THE LEGAL REPRESENTATION OF WOMEN

IN WILLIAM WILKIE COLLINS' FICTION

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ABSTRACT

THE LEGAL REPRESENTATION OF WOMEN
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This study analyzes William Wilkie Collins' *The Woman in White* (1860), *No Name* (1862), *The Moonstone* (1868), *Man and Wife* (1870), and *The Evil Genius* (1885) in terms of the representation of women in front of British law. The study suggests that in these novels of Wilkie Collins, the female protagonists and other characters find themselves in a serious struggle against legal and social injustices in Victorian society. Property rights and marriage and divorce laws together with custody rights are handled by Collins. By exploring how Collins' female characters deal with legal and social oppression and to what extent they can find solutions to it, this thesis argues that Collins' novels demonstrate a sensibility concerning legal issues realted to women. The dissertation also suggests that, in addition to being a popular writer of sensation fiction, Wilkie Collins was a novelist with a political agenda, and he made use of his fiction to expose existing legal problems, raise awareness and even bring about change and reform. Since this study aims to situate Collins' novels in a Victorian legal and social context, it first provides a survey of civil law and laws related to children in nineteenth-century Britain. This is accompanied by a discussion of unfair legal practices concerning women and attempts at legal reform supported by feminist activists

of the time. The study then proceeds to an analysis of Collins' novels, and demonstrates the ways Collins makes a sharp, socially and legally aware criticism of civil injustices concerning women.

Key Words: Wilkie Collins, Female Characters, Legal Reforms, British Law, Marriage Law, Property Law.

ÖZ

WILLIAM WILKIE COLLINS ROMANINDA
KADINLARIN YASAL TEMSİLİ

Pirinçci, Yıldız Sinem
Doktora Tezi, İngiliz Edebiyatı
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Bu çalışmada William Wilkie Collins'in *The Woman in White* (1860), *No Name* (1862), *The Moonstone* (1868), *Man and Wife* (1870), ve *The Evil Genius* (1885) romanlarında kadının İngiliz hukukundaki temsili ele alınmaktadır. Çalışma, Wilkie Collins'in bu romanlarında yer alan kadın baş karakterlerin ve diğer kadın karakterlerin Viktorya dönemi toplumunda yasal ve sosyal adaletsizliklerle ciddi bir biçimde mücadele içinde olduklarını öne sürmektedir. Collins, bu kadın karakterleri genel anlamda yasal haklarını arayan güçlü ve aktif kadınlar olarak resmetmiştir. Mülkiyet hakkı ve kişisel mülkiyete ek olarak evlilik ve boşanma yasaları, koruma yasaları da Collins tarafından Viktorya dönemi bağlamında ele alınmaktadır. Kadın karakterlerin maruz kaldığı sosyal ve yasal eşitsizlikler ve bunlarla ne ölçüde başa çıkabildiklerini inceleyen bu tez, Collins'in romanlarının kadınların yasal haklarına büyük bir hassasiyetle yaklaştığını göstermektedir. Bu tez aynı zamanda, Collins'in sansasyonel roman türünde popüler bir yazar olmasının yanı sıra politik gündemi de olan bir yazar olduğunu ve kurgusunu, var olan yasal sorunları ortaya çıkarmak, farkındalık yaratmak ve hatta değişim ve reform yapmak için de kullandığını öne sürmektedir. Bu çalışma, Collins'in

romanlarını Viktorya dönemindeki yasal ve sosyal bağlamda ele almayı amaçladığından, ilk olarak on dokuzuncu yüzyıl İngilteresindeki medeni kanun ve çocuklara dair kanunlar araştırılmaktadır. Bu araştırmayı, kadınlara yönelik adaletsiz yasal uygulamalar ve o dönemde feminist aktivistlerin yasalarda reform yapılmasına yönelik çabaları yönündeki incelemeler takip etmektedir. Daha sonra ise, Collins'in romanları analiz edilmiş ve Collins'in kadınlara yönelik yasal adaletsizliği keskin, bir tavırla ve yüksek bir farkındalıkla nasıl eleştirdiği gösterilmektedir.

Anahtar Kelimeler: Wilkie Collins, Kadın Karakterler, Yasal Reformlar, İngiliz Hukuku, Evlilik Hukuku, Mülkiyet Hukuku.

To my family

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CHAPTER 1

INTRODUCTION

The aim of this study is to analyze William Wilkie Collins' *The Woman in White* (1860), *No Name* (1862), *The Moonstone* (1868), *Man and Wife* (1870), and *The Evil Genius* (1885) in terms of the representation of women in front of British law by exploring the social and legal injustices these characters are exposed to. This study makes use of both feminist and legal approaches to the woman question in the Victorian Period to analyze the predicament of the female protagonists and the legal struggle they find themselves in.

The thesis argues that in these novels of Wilkie Collins, the female protagonists and other female characters find themselves in a struggle in relation to legal and social injustices in Victorian society. These female characters are portrayed as "powerful", "self-sufficient", and "intelligent" women. Without being involved in criminal events or prostitution, they try to preserve their power and legal rights. Moreover, as a legal reformer, Collins pictured these women as active characters in search of their legal rights against existing Victorian legal and social injustices. Not only property rights and the issues of personal property but also marriage and divorce laws together with custody rights were explored by Collins within the Victorian context. This thesis will look at how the female characters in the novels analyzed here deal with the legal inequalities they encounter and to what extent they can find a solution to these. In doing all this, the study will argue that, as a prolific and popular novelist, Wilkie Collins had a highly developed sensibility and political agenda concerning the problematic nature of British law on civil issues related to women and that he intentionally made use of his fiction, which was meant to reach a wide readership, to expose the existing problems, raise awareness, and even to bring about change and reform in the long run.

In order to analyze Wilkie Collins' *The Woman in White* (1860), *No Name* (1862), *The Moonstone* (1868), *Man and Wife* (1870), and *The Evil Genius* (1885) in terms of the representation of the legal condition of women, this study will resort to feminist thinking on the issue, focusing on British laws and legislation related to women during the Victorian Era. The theoretical and critical works by male and female thinkers on the topic, pamphlets by politicians and male and female activists that deal with issues of feminism, marriage, divorce, custody, property and other legal reforms will be looked at in this context starting with Mary Wollstonecraft's *A Vindication of the Rights of Women* (1792), which called for a revolution in women's rights in order to change the prevailing opinion of woman as innately subordinate to man. In addition to Wollstonecraft, some other activists of the time, such as Caroline Norton and Barbara Bodichon will be looked at. Mary Lyndon Shanley, Mary Poovey, Maeve Doggett and Lee Holcombe, modern scholars who have analyzed marriage and divorce laws in nineteenth century Victorian society, will also be a part of the historical and conceptual framework of this study. As Shanley recognizes, "feminists changed the whole rationale for legal reform" despite the Parliament's unwillingness to widen women's rights (qtd. in Jordan 508). Collins' novels, then, will be analyzed within their respective social and cultural contexts to see in what ways they reflect the existing problems and make a call for change.

Wilkie Collins studied law at Lincoln's Inn during 1846. His father William Collins wanted a stable profession and income for him, but his interest in writing prevailed. After his father's death in 1847, his first book *Memoirs of the Life of William Collins* was published. Although he did not practice law in the courts of Britain, he made extensive use of his legal training in writing his fiction. Collins was famous for his sensibility about the rights of women as a lawyer himself. Collins' knowledge of the law provided him with keen observational skills concerning the rights of women and the ability to create complicated plot structures. Mainly, he made use of his legal training and knowledge in his literary works. Some of his works are even structured like a trial where he used

multiple narrators telling the events from their own perspectives as if they were witnesses of an important trial. As Graham Law suggests, “Collins added a strikingly original use of multiple narration, refusing the ‘hearsay evidence’ of a third party and instead stipulating that the text be inscribed by “more than one pen, as the story of an offence against the laws is told in court by more than one witness” (Law 100). He was “the master builder of intricately contrived plots” (Booth 140). In addition to this, thanks to his law training, he wrote his works with the desire to bring certain reforms to the existing British law in which loopholes and injustices against women were present. As Nayder asserts, “Collins demonstrates that women lose their property rights and their legitimacy when they marry, and undergo a type of civic death” (Nayder 286). It can be argued that Collins aimed to raise his readers’ awareness about existing legal injustices through his works. In such a context, he deconstructs the happy marriage plot that foregrounds “the angel in the house”. Instead, he portrays “ambitious” and “intelligent” woman characters who are able to challenge the conservative image of the Victorian woman giving in to all sorts of injustice.

