one of the main clarifications in the text is that thinking about alcoholism as such is “profoundly ahistorical” (Hyman, 2008, p. 452), since the contemporary idea of drinking as some sort of “compulsive behaviour” was not considered by the Victorians of the first half of the 19th century. Excessive drinking was, indeed, frowned upon by Victorian society, but it was also deeply connected to the lower classes. It was not until the 1860s that frequent drunkenness became generally accepted as compulsive behaviour and a type of disease.

In the 1820s, the decade during which part of the plotline in *Tenant* takes place, drinking was, more than anything, a social activity and actively recommended by some physicians throughout the century³⁶. However, Brontë’s condemnation of alcohol is quite severe, which is more aligned with the attitudes regarding drunkenness at the time of writing and may even lead *Tenant* to be called a “temperance narrative” (cf. Hyman, 2008, p. 454), an allusion to the

³⁶ In a book called *Drinking in Victorian & Edwardian Britain: Beyond the Spectre of the Drunkard*, Thora Hands (2008, pp. 161–162), the author, explains the following: “The use of alcohol as a treatment in medical practice continued throughout the nineteenth and early twentieth centuries. It was prescribed for a range of physiological and psychological illnesses and Victorians admitted to hospitals sometimes received treatment with certain types of alcoholic drinks. Debates existed within the medical profession about the efficacy and ethics of prescribing alcohol [...]. Yet it remained an orthodox medical treatment and people held faith in alcohol as a medicine.” This book is a comprehensive explanation of how views regarding alcohol shifted in Britain throughout the 19th and early 20th centuries, as well as an indispensable read to anyone interested in the matter.

Temperance movement in Britain in the 19th century. The British Temperance movement emerged in the late 1820s and early 1830s. It began by uniting those who opposed the 1830 Beerhouse Act, which essentially liberalised the regulations related to brewing and the sale of beer, which people believed to be linked to a rise in the number of drinking venues (Yeomans, 2011). Temperance activists saw the consumption of alcohol as the root of great evils, such as crime and various diseases, and started a fight to institute abstinence as a social norm. “In this era of church-driven moral movements, temperance leagues were a perfect ‘cure’ for an anti-industrial vice³⁷, combining the language of the workplace with the moral weight of the pulpit” (Maunsell, 1997, p. 53).

Although a more in-depth understanding of the Temperance movement’s history and its achievements is beyond the scope of this study³⁸, the idea permeates Brontë’s life³⁹ and writings. More importantly, Arthur’s idle vices and drinking are shown to be diametrically opposed to the *modus vivendi* of Gilbert Markham. This opposition only serves to enforce the faults of the former (and, by extension, the life led by men in the English upper-class) and enhance the latter’s qualities. Markham is the prototype of the successful middle-class rural man—“his methodical approach to his work in ‘the improvement of agriculture,’ his close supervision of his workers, and his very valuing of productivity align him with the strivers of Brontë’s age” (Hyman, 2008, p. 454). Not just that, but Gilbert never seems to self-indulge like Arthur does, and we never see him drink anything “stronger than tea.” His love for productivity and his ruled life, whose descriptions precede the reader’s acquaintance of Arthur in the novel, serve to show that the true *mésalliance*⁴⁰ Helen really makes is with Arthur.

Brontë makes sure, however, to show the reader that Helen’s situation is not necessarily the exception, as “*The Tenant of Wildfell Hall* offers not just one couple in its effort to

³⁷ In the 19th century, and as a consequence of the Industrial Revolution, factory owners were increasingly preoccupied with competition and began to look for new ways to augment the productivity of their workers. The idea that alcohol might pacify workers and impede small workplace uprisings was replaced by the newfound belief that sober labourers were productive labourers. As such, “management remade the body: owners stopped paying drink bonuses as they began demanding that workers function like machines. Drink and drunkenness became immoral, anti-Protestant, anti-social” (Maunsell, 1997, p. 453).

³⁸ There are many academic articles and books on Temperance movements, in Britain and abroad. However, for an initial understanding of the Temperance movement in Britain and its *de facto* achievements, see Yeomans (2011).

³⁹ Both Anne’s father, Reverend Patrick Brontë, and her brother Branwell were respectively president and secretary of Haworth’s local Temperance society (Thormählen, 1993). Ironically, Branwell would also become an alcoholic, something which greatly contributed to his premature death. Although I do believe there is no great utility in a biographical reading of the novel, it seems fair to say that her brother’s dependence would have informed Brontë’s subject of choice.

⁴⁰ After learning about Helen’s true story, Gilbert Markham remarks that “a union between Mrs. Huntingdon and me would be what the world calls a *mésalliance*” (TOWH, p. 484). As we shall see later, Gilbert believes he can never marry Helen first and foremost because they come from different classes.

demonstrate the lurid brutalities of marriage, but pair after pair of ill-suited [...] mates” (Berry, 1996, p. 32). The case of Milicent, Helen’s friend, is maybe even more remarkable in showing women’s powerlessness before their husbands, for it is the utmost example of male-inflicted marital cruelty.

In a scene which takes place during an evening at Grassdale Manor, Huntingdon and his two friends, Grimsby and Hattersley, are very drunk, and the latter, Milicent’s husband, decides that Lord Lowborough should be as inebriated as his male companions and teases him to drink as well. Hattersley holds on to Lowborough’s, and, given the latter’s resistance, “there followed a disgraceful contest: Lord Lowborough, in desperate earnest, and pale with anger, silently struggling to release himself from the powerful madman that was striving to drag him from the room” (TOWH, p. 291). Milicent, who has been watching the whole scene, feeling deeply embarrassed at the situation, tries to leave the room, not without her husband noticing it:

The door being now free, Milicent attempted to make her escape from the scene of her husband’s disgrace; but he called her back, and insisted upon her coming to him.

“What do you want, Ralph?” murmured she, reluctantly approaching him.

“I want to know what’s the matter with you,” said he, pulling her on to his knee like a child. “What are you crying for, Milicent?—Tell me!”

“I’m not crying.”

“You are,” persisted he, rudely pulling her hands from her face. “How dare you tell such a lie!”

“I’m not crying now,” pleaded she.

“But you have been, and just this minute too; and I will know what for. Come, now, you shall tell me!”

“Do let me alone, Ralph! *Remember, we are not at home.*”

“No matter: you shall answer my question!” exclaimed *her tormentor*; and *he attempted to extort the confession by shaking her, and remorselessly crushing her slight arms in the gripe of his powerful fingers.* (TOWH, p. 292, emphasis added)

This scene is not only a testimony to the poor state Huntingdon and his friends get in when they drink but also a moment when Brontë hints at the other harsh realities married women faced at the hands of their own husbands. Milicent’s reminder to her husband that “we are not home” indicates that were they at home—where the man’s actions go completely unsupervised and unjudged—the reaction would be even more disproportionate and much more violent. As Thormählen (2018, p. 7) underlines, “the home, which should be a refuge and a haven, is shown to be the site of unchecked tyranny.” And Milicent has no option but to endure the brutal life fate had in store for her, for cruelty alone was not sufficient grounds for divorce had she ever wanted one, which she probably did not, for that reality was virtually non-existent for women.

What seems terrifying, too, is that the husband confesses to being violent to Milicent. In one scene, when his wife has just left the room, Hattersley tells Helen:

“[...] An excellent little woman [...], but a thought too soft—she almost melts in one’s hands. *I positively think I ill-use her sometimes, when I’ve taken too much—but I can’t help it, for she never complains, either at the time or after. I suppose she doesn’t mind it.*”

“I can enlighten you on that subject, Mr. Hattersley,” said I: “she does mind it; and some other things she minds still more, which yet you may never hear her complain of.”

“How do you know?—does she complain to you?” *demanded he, with a sudden spark of fury ready to burst into a flame* if I should answer ‘yes.’

“No,” I replied; “but I have known her longer and studied her more closely than you have done.—And I can tell you, Mr. Hattersley, that Milicent loves you more than you deserve, and that you have it in your power to make her very happy, instead of which you are her evil genius, and, *I will venture to say, there is not a single day passes in which you do not inflict upon her some pang that you might spare her if you would.*”

“Well—it’s not my fault [...], if my ongoings don’t suit her, she should tell me so.”

“Is she not exactly the wife you wanted? Did you not tell Mr. Huntingdon you must have *one that would submit to anything without a murmur, and never blame you, whatever you did?*”

“True, but we shouldn’t always have what we want: it spoils the best of us, doesn’t it? How can I help playing the deuce when I see it’s all one to her whether I behave like a Christian or like a scoundrel, such as nature made me? and how can I help teasing her when she’s so invitingly meek and mim, when she lies down like a spaniel at my feet and never so much as squeaks to tell me that’s enough?”

“*If you are a tyrant by nature, the temptation is strong, I allow; but no generous mind delights to oppress the weak, but rather to cherish and protect.*”

“I don’t oppress her; but it’s so confounded flat to be always cherishing and protecting; and then, how can I tell that I am oppressing her when she ‘melts away and makes no sign’? I sometimes think she has no feeling at all; and *then I go on till she cries, and that satisfies me.*” (TOWH, p. 304–305, emphasis added)

What is striking to any modern-day reader here is that Hattersley, more than just admitting to the injures he inflicts on his wife, believes he is entitled to do so because his wife does not behave “correctly,” despite all of her actions being described according to the age’s ideal—and even his own—of a fundamentally *good wife*. Furthermore, he also concedes that he derives some form of pleasure in beating his wife and shirks from any responsibility in her sadness. These are, unfortunately, the familiar excuses of perpetrators of abuse. Helen alerts him to his tyranny and explains that, in the future, “when you see her looking flat, or crying for ‘nothing’ (as you call it), ascribe it all to yourself: be assured it is something you have done amiss, or your general misconduct, that distresses her” (TOWH, p. 305), but it is to no avail, for Hattersley refuses to believe his behaviour is anything but normal and that it is his wife who is in the wrong.

