

THINGS LITTLE GIRLS HAVE NO BUSINESS TO KNOW ANYTHING ABOUT: THE CRIMES OF AURORA FLOYD

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The case of Aurora Floyd horrified mid-Victorian England. It is true that her fate evinced sympathy too, but the horror was the greater. We would not be so horrified today, though the offence she committed remains proscribed in English criminal law. Aurora Floyd was a bigamist; her crime, and even more so her sin, was to have two husbands living concurrently. And newspaper editors knew then, as they know today, that the English-reading public likes nothing better than to speculate on a spot of sex and crime over the breakfast table. Aurora was pretty too, and had married fortunately, or at least she had the second time. Her husband was a stolid member of the landed Yorkshire aristocracy. The story of Aurora Floyd came to the attention of mid-Victorian middle England over the winter of 1862, as the nation struggled to come to terms with the murderous bigamy of Lucy Audley, discovered the year before. Aurora and Lucy had something else in common too, aside from their shared criminality. They were fictive, the eponymous heroines of the two "sensation" novels with which Mary Elizabeth Braddon had taken literary England by storm in the first years of the 1860s. The fact that Aurora and Lucy were fictional did not, of course, lessen the threat that many perceived in their creation. On the contrary, it made their crimes all the greater. The case of Lucy Audley has long attracted critical commentary; *Lady Audley's Secret* is still recognised as the one of the canons of mid-Victorian fiction, more particularly still mid-Victorian "sensation" fiction. Literary history has not been so kind to *Aurora Floyd*, which has in comparison, largely

evaded critical attention during the last century and a half.¹ The purpose of this article is to revisit *Aurora Floyd*, and more particularly the crimes of its protagonist, as an exercise in legal and literary history.

The 'sensational' novel: vain if not vicious

During the early 1860s, sensation novels enjoyed an extraordinary popularity, not just amongst the novel-buying public, but also, and just as importantly, amongst the novel-borrowing public. It is estimated that the reading audience for the sensation novel during the decade was around five million, predominantly female, and middle class.² This audience was greatly shaped by newspaper editors and the acquisitions policy of the circulating libraries favoured by middle-class women.³ The "queen of the circulating libraries" was undoubtedly Mary Elizabeth Braddon.

Everyone, it seemed, wanted to read the latest Braddon. As Fraser Rae testified in 1865:

Others before her have written stories of blood and lust, of atrocious crimes and hardened criminals, and these have excited the interest of a very wide circle of readers. But the class

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¹ KAREN CHASE & MICHAEL LEVENSON, *THE SPECTACLE OF INTIMACY: A PUBLIC LIFE FOR THE VICTORIAN FAMILY* 208 (2000) (in relative terms "cast into the shadows").

² NATALIE SCHROEDER & RONALD SCHROEDER, *FROM SENSATION TO SOCIETY: REPRESENTATIONS OF MARRIAGE IN THE FICTION OF MARY ELIZABETH BRADDON* 15 (2006) ("Readers of sensation literature were female, middle-class and legion."); see also Jonathan Loebberg, *The Ideology of Narrative Form in Sensation Fiction*, 13 *REPRESENTATIONS* 115, 115–17 (1986).

³ See KATE FLINT, *THE WOMAN READER 1837–1914* 26–27, 144, 171–79 (1993) (describing the particular role of libraries— public, private, and circulating).

that welcomed them was the lowest in the social scale, as well as in mental capacity. To Miss Braddon belongs the credit of having penned similar stories in easy and correct English, and published them in three volumes in place of issuing them in penny numbers. She may boast, without fear of contradiction, of having temporarily succeeded in making the literature of the Kitchen the favourite reading of the Drawing Room.⁴

Aristocratic daughters and their scullery maids were brought together in one voracious common readership. Rae was not, however, an admirer. Sensation novels, he observed, were "one of the abominations of the age."⁵

Anthony Trollope described the public as reading sensational novels "as men eat pastry after dinner not without some inward conviction that the taste is vain if not vicious."⁶ Few were so sanguine. "There is," wrote one of the more vehement critics, Dean Mansel, "something unspeakably disgusting in this ravenous appetite" for this particular species of literary "carion."⁷ Critical anxieties were various.⁸ First was a concern about decency. Sensation novels were, almost invariably, about sex and crime. Sensation literature, it was often argued, appealed to the "animal part of our human nature."⁹

⁴ Fraser Rae, *Art. VI*, 43 N. BRIT. REV. 180, 204 (1865).

⁵ *Id.* at 203.

⁶ ANTHONY TROLLOPE, *AN AUTOBIOGRAPHY* 135 (1996).

⁷ Hilary Mansel, *Sensation Novels*, 113 Q. REV. 481, 502 (1863).

⁸ See generally Patrick Brantlinger, *What is "Sensational" About the "Sensation Novel"?* 37 NINETEENTH-CENTURY FICTION 1, 6-8 (1982); SCHROEDER & SCHROEDER, *supra* note 2, at 16-18.

⁹ *Art. VII*, 121 CHRISTIAN REMEMBRANCER 209, 212 (1863); see WINIFRED HUGHES, *THE MANIAC IN THE CELLAR: SENSATION NOVELS OF THE 1860s* 41, 58, 68-69 (1980) (citing Reade's declaration that his readers would be entertained rather than subjected to the "clap-trap morality" peddled by "domestic novels").

Unsurprisingly the depiction of female sexuality and passion attracted especial critical ire.¹⁰ Writing in 1868, the Reverend Paget railed against a generic "teaching" that was "so infamous," its principles "so utterly demoralising," the "conversations" so "revolting for their looseness, wickedness, and blasphemy," the presentation of scenes "so licentious or so horrible."¹¹ A year later, Alfred Austin expressed similar regret in the distasteful species of "love had we better call it lust?" that seemed to pervade the sensation novel, one "which begins with seduction and ends in desertion . . . whose agreeable variations are bigamy, adultery, and, in fact, illicit passion of every conceivable sort."¹²

Perhaps the most vociferous critic of the sensation novel was Margaret Oliphant. Oliphant was particularly troubled by the presentation of a "fleshly and unlovely" sexuality.¹³ The heroines of sensation novels "marry their grooms in fits of sensual passion," lust after "flesh and muscles, for strong arms that seize her, and warm breath that thrills her through, and a host of other physical attractions that she indicates to the world

¹⁰ See Dallas Liddle, *Anatomy of a "Nine Days' Wonder": Sensational Journalism in the Decade of the Sensation Novel*, in VICTORIAN CRIME, MADNESS AND SENSATION 89, 97–98 (Andrew Maundcr & Grace Moore eds., 2004).

¹¹ FRANCIS PAGET, LUCRETIA 11–12, 301–02 (1868) (serious comments concluding his otherwise supposedly satirical pseudo-sensational novel); see ROBERT L. WOLFF, *SENSATIONAL VICTORIAN: THE LIFE AND FICTION OF MARY ELIZABETH BRADDON* 218–19 (1979); JENNIFER CARNELL, *THE LITERARY LIVES OF MARY ELIZABETH BRADDON* 209–11 (2000) (commenting on the particular fear that the minds of young women might be corrupted by sensation novels).

¹² Alfred Austin, *The Poetry of the Period: Mr Swinburne*, 26 TEMP. BAR 457, 468 (1869).

¹³ Margaret Oliphant, *Novels*, 102 BLACKWOODS EDINBURGH MAG. 257, 259 (1867); see FLINT, *supra* note 3, at 50–51; see also Andrew Maundcr, *Mapping the Victorian Sensation Novel: Some Recent and Future Trends*, LITERATURE COMPASS VI, Jan. 2005, at 1, 12, <http://onlinelibrary.wiley.com/doi/10.1111/j.1741-4113.2005.00140.x/pdf>; Jennifer Phegley, *Henceforward I Refuse to Bow the Knee to Their Narrow Rule: Mary Elizabeth Braddon's Belgravia Magazine, Women Readers, and Literary Valuation*, 26 NINETEENTH-CENTURY CONTEXTS 149, 165 (2004).

with charming frankness."¹⁴ As often as not, rather than tending to their domestic responsibilities, they "pray their lovers to carry them from husbands and homes they hate."¹⁵ But the "peculiarity of it in England," she added, is that "this intense appreciation of flesh and blood, this eagerness of physical sensation, is represented as the natural sentiment of English girls, and is offered to them not only as the portrait of their own state of mind, but as their amusement and mental food."¹⁶ Oliphant constantly opined the potential negative effect on the readers:

It is a shame to women so to write; and it is a shame to the women who read and accept as a true representation of themselves and their ways the equivocal talk and fleshly inclination herein attributed to them. It may be done in carelessness. It may be done in that mere desire for something startling which the monotony of ordinary life is apt to produce; but it is debasing to everybody concerned.¹⁷

Sensation novels, it was quickly appreciated, were too often written by women for women.¹⁸ Mansel likewise accused sensation novelists of irresponsibility, not appreciating that their novels would play "no inconsiderable part in moulding the

¹⁴ Oliphant, *supra* note 13, at 259. The allusion to heroines running off with grooms would have been immediately recognized as being to AURORA FLOYD.

¹⁵ *Id.*

¹⁶ *Id.* The metaphor of reading as a food, and more particularly as voracious reading as species of "gluttony," was common, perhaps most famously deployed by Ruskin who argued in his 1876 essay *Fors Clavigera* that "[g]luttonous reading is a worse vice than gluttonous eating."

¹⁷ *Id.* at 275.

¹⁸ See ELAINE SHOWALTER, A LITERATURE OF THEIR OWN: BRITISH WOMEN NOVELISTS FROM BRONTË TO LESSING 154-58 (1977).

minds and forming the habits and tastes of its generation."¹⁹ The reading of women was anyway a matter of no little concern. It is hardly surprising that intimations of young women eagerly devouring tales of sex and violence were viewed with horror.

Such anxieties chimed with the rather broader mid-century debate regarding the "question" of women, a question that imported a distinct matrimonial and necessarily jurisprudential dimension: The law of marriage was written, not just to confirm the cultural presumptions inscribed in the verses of Coventry Patmore's iconic *Angel in the House*, but to strengthen the collateral regulation of sexuality. In essence, the law of marriage was written as a "discourse of containment."²⁰ Most notoriously, the principle of coverture legally erased the married woman, subsuming her person in that of her husband, and matrimonial property law, as well as ancillary jurisprudence relating to such matters as separation and child custody, were written in due deference.²¹ Increasingly, however, it was argued that any resolution to the "question" of women would require legal reform. Most famously, in 1857 and 1859 Parliament passed two marriage acts, the first of which established a civil court of divorce, something that would, in due course, prove to be a treasure-trove of titillation for readers of newspaper court reports. In so pointedly engaging matters of law, criminal and matrimonial, in their novels, Braddon and her fellow sensationalists invited their readers, predominantly women, to reflect further upon the nature of these innovations and

¹⁹ Mansel, *supra* note 7, at 482–83; see also Lynda Hart, *The Victorian Villainess and the Patriarchal Unconscious*, 40 LITERATURE & PSYCHOL. 1, 19 (1994); LYN PYKETT, THE IMPROPER FEMININE: THE WOMEN'S SENSATION NOVEL AND THE NEW WOMAN WRITING 32–33 (1992); FLINT, *supra* note 3, at 15, 50–52.

²⁰ PYKETT, *supra* note 19, at 56.

²¹ See SCHROEDER & SCHROEDER, *supra* note 2, at 11 (the definitive statement could be found in Blackstone's COMMENTARIES: "By marriage the husband and wife are one person in law; that is, the very being, or legal existence of a woman is suspended during marriage, or at least incorporated and consolidated into that of the husband, under whose wing, protection, and cover she performs everything").

arguments, their merits and demerits.²² It is not that Braddon was critical of marriage. On the contrary, as we shall see, she was entirely supportive of the institution. She would probably have agreed with the journalist W. R. Greg's famous observation that a woman who did not marry was fated to lead an "independent and incomplete existence."²³ But she was critical of the jurisprudence that sought to regulate it, and wrote *Aurora Floyd* in this spirit. As the *Westminster Review* noted in 1864, sensation novels such as *Aurora Floyd* put the "institution of marriage . . . now upon its trial."²⁴

But it was not, of course, simply a matter of legal reform. Indeed, it would have been plain to any reader of *Aurora Floyd* that Braddon had only limited faith in the role of law in making any marriage happier. The "subjection" of women, to borrow John Stuart Mill's resonant phrase, was culturally inscribed.²⁵ A "woman's power is for rule, not battle," Ruskin confirmed, "her intellect is not for invention and creation, but for sweet ordering."²⁶ Henry Maudsley agreed, "the male organisation is one, and the female organisation is another." But for Maudsley and others, this prejudice was further justified and the proper "sphere" of women was determined by biology as well as culture, in particular the biology of reproduction.²⁷ For example, William Acton's *Functions and Disorders of the Reproductive Organs* declared that a "modest woman as a general rule . . . seldom desires any sexual gratification for herself."²⁸ It was for this reason that "modesty" should not be corrupted by ill-advised

²² See PYKETT, *supra* note 19, at 55–61.