From this perspective, it can be said that Collins is a writer with a political agenda. In his letters and essays, Collins sometimes states his political mission. For example, in one of his letters to his fellow law student, Edward Pigott, Collins explains his views on journalism and law. He demands a new heading and arrangement where there should be a section related to law. He says,

> *I should like to see Law, made another division, and more attended to in the Leader. Abstracts of the results of the week's "cases", both civil and criminal, are wanted- They might be the merest abstracts, and still be of use. Important cases might have a pretty stout paragraph now and then accorded to them - And legal anomalies and corruptions might be thoroughly [lashed] from time to time, in leading articles - Legal abuse is a subject on which even your mild Protestant "Church and State" man, can feel and talk furiously. King Public would go with us with all his soul, quote us, praise us, learn us by heart, on such a subject as Law Reform, I find no articles in the Times and the Examiner so highly praised by all parties, and so constantly reproduced second hand in conversation, as the Law Articles. Let us then, from time to time as opportunity offers, politely d-m Magistrates, and spit in the face of Juries. A birch-rod for the backside of old Mother "Justice", is a weapon for which people are*

beginning to feel a household sympathy. Lay it on, Mr Editor! Lay it on thick! (Collins, The Letters 79 – 80)

As suggested in his letter, Collins demands a different and new technique even in a journal. He wants to expose the legal anomalies in a way that is different from the *Times* and the *Examiner.* In this sense, he offers a kind of legal criticism. The sensitivity of Collins towards unjust laws and situations can also be observed in his novels –an issue which this dissertation aims to explore further.

As a popular and prolific novelist, William Wilkie Collins published more than twenty novels, numerous short stories, and letters in periodicals and magazines. From their first meeting in 1851 onwards, he became Charles Dickens' closest friend and they worked together on some of their stories, periodicals, and went together on vacation trips and in their famous theatricals. Charles Dickens gave Collins lessons in fiction: "He listened to Dickens, learned from Dickens, and attained the Victorian success that he desired" (Lonoff 157). He wrote for Dickens's periodicals as well. They also formed a more private attachment in that Dickens's daughter Kate married Collins's younger brother Charles. "When Collins began to write, Dickens and Thackeray were at the height of their success; Trollope, Mrs. Gaskell and Kingsley had been recently launched as novelists; George Eliot and Charles Reade were still to make their appearance" (Page 9). It can be said that Dickens was an influential figure who promoted Collins' career and personal life, and the social sensibility that Dickens demonstrates in his novels is also shared by Collins. Indeed, Collins may have taken it even a little further than Dickens by more openly employing his fiction as a tool for social and legal change and reform.

The 1860s were called "the decade of sensation", whose originator in literature is considered to be Wilkie Collins. From then on, "Victorian literature changed and that definitive moment came when a ghostly woman, dressed from head to foot in white garments, laid a cold, thin hand on the shoulder of a young man as he walked home late one evening. The incident takes place in the opening section of

The Woman in White" (Mangham 1). After him, Mary Elizabeth Braddon, Ellen Wood, and some other writers followed this style and this emerging genre came to be called "'sensation fiction'". This genre presented characters in sensational situations in order to appeal directly to the senses of the readers, who reacted psychologically with creeping flesh, shocked nerves, teeth on edge, elevated blood pressure, and even sexual arousal. Women were at the center and active rather than passive. "The secret activities of women – fantasized or feared by mid- Victorian novelists and their extensive readership – were seen as posing a potentially devastating threat to the middle- or upper-class home and hearth" (Hughes 263). As the originator of the genre, Collins attained a powerful ability to question fixed traditions and norms in radical ways. He carefully built up his female characters in difficult conditions such as unjust laws against women, Victorian patriarchy, violence, marriage and divorce. Collins's law degree also led to his deep interest in the legal issues of his time, and he reflected this interest in his novels. As this dissertation will argue, Collins put to use his own popularity as a sensation novelist in order to communicate significant messages about woman and law to his wide readership.

The Woman in White (1860) arguably offers Collins' most sophisticated critique of the legal status of married women, starting with the arrival of Walter Hartright who will give drawing lessons to Marian Halcombe and Laura Fairlie. Although Hartright and Fairlie fall in love with each other, Fairlie marries Sir Percival Glyde, who abuses her wealth. In order to access her property, he exploits his wife's physical resemblance to Anne Catherick, the woman in white who has been imprisoned in an asylum. Sir Percival Glyde switches these two women's identities. This is a significant novel that challenges the identification of law as a coherent text. *The Woman in White,* then, is a dramatic challenge to the established Victorian patriarchy representing corrupt male authority figures and strong female figures.

No Name (1862) is another novel by Collins which is about a headstrong woman, Magdalen Vanstone, who is left penniless after her father has passed away in a

train crash. Magdalen and her sister Norah have been born outside of marriage so they are illegitimate children and they have "no name". Thus, the whole estate of the family goes to their father's brother, Michael Vanstone, who deliberately refuses to share his brother's property with his nieces. Magdalen and her sister start to live with a governess in London but Magdalen's aim is to take back her father's property. The novel explores issues of identity and legitimacy, drawing attention to the unjust law due to the lack of a proper legitimacy act.

In *The Moonstone* (1868), on the other hand, Collins presents an exploration of society's treatment of a single woman concerning legal rights. In *The Moonstone*, Collins makes use of a standard feature of Victorian novel plotting, "the family legacy" in detective fiction (GoGwilt 60). This family legacy is the diamond of the novel's title. This diamond is inherited by Rachel Verinder on her eighteenth birthday, and it is lost all of a sudden. As a *feme sole* (single woman), Rachel is able to form her own opinions independently, and the house steward Gabriel Betteredge finds this self-sufficiency troubling. The family lawyer Mr. Bruff is also concerned about Rachel's self-reliance. The plot of the novel is "designed to disrupt all the proprieties – political, familial, sexual – of Victorian social order" (GoGwilt 62). Collins portrays Rachel as a *feme sole* but she is troubling for the household. Her independence and self-reliance disturb the people around her. Despite her legal freedom, she is deprived of her rights as though she were a *feme covert* (a married woman). However, most of the suspicion is cast on the owner of the moonstone, Rachel Verinder. "The genre particularly disturbed Victorian readers because of its location of mystery within the domestic sphere" (Milton 517). Not only the increasing anxiety about crime in the house but also Rachel as an independent and courageous Victorian woman disturbed the reader, too.

Collins has sometimes been called a "propaganda novelist", using his well-known novels for the sake of advertising social injustice (Booth 134). Although this is a remark that is made to criticize Collins' literary merit, it can also point to a significant aspect of the novelist, which this study aims to foreground: his

sense of political activism. One of his most remarkable novels demonstrating this aspect of Collins' work is *Man and Wife* (1870), which is an attack on Irish and Scottish divorce laws and has its source in *The Woman in White* since both novels deal with the issue of divorce. In the novel, a selfish man, John Vanborough, wants to annul his marriage in order to re-marry a wealthier woman since there are loopholes in the existing Irish marriage laws that will enable him to get rid of his wife without paying anything. The abandoned wife, Anne Silvester, starts to live with her old friend Blanche's husband, Sir Thomas Lundie and their two daughters Anne and Blanche. The main story starts after Vanborough, Anne Silvester, and Blanche are all dead twelve years later. Little Blanche and Anne are about to marry. Their marriages are also problematic due to the loopholes in the law. The novel focuses on Little Blanche and Anne. *Man and Wife* is a work with a clear message that draws attention to the need for further legal reforms with its complicated plot.

The Evil Genius (1885), on the other hand, is about Sydney Westerfield who is abandoned by her mother and adopted by her aunt. She has a traumatic childhood. When she grows up, she becomes a governess at Linley House but she has a love affair with the child's father Mr. Linley and leaves the house. Similarly, Mrs. Linley leaves her husband and hides for the sake of having her child's custody. At the center of the novel, there is a custody quarrel. The custody of the child belongs to Mr. Linley but he has committed adultery. Mrs. Linley and Mr. Linley have married under the law and again there are loopholes in the British law. Mrs. Linley is also exposed to the unjust laws of England although her husband has had an affair with the governess of their daughter. She suffers from Victorian prejudices as a divorced woman, too. Therefore, not only Sydney Westerfield but also Mrs. Linley are exposed to both social and legal injustice, which they try to overcome. The novels analyzed in this study have been chosen due to the portrayal of active and strong woman characters who fight against the unjust laws. Collins deals with the problems of female characters in these novels more than in his other novels.