Almost everything about Milicent's story seems to be an exaggerated version of Helen's. Even before getting married, Milicent, unlike Helen, does not entertain the view that her future husband may be a good man "just in need of a little wifely grooming." When she gets engaged to Hattersley, she writes to Helen to share the news, and the letter is "the most open communication the two women ever have about their troubles with their men" (Bullock, 2004, p. 139). Milicent writes:

To tell you the truth, Helen, I don't like the thoughts of it at all. If I am to be Mr. Hattersley's wife, I must try to love him; and I do try with all my might; but I have made very little progress yet; and the worst symptom of the case is, that the further he is from me the better I like him: he frightens me with his abrupt manners and strange hectoring ways, and I dread the thoughts of marrying him. 'Then why have you accepted him?' you will ask; and I didn't know I had accepted him; but mamma tells me I have, and he seems to think so too [...]. Besides, mamma is so delighted with the idea of the match; she thinks she has managed so well for me; and I cannot bear to disappoint her. I do object sometimes, and tell her what I feel, but you don't know how she talks. Mr. Hattersley, you know, is the son of a rich banker, and as Esther and I have no fortunes, and Walter very little, our dear mamma is very anxious to see us all well married, that is, united to rich partners. It is not my idea of being well married, but she means it all for the best. She says when I am safe off her hands it will be such a relief to her mind; and she assures me it will be a good thing for the family as well as for me. (TOWH, p. 232)

Milicent is thus trapped in a marriage she never wished for, and which turns out to be abusive and violent. She is almost forced by her family to agree to the match—again, the complacent mother moulds a child's ideas, probably the same way someone moulded her years before, becoming an agent of the oppressive system of the marriage institution—and she is made to feel that she must be content in the arrangement. Milicent knows full well that this is not an option, however, and her plea to Helen is the last cry for help before she enters a path of no return. She confides in Helen not just because of their friendship but also because she thinks her to be in a happy marriage to Huntingdon, which could not be further from the truth. Still, as the morals of the time obliged women to be content with their husbands, please them, and make sure the household was a place of perfect morals, it would have been unthinkable that a "good woman," a "good wife" should ever tell outsiders what went on inside its walls, except that "everything went wonderfully."

Milicent also appears in striking contrast to Helen, for not only does she not ignore advice from others, she solicits it. If, on the one hand, Helen has made a mistake in not listening to her aunt and uncle and must atone for her error with her marriage to Huntingdon, Milicent, on the other hand, would have gained from ignoring her mother's guidance. Throughout the course of

the novel, authority is often questioned, whether it comes from older people or even religious figures like Reverend Millward⁴¹, as we will see. There is no clear perception on what the takeaway should be, since characters suffer from respecting other's advice but also from refraining to do so, as Helen and Milicent's examples show. Still, these contradictions in the repercussions of (not) respecting the authority of the eldest and most experienced, as well as the conflict present in what type of behaviours were rewarded or punished, is somewhat in line with the moral quandary of the Victorian era and its intrinsic discrepancies (see Henderson & Sharpe, 2009).

It is maybe because of the unreliability of the elders in their advice (or just the wish to hear a contradictory argument) that Milicent turns to her friend for help, even if this request is also ambiguous in its repercussions. In her diary, Helen reacts by writing, "Alas! poor Milicent, what encouragement can I give you? or what advice—except that it is better to make a bold stand now, though at the expense of disappointing and angering both mother and brother and lover, than to devote your whole life, hereafter, to misery and vain regret?" (TOWH, p. 233). We never know what Helen's actual response was, for the letter is never mentioned again in the text. Given that Milicent ends up marrying Hattersley, one can imagine Helen did not contradict her friend's request and stopped herself from saying what she truly meant.

Helen's silence about what her married life truly is like is fairly recurrent in the novel; she spends most of her time either lying or sugar-coating the reality of her marriage to others. It is then quite important that it is from her own words, written in her diary, that we get to know her story. The fact that Brontë chooses to insert Helen's own account and not something told by others confers authenticity and legitimacy to the report. When Helen gives her diary to Gilbert, Brontë is giving the story directly to the readers, who must then make up their own mind about the text; but Helen is silent no more. As worded by Jacobs (1986, p. 213), "in writing down her experience, she affirms its reality; by making visible the invisible, speaking her forbidden rage, she breaks out of her emotional prison."

Moreover, Helen exposes the truth about marital, emotional, physical, and sexual abuse, showing that it was not just a prerogative of the lower classes as was the public notion (cf. Nelson, 2017). Brontë shows that violence permeates all classes, and that the overall education men and women receive during their formative years and the social expectations set up for each

⁴¹ The fact the *Tenant* is a novel replenished with religious and moral teachings, but the only representative of formal organised religion is seen as a somewhat "nonsensical" character is yet another proof of the inherent inconsistency in Brontë's moral framework.

sex are the greatest causes of the oppression of women.

It is impossible to say if Anne Brontë ever read Wollstonecraft's works, let alone derive something from them, especially given that British women in the 19th century were made to believe that *Rights of Woman* was an "evil book" and that those who read it did so secretly (Joshi, 2009), but it is fair to say *Tenant's* teachings are in line with the rational feminism posited by Wollstonecraft (Carnell, 1998). Helen thinks, as we have seen, that the masculine roles embodied by her husband and his friends are the result of toxic traits society projects on men whose faults are often the by-product of a flawed education, in part given by their mothers. As such, her belief in the power of the mother as an agent of change and in the almost absolute protection a parent owes to the integrity of their offspring are the main drives behind her flight from Arthur. Motherhood is the turning point in Helen's life.

3.2. *The Mother*

Helen becomes a mother one year after marrying Arthur Huntingdon, and, from the beginning, she is worried that her efforts may be doomed to failure because of the contaminating influence of her husband as well as of the society her son will grow to be a part of (Ward, 2007):

December 25th.—Last Christmas I was a bride, with a heart overflowing with present bliss, and full of ardent hopes for the future, though not unmingled with foreboding fears. Now I am a wife: my bliss is sobered, but not destroyed; my hopes diminished, but not departed; my fears increased, but not yet thoroughly confirmed; and, thank heaven, I am a mother too. God has sent me a soul to educate for heaven, and give me a new and calmer bliss, and stronger hopes to comfort me. But where hope rises fear must lurk behind, and when I clasp my little darling to my breast or hang over his slumbers with unutterable delight, and a world of hope within my heart, one of two thoughts is ever at hand to check my swelling bliss; the one: "He may be taken from me"; the other: "He may live to curse his own existence." (TOWH, p. 251)

From this moment on, *Tenant* becomes a tale of the 19th-century tension between the roles of the protecting mother and the dutiful wife who vowed before the law and God to show allegiance to her husband for life. Helen's doubts and fears show that being a "good" wife is not an absolute term, since, in cases such as this, it happens at the cost of not being a good mother, as one knows to be Arthur's mother's case. The "soul God has sent her to *educate*" is at permanent peril because of the temptations and corruptive influences of the father and his friends, which do not change with fatherhood. Arthur does not seem to pay much attention to his son, seeing him in the pragmatic male way of having produced a future heir and, as he has done with Helen, regarding it as an acquisition: "Perhaps, he will feel awakening interest and affection for his child as it grows older. At present, he is pleased with the acquisition, and hopes

it will become a fine boy and a worthy heir; and that is nearly all I can say” (TOWH, p. 252).

Still, Helen’s hopes are in vain; quite soon, Arthur becomes annoyed by the time his wife devotes to their baby child and that she spends in the nursery. Parallel to his complaint of Helen’s religious devotion, Arthur feels attacked by her fulfilment of motherly duties and, in a very selfish manner, tells her so:

Helen, I shall positively hate *that little wretch*, if you worship it so madly! You are absolutely infatuated by it [...]. You have no thought to spare for anything else [...]. I may go or come, be present or absent, cheerful or sad; it’s all the same to you. As long as you have *that ugly creature* to dote upon, you care not a farthing what becomes of me. (TOWH, p. 253)

Arthur’s mentioning of his son as “that little wretch” and “that ugly creature” is not only distant and cold but also cruel. However, he does not think of little Arthur as his son, whom he is supposed to love and cherish, but rather as a competitor in the quest for Helen’s adulation. He completely embraces the idea that his wife must be entirely his and cannot conceive giving up a small amount of that power to his infant son.

When little Arthur turns two, Helen writes in her diary that “he has won his father’s heart at last,” but that her fears have also increased because of it, for she worries “he should be ruined by that father’s thoughtless indulgence” (TOWH, p. 255). Arthur’s lifestyle, which Helen severely disapproved of before the birth of her child, has gained a new dimension since it can now act as a corruptive force on her son’s character. Alcohol reappears as the principal concern, even more so because “Huntingdon uses alcohol as a chief weapon against Helen’s sensibilities” (Le Veness, 2011, p. 351).

The life of excessive consumption Arthur Huntingdon leads is of great emotional harm to Helen and the future of their child, but the offences are heightened when Helen finds out about Arthur’s affairs. The first extramarital relationship described in the novel is with Lady Lowborough. Helen finds the two hiding in a shrubbery one evening the Huntingdons are entertaining guests at Grassdale Manor. Hidden, Helen is assured that she has been betrayed, and the blow is more brutal as she hears Arthur say to Annabella that “I must keep straight with her [Helen] as long as I can” and that he does not love Helen “one bit, by all that’s sacred!” as he kisses Annabella’s “glowing cheek” (TOWH, p. 319). Helen is devastated by the new findings and quickly begins questioning her whole marriage and her future life (“How could I bear my future life? In this house, among those people⁴²—Oh, how could I endure to live!”; TOWH, p.

⁴² Helen is led to where Annabella Lowborough and her husband are after an exchange with Hattersley who laughs at the questions about Annabella’s and Arthur’s whereabouts and covers for his friend saying he has left with

321). She feels she must do something, and her impulse is to leave—when she confronts Arthur about the matter that same evening, she assures him that she shall not do it “but for my child” (TOWH, p. 322). Helen’s roles as mother and wife, but here also a woman of integrity, are severely tested; she is obliged to choose which Helen she will be, for she does not have the option to act out of her own true will, though in vain she tries:

“Well, what then?” said he, with the calm insolence of mingled shamelessness and desperation.

“Only this [...]; will you let me take our child and what remains of my fortune, and go?”

“Go where?”

“Anywhere, where *he will be safe from your contaminating influence*, and I shall be delivered from your presence, and you from mine.”

“No.”

“Will you let me have the child then, without the money?”

“No, nor yourself without the child. Do you think I’m going to be made the talk of the country for *your fastidious caprices?*”

“Then I must stay here, to be hated and despised. But *henceforth we are husband and wife only in the name.*”

“Very good.”