²³ SCHROEDER & SCHROEDER, *supra* note 2, at 13.

²⁴ *Id.* at 16.

²⁵ See generally JOHN STUART MILL, *THE SUBJECTION OF WOMEN* (Susan M. Okin ed., 1988).

²⁶ JOHN RUSKIN, *Of Queens' Gardens*, in *SESAME AND LILIES* 87, 146–67 (1944).

²⁷ PYKETT, *supra* note 19, at 14.

²⁸ *Id.* at 15 (internal quotation marks omitted).

exposure to the "disease of reading."²⁹ Critics of such diseased literature preferred a pathological strain, commonly declaiming sensation literature in particular to be a "morbid phenomenon."³⁰ Sensation literature appealed to women, it was commonly assumed, because it worked by "drugging thought and reason, and stimulating the attention through the lower and more animal instincts."³¹

And women, of course, were peculiarly susceptible to such an "appeal to the nerves." The more neurotic critics worried that female readers of sensation novels might become pathologically addicted.³² "Action, action, action," Mansel bemoaned, "is the first thing, needful, and the second, and the third."³³ Reader and author trapped by the pressing need to satisfy "the cravings of a diseased appetite."³⁴ The *Westminster Review* suggested that there was, quite literally, a "sensational mania" abroad in the country, "its virus is spreading in all directions, from the penny journal to the shilling magazine to the thirty shillings volume."³⁵ Mansel found "cheap publications in penny and halfpenny numbers" were "to the full-grown sensation novel what the bud

²⁹ Phegley, *supra* note 13, at 151, 153.

³⁰ Mansel, *supra* note 7, at 482–83 (for the metaphor's first appearance).

³¹ *Art. VII*, *supra* note 9, at 210. See also FLINT, *supra* note 3, at 53–59; PYKETT, *supra* note 19, at 8.

³² See WOLFF, *supra* note 11, at 164 (demonstrating the case with which readers might become so addicted through correspondence sent by readers who had clearly lost the ability to distinguish properly between real people and those she had invented for her novels).

³³ Mansel, *supra* note 7, at 482.

³⁴ *Id.* at 483; see also HUGHES, *supra* note 9, at 24 (quoting G. H. Lewes's similar observation, "whether the movement be absurd or not matters little, the essential thing is to keep moving"); Rac, *supra* note 4, at 203 (quoting the Archbishop of York's denunciation of "titles which aimed at this effect simply—of exciting in the mind some deep feeling of overwrought interest by means of some terrible passion or crime").

³⁵ *Review of Wilkie Collins's Armadale*, 86 WESTMINSTER REV. 126, 126 (1866) (book review).

is to the flower.”³⁶ It was not merely penny dreadfuls which were to blame. That so many weekly and monthly magazines adopted the same strategy of publishing sensation literature to capture the attention of their middle-class target audience was every bit as troubling. To the likes of Mansel, the responsibility of unscrupulous journal editors was just as great as that of their writers; they were confederates in the demeaning search for profit.³⁷

Braddon was commonly condemned as a profit seeker, the fact that she was a commercial success presumed to be evidence enough. Braddon largely accepted the deal. “I have learnt to look at everything in a mercantile sense,” she once confessed, “and to write solely for the circulating library reader, whose palette requires strong meat, and is not very particular as to the qualities thereof.”³⁸ On a different occasion she noted to her editor as she despatched another contribution that “[t]he amount of crime, treachery, murder, slow poisoning, and general infamy required by the Halfpenny reader is something terrible. I am just going to do a little parricide for this week’s supply.”³⁹ Braddon

³⁶ Mansel, *supra* note 7, at 505; see also ANNE CVETKOVICH, *MIXED FEELINGS: FEMINISM, MASS CULTURE AND VICTORIAN SENSATIONALISM* 16–17 (1982) (commenting on the close affinity of sensation novels with popular print, and the impact of a more competitive publishing industry driving down prices).

³⁷ See ANDREW MANGHAM, *VIOLENT WOMEN AND SENSATION FICTION: CRIME, MEDICINE AND VICTORIAN POPULAR CULTURE*, 5–6 (2007); see also PYKETT, *supra* note 19, at 30–31; CARNELL, *supra* note 11, at 142 (quoting from an 1864 article in the *EDINBURGH REVIEW* entitled *The Queen’s English*, which observed that the sensation novel had become a “product of industry for which there is just now a brisk demand”).

³⁸ See Jennifer Carnell & Graham Law, “Our Author”: *Braddon in the Provincial Weeklies*, in *BEYOND SENSATION: MARY ELIZABETH BRADDON IN CONTEXT* 127, 150 (Margaret Tromp, Pamela K. Gilbert & Aeron Haynic eds., 2000) (Braddon confessing that she was “a patcher up of sham antiquities as compared to a Grecian sculptor, a dauber of pantomime scenes, all Dutch metal, gluc, and spangles, as compared with a great painter”); see also WOLFF, *supra* note 11, at 156 (quoting Braddon’s observation regarding a “mercantile sense.” In *THE DOCTOR’S WIFE*, Braddon’s aspiring novelist Sigismund Smith cuts the same Faustian bargain and is similarly reconciled to its consequences.).

³⁹ HUGHES, *supra* note 9, at 9.

occasionally expressed a desire to write something “better,”⁴⁰ but remained, above all, sensitive to her audience, writing as Henry James noted “at any hazard to make a hit, to catch the public ear.”⁴¹

It was the publication of *Lady Audley's Secret*, the first instalments of which appeared in late 1861, which earned Braddon her first fortune, and her first generation of devoted readers. Following its appearance in a three-volume edition in October 1862, the novel was reprinted on eight different occasions within the next three months. Braddon seized the moment and commenced writing the first instalments of *Aurora Floyd* in early 1862, before she was even finished writing the final parts of *Lady Audley's Secret*.⁴² *Aurora Floyd* was even more successful and, for its author, lucrative too. Following initial serialisation in *Temple Bar*, the Tinsley brothers paid Braddon the vast sum of £1000 for *Aurora Floyd*, with copyright reverting after just two years. Within months, Braddon began to write a third sensation novel, *The Doctor's Wife*, a scarcely disguised re-casting of Flaubert's *Madame Bovary*, which hit the

⁴⁰ WOLFF, *supra* note 11, at 154–55 (noting Braddon's desire, in particular, to impress her early mentor Bulwer Lytton and commenting on the publication of her novel JOHN MARCHMONT'S LEGACY that she hoped that he would appreciate the raising of an “ambition” which was “utterly dead,” and wanted to “be artistic [and] to please you”); see also Phegley, *supra* note 13, at 158–61 (The aspiration was realised, to an extent, when Braddon assumed the editorship of the new magazine BELGRAVIA, the first issue of which appeared in 1866. Henceforth, she advised its readers, the sensational would become more consciously “realistic,” without succumbing to the “namby-pambyism” so commonly found in “domestic romances.”).

⁴¹ WOLFF, *supra* note 11, at 152.

⁴² See CARNELL, *supra* note 11, at 143–44 (commenting on Braddon's commercial acuity, and the startling rapidity with which she wrote).

presses in early 1864.⁴³ She continued writing, producing another eighty novels before her death in 1915. Her readership remained, in the words of her biographer, “blindly devoted” throughout.⁴⁴ But it is with these three novels that Braddon’s reputation was made, for good and for bad.

At the time, it was mainly bad. Oliphant was not alone in identifying Braddon as the most culpable of the sensationalists.⁴⁵ Searching for some kind of explanation, many blamed Braddon’s evident interest in French literature.⁴⁶ At least Ellen Wood’s novels, as the *Spectator* later observed, were “English,” even if they too were crammed full of bigamists. Wood prescribed “murders and mutton.” Braddon, on the other hand, did murders and “French verses” with “scraps of art criticism.”⁴⁷ *Lady Audley’s Secret*, with its stunning portrait of a young woman who developed from careless bigamist to cold-blooded murderess, attracted venomous criticism. It was, the *North British* advised, “one of the most noxious books of modern times.”⁴⁸ Critical reception of *Aurora Floyd* was only marginally less visceral. Aurora did not cut as evil or as degenerate a figure

⁴³ See WOLFF, *supra* note 11, at 162 (Braddon admitting her original aspiration in writing *THE DOCTOR’S WIFE* was “founded on ‘Madame Bovary,’” and confessing “the style of which struck me immensely in spite of its hideous immorality”); *id.* at 166, 209–10 (discussing the accusations of plagiarism not just with regard to *THE DOCTOR’S WIFE*, but to *LADY AUDLEY’S SECRET* and *AURORA FLOYD*, and a number of her less commercially successful novels too); *id.* at 317–18 (commenting on Braddon’s later 1885 essay on Zola in which she reiterated her particular admiration for Flaubert the social and psychological “vivisectionist”).

⁴⁴ WOLFF, *supra* note 11, at 407.

⁴⁵ HUGHES, *supra* note 9, at 107–10 (Oliphant calling Braddon altogether “coarser” than fellow sensationalist Ellen Wood).

⁴⁶ CARNELL, *supra* note 11, at 211–16 (describing Braddon’s confessed liking for French literature, particularly that of Balzac and Flaubert); see also WOLFF, *supra* note 11, at 128–29, 137 (Braddon admitting to Edmund Yates, that “[t]he Balzac-morbid-anatomy school is my especial delight”).

⁴⁷ *Lost for Love*, *THE SPECTATOR*, Oct. 17, 1874, at 1303–04 (reviewing ELLEN WOOD, *EAST LYNNE* (1861), the plot of which moves around the consequences of adultery, and which was as notorious as Braddon’s trilogy).

⁴⁸ Rac, *supra* note 4, at 196.

as Lucy Audley, but she was barely less culpable. There was too much in the novel that was simply too troubling, too many "things," as the Irish novelist, Mrs. Humphries later recalled her aunt commenting, "that little girls have no business to know anything about."⁴⁹ Interestingly, Braddon later conceded that *The Doctor's Wife* was "not a story which I would care to place in the hands of 'the young person.'"⁵⁰ But she remained quite happy to place it, along with her equally thrilling narratives of Lucy Audley and Aurora Floyd, in the hands of her publishers, as well as generations of anxious parents and harassed librarians.

Bigamy: a fashionable crime

One of the many problems with sensation novels, as critics noted, was that they blurred the margins of truth and fiction. Reade was brazen, advising his readers that his were "matter-of-fact romances." "Never mind the books," he once advised Braddon, "read the newspapers."⁵¹ Braddon was barely less brazen. "I think I shall once more make my dip into the lucky bag of the Newgate Calendar," she observed on one occasion as she struggled to hit another editor's deadline.⁵² Braddon appreciated the role that papers played in framing the interests of her readers, and the extent to which they were most comfortable when encountering plots that chimed with contemporary "mysteries."⁵³ Braddon "introduced into fiction those most

⁴⁹ WOLFF, *supra* note 11, at 10.

⁵⁰ *Id.* at 204.

⁵¹ CARNELL, *supra* note 11, at 166; *see also* Liddle, *supra* note 10, at 90 (quoting Reade's response in THE TIMES to a negative review of one of his novels: "For 18 years, at least, the journal you conduct so ably has been my preceptor, and the main source of my works").

⁵² MANGHAM, *supra* note 37, at 5.