Wilkie Collins has been studied widely within the context of the genre of the sensation novel, and *The Woman in White* is often considered the first sensation novel. Collins used sensational plots and motives and undermined the domestic Victorian scene in his novels. Collins' emphasis on the place of Victorian women beyond the private sphere and the underlying women's condition within a legal framework have been studied to some degree. In his book titled, *Wilkie Collins: Women, Property, and Propriety,* O'Neill brings forth the strong relation between the execution of property rights and the sense of propriety as a reproduction of the patriarchal understanding of reality, in which women were "both symptomatic of and supportive to bourgeois patriarchy" (O'Neill 5). This book studies some novels of Wilkie Collins and evaluates Victorian values, mores, and laws through the women characters of Collins. Similarly, in *The Cambridge Companion to Wilkie Collins* edited by Jenny Bourne Taylor, Carolyn Dever's article titled "The Marriage Plot and Its Alternatives" handles the issues of love and marriage which "rigorously challenge the privileged status of marital love in both Victorian culture and modern fiction, even as he resolves sensational plots driven by deception, disguise, doubling, secrecy and criminal manipulation into the familiar conclusion of loving wedded bliss" (Dever 112).

However, the relationship between British law and Wilkie Collins has been analyzed less frequently. Dougald B. Maceachen analyzes this relationship to a certain extent. In his article "Wilkie Collins and British Law" (1950), he touches upon the legal issues in some of his novels. Maceachen argues that in these novels Collins used his background in law. Not only his content but also his trial technique reflected his legal knowledge. However, his article is quite dated and is naturally lacking in a contemporary perspective regarding law and the legal issues of women. Nor does the article deal fully with the novels themselves. Maceachen covers *No Name* and *Man and Wife* by focusing on the issues of law but does not explore these or any other novels further. As for the dissertations written in Turkey, the relationship between Wilkie Collins and British law has so far not been looked at. Apart from "Into the Asylum: Minds Entrapped in *Great Expectations* and *The Woman in White*" (2011) by Asena Kaya and "Representation of Female Madness in *The Woman in White* and *Lady Audley's*

Secret" (2019) by Nuran Kır, no dissertations have been written on Wilkie Collins. This study, then, aims to make a worthwhile contribution to Collins scholarship in Turkey on the one hand, and on the other, hopes to pave the way for new perspectives in reading Collins' fiction by putting the primary emphasis on the legal, cultural and political dimensions of his work.

In his novels, Wilkie Collins situates violence against women's rights and the inequality between man and woman within the legal boundaries of the Victorian context in a realistic manner in order to draw the attention of the reader to these issues. In this sense, the Married Women's Property Bill (1856), the Divorce and Matrimonial Causes Act (1857), the Woman's Suffrage Amendment (1867), the Royal Commission of English, Irish, Scottish Marriage Laws (1868), the Married Woman's Property Act (1870), the Married Woman's Property Act 2 (1882), the Infant Custody Act (1886) will be explored together with the novels that are scrutinized here. However, not only the laws of the era but also the feminist movements and campaigns will be referred to since this thesis aims to analyze both the social and legal status of women and their reflections in Wilkie Collins' novels.

In the first chapter of this study, the legal background will be discussed by focusing on the Victorian Period and the woman question. Both the legal context including civil law, marriage, divorce, inheritance, property and child custody and the feminist movements of the era pioneered by activist women will be discussed. In the next chapter, the representation of women's legal condition in Wilkie Collins' *The Woman in White*, *No Name*, *The Moonstone*, *Man and Wife*, and *The Evil Genius* will be analyzed in terms of woman's struggle for legal rights against legal injustice in Victorian society. These novels will be discussed in terms of marriage and property laws. Then, Chapter 4 will focus on *No Name* and *The_Woman in White* in terms of legitimacy, and *The Evil Genius* in terms of

custody and marriage.[1] The concluding chapter will wrap up the discussion together with concluding remarks and make suggestions for further research.

[1] Since *The Evil Genius* deals widely with marriage, too, it could have been discussed under the previous chapter as well. However, the author has chosen to include it in this chapter since issues of custody often take precedence over other matters in the novel.

CHAPTER 2

LEGAL ISSUES AND REFORMS CONCERNING WOMEN IN THE VICTORIAN ERA

> *In whatever area women were concerned, they always had to overcome the conviction that a woman's place was in the home to enable them to speak out and campaign. (Montgomery 3)*

The Victorian Era was an age of expansion that brought England to its highest point of development as a world power between 1837 and 1901. The six decades of Victoria's reign provided many changes and developments. With the rise of steam power, printing press, the introduction of telegraph, intercontinental cable, photography, anesthetics, universal compulsory education, modern urban economy, trade, and manufacture, England became the first industrialized country that provided a leading position in the Western world, and London became the world's banker. "In the first half of the century, it is certainly true that as a nation Britain led the western world in the advance towards industrialization, and reaped the benefits in the national prosperity which ensued. Until at least the 1870s Britain was economically supreme" (Dennis 10).

Not only was the country being transformed by the Industrial Revolution, but the libertarian arguments that appeared in the aftermath of the French Revolution also came out and provided a radical basis for many changes in women's position during this time. French revolutionaries granted equal rights to minorities, suppressed serfdom, and other social minority groups. Women were denied their rights since the citizen was male and they had to rebel against the existing patriarchal ideology. "Although feminist ideas had circulated in the centuries before the revolution among the elite, 1789 gave birth to feminism as popular movements actively engaged in the political arena to win women's rights and change patriarchal society" (Melzer and Rabine 10). Women demanded full

participation in education, government, employment, judicial system, rights of inheritance, adoption, and divorce. They took an active role both as activists and writers. They asked, “why were universal human rights embodied in males alone?” (Beckstrand 23).

During that time in England, women had few rights especially if they were married. In the public realm, “the citizen was male” who engaged in the activities of political and civic self-government (Minow and Shanley 86). Therefore, women were second class citizens legally, politically, economically, and socially. They could not vote or hold office like working-class men. There was a profound inequality between genders. As Crawford asserts, “Parliament was a machine that had evolved to run a patriarchal society” (Crawford ix). Inspired by the French Revolution’s influence on “liberty, equality and fraternity”, Mary Wollstonecraft noticed that gender inequality was at the core of both France and Britain. Therefore, she initiated her own revolution, “a revolution in female manners”. She argued women should have the same civil and legal rights and access the same professions in business, law, medicine, education, and politics. She said, “Women are to be considered either as moral beings, or so weak that they must be entirely subjected to the superior faculties of men” (Wollstonecraft 47). In their introduction to A *Vindication of the Rights of Woman (1792)* Mellor and Chao argue, “if women are to be held morally and legally responsible, then they must have both a spiritual and mental capacity to distinguish between right and wrong. And if they have this rational faculty, then it must be developed and exercised to its greatest capacity” (Mellor and Chao 8). Wollstonecraft insisted that British women should hold the same civil and legal rights. Otherwise, women would be ‘slaves’ to their fathers and husbands. According to Wollstonecraft, “The woman who has only been taught to please will soon find that her charms are oblique sunbeams, and that they cannot have much effect on her husband’s heart when they are seen every day, when the summer is passed and gone” (Wollstonecraft 51). Being mothers or wives should not be the unique duties of a woman. “Connected with man as daughters, wives, and mothers, their moral character may be estimated by their manner of fulfilling

those simple duties, but the end, the grand end of their exertions should be to unfold their own faculties and acquire the dignity of conscious virtue" (Wollstonecraft 48). Especially proper education is the first step towards equal rights. "By setting the egalitarian family as the prototype of a genuine democracy, a family in which husband and wife not only regard each other as equals in intelligence, sensitivity, and power but also participate equally in childcare and decision making, Wollstonecraft introduced a truly revolutionary society" (Mellor and Chao 13). In this sense, the woman question was explored, and Mary Wollstonecraft challenged the rights of males and believed that "rational" women had the capacity for political leadership, too. She demanded political rights for women. She said, "One half of the human race excluded by the other from all participation of government was a political phenomenon that according to abstract principles, it was impossible to explain. Who made man the exclusive judge, if woman partake with him the gift of reason?" (Wollstonecraft vii – ix). For Wollstonecraft, "The rights of humanity have been confined to the male line from Adam downwards" (Wollstonecraft 194). She wanted the same civil and legal rights and argued that women should have access to the prestigious professions such as medicine, law, and politics. She said,

> *Let us examine this question. Rousseau declares that a woman should never, for a moment, feel herself independent, that she should be governed by fear to exercise her natural cunning, and made a coquettish slave in order to render her a more alluring object of desire, a sweeter companion to man, whenever he chooses to relax himself. Obedience is the grand lesson which ought to be impressed with unrelenting rigour.*
>
> *What nonsense! If women are by nature inferior to men, their virtues must be the same in quality. (Wollstonecraft 47)*

Woman's representative could be herself or another woman instead of a man. "More than any other eighteenth- or nineteenth-century feminist thinker, Wollstonecraft directly inspired the suffrage movements in both England and America" (Mellor and Chao 8).

