Introduction

Dark Shapes

In June 1858, Charles Dickens published a series of notices in the press confirming, in the vaguest possible way, that he had separated from his wife, but denying rumours that the reason lay in his relationship with any ‘persons close to my heart’.1 His long-time friend and later biographer, John Forster, desperately tried to dissuade him, reasoning that the notice would only serve to titillate public prudence. He was, of course, right. The timing was oddly, and rather discomfortingly, resonant, as the doors of the new Divorce Court had only just opened for business; something which had made the subject of adultery and dysfunctional families of particular contemporary interest.2 If the Dickens family was indeed breaking up, and if the reason lay in an extra-marital indiscretion, it was becoming rather too obvious that there was in this nothing particularly unusual. Moreover, only a decade previously Dickens had confirmed his reputation as a ‘serious’ novelist, and chronicler of the ‘condition of England’, by depicting precisely such a familial fragmentation in Dombey and Son.3 We shall return to Dombey and Son shortly. At the same time as he was publishing his notice, Dickens was giving some of his first public readings, of which one of the most popular, the death of ‘little Paul’, was taken from Dombey and Son. The ironies abounded, along with the hypocrisies.4

Dickens was right to be concerned, even if the manner of his response proved to be entirely misconceived. The rumours, as to both the state of his marriage and his infatuation with a young actress, were well-founded. The 45-year-old Dickens

2 Indeed, Charles’s brother Fred was one of the first to sue for divorce before the new court, in December 1858, citing the alleged adultery of his wife. Dickens, of course, had no grounds with which he could seek a divorce even if he had wanted to do so. Catherine was not at fault. He was.
3 See S Marcus, Dickens from Pickwick to Dombey (Norton, 1985) 347–48, suggesting that whilst Dickens’s marriage was still relatively strong at the time he was composing Dombey and Son, warning signs were present; an early infatuation with Christiana Weller, the fiancée of his friend TJ Thompson, and then more suggestively, his bizarre behaviour towards Mrs de la Rue whilst in Genoa. Mrs de la Rue suffered from hallucinations, which Dickens thought he could cure by hypnosis. Catherine protested that Dickens was paying too much attention to the supposed invalid; an accusation that Dickens hotly denied. He refused to stop paying his visits to Mrs de la Rue either during the day, or more troublingly, at night.
4 On the obvious hypocrisy of Dickens writing about the sanctity of the family, see Marcus, Dickens, ibid, 356 and more recently, K Hager, Dickens and the Rise of Divorce (Ashgate, 2010) 92.
had fallen in love with the 19-year-old Ellen Ternan. The rumours were not to be easily assuaged. In conversation at the Garrick, a club they shared, Thackeray rather witlessly confirmed that his friend Dickens was indeed conducting an affair with an actress; an error for which he was never forgiven. Elizabeth Barrett Browning expressed herself appalled when she came across one of the notices which appeared to hold Catherine Dickens in large part responsible for the separation. It was, she bluntly said, a ‘crime’ and a ‘dreadful’ one. When Angela Burdett Coutts, who was bankrolling the home for fallen women which she and Dickens had set up, heard the rumours she pretty much cut him off. The even greater risk for Dickens, of course, was that his readers might do the same.

As his notices only barely concealed, Dickens had become bored of his wife of 20 years, confiding in increasingly pained, and self-justificatory, correspondence with Forster that they were never really ‘made for each other’; a view which he pressed more strongly the older and less pretty Catherine became. She was, Dickens conceded, ‘amiable and complying’, in this sense the ideal ‘angel in the house’ so frequently celebrated in contemporary literature, but she was no longer very exciting, in or out of bed. Using a metaphor with a very particular contemporary resonance, Dickens confided that what was ‘befalling’ him had been ‘steadily coming’. Of course, the real fall, prospectively at least, would have been Ellen’s. It might be noted that when it came to developing infatuations with younger unmarried women, Dickens already had form; as did a conspicuous number of his fellow male writers, including both Ruskin and Thackeray. As later biographers have lined up to confirm, Dickens anyway struggled to relate in a mature way to most women. He treated Catherine abominably, pointedly telling friends when her sister Mary died that he would have preferred it to have been his wife. Mary was another of those young women for whom Dickens had developed one of his discomforting infatuations. Ellen was not the first, and was probably not the last.

On the matter of his reputation, however, Dickens was right. There was much to be lost if his readers decided that he was indeed responsible for the ‘fall’ of an

5 He was ‘keeping’ both her and her sisters in a large house in Ampthill Square in London. Biographers and critics have long tried to comprehend the nature of their relationship, the precise details of which remain maddeningly elusive, particularly for the years 1862–65, during which time, according to Dickens’s daughter Kate, Ellen gave birth to an illegitimate child. Confirmed critical sightings of Nelly are intermittent during these years, though she does famously resurface as a travelling companion in a railway crash at Staplehurst in June 1865, from which Dickens had her quickly and discreetly whisked away. See most recently, Tomalin, Charles Dickens (above n1) 326–35, commenting that a ‘great many questions hang on the air, unanswered and mostly unanswerable’.

6 Ibid, 300.

7 Dickens desperately tried to make his case, suggesting in correspondence that Catherine caused him ‘unspeakable agony of mind’. Coutts, who prided herself on her personal propriety, was not persuaded and their relationship never recovered.

8 See Tomalin, Charles Dickens (above n1) 252, 285.

9 Ruskin’s marriage disintegrated even more spectacularly than Dickens’s, his impotence being cited in his wife’s divorce proceedings as grounds for voidity. A little later, he became infatuated with the 11-year-old Rose La Touche, something which he was, for understandable reasons, equally as keen to keep from his public. We will encounter Thackeray’s infatuations in the chapter one.

10 His daughter put it bluntly: ‘my father did not understand women’ quoted in N Auerbach, ‘Dickens and Dombey: A Daughter After All’ (1976) 5 Dickens Studies Annual 95.
innocent young woman, as well as the resultant disintegration of his own family for, as Fitzjames Stephen put it, the family had become the ‘supreme object of idolatry’ in mid-Victorian England, especially amongst the kind of people for whom Dickens wrote.\textsuperscript{11} It was an inherently paradoxical idol, as Edmund Burke had noted in his manual for whimsical conservatives, \textit{Reflections on the Revolution in France}. The English political ‘mind’ was founded on a shared adoration for an iconography that celebrated the common worship of ‘our state, our hearths, our sepulchres, our altars’\textsuperscript{12}. The Burkean commonwealth cherished each and every English home as an irreducibly public space even whilst it remained, at least in the cultural imagination, privately inviolable. The house of Paul Dombey, as we shall see, was just such a home; ‘in private’ and ‘in public’ (554)\textsuperscript{13} so, it had become painfully apparent, was the home of Charles Dickens. As the mainly female readership of the \textit{Home Circle} magazine was reminded, the woman who tends to the hearth exercises a vicarious power ‘over the will of the nation’.\textsuperscript{14} By now, however, neither the rhetoric nor the iconography was quite so convincing. Few mid-Victorians were more whimsical or more conservative than Walter Bagehot, or more sceptical. Few were more sensitive to the fact that theirs was an ‘age of confusion and tumult’, not least because ordinary Englishmen and women were no longer so confident in the inviolability of the English ‘household’\textsuperscript{15}.

For this very reason, mid-Victorian England was also a place of anxiety and of uncertainty. The anxiety bred the questioning. England worried about its ‘condition’, for which reason it also worried, at length, about the state of its families and more particularly, the ‘question’ of its women, what they should be doing, what they might be thinking, and what they seemed to be reading.\textsuperscript{16} This latter affinity was immediate. The Burkean family presumed a particular ‘sphere’ within which women lived their married lives.\textsuperscript{17} At a remove, it also presumed a particular place within which the sexuality of these women might be regulated, and this place was the institution of marriage. This book is about sex and marriage, and the consequences, legal and otherwise, of transgressing the Burkean norm. It is about families like the Dickenses, about men like Charles Dickens and women like Ellen Ternan.


\textsuperscript{12} E Burke, \textit{Reflections on the Revolution in France} (Penguin, 1986) 120.

\textsuperscript{13} All internal citations are taken from C Dickens, \textit{Dombey and Son} (Penguin, 2002).


It is also about the families that Dickens created for his thousands of devoted readers, about their conformities and nonconformities, indeed about families such as the Dombeys. It is not only about families created by Dickens of course, for it is also about other fictional families we will come across, such as the Newcomes, the Carlyles and the Mellishs, each of which was beset with marital dysfunction. It is also about the fate of those women such as Ellen, who found themselves ‘fallen’ outside marriage, about women such as Hetty Sorrel, Jessie Phillips and Ruth Hilton, as well as Dickens’s own Nancy Sikes. Dickens knew that his age was an interrogatory one, a serious one and an anxious one. He also knew that if he read his audience right, this same anxiety would make his fortune, for the Victorian age, the ‘age of so many things’, as Margaret Oliphant rather wearily observed, was also a peculiarly literate one; the great ‘age of the triumph of fiction’, as Edmund Gosse later affirmed in rather more celebratory tones.\(^{18}\) If there was one thing a Victorian gentleman liked more than worrying, it was reading about worrying things.\(^{19}\) The same, it was commonly felt, was true of his wife; indeed, of all the worrying things, few were more worrying than the thought that women were reading too much. Indeed, it was commonly supposed that women like Ellen Ternan fell because they read novels written by men such as Charles Dickens.