⁵³ *See* CARNELL, *supra* note 11, at 158 (suggesting that whilst Braddon was indeed rather more evasive when compared with the likes of Reade "she knew that a hint of real life scandal or crime could add a little frisson for catching prospective readers"); *id.* at 165-66 (noting perhaps the most overt parallel in her novels, between the plot of THE LADY LISLE, published in 1862, and the famous Tichborne case); *id.* at 170 (Braddon confessing that she rather relished the thought that her critics assumed she had been "cradled into wrong by magazines").

mysterious of mysteries, the mysteries which are at our own doors."⁵⁴ Sensation novels had immediacy, but they eschewed historical distance as well. As the *Christian Remembrancer* concluded regretfully, "however extravagant and unnatural" they might seem, sensation novels were clearly intended to be read as "a sign of the times."⁵⁵ Henry James noted precisely the same. Reviewing *Lady Audley's Secret*, he observed that:

The novelty lay in the heroine being, not a picturesque Italian of the fourteenth century, but an English gentlewoman of the current year, familiar with the use of the railway and the telegraph. The intense probability of the story is constantly reiterated. Modern England—the England of today's newspaper—crops up at every step.⁵⁶

Any aspiring sensation novelist, Mansel observed with distaste, need "only keep an eye on the criminal reports of the daily newspapers" and "he has the outline of his story not only ready-made but approved beforehand as the true sensation cast."⁵⁷ Though some, like Augustus Sala, defended Braddon and her fellow sensationalists, arguing that "we shall take no great harm by reading realistic novels of human passion, weakness, and error,"⁵⁸ most shared Mansel's concerns.

A "book without a murder, a divorce, a seduction, or a bigamy," *Fraser's Magazine* observed ruefully, "is not

⁵⁴ Henry James, *Miss Braddon*, THE NATION, Nov. 9, 1865, at 593.

⁵⁵ *Art. VII*, *supra* note 9, at 210; *see also* Mansel, *supra* note 7, at 488 (observing that "[t]he sensation novel, be it mere trash or something worse, is usually a tale of our own times").

⁵⁶ James, *supra* note 54, at 593–94.

⁵⁷ Mansel, *supra* note 7, at 501; *see also* Brantlinger, *supra* note 8, at 2, 5–7, 10; HUGHES, *supra* note 9, at 18–20 (commenting on the link between the sensation novel and the sensationalism of the newspapers).

⁵⁸ CARNELL, *supra* note 11, at 165.

apparently worth either writing or reading.”⁵⁹ Certainly the reader of a Braddon novel could be confident of encountering a least one murder, and a fair amount of sinful sex.⁶⁰ As Rae observed:

According to Miss Braddon, crime is not an accident, but it is the business of life. She would lead us to conclude that the chief end of man is to commit murder, and his highest merit is to escape punishment; that women are born to attempt to commit murders, and to succeed in committing bigamy.⁶¹

The *Saturday Review*, bemoaning the contemporary passion for “crime and crinoline” novels, gloomily concluded that “Mr Mudie’s lending library will soon become a sort of Newgate Calendar.”⁶² Nowhere seemed safe, least of all the family home. The home, as Ruskin rather floridly affirmed, was supposed to be a shelter from the “hostile society of the outer world,” a “vestal temple, a temple of the hearth watched over by Household Gods.”⁶³ Not according to a Braddon novel. The *Saturday Review* observed that “[i]n an age when everything seems pretty well discovered . . . it is amazing relief to know that any unsolved, nay [an insoluble] mystery is standing on one’s very hearthrug.”⁶⁴ The *Temple Bar* adopted the same imagery:

It is on our domestic hearths that we are taught

⁵⁹ *The Popular Novels of the Year*, 68 FRASER’S MAG. 253, 262 (1863).

⁶⁰ See HUGHES, *supra* note 9, at 31–32.

⁶¹ Rae, *supra* note 4, at 202.

⁶² *Homicidal Heroines*, SATURDAY REV., Apr. 7, 1866, at 403–04; see also HUGHES, *supra* note 9, at 7; JAN D. SCHIPPER, BECOMING FRAUDS: UNCONVENTIONAL HEROINES IN MARY ELIZABETH BRADDON’S SENSATION FICTION 24–25 (2002) (commenting on the literary genesis of the Newgate novel, along with the later Gothic, which was commonly seen by contemporary critics as the progenitor of the sensation novel).

⁶³ RUSKIN, *supra* note 26, at 122–23.

⁶⁴ *Woman and Her Critics*, SATURDAY REV., Jan. 25, 1868, at 109.

to look for the incredible. A mystery sleeps in our cradles; fearful errors lurk in our nuptial couches; fiends sit down with us at table; our innocent-looking garden-walks hold the secret of treacherous murders; and our servants take £20 a year from us for the sake of having us at their mercy.⁶⁵

Sensation novelists, the Archbishop of York warned, “want to persuade people that in almost every one of the well-ordered houses of their neighbours there is a skeleton shut up in some cupboard.”⁶⁶ The plots of all sensation novels moved around the unveiling of terrible and thrilling secrets, “those most mysterious of mysteries,” as Henry James observed, “the mysteries that are at our own doors.”⁶⁷

Victorians liked murder especially. Braddon was fascinated by the subject and many times alluded to one of the most notorious of contemporary murder trials, that of the “Doncaster poisoner” William Palmer, in *Aurora Floyd*.⁶⁸ “There is nothing,” Braddon proclaimed, “that English men and women enjoy more than the crime which they call ‘a really good murder!’”⁶⁹ But they liked a certain kind of murder in particular, as Braddon knew and as George Orwell later famously observed: the Victorians preferred their murder to be “essentially

⁶⁵ Alfred Austin, *Our Novels: The Sensational School*, 29 TEMP. BAR 410, 422 (1870).

⁶⁶ See, e.g., Rac, *supra* note 4, at 203 (demonstrating that the Archbishop’s words were widely quoted by contemporary reviewers).

⁶⁷ James, *supra* note 54, at 593.

⁶⁸ MARY ELIZABETH BRADDON, *AURORA FLOYD* 241, 291 (1863) (observing that people take a “strange pride” in any association with such notorious cases and confessing to having visited Palmer’s Doncaster lodgings. Braddon did precisely this in 1859); *id.* at 298 (commenting on the phrenologists who examined Palmer’s head and concluding that he must have been “utterly deficient in moral perception”); see also CARNELL, *supra* note 11, at 165 (commenting on Braddon’s interest in Palmer).

⁶⁹ CARNELL, *supra* note 11, at 236.

domestic.”⁷⁰ Women took a particular interest in the trials of alleged murderesses.⁷¹

Statistics suggest that twice as many women as men were convicted of murder from 1855 to 1874,⁷² but it was not statistics that excited Victorian England, it was rumour and speculation. In *Aurora Floyd*, the suffering heroine is haunted by newspaper commentaries and “mysterious letters” that insinuate her guilt, encouraging gossip amongst servants whilst also inviting intrusive speculation from without.⁷³ Early editions of *Aurora Floyd* contained a very pointed allusion to the “slow agonies” and “ever-increasing tortures” that had befallen one “Somersetshire household in which a dreadful deed was done.”⁷⁴ The case to which Braddon referred was that of Constance Kent,

⁷⁰ See George Orwell, *The Decline of the English Murder*, in *DECLINE OF THE ENGLISH MURDER AND OTHER ESSAYS* 9, 9 (1978) (all the better, Orwell added, for being “essentially domestic”).

⁷¹ *Punch* systematically ridiculed what it termed the “Old Bailey ladies.” See SHOWALTER, *supra* note 18, 169–70 (showing concerns regarding the apparent particular fascination of women); MICHAEL DIAMOND, *VICTORIAN SENSATION* 4–5 (2003) (quoting an editorial in the *Pall Mall Gazette* which attacked female spectators at one trial as “ghoulish women, armed with opera glasses, sherry flasks and sandwich boxes” who “hang with eager curiosity upon every movement and look of their miserable sister”).

⁷² See SCHIPPER, *supra* note 62, at 11.

⁷³ BRADDON, *supra* note 68, at 396.

⁷⁴ *Id.* at 287.

suspected of murdering her younger brother in 1860.⁷⁵ No less notorious was the case of Madeline Smith, who was alleged to have poisoned her lover in Glasgow and whose trial kept newspaper readers enraptured throughout much of 1857–58. The affinity of sex and murder in the Smith case was guaranteed to engage particular popular interest, making it in the words of Henry James a “rare work of art.”⁷⁶

The success of Braddon’s sensational novels was founded on the same affinity; the presence, alongside murder, of adultery or divorce or, to borrow Oliphant’s phrase, that most

⁷⁵ MANGHAM, *supra* note 37, at 64, 222 (discussing the case. In the absence of compelling material evidence, though strongly suspected by the police, Kent was not charged. The newspapers had been generally sympathetic, finding it hard to believe that a fourteen year old girl could commit such a crime. The fact that her brother had been murdered with a knife was also taken as evidence of Constance’s innocence. Women were supposed to use poison. Kent later confessed to the murder, something which only enhanced a general sense of bewilderment. The most extensive literary reference to the Kent case can be found in Wilkie Collins’s *THE MOONSTONE*. The allusion to the Kent case was removed from later editions of *AURORA FLOYD*, and does not appear in any modern texts.); see *id.* at 12–13 (discussing how sibling murder was a subject of especial fascination in Victorian England, often importing collateral insinuation of incest and adolescent sexual deviance); see *id.* at 63–71 (inferring a clear influence of the case in Braddon’s sensation novels, especially *AURORA FLOYD*. Chapter 2 provides an extensive commentary on the Kent case); see also ANTHEA TRODD, *DOMESTIC CRIME IN THE VICTORIAN NOVEL* 19–26, 109–10 (1989).

⁷⁶ ELEANOR GORDON & GWYNETH NAIR, *MURDER AND MORALITY IN VICTORIAN BRITAIN: THE STORY OF MADELEINE SMITH* 189 (2009) (providing a detailed account of the case. A number of factors intensified public interest, not least the fact that Smith’s victim, her fiancé Emile L’Angelier, though hailing from the Channel Islands, was deemed to be French and therefore naturally lascivious. Smith’s confessed liking for French literature, as well as French fiancés, also chimed with contemporary expectations of lascivious murderesses. Love letters written by Smith and L’Angelier were read out in court, and proved much fodder for newspaper reporters. So apparently depraved were certain passages that the presiding judge decided that they should be withheld. Smith’s behaviour, the judge observed, had been that of a “common prostitute.” In the end, and to the judge’s evident disappointment, the jury returned a verdict of not proven); see *id.* at 53–56, 141–43 (commenting on the trial); see also Mary S. Hartman, *Murder for Respectability: The Case of Madeleine Smith*, 16 *VICTORIAN STUD.* 381, 386, 397–98 (1973) (musing on the possibility that Smith was inspired in her *modus operandi* by seeing a performance of *Lucrezia Borgia*).

“fashionable” of contemporary sex crimes, bigamy.⁷⁷ The first reports of suitably salacious proceedings before the newly established Divorce Court had already begun to whet the appetite of Braddon’s prospective audience. At the time Braddon began composing what she later termed “my pair of bigamy novels,” one particular case dominated the headlines.⁷⁸ Accounts of the alleged bigamy of Major William Yelverton had begun to appear on the breakfast tables of middle England in the summer of 1858 and ran for three years as the litigation bounced between English, Scottish, and Irish jurisdictions.⁷⁹ The facts of the case were confused and conflicted, though probably not so confused and conflicted as the law of bigamy.⁸⁰ The plaintiff, Theresa Longworth, initiated proceedings in the Scottish courts seeking the restitution of conjugal rights in the new Divorce Court and alleging bigamy against the Major, alleging that they had exchanged marital vows, sufficient under Scottish law to

⁷⁷ Jeanne Fahnestock, *Bigamy: The Rise and Fall of a Convention*, 36 NINETEENTH-CENTURY FICTION 47, 47 (1981) (concluding the avidity with which they read factual and fictive accounts alike confirm that “in the midst of their devoted family circles the Victorian husband and wife of the 1860s fantasized on the delights and penalties of having another spouse”).

⁷⁸ See CHLOË SCHAMA, *WILD ROMANCE: A VICTORIAN STORY OF A MARRIAGE, A TRIAL, AND A SELF-MADE WOMAN* 207 (2010) (speculating on the impact of the Yelverton case on Braddon’s bigamy novels).

⁷⁹ CHASE & LEVENSON, *supra* note 1, at 202 (declaring the “bigamy novel was a precipitate of the buzzing divorce conversation conducted through the length and breadth of every genteel breakfast table in Britain”); *see also* Fahnestock, *supra* note 77, at 50–51 (commenting on the impact of the Yelverton case on public consciousness).