“*I am your child’s mother, and your housekeeper, nothing more.* So you need not trouble yourself any longer to feign the love you cannot feel: I will exact no more heartless caresses from you, nor offer nor endure them either. I will not be mocked with the empty husk of conjugal endearments, when you have given the substance to another!”

“Very good, if you please. We shall see who will tire first, my lady.” (TOWH, p. 323, emphasis added)

Helen knows she can do no more. Extramarital relations were not sufficient grounds for women to ask for a divorce, and she never even mentions the word. She has to degrade herself in front of the man she most despises—and who in turn shows only contempt—and ask for his permission to leave, even if it meant that she would remain, in the eyes of the law, married to him. She wishes to take some of her fortune and their child with her, but the sad reality is that neither one nor the other are hers to take. Legally, anything she owns belongs to her husband, who has almost absolute rights over the custody of their son. *Tenant* becomes the exemplary tale of the struggles Caroline Norton described in her pamphlets, that a married woman has no independence whatsoever (financial and otherwise) and that a mother has no rights over her children.

Helen and little Arthur are thus forced to remain under the rule of a man whose only concerns are his public image (he is not concerned with Helen’s reaction, as his answer is a

Grimsby. It seems, then, safe to assume that Arthur’s friends know of the affair and are helping him hide it (cf. TOWH, p. 318).

simple and spiteful “very good”); furthermore, she is once again pushed to be silent, for the shame she has in an act she did not commit impedes her from confiding in a single soul.

And thus, the safety of the home collapses into imprisonment (cf. Berry, 1996, p. 39). To avoid losing her child (as Caroline Norton had), Helen must stay at Grassdale and become “a *slave*—a prisoner—but that is nothing; if it were myself alone I would not complain, but I am forbidden to rescue my son from ruin, and what was once my only consolation is become the crowning source of my despair” (TOWH, p. 390, emphasis added). The slave imagery (which, as we have seen, was used by Wollstonecraft and, years later, recuperated by Mill) is constant in Helen’s diary, as she is entrapped inside the walls of her house (which is never really hers). This way, Brontë manages to expose the myth of the domestic heaven and shows how it “often concealed the reality of a domestic hell” (Langland, 1989, p. 24). Helen’s days consist now of little more than taking care of her son and of house matters while living in constant fear of what her husband may do next and the effect that may have on little Arthur.

Her life becomes even more difficult as she is forced to watch Huntingdon teach his son his profligate ways of being. When little Arthur is already four years old, Helen writes in her diary:

My greatest source of uneasiness, in this time of trial, was my son, whom his father and his father’s friends delighted to encourage in all the embryo vices a little child can show, and to instruct in all the evil habits he could acquire—in a word, to “*make a man of him*” was one of their staple amusements [...]. So the little fellow came down every evening [...] and *learned to tipple wine like papa, to swear like Mr. Hattersley, and to have his own way like a man, and sent mamma to the devil when she tried to prevent him*. To see such things done with the roguish naïveté of that pretty little child, and hear such things spoken by that small infantile voice, was as peculiarly piquant and irresistibly droll to them as it was inexpressibly distressing and painful to me; and when he had set the table in a roar he would look round delightedly upon them all, and add his shrill laugh to theirs. (TOWH, pp. 371–372)

Helen is left in constant distress as she watches the downfall of the education of her son without being able to do anything—it is not in her power to impede his father from teaching the child the “ways of manhood,” which here means to disregard women’s feelings, offend one’s mother, and drink alcohol in excess⁴³. Despite little Arthur’s good nature—he does wish to see

⁴³ Toxic masculinity, as a modern reader would identify it, is a theme which pervades Anne Brontë’s work, and which is already present in *Agnes Grey*. In Brontë’s first novel, Agnes too critiques the way fathers try to teach their sons “to be men” through the character of Tom Bloomfield, one of Agnes’s first charges. The young boy likes to torture fledglings “just [like] what he [his father] used to do when he was a boy. Last summer he gave me a nest full of young sparrows, and he saw me pulling off their legs and wings, and heads, and never said anything” (A. Brontë, 1847/2020, p. 22). The same violence is inflicted on women if “they need it”: “‘Surely, Tom, you would not strike your sister! I hope I shall never see you do that.’ ‘You will sometimes: I’m obliged to do it now

his mother laugh at his misbehaviour—there is no effective form of shielding him from his father’s vices. All this the law condoned, as Arthur Huntingdon is well within his legal power to educate his son as he pleases and sees fit. Helen knows that she is not capable of changing adult men; she has learnt that much from her life with Huntingdon—“Anne Brontë narrates a tale in which masculinity is impervious to the softening or ‘superior’ influence of women” (Joshi, 2009, p. 915)—but she is also impeded from changing her son. Helen must stand by and watch, trying to counteract the father’s doings in his absence. Both mother and son are the father’s possession, and their lives are in his hands.

Helen is able to endure the cohabitation of these perverse influences in order to protect her son, but Arthur’s affair with his son’s “governess” serves as the tipping point of the novel, for this means that she is to be stripped of her most important role: that of *mother*. Helen, who has to sit and watch her child sitting in the lap of his “half tipsy” (TOWH, p. 372) father, is then faced with the fact that she will not even be able to undo the father’s wrongs through little Arthur’s education as that is left to the mistress she must share a house with and see her son spending most of the time with.

Helen ardently wishes for change for her and her son, but her options are scarce; she is neither entitled to a divorce (she had only adultery as a complaint, which would never suffice in any court) nor to the custody of her son (the time span of the novel is prior to the Infant Acts of 1839, and, even then, she would not have gained such a case). Her only option becomes to live a perilous life outside the law. It is an immense price to pay, but “in *duty* to my son, I must submit no longer; it was absolutely necessary that he should be delivered from his father’s corrupting influence” (TOWH, p. 409). Her despair is so deep that she believes any option is better than to remain, uttering one of the most shocking lines in *Tenant*: “it would be better that he [little Arthur] should die with me than that he should live with his father” (TOWH, p. 418). A controversial affirmation for modern and 19th-century readers alike, Helen seems to be past the point of logical reasoning, which attests to her disturbance in continuing at Grassdale Manor. Having accompanied Helen’s and little Arthur’s lives under the domination of Arthur Huntingdon, as well as knowing her wishes to give her son the best possible life within her

and then to keep her in order” (A. Brontë, 1847/2020, p. 20; see also Langland, 1989). Tom is also incited by his uncle to drink, an influence Brontë will further develop in *Tenant*: “Mr Robson habitually swallowed great quantities of wine, and took with relish an occasional glass of brandy and water. He taught his nephew to imitate him in this to the utmost of his ability, and to believe that the more wine and spirits he could take, and the better he liked them, the more he manifested his bold and manly spirit and *rose superior to his sisters*” (A. Brontë, 1847/2020, p. 48). As in *Tenant*, these experiences of manhood are defined by the ability to drink in excess, be somewhat violent in manners, and to regard women as lesser individuals.

standards, we may believe this is written out of hopelessness in her current situation, but it is still appalling that she considers it, even if for the brief moment of writing it in her journal. Conversely, Helen may also be evoking post-Calvinistic religious axioms of predestination by stating that it would be better if her son died free from sin rather than tainted by earthly vices, being thus forbidden from eternal salvation.

Either way, Helen Huntingdon feels she is failing her *duty* as a mother by her “inactivity”; as such, and because, as Gruner (1997, p. 310) has observed, “throughout the novel, motherhood provides the impetus for the plot, the reason for action,” she decides to escape Grassdale Manor with her son and leave Arthur and his profligate lifestyle behind.

3.3. *Escaping Marriage*

When deriving her plan, Helen’s chief concern is related to money since she has none of her own and all she has legally belongs to her husband. Although at first, she entertains the idea it may be better to live in poverty and obscurity than to remain in the luxury of her current life (cf. TOWH, pp. 372–373), she knows she must also be pragmatic and find a way to make money if her plan is to succeed and she is to provide for little Arthur (“I must not take my son to starve”; TOWH, p. 373). It is on this decision that Helen defies all expectations of a Victorian reader; breaching the limited spheres and defying gender norms for middle- and upper-class women, Helen decides that she will support herself and Arthur “by the labour of my hands” (TOWH, p. 373). Painting, an activity which had been so dear to her before her marriage to Huntingdon and so central to her character’s development, is recuperated as a source of income:

The palette and the easel, my darling playmates once, must be my sober toil-fellows now. But was I sufficiently skilful as an artist to obtain my livelihood in a strange land, without friends and without recommendation? No; I must wait a little; I must labour hard to improve my talent, and to produce something worth while as a specimen of my powers, something to speak favourably for me, whether as an actual painter or a teacher. (TOWH, p. 373)

She decides to make a profession out of her passion and flee a loveless marriage thanks to it; but, like most famous artists, Helen is critical of her own work and must improve before she is ready to sell her paintings. Still, she has already planned a course of action and declares she will ask her maid Rachel to help her find “a picture-dealer⁴⁴ in some distant town; then,

⁴⁴ In Wildfell Hall, little Arthur will also disclose to Gilbert that “Mamma sends all her pictures to London [...], and somebody sells them for her there, and sends us the money” (TOWH, p. 43). This was fairly common in the 19th century, as the vast majority of women painters did not sell their products directly but rather through a middleman (Losano, 2003).

through her means, I would privately sell what pictures I had on hand that would do for such a purpose, and some of those I should thereafter paint” (TOWH, p. 374).

Focusing on making Helen a professional painter, *Tenant* shows 19th-century women’s struggles in yet another aspect: “The radicalism of Bronte’s economics, professionalizing a woman as painter, comes at a period when significant numbers of women were painting semiprofessionally and some had even begun to contest male privilege in the Royal Academy and other institutions⁴⁵” (Poole, 1993, p. 869). Similar to Anne and her sisters with their devotion to the written word, Helen is a “painter-heroine” (Losano, 2003) who is defying many gender norms just through her art.

Helen sets her painting material in the library, where she starts working on her canvas “from daylight till dusk, with very little intermission, saving when pure necessity, or my duties to little Arthur, called me away” (TOWH, p. 374). Losano (2003) explains that the space Helen paints in is vital to her development as an artist⁴⁶ and that it is crucial for her that in Wildfell Hall she will have her own studio, which has “a professional, business-like appearance” (TOWH, p. 417), since “both adjectives [...] attest that this space is not a place of amateur amusement or a room allotted for any activity other than painting—and painting for profit, at that” (Losano, 2003, p. 29). Such a place was rare for women at the time, and only those lucky enough to be born to artistic families or who were already “at the top of their profession might have studio space of their own” (Losano, 2003, p. 29). Most women, however, would have to make space within the house to paint, which never allowed great artistic freedom or some time off from the domestic sphere. That is precisely the situation Helen is in when she takes up painting again: hiding in a library from her husband and his debauched friends.