Angels in the House

Of course, as we have already intimated, the shame that Dickens was so keen to evade was nothing in comparison with that which would have attached to Ellen. The mid-Victorian was obsessed with ‘fallen’ women, which is precisely why they loved to read about them in the novels that Dickens, and so many of his contemporaries, wrote.\(^{20}\) There were two distinct species of ‘fallen’ women: those who fell whilst married, and those who, like Ellen Ternan, fell outside of marriage. The necessary fact of sexual transgression, even its mere insinuation, made both equally thrilling subjects for leisured contemplation; as did the further insinuation, commonly made in the literature of the ‘fallen’ women, that transgressive sexuality nurtured criminality. Whilst the ‘fallen’ married woman could easily find herself slipping into a kind of criminality, it was usually of the less violent kind: a ‘criminal conversation’ perhaps, a spot of bigamy. But for the ‘fallen’ unmarried woman, the crimes prescribed tended to be rather more dramatic, certainly more violent. A life

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\(^{19}\) On the Victorian age as one of ‘apprehension’, see M Wolff, ‘Victorian Study: An Interdisciplinary Essay’ (1964) 8 Victorian Studies 1964.

of prostitution leading as often as not to violent death was commonly prescribed, as was the arrival of an unwanted child and the temptation to commit that most ‘unnatural’ of crimes, child-murder. Ellen appears to have been luckier than most. She did not fall quite so far, or at least so it seems. We shall, however, encounter some of the less fortunate in due course, as we will the associated literature on female sexuality with which so many Victorian gentlemen, for reasons of science or more commonly simple prudence, were evidently so fascinated.  

The alternative to the ‘fallen’ woman was the ‘womanly’ woman. Single women could be ‘womanly’ but they were generally viewed as being odd if they did not sooner or later get married. The cultural presumption was that women should marry. There were exceptional voices, most famously perhaps that of John Stuart Mill, who argued that a wife was in reality the ‘bond-servant of her husband: no less so, as far as legal obligation goes, than slaves commonly so-called’. There were, he concluded, alluding to recent emancipation statutes, ‘no legal slaves’ in England ‘except the mistress of every house’. Early feminist contemporaries such as Mona Caird were quick to cite Mill’s authority and deploy his metaphor. As late as 1888, Caird likened the marriage market to the ‘Mongolian market-place’, with ‘its iron cage, wherein women are held in bondage, suffering moral starvation, while the thoughtless gather round to taunt and to insult their lingering misery’. But again, the complaint was as much against the practice of marriage as the idea and few in mid-Victorian England even shared this measure of doubt. They may have read innumerable novels which insinuated that there was something awry with marital practice but they were hard pressed to find any that suggested a credible, still less desirable, alternative. Thackeray’s Ethel Newcome may articulate some of the most caustic condemnations of marital practice found in the Victorian novel, as we shall see in chapter one, but there is nothing Ethel craves more than marriage to the man of her dreams. The same is every bit as true of her fictive sisters, from bigamous adulteresses to traduced maidens. Each wants, above anything, to be married. Florence Dombey may have watched the brutal disintegration of her father’s marriage, but she too is desperate to marry her beloved Walter; and quite rightly, as Mr Sownds the church beadle confirms with a Burkean flourish, ‘We must marry ’em . . . and keep the country going’ (868).

Once married, the Victorian woman was expected to assume a particular role, and it was adherence to this role that distinguished the ‘womanly’ wife from the ‘fallen’ one. The dominant doctrine here was that of ‘separate spheres’. In her essay

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21 For an overview, see K Harvey, ‘Sexuality and the body’ in H Barker and E Chalus (eds), Women’s History: Britain 1700–1850 (Routledge, 2005) 78–99.
23 A presumption that Cobbe sought to satirise in her essay ‘What shall we do with our old maids?’ to which the answer was educate them and put them to useful employment. S Hamilton (ed), Criminals, Idiots, Women, and Minors: Victorian Writing by Women on Women (Broadview, 1995) 85–107.
26 See Hager, Dickens and the Rise of Divorce (above n 4) 2–5, concluding that ‘it sometimes seems as if marriage is everywhere written against, even as it is everywhere desired or assumed’.
Laws Concerning Women, Elizabeth Lynn Linton confirmed that the assumption of ‘separate’ spheres was ‘the very first principle of domestic existence’. Such essays, and such comments, were legion. So too were domestic manuals; inordinately popular and invariably keen to reaffirm the ‘natural’ distinction between the alternative realms of spousal authority. In her 1838 manual Women of England, Sarah Stickney Ellis confirmed that ‘there is an appropriate sphere for women to move in, from which those of the middle class of England seldom deviate’. This ‘sphere’, she continued, ‘has duties and occupations of its own, from which no woman can shrink without culpability and disgrace’. It was not simply a matter of maintaining domestic harmony. As Mr Sownds appreciated, the ‘nation’s moral worth’ depended on women ‘keeping’ these responsibilities; an invocation which necessarily aligned the emergent ‘question’ of women with larger questions about England’s ‘condition’, of the kind famously asked by Thomas Carlyle and Henry Newman.

As we have already noted, religious and scriptural metaphors commonly reinforced the more prosaic presumptions of domestic utility. Thus Ellis adopted a distinctly Burkean tone in confirming that the ‘household hearth’, the maintenance of which was at the very top of the good wife’s responsibilities, possessed an ‘inviolable sanctity’. In The Woman’s Mission, Sarah Lewis made the theological affinity more patent still:

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 domination. The moral worlds is ours ours by position; ours by qualification, ours by the very indication of God.

Alongside the domestic manual was the domestic journal, saying pretty much the same. The Ladies Treasury assured its readers that between its pages would be found nothing to ‘enervate or bewilder the pure female mind’. Rather it was intended to ‘illustrate and uphold each dear, domestic virtue, child of home’. The home was sacrosanct indeed. Dickens’s Household Words was not a woman’s journal as such; but he chose the title for a reason. There will be occasions in the chapters which follow when we encounter writers who appear to be rather more sceptical, articulating the kind of doubts as to the veracity of the separation doctrine insinuated in the essays of Mill and nascent feminists such as Barbara Leigh Smith Bodichon and Frances Power Cobbe; voices which sought to raise a distinct ‘question’ of women, in effect a question of their place in mid-Victorian England. But such voices were few; even amongst those who are so often credited with nurturing the evolution of modern feminist consciousness. ‘There is no question’ George Eliot observed, ‘on which I am more inclined to hold my peace and learn,

29 S Ellis, Women of England, (Fisher and Son, 1839) 1.
30 S Lewis, The Woman’s Mission (John Parker, 1840) 129.
31 See N Thompson, Reviewing Sex: Gender and the Reception of Victorian Novels (Macmillan, 1996) 123.
than on the Woman Question’. Even Frances Power Cobbe was later moved to remark, along similar lines, that ‘of all theories concerning women, none is more curious than the theory that it is needful to make a theory about them’. Even as they wrote novels which appeared to push at the boundaries which sought to confine the mid-Victorian woman, writers such as Eliot, Elizabeth Gaskell and Ellen Wood did so cautiously. Having articulated her distrust of the ‘Woman Question’, Eliot gestured to the reason why. ‘It seems to me’, she opined, ‘to overhang abysses, of which even prostitution is not the worst’. At the sharp end of the ‘Woman Question’ there lay real darkness and real suffering, and real sex too.

The mid-Victorian aesthetic was written accordingly in deference to the broader presumptions of the separation thesis, affirming the more prosaic declarations articulated in the myriad domestic manuals published by the likes of Ellis and Lewis. Coventry Patmore’s poem The Angel in the House assumed a particular iconic status. A closer reading revealed that the ‘angel’ in Patmore’s house was love. But in the minds of his contemporaries, male and female alike, it became a cultural shorthand for the ideal ‘womanly’ wife; for if the wife failed to play her role as prescribed, then the ‘house’ would be governed not by love but by suspicion, dislike and very probably violence. In his review of Elizabeth Gaskell’s Ruth, a novel we shall revisit in chapter three, JM Ludlow confirmed that ‘if man is the head of humanity, woman is its heart’. A generation earlier, Thomas Gisborne’s popular Enquiry into the Duties of the Female Sex, confirmed that it was for men to plumb the ‘inexhaustible depths of philosophy’, just as they write the ‘science of legislation, of jurisprudence’. Their wives, in return, exercise a ‘sympathising sensibility’.

This prescriptive, and necessarily pejorative, poetic found famous expression in John Ruskin’s 1865 lecture, ‘Of Queen’s Gardens’. The demarcation of male and female spheres was not, Ruskin averred, a matter of power or subjugation, but of nature and harmony. A ‘true wife’, he urged, was not a ‘slave’ but rather a ‘help-mate’. Thus:

32 Ibid, 12.
33 Adding ‘we are driven to conclude’ that whilst men grow like trees, ‘women run in moulds, like candles, and we can make them long-threes or short-sixes, whatever we please’. See Newton, Women (above n 29) 2.
34 For a commentary on this caution, see N Thompson, ‘Responding to the woman questions: rereading non-canonical Victorian women novelists’ in N Thompson (ed), Victorian Women Writers and the Woman Question (Cambridge University Press, 1999) 2–4, 6.
35 See Thompson, Reviewing Sex (above n 31) 12.
36 Virginia Woolf famously denounced the image as one of the most pernicious in English literature. For commentaries, see S Gilbert and S Gubar, The Madwoman in the Attic: The Woman Writer and the Nineteenth-Century Literary Imagination (Yale University Press, 2000) 20–23; E Showalter, A Literature of Their Own: British Women Novelists from Bronte to Lessing (Princeton University Press, 1977) 14–16, emphasising the extent to which the lives of mid-Victorian women were defined by an elaborate scheme of associated icons and rituals of domestic conformity; and J Tosh, A Man’s Place: Masculinity and the Middle-Class Home in Victorian England (Yale University Press, 1999) 54–59, 68.
37 J Ludow, ‘Ruth’ (1853) 19 North British Review 90.
38 Gisborne’s Enquiry was first published in 1797, but retained its popularity during much of the nineteenth century. See J Guy and I Small, The Routledge Concise History of Nineteenth-Century Literature (Routledge, 2011) 173.
The man’s power is active, progressive, defensive. He is eminently the doer, the creator, the discoverer, the defender. His intellect is for speculation and invention; his energy for adventure, for war, and for conquest, wherever war is just, wherever conquest is necessary. But the woman’s power is for rule, not for battle and the intellect is not for invention or creation, but for sweet ordering, arrangement, and decision. She sees the qualities of things, their claims, and their places. Her great function is Praise; she enters into no contest, but infallibly adjudges the crown of contest. By her office, and place, she is protected from all danger and temptation.\(^{39}\)