⁸⁰ *See* SCHAMA, *supra* note 78, chapters 2 and 3 (accounting the facts of the Yelverton case, one that with a perhaps appropriate irony is written as something of a “matter-of-fact romance” itself); *see also* Arvel B. Erickson & John R. McCarthy, *The Yelverton Case: Civil Legislation and Marriage*, 14 VICTORIAN STUD. 275, 275–78 (1971) (an earlier and rather less breathless account of the disputed facts).

constitute marriage.⁸¹ The Major admitted to sexual intimacy, but no more.⁸² Theresa provided evidence that their nuptials had been celebrated in accordance with the Catholic faith whilst on a trip to Ireland.⁸³ The Major argued against the legal force of a mere "blessing," and further argued the Scottish court had no jurisdiction on the grounds that the Major was Irish and Theresa had no domicile of her own. The court agreed. Theresa went to Ireland, persuading a friend to act as a "stalking horse" litigant and claim from the Major a debt incurred by Theresa on the grounds that he was her husband and thereby liable under the doctrine of coverture.⁸⁴ In February 1861, the Dublin Court of Common Pleas began consideration of *Thelwell v. Yelverton*.

It was plain to all that bigamy law, across the three jurisdictions, was a mess.⁸⁵ Hardwicke's Marriage Act of 1753 was supposed to have addressed the root problem in England, which was perceived to lie in the lax regulation of "clandestine" marriages.⁸⁶ It had not. As John Boyd Kinnear observed in 1868 despite "all this intolerable strictness of form, oppressing the

⁸¹ See SCHAMA, *supra* note 78, at 7–8, 36, 57–60. Theresa and the Major met in 1852 and maintained an amorous correspondence. *Id.* at 7–8. They set up home together in Edinburgh in 1858. *Id.* at 44. The prospect of a happy-ever-after was rather ruined on discovery that the Major was already married to a wealthy and conspicuously pregnant widow named Emily Forbes. *Id.* at 75–60. In regard to her "marriage," Theresa argued that they had exchanged vows whilst holding copies of the Anglican Book of Common Prayer. *Id.* at 36.

⁸² *Id.* at 91–92. Yelverton did not help his case by insisting, at every opportunity, on emphasising his sexual prowess. When challenged by Theresa's lawyer in the first trial in Dublin as to why he seemed so cool in giving evidence, the insinuation being that he was unnaturally heartless, the Major replied "Not in bed." It was reported that a sound of hissing could be heard around the court. *Id.*

⁸³ See *id.* at 41–42, 51.

⁸⁴ See *id.* at 64–66 (The reason for pursuing the action in Dublin was the simple fact that Yelverton was Irish. Thelwall sued Yelverton for the £259/17/3 debt incurred.).

⁸⁵ *Id.* at 119.

⁸⁶ The Act required adherence to the formal prescriptions of matrimonial canon law, including publication of the banns, a licence and public registration. In order to ameliorate the consciences of dissenters, an 1836 Statute had permitted marriage by registrar.

honest” the Acts provided not “the least security against secret or ill-assorted marriages.”⁸⁷ Statutory provision was largely ignored, not least by the courts themselves. Fewer than 20% of cases of known bigamy were actually prosecuted in court and, whilst conviction rates were high, punishments were notoriously light.⁸⁸ As the *Yelverton* litigation drifted from court to court, the Westminster Parliament enacted a new statute, the 1861 Offences Against the Person Act. Section 57 of the Act was supposed to help clarify the situation regarding bigamy. It confirmed that:

Whosoever, being married, shall marry any other person during the life of the former husband or wife, whether the second marriage shall have taken place in England or Ireland or elsewhere, shall be guilty of felony, and being convicted thereof shall be liable . . . to be kept in penal servitude for any term not exceeding seven years.⁸⁹

The only exceptions permitted in the statute related to a second marriage contracted where a spouse had been absent for seven years or more, or where a first marriage had ended in divorce or had been otherwise “declared void.”⁹⁰ In the former case, any subsequent “marriage” would still be declared void if the first

⁸⁷ Fahnestock, *supra* note 77, at 59.

⁸⁸ See GINGER S. FROST, LIVING IN SIN: COHABITING AS HUSBAND AND WIFE IN NINETEENTH CENTURY ENGLAND 73, 75 (2008) (Part of the reason why prosecution figures were so low was the fact that spouses could not testify against one another which meant that there had to be evidence attested by third parties. “The conviction rate between 1857 and 1904 was almost 80%.” Punishment was only more severe if the presiding judge took exception to what he perceived to be particular mendacity. Male bigamists motivated by financial gain were the most likely to receive a heavier sentence.).

⁸⁹ Offences Against the Person Act, 1861, 24 & 25 Vict., c. 100, § 57 (Eng.).

⁹⁰ *Id.*

spouse was still alive.⁹¹ None of this helped Theresa Longworth much, whose cause was blighted by the problem of jurisdiction, and what the *British Quarterly Review* termed the "barbarism" of Catholic canon law in the Celtic peripheries.⁹² The 1753 provisions did not apply in Ireland, where there were no civil restrictions at all and where Catholic canon law remained in force, nor in Scotland where again the Catholic canon, with one or two minor amendments, retained its authority.⁹³

Due to the confused law, those following the case simply listened to the different stories and picked a favourite. To succeed, Theresa had to make her story that bit more plausible and worthy of sympathy than that presented by the Major. Theresa protested her "wounded innocence," whilst her lawyers immersed themselves in familiar images of rakish seducers. The Major countered that Theresa was flighty and deluded, confirmed by the tone of her correspondence and her evident liking for French literature.⁹⁴ She was a "syren," her mind irretrievably "tainted by books of this description."⁹⁵ Perhaps, but the jury fell for Theresa, young, pretty, blond, and evidently a "lady of superior attainments," and declared both marriages

⁹¹ See *R v. Tolson*, [1889] 23 Q.B.D. 168 (Eng.) (affirming a common law defence of "reasonable and honest belief"); Matrimonial Causes Act, 1973, c. 18, § 11 (Eng.) (contemporary law governing the civil aspect of bigamy, which renders such associations unlawful).

⁹² W. O'Connor Morris, *Art. V*, 34 BRIT. Q. REV. 124, 140 (1861) (made in anticipation of a Royal Commission, eventually established in 1865 and tasked with resolving the jurisdictional problem. The *Review* advised that much the best cause was to follow the "common sense" lead of the English common law. The Commission by and large agreed, concluding that it was above all imperative that marriages be conducted only by licensed clergymen of whichever established Church, their authority subject to the "control and surveillance of the State.").

⁹³ Erickson & McCarthy, *supra* note 80, at 284–86 (noting that marriage in Ireland, accordingly, still followed the provisions of the 1563 decree of *Tametsi*, which described the various ritualistic provisions that had to be certified by an ordained priest).

⁹⁴ See SCHAMA, *supra* note 78, at 15–16, 71–77, 82–85 (discussing the alternative strategies of rival legal teams).

⁹⁵ *Id.* at 97; see also R. Gill, *The Imperial Anxieties of a Nineteenth-Century Bigamy Case*, 57 HIST. WORKSHOP 59, 63 (2004).

valid.⁹⁶

The case was, however, far from ended. The following year, the Scottish Court of Session agreed to assume jurisdiction, at the request of the Major, and found in his favour, then reversed in the Inner Court of Session. The Major appealed to the House of Lords, where in July 1864 it reversed the Inner Court's decision. The House based its decision in the content of Theresa's letters, where it could find intimations of sex, but none of marriage, and a visceral distrust of the idea that a good solid Protestant gentleman might be bound by the ritualistic incantations of a "Popish priest."⁹⁷ *The Times* approved their Lordship's mistrust, praising both the Lords and the Scottish courts for ignoring the distant "roar of an Irish mob and the claptrops of an Irish court."⁹⁸

The passage had been rough, but the law had finally run its course. Public interest had not. Bigamists, it seemed, were everywhere. The 1865 Royal Commission calculated that 884 reported cases were brought before English courts between 1853 and 1863, and an additional 110 in Scotland.⁹⁹ Any respectable middle-class woman sitting quietly in her drawing room reading the latest Braddon might suddenly find herself "married" to a bigamist; worse still so might any respectable middle-class "husband."¹⁰⁰ Some worried about jurisprudential incoherence. A few more contemplated moral collapse. A spate of anthropological studies of "heathen" marriage practice appeared.

⁹⁶ SCHAMA, *supra* note 78, at 69–70; *see also* Erickson & McCarthy, *supra* note 80, at 280 (such was the feeling running against the Major that it was reported that he was "obliged to escape from the fury of the mob by running into a shop").

⁹⁷ Erickson & McCarthy, *supra* note 80, at 283.

⁹⁸ Gill, *supra* note 95, at 70 (the House of Lords took evidence from the Bishop of Leahy with regard to the intricacies of Catholic marriage law in Ireland. The House was not impressed, and the evidence was "put aside"); *see also* Erickson & McCarthy, *supra* note 80, at 282–83, 288–89.

⁹⁹ Fahnestock, *supra* note 77, at 57–58 (quoting figures given to the 1866 Royal Commission on marriage law reform).

¹⁰⁰ *Id.* at 61–64 (discussing the particular popularity of the accidental-bigamist sub-genre).

Most waited in eager anticipation of the next case to appear in the papers and in the meantime read novels. Theresa wrote one herself, entitled *Martyrs to Circumstance*. "Life indeed," she encouraged her readers, "is a wild romance, if truly written."¹⁰¹

In 1862 England nothing, not even murder, sold as well as a good bigamy story. Reviewers sniffed their disapproval. Bigamy, Geraldine Jewsbury airily declaimed, was all rather "hacknied."¹⁰² But publishers kept offering contracts and the press continued to roll. Jewsbury reflected that:

If in after-times the manners and customs of English life in 1864 were to be judged from the novels of the day, it would naturally be believed that people, in the best regulated families, were in the habit of marrying two wives, or two husbands, as the case might be; and of suppressing the one that proved inconvenient, either by "painless extinction" or by more forcible methods, "regardless of the cost" of suffering to the victim.¹⁰³

"This tendency to bigamy in works of fiction," she concluded, "points to a joint in our social armour. Our marriage laws are confessedly imperfect, and open to hair breadth escapes, which offer a fascinating complication, not devoid of probability."¹⁰⁴ Margaret Oliphant likewise noted the jurisprudential context,

¹⁰¹ MARIA T. LONGWORTH, *TERESINA PEREGRINA; OR, FIFTY THOUSAND MILES OF TRAVEL ROUND THE WORLD* 73 (1874); see SCHAMA, *supra* note 78, at xii, 104–07; see also Gill, *supra* note 95, at 67 (Theresa's contribution did not help her cause, suggesting that she had been, in sexual terms, rather less innocent than she sought to portray. It seems, the *Athenaeum* remarked, that the author was "hardly the ingénue she had so convincingly presented herself as."); see also GEORGE AUGUSTUS H.F. SALA, *THE BADDINGTON PEERAGE* (1860); WILKIE COLLINS, *MAN AND WIFE* (1870); CYRUS REDDING, *A WIFE AND NOT A WIFE* (1859) (further examples of the bigamy genre inspired by the Yelverton case); see also Fahnestock, *supra* note 77, at 48–50 (an overview of the sub-genre).

¹⁰² Fahnestock, *supra* note 77, at 56.

¹⁰³ *ATHENAEUM*, Dec. 3, 1864, at 743 (reviewing RICHARD BENTLEY, *LORD LYNN'S WIFE*, (1864)).

¹⁰⁴ *Id.* at 744.

accusing Braddon in particular of having “brought in the reign of bigamy as an interesting and fashionable crime,” adding “which no doubt shows a certain deference to the British relish for law and order.” She continued casting a very pointed aspersion: “It goes against the seventh commandment, no doubt, but does it in a legitimate sort of way, and is an invention which could only have been possible to an Englishwoman knowing the attraction of impropriety, and yet loving the shelter of law.”¹⁰⁵

The suspicion that too many, and particularly too many young women, were not taking bigamy seriously enough was commonly shared. Men were naturally given to seduce.¹⁰⁶ But women, it seemed, were proving far too easy to seduce. A substantial part of this problem lay in what they read. Bigamy had become the subject of wild romance rather than moral chastisement. As a crime, it titillated rather than terrified. At one point in *Aurora Floyd*, as speculation swirls amongst the servants at Mellish Park, the narrator supposes that one “pretty housemaid who had seen the thrilling drama of ‘Susan Hopley’ performed” at the local theatre “would have rather liked to be accused of the crime, and to emerge spotless and triumphant from the judicial ordeal, through the evidence of an idiot, or a magpie, or a ghost, or some other witness common and popular in dramatic criminal courts.”¹⁰⁷

Aurora Floyd: We have bigamy, murder, divorce!