Men could divorce on grounds of adultery but women had to prove men's cruelty, sodomy, and bestiality. In 1801, the first divorce was granted to Jane Campbell. It was the Addison/Campbell Divorce Act. Jane Campbell divorced from her husband on the grounds of adultery and she had the custody of her children. Their divorce case was a turning point. Also, Caroline Norton's case led to another important act, which was the Infant and Child Custody Act passed in 1839. Caroline Norton was followed by other activist women and they demanded property, custody, maintenance for married women. Many campaigns took place after Caroline Norton's attack on unjust laws in the 1830s. Norton was accused for more than twenty years. "Between 1855 and 1895, a concentrated and coordinated series of efforts to change the laws regulating the relationship between husband and wife replaced such individual efforts" (Shanley 17). The 1857 Act "set up one court in London to grant divorces which made it very difficult for the working classes to have access to it" (Montgomery 10). Therefore, the law was not satisfactory because it could not be reached by working class women.

In 1867, the first women's suffrage societies were founded in Manchester, London, and Edinburgh. In Manchester, a nineteenth-century suffrage activist, Lydia Becker founded the Society for the Promotion of Women's Suffrage. After Becker, John Stuart Mill published *The Subjection of Women* (1869), in which he provided a theoretical argument for the emancipation of women together with their political rights. He worked with Harriet Taylor, and both were interested in changing the laws and customs that restricted women's life socially and legally. "In 1866, as a member of Parliament, Mill introduced into the House of Commons the first suffrage petition, signed by 1.499 women; it sought to extend the franchise to all male and female householders. In 1867, he attempted to include a franchise for women in the Second Reform Act, which extended male suffrage, but his amendment was defeated" (Nelson 3). Women's suffrage was opposed many times. Many pamphlets and books were written in order to exclude women from political life for many reasons. First, it was assumed that the male sex had privilege as a divine right. Secondly, women's place should be

at home in order to preserve Victorian domestic values: "Some feared that enfranchising women might encourage them to leave their domestic sphere for a more public political life. Men also realized that, because women outnumbered men, women with the vote could pass laws that gave them the same rights as men, for example in cases such as divorce or inheritance" (Nelson 4). Thirdly, there was explosive growth in the textile industry, and lower-class women were employed in factory jobs which meant a kind of disruption of family life. "In cotton textile factories, the number of female laborers increased rapidly as employers relied more and more on cheaper female labor. In 1835, female employees made up 54 percent of the cotton industry workforce in the United Kingdom. By 1901, the proportion of female workers increased to 63 percent" (Murdoch 175). For this reason, women's factory work was perceived as a challenge to traditional ideas concerning woman's sphere. If women were encouraged, they would demand more rights. Therefore, "Petitions to Parliament advocating women's suffrage were introduced as early as the 1840s, but they did not become law until 1918" (Abrams 1902-1903).

Moving from women's general condition in the Victorian Era, the next section will delve further into the position of women concerning legal rights starting from marriage and divorce, and following this legitimacy and custody will be explored.

2.1. Marriage and Divorce

> *law*
>
> *1.a. The body of rules, whether proceeding from formal enactment or from custom, which a particular state or community recognizes as binding on its members or subjects … b. Often viewed, with more or less of personification, as an agent uttering or enforcing the rules of which it consists…*
>
> *-Oxford English Dictionary*

As Montgomery suggests, "A woman's legal position illustrates most clearly her role within society" (7). In the eighteenth and nineteenth centuries, women were

denied political rights, were expected to be a good wives and "a woman who broke the law was not simply committing a crime but was also violating society's expectations" (Montgomery 7). After marriage, a woman lost her rights as a single woman because a married woman could not sue, make a contract, or own any property. Also, all of her earnings, money, livestock, and personal possessions belonged to her husband. She could write a will but her husband could cancel it after her death. Moreover, she had no rights over her children and divorce was almost impossible for a woman. This existing system was called 'coverture' in England:

> *Coverture provided that a woman (whether married or not) had no legal capacity; she was subsumed under the legal identity of her husband or male relative and was thus civilly dead. This meant that once a woman married, control of her property, inheritance, custody of her children, and her earnings passed to her husband. Coverture ensured that a woman had no right to contract, to sue (or be sued) in her own name, or to own property. She lost claim to her name, assets, and even her children because her husband (or another man, including her brother or father) was the sole legal guardian of his offspring (and could choose to transfer custody to someone other than his wife if he so wished). (Kuersten 4)*

The legal restrictions of coverture designated a single or widowed woman as a "feme sole" and a married woman as a "feme covert", which meant her legal identity was covered by her husband. It was not only a symbol of protection but also obedience, too. "The patriarchal ideology that informed coverture, the belief that women were inferior to and had to be controlled by men, however, was masked by language suggesting that the law protected and benefited women" (Kalsem 22). It was thought that women enjoyed protection as a benefit under coverture. For example, the husband was responsible for the wife's debts or the civil wrongs that she committed. In this sense, "a woman exchanged her freedom for a life of protective cover" (Kalsem 22). The man had total control over any cash she brought to marriage or inherited. He could sell everything, even her clothes and personal jewelry without her permission. Also, a wife could not possess a gift because after unwrapping the gift, it became her husband's property again. If a husband sold his wife's lands without her permission, recovering them was possible only after his death. "Even a wife's traditional veto

power over the sale of land she brought to her marriage began to erode in the eighteenth century as courts, husbands, lawyers, and purchasers all assumed that a husband represented the best interests of his wife" (Griswold 9).

Coverture sustained marital inequality and made woman inferior. As Griswold suggests, "The law submerged a wife's legal identity in that of her husband's; therefore women could not sue or be sued, draft wills, make contracts, buy or sell property, manage their own wages, or supervise their own real estate. The law of coverture expressed women's secondary position in society and their subordinate place within marriage" (Griswold 9). In this sense, jurists cited this secondary position as a reason to deny a wife child custody, too, because a wife could not sue or be sued in her own name without his permission. Coverture confirmed the ultimate power of the husband and 'also functioned in the realm of politics by assuming that the husband alone expressed the family's interest' (Griswold 9). Mary Wollstonecraft, similarly saw, coverture as tantamount to slavery. She described the errors and evils of the society's present definition of the "female" as the subordinate helpmate of the male. Thus, she saw legal reforms as the key to women's emancipation.

Just as the conditions in marriage were highly unfair to women, getting a divorce was similarly almost impossible for a woman. As Mary Lyndon Shanley argues, "Social and economic pressures as well as the law made it very difficult for Victorian women to leave their husbands or to choose a single life in the first place" (Shanley 9). Therefore, Victorian feminists wanted to show that coverture and divorce laws violated a married woman's rights to freedom and equality by making her "one" with her husband. In 1855, Caroline Norton's struggle against her husband George Norton showed how the divorce law was unsatisfactory for women. Caroline Norton published her pamphlets condemning the English marriage and divorce laws. Especially, she "denounced the obliteration under the common law of a woman's legal personality upon marriage, which made it impossible for a wife to hold property in her own name. She also condemned a proposed divorce law that would have lent statutory sanction to the sexual

double standard by making it possible for husbands to divorce their wives, but not wives their husbands" (Shanley 22). Her pamphlets were very influential at that time. Before 1857, there were only four petitions for divorce made by women and three of them achieved divorce. The only legal reason for divorce was adultery. However, divorce was too expensive. Only wealthy males could have this right in practice. Therefore, divorce was still difficult and expensive for a wife. "If an Ecclesiastical annulment was not possible, the husband had to obtain a decree of divorce from the Ecclesiastical Court. This had to be followed by a successful claim for damages for "criminal conversation" ("crimcon"), by proving adultery, then the action could proceed to a bill for divorce culminating in a private Act of Parliament" (Montgomery 8).