Helen does not expect she will be so successful she will not need other sources of income. She is very pragmatic in her plans, and she immediately decides to dispose of her jewels as well. Having in Rachel her only confidante, she deems it feasible that after a “few months’ arduous toil” (TOWH, p. 374), she will have enough money to escape with little Arthur.

Alas, things do not go as planned. In one of the most psychologically violent scenes of the novel, Arthur takes his wife’s diary from her and finds out everything about her plans.

⁴⁵ Losano (2003, p. 11) explains how women were barred from artistic professions because of their male counterparts: “Public backlash against the rise of the professional woman painter was considerable. Writers in the periodical press, art critics, male artists, and others complained loudly that the entrance of women into the profession of art would damage not only the fragile domestic ideology but also the realm of art itself, at a time when the quality of British art was a subject of great public concern.”

⁴⁶ The crucial need for a space where a woman can work on her art is best explained by Virginia Woolf in her famous essay *A Room of One’s Own* (1929).

Immediately, he confiscates her money and jewels and, more astonishingly, he burns all of her art supplies in front of her:

You'll find nothing gone but your money, and the jewels, and a few little trifles I thought it advisable to take into my own possession, lest your mercantile spirit should be tempted to turn them into gold. I've left you a few sovereigns in your purse, which I expect to last you through the month [...]; when you want more you will be so good as to give me an account of how that's spent. I shall put you upon a small monthly allowance, in future, for your own private expenses; and you needn't trouble yourself any more about my concerns; I shall look out for a steward [...]. And as for the household matters, Mrs. Greaves must be very particular in keeping her accounts. (TOWH, p. 388)

Deprived of any material possession and of her art, Helen has at last become a complete slave, a propertied being in the hands of the man she married. Or at least it seems to be so, as, in reality, everything Arthur has just taken or destroyed is, according to the law, entirely his possession. As explained in the previous chapter, English women would have to wait until the 1870s and 1880s and for the Married Women's Property Acts to regain control of their property. As the law stood at the time of the story *and* at the time of writing, Arthur was more than entitled to do as he pleased with whatever his wife "owned" (Senf, 1990). When he is done stripping her from any material possession, he even remembers that had she been successful in her plans, she would be breaking her marriage vows (and the law):

You thought to disgrace me, did you, by running away and turning artist, and supporting yourself by the labour of your hands, forsooth? And you thought to rob me of my son, too, and bring him up to be a dirty Yankee tradesman, or a low, beggarly painter? [...] It's well you couldn't keep your own secret—ha, ha! It's well these women must be blabbing. If they haven't a friend to talk to, they must whisper their secrets to the fishes, or write them on the sand. (TOWH, p. 389)

It does seem strange that Arthur lets Helen keep her diary in the process, the confiscation of which would pose a problem for the narrative. Losano (2003, p. 33) posits Arthur does not really care for that object because it holds no commercial value—"Arthur's burning of Helen's art registers his understanding that her artwork, like her jewels, is a marketable commodity." Her diary would not help her escape (although it will help her to reveal the truth to Gilbert later), so it poses no real or immediate threat to him. "Brontë echoes the case of Caroline Norton most powerfully here: Mrs. Norton's punishment for being an independent wife was similarly to be economically constrained" (Losano, 2003, p. 33).

But Helen resembles Norton in yet another aspect: she is not willing to quit, so a new plan is born. In a chapter called "Hope Springs Eternal in the Human Breast," she devises a new strategy and decides to ask for her brother's help. If she must escape, she will need a financially

independent person to help her, and that could only be a man. She writes to Frederick to ask his consent to occupy the “old hall where he and I were born” (TOWH, p. 393) and for him to lend her some money which she will later pay back. Her brother agrees, and within a few pages, everything is quickly organised. In the middle of the night, with Rachel’s help and company, she escapes Grassdale Manor taking her son with her. Claiming she will from then on be referred to by her mother maiden’s name—Graham—she is successful in her attempt. On October 24th, she writes, “Thank Heaven, I am free and safe at last!” (TOWH, p. 413).

3.4. *Life in Exile*

Helen describes the beginnings of her new life by explaining that Frederick has supplied her with furniture and painting materials and that Rachel has sold most of her clothes in a distant town and replaced them with “a more suitable wardrobe” (TOWH, p. 417), meaning black attire. Helen Graham is now a widow who paints for a living and to pay back the loan her brother had given her, although this last part is not known by Linden-Car inhabitants. Given her necessity to make a living for herself, her relation to painting has become entirely different: it is no longer just a form of self-expression, but rather it serves a utilitarian purpose (Diederich, 2003):

I am working hard to repay my brother for all his expenses on my account; not that there is the slightest necessity for anything of the kind, but it pleases me to do so: I shall have so much more pleasure in my labour, my earnings, my frugal fare, and household economy, when I know that I am paying my way honestly, and that what little I possess is legitimately all my own; and that no one suffers for my folly—in a pecuniary way at least. I shall make him take the last penny I owe him, if I can possibly effect it without offending him too deeply. (TOWH, p. 417)

Helen lives under the illusion—does she know?—that her paintings and the revenue which comes from them are “legitimately all her own”; however, that is not the case. If Arthur were to find her, he could still claim all she owns as his and deprive her of her earnings. More importantly, he could claim little Arthur’s custody and remove him from his mother’s side, which Helen knows he is trying to do:

It seems Mr. Huntingdon is making every exertion to discover the place of my retreat [...]. But he does not want me back; *he wants my child*; and gives my friends to understand that if I prefer living apart from him, he will indulge the whim and let me do so unmolested, and even settle a reasonable allowance on me, provided I will immediately deliver up his son. But heaven help me! I am not going to sell my child for gold, though it were to save both him and me from starving: *it would be better that he should die with me than that he should live with his father*. (TOWH, p. 418, emphasis added)

In fear that her husband will find them and take her son away from her, Helen lives in a reclusive state, telling no one in Linden-Car of her true situation. All this she does with the justification that she is saving her son from his father's corruptive and abusive influence. Motherhood is the most important role in Helen's life, and everything she does is for the sake of protecting little Arthur—before the competing demands of being a “good wife” or a “good mother,” she chooses the latter.

Leading a life in secret will be a trial on its own. The gossip in Linden-Car, which many academics have already studied (Gordon, 1984; Gruner, 1997; Joshi, 2009; Langland, 1989; Wagner, 2007), is one of the most limiting aspects of Helen's new life. A small-town, Linden-Car quickly sees the new tenant of Wildfell Hall as the object of novel rumours which will keep the town occupied for the remainder of her stay. The general idea seems to be that if Mrs Graham was “a proper person she would not be living there by herself” (TOWH, p. 95). Mrs Markham, the most eminent vehicle of gossip in the novel, using what she has heard about Helen “both at the Wilsons and the vicarage” (TOWH, p. 95), quickly makes up her mind about the unsuitability of the new tenant. After meeting Helen, her opinion is unchanged; she regrets her “lamentable ignorance on certain points,” by which she means:

On household matters, and all the little niceties of cookery, and such things, that every lady ought to be familiar with, whether she be required to make a practical use of her knowledge or not. I gave her some useful pieces of information, however, and several excellent receipts, the value of which she evidently could not appreciate, for she begged I would not trouble myself, as she lived in such a plain, quiet way, that she was sure she should never make use of them. “No matter, my dear,” said I; “it is what every respectable female ought to know;—and besides, though you are alone now, you will not be always so; you have been married, and probably—I might say almost certainly—will be again.” “You are mistaken there, ma'am,” said she, almost haughtily; “*I am certain I never shall.*”—But I told her I knew better. (TOWH, p. 10, emphasis added)

Mrs Markham represents society's expectations towards women at the time. Helen does not fit those expectations, for she is considered deficient in her household managing skills and, most shockingly to Gilbert's mother, she “had not even the sense to be ashamed” (TOWH, p. 10) of not devoting herself to her housekeeping duties. Indeed, our heroine is defying the status quo in more ways than one: it is not only that she does not cook nor keep her house as she is *supposed to*, but she also refuses the idea of remarriage. One cannot be sure if this is Helen keeping with the character she must play for the whole of Linden-Car, or if she is saying it because legally she cannot do it (she is still married to Arthur Huntingdon), but she is hardly to blame if she really wishes never to marry again given her unfortunate experience. Notwithstanding, this is also “an attack” on 19th-century family values: “The ultimate threat to

the new model family, at least in discursive terms, was the unmarried mother” (Abrams, 2006, p. 36). Abrams (2006) further explains that the “new model family” was an idea—the author stresses that it was an *idea* which did not necessarily correspond to real daily life nor to the entire population—which had at its core the conjugal union and was, therefore, menaced by alternative forms of living—or deviations, as they were considered—, such as cohabitation and single-parenthood, even if the last resulted from the death of one of the partners. The definition of the family in the 19th century also depended very much on the mother and wife, whose existence was justified by her devotion to her children and husband, as we have seen. “Conversely, a woman who lived outwith [sic] a family was pitied as lacking the opportunity to fulfil her true womanly role” (Abrams, 2006, p. 30). This is why Mrs Markham and the population of Linden-Car suspect and feel somewhat threatened by Helen. Still, while she lives in hiding, she must bear the opinions and the different treatments of the people in Linden-Car.

Helen is forced to live in limbo, not really belonging here nor there: she cannot stay with her abusive husband and threaten the good upbringing of her son, but she cannot be truly herself while living at Wildfell Hall either. She is not protected by law against Arthur, and she is not protected by the society which surrounds her, being treated almost like a pariah by the most conservative members of the village. In order to avoid gossip, which could, in a worst-case scenario, reach Arthur and help him discover her and his son’s location⁴⁷, she is obliged to give up her daily habits and live in a different form of seclusion, but seclusion nonetheless. She must refrain from going to church (an essential ritual for someone as religious as Helen), she lives alone in a decaying house⁴⁸, and, once she falls in love with Gilbert, she is not allowed to pursue her heart’s desire and must deny her feelings even to herself. All of this she does to protect her son, but this is a sensitive topic as it is the source of most disagreements between what people expect of her and what she does instead.