The story of *Aurora Floyd*, “of murder and violence and treachery” was classically sensationalist.¹⁰⁸ As a girl *Aurora* is

¹⁰⁵ Oliphant, *supra* note 13, at 263.

¹⁰⁶ SCHAMA, *supra* note 78, at 97 (quoting one of Yelverton’s lawyer’s declarations in his client’s defence: “If any man in this crowded court were driven to review his own past life—his early life, when passions were strong, and the influence of youth and warm blood predominated, perhaps he might, if called upon to cast a stone at this gentleman” instead be “more disposed to slink out of court”). See, e.g. popular ballads such as *Undaunted Mary* and *The Squire and Milkmaid*.

¹⁰⁷ BRADDON, *supra* note 68, at 396 (The housemaid is speculating as much about murder as bigamy. But the sentiment is no less apposite.).

¹⁰⁸ *Id.* at 365.

pretty, horsey, and confident too confident. She is, to use the contemporary vernacular, "fast."¹⁰⁹ She attracts the interest of Conyers, a groom who happens to be equally handsome, horsey and confident. In due course, Aurora is sent to finishing school in France. Conyers follows. They run away to Dover and marry. Discovering Conyers' infidelity, she abandons him and returns to England, confessing everything to her father and pretending that her husband has died in a racing accident.¹¹⁰ Aurora is then courted by the aristocratic Bulstrode, and agrees to his proposal of marriage. Bulstrode however, a man driven by "honour" above all else, senses that something is wrong, and when Aurora refuses to divulge her "secret," he breaks off the engagement.¹¹¹ Aurora then accepts an alternative proposal from a bluff Yorkshire squire named Mellish, and they are married. By the kind of unhappy coincidence so relished by the readers of sensation novels, Mellish then decides to hire a new groom, who turns out to be an all-too-alive Conyers. Blackmailed by Conyers, Aurora agrees to pay him £2000, which is to be delivered one evening in Mellish Park. Later that night, Conyers is found murdered, and suspicion falls on Aurora who is seen leaving the house earlier in the evening. In the end, the murderer is found to be another of the grooms, the half-witted and thoroughly mendacious "Softy" Hargraves, and Aurora is exonerated, at least as a prospective murderess. And they all, it seems, live happily ever after, except of course for Conyers, and Hargraves who, the reader is reassured, will suffer the full force of a disapproving law.

A Sense of Possession

The author of *Aurora Floyd*, one reviewer observed, was "evidently acquainted with a very low type of female character."¹¹² Certainly, there was plenty of crime. Whilst the *Medical Critic* tried to salvage a crumb of comfort in the thought

¹⁰⁹ *Id.* at 21–23.

¹¹⁰ *Id.* at 355.

¹¹¹ *Id.* at 31, 34, 44, 104 (breaking of the engagement).

¹¹² Rac, *supra* note 4, at 190.

that any young woman who came across *Aurora Floyd* might learn “not to let their fancies run away with them,” most were less sanguine.¹¹³ “We have bigamy, murder, divorces,” one seemingly overwhelmed reviewer reported, followed by “a lady whipping her stableman, criminal trials [and] horse-racing.”¹¹⁴

The crime and the cultural transgression served, however, a deeper purpose. Braddon’s primary concern in *Aurora Floyd* is with the institution, law, and human experience of marriage. The character of Aurora Floyd is written to be far more human, more nuanced than that of the confessed “fiend” Lucy Audley. Aurora is no less “beautiful,” but she is also “so frank and fearless, so generous, affectionate, and true.”¹¹⁵ Fast or not, “it was impossible for honest people to know Aurora without loving her.”¹¹⁶ As one contemporary critic observed, there was no surprise in the heroine of a Braddon novel turning out to be a bigamist; the surprise is that Aurora Floyd is such “an amiable one.”¹¹⁷ Jewsbury preferred *Aurora Floyd* for precisely this reason. Its protagonist, she observed, “is a woman—not a fiend, nor a maniac, but a warm-hearted, generous, loving woman, with an earnest desire to do what is honourable and just and true,” for which reason, she concluded, “we cannot help liking her and sympathizing with her, in spite of our better reason and judgment.”¹¹⁸ Aurora is very obviously not an “angel in the house.”¹¹⁹ She has “unfeminine tastes and mysterious

¹¹³ *Sensation Novels*, 3 MED. CRITIC & PSYCHOL. J. 517, 519 (1863).

¹¹⁴ *Aurora Floyd*, SATURDAY REV. 149 (1863) (book review).

¹¹⁵ BRADDON, *supra* note 68, at 21.

¹¹⁶ *Id.* at 274.

¹¹⁷ Alfred Austin, *Our Novels: The Sensational School*, 29 TEMP. BAR 410, 415 (1870).

¹¹⁸ *Aurora Floyd*, ATHENAEUM 144 (1863) (book review).

¹¹⁹ SCHROEDER & SCHROEDER, *supra* note 2, at 72–73 (something which, again, is common in many female protagonists in sensation novels. It has been suggested that Braddon may have been influenced in her characterisation of Aurora by Emily Brontë’s Cathy Linton.).

propensities.”¹²⁰ She “knows,” as Henry James famously observed, “much that ladies are not accustomed to know.”¹²¹ She makes mistakes, serious ones. But that is what real people do; for “if she had been faultless, she could not have been the heroine of this story.”¹²²

Herein lay the challenge. Braddon wanted her readers to empathize, even envy, her “amiable” Aurora, but be unsettled by her too. Aurora beats her own servants,¹²³ an accepted action, but something that husbands do. Aurora, however, is “imperious,” possessed of a “queenly defiance” and “haughty insouciance.”¹²⁴ She barely seems to need one husband, never mind two. Mellish, possessed conversely of a “patient devotion,” too scared to challenge Aurora about her “secret,” is given to staring “in blank amazement at his mutinous wife,” turning “white with horror” as he watches her beating his groom in a “beautiful fury.”¹²⁵ His friend Bulstrode is just as baffled, constantly “falling back into that state of bewilderment in which this girl always threw him.”¹²⁶ He stares “blankly” at Aurora when she finally tells him her “secret.”¹²⁷ Their incomprehension has a darker tone, one that speaks to another common Braddon theme; the decay of masculinity. The mendacity of Hargreaves, and of Conyers, a “mercenary wretch” and a “boor,” is unsurprising. Both were drawn from the

¹²⁰ BRADDON, *supra* note 68, at 49.

¹²¹ James, *supra* note 54, at 594.

¹²² BRADDON, *supra* note 68, at 48, 393 (the allusion being, of course, to Aurora’s cousin, the anglic Lucy, and not Lucy Audley, the pathological murderess of *Lady Audley’s Secret*).

¹²³ *Id.* at 138.

¹²⁴ *Id.* at 33, 74, 293.

¹²⁵ *Id.* at 126, 139, 143.

¹²⁶ *Id.* at 53.

¹²⁷ *Id.* at 352.

working classes.¹²⁸ But “gentlemen” are supposed to know how to treat women and how to govern them. But not, it seems, in *Aurora Floyd*. The baffled Bulstrode contemplates rape, whilst Mellish, faced with the prospect of Aurora leaving, warns:

I would rather see your coffin laid in the empty niche beside my mother’s in the vault yonder I would rather take you in my arms and plunge with you into the pond in the wood; I would rather send a bullet into your heart, and see you lying murdered at my feet.¹²⁹

The sentiment adds a chilling edge to Mellish’s later and supposedly joking comment that when Bulstrode and his new wife next visit they will be able to see “whether solemn Talbot beats her in the silence of the matrimonial chamber.”¹³⁰ The contemplation of marriage in a Braddon novel always invited contemplation of violence. It has been suggested that the role of Bulstrode’s wife, “poor little Lucy,” is to give the “female reader within the text” a spur to contemplating alternative ideals of femininity and marital fortune.¹³¹ Lucy is a woman of “purity and goodness,” a representative of “a great many others of precisely the same type of graceful womanhood”, the “highest type, and the holiest, and the best.”¹³² Above all her attitude

¹²⁸ BRADDON, *supra* note 68, at 191, 184 (In the tradition of sensation and Gothic romance, Conyers is also “much too handsome and dashing.” Just as it has been suggested that there may be something of Cathy Linton in Aurora Floyd, so has been surmised that there may be something of Heathcliff in James Conyers.).

¹²⁹ *Id.* at 197, 149–50 (Imagined violence is pervasive in the minds of both Bulstrode and Mellish. Driven by jealousy, Bulstrode even contemplates murdering Mellish.); *id.* at 411 (Mellish has a “strong inclination to thrash” various men who come across his path).

¹³⁰ *Id.* at 199.

¹³¹ *Id.* at 159–60, 217; see also Karen Tatum, *Bearing Her Secret: Mary Elizabeth Braddon’s Aurora Floyd*, 40 J. POPULAR CULTURE 503, 512 (2007).

¹³² BRADDON, *supra* note 68, at 48 (In contrast with Aurora, whose mother died whilst she was a baby, Lucy has been “hemmed in” by goodness since she was in her “cradle”).

towards her husband is properly "reverential."¹³³ The Bulstrode marriage is stolidly patriarchal. The nature of the Mellish marriage, however, is less easily assumed. Fascinated by the subject of marriage, Braddon was well aware of contemporary debates that argued the merits and demerits of alternative companionate models.¹³⁴ Spousal passion may be largely absent in Mellish Park. But there is affection, respect, perhaps even a sense of equal worth. They have "learned" to love one another.¹³⁵ Ruminating on his wife's first marriage, Mellish excuses her transgression precisely because it was an "unequal" match.¹³⁶ The fact that he "had submerged his very identity into that of the woman he loved" is a pointed inversion of the legalistic principle of coverture.¹³⁷ Aurora's reflection on their shared possession of Mellish Park is also intriguing:

There is something satisfactory, too, in the sense of possession; and Aurora felt, as she looked down the long avenues, and away through distant loopholes in the wood to the wide expanse of park and lawn, and the picturesque, irregular pile of building beyond, half Gothic, half Elizabethan, and so lost in a rich tangle of ivy and bright foliage as to be beautiful at every point, she felt, I say, that all the fair picture was her own, or her husband's

¹³³ *Id.* at 348.

¹³⁴ See SCHROEDER & SCHROEDER, *supra* note 2, at 107.

¹³⁵ BRADDON, *supra* note 68, at 141, 7–11, 16–17 (as was the case with Aurora's parents, whose marriage is described in the opening chapter. Her mother Eliza Prodger is described as having come from a working-class theatrical background, whereas her father as a wealthy banker was firmly embedded in the middle-classes. Their marriage proved to be happy, despite the mutterings of "friends."); see also SCHROEDER & SCHROEDER, *supra* note 2, at 69–72 (Of course, the early death of Eliza robs Aurora of the steadying maternal influence, commenting on this marriage as a possible complement to that of Aurora and John Mellish); *id.* at 86–90 (exploring Lucy's marriage to Bulstrode); *id.* at 96–99 (discussing the "compatible, companionate" marriage of Aurora and Mellish).

¹³⁶ BRADDON, *supra* note 68, at 335.

¹³⁷ *Id.* at 334.

which was the same thing.¹³⁸

It is an oddly ambiguous passage. The final clause accords with the principle of coverture insofar as Aurora's legal personality and possession is subsumed in that of her husband, but the reference to a "fair picture" which "was her own" intimates a rather different "sense of possession." Until the Matrimonial Property Act of 1870, such a "sense" had little legal substance, but the sentiment would have resonated with those advocates of companionate marriages who argued for legal reform in the late 1850s.¹³⁹

The settlement of property was a critical matter in any middle-class marriage in nineteenth century England, real or fictive. Aurora Floyd's marriage is no exception. The Floyds are a wealthy family and Aurora is a wealthy woman, at least in terms of legal interest. As Bulstrode notes, she stands to inherit "fifty thousand pounds for her fortune," all of which "will no doubt be very tightly settled upon herself if she is ever allowed to marry a penniless scapegrace."¹⁴⁰ Combined with her husband's "income of something between sixteen and seventeen thousand a year," it is clear that the Mellish estate will be considerable.¹⁴¹ Of course, Aurora's prospect is compromised by her first marriage to Conyers. The nature of their elopement precludes an initial settlement, whilst Conyers' death conveniently removes the danger of any future squabble over her financial and legal interests. When Aurora gives Conyers the £2000, she also warns that if he declines to agree to her terms, she will telegraph her father next day "telling him to alter his will."¹⁴² The threat implies that the money was drawn from the settlement made at the time of her second "marriage," for which

¹³⁸ *Id.* at 168-69.