In 1801, Jane Campbell became the first woman who achieved divorce. She was granted a divorce from her husband, Edward Addison, who had committed adultery with her sister, Jessy Campbell, and she was also awarded custody of her children. As Kalsem argues, "Legal separations were available in extreme circumstances, but as an 1811 Court iterated, 'nothing short of actual terror and violence' would justify a wife's separation from her husband. And if a wife left her husband without obtaining divorce or legal separation, he could capture her, force her to return, and keep her confined so that she would be unable to leave. Her body, her very being, belonged to her husband" (Kalsem 23). Although she was the first woman who achieved divorce, the practical consequences of a woman's position were shown in Caroline Norton's case.

Caroline Norton wrote a letter to Queen Victoria in 1855 and expressed the injustice of the laws that were applied to middle-class women. Although Caroline Norton was a famous author, she was remembered for her struggle to change England's marriage laws as a woman activist. In *A Letter to the Queen on Lord Chancellor Cranworth's Marriage and Divorce Bill,* which was published in 1855, she directly attacked gender-biased laws. She asserted, "If her husband takes proceedings for a divorce, she is not, in the first instance, allowed to defend herself. She has no means of proving the falsehood of his allegations. She is not

represented by attorney, nor permitted to be considered a party to the suit between him and her supposed lover, for damages" (Norton, *A Letter* 10). In a different case, if she is accused of infidelity, her husband can divorce her and marry again. However, she cannot divorce him in a similar case (Shanley 22-29). *The 1857 Act* was influenced dramatically by Caroline Norton and her husband George Norton's case. She had been accused of adultery with the Prime Minister, Lord Melbourne. First, George Norton sued Lord Melbourne for "criminal conversation" with Caroline Norton.

> *The action for criminal conversation could only be initiated by men, not women. It reflected the notion that a husband in some manner owned his wife's affection and sexual services, and she was his property. Yet a wife did not have a similar legal claim on her husband. In addition to providing a monetary reward, a successful action for criminal conversation was a prerequisite for entering a suit for a parliamentary divorce, the only way to end a marriage other than by ecclesiastical annulment. (Shanley 24)*

George Norton's case was dismissed by the jury. Despite the fact that it was cancelled by the jury, Caroline Norton's reputation was damaged radically. She was labeled as a "scandalous woman". After the criminal conversation, a wife could not take her children's custody. They were still legally married although they had been living separately for more than twelve years. Even Caroline's mother's property was George's and she could not sign any contract without George. Thus, she circulated her *English Laws for Women in the Nineteenth Century (1854)* and defended the married women's property rights against coverture. She transformed her personal experiences into a criticism of laws with *A Letter to the Queen on Lord Chancellor Cranworth's Marriage and Divorce Bill (1855)*. She supported sexual equality in this bill. As Mary Lyndon Shanley suggests, "Newspaper accounts of the Nortons' trial as well as Caroline Norton's pamphlets provided dramatic lessons in the laws governing marriage to the English reading public. They also gave impetus to the first organized feminist effort to challenge the laws governing marriage" (Shanley 23).

Caroline Norton was followed by other women and men in order to change the laws regarding divorce, married women's property, child custody, and maintenance for married women. In 1855, the first feminist committee was organized by Barbara Leigh Smith (later Bodichon) who wrote the pamphlet, *A Brief Summary in Plain Language of the Most Important Laws Concerning Women,* which was a small booklet of about twenty pages, about laws concerning women. She focused on three key issues: employment/earnings, inheritance, and marriage. She explained why the current laws were in need of change since marriage made women invisible in front of the law. She and her followers petitioned Parliament so that married women's property should be treated the same as men's property. The Bill was brought to Parliament in 1857 and it was very influential in the passing of *the Marriage and Divorce Act in 1857*. (Shanley 22-29).

There were three major reforms initiated by the Act. First, marriage and divorce jurisdictions transferred from the church courts to the common law courts. This provided a secular way of divorce in England. In this respect, the Church courts no longer held legal authority over the English marriage. Second, thanks to the 1857 Act, a divorced woman could apply to a magistrate in order to protect her earnings against the husband who had deserted her "and those women officially recognized as separated or divorced acquired the same rights in their own property as unmarried women, enabling them to inherit or bequeath property in their own right. A man could also be ordered by a court to pay maintenance to his divorced or estranged wife" (Plowright 194).

However, the 1857 Act was still primarily for the benefits of men because a husband could divorce his wife for adultery but a wife had to prove it. Adultery was the most serious offense against women's reputation and there was no need to prove it. In contrast, women had to prove the adultery of the husband, which underlined that man's adultery was trivial. In this sense, it was thought that men's adultery was not significant in comparison to women's, which was not

just at all. Similarly, women had to prove cases like bestiality, bigamy, cruelty, sodomy, or long-term desertion (Montgomery 7-12).

In the light of this, after marriage a woman lost her rights since the existing law was coverture. She could not sue, make a contract, and own any property because all of her possessions passed to her husband legally. Divorce was difficult. For this purpose, Caroline Norton and other activists wanted legal reforms. The 1857 Act provided some changes and improvements. According to this, Church courts lost power, women could protect earnings or possessions, and legal separation would be valid in terms of adultery but the law was still working primarily for the benefit of men. The next section will focus on property laws and reforms and women's position in relation to these (Montgomery 7-12).

2.2. Property

Because of the unsatisfactory regulations of married women's property, feminist organizations were founded such as the Society for Promoting the Employment of Women, the Female Middle Class Emigration Society, the Workhouse Visiting Society, the Married Women's Property Committee, and the Ladies' Sanitary Association, together with publications including *The English Woman's Journal* (1858- 1864), *The Englishwoman's Review of Social Industrial Questions* (1866- 1906), and *The Victoria Magazine* (1863- 1880). All of these organizations and publications were very significant for the development of feminist ideas and their interaction with readers throughout Britain. The married women's property campaign was initiated in Manchester by Elizabeth Wolstenholme, Elizabeth Gloyne, Jessie Boucherett of London, and Josephine Butler of Liverpool. They asked a radical Manchester lawyer called Richard Pankhurst to draft the married women's property legislation in 1868. Wolstenholme became the secretary of the Married Women's Property Committee and published *The Women's Suffrage Journal*. Simultaneously, The Social Science Association opened its doors to women and became an active partner in pressuring Parliament to enact the married women's property law.

Women presented papers in public thanks to the association and they influenced other women. (Shanley 49-50).

In October 1867, the association collected three hundred signatures and produced a bill drafted by Richard Pankhurst. In addition to their equal rights demand, they wanted new reforms on married women's property rights (Shanley 50-55):

> *First, [the] existing law sanctioned the existence of two sets of legal rules, those of law and equity, and subjected working-class wives to legal constraints that did not apply to well-to-do women. Second, the transformation of the marriage relationship itself was important, and could not take place without first establishing the legal equality of husband and wife. Only if there were no legally enforced hierarchy or precedence between spouses could love flourish, for there could be no true intimacy between superior and subordinate, 'master' and 'slave'. (Shanley 58)*

Under equity, wealthy women could have legal documents and have their "separate property" or "separate estate" protected by a trust. This protection was not valid for many poor women. There was discrimination among different classes of women. They demanded equal rights and spousal unity instead of a master-slave relationship in marriage. For this purpose, their cause was followed by male members of Parliament such as John Stuart Mill, Richard Monkton Milnes, and Jacob Bright. With the publication of John Stuart Mill's *The Subjection of Women* in 1869, there was an intellectual stimulus to the reform movement. He argued that "Marriage is the only actual bondage known to our law. There remain no legal slaves, except mistress of every house" (Mill 147). Men's legal treatment of their wives was unjust and destructive. Therefore, women were imprisoned in domestic concerns. He argued that the legal equality of opportunity would solve the problem of women's subordination. (Mill 147-148).