Or at least, this is what an ‘incorruptibly good’ wife would be.\(^{40}\) There were, of course, other women, as Ruskin inferred, those who had not been properly ‘trained in habits of accurate thought’, who thought to ‘understand’ too much, who read the wrong books, ‘frivolous’ books, books that engaged notions of ‘folly’ and ‘wit’ and romance, for even the ‘best romance becomes dangerous if, by its excitement, it renders the ordinary course of life uninteresting, and increases the morbid thirst for useless acquaintance with scenes we shall never be called upon to act’; or so he hoped.\(^{41}\) We will consider contemporary attitudes to women’s reading shortly. It was, as we shall see, a subject which aroused considerable anxieties. Ruskin was certainly anxious, seizing upon Thackeray as just the kind of author who, if not read carefully, might despoil an impressionable female mind; an observation the acuity of which we will again contemplate in chapter one.\(^{42}\) It was not, as WR Greg confirmed, merely a matter of the ‘good’ wife not reading such novels; she should also not able to comprehend them:

> Many of the saddest and deepest truths in the strange science of sexual affection are to her mysteriously and mercifully veiled and can only be purchased at such a fearful cost that we cannot but wish it otherwise.\(^{43}\)

As the century progressed, anxious men of letters could look for some reassurance to men of science, at least on the subject of sexuality. Thus the eminent psychologist, Henry Maudsley, could be found agreeing that the biology of female reproduction confirmed that ‘the male organisation is one, and the female organisation is another’.\(^{44}\) The equally eminent William Acton agreed, straying further into the realm of female sexuality to confirm in his *Functions and Disorders of the Reproductive Organs*, published in 1857, that a ‘modest’ woman was ‘seldom’ in need of sexual ‘gratification’ for its own sake; a supposition which clearly implied that there was something unnatural in women engaging sexual activity for any purpose other than furnishing her husband with progeny.\(^{45}\) Acton’s treatise comprised endless case studies in which the happiness of women, and the harmony of


\(^{40}\) Ibid, 159.

\(^{41}\) Ibid, 161–64.

\(^{42}\) Ibid, 164.


\(^{45}\) Ibid, 15. See also R Clark, ‘Riddling the Family Firm: The Sexual Economy in *Dombey and Son*’ (1984) 51 *ELH* 70, commenting on the strength of this belief in mid-Victorian culture.
their homes, directly correlated with the extent to which they were over- or under-sexualised; insofar as Acton was prepared, barely, to countenance the idea that any woman might be somehow under-sexualised. Thus in the case of a barrister who was afflicted with impotence, Acton was able to offer the reassurance that no matter how frustrated he might be, his wife, being ‘kind, considerable, self-sacrificing, and sensible’ and above all ‘so pure-hearted as to be utterly ignorant and averse to any sexual indulgence’, would be fine.46

We will revisit Acton and Maudsley and the discourse of sexuality which they strove so hard to prescribe in chapter four, when we take a closer look at prostitution and obscenity. As we shall see, the discourse of science was just one of many discourses which sought to somehow regulate sexual activity and its depiction. None were particularly successful, for the simple reason articulated by Florence Nightingale; there is nothing more futile than the attempt to regulate the expression of ‘passion’.47 For obvious reasons, the discourse of sexuality was inexorably bound up in the larger ‘question’ of women; even if it remained, very often, in the darker recesses of the debate. The attempt to regulate one presumed the concomitant necessity of confining the other, both within the walls of the Englishman’s home and within the pages of his novels.

At Home with the Dombeys

It is a critical commonplace of Dickensian scholarship to suggest that *Dombey and Son* was Charles Dickens’s first serious novel, by which is meant the first novel in which he engaged with larger questions of England and its ‘condition’.48 This was certainly the impression of contemporary admirers such as Thackeray and Forster.49 The critical inference is that earlier novels such as *Pickwick Papers* and *Oliver Twist* were written, at least in part, in lighter shades. The inference is, of course, questionable. At the same time, it can certainly be agreed that there is precious little that is light about *Dombey and Son*. It is a novel, as the narrator affirms, about ‘dark shapes’. The house of Paul Dombey, which assumes such symbolic

48 It was also the first from which he made serious money which is somewhat ironic given that the overarching theme of *Dombey and Son* is the devastating consequences that can follow from the single-minded pursuit of wealth. He earned £3,800 from serialisation in 1847 and ‘from this date’, as Forster confirmed, ‘all embarrassments connected with money were brought to a close’ Tomalin, *Charles Dickens* (above n 1) 200. For influential early comments on the pivotal place of *Dombey and Son* in the evolution of Dickens’s canon, see F Leavis and Q Leavis, *Dickens the Novelist* (Penguin, 1994) 22, basing his assessment on the unity of plot, K Tillotson; ‘Dombey and Son’, in A Dyson (ed), *Dickens: Modern Judgements* (Macmillan, 1968) 158–61, 179; and H Stone, ‘Dickens and Leitmotif: Music-Staircase Imagery in *Dombey and Son*’ (1963) 25 *College English* 217.
49 Tomalin, *Charles Dickens* (above n 1) 193.
import, is a ‘dark’ place, every bit as bleak as the infamous Bleak House.\textsuperscript{50} At its best, it can be said to have a ‘dreary magnificence’ (351). At its worst, it is a ‘dismal’ house, ‘as blank a house inside as outside’ (34). Shrouded in seemingly perpetual darkness, Dombey’s mansion is a monument to vaunting pride and selfishness, and a fragile one too. The fragility becomes shockingly apparent in chapter forty-seven, the moment when Dickens gets very serious indeed.\textsuperscript{51}

At this moment, rebuked by a wife who refuses to do anything ‘that you ask’, possessed of an impotent fury, Paul Dombey lashes out and assaults his daughter Florence (712, 718). The fragile pretences of domestic harmony are shattered. Sarah Ellis had solemnly warned that: ‘There are private histories belonging to every family, which, though they operate powerfully upon individual happiness, ought never to be named beyond the home-circle.’\textsuperscript{52} However, the dysfunction of the Dombey family is not something that can be kept under one roof, metaphorically or literally. Florence flees, the ‘darkening mark of an angry hand’ livid upon her breast, a semiotic that will recur throughout the pages that follow (736). The ‘dark shadows’ are uncovered, as the narrator famously declaims moments before Dombey loses control:

Oh for a good spirit who would take the house-tops off, with a more potent and benignant hand than the lame demon in the tale, and show a Christian people what dark shapes issue from amidst their homes, to swell the retinue of the Destroying Angel as he moves forth among them! (702)

More than anything else Dombey fears public humiliation, the ‘opinion of the world’ (774, 776). But his shame cannot be allowed to remain in the shadows.\textsuperscript{53} Thirty thousand Englishmen and women would follow the disintegration of Paul Dombey’s family month by month for the best part of two years.

The first 46 chapters had charted the gradual disintegration of Paul Dombey, emotionally bereft widower and ‘Colossus of commerce’ (398). The ‘fall’ of the house of Dombey is triggered by the early death of Dombey’s son Paul, the intended heir to the family business, an event which plunges his father into a deep depression from which he is seemingly unable to recover.\textsuperscript{54} The death of little Paul attracted considerable critical applause. Thereafter the novel tends to mark time until Dombey makes the fateful mistake of deciding to remarry, or rather the fateful mistake of choosing Edith Granger to be his second wife. Edith proves to be a reluctant bride, or at least a deeply cynical and unsympathetic one. The marriage


\textsuperscript{51} On chapter 47 as the pivot of the novel, see C Colligan, ‘Raising the House Tops: Sexual Surveillance in Charles Dickens’s Dombey and Son’ (2000) 29 Dickens Studies Annual 100–102.

\textsuperscript{52} See Chase and Levenson, The Spectacle of Intimacy (above n 11) 12.

\textsuperscript{53} It is reported that ‘The Papers’ are ‘eager for news’ of Dombey’s separation and its causes (801).

\textsuperscript{54} Critics have long supposed that little Paul is a precursor to David Copperfield, whose conception followed quickly on his heels. See Tomalin, Charles Dickens (above n 1) 185.
is a failure from the start, the mutual loathing of both parties quickly intensifying. Sensing a chance to humiliate his hated employer, Dombey’s business manager Carker tries to seduce Edith. Edith agrees to elope to France, but has no intention of committing adultery. The rejected Carker falls under a train, terrified that he is being followed by a vengeful Dombey. In fact, Dombey has descended into catatonic depression, broken only by moments of occasional violence, such as that in chapter forty-seven, after which Florence flees the family home, the business collapses, and the bailiffs move in. Dombey is ‘fallen’ and his house disintegrates, literally and metaphorically, at least until Florence returns to fashion her father’s tortuous redemption; a process which consumes the final 15 chapters (904).