¹³⁹ Most obviously perhaps at the time of the 1857 Married Women's Property Bill. The Bill failed, in large part due to Parliamentary attention being focused instead on the often vicious debates which accompanied the passage of the Divorce Act of the same year.

¹⁴⁰ BRADDON, *supra* note 68, at 30.

¹⁴¹ *Id.* at 144.

¹⁴² *Id.* at 206.

reason she would also need her husband's permission. In fact, Aurora presumes that she can draw the money herself, a presumption that, given that her "marriage" to Mellish was void in law, may have been justified. But she also knows that both Mellish and her father would likely have found out, for which reason she regardless approaches her father for the sum. The fact that she couches this plea in terms of an appreciation that her settlement was anyway for the benefit of any children, not herself, is significant.¹⁴³ Aurora knows her worth, and the limitations that her father, her husband, and the law place on it.

Again, Braddon was not against marriage in the way that John Stuart Mill famously was; Braddon was desperate to marry herself. However, Braddon was acutely aware of marriage's limitations, legal and cultural, for which reason she was keen to advise her female readers that entering the institution of marriage was not a guarantor of happiness. The "business of real life-drama" does not "end upon the altar-steps."¹⁴⁴ Much of life is to be lived, and marriage should not be carelessly engaged. Some marriages are happy, many are not. Aurora may have "escaped shipwreck for a while, and has landed safely on a pleasant shore; but the storm cloud may still lower darkly upon the horizon, while the hoarse thunder grumbles threateningly in the distance."¹⁴⁵ Though she may have been the victim of mischance at various times in the narrative, Aurora is in the end lucky: her second husband proves to be forgiving. But she was not so lucky in her first marriage, hasty and ill-conceived. And if a woman makes a mistake, the law of marriage is not written to facilitate an easy redress. Matrimonial law is written by men for men, and the law of bigamy is part of that jurisprudence.

Inscrutable Enigmas

According to Aurora's uncle Captain Prodder, "the law of the British dominions [is] a complication of inscrutable enigmas, only to be spoken of and thought of in a spirit of reverence and

¹⁴³ *Id.* at 226–27.

¹⁴⁴ *Id.* at 163.

¹⁴⁵ *Id.*

wonder."¹⁴⁶ The irony betrays an unsettling truth: the law may be inscrutable and awe-inducing, but that is all. In the prosaic matter of uncovering criminal responsibility and effecting justice, neither the institutions nor the officers of law are of much use in *Aurora Floyd*. The inquest into Conyers' death is inconclusive.¹⁴⁷ Hargraves' later trial is reported briefly at the close of the final chapter, with the observation that a plea of insanity was rejected by a "set of matter-of-fact jurymen" even though the accused was plainly "half-witted."¹⁴⁸ As for the officers, the "minions of the law," who are first called to the scene are hopelessly out of their depth.¹⁴⁹ In time, following receipt of two anonymous letters, sent by a conniving housekeeper, a London detective named Grimstone arrives at the Park.¹⁵⁰ Grimstone is more capable, but he is far from welcome. His presence in the text speaks to contemporary concerns regarding the novelty of professional detectives, generally drawn from the working classes, who, as representatives of the state, earned their living prying into the private lives of middle-class Victorian families.¹⁵¹ It comes as no surprise to discover that Grimstone is motivated less by a sense of justice than by the lure of an offered reward.¹⁵² As is invariably the case in a Braddon

¹⁴⁶ BRADDON, *supra* note 68, at 381.

¹⁴⁷ *Id.* at 317–18 (returning an interim verdict of "wilful murder against some person or persons unknown").

¹⁴⁸ *Id.* at 457–58.

¹⁴⁹ *Id.* at 377, 436.

¹⁵⁰ *Id.* at 413.

¹⁵¹ TRODD, *supra* note 75, at 24–26, 29–30, 42–44, 156 (Fitzjames Stephen mused on this prospect in his influential essay *Detectives in Fiction and Real Life*. He was particularly contemptuous of the police employed in the Palmer case.).

¹⁵² BRADDON, *supra* note 68, at 436 (demonstrating his willingness to compromise his investigation accordingly, deliberately eschewing the assistance of the local constabulary so that he would not need to share any reward).

novel, the mystery is finally resolved by a gentleman amateur.¹⁵³ A gentleman knows that there is more to solving murders than simply identifying murderers. Bulstrode is such a gentleman, for he appreciates the greater “perils” of scandal and speculation that afflict such affairs:

Different persons set up different theories; one man writes to a newspaper to declare that, in his opinion, the crime was committed by some person within the house; another man writes as positively to another paper, asserting that the murderer was undoubtedly a stranger. Each man brings forward a mass of supposititious evidence in favour of his own argument, and each thinks a great deal more of proving his own cleverness than of furthering the ends of justice.¹⁵⁴

In this matter the law cannot help.¹⁵⁵ The law is not, in truth, really wanted. The suggestion, vouched in a “clever letter” sent to a newspaper, that a “cordon be drawn round the house, and every creature living in it be held under the surveillance of the law” until the case is finally resolved, is intended to send a shudder through every right-minded reader.¹⁵⁶

However, the most striking jurisprudential absence in *Aurora Floyd* is the heroine’s decision not to pursue legal redress against her first husband. *Aurora Floyd* was written as the new Divorce Court, established in the 1857 Marital Causes Act, was slowly grinding into action. Aurora first discovers her husband’s infidelity in summer 1857. The narrator notes:

Had she, upon the discovery of her first

¹⁵³ *Id.* at 459 (Whilst Grimstone might have pieced together a few critical clues, it is Bulstrode, as the narrator affirms in the very final paragraph of the novel, who caught Hargraves in an incriminating position).

¹⁵⁴ *Id.* at 417.

¹⁵⁵ *Id.* at 411, 444 (Mellish is reduced to speculating on the “thrashing” he might give to any editor who crosses his path).

¹⁵⁶ *Id.* at 383, 396.

husband's infidelity, called the law to her aid—she was rich enough to command its utmost help—she might have freed herself from the hateful chains so foolishly linked together, and might have defied this dead man to torment or assail her.¹⁵⁷

Perhaps, but it was not that easy. In the early years of the Divorce Court, there was much uncertainty as to whether the new court would countenance evidence of prior infidelity or would be sympathetic to suppliant wives. Moreover, Aurora would have needed to allege more than mere infidelity, as indeed she seemed to appreciate, later recalling to Bulstrode that on discovering her husband's infidelity she had written to him "telling him I had discovered that which, coupled with his brutality to me on more than one occasion, gave me the right to call upon the law to release me from him."¹⁵⁸ It is perhaps significant that the allusion to spousal abuse was not present in the first serialised version of *Aurora Floyd*. Evidently, Braddon only subsequently realised that the new legislation required female petitioners to evidence not just adultery but in addition at least one of bigamy, desertion, or spousal violence. But perhaps the greatest impediment was fear. Pursuit of legal remedy could only invite that most dreaded of consequences, "shame", and "horrible degradation."¹⁵⁹ The Floyds might have found themselves the subject of salacious accounts in the *Times*, Aurora herself the subject of whisperings.

Aurora admits that her failure to seek legal redress was because she had not been "brave enough."¹⁶⁰ Instead, "she had chosen to follow the counsel of expediency, and it had led her into thorny and crooked ways," committing the "crimes" of desertion and bigamy and succumbing to blackmail.¹⁶¹ a

¹⁵⁷ *Id.* at 393.

¹⁵⁸ BRADDON, *supra* note 68, at 354–55.

¹⁵⁹ *Id.* at 326, 334.

¹⁶⁰ *Id.* at 418.

¹⁶¹ *Id.* at 393.

mistake, but one that was understandable, even forgivable. If Aurora is lucky in the second husband she picks, it might be reasonably thought that she is decidedly unlucky in the mischance of the first returning. Perhaps so, but she is also guilty, not just of committing the crime of bigamy, or succumbing to blackmail, but of keeping secrets. Aurora "kept her skeleton in some quiet corner," a "secret" which she refused to "tell."¹⁶² By the third chapter, Aurora is being approached in the street by shadowy strangers demanding money.¹⁶³ There is no escape. Mellish Park is not a sanctuary, but a house in which dissimulation and distrust is rife, where "household spies" gossip "feverishly" about "the doings and sayings, the joys and sorrows, of those who employ them."¹⁶⁴ There is, as Aurora comes to appreciate, danger "without" the estate, and danger "within," the latter "nursing discontent and hatred within the holy circle of the domestic hearth."¹⁶⁵

Mellish uses the same imagery as he ponders his wife's secret, wondering "how people felt who had no social mystery brooding upon their hearth; no domestic skeleton cowering in their homely cupboard."¹⁶⁶ The irony is a necessary one; for it is his fate, of course, to be the subject of speculation, in the novel and in the minds of those who turned its pages. Indeed speculation is all-consuming at Mellish Park. In the absence of legal regulation, disciplinary surveillance has become habitual, even addictive. No one is surveyed with a greater intensity than

¹⁶² *Id.* at 103, 118, 315.

¹⁶³ *Id.* at 28–30.

¹⁶⁴ BRADDON, *supra* note 68, at 177; *see also* TRODD, *supra* note 75, at 61 (suggesting that the novel "offers a comprehensive description of the Victorian home as a state of war in which the domestic staff are primarily engaged in espionage, and only secondarily with their domestic duties").

¹⁶⁵ BRADDON, *supra* note 68, at 141.

¹⁶⁶ *Id.* at 289.

Aurora, and no one is more conscious of being surveyed.¹⁶⁷ Too fearful to press his new wife as to the meaning of her "secret," Mellish instead undertakes a strategy of intense, mostly besotted, surveillance. He stares silently at "her masses of ebon hair uncoiled and falling about her shoulders in serpentine tresses, that looked like shining blue-black snakes released from poor Medusa's head."¹⁶⁸ The imagery, so obviously pre-Raphaelite in its depiction, is that of seduction and sorcery. She is a "dark-haired goddess."¹⁶⁹ As the narrator confirms, "Her beauty was of that luxuriant and splendid order which has always most effect upon the masses, and the fascination of her manner was almost akin to sorcery in its power over simple people."¹⁷⁰ Aurora enchants. Bulstrode is immediately "bewitched."¹⁷¹ So is Mellish.¹⁷² Driven to distraction, they lose their reason, reduced to imagining rape and murder. Mellish Park is turned upside down, its master the "like some big slave" of a "despotic and capricious sovereign" who accepts his "devotion with a Sultana-like grace."¹⁷³ The oriental imagery compounds the sense of transgression, cultural and sexual. Aurora is Semiramide and Hecate, a "Cleopatra-like bride."¹⁷⁴

There is again nothing here that the law can do. Faced with such sorcery, it is impotent. The enchantment that Aurora casts can only be broken when her secret is revealed: Aurora wants to

¹⁶⁷ *Id.* at 276 (Aurora is particularly conscious of others at the Park, including the housekeeper and servants, constantly "watching" her); *see also* Tatum, *supra* note 131, at 504 (suggesting that in Braddon's novels, as in so many others of the time, "men posit women as mysteries to be deciphered, and they do this in order to establish their masculine identity in proportion to unravelling women's 'riddles'").

¹⁶⁸ BRADDON, *supra* note 68, at 271.

¹⁶⁹ *Id.* at 42.

¹⁷⁰ *Id.* at 132.

¹⁷¹ *Id.* at 47.

¹⁷² *Id.* at 125-26.

¹⁷³ *Id.* at 129, 141-43.

¹⁷⁴ BRADDON, *supra* note 68, at 67, 131, 217, 277.

be "true" to her husband.¹⁷⁵ As soon as she confesses her "sin" of "disobedience," she is rewarded with Bulstrode's sympathy and assistance.¹⁷⁶ Her punishment will be redemptive. She suffers: "Heaven only knows the bitterness of the silent battle."¹⁷⁷ She contemplates the prospect of losing the love of an adoring husband, and with it her comfortable estate:

Ah careless wives! who think it a small thing, perhaps, that your husbands are honest and generous, constant and true . . . stop and think of this wretched girl, who in this hour of desolation recalled a thousand little wrongs she had done to her husband, and would have laid herself under his feet to be walked over by him could she have thus atoned for her petty tyrannies, her pretty caprices! Think of her in her loneliness, with her heart yearning to go back to the man she loved . . .¹⁷⁸

But she is forgiven. Chastened, she will first defer to what Bulstrode, "a wise judge, to whose sentence she would be willing to submit," advises.¹⁷⁹ Thereafter she will await a "future" which is no longer hers to "dispose of," but which "belongs" to her husband.¹⁸⁰ The men, altogether more comfortable in dealing with problems to be resolved, and women who want to conform, assume responsibility for ensuring a happy ending. Bulstrode advises Mellish that he and Aurora must obtain a special license from Doctors' Commons so that

¹⁷⁵ *Id.* at 142; see also PYKETT *supra* note 19, at 88 (as do, in the end, so many heroines of sensation novels); CHASE & LEVENSON, *supra* note 1, at 211-12.