As we have seen, alcohol is for Helen one of the chief concerns when it comes to its impact on little Arthur’s upbringing and one of the reasons she decides to take him away from his father—“In leaving, Helen hopes to eradicate any trace of Arthur’s boorishness in their son”

⁴⁷ It is very important that Helen keeps her location secret because “If a wife who was not a victim of wife abuse left her husband, she risked the possibility that he would obtain a court order for the ‘restitution of conjugal rights.’ The wife was then ordered to return to her husband. Her disobedience was punishable by imprisonment until she promised to comply. A woman therefore had the choice of returning to the husband she loathed, or going to prison” (Leaver, 2007, p. 237).

⁴⁸ When asked by Gilbert if she likes the place, she admits to having moments where she does not feel entirely happy there: ““Do you not find it a desolate place to live in?” said I, after a moment of silent contemplation. ‘I do, sometimes,’ replied she. ‘On winter evenings, when Arthur is in bed, and I am sitting there alone, hearing the bleak wind moaning round me and howling through the ruinous old chambers, no books or occupations can repress the dismal thoughts and apprehensions that come crowding in [...]’” (TOWH, p. 51).

(Le Veness, 2011, p. 351); notwithstanding, her quest will not be made easier on this point by her arrival at Linden-Car, as she had hoped. Although it is true that her son no longer cohabits with an alcoholic⁴⁹ and that the direct disturbing influence of his father has ceased to be a daily matter, Helen must still face what the people in Linden-Car think is the right way to approach alcohol and to raise a man and be judged by her disagreement.

Helen tries hard to undo what her husband has done, engendering a way to make her son associate wine with sickness, as she tells Mrs Markham:

“He detests the very sight of wine [...] and the smell of it almost makes him sick. I have been accustomed to make him swallow a little wine or weak spirits-and-water, by way of medicine, when he was sick, and, in fact, I have done what I could to make him hate them.” (TOWH, p. 26)

The reaction is very telling of the crowd Helen has before her and how silly they deem her actions to be:

Everybody laughed, except the young widow and her son.
“Well, Mrs. Graham,” said my mother, wiping the tears of merriment from her bright blue eyes—“well, you surprise me! I really gave you credit for having more sense.—*The poor child will be the veriest milksop that ever was sopped! Only think what a man you will make of him, if you persist [...].*” (TOWH, p. 26, emphasis added)

People openly criticise Helen for her methods and question *what kind of man* her son will grow up to be if she insists on educating in this controversial way. Mrs Markham’s remarks imply that he will not even be a true man if he does not drink wine. Helen’s response is commendable (“I think it a very excellent plan [...]. By that means I hope to save him from one degrading vice at least. I wish I could render the incentives to every other equally innocuous in his case”; TOWH, p. 26), but it only serves to place her further away from the ideal of a good mother in the eyes of others who are not aware of her past struggles as Helen Huntingdon.

More surprisingly, the representative of organised religion, Reverend Millward, also encourages consumption, showing that drinking was so ingrained in society that even the vicar found biblical arguments to champion the activity. When asked by Mrs Markham if he deems it wrong to drink, Reverend Millward replies: “By no means! [...] these things are all blessings and mercies, if we only knew how to make use of them” (TOWH, p. 37). The vicar’s reaction

⁴⁹ The term “alcoholic” is anachronistic in the sense that, at the time of the novel, the consumption of alcohol was not seen as a disease, as mentioned before, something the word “alcoholism” implies. However, I believe that according to the descriptions of Arthur’s drinking habits in the novel and his resistance to stop drinking (“he soon discovered that the demon of drink was as black as the demon of play, and nearly as hard to get rid of—especially as his kind friends did all they could to second the promptings of his own insatiable cravings”; TOWH, p. 198), the term can be rightfully used to characterise Helen’s husband.

is even more telling of his certainty of the advantages of alcohol consumption when Mrs Markham further informs him of Helen educating her son to detest wine: “Criminal, I should say—criminal! Not only is it making a fool of the boy, but *it is despising the gifts of Providence*, and teaching him to trample them under his feet” (TOWH, p. 37, emphasis added).

Helen’s efforts to be a good mother are permanently judged and reproved; flying from that tyrannic wing of Arthur Huntingdon, Helen does not necessarily find solace but yet other corruptive forces trying to act upon her rights as a mother, or lack thereof, since motherhood becomes as much of a public matter in Linden-Car as it is supposed to be private. In these latent disputes between good and bad mothering, Brontë leads the readers to question themselves about which are or should be the core qualities of motherhood (cf. Le Veness, 2011, p. 353), but this is a question that does not have a straight answer.

Her neighbours disapprove of her lifestyle so vehemently and use Helen and her son as subjects of their gossip so often that even Gilbert, who loves Helen and little Arthur and seems to be her greatest defender in Linden-Car, falls for the rumours and enacts one scene which leaves the reader wondering if he is indeed a good match for Helen in the end: thinking Frederick is a suitor, he assaults him, leaving him in quite a bad state. Gilbert’s imperviousness to gossip and his insistence that he and Helen should be more than friends is eventually what drives her to hand him her diary in order to clarify her true motives for being at Wildfell Hall and having to reject her feelings for him.

Not being able to tell her story, Helen runs a significant risk when she hands the diary to Gilbert as she is trusting him with her life’s secret, which, once out, could mean that everything she fought so hard for until that point would be lost. Seen by some critics as a clumsy technique (see Carnell, 1998; Poole, 1993), in a world of gossip and rumours, inserting a transcription of Helen’s diary and offering her personal written account seems to indicate the “protagonist’s faith in the written word” (Joshi, 2009, p. 914) and her preoccupation with setting matters straight. Helen has been sufficiently affected by the idle talk of others and has been deprived of nearly everything she owns; as such, she decides to leave nothing more to Gilbert’s imagination and, through the act of writing, takes possession of the only thing which seems to truly belong to her: her story. A diary written before her acquaintance with Gilbert is more appropriate than having her tell him herself orally what has happened to her and little Arthur, for there is no previous intention of convincing him of her good intents and high morals; after all, she writes her diary as a form of escaping from her loneliness and not with an audience in mind, as can be seen in her terror when Arthur finds and reads it. It is a way of contradicting the lack of

authorship in “overheard conversation” (i.e., the gossip; cf. Gordon, 1984) and having the first-person narration of actual facts. She reveals her true self to Gilbert and shows how much she trusts him with her most profound secrets.

Helen’s distrust of spoken words will show itself with even more strength when she returns to see Arthur, who has fallen gravely ill. Helen learns about her husband’s decaying situation from her brother, and she returns to Grassdale Manor to nurse him and fulfil her *duty* as a wife once more, even if it means having to face her abuser and risk putting her son in the same environment she so ardently wished to remove him from. Helen comes to play the role of “angel monitress,” but not in the sense Arthur had previously wished, as her goal is partly religious: she has come to help him absolve himself of his sins and seek divine salvation (“I came to offer you that comfort and assistance your situation required; and *if I could benefit your soul as well as your body, and awaken some sense of contrition* [...]”; TOWH, p. 454, emphasis added).

Berry (1996, p. 44) claims that “Helen’s sanctimonious behavior and religious zeal resemble torture.” Langland (1989) argues that Helen’s return is not necessarily a demonstration of her kind nature or of her unceasing abnegation, but rather that the scenes at Arthur’s bedside have some dimensions of mischievous vindication. But I believe one must remember that, in coming back, Helen puts her duties and her religious fervour before her trauma and chooses to help her abusive husband die in peace in the company of his wife and son.

Arthur’s fragile state and subsequent death serve two important purposes in the novel: first, Brontë successfully shows the downfall of a man who has committed his life to unruly drinking and the tragic end that awaits those who do not abstain from excess. No reader is left indifferent to the change in Arthur’s behaviour and how he becomes almost docile in the end due to his debilitating fragility. There is a clear moral in Arthur’s storyline: Helen was right from the beginning about his alcohol consumption and in retrieving her son from his father’s influence. Second, and perhaps even more relevant, Helen is not only freed from her husband’s shackles but also takes advantage of the situation to get full custody of her son by demanding that Arthur sign an agreement with which he passes custody to her before he dies. Because Arthur first bluffs—“words, with him, are so much cheaper than deeds” (TOWH, p. 464), she writes to her brother—she is forced to once again distrust the spoken word and ask for a more permanent proof of his promise. When Arthur asks to see his son for the first time after Helen’s flight, she uses the opportunity to force him to sign the written agreement, saying she will let

him see little Arthur once he has signed their deal:

“I cannot trust your oaths and promises: I must have a written agreement, and you must sign it in presence of a witness [...]”

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 deliberately read it over to him, and made him sign it in the presence of Rachel. He begged I would not insist upon this: it was a useless exposure of my want of faith in his word to the servant. I told him I was sorry, but since he had forfeited my confidence, he must take the consequence. He next pleaded inability to hold the pen. “Then we must wait until you can hold it,” said I. Upon which he said he would try; but then he could not see to write. I placed my finger where the signature was to be, and told him he might write his name in the dark, if he only knew where to put it. But he had not power to form the letters. “In that case, you must be too ill to see the child,” said I; and finding me inexorable, he at length managed to ratify the agreement; and I bade Rachel send the boy. All this may strike you as harsh, but I felt I must not lose my present advantage, and my son’s future welfare should not be sacrificed to any mistaken tenderness for this man’s feelings. (TOWH, pp. 455–456)

Male power is at last overturned, though it can only be so when a man is no longer in full possession of his physical and mental capacities; that is, when he cannot enact the gender roles prescribed to him by society.

Ward (2007) calls attention to the fact that, legally, because of the principle of coverture, and has had happened to Caroline Norton, Helen could never seek to enforce such an agreement against her husband, although we never know whether she is aware of that or not. But Helen is, however, “lucky” that Arthur has not bequeathed his son’s custody to somebody else, which he could, had he wanted to, simply through a testamentary statement—other women at the time were not so “fortunate,” as Caroline Norton’s case well exemplifies.

In the end, there is a silver lining to Helen’s suffering. She is now a *de facto* widow who can claim her own property and has full custody of her son. It is then surprising that she decides to give almost everything up again (except her son’s inheritance) and marry Gilbert Markham, a “considerable economic gamble,” according to Ward (2007, p. 168).