There are, of course, myriad interpretations of *Dombey and Son*. A number of critics have, for obvious reasons, read the novel as an assault on the violence of commerce, the belief that ‘money’ as Dombey tells his little son ‘can do anything’, seeing in the disintegration of the Dombey family a representation of the disintegration of England’s ‘condition’, and more particularly the condition of its middle-classes (111). Such a reading confirms the opinion of those who see *Dombey and Son* as being Dickens’s first ‘serious’ novel. Of obvious importance for us are those readings which focus on gender issues in *Dombey and Son* including those which align the disintegration of Paul Dombey with a suggested crisis of masculinity in Victorian England, as well as those which read the novel as a reflection on the continuing credibility of the doctrine of separate spheres, and those which address the failure of Dombey’s second marriage and its consequences. In comparison with some of Dickens’s other novels it might be thought that one of the themes that is rather less prominent in *Dombey and Son* is legal reform. There are occasional references to legal instruments, most obviously the marriage settlement


57 A number of these also work with the commercial theme, most immediately in terms of the economics of the marriage market. See, for example, Clark, ‘Riddling the Family Firm’ (above n 45) 69–84; Auerbach, ‘Dickens and Dombey’ (above n 10) 95–114; and Yelin, ‘Strategies for Survival’ (above n 55) 297–319, suggesting that *Dombey and Son* can be read as a full-frontal critique of the doctrine of ‘separate spheres’; H Moglen, ‘Theorizing Fiction/Fictionalizing Theory: The Case of *Dombey and Son*’ (1922) 35 Victorian Studies 159–84; and J Marsh, ‘Good Mrs Brown’s Connections: Sexuality and Story-Telling in *Dealings with the Firm of Dombey and Son*’ (1991) 58 ELH 405–26, arguing that *Dombey* is the first novel in which Dickens ventures into the subject of female sexuality.
between Dombey and his second wife, and her subsequent request for a formal ‘separation’ agreement (713). Yet, in comparison with the two novels that were to follow, David Copperfield and Bleak House, both of which place the law more obviously on the surface of the text, this absence might seem to be remarkable in itself. There is no equivalent case law to Jarndyce v Jarndyce, and there are no lawyers or legal clerks of the discomforting presence of Tulkinghorn or Uriah Heep. The law, however, is not so much absent as lurking; it is one of the many dark shadows which shroud the house of Paul Dombey. As the novel unfolds, the reader is assaulted with a series of crimes which are written to confirm the dire consequences that follow the disintegration of a dysfunctional family.

There is perhaps most obviously Dombey’s assault; a violence which, in her ‘shadowy dread’ Florence had long feared (712, 718). Florence’s is an ‘outcast from a living parent’s love’, her very existence hitherto barely registering with her father; for ‘girls’ can have ‘nothing to do with Dombey and Son’ (153, 381). Mrs Tox famously articulates the incongruity: ‘Dear me, dear me! To think . . . that Dombey and Son should be Daughter after all’ (253). But this is precisely what Paul Dombey cannot think. It is into this emotional void that Edith steps, recognising in Florence a ‘good angel’ (705). Dombey only begins to take cognisance of Florence as his marriage to Edith collapses, seeing in his daughter an accomplice to his misfortune. When he hits Florence, Dombey imagines himself striking his recalcitrant wife. By this time Edith had already flown, terrified, ‘shuddering’ (718). Florence will quickly follow. Meeting her father staring at the ‘deed of settlement’ drawn up on the occasion of his marriage to Edith, Florence moves to console him:

But in his frenzy, he lifted up his cruel arm and struck her, crosswise, with that heavi-
ness, that she tottered on the marble floor, and as he dealt the blow, he told her what
Edith was, and bade her follow her, since they had always been in league. (721)

The reader is left to imagine how Dombey describes his second wife: adulteress, whore? Both are possible, each gesturing towards a further crime with which Dickens challenges his readers.

The insinuation of adultery alludes to the second of these crimes. It is allusive because, although she appears to elope, Edith has no intention of having an affair with the odious Carker. As she subsequently impresses upon Florence, she may be ‘guilty of much’, but not of adultery (936–37). Even so, the very fact of her eloping creates an impression of ‘criminality’, as her horrified cousin Feenix concedes, gesturing to a popular prejudice which found sustenance in the arcane jurispru-

58 In another famous passage, Dombey instructs the statuary as to the appropriate inscription for his son’s headstone to read ‘beloved and only child’ (268). He has to be reminded that he has another, Florence.

59 An observation pointedly reiterated at the close of the novel, following Florence’s reconciliation with her father (912).

60 She is not alone. The same metaphor is repeatedly invoked by Florence’s admirers, most readily Walter and Mr Toots (759, 764).

61 Though it seems that Dickens had originally intended that she should. See Stone, ‘The Novel as Fairy Tale’ (above n 50) 9, and more recently Hager, Dickens and the Rise of Divorce (above n 4) 96.
dence of ‘criminal conversation’ which we will encounter in chapter one, and with
which, as we shall see, Dickens was very familiar (776, 937). Paul Dombey, need-
less to say, has a very particular view of marriage as a ‘social contract’, a bargain
much like any other bargain (13). As the narrator observes in the very first chapter,
‘Dombey and Son had often dealt in hides, but never in hearts’ (12). Dombey
purchases his wives, exchanging access to his wealth and reputation in return for
dutiful governance of his ‘house’ and sex on demand (13). There is nothing
unusual in this. It is a view shared by countless fictive husbands of the period, as
we shall see in the following chapters, and nearly as many fictive wives, including,
it seems, Dombey’s first wife.

Edith, his second wife, is first seen ‘carrying her gossamer parasol with a proud
and weary air’. She is ‘very handsome, very haughty, very wilful’ (316). She is also
a widow. But more importantly, at least for Dombey and his irksome companion
Major Bagstock, Edith is reported to be of good ‘blood’ (321). Negotiations are
conducted between the Major and Edith’s mother, the gruesome Mrs Skewton. It
is clear to both that there might be issues of compatibility, but as the Major rumi-
nates:

None of that, Sir. It won’t do here. But as to there being something of a division between
’em or a gulf as the mother calls it damme, Sir, that seems true enough. And it’s odd
eough! Well Sir! . . . Edith Granger and Dombey are well matched; let ’em fight it out!
Bagstock backs the winner! (410)

Incompatible or not, it is clear that there is a bargain to be had. Edith has ‘beauty,
blood, and talent’ and Dombey has a ‘fortune’, and ‘what more could any couple
have?’ (411) It is a ‘bargain’ that Edith appreciates, even if it is one into which she
enters reluctantly. She has, as she informs her mother, been ‘bought’; as indeed she
was in her first marriage (431).

For:

There is no slave in a market: there is no horse in a fair: so shown and offered and exam-
ined and paraded, Mother, as I have been, for ten shameful years . . . Is it not so? Have I
been made the bye-word of all kinds of men? Have fools, have profligates, have boys,
have dotards, dangled after me, and one by one rejected me, and fallen off, because you
were too plain with all your cunning; yes, and too true, with all those false pretences:
until we have almost come to be notorious? . . . Have I been hawked and vended here
and there, until the last grain of self-respect is dead within me, and I loathe myself? (432)

There is certainly something melodramatic about ‘angelic’ Edith, as the Major
deploying a metaphor of pointed inappropriateness, observes.63 There is also
much that is cold. Both qualities are evident in her chilling rejection of Carker,
grasping a knife and threatening to ‘murder’ him if lays a hand on her (820). But there is also much that is calculated to insinuate the respect, if not the sympathy, of Dickens’s readers. On the night before her wedding, Edith is described as wrestling ‘with her unquiet spirit, tearless, friendless, silent, proud and uncomplaining’ (475) after which she bursts into tears. It is a familiar misery, or at least it would have been to many of Dickens’s female readers. At first, she plays the part of Mrs Dombey, ‘beautiful and proud’, but also ‘disdainful and defiant’ (555). It is the disdain, the ‘intense, unutterable, withering scorn’ that ultimately destroys her husband, and their marriage despite her mother’s desperate reminders that Dombey has secured her ‘settlement’ and thus completed his part of the bargain (566). Matters reach their peak when Edith flatly observes ‘I will do nothing that you ask’; a declaration which imports an inference of sexual resistance (712). 64 Ultimately, as all communication breaks down, Dombey deputes Carker to spy on his wife and try to persuade her that his ‘will is law’ (645) but the cause is already lost. All Dombey can do is ‘watch’, at first in person and then vicariously, and hate (566, 644). 65 In the end, Edith runs off to France, Carker following eagerly in her path.

The third crime written into *Dombey and Son* is that of prostitution. It takes place both within and without the house of Paul Dombey. In the former instance it is again allusive. As we have just noted, Edith Dombey repeatedly likens the operation of the marriage-market to that of a market for concubines or slaves:

> I have been offered and rejected, put up and appraised, until my very soul has sickened. I have not had an accomplishment or grace that might have been a resource to me, but it has been paraded and vended to enhance my value, as if the common crier had called it through the streets . . . I suffered myself to be sold, as infamously as any woman with a halter round her neck is sold in any market-place. (823)

The affinity is sharply drawn in the scene where the notionally ‘fallen’ Edith comes across the very fallen Alice Marwood. Unlike Edith, Alice had long ago allowed herself to be seduced by Carker, and so now is left with no means of survival other than prostitution. Each, Edith concludes, has ‘sold’ themselves (624). But only in a sense, for Alice is a real prostitute; something she is determined to impress as she relates the particular legal consequences of her fall:

> There was a criminal called Alice Marwood a girl still, but deserted and outcast. And she was tried, and she was sentenced. And lord, how the gentlemen in the court talked about it! And how grave the judge was, on her duty, and on her having perverted the gifts of nature as if he didn’t know better than anybody there, that they had been made curses to her! and how he preached about the strong arm of the Law so very strong to save her, when she was an innocent and helpless little wretch! (531)

64 See Milner, ‘The Dickens Drama’ (above n 55) 484–85; Jackson, ‘Reward’, 110; Colligan, ‘Sexual Surveillance’ (above n 51) 115–18; and Moglen, ‘Theorizing Fiction’ (above n 57) 164–68, surmising that Dombey may be particularly enraged by the imputation that he is anyway impotent.