In 1870, *the Married Women's Property Act* legislated that the wife's income earned through work would be regarded as her separate property. This act was important for working class women who had control of their own wages for the

first time. It also allowed women to retain any land that was inherited as well as any money of up to £200:

> *The wages and earnings of any married woman acquired or gained by her after the passing of this Act in any employment, occupation, or trade in which she is engaged or which she carries on separately from her husband, and also any money, or property so acquired by her through the exercise of any literary, artistic, or scientific skill, and all investments of such wages, earnings, money or property, shall be deemed and be taken to be property held and settled to her separate use, independent of any husband to whom she may be married, and her receipts alone shall be a good discharge for such wages, earnings, money, and property (qtd in Montgomery 20-21)*

In addition to this, a married woman could have a separate statutory estate. It was again for the first time a married woman could live away from her husband and support herself through her own income. However, there was a loophole in that any personal property a woman had in her own name before marriage still became her husband's property. The compromises were followed by the subsequent laws dealing with married women's rights. Although feminists demanded a recognition of the principle of spousal equality, Parliament often responded by protecting the vulnerable women from exploitation instead of giving them rights. (Montgomery 20-23).

In 1878, with the passage of *the Matrimonial Causes Act*, women who were exposed to male violence in marriage, were given protection. "The 1878 Matrimonial Causes Act empowered magistrates to provide protection orders to wives whose husbands had been convicted of aggravated assault, and enabled women to secure a separation on the grounds of cruelty, as well as entitling them to claim maintenance and custody of any children" (Plowright 194). This act allowed women to obtain a protection order from a magistrates' court. It was not costly and it was available for working class women, too. In this sense, it was beneficial for all women. (Plowright 194-195).

The feminist activists of the time Elizabeth Wolstenholme and Lydia Becker continued their struggle for a proper and more comprehensive property law by

writing letters to the *Times* of London after 1870. They argued that the only measure which could satisfy women was having the same rights concerning about their own property. They demanded full equality for property rights. For this purpose, they published annual *Reports* throughout the 1870s and enabled the circulation of pamphlets to a wide audience. The previous property act provided that a husband would not be responsible for his wife's antenuptial debts as the wife should be liable to be sued and "any property belonging to her for her separate use shall be liable to satisfy, such debts as if she had continued unmarried" (Shanley 105). In these respects, feminist activists urged Parliament to give married women the status of "femes soles" in terms of their property. A Married Women's Property Act amendment bill in 1872 provided that a husband and a wife could be sued jointly for the wife's debts before marriage and the husband would be liable to the extent of the property he received from his wife in marriage. In order to solve the problem of liability, the Married Women's Property Committee offered women full control of all their property and liability for all their debts. However, the next year Parliament passed a measure to make a husband responsible for his wife's debts before marriage to the extent of the assets he had received from her upon marriage. No comprehensive married women's property bill was debated in the House of Commons between 1873 and 1878. In 1876, Wolstenholme and Ursula Bright started a campaign in order to persuade public leaders to press the members of Parliament to amend the law. They submitted progress reports but the conservative government was not interested in the issue of married women's property. (Shanley 103-130).

With John Hinde Palmer's bill of 1880 about married women's separate property, Parliament anticipated the abandonment of the notion that a married woman should be a "feme sole" with respect to her property. After this, *the 1882 Act of Married Women's Property* was passed. According to this,

> *A married woman shall be capable of acquiring, holding (a) and disposing by Will (b) or otherwise (c), of any real or personal property as her separate property, in the same manner as she were a feme sole, without the intervention of any trustee.*

> *A married woman shall be capable of entering into and rendering herself liable in respect of and to the extent of her separate property on any contract (a), and of sueing and being sued, either in contract (b), or in tort (c), or otherwise, in all respects as if she were a feme sole, and her husband need not be joined with her as plaintiff or defendant, or be made a party to any action or other legal proceeding brought by or taken against her; and any damages or costs recovered by her in any such action or proceeding shall be her separate property; and any damages or costs recovered against her in any such action or proceeding shall be payable out of her separate property, and not otherwise (qtd in Montgomery 22-23)*

After *the 1870 Married Women's Property Act, the Married Women's Property Act of 1882* could be regarded as the most significant change in the legal status of women in nineteenth century England. "It capped thirty years of organized agitation, extending back to Caroline Norton's pamphlets on the Divorce Act and Barbara Leigh Smith Bodichon's married women's property petition of 1856" (Shanley 103). Prior to 1882, there had been other married women's property acts passed by the British Parliament. However, as Beller argues, "These acts had begun the process of allowing women more rights over personal property, although the earlier acts tended to focus on earnings rather than property" (Beller 109).

Married women could now take control of their property and make contracts and wills by proclaiming that a married woman's property was her "separate property" or "separate estate". Thus, a married woman was totally responsible for her property. "Under the terms of the 1882 Married Women's Property Act, married women were finally granted the same rights over their property as unmarried women. Upon marriage, therefore, a woman after 1882 was allowed to retain ownership of any property that she had brought to the marriage. Prior to the passing of this act, any such possessions of the wife had automatically become her husband's property" (Beller 109). Also, as far as her contracts were concerned,

> *Every contract entered into by a married woman shall be deemed to be a contract entered into by her with respect to and to bind her separate property, unless the contrary be shown…*

> *Every married woman carrying on a trade separately from her husband shall, in respect of her separate property, be subject to the bankruptcy laws in the same way as if she were a feme sole… (qtd in Montgomery 23)*

Thus, her contracts were related to her separate property. A married woman had her property's full responsibility.

Another point is that a married woman formerly did not have full testamentary capacity. For instance, when she was married, she made a will leaving her property to specified beneficiaries but this property could not include anything that she inherited from her husband if he died before her. In this sense, she would have to write a new will as a widow, that is, as a "feme sole". In addition to this, a married woman could take full responsibility and liability for her actions (Finn 266). In 1893, another *Married Women's Property Act* was passed that completed the process and married women were granted full legal control of property of any type both before marriage and after marriage either by inheritance or their own earnings. It provided that "except when explicitly acting as her husband's agent, a wife automatically bound her separate property – both existing and prospective – as security for payments of her debts. Significantly, however, wives' liability attached not to their persons but to their separate property, but they could not themselves be imprisoned for their debts" (Finn 266).

Despite the reformation of the law, feminists argued that these changes would not be enough for a dramatic change. As Mary Lyndon Shanley suggests,

> *Passage of the Married Women's Act of 1882 was arguably the single most important change in the legal status of women in the nineteenth century. It capped thirty years of organized agitation, extending back to Caroline Norton's pamphlets on the Divorce Act and Barbara Leigh Smith Bodichon's married women's property petition of 1856. In enabling women to act as independent and legal personages, it not only gave them the legal capacity to act as autonomous economic agents, but struck a blow at the whole notion of coverture and the necessary subordination of a woman's will to that of her husband. (Shanley 103)*

Although Parliament had granted *feme sole* status to married women with respect to their property and contracts, the material conditions and social reality situated husband and wife separately again. They were still not equals economically because women were paid less than men, and women could not take political actions as men could.

2.3. Child Custody and Legitimacy

> *precedent*
>
> *2. a. A previous instance or case which is or may be taken as an example or rule for subsequent cases, or by which some similar act or circumstance may be supported or justified… b. Law. A previous judicial decision, method of proceeding, or draft of document which serves as an authoritative rule or patterns in similar or analogous cases…*
>
> *-Oxford English Dictionary*

Caroline Norton's case was not just an example of a divorce as far as the results of her children's custody were concerned. She was married to George Norton legally although she had tried to divorce many times because her husband took out an action for criminal conversation which meant adultery with Prime Minister Lord Melbourne. Therefore, according to the law prior to 1839, Caroline Norton would lose her three sons' custody rights despite the fact that her innocence was proved. She could not apply for a legal hearing because she did not have such a capacity since she was a married woman (Shanley 22-29).

In 1837, Caroline Norton wrote her *Observations on the Natural Claim of the Mother of the Custody of her Infant Children* and opposed the existing law of child custody. She argued,

> *It is a common error among women to suppose that every mother has a right to the custody of her child till it attain the age of seven years. By a curious anomaly in law, the mother of a bastard child has this right, while the mothers of legitimate children are excluded from it, the law as regards children born in wedlock being as follows:*

> *The father has a right over his child from the hour of its birth, and may, if he so pleases, enter by force or stratagem the house where his wife shall have taken refuge, seize the infant at her very breast, and deliver it over to the care and nurture of strangers. (Norton 2-3)*

A child born out of wedlock was in the custody of its mother, but the custody of children born to a legal marriage was placed in its father's hands. The father was the natural guardian of the infant. The father was able to name the guardian to his child after his death as someone different from the mother. If the father did not appoint a name as a guardian, the mother would become the child's natural guardian (Shanley 131-141).