Helen’s second marriage is not peacefully seen by the critics and academics who have written about *Tenant* as a fundamentally good match. Some, like Hyman (2008) and Joshi (2009), have pointed out the long list of Gilbert’s faults, with the latter speaking of a “disturbing hero and lover” on account of his assault on Lawrence, his treatment of Jane Wilson, and his inconsequential flirtation with Eliza Millward, whom he soon substitutes for Helen (Joshi, 2009, pp. 914–915). The subordinate clause Joshi offers to introduce this analysis should, however, be looked at more carefully to better understand why Helen does wish to remarry and

be united with Gilbert in the end: he is unlike Huntingdon in the most crucial aspects, for he does not drink, gamble, abandon Helen, or seems to see her as an inferior being. Quite the contrary; as we have seen, Gilbert asserts that he wishes to treat his wife with care and as an equal, leaving the reader to wonder “whether any two individuals could achieve the kind of equal partnership that Gilbert seems to desire in a society that encourages inequality” (Senf, 1990, p. 449). Even if it is the case that such an equal union is not possible, the fact that Gilbert believes it is and wishes to make it happen is testimony to the new model of masculinity he offers to Helen, in diametrical opposition to Huntingdon’s brute and oppressive manners.

Gilbert is also a different man from the ones we meet in Grassdale Manor in other ways: he is a working man, he respects Helen’s privacy, he values her art, he exchanges books with her, and, most importantly, he is a good role model to little Arthur, who readily sympathises with him. Gilbert is the promise of a good husband and a good father.

As Langland (1989) has observed, modern readers may be dissatisfied with Helen’s marriage to Gilbert Markham as it does seem like a step back in the narrative: Helen must now return to her status of wife, living under coverture, and losing the freedom and autonomy she fought so hard for. Diederich (2003, p. 30) has thoroughly explored what is at stake for Helen by getting married a second time, especially after having assumed the status of *widow* in her life in Linden-Car, since that status “circumvents some of the common laws obstructing wives’ rights.” As a widow, Helen can control her property and act as the legal guardian of her son. Helen regains her authority and independence, and “no one questions her rights [...] to her child, Arthur, or to her art” (Diederich, 2003, p. 31).

This new condition is even more valuable when Helen becomes a *real* widow, for then she really has no limits to the ownership of her property, the earnings that come from her art, and her role as a mother. Additionally, she has inherited her uncle’s estate, which gives her considerable financial leverage and crystallises her status as an upper-class woman, thus deepening the social gap between her and Gilbert. The disparity in their conditions is so considerable that he assumes their marriage to be an impossibility. His dismay at Helen’s veiled offer of marriage—a clear stand against gender norms—shows how much of a financial and social mismatch they are (TOWH, pp. 517–520).

Gilbert knows he is not a proper suitor and is afraid Helen’s friends will disapprove of their union (TOWH, p. 519). But Helen is quick to let him know that she does not believe they will react negatively. But the reader may. After having followed Helen’s struggles and

hardships, and seeing the toll they took on Helen and little Arthur's lives, it is hard to believe that she would quit her independence and be married again, especially if one takes into account that, upon remarrying, and unless Helen has protected her fortune in a trust fund, Gilbert is entitled to everything as "custodian for his wife's property" (Diederich, 2003, p. 35). Brontë assures the reader that Gilbert will not be an oppressive husband and shows yet again how different he is from Arthur when his response to the matter of money arrangements is simply, "By all means, dearest Helen!—do what you will with your own" (TOWH, p. 522), but there is no proven warranty that he will do so. It seems bittersweet that after becoming her own person in complete control of her life, she decides to give it all away and submit to another man, as we do not know what kind of authority he will exert as the "master" of the house. Will he eventually expect to be treated as his mother treated his father or as she would have his sister Rose treat him (e.g., TOWH, pp. 53–54)? Or will he actually enact the principles of equality he starts by defending at the beginning of the novel and act with Helen as years later John Stuart Mill would profess to act with his wife Harriet?

The one thing that appears to be clearer is that, in her decision to unite Helen and Gilbert at the end of the novel, Brontë seems to aim at setting moral standards for women more than engaging in a quarrel against the legal status of wives and mothers. She does not seek grand restructurings and seems to understand that the position of women will not legally change in her time (or thereafter, since she is not clear on the subject). As such, she advises women that their most responsible choices will be the ones based on the character of their partners. Indeed, having experienced a terrible life under Arthur Huntingdon, she remarries a completely different man—although with his own faults⁵⁰—who offers an entirely distinct model of masculinity. Furthermore, unlike what had happened in her previous marriage, where she had assumed the full responsibility of making Arthur happy and a good man, this time, she puts the onus on Gilbert, echoing his initial belief in equality, which Mrs Markham had so adamantly refused:

"But if you should repent!"

"It would be your fault," she replied: "I never shall, unless you bitterly disappoint me.

If you have not sufficient confidence in my affection to believe this, let me alone."

(TOWH, p. 519)

She evolves from a rash young girl who marries a socially equal man to an experienced

⁵⁰ Langland (1989, pp. 133–134) sees this as a good thing: "It is a mark of Brontë's realism, perhaps, that she does not present an ideal hero; she has pointed to the insidious effects of society's indulgence of men, and she will not wholly erase them in any character." Given that Helen herself is not perfect, as we have seen, this adds to the relevance of the match between her and Gilbert and further supports the importance of finding a moral equal.

and poised woman who marries her moral match and knows she is entitled to be happy in an egalitarian relationship. She does what has been hinted at previously as the *correct thing to do* within the moral framework she constructs in *Tenant*: “I wish you would seriously impress it upon her, never, on any account, or for anybody’s persuasion, to marry for the sake of money, or rank, or establishment, or any earthly thing, but true affection and well-grounded esteem” (TOWH, p. 297).

Helen echoes this belief at the end of the scene in which she and Gilbert get engaged. Perhaps because she now finds herself in a position of relative power, she has faith that such material distinctions do not have much significance, and that the synchrony of principles is all that matters for an agreeable life: “the greatest worldly distinctions and discrepancies of rank, birth, and fortune are as dust in the balance compared with the unity of accordant thoughts and feelings, and truly loving, sympathising hearts and souls” (TOWH, p. 520).

The abrupt resolution of the novel is less than perfect, for most of Helen’s struggles seem to have been in vain. Also, the reader is left oblivious as to what happens to Helen’s art and even herself, as we only get a small account from Gilbert, which does not say much about whether Helen is happy or not. But at least this new phase of Helen’s life promises to be different.

3.5. Helen and the Law

One of the most ironic passages of the novel is when Gilbert describes that he still has not forgiven Reverend Millward for his opinion of Helen, even after he learns the truth:

He maintained that she had done wrong to leave her husband; it was a violation of her sacred duties as a wife, and a tempting of Providence by laying herself open to temptation; and nothing short of bodily ill-usage (and that of no trifling nature) could excuse such a step—nor even that, for *in such a case she ought to appeal to the laws for protection*. (TOWH, p. 492, emphasis added)

Reverend Millward disregards Helen’s sufferings and asserts his belief the law could be of help to women in her situation. As a man who has helped ostracise Helen from social and religious life, he seems to have little pity for women who do not “follow his church’s teachings” nor abide by the law. Nevertheless, that is precisely the point Brontë seems to be making throughout the entire novel: at the time of writing, wife and mothers could not expect any protection from the law (or any other institution) and were forced to act outside it to safeguard themselves and their children. “If bold recourse to the law is not only insufficient but futile, if the existence of institutions outside the purely domestic is ignored” (Berry, 1996, p. 43), women

are left with no alternative but to fend for themselves, whether by staying in abusive marriages or running away from their spouses.

Tenant displays the reality of many middle- and upper-class 19th-century women and their “struggles within a restrictive system” (Le Veness, 2011, p. 348) and helps overthrow the myth of marital harmony highly praised at the time (Ward, 2007). Because of its continuous dialogue with the legal procedures of the 19th century, I believe it can only be fully understood when the reader is aware of the danger and illegality of Helen’s acts.

This contingency, though, is not only a limitation to modern readers; echoing the belief of Reverend Millward, one review in *The Examiner*, a weekly paper which ran from 1808 until 1886, “suggested with no apparent hint of irony that what Helen Huntingdon really needed was a good lawyer” (Ward, 2007, p. 156). As we have seen in Chapter 2, a good lawyer could not have done anything for Helen, for she was not even eligible for divorce—under Arthur’s dominion, she is “only” a victim of psychological abuse by an adulterous husband.

Such was the state of the law in the 1820s, the setting of *Tenant*. In 1848, the year the novel was published, custody law had changed—partly because of Caroline Norton’s struggles—, but Helen would still probably not be able to retrieve her son from his father’s influence, as she would have to be legally separated from her husband, show that Arthur was an inadequate father (and by the standards of the time, he was not), and would have needed the money to take the case to Chancery. Moreover, the 1839 change in the law only applied to children under seven years of age, and as soon as little Arthur had reached that point, his mother would have had to give up his custody again. Consequently, even if the novel is set during the 1820s, which corresponds to the Regency period, the scope of the story outlives that decade, and its struggles continued to be true for Victorian women, as Brontë recognises, in 1848, when she states that she depicts vice and vicious characters “as they really *are*” and not “as they would wish to appear” (“Preface to the Second Edition,” TOWH, p. xii).

Oscar Wilde once said that “there is no such thing as a moral or an immoral book. Books are well written or badly written. That is all” (Wilde, 1890/2008, p. 3). But Brontë’s *Tenant* (like *Agnes Grey*) is clearly a moral book, albeit not in an absolute manner. There is an effort to separate *good* from *bad*, but that separation is not crystal clear, in part because it could not be. There is a constant struggle between traditional values and moralising assertions at the same time as women’s emancipation is being argued for. Anne Brontë’s writing is a product of her uniqueness but also of its time, a reflection of how the author managed to see into the future

whilst still reflecting the era's contradictions.

Conclusion

In the 19th century, legal and moral discourses united to demarcate male and female spaces; due to the symbolic status of regulation, the law sets the norms of society and determines social roles (Arnaud-Duc, 1991, p. 97). Perhaps because of that demarcation, Fraisse and Perrot (1991, p. 20) see the 1800s—both in England and other parts of Europe—as a century of incessant corrections, local adjustments, inventive jurisprudence, and feminist conquests, processes which demonstrate the impossible immobility of legislation.