¹⁷⁶ BRADDON, *supra* note 68, at 352-55.

¹⁷⁷ *Id.* at 118.

¹⁷⁸ *Id.* at 345.

¹⁷⁹ *Id.* at 360.

¹⁸⁰ *Id.* at 362.

they can immediately marry, "for the second time."¹⁸¹ This they do, for reason of necessity in an "out-of-the-way church in the City."¹⁸²

In the final scene, "we leave Aurora, a little changed, a shade less defiantly bright, perhaps, but unspeakably beautiful and tender, bending over the cradle of her first-born."¹⁸³ This may be read ironically to give the sense that Aurora's final redemption is not just a matter for conformity, but of subjugation.¹⁸⁴ Aurora has been changed; she will assume the life of the respectable married woman enjoying a marriage founded on a relation of mutual love and respect, "happy in the calm security of her home."¹⁸⁵ Aurora Floyd will be fine; after all, as the narrator noted at the start, she has inherited a "taint of the play-acting."¹⁸⁶

Women have done this

In *Autobiography*, Anthony Trollope famously identified "a great division," between "sensational novels" and "anti-sensational novels," the latter passing into critical memory as realist or "domestic." It was, Trollope observed, a distinction essentially created by critics. A "good novel should be both."¹⁸⁷

¹⁸¹ *Id.* at 374 (For once, Braddon here appears in error. Doctors' Commons, the college of ecclesiastical lawyers in St. Paul's churchyard, had been dissolved in 1857.).

¹⁸² BRADDON, *supra* note 68, at 359.

¹⁸³ *Id.* at 459.

¹⁸⁴ See SCHROEDER & SCHROEDER, *supra* note 2, at 101-05; see also Jeni Curtis, *The Espaliered Girl: Pruning the Docile Body in Aurora Floyd*, in BEYOND SENSATION, *supra* note 38, at 77, 78 (referring to this as "another kind of violence," the "reshaping of the temptress Aurora into a Madonna figure").

¹⁸⁵ BRADDON, *supra* note 68, at 142.

¹⁸⁶ *Id.* at 20.

¹⁸⁷ TROLLOPE, *supra* note 6, at 140 (The distinction was not of course solely Trollope's).

Recent critics have tended to agree.¹⁸⁸ Indeed, it has become fashionable to suggest that novels such as *Aurora Floyd* belong to a genre that can be more closely defined as “domestic sensationalism.”¹⁸⁹ Even so, it is fair to say that, with the possible exception of *Lady Audley's Secret*, the sensation novel remains in the shadows of nineteenth century literary criticism, only very recently aspiring to some greater measure of critical respectability.¹⁹⁰

The sensation novel did what Dickens famously declared that all good “domestic” novels should do, when he wished for “a good spirit who would take the house tops off, with a more potent and benignant hand,” so that readers could better reflect upon what might be happening within.¹⁹¹ Braddon shared this sentiment:

But it is good sometimes to see the ‘night-side’ of things—to have laid bare our social scourges both of the moral and material kind, in order that we may with one heart and mind unite in striving to rectify those evils which madden peoples and hurry nations to premature decay.¹⁹²

¹⁸⁸ See Brantlinger, *supra* note 8, at 1 (suggesting that the sensation novel incorporated much that was familiar in contemporary “domestic realism”); *id.* at 9 (stressing the particular affinities between sensation and late Gothic novels); see also Mark Knight, *Figuring Out the Fascination: Recent Trends in Criticism on Victorian Sensation and Crime Fiction*, 37 VICTORIAN LITERATURE & CULTURE 323, 323 (2009) (making the same argument).

¹⁸⁹ See Maunder, *supra* note 13, at 7.

¹⁹⁰ See Brantlinger, *supra* note 8, at 1; Maunder, *supra* note 13, at 2–3 (stressing the determination of early twentieth century critics to ensure that the sensation novel remained marginalised); Knight, *supra* note 188, at 323 (arguing that the “sensation” novel has finally attained a greater degree of critical respectability).

¹⁹¹ See CHARLES DICKENS, *DOMBEY AND SON* 702 (Penguin Books 2002) (1848); see also Tatum, *supra* note 131, at 505–06 (commenting on this aspiration in sensation novels).

¹⁹² Phcley, *supra* note 13, at 163.

Readers of Braddon's novels encountered presentiments of just such evil and decay in the homes of women like Aurora Floyd, filled with frustrated sexuality, crime and the harbouring of secrets, families riddled with suspicion and mistrust, where men and women desperately tore away at veils of mutual dissimulation, sometimes imaginary, more often not.¹⁹³ Blackmail, a common affliction of Braddon's heroines, is of course the classic crime of secrecy, and the "exposure of secrecy," as Elaine Showalter rightly affirms, is the defining characteristic of the sensation novel.¹⁹⁴ This was Braddon's greatest crime, to invite her readers to peer inside the homes of her variously dysfunctional families and uncover their darker secrets.

The repercussions of the offence have lingered. Writing in 1901, Arnold Bennett praised a writer who had "woven herself" into being "part of England," so much so that "without her it would be different."¹⁹⁵ A few years later Arthur Quiller-Couch suggested that Braddon's novels would "be studied someday as respectfully as people now study the more sensational Elizabethans."¹⁹⁶ The prediction was too bold. For much of the last century Braddon, like the genre with which she was so readily identified, has remained at the margins of nineteenth century literary criticism.¹⁹⁷ Even within the sensation genre, much Braddon criticism has tended to bemoan the relative

¹⁹³ See PYKETT, *supra* note 19, at 111; TRODD, *supra* note 75, at 1 (suggesting that the sensation novel, more than perhaps any other genre, concentrated on the "uneasy relations between respectability, privacy and surveillance" in the Victorian home).

¹⁹⁴ Elaine Showalter, *Family Secrets and Domestic Subversion: Rebellion in the Novels of the 1860s*, in: *THE VICTORIAN FAMILY: STRUCTURE AND STRESSES* 101, 104 (Anthony S. Wohl ed., 1978).

¹⁹⁵ WOLFF, *supra* note 11, at 2 (Bennett went so far as to suggest that her reputation, nationally and internationally, exceeded that of Hardy, Ibsen or Kipling).

¹⁹⁶ CARNELL, *supra* note 11, at 1.

¹⁹⁷ WOLFF, *supra* note 11, at 3; see also *id.* at 15 (noting that Braddon's novels barely raise a critical "flicker" a century on even amongst Victorian specialists).

neglect of its subject.¹⁹⁸ In recent years, however, Braddon has attracted greater critical attention, as a chronicler, perhaps even a catalyst, of an "insurgent femininity."¹⁹⁹ According to Lyn Pykett, women's writing of the 1860s was revolutionary in that it was "marked by the writers' specific experiences as women, and by the ways in which their biological femaleness is structured and mediated by socio-cultural concepts of femininity."²⁰⁰ Braddon wrote about bigamy because in so doing she touched upon the particular experiences and frustrations of her target audience.²⁰¹ Cases such as those of Theresa Longworth helped to fashion this audience, allowing Braddon to exploit latent feelings of empathy in her readers.²⁰² Here the sensation novel in general and Braddon's novels in particular represent an exemplar of the "improper" literary feminine, the "domestic ideal's

¹⁹⁸ CARNELL, *supra* note 11, at 177 (in comparison with say Wilkie Collins or, to the extent to which he might be termed a sensationalist, Charles Dickens. The case for Dickens as a sensation novelist tends to move around elements written into *OLIVER TWIST*, which might be said to owe as much to the genre of Newgate novels, as well as *GREAT EXPECTATIONS* and possibly *BLEAK HOUSE*. In an essay published in Braddon's *Belgravia*, Sala opined that Dickens "is perhaps the most thoroughly, and has been from the outset of his career the most persistently, 'sensational' writer of this age," something which other critics had somehow "failed to discover."); *see also* HUGHES, *supra* note 9, at 15–17, 166–67 (commenting on the "sensational" in Dickens); *see also* WOLFF, *supra* note 11, 153–54, 250 (Dickens was something of an admirer of Braddon, as were of course, the likes of Reade, Thackeray and, a little later, Henry James, who praised the "shrewd observation" evident in her novels, and indeed the author, as someone "affectionate, talented, and utterly unassuming"); *id.* at 9 (Robert Louis Stevenson was another admirer, confessing that he wished "my days to be bound each to each by Miss Braddon's novels"); *see also* Maunder, *supra* note 13, at 1 (others, such as George Eliot, likened Braddon's novels to a "heap of trash").

¹⁹⁹ SCHIPPER, *supra* note 62, at 7; *see also* Maunder, *supra* note 13, at 3–4, 11–18 (voicing similar sentiments); MARLENE TROMP, *THE PRIVATE ROD: MARITAL VIOLENCE, SENSATION, AND THE LAW IN VICTORIAN BRITAIN* 4–12 (2002); *see also* CVETKOVICH, *supra* note 36, at 6–7, 13, 38–44 (wondering if the "affective" presentation of the female protagonist in a number of sensation novels is both transgressive and regressive).

²⁰⁰ PYKETT, *supra* note 19, at 5.

²⁰¹ *See* Brantlinger, *supra* note 8, at 11–12.

²⁰² *See* Mary Hartmann, *Crime and the Respectable Woman: Toward a Pattern of Middle-Class Female Criminality in Nineteenth Century France and England*, 2 FEMINIST STUD. 38, 44–45 (1974).

dangerous other," and it is for this precise reason, Pykett suggests, that the genre has remained neglected, still dismissed as a species of "low art."²⁰³ The "narrative trajectory" in Braddon's sensation novels, she affirms, is invariably "directed towards the proper feminisation of the heroine."²⁰⁴

There is a resonance here with Nancy Armstrong's broader observation that the mid-Victorian novel acted as an empowering "agent" of nineteenth century feminisation, as well as Kate Flint's related supposition that such literature shaped particular "communities" of women readers.²⁰⁵ As to the more particular community of sensation novel readers, as Showalter argues, the very popularity of the genre suggests that many women "readers recognised themselves in the outspoken heroines."²⁰⁶ More recently, Marlene Tromp has argued that the sensation novel should be read as an alternative species of realism, one which was peculiarly suited to articulating the violence experienced by women in the Victorian home.²⁰⁷ Jan Davis Schipper has taken a similar view, suggesting that in Braddon's presentation of men struggling to construct images of femininity, Braddon insinuates not just the inherent misogyny of cultural practice, but also its failings.²⁰⁸ The same, of course, can be said of the law with which men inclined to embed their misogyny. Braddon's bigamy novels, it can be argued, were to be read as critiques of this jurisprudential prejudice, uncovering the necessarily hazardous and fragile reality of an institution that sought to regulate relations between men and women. In this context, the idea that Braddon was also inclining her readers to

²⁰³ PYKETT, *supra* note 19, at 24, 199–202.

²⁰⁴ *Id.* at 85.

²⁰⁵ NANCY ARMSTRONG, *DESIRE AND DOMESTIC FICTION: A POLITICAL HISTORY OF THE NOVEL* 42–48 (1987); FLINT, *supra* note 3, at 43, 190, 286–87 (suggesting that *AURORA FLOYD* can be read as a particularly good example of a novel which was intended to fashion a particular "community" of female readers).

²⁰⁶ SHOWALTER, *supra* note 18, at 160–61, 175.

²⁰⁷ TROMP, *supra* note 199, at 14.