In addition to this, the father could have a mistress, and he could claim his intention to his wife by claiming that the mistress' mission was taking care of the infant. If the wife did not accept his claim, she would be subject to imprisonment for contempt of Court. Also, if the infant was deceased or dying, he could take the child from her. As it is stated, "He may deny all access to the children, remove them from place to place, with a view to prevent the mother from even obtaining intelligence of their welfare; give them into the care of utter strangers, and forbid those strangers to afford any clue to the place of abode of the children; and the Courts of Law cannot even make an order that the mother shall have access to her children, or see them" (Norton 3). Although Norton addressed primarily herself and her case, the unjust treatment of child custody was very common in nineteenth century England. In her *Observations*, she gave various examples of child custody cases against mothers. For instance, married to a brutal husband who physically abused her, Mrs. Skinner separated from her husband in 1824. Afterwards, he lived with a woman named Anne Deverall and their child (under six years old); was permitted to live with Mrs. Skinner. However, Mr. Skinner caused a writ of *habeas corpus* which means summons with the force of court decision. In order to have this decision, a person could make a petition to the court or judge. It was a kind of procedural solution not an absolute protection and according to this, it was agreed that the child should be under the protection of a third person. Then, Mr. Skinner took the child away

against the decision of the Court and he was confined. He left the child's custody to his mistress Anne Deverall.

Similarly, Caroline Norton lost her three sons' custody due to "criminal conversation". In her pamphlet, *The Separation of Mother and Child by the Law of Custody of Infants Considered*, 1837, she argued that "a father could give his child to a stranger and that it was totally unacceptable that a father should be able to deprive the mother of her children" (Shanley 9). Norton wanted the custody of children under the age of seven. Older children's custody could be decided by the Courts. Her ideas were opposed both inside and outside Parliament. For instance, "Outside Parliament, John Kemble denounced the proposed legislation as an unprecedented attempt to "overthrow the foundation of society". Kemble charged that the Infants and Child Custody Bill would destroy marriage, corrupt the state, and undermine Christianity" (Helsinger 9).

As a result of Norton's efforts, *the Infant and Child Custody Act* was passed in 1839. According to this, children under seven could live with their mother on condition that the mother was a good character. However, "the double sexual standard was maintained, whereby a mother who had committed adultery still lost all claim to child custody. Women were not represented, even by those who advocated legal change, as gaining any new powers by the Act. Instead, the change in the law was simply intended to ensure that parliament fulfilled its role of protecting women" (Foyster 164). Furthermore, this legislation had been adopted by the middle-classes but it was almost not valid for the lower-classes. Another important point is, mothers were only given the custody of children who were under the age of seven. In this sense, Foyster argues that

> *In contemporary thinking, the far more important aspects of childcare could not begin until a child had begun to exercise reason, which was around the age of seven. This was the age at which many children were sent away to school, and when boys were separated from the feminizing influence of their mothers. Even those who campaigned for change in the law of child custody argued that it was only when children reached the age of seven that the most significant impact of parenting would be felt. (Foyster 164 -165)*

Mothers were able to deal with only "tender care" but fathers taught their children the views and values of adult life. In this respect, the 1839 Act was seen as unsatisfactory for children and mothers. It was also ironic for Caroline Norton's case since because her children were in Scotland, English law did not cover her. Her youngest child William died after a riding accident without her being there. (Foyster 165).

In 1872, William Fowler introduced a custody bill which allowed mothers to petition for custody and access of children in exceptional circumstances under the age of sixteen, not seven. Moreover, the bill removed the bar of the mother's petition if she had been blamed for adultery. "By distinguishing between the mother's offense and the possible needs of the child, this provision reflected increasing acceptance of the notion that the correct criterion for custody decisions was the interest of the child, not the absolute right (or the fault) of either parent" (Shanley 139). However, Elizabeth Wolstenholme wrote to the *Women's Suffrage Journal* and wanted women to withhold their support from Fowler's bill since it ignored the equal legal rights of women. They demanded "a bill based on correct principles would recognize the 'coordinate legal rights of mothers', declare father and mother joint guardians during their lifetimes, and grant custody to whichever parent survived the other" (Shanley 140).

Despite all of these acts, after the Infant Custody Act of 1873, the *Women's Suffrage Journal* and the *Englishwoman's Review* reported a lot of cases arguing about the denials of mothers' rights to the custody of their children. In 1884, Wolstenholme Elmy and James Bryce worked together and introduced a custody bill in Parliament with 180 petitions and 19.513 signatures. They demanded equal rights of custody (Shanley 144).

> *In 1886 the Guardianship of Infants Act established that on the death of the father of an infant, the mother alone was to be the guardian unless the father had appointed a guardian, in which case a joint arrangement applied between mother and guardian. Overall, a court could override the Common Law rights of the father in relation to the custody of his infant children. This is significant*

> *as here is a widow being given rights to have her child despite being a single mother of that point. (Rossini 66)*

According to this, a woman could be the sole guardian of her child if her husband died. Despite all these reforms in children's custody and married women's property law, Parliament was still very close to patriarchal authority in family law and unwilling to accept spousal equality between husband and wife. (Rossini 66-67).

As for legitimacy, throughout the nineteenth century, there was no change in this law. For the first time in England and Wales, a child's illegitimate position could be changed by its parents' marriage on condition that both mother and father would have been free to marry at the time of the child's birth thanks to *The Legitimacy Act of 1926*. However, if one of them was married to someone else when the child was born, even if they were subsequently divorced or widowed, the child would be illegitimate throughout his/her life. (Lowe and Douglas 302):

> *No form of legitimation was recognized by English law until the passing of the Legitimacy Act 1926, by which time the property legislation of 1925 had rendered it almost wholly unnecessary to establish the identity of the heir save in the case of the descent of an unbarred entailed interest.*
>
> *The Legitimacy Act 1926 provided that a child should be legitimated by the subsequent marriage of his parents. But it also adopted the canon law rule that legitimation was impossible if either parent was married to any other person at the time of the child's birth. However, a child conceived whilst one of his parents was married could still be legitimated if the marriage was terminated before his birth and many cases decrees of divorce were expedited for this reason. (Lowe and Douglas 302)*

Another innovation of the Act was the provision for an illegitimate child to inherit from its mother on condition that she should die intestate and providing she had no issues of legitimacy. Similarly, a mother could inherit from her illegitimate children in the same circumstances. The abiding rule of inheritance was *Primogeniture*. According to this, the eldest son inherited the bulk of the family estate and saw to the welfare of the rest of the family, who became his

dependents unless they had other sources of income. From the mid-seventeenth century, strict settlement was applied.

> *The nominal owner of the estate settled the property on his eldest son, leaving the estate in tail to that son's eldest son. This arrangement left the nominal owner and his eldest son life tenants of the estate with only limited power to change it. When the son's eldest son came of age, pressure was exerted for him to renew the strict settlement arrangements. (Reed 160)*

Women could rarely inherit property like men since inheritance was determined by this strict settlement. Primogeniture was abolished by the British Parliament in England in 1925. However, it continued in some rural parts of England.

After *the Legitimacy Act*, *the Adoption of Children Act* was passed in 1926, and it legally formalized the adoption process of a child in England and Wales. Thanks to this act, adoption agencies were put in order for the first time in England. Ten years later, Local Authorities were ordered to regulate all adoptions and according to this, they put a rule on appointing someone to represent the child's interests. In 1950, secrecy was ordered for birth parents and adopted children.

All of these laws affected illegitimate children and gradually improved their conditions by giving them voice and rights. However, if the parents died before their marriage, children would still be illegitimate. They were in need of care and protection after the parents' death. *The 1948 Children's Act* and *the Family Law Act of 1969* provided better conditions for children. In this sense, legal reforms that related to child custody belonged to the twentieth century. In Collins's time, these legal problems were still valid and disturbing.