It is true that the law had been the domain of men, and most wished that it remained so, but the repercussions of social ideas about women's inferiority on their individual rights and civil existence became exceptionally limiting. In the face of the adversity which the changing norms and legal constraints posed to women, many were those who sought to fight against the oppressive system they were victims of. Nonetheless, women's role in political and legal debates was made especially difficult to affirm, for they were “on the outside looking in”—their power was limited within the home, let alone in the public sphere. They had to find other ways to battle against their servile status, and writing (also considered a male activity⁵¹) posed itself as the best means of expression for “new ideas,” new vindications. As Harriet Martineau put it, “I want to be doing something with the pen, since no other means of action in politics are in a woman's power” (as cited in Hunt, 2006, p. 228).

If one can see clearly the appeals made in non-fiction works like Wollstonecraft's and Caroline Norton's, and maybe even understand their more immediate impact on the public debate given the intensity and clarity of their political treatises, one cannot overlook fictional works in trying to comprehend the fundamental changes produced in 19th-century English law and social norms. Indeed, fiction reflects the different conceptions of womanhood at play throughout the century and is also instrumental in bringing about their transformation. The emphasis is progressively put on the individual's desire for liberty to choose their personal path, and the engine of the action is frequently society's obstacles to the path of self-determination.

In *The Tenant of Wildfell Hall*, those obstacles are written in the law, a sphere barred to women, but which still caused them great trouble and tremendously limited their courses of action, as Anne Brontë shows. The law itself is practically absent from the novel (there is no

⁵¹ Let us remember that many of the female writers we celebrate today wrote under male pseudonyms; this was not just the case of the Brontës, but also of George Eliot (Mary Ann Evans), A. M. Branard (Louisa May Alcott), and George Sand (Amantine Lucile Aurore Dupin) to name a few.

explicit mention of the impediments it places on the characters, nor is the reader aware of its limitations just through the reading experience); the underlying ideals that the law enshrines, however, are present in Helen's actions, in her flight, in her protection of little Arthur, in her reclusive life, in her arguments with Linden-Car inhabitants, in her necessity of staying away from Gilbert, and in her use of her art as a means of survival. Moreover, Brontë's portrayal of Helen's condition is not bound by the time span of the novel but has a quality which allows the text to be enjoyed beyond the time of writing and publishing.

Anne Brontë's *Tenant* was published nine years before the first significant legal change in marital law of the 19th century in England, the 1857 Matrimonial Causes Act, but the issues the author develops in the novel would not be solved for decades to come. *Tenant* is thus a cautionary tale about the lack of support women could expect from the law, and the struggles it portrayed would resonate throughout the rest of the 19th century and into the 20th. In fact, more than a century and a half later, the themes of the novel are still relevant today; as Ward (2007, p. 152) writes:

A literary text can also help in the excavation of modern law. It provides a chronicle, one that can assist the lawyer in charting the archaeology of jurisprudence, the origins and effect of which are often largely subterranean. Dickens [...] wanted his novels to "pull the roofs off houses," to reveal what lay within. So, too, did Anne Brontë. *The Tenant of Wildfell Hall* [...], a novel about spousal abuse, and about the situation of wives who sought to flee violence, about the economic condition of such women, their right to property and to their own children [...], is also a novel about the effect of law on the lives of real women and the extent to which this law might be challenged, its suggested "imbalances" rectified.

Through her writing, Brontë empowers her readers. Hyman (2008, p. 465) says, "*Tenant* enacts a radical social revision," but that seems hardly Anne Brontë's aim, as her heroine's situation is resolved not by great legal reforms but by Arthur's death (Bellamy, 2005). According to her preface to the second edition of *Tenant*, the author does not speak of changing society or the law—which indeed would only completely address Helen's struggles and provide satisfactory solutions almost one hundred years later—but instead addresses each woman individually in the hope of saving them from making the wrong choices before it was too late; her purpose is not revolutionary, but didactic (Leaver, 2007). Anne Brontë saw it as her duty to speak the "unpalatable truth," and she did so to help any Helen who could still be saved:

If I have warned one rash youth from following in their steps, or prevented one thoughtless girl from falling into the very natural error of my heroine, the book has not been written in vain. ("Preface to the Second Edition," TOWH, p. xii)

What Harriet Martineau posited remains true in Anne's case, but the extent to which an

author could hope to be influential is very much dependent on their belief in institutional change. The fiction of Anne Brontë never seems to aim so high—“The feminists sought reform of marriage laws; Anne Brontë sought individual attitudinal and behavioural reform” (Leaver, 2007, p. 232). This needs not be read as a problem, but rather as a testimony of the relevance of *Tenant* to this day: in writing for human revision instead of institutional reform, Brontë managed to create a literary piece that can resonate with today’s readers and the faults we still find in our own society. The author does so within a Christian worldview, examining the characters and their relationships understood within this moral framework, but the points raised surpass religious teachings. Through a plot centred on marriage and motherhood, the author explores various other issues still present in today’s grand debates, such as feminism, class mobility, addiction, and religion.

Furthermore, the criticism displayed in the narrative is nuanced and complex. Upon finishing the novel, the reader understands that Brontë still advocates marriage while criticising the way some people conceive and experience it; after all, Helen remarries, a new marriage that is partly a lesson on merit and equality—Gilbert seems to deserve Helen in ways that Arthur never did. He offers her a more egalitarian relationship since he does not act as Helen’s proprietor but as a real lover. The criticism remains, but it is reframed: it is not marriage that must change as an institution, but people’s and the law’s perceptions of women’s role in it.

I hope to have shown that in this dissertation. With this study, I aimed to offer a more thorough reading of what I feel is a generally overlooked novel by presenting an ampler explanation of the historical background at the time of writing, including the legal and public discussions about marriage and divorce in the mid-19th century, the arguments of key participants on each side of those discussions, and an overview of the development of these themes as the century passed. I then tried to show how the major tensions of the era (a woman’s roles as mother and wife, her legal status, and the social perceptions of women in their daily lives) are portrayed in *The Tenant of Wildfell Hall* and how the study of this novel may better inform our insights into the lives of women in Victorian England, namely, into their struggle for some of the liberties we hold dear today, which—as the adage goes—require eternal vigilance.

In doing so, this thesis revises the ways in which marriage and womanhood have been theorised in the past and how these conceptualisations, because of their overarching all-encapsulating formulas, do more harm than good to individuals and even society as a whole. The myths created around the perfect woman and the happy marriage are but that—idealised

conceptions which do not stem from real complex beings and their relationships, but rather from what some people would have others believe social norms should be. And, although there were always those who loudly proclaimed the sanctity of marriage and saw women as nothing more than “husband-pleasing entities,” there were also voices who surged against it and worked to show the deep contradictions within that rationale, a group Caroline Norton and Anne Brontë are part of, even if not without harm to themselves for telling the “coarse truth.” In Anne’s case, the greatest damage was in the reception of her novel. As Langland (1989, p. 146) puts it, “the structural, thematic, and psychological richness of this novel should have earned for it a greater reputation than it has.”

It is always tempting to wonder what else Brontë would have written had she lived longer, but it is much more important to revitalise her existing work and restudy it in light of new readings (feminist and otherwise) so that it receives the recognition I believe it deserves. After all, the work explores themes which resonate with modern readers’ concerns: marriage as a possible limiting force on women’s personalities and ambitions, their struggle to gain independence and an identity outside marriage and motherhood, and the problems with masculine ideals as defended by patriarchal standpoints (Joshi, 2009).

Were it not for the limited scope of a Master’s dissertation, this study could be further improved if other aspects of the novel were given more attention to (e.g., an exploration of the maid Rachel as a key character in Helen’s flight or an analysis of Rose Markham and her little rebellious acts against her mother’s strict views would allow for a fuller understanding of Anne Brontë’s critique of women’s conditions), or if comparisons would be established with other novels of the same era on their portrayal of married women and expectations towards marital unions. Establishing textual relationships between fiction and essays and treatises is also a relevant form of expanding our contemporary conception of women archetypes of 19th-century England and, perhaps, better comprehending the gendered ideas that are still—although with very different repercussions—at play today.

Studying the past and studying fiction works can never be a futile task. It helps us grasp how society’s thinking and functioning have evolved and how the ideas underlying our modern perceptions came to be. At the same time, we learn about the creation of the harmful stereotypes and expectations of our days, and we are more empowered to deconstruct them. It is by looking at the foundations of the structure we have before us that we may start to disassemble its parts and use them to rebuild something which we believe is better, even if it is deemed utopic at first. Assigning men and women specific characteristics and forcing them to enact these as if

they were natural attributes is a dangerous ideal that this true “gender ideology” has enforced on human beings. These organising principles of society are perpetuated at the expense of the individual. Studying them, speaking of them shows their feebleness and reveals the hidden assumptions behind what is, most of the time, faulty reasoning. To an extent, this is what Anne Brontë did when writing *Tenant*; she showed the gaps and contradictions in the beliefs of her time. By getting acquainted with works like hers, we may also show the gaps in the beliefs of our time and hope for change. After all, “We can hope, fail, and hope again. We can live with repeated failure and still improve the societies we build” (Tower Sargent, 2010, p. 127). Let us improve ours.