²⁰⁸ SCHIPPER, *supra* note 62, at 2–3.

contemplate the virtues of “companionate” as opposed to patriarchal models of marriage is persuasive.²⁰⁹

Of course, the idea that the novel represented a peculiarly vital medium with which to raise the “muted feminine voice” was appreciated by a number of Braddon’s contemporaries.²¹⁰ Writing in 1862, Robert Buchanan observed that “[t]he birth of the novel has given speech to many ladies who must otherwise have been silent.”²¹¹ A year later, the *Christian Remembrancer* ruminated on the possible effect of literature which “considers any close fidelity to nature a slavish subservience injurious to effect, and willingly and designedly draws a picture of life which shall make reality insipid and the routine of ordinary existence intolerable to the imagination.”²¹² Novels about sex and crime necessarily challenged the increasingly fragile defences of the Englishman’s castle, and in writing this threat, Braddon had few peers. Importing the threat in the presentation of attractive and intelligent female criminals carried an added charge, particularly when designed to evince the sympathy of a female readership.²¹³ The real crime of novels such as *Aurora Floyd* was not just the depiction of murder or blackmail or even bigamy or adultery. It was the insinuation that their heroines were driven to criminality because the institution of marriage so often causes pain, and the law of marriage is unable, and unwilling, to provide relief. Braddon was not, of course, the first to cast this aspersion. Her mentor Bulwer Lytton had suggested that there was a “household epidemic” of criminal wives in his 1846 novel *Lucretia*.²¹⁴ But cases like that of *Aurora Floyd* seemed to realise the prophecy. As the disapproving Rae observed:

²⁰⁹ SCHROEDER & SCHROEDER, *supra* note 2, at 20–21 (suggesting this idea).

²¹⁰ PYKETT, *supra* note 19, at 206.

²¹¹ Patrick Buchanan, *Society’s Looking-Glass*, 6 TEMP. BAR 129, 135 (1862).

²¹² Art. VII, *supra* note 9, at 209–10.

²¹³ See TRODD, *supra* note 75, at 9 (arguing that the “sensation novel promoted the idea of a special relationship between crime and femininity”).

²¹⁴ *Id.* at 97.

There is nothing more violently opposed to our moral sense, in all the contradictions to custom which they present us, than the utter unrestraint in which heroines of this order are allowed to expiate and develop their impulsive, stormy, passionate characters. We believe it is one chief among their many dangers to youthful readers.²¹⁵

It seemed that Braddon's "women are born to attempt to commit murders, and to succeed in committing bigamy."²¹⁶ Oliphant put the problem succinctly. Rather than reading about all the "charming girls" found in Trollope, young Victorian women were entranced by all "the Aurora Floyds."²¹⁷ And no good could be expected to come of it.

As already noted, contemporary reviewers were certainly sensitive to the particular implications of a genre in which women, as writers and readers, and of course as protagonists, were peculiarly conspicuous. Commenting on the publication of another sensation novel, Florence Marryat's *Women Against Women*, written in 1866, another reviewer remarked:

It is curious that the most questionable novels of the day should be written by women. To judge from their books, the ideas of women on points of morals and ethics seem in a state of transition, and consequently, in confusion.²¹⁸

The suggestion that women writers were confused, and not just confused but also ignorant, was commonly articulated. They could not, as W.R. Greg confirmed in his 1859 essay *The False Morality of Lady Novelists*, be otherwise, as their "experience of

²¹⁵ Fraser Rac, *Our Female Sensation Novelists*, 78 LIVING AGE 153, 153 (1863).

²¹⁶ Rac, *supra* note 4, at 202-04.

²¹⁷ Margaret Oliphant, *Novels*, 102 BLACKWOODS 260 (September 1867).

²¹⁸ CARNELL, *supra* note 11, at 152.

life is seldom wide and never deep" and "superficial."²¹⁹ "No man would have dared to write and publish such books as these are: no man could have written such delineations of female passion," the Reverend Paget declared two years later:

No! They are women, who by their writings have been doing the work of the enemy of souls, glossing over vice, making profligacy attractive, dealing with licentious minuteness the workings of unbridled passions, encouraging vanity, extravagance, wilfulness, selfishness in their worse forms . . . Women have done this, have thus abused their power and prostituted their gifts, who might have been bright and shining lights in their generation.²²⁰

Paget sensed a conspiracy and he was not alone. Charles Reade opined that circulating libraries would now "only take in ladies novels," for "these are their gods."²²¹ It was, as Dallas confirmed, "the age of the lady novelists."²²²

Again, the idea that fiction played a vital role in the nurturing of the emergent female consciousness in nineteenth century England has become commonplace. Regardless of their many other differences, there is at least this undeniable affinity between the sensation novel, the domestic novel, and the late Gothic romances of such as Charlotte or Anne Brontë: each was intended to be read and discussed by women. Braddon was certainly conscious of the capacity of print to help fashion such a consciousness; the editorial policy of her *Belgravia* magazine

²¹⁹ William Greg, *False Morality of Lady Novelists*, 15 NAT'L REV. 144, 149 (1859); see also PYKETT, *supra* note 19, at 26 (quoting an essay in *Fraser's* in 1860 in which it was likewise argued that women's literary facility was necessarily limited by the fact that they "can describe, or rather transcribe with success only those scenes and characters which come under their observation").

²²⁰ PAGET, *supra* note 11, at 305.

²²¹ CARNELL, *supra* note 11, at 169.

²²² *Lady Audley's Secret*, THE TIMES 4 (1862) (book review).

moved around precisely this aspiration.²²³ In this, moreover, she saw herself as writing within a distinctively confessional tradition that, like so many of her contemporaries, she traced back to the publication of *Jane Eyre*.²²⁴ There is certainly an echo of the young Jane in Braddon's later reflection, "[w]hat does surprise me is that every girl who is well educated and endowed with imagination does not long to express herself with her pen."²²⁵

In this context, there is a further, necessarily personal, irony to be considered in any critical reading of *Aurora Floyd*. There is no surprise in Braddon being familiar with bigamy. She read newspapers. She even played bigamists and wronged wives during her earlier years as an aspiring actress.²²⁶ But perhaps most importantly, she was also a kind of bigamist herself. The author who had made bigamy such a "fashionable crime" was "the wife of a man, who had got a wife and children."²²⁷ In much the same way as Theresa Longworth moved in with the Major only to then find out that he was already married, Braddon moved in with the publisher John Maxwell only to discover a couple of months later that he already had a wife

²²³ See Phegley, *supra* note 13, at 153.

²²⁴ See WOLFF, *supra* note 11, at 202 (According to Braddon, Charlotte Brontë was the "only *genius* the weaker sex can point to in literature." The inspiration was inevitably decried by Braddon's fiercest and most consistent critic, Margaret Oliphant. Novels such as *LADY AUDLEY'S SECRET* and *AURORA FLOYD*, Oliphant advised, were precisely the sort of thing that disciples of *JANE EYRE* were all too given to producing.); *id.* at 234 (Braddon's praise of Brontë); CARNELL, *supra* note 11, at 90.

²²⁵ CARNELL, *supra* note 11, at 87.

²²⁶ *Id.* at 15–75 (detailing Braddon's early theatrical experiences).

²²⁷ WOLFF, *supra* note 11, at 80 (quoting a private diary entry on 1874).

consigned to an asylum on the outskirts of Dublin.²²⁸ Braddon, however, did not seek recourse to the law. She settled instead for “some form of marriage” ceremony.²²⁹ For the following decade, like Aurora, she played the role of wife, forever conscious that her precarious “secret” might be uncovered at any time.²³⁰ The craving for respectability proved to be more a bane than a virtue. When Maxwell placed a notice in the press announcing that “Miss Braddon, the novelist, was recently married to Mr. Maxwell, the publisher,” instead of dampening speculation, it merely prompted Mrs. Maxwell’s brother to place a contradictory notice accusing Braddon of being nothing more than a live-in mistress.²³¹ When Mrs. Maxwell died in 1874, the same brother had ostentatious obituary notices published; one of which prompted the London correspondent of the *New York Times* to inform his readers that “[a] curious incident and, I may almost say, characteristic incident has happened to Miss Braddon, the novelist. Having, like so many of her heroines, committed a species of bigamy, she has at last been found out.”²³² Braddon and Maxwell finally married in October 1874; their impulse to conform, like that of John and Aurora Mellish, was satiated quietly and out of public sight.

²²⁸ CARNELL, *supra* note 11, at 114–20 (Maxwell, of Irish origins, bought and sold a multitude of magazines during the 1860s and 1870s, including ROBIN GOODFELLOW, in which the early instalments of LADY AUDLEY appeared, the HALFPENNY JOURNAL and the later BELGRAVIA, of which Braddon would become editor. Reade termed him Braddon’s “task-master.” A former maid confirmed that Braddon was quickly appraised of the fact that Maxwell was already married. When challenged in later years about his first wife, Maxwell would stolidly reply that she was not dead, but “defunct.”).

²²⁹ FROST, *supra* note 88, at 83–84, 118, 225–26 (confirming such “marriages” were not at all uncommon, particularly amongst the middle-classes emphasising the extent to which parties were keen to appear to conform as much as possible to the contemporary expectations of “respectability”).

²³⁰ See WOLFF, *supra* note 11, at 107 (For this reason, as she confided to her old friend Bulwer Lytton, she could only occasionally sign herself, in private correspondence, as Mary Maxwell. Such a signature on any formal documents would necessarily render them void in law. It was for this reason that she continued to publish as Mary Braddon.).

²³¹ *Id.* at 104–05.

²³² CARNELL, *supra* note 11, at 182.

There is a ready danger in surmising the presence of the author in any novel, whether or not the novel purports to be confessional or autobiographical. This is as true of a Braddon novel as it is of *Jane Eyre* or George Eliot's *Middlemarch*. Augustus Sala, a good friend, enjoyed teasing "Miss Aurora" Braddon in private correspondence.²³³ Such correspondence lends further support, albeit fragmentary, to the sense that Braddon was innately conservative in her personal and political tastes. Later in life, she was happy to have herself regarded as an "old Tory" by "birth and instinct," and expressed some misgivings as the politics of "agitators and syndicalists."²³⁴ For the suffrage movement, however, Braddon appeared to share a certain quiet admiration, a suspicion enhanced by allusive comments made in her brief memoir *The Woman I Remember*, written at the very end of her life.²³⁵ Here, reflecting on the Mary Elizabeth Braddon of 1859, sitting down to write her first novels, she recalled a "very shy" girl, a "vigorous chicken in a shell of thick glass . . . seeing a wonderful world outside and hopeless of getting at it," who "could go nowhere, see no one, spend nothing, read nothing, think of nothing." That Mary Elizabeth Braddon, she concluded, was "[h]emmed round with conventionalities, stifled with respectability." Half a century on, women "have everything now." They can "ride in a man's saddle across the desert of the Gobi." They can even "take degrees in mathematics." They have "Schools, University, cricket, freedom of speech, freedom of opinion." They "can be Socialists, Deists, Buddhists, Theosophists, Bernard Shawists, just whatever they

²³³ WOLFF, *supra* note 11, at 116, 317 (Both were of course renowned reviewers as well as being particularly close personal friends, invariably amongst the first out of the trenches to defend Braddon in print against her harshest critics).

²³⁴ *Id.* at 265–66, 323–24 (Braddon was a regular church-goer and loyal member of the Church of England, what Wolff terms a "sensible, no-fuss-about-it, Church of England Christian." "I love," she once observed, "old things, old habits, old houses, old customs, old trees, old halls, old costumes.").

²³⁵ *Id.* at 266, 379 (quoting a private diary entry of January 1912 in which she commented on suffragettes "marching through Richmond 'as to war'." She admired the hymn. Braddon repeatedly presented sympathetic portrayals of Wesleyan and derivative Christian Socialist philanthropic principles in novels of the 1900s, most obviously *THE INFIDELS*, *THE WHITE HOUSE*, AND *THE CONFLICT*).

like." "The world," she concluded, "is theirs in a century that ought to be called the Golden Age of Womanhood."²³⁶

To the extent to which a Golden Age was to follow, its shaping owed much to the liberating quality of literature. Half a century earlier, in an age when feminism was only nascent, when women such as Caroline Norton and Barbara Leigh Smith had only begun to argue the case for a process of legal reform which would take many decades to realise, emancipation was imaginary and imagined. If to be married was indeed to be "condemned to prison for life," as Caroline Norton alleged, if the institutions itself represented a species of "slavery," as John Stuart Mill equally notoriously claimed, it is hardly surprising if fantasies of escape should be popular amongst those imprisoned and enslaved.²³⁷ And just as unsurprising perhaps that stories of bigamy, so fashionable and fantastical and yet so oddly unthreatening, were so especially popular. The women who read Braddon's novels were not free, not nearly. But in the practice of reading they might imagine the possibility.

²³⁶ *Id.* at 379–80.

²³⁷ See MARY SHANLEY, *FEMINISM, MARRIAGE AND THE LAW* 9, 64–65 (1989).