65 On the idea of the ‘gaze’ in *Dombey and Son*, particularly over the sexualized bodies of Edith and Florence, see Colligan, ‘Sexual Surveillance’ ibid, 99–123.
To the reader of *Dombey and Son*, Alice would have seemed both more and less familiar. Dickens wrote in the main for the middle classes, for men like Paul Dombey and for women like Edith and Florence, for which reason the crimes inflicted upon each would have had a certain familiarity, particularly following the establishment of the Divorce Court in 1857. Alice, however, falls outside the home of Paul Dombey, for which reason she might also be said to fall outside the experience of Dickens’s readers, or at least his female readers. She did not, of course, fall outside Dickens’s experience. As he wrote *Dombey and Son* in 1848, he was also busy setting up a home for ‘fallen’ women at Urania Cottage. To the vast majority of Dickens’s readers, however, the fall of Alice Marwood was very much the kind of thing that happened to other people. It was, of course, no less salutary for this, just as the parallel which Dickens creates between the respective fates of Alice and Edith is no less significant. In presenting Alice Marwood to his readers, Dickens brought the working-class ‘fallen angel’, if not into the house of Paul Dombey, then into the reading-rooms of tens of thousands of middle-class Victorians.

And it was not, of course, just Alice. ‘What came to that girl’, Alice says of herself, ‘comes to thousands every year. It was only ruin, and she was born to it’ (531). There would be plenty of Alices in Dickens’s novels, as there were in his life, just as there would be plenty more Ediths. Indeed, in the perception of many, far too many Alice Marwoods and Edith Dombeys could be found in the pages of the Victorian novel. For a significant few, however, the depiction of women like Alice and Edith served a vital purpose in writing a rather different female aesthetic. In her 1868 essay ‘Criminals, Idiots, Women, and Minors’, Frances Power Cobbe took satirical aim at the poetics of the ‘angel in the house’:

> But where women are concerned, English law ceases to be a dry system, regardful only of abstract justice and policy. Themis, when she presides at the domestic hearth, doffs her wig, and allows herself to be swayed by poetical, not to say romantic, considerations. We are rarely allowed in debating it to examine accurately the theory of conjugal justice.

The marriage of Paul and Edith Dombey may have been fictional, but there was nothing poetic, still less romantic, about it. They were an:

> Ill-assorted couple, unhappy in themselves and in each other, bound together by no tie but the manacle that joined their fettered hands, and straining that so harshly, in their shrinking asunder, that it wore and chafed to the bone. (699)

The house of Paul Dombey, like that of Ebenezer Scrooge, was visited by a spirit for a reason; to present a parallel of the deepest discomfort, between the ‘moral pestilence’ which everyone knew existed on the streets of London, and the

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66 An institution we will revisit in chapter four. See J Hartley, *Charles Dickens and the House of Fallen Women* (Methuen, 2009) 10–11, 43.

67 The sales figures for the serialised version of *Dombey* hovered pretty consistently around the 30,000 mark. See Tomalin, *Charles Dickens* (above n 1) 191.

‘nameless sins’ which existed inside the houses of men such as Paul Dombey (701). By the time *Dombey and Son* hit the presses, it had become increasingly obvious that too many families were as dysfunctional and violent as the Dombey’s, just as it was becoming equally apparent that far too many women who lived on the streets outside suffered in the same way as Alice Marwood. Modern critics have noted the very evident parallels between Edith Dombey and the notorious Caroline Norton whose husband embarked on an ill-fated ‘criminal conversation’ suit against the incumbent Prime Minister, Lord Melbourne, in 1836; an action we will revisit in chapter one. Dickens was fascinated by Norton, just as he was by the various ‘fallen’ women who came through the doors of Urania Cottage. Victorian gentlemen, and their wives, worried a lot about women such as Edith and Alice; but they did not just worry. They also tried to work out what to do to make their lives better; or at least some of them did. Despite the similar uncertainties which afflicted his private life, or perhaps indeed because of them, Charles Dickens was precisely such a Victorian.

**The Disease of Reading**

The fall of the ‘house’ of Dombey mattered because so many people read about it, and did so at a time when debates about the ‘condition’ of England and its women were becoming increasingly urgent. As literary historians have noted, the mid-nineteenth century saw an explosion in reading, impelled by rising literacy rates and technological advances in printing and publishing. More and more people were reading more and more, and in the main they were reading novels and newspapers. Even those who made their fortunes from this explosion could be found expressing certain misgivings. Wilkie Collins mused uneasily on the ‘unknown public’ which could be ‘counted by millions; the mysterious, the unfathomable, the universal public of the penny-novel-Journals’. Here, Collins was speaking to a particular affinity which caused much contemporary anxiety, between the novelist and the newspaper editor. As the century progressed the power of the novel, like that of the press, became ever more crisply apparent, and ever more obviously a matter of concern.

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70 See Thompson, *Reviewing Sex* (above n 31) at 3, noting that by the late 1840s, the ‘novel was universally acknowledged to be the representative artistic form of the period’, for which reason the literary review became the critical ‘mediator’ between literature and reading public. In her *The English Novel in History 1840–1895* (Routledge, 1997) Elizabeth Deeds Ermarch refers, at 38, to the mid-century as ‘momentous’ in regard to the shaping of the modern English novel. Nicholas Daly refers to a ‘dizzying ascent’ of the novel in the mid-century. See N Daly, *Sensation and Modernity in the 1860s* (Cambridge University Press, 2009) 13–14, noting also that 1859 saw the publication of the first academic study of the novel, Masson’s *British Novelists and Their Styles: Being a Critical Sketch of the History of British Prose Fiction*, (Macmillan, 1859)
71 Quoted in Daly, *Sensation and Modernity* (above n 70) 3.
As we have already noted, the fact that *Dombey and Son* was written by Charles Dickens imports a particular authorial context. We shall revisit Dickens on a number of occasions in subsequent chapters, as we will other male novelists and indeed poets. We will also encounter, for the first time perhaps in English literary history, a significant number of female ones, for this was, in the words of the revered contemporary critic ES Dallas, the ‘age of the lady novelists’. It was also the age of the lady reader, as a reviewer in the *Church of England Quarterly Review* warned as early as 1842:

The great bulk of novel readers are females; and to them such impressions (as are conveyed through fiction) are peculiarly mischievous: for, first, they are naturally more sensitive, more impressable, than the other sex; and secondly, their engagements are of a less engrossing character, they have more time as well as more inclination to indulge in reveries of fiction.

Robert Buchanan took a more positive view, confirming that the ‘birth of the novel has given speech to many ladies who must otherwise have been silent’. So, rather later, did Josephine Butler, who attested to the importance of the novel in forcing ‘us to create a literature of our own’ which thus liberated women from a ‘conspiracy of silence’; a supposition which has, for understandable reasons, generated especial interest amongst modern feminist literary critics. But few others were quite so welcoming. As late as 1880, Davenport Adams expressed himself no

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72 Review of *Lady Audley’s Secret* in *The Times* (18 November 1862) 4. WR Greg took the same view, observing in 1859 that ‘the number … of young-lady novelists, extant at this moment, passes calculation, and was unparalleled at any former epoch’ before concluding that ‘the supply of the fiction market has fallen mainly into their hands’. See his ‘False Morality of Lady Novelists’ (1859) 8 *National Review* at 148. For commentaries on the particular significance of emergent women writers at this time, see Gilbert and Gubar, *The Madwoman in the Attic* (above n 36) xi–ii, xxxii; C Kaplan, *Victoriana: Histories, Fictions, Criticism*, (Edinburgh University Press, 2007), 39–40, Showalter, *A Literature of Their Own* (above n 36) 3–4; and most recently, Thompson, ‘Responding to the woman questions’ above n 34 at 1, arguing that ‘Women writers dominated the vast novel market in Victorian England’.


74 R Buchanan, ‘Society’s Looking-Glass’, (1862) 6 *Temple Bar* 135. We shall encounter Buchanan again in chapter four, in the immediate context of his notorious critique of Dante Gabriel Rossetti and the ‘fleshy school’ of poets.