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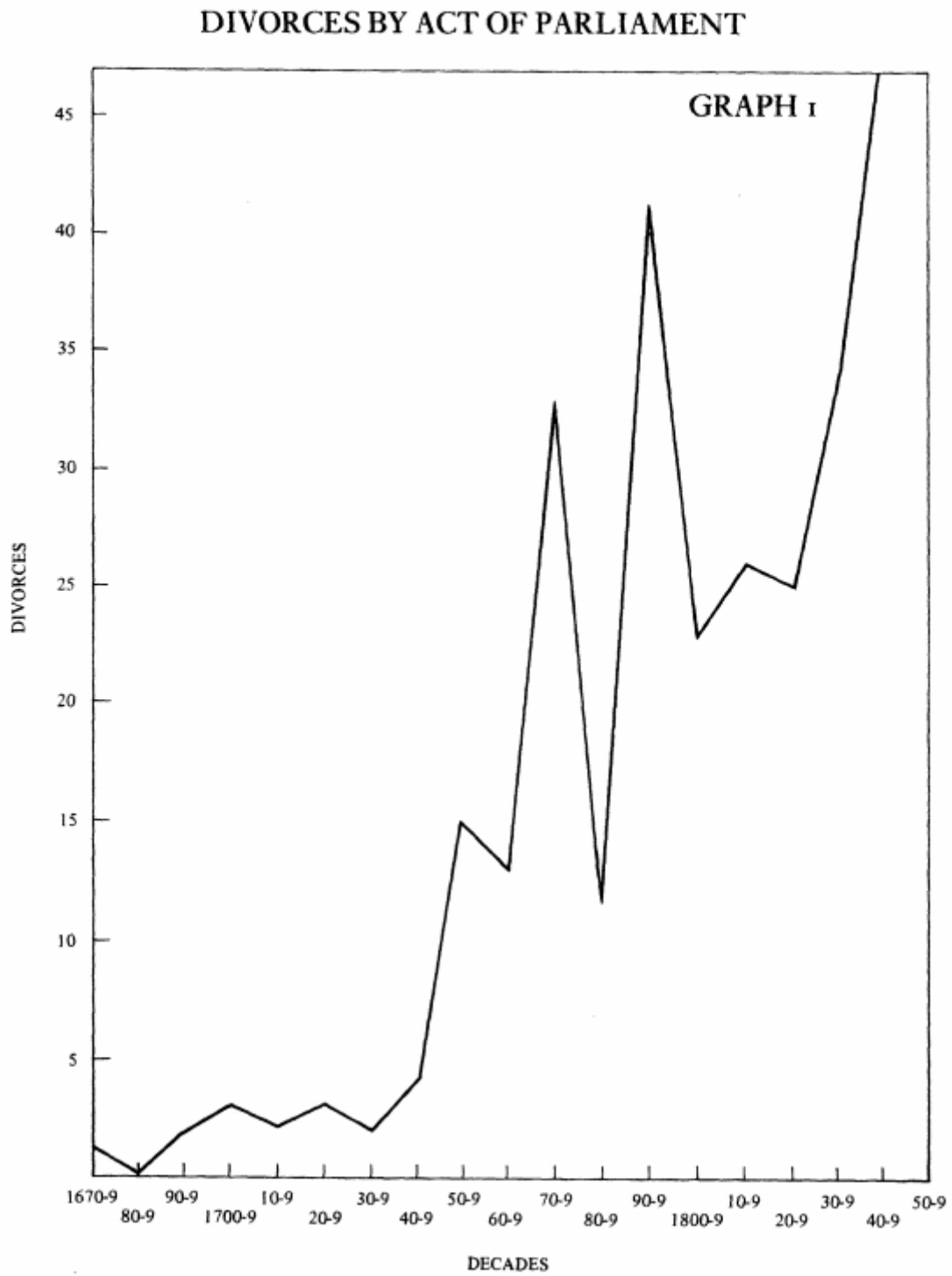
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ANNEXES



Source: Stone (1977, p. 39).

Rank/occupation of husbands in divorce Acts (1750–1857)

	1750–9		1760–9		1770–9		1780–9		1790–9		1800–9		1810–19		1820–9		1830–9		1840–9		1850–7		Total Average	
	(No.)	(%)	(No.)	(%)	(No.)	(%)	(No.)	(%)	(No.)	(%)	(No.)	(%)	(No.)	(%)	(No.)	(%)	(No.)	(%)	(No.)	(%)	(No.)	(%)	(No.)	(%)
Titled	1	7	2	15.4	7	20.5	1	8	6	14.3	4	17.5	6	22	6	24	1	3	0	0	1	3.5	35	11.5
Esq.	8	53	4	30.7	10	29	5	41	19	45.2	10	43.5	13	48	13	52	23	66	30	55	14	48	148	47.8
Gentleman	4	27	3	23	4	11.75	1	8	3	7.1	2	9	1	4	1	4	2	6	1	2	4	14	26	8.4
'Upper classes' total	13	87	9	69.2	21	61.25	7	57	28	66.6	16	70	20	74	20	80	26	75	31	57	19	65.5	209	67.5
Clergy			1	7.7	3	9			3	7.1	2	9	1	4	1	4	3	8	3	6	1	3.5	18	6
Merchant	2	13	1	7.7	4	11.75			1	2.3	2	9	1	4			1	3	2	4	2	7	15	5
Surgeon/Doctor of Physic			1	7.7	2	6	1	8	2	5	1	4							2	4			8	3
Armed forces (not with title, 'Esq.')									3	7.1	1	4	1	4	4	16	2	6	2	4	1	3	14*	5 (14)*
Others (not with title, 'Esq.')			1	7.7	1	3			4	9.5	1	4	2	7			3	8	4	7	4	14	20	6.5
No information except that no title of Esq. etc.					3	9	3	25	1	2.3			2	7					10	18	2	7	22	7
Total	15	100	13	100	34	100	12	100	42	100	23	100	27	100	25	100	35	100	54	100	29	100	309†	100

DIVORCE IN ENGLAND 1700–1857

*†Twenty-nine of those listed as 'Esq.' were also in the army or navy.

†Mixed ranks.

‡One untraceable Act omitted.

Source: Wolfram (1985, p. 164).

Table 1: *Successful Parliamentary Divorces by Rank, 1700–1857*

Rank	Cohort									
	1700–30		1731–60		1761–90		1791–1820		1821–57	
	No.	%	No.	%	No.	%	No.	%	No.	%
Titled	2	25	4	17.4	9	16.1	13	14.8	7	5.1
Esquire	2	25	7	30.4	15	26.8	39	44.3	69	50.7
Gentleman	–	–	9	39.1	8	14.3	5	5.7	6	4.4
Total – upper ranks	4	50	20	86.9	32	57.2	57	64.7	82	60.3
Merchant	1	12.5	3	13.1	8	14.3	5	5.7	8	5.9
Clergy	–	–	–	–	4	7.1	6	6.8	6	4.4
Surgeon/doctor of physic	–	–	–	–	3	5.4	3	3.4	3	2.2
Armed forces	–	–	–	–	3	5.4	8	9.1	16	11.8
Other – professional	–	–	–	–	4	7.1	3	3.4	9	6.6
Other – tradesman	2	25	–	–	2	3.6	4	4.5	6	4.4
Woman	–	–	–	–	–	–	1	1.1	3	2.2
No information	1	12.5	–	–	–	–	1	1.1	3	2.2
Total	8	100	23	100	56	100	88	100	136	100

Source: James (2012, p. 174).

Table 2: Failed Divorce Bills by Rank, 1700–1857

Rank	Cohort									
	1700–30		1731–60		1761–90		1791–1820		1821–57	
	No.	%	No.	%	No.	%	No.	%	No.	%
Titled	2	33.3	2	28.6	1	9.1	3	13.0	1	2.9
Esquire	1	16.7	3	42.9	3	27.3	13	56.5	11	32.4
Gentleman	1	16.7	1	14.3	–	–	1	4.3	3	8.8
Total – upper ranks	4	66.6	6	85.6	4	36.4	17	73.9	15	44.1
Merchant	1	16.7	1	14.3	1	9.1	1	4.3	–	–
Clergy	–	–	–	–	2	18.2	2	8.6	1	2.9
Surgeon/doctor of physic	–	–	–	–	–	–	–	–	–	–
Armed forces	–	–	–	–	1	9.1	1	4.3	10	29.4
Other – professional	–	–	–	–	1	9.1	–	–	2	5.8
Other – tradesman	–	–	–	–	1	9.1	1	4.3	1	2.9
Woman	–	–	–	–	–	–	1	4.3	5	14.7
No information	1	16.7	–	–	1	9.1	–	–	–	–
Total	6	100	7	100	11	100	23	100	34	100

Source: James (2012, p. 175).

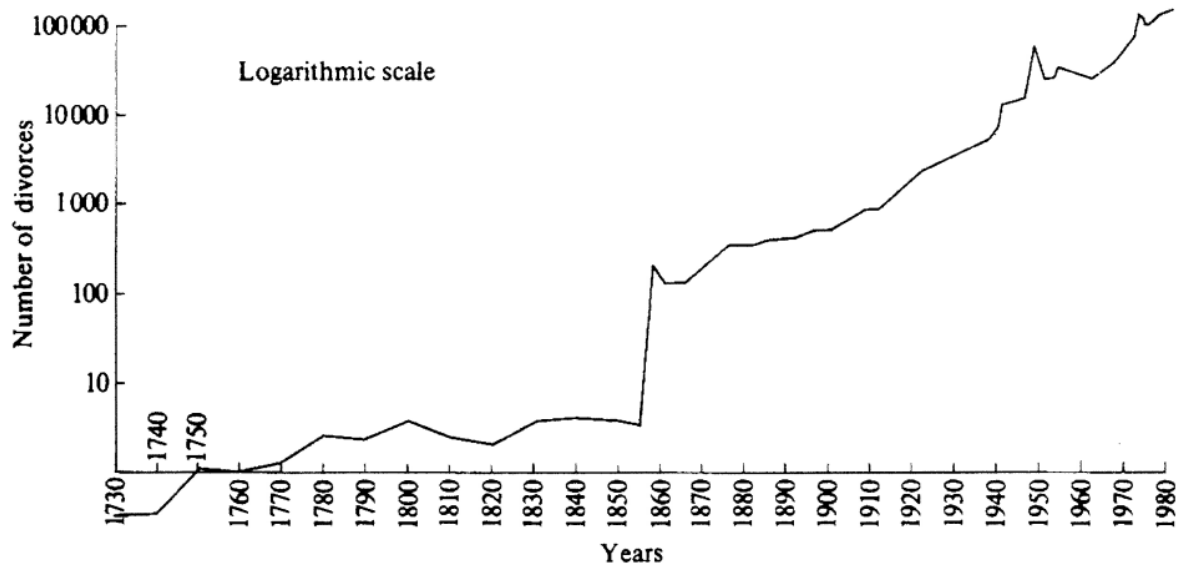
Table 3: Proportion of Failed Divorce Bills by Rank, 1700–1857

Rank	Total	
	No.	%
Titled	9	11.1
Esquire	31	38.3
Gentlemen	6	7.4
Total – upper ranks	46	56.8
Merchant	4	4.9
Clergy	5	6.2
Surgeon	–	–
Armed forces	12	14.8
Other – professional	3	3.7
Other – trade.	3	3.7
Woman	6	7.4
No information	2	2.5
Total	81	100

Source: James (2012, p. 175).

TABLE I

Divorces enacted and decrees absolute, England (1730–1980)¹⁴



Source: Wolfram (1985, p. 158).