75 See Hamilton, *Criminals, Idiots, Women, and Minors* (above n 23) 9. According to Gail Cunningham, ‘the emancipation of women and the emancipation of the English novel advanced together’. See G Cunningham, *The New Woman and the Victorian Novel* (Macmillan, 1978) at 3. The literature here is, of course, vast. Amongst the most influential commentaries on the impact of the novel on an emergent Victorian female consciousness, can be counted Gilbert and Gubar’s *The Madwoman in the Attic* (above n 36); Elaine Showalter’s, *A Literature of Their Own* (above n 36); Nancy Armstrong’s *Desire and Domestic Fiction: A Political History of the Novel* (Oxford University Press, 1987); Constance Hersh’s *Subversive Heroines* (above n 16) and Mary Poovey’s *Uneven Developments: the Ideological Work of Gender in Mid-Victorian England* (Virago, 1989). Gilbert and Gubar have famously likened the written word to a ‘weapon in a kind of metaphorical warfare’. See Gilbert and Gubar, *The Madwoman in the Attic* (above n 36) at 52. According to Poovey, it was the novel which, more than anything, transformed the female communicant ‘from silent sufferer of private wrongs into an articulate spokesperson in the public sphere’. See Poovey, *Uneven Developments*, at 64–65. For a recent comment on the implications of this particular affinity between the novel and the female consciousness, and its more immediate implications in regard to an awareness of legal issues at the time, see K Kalsem, *In Contempt: Nineteenth Century Women, Law and Literature* (Ohio State University Press, 2012) 18–19.
less concerned in regard to the ‘fictitious sentiment’ that the woman reader ‘nourishes by novel-reading, idleness and indulgence in day-dreaming’.\(^{76}\) Whilst she likewise acknowledged the role that novels such as Charlotte Bronte’s *Jane Eyre* had played in nurturing the female ‘mind’, Margaret Oliphant declared that the emergence of the woman’s novel was shaming, to both writer and reader, the only solution for which was the most careful regulation of its reception.\(^{77}\) In his influential 1859 essay the ‘False Morality of Lady Novelists’, WR Greg iterated the same anxiety and the same prospective solution:

Novels constitute a principal part of the reading of women, who are always impressionable, in whom at all times the emotional element is more awake and more powerful than the critical, whose feelings are more easily aroused and whose estimates are more easily influenced than ours, while at the same time the correctness of their feelings and the justice of their elements are matters of the most special and preeminent concern.\(^{78}\)

Ruskin agreed. There was nothing wrong with women reading and there was nothing wrong with women being allowed into libraries but it was important that it was the right books they read and the right libraries they browsed; by which he meant ‘old’ libraries divested of ‘modern’ books.\(^{79}\) Accordingly, much of the debate moved around which books were right and which were wrong. Ever sensitive to the moment, and the perceived needs of her readers, Sarah Stickney Ellis duly produced a dedicated handbook on the subject entitled *The Young Ladies Reader* in which she urged the particular responsibility of mothers to oversee what their daughters were reading, alongside the shrewd advice that they would anyway be better directed towards domestic manuals, such as hers.\(^{80}\) It was, inevitably perhaps, yet another best-seller.

A few years later in his *Autobiography* Anthony Trollope mused on the state of the mid-Victorian novel: what had changed and what had stayed the same. What had stayed the same was a preoccupation with stories about ‘love’.\(^{81}\) What had changed was the way these stories were being written. Here Trollope famously identified two dominant genres, both of which at first glance appeared to be new: the ‘sensational’ and the ‘anti-sensational’. Of course, as Trollope went on to urge, the distinction was as much one of convenience, for a ‘good novel should be both and both in the highest degree’.\(^{82}\) It is certainly true that the line between the ‘sen-

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\(^{78}\) Greg, ‘False Morality’ (above n 43) 144.


\(^{80}\) S Ellis, *The Young Ladies Reader* (Grant and Griffith, 1845) 1, 289–90. There was nothing wrong with reading, Ellis reassured her readers. Done properly, it could promote the communion of ‘mutual minds’, between mothers and daughters as well as wives and husbands. But it had to be done properly. She was particularly troubled by the thought that daughters might come across Shakespeare unaccompanied, even more that they might somehow alight upon something French.

\(^{81}\) A Trollope, *An Autobiography* (Penguin, 1996) 144–45, confirming that ‘love’ was, with only the rarest of exceptions, ‘necessary to all novelists’.

\(^{82}\) Ibid, 146.
sational’ and the supposedly ‘anti-sensational’ can at times seem rather blurred. Trollope seized on *Jane Eyre* as instructive.\(^{83}\) In chapter one, we will in like terms contemplate Ellen Wood’s *East Lynne* as a piece of ‘domestic sensationalism’.\(^{84}\) We will also, in due course, encounter various other literary genres which do not seem to fit comfortably into the simpler dichotomy: the late Gothic, the satirical and the pre-Raphaelite. But what these genres and sub-genres all shared in common was an ability to cultivate admiring audiences and anxious reviewers.

The greatest anxiety moved around the ‘sensational’ novel, examples of which will recur in each of the chapters that follow. Oliphant was peculiarly exercised by the sensational, by novels about sex and crime, most commonly adultery, bigamy and murder. Critics tended to identify in the sensation novel the epitome of all that was wrong with the literature of the time. And here again they were not alone. Medical journals railed against the addictive nature of reading, confirming any number of specific female ‘maladies’ that the craving for literature nurtured, including neurosis, hysteria, and irregular menstrual cycles; afflictions which, as EJ Tilt warned, were peculiarly prevalent ‘among the higher class’.\(^{85}\) A reviewer in the *Medical Critic and Psychological Journal* in 1863 confirmed that the ‘morbid craving for excitement’, so alarmingly evident amongst young women, was indeed a pathology; one that demanded instant attention.\(^{86}\) But all was not lost. Young women, as Acton advised, might be inoculated from the worst symptoms of the ‘disease of reading’ provided their reading habits were carefully regulated,\(^{87}\) and provided they did not read alone, Robert Carter added, in his 1853 treatise *On the Pathology and Treatment of Hysteria*.\(^{88}\)

Pathological metaphors were eagerly adopted by suitably awed literary critics.\(^{89}\) Alfred Ainger suggested that a ‘craving for books’ was indeed a ‘morbid phenomenon’.\(^{90}\) The sensation novel, it was opined, worked by ‘drugging thought and reason, and stimulating the attention through the lower and more animal

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\(^{83}\) Ibid, 146–47.  
\(^{84}\) Daly discusses the relation of the sensational and the domestic in his Sensation (above n 70) suggesting at 27–28, that the former might be read as an ‘aberrant strain’ of the latter in which the ‘darker aspects of courtship and family life seduction, adultery, bigamy, and even murder were foregrounded’.  
\(^{86}\) ‘Sensation Novels’ (1863) 3 Medical Critic and Psychological Journal 513.  
\(^{89}\) For a commentary, see Flint, *Woman Reader* (above n 79) 53–70.  
\(^{90}\) See A Ainger, ‘Books and Their Uses’ (1859) 1 *Macmillan’s Magazine* 110. The metaphor of morbidity, which appears to have been first coined by Mansel, in H Mansel, ‘Sensation Novels’ (1863) 113 Quarterly Review at 482–83, became pervasive. It was, for this reason, similarly supposed that sensation novels appealed more to the working classes; a supposition that only served to enhance contemporary anxiety. The fact that it quickly became apparent that the most readily addicted were actually middle-class women, did nothing to ameliorate these concerns. See Daly, *Sensation and Modernity* (above n 70) 6–7.
instincts’. Women, needless to say, were thought to be peculiarly susceptible to such an ‘appeal to the nerves’ precisely because their intellects were more fragile. Indeed, too much reading of the wrong books could render a woman insensible and her home dissolute, as one contributor to the Christian’s Penny Magazine advised:

A whole family, brought to destitution, has lately had all its misfortunes clearly traced by the authorities to an ungovernable passion for novel-reading entertained by the wife and member. The husband was sober and industrious, but his wife was indolent, and addicted to reading everything procurable in the shape of a romance.

One child had ‘fled’ into prostitution; another was shackled to prevent her doing the same. The house was filthy, and when the authorities discovered ‘the cause of it sat reading the latest “sensation work” of the season’, she simply ‘refused to allow herself to be disturbed in her entertainment’. The idea that addictive reading would lead to an inexorable sexual ‘ruin’ became a recurrent theme in such evangelical and conservative journals.

Revealing a common appreciation of both literary and medical discourse, if not such a resilient remembrance of the correct terminology, Jane Welsh Carlyle observed:

The appetite for magazine Tales and three-volume novels is getting to be a positive lupus? Something! I forget the full medical name of that disease which makes the victim gobble up, with unslaked voracity, pounds on pounds of raw beef and tallow candles! Or anything else that comes readiest.

Against the forces of the market, however, the sober warnings of critics, scientists and Jane Welsh Carlyle were futile. As we shall see, sensation novels took the English literary scene by storm during the 1860s, so much so that their influence reached right into the heart of the canon, eventually leading astray the likes of Trollope and Dickens, Eliot, even Oliphant; each of whom, with varying degrees of apparent distaste succumbed to writing novels which clearly owed much to the sensational.

Whilst Trollope preferred to align himself with the ‘anti-sensational’, there is perhaps less surprise in his turning to the sensational in his late contribution The Eustace Diamonds. There is equally little surprise in finding sensational elements

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92 The ease with which readers might become so addicted is evidenced in Braddon’s own wry amusement on receiving correspondence sent by readers who had clearly lost the ability to distinguish properly between real people and those she had invented for her novels. See R Wolff, Sensational Victorian: The Life and Fiction of Mary Elizabeth Braddon (Garland, 1979) 164–65.
93 ‘Novel Reading: A Letter to a Young Lady’ (1859) 14 Christian’s Penny Magazine and Friend of the People 155.
94 See Golden, Images (above n 85) 96–97, citing a similar case study published in the 1855 Wesleyan-Methodist Magazine.
95 See Flint, Woman Reader (above n 79) 51.
96 See Daly, Sensation and Modernity (above n 70) 35–39. Oliphant’s contribution was Salem Chapel. It was not a commercial or critical success.
97 Trollope preferred to seem himself as a ‘realist’. See Trollope, Autobiography (above n 81) 146.
in a number of Dickens’s works of the period such as *Bleak House* and *Great Expectations*, and indeed *Dombey and Son*. The conversion of George Eliot, most apparent in later novels such as *Daniel Deronda* might, however, seem to be more remarkable. In the eyes of many critics, both contemporary and modern, the very idea of the Victorian ‘realist’ novel is indelibly associated with Eliot. Certainly, Eliot’s acute sense of authorial responsibility militated away from the fanciful, from what she famously termed ‘silly’ novels, those ‘mind and millinery’ novels which were distinguished ‘by the particular quality of silliness that predominates them, the frothy, the prosy, the pious, or the pendantic’. Novels should be serious not silly, as fellow critic Dinah Mulock Craik confirmed, for which reason the putative female writer should ‘examine herself’ most rigorously before putting pen to paper. It was not enough to write simply to entertain. Novels should be written with a ‘purpose’, dedicated to depicting that ‘rare, precious quality of truthfulness’ and, it might be surmised, creating it too. It was this commitment which, as we shall see in chapter three, defined the ‘realist’ novel, and limited it.

In his 1865 essay entitled *Novels with Purpose*, the Irish historian Justin M’Carthy proclaimed:

> The novelist is now our most influential writer. If he be a man of genius his power over the community he addresses is far beyond that of any other author. Macaulay’s influence over the average English mind was narrow compared with that of Dickens; even Carlyle’s was not on the whole so great as that of Thackeray. The readers of the *Idylls of the King* were but a limited number when compared with the readers of *Jane Eyre*; nor could Mr Browning’s finest poem pretend to attract as many admirers, even among people of taste and education, as were suddenly won by *Adam Bede*.

Aside from the passing irony that the author of *Adam Bede* might be considered a ‘man of genius’, there is much here of significance. The novel mattered in mid-nineteenth-century England, more than ever before and perhaps more than it ever would again. The men, and the women, who wrote novels exercised, accordingly, an authority and influence that was unparalleled.

Writing a little later in 1895, JC Tarver concluded that, ‘the novel from being the resource of idle moments, the dissipation of indolent minds, a thing to be
preached against, and put away on Sundays, has become the chosen instrument of the greatest thinkers of our age, of our most earnest preachers’, before concluding that ‘those who object to the works of George Eliot because they are so disagreeable, to Madame Bovary because it is so cruel, and declare that such things ought not be written, are simply stoning the prophets in order to be rid of them in their home-truths’. The two citations are instructive. The allusion to Eliot imports a particular resonance; for few were more attuned to the power as well as the ‘purpose’ of the novel, later observing that she would ‘carry to my grave the mental diseases with which’ certain novels ‘have contaminated me’. Vernon Lee confirmed the same sense of literary insinuation, albeit in less pejorative tones, suggesting that ‘a good third of what we take to be instinctive knowledge, or knowledge vaguely acquired from personal experience, is really obtained from the novels which we or our friends have read’.

Someone who was certainly ‘contaminated’ by reading the wrong kind of novel was Isabel Gilbert. Isabel was the frustrated adulteress who took centre stage in Mary Elizabeth Braddon’s 1864 novel The Doctor’s Wife, a barely disguised rewriting of Flaubert’s Madame Bovary; the second of Tarver’s citations and one of those novels which appalled critics most commonly identified as carrying some kind of malignant literary virus. In a rather neat piece of literary conceit, however, Braddon has Isabel identify herself, not with Emma Bovary, but with Edith Dombey. As she contemplates her future as Mrs Gilbert, Isabel prays that she might live a life of ‘luxury and elegance, not to say Edith Dombeyism’ (105). Neither she nor Edith was destined to enjoy that; as Edith at least grimly appreciated. Braddon, one of the most popular and successful of the sensation novelists, varied certain aspects of her version of Madame Bovary, most obviously its setting, as well as the more significant fact that Isabel remains a frustrated adulteress, unable to consummate her wicked fantasies. However, she also kept many aspects the same as Madame Bovary, including an addiction to reading novels which is shared by both Emma and Isabel. In a passage which echoes that recorded in the Christian’s Penny Magazine, Isabel is described as being so ‘breathlessly’ addicted to her novel that she cannot, quite literally, put it down; so that, when first introduced to her later husband, she ‘kept her thumb between the pages’ until he was gone, the sooner the better (23–24, 27). Even Sigismund Smith, the aspiring sensa-

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106 V. Lee ‘A Dialogue in Novels’ (1885) 48 *Contemporary Review* 390. Vernon Lee was the pseudonym of Violet Paget.

107 Though not only Edith. Edith is a periodic ‘favourite’ (184). Being a rather confused reader, Isabel also dreams of being Florence Dombey, wanting ‘to look like Florence Dombey on her wedding-day’, and innumerable other familiar, and not so familiar, literary heroines (105). All internal citations are from *The Doctor’s Wife* (Oxford University Press, 1998).
The Disease of Reading

23

The novelist who serves as Braddon's necessarily ironic narrator, concludes that Isabel 'reads too many novels' (30).

So enraptured is Isabel that she barely distinguishes fact from fiction; for which reason she is unable to register the 'dark shapes' that more sensitive readers are supposed to discern in the house of Paul Dombey. Unable to comprehend life 'out of a three volume romance' Isabel 'believed in a phantasmal universe, created out of the pages of poets and romancers' (253). To Isabel, the life of Edith Dombey is one of romance and 'luxury' and above all of excitement, no less so because the romance flirts with the tragic. Thus, as she prepares herself for an assignation with her rather dithery lover Roland, Isabel imagines herself as 'like Edith Dombey in the grand Carker scene'; preferring to ignore the consequences of Edith's crushing rejection of her prospective lover (155). Ironies abound, of course; not the least of which is the fact that Braddon, like Sigismund, wrote precisely for women like Isabel. Furthermore, whilst the likes of Ruskin might have nodded sagely at the consequences of Isabel's craving, it can also be argued that it was in the reading of novels such as Dombey and Son that women like Isabel Gilbert were first able to imagine a nascent female consciousness. Moreover, where Flaubert's Emma falls all the way, Isabel does not. Fearful that it might 'tarnish her love', Isabel recoils from the idea of actually eloping, and once both lover and dreary husband have conveniently died, Braddon is able to leave her reader with image of a widow who, because she has started reading more substantial books, histories and biographies in particular, is also a wiser one (274).

Isabel Gilbert came to realise that the 'purpose' of reading is not just to entertain; it is also to learn; a conclusion she would have found endorsed if she had, in her more mature reading, come across Trollope's Autobiography. Common to all the various genres and sub-genres of the time, Trollope advised, was a shared aspiration to 'please' and to 'teach'. Critics, both contemporary and modern, have long attested to the didacticism which was written into the novels of 'realists' such as Eliot and Gaskell, but recognition that sensation novelists such as Braddon and Wood shared the same aspiration is perceptive, not least because they, to an even greater degree perhaps, wrote for a peculiarly female audience. As Trollope again correctly observed, the mark of the successful author was an appreciation of what their readers craved, and an ability to satiate that craving. Women readers, as Braddon and Wood surmised, and Eliot and Gaskell, wanted to read about other women. Flaubert's Emma falls all the way, Isabel does not. Fearful that it might 'tarnish her love', Isabel recoils from the idea of actually eloping, and once both lover and dreary husband have conveniently died, Braddon is able to leave her reader with image of a widow who, because she has started reading more substantial books, histories and biographies in particular, is also a wiser one (274).

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108 Her imagination rapidly wanders to alternative tragic heroines, alighting first on Juliet and then on Desdemona: ‘Yes, she would do for Desdemona.’ (155)
109 See C Harsh, Subversive Heroines: Feminist Resolutions of Social Crisis in the Condition of England Novel, (Michigan University Press, 1994), 15–16, and Flint, Woman Reader, 288–91, suggesting that it was in the ‘practice of reading’ novels such as The Doctor’s Wife or Dombey and Son that Victorian women first began to imagine a ‘sense of selfhood’.
110 Her conversion to history is apparently triggered by Roland giving her a copy of Carlyle’s French Revolution, at which point she suddenly decides that ‘she didn’t want to be Edith Dombey any longer’ (185, 187–88). The conversion will, however, be a little more protracted. A few days later, on hearing that Roland has left for London, Isabel has changed her mind and begins to think of herself as Edith again (227).
111 Trollope, Autobiography (above n 81) 143.
women who, even if they did not live similar lives, felt similar feelings. They may not be as beautiful as Aurora Floyd, Isabel Carlyle or Edith Dombey, but they could empathise with their frustrations and disappointments, and they could sympathise, just a little perhaps, with the mistakes they made and their consequences. Of course, sympathy was a potentially dangerous emotion. It was all very well, as Arthur Helps observed, deploying a fiction that ‘creates and nourishes sympathy’. But it must be the right kind of sympathy, and the problem, once again, lay in the suspicion that, in too many cases, this was no longer the case.

Pleasing and Teaching

The idea that literature might both ‘please’ and ‘teach’ has, for us, a final resonance; as indeed does the supposition that it might refine our sympathetic sensibilities. The inter-disciplinary study of law, literature and history is commonly defended on the same terms. If it does nothing more, the introduction of the literary text can leaven the study of law; it can ‘please’. As to what it teaches, first it emphasises a shared textual generic. A novel such as Dombey and Son is obviously literary, but so too is John Austin’s near-contemporary Province of Jurisprudence Determined, as was each and every judgment handed down from the Victorian bench. As texts, each is subject to the same disciplinary and critical exercises of reading and interpretation. All law, as Kieran Dolin has recently affirmed, ‘is invariably a matter of language’. It is also a matter of context, as Robert Cover rightly argued as long ago as 1983: ‘No set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning.’

It is also a matter of history, for every text is written at a particular ‘moment’ and then read in a different one. Our moment is the mid-nineteenth century, for our immediate purposes inaugurated by the publication of Dickens’s Oliver Twist in 1838 and closed with the controversy generated by the publication of Dante Gabriel Rossetti’s Jenny in 1870. It is also a ‘moment’, or as contemporaries understood it an ‘age’, of legal reform. This is true of many periods but the determination to rationalise and reform, driven by two generations of utilitarian agitation,

113 A Helps, Friends in Council: A Series of Readings and Discourse Thereon (Pickering, 1847) 90. Helps was Clerk to the Privy Council and a close friend of Dickens.
117 For a persuasive example of applying such a historicist methodology to the literary text, see James Chandler’s extended study of Shelley’s sonnet ‘England in 1819’ in J Chandler, England in 1819: The Politics of Literary Culture and the Case of Romantic Historicism (Chicago University Press, 1998) xv, 4–6. For a recent comment on the importance of the ‘law and literature’ scholar appreciating the historicity of particular texts, see Kalsem, In Contempt (above n 75) 6–7.
and the scale and the prospective reach of legislative enactment, makes this a peculiarly significant one in English legal history; and a novel such as Oliver Twist or Dombey and Son, or indeed The Doctor’s Wife, is part of the fabric of this historical ‘moment’, in just the same way as is Austin’s Province of Jurisprudence. Each chronicles the history, and each comprises it. Indeed, it might be argued that the influence of the literary text on debates regarding legal and political reform was greater in Victorian England than it ever had been or would ever be again, which makes it perhaps all the more odd that the Victorian period has until recently remained a relatively fallow field of law and literature scholarship. Dickens has, for obvious reasons perhaps, always proved to be an exception. So too, at the end of the era, has Hardy. Otherwise, there remains some consonance in Margot Finn’s observation that in the nineteenth century context the disciplines of law and literature have tended to pass one another like ‘ships in the night’.

In the chapters which follow we will encounter a number of debates regarding the putative reform of English law in the mid-nineteenth century, most particularly the reform of matrimonial and criminal law, those areas of jurisprudence which were respectively intended to regulate sex within marriage and sex without marriage. The idea of justice might have occasionally risen, but as we shall see time and again, the impetus for reform was far more commonly derived from concerns as to efficacy. The jurisprudential mentality was set, in large part, by Benthamites such as Austin and Sidgwick, for whom questions of what law is and what law ought to be were quite separate. It was not just jurists scribbling away in their studies, but also critics and journalists of like persuasion, either Benthamite or just plain conservative such as Elizabeth Lynn Linton who, in decidedly Austinian tones, confirmed that the role of the law was not to somehow regulate ‘love’, but to maintain the ‘peace of families’, and above all to keep them together. The law, she firmly concluded, should never be invited ‘into the heart of the house’, but rather ‘must be dragged across the threshold’ like an ‘evil spirit’. There is nothing benign about this spirit.

The following two chapters will focus on matrimonial law and its particular failings; a morass, as we shall see, of often conflicted canon and common law doctrine, amended by the occasional, and often just as conflictive, statutory enactment. As Cobbe observed ‘it is not thanks to the Common Law, but in spite...
thereof, that there are so many united and happy homes in England’. The extent of its dysfunction was particularly apparent when it came to working out what to do with adulterous and bigamous wives. Adulterous and bigamous husbands, as we shall see, although hardly applauded, generated rather less concern. Demand that the law relating to divorce and separation should be reformed, gained pace during the 1840s and 1850s, leading ultimately to the passage of the 1857 Matrimonial Causes Act and the establishment of a dedicated Divorce Court; at which point, as we have already noted, it became all too obvious that England was full of families like the Dombeys. And as we shall also see, whilst the debate was conducted with some intensity in Parliament, it was just as significantly debated outside Parliament, by precisely the kind of people who read the novels of Charles Dickens and Thackeray, and Braddon and Wood, and so many others.

The final two chapters will turn to sex outside marriage, and the extent of its possible regulation. The jurisprudential focus will accordingly move from matrimonial law to criminal law. It will also move from the ‘crimes’ of the middle class to those of the working class, for which reason the mood will change, becoming in a tangible sense more sympathetic, if also more patronising. The law, however, though undoubtedly patronising, was nothing like so sympathetic to those who were perceived to have transgressed the narrow boundaries of acceptable sexuality. It was particularly unsympathetic to those who were generally perceived as being the most culpable, women. In chapter three we will consider illegitimacy and infanticide, both of which ‘crimes’ were the subject of a jurisprudence every bit as confused and incoherent as that which attached to the adulterous wife. The subject of chapter four is prostitution. Here, the problem was generally perceived to be less one of incoherence, and more one of neglect. The law did not need to be rationalised; it needed to be written. The result was the Contagious Diseases Act; perhaps the most iniquitous of all the variously iniquitous and ineffective statutory reforms we will encounter. Here again in the cases of illegitimacy and infanticide and prostitution, we will discover that the debate regarding the reform of their legal regulation was conducted with just as great an interest outside Parliament as it was within. If the mid-Victorian picked up the latest Dickens or Eliot or Gaskell, as often as not they would come across an illegitimate child, a straitened mother, or an angel who had fallen on times so hard that there was nothing she could do but walk the streets. These characters were not, as Trollope noted, there simply to entertain. They were there to ‘teach’; again not just about what the law was or was not doing, but also what the law could do and what it could not.

It is here, at the margins of the ‘could’ and the ‘should’ that a third ‘strategy’ of law and literature, the ‘poethical’, is often situated; the supposition that literature has a peculiar capacity to humanise the practice of law. Here we come closer still to Trollope’s inference, for when he suggested that literature should ‘teach’, the

kind of education he had in mind was moral and didactic. In this he was certainly not alone. As we shall see, it is an aspiration common to pretty much all the literary texts that we will encounter in the chapters to come, from Ellen Wood’s *East Lynne* to Mary Braddon’s *Aurora Floyd* and George Eliot’s *Adam Bede*. There is nothing new in the idea that literature humanises readers, whether they be mid-Victorian gentlemen and their wives or twenty-first-century law students and their tutors. It was, after all, a defining precept of Enlightenment, its veracity attested by the likes of Samuel Johnson, David Hume, in whose opinion men were best governed through their sympathetic ‘imagination’ and, of course, Edmund Burke, whose *Reflections* remains one of the most brilliant examples of empathetic narrative history.\(^{126}\) It was also attested by Adam Smith, in whose *Theory of Moral Sentiments* could be found the assertion that the faculty of ‘pity of compassion’ was most effectively stimulated in the ‘spectator’ when he or she was made to ‘conceive it in a lively manner’, by seeing it performed or by reading it in novels.\(^{127}\)

It is a perception which Martha Nussbaum has placed at the heart of her idea of ‘poetic justice’, an idea of justice which is designed to better nurture within the lawyer an enlarged ‘imagination’ and thus an enhanced ‘sympathy’, whilst also raising the ‘voices’ of those otherwise silenced before the law; a thought which will assume an especial resonance in the cases of many of the women we will encounter in the chapters which follow, such as Hetty Sorrel and Marian Erle and, most starkly of all perhaps, Dante Gabriel Rossetti’s Jenny.\(^{128}\) It is the creator of Marian Erle who, as we shall see, elsewhere raises the spectre of ‘Women sobbing out of sight/Because men made the laws’.\(^{129}\) Both these aspirations, to enhance sympathy and to raise voices, have a particular pertinence in the context of testamentary literature; yet another literary genre which took off during the middle decades of the nineteenth century, and which is commonly associated with the woman’s novel of the period. The common denominator here again is the originality of writing from female experience.

Whilst there is indeed much that is shared by a novel such as *Dombey and Son* and a treatise such as Austin’s *Province*, in terms of their commonTEXuality and their complementary ability to chronicle contemporary attitudes to law and legal reform, there is here something different. In *Dombey and Son*, Dickens demands that his readers exercise both faculties, of sense and sensibility. Here, once again, he was not alone. Indeed, it is commonly argued that the nineteenth-century woman’s novel was defined by precisely this aspiration. This is something else

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which we will bear in mind in the chapters that follow, for whilst the mid-century reader was supposed to look askance at the activities of Hetty, Marian and Jenny, and so many of their similarly fallen fictive counterparts, this was not intended to preclude empathy; quite the contrary indeed. The same, however, cannot be said of Austin’s _Province_. Few texts in modern jurisprudence are more ‘positive’ in their determination to detach the study of law from the romance of sensibility. However, as even Linton was forced to concede, somewhere between the ‘authoritative hardness of legal phraseology’ and ‘the sweet jargon of nonsense’, a space had to be found by those who wanted to improve the lot of Victorian women. The problem was where that space would be found.

The distinction between Dickens and Austin matters for another reason too, that of audience. Austin wrote, in the main, for a cadre of fellow jurists and political scientists, for which reason his readership was necessarily circumscribed. Dickens, conversely, wrote for a public that was numbered in its hundreds of thousands. Today, he is read in the millions. It may seem crude, but numbers matter. We need to read his novels, as we do those of Thackeray, Eliot and Gaskell, and Wood and Braddon and so on, because thousands and thousands of Victorians did. As Henry James affirmed, whilst in ‘every novel the work is divided between the writer and the reader’, ultimately it is writer who ‘makes the reader very much as he makes his characters’. _Dombey and Son, The Newcomes, East Lynne, Adam Bede, Jessie Philips, Oliver Twist, Jenny_; these, and many more that we will now encounter, are the texts which shaped the Victorian mind, what it thought about women and their sexuality, about marriage, and about the law which was somehow supposed to regulate it.

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132 A point made by Kate Flint, in _Woman Reader_ (above n 79) at 34.

133 According to Geoffrey Best, if the modern historian wants to know what the mid-Victorian thought, he or she can do no better than read the novels they read. See G Best, _Mid-Victorian Britain 1851–75_ (Fontana, 1979), 14.

134 See Fraser, _Gender and the Victorian Periodical_ (above n 14) 57–58.