This chapter has analyzed marriage and divorce, property, and child custody and legitimacy laws to describe the legal injustice against women in the nineteenth-century. There were new legislations regarding women's issues but these acts were not fully satisfying. Wilkie Collins, both as a lawyer and writer, was influenced by this atmosphere and reflected these issues in his work, and it may

be argued that he made use of fiction to raise further awareness about these problems, which could in the long run affect legal reforms. In the coming chapters, the female characters' struggle for their legal rights in Collins's novels will be analyzed since these women characters are often exposed to some of the legal and social injustices described above. The following chapters are arranged according to these laws concerning marriage, property, and legitimacy.

CHAPTER 3

THE LEGAL CONFRONTATIONS OF WILKIE COLLINS' WOMAN CHARACTERS IN MARRIAGE, DIVORCE AND PROPERTY

> *The law grows out of human experience and responds to it- and yet every often its eyes are blind to the complexity of human lives. All too often, the law averts its eyes from some aspects of the way people live, revealing through these acts of selective attention, bias and favor toward privileged lives. All too often, the law sees elite live with great specificity but fails to see the lives of the poor or powerless. And, far too often, the law's eyes are male. (Nussbaum and LaCroix 3)*

Women had little power over the political structure of Victorian Britain despite the fact that the monarch at the time was a woman. The political sphere and the legal profession were filled with male citizens. Women were inferior to men socially, legally, and economically. Since women were positioned at home as mothers and good wives, marriage was the primary task of a Victorian woman. However, after marriage, a woman was deprived of all her rights as a single woman. As Gavron suggests, "In 1837 the legal system reflected the prevailing attitudes towards women. At this time, she had no vote, on marriage she and all her possessions including her children belonged to the husband under the fiction of marital unity. If she left her husband, he could force her to return, could refuse to support her, could refuse her access to her children" (Gavron 4).

As discussed in the previous chapter, the ruling system was coverture in England and "under coverture, when a woman married, her legal and economic identity became covered by that of her husband" (Staples and Shaw 221). Since he had all the legal power, he could do whatever he wanted as the representative of his wife. "For feminists, one of the most striking manifestations of this marital slavery was the fact that under the common law a wife was in many ways regarded as the property of her husband" (Shanley 8). Not only marriage but

also divorce laws were against women. Adultery was the only reason for a divorce case. However, divorce was too costly and almost impossible to afford. The 1857 Act provided women with the right to divorce. Similarly, the Matrimonial Causes Act of 1857 gave "the first statutory act of protection for the property of married women, in that it allowed the separate use of any property acquired by a wife during a judicial separation or after a protection order on grounds of desertion" (Gavron 4). In 1870, the Married Women's Property Act removed the husband's automatic control right to the wife's property. The 1882 the Married Women's Property Act passed, and according to this, a married woman would be capable of holding her own property and make contracts and wills. The final point was in 1893, when another Married Women's Property Act was passed, women were granted full legal control of property both before and after marriage. However, feminists argued that even these reforms were not enough for spousal equality.

As far as child custody and legitimacy were concerned, the father was the only natural guardian of a child. In 1839, the Infant and Child Custody Act passed. According to this, a child under seven could live with their mother. However, this new law was adopted by middle-class families. Lower-class women were separated from their children. In this sense, it was unsatisfactory, so in 1872, a new custody bill was introduced, and women were allowed to petition for custody and access of children under the age of sixteen instead of seven. The process was completed in 1886, and the mother could be the guardian of the child if the husband were not alive.

William Wilkie Collins drew the attention of the British public to such legal problems in the nineteenth century since in his works he exposed legal abuses and social injustice. For this purpose, this chapter will analyze Wilkie Collins' *The Woman in White* (1860) and *Man and Wife* (1860) focusing on the legal confrontations of the female protagonists and other characters within the existing marriage and divorce laws. The study will also explore to what extent the characters find a solution to their problems.

Wilkie Collins used his knowledge of the law in order to create a complicated and well-organized plot structure in his novels. As Dougald B. Maceachen argues, "When Collins was writing a serial, he did not wait for the inspiration of the printer's boy knocking on his door and asking for the next installment; he worked out his plots in advance with the painstaking care of a lawyer making a brief for an important case" (Maceachen 121). For this reason, in many of his novels, Collins created a respectable lawyer character in different forms. Messrs. Gilmore and Kyrle in *The Woman in White*, Mr. Pendril in *No Name*, Mr. Bruff in *The Moonstone*, Sir Patrick Lundie in *Man and Wife*, Mr. Playmore in *The Law and The Lady* are some of the legal lawyer characters in Collins' works. He also reflected his legal background in his writing technique by using the "trial technique". For example, in *The Woman in White*, the story is told by characters as witnesses as though it were a real trial case. In the novel, Walter Hartright is the first witness who gives information to the reader at the beginning. Each character tells only what they know. In this way, Collins creates suspense and this suspense is resolved by the master story teller himself. It can also be argued that Collins used his legal training for raising social and political awareness that would eventually lead to change and reform. He criticized marriage as a method of property transmission and a legal contract. In this sense, he handled marriage, divorce, and illegitimacy issues vividly through his fictional characters. As Booth suggests, "He became a propaganda novelist, giving over his intricate mysteries for the sake of advertising social injustice. It may well be that the first of these stories *Man and Wife* (1870), an attack on cruelly unrealistic divorce laws, had its origin in the experience of *The Woman in White*" (Booth 134).

Collins also used the well-known cases in his novels. "Collins's novels posit themselves as legal narratives; they are accounts of the protagonists' subjective perception of law and present a critical analysis of Victorian legal processes and procedures. Issues such as wills, inheritance laws, property rights, marriage laws come to the forefront, with a specific focus on the legal status of women, who are mostly depicted as the victims of inequities" (Fiorato 26 -27).

In both *The Woman in White* and *No Name*, Collins attacks English marriage laws and the legal status of married women in England. They are exposed to legal injustice throughout and the female characters struggle for their rights in marriage with the help of their supporters. In both of them, the marriage law is questioned and the civil law is criticized. Mostly, legislation granting property rights to married women is unfolded in order to draw the attention of the public. Collins makes the reader aware of the ongoing legal problems of his time.

3.1. Marriage and Property Issues of the Female Characters in *The Woman in White*

> *It was within the marriage that the law most rigorously entrenched the subordination of women to men. Married women, not women in general, found themselves linked with "idiots" and minors in manifesting disabilities and deficiencies, deficiencies that in their case derived from law and culture rather than from nature. (Stretton and Kesselring 2)*

When *The Woman in White* (1859) first appeared, it was labelled as a sensation novel, and Wilkie Collins is often considered as the originator of the genre. Although the publication of *The Woman in White* introduced the sensation novel as a new form, the novel was more than what is generally understood of this subgenre in that Collins dealt with and exposed the legal issues of the time that dramatically influenced family life. The novel is also one of the best examples of how Collins criticized the legal status of married women. In Collins' novels, "law is not natural, godly, and inherently true" (Tromp 72). Therefore, he is disruptive in challenging the identification of the law as an ultimately true and coherent text. Especially marriage laws and its atrocious effects on women were focused on by Collins. His attention was on women's rights and laws related to women in general. Collins's intense focus on Laura Fairlie's marriage in *The Woman in White* exposes and criticizes both the social and legal position of women in the nineteenth century.

The Woman in White is a multi-voiced novel in which each character tells the events according to their individual point of view. There are multiple narrators

such as Walter, Marian, Uncle Fairlie, Mr. Gilmore, Mrs. Catherick, the doctor, and the housekeeper, who, could easily be thought of as witnesses in a real trial. The first and master narrator is Walter Hartright, who narrates more than the other narrators. The novel starts with Walter Hartright's coincidence with the woman in white named Anne Catherick, who has escaped from an asylum on the road to Limmeridge House in Cumberland. Walter has started to live in this house with his new students Laura Fairlie, Marian Halcombe and their uncle Mr. Frederic Fairlie. In this house, Walter notices that Laura Fairlie incredibly resembles the woman in white who is also known by the Limmeridge people as a mentally disabled child who lived close to Limmeridge many years ago and was cared for by Laura's mother, who used to dress her in white.

After a few months, Walter and Laura fall in love with each other, but Laura is engaged to Sir Percival Glyde, Baronet. Therefore, Walter leaves his job at Limmeridge. At that time, Laura Fairlie receives an anonymous letter about her fiancé and is warned against this marriage. Although Laura confesses that she loves another man, Sir Percival Glyde insists on this marriage without a marriage settlement. Despite the anonymous letter warning about Sir Percival Glyde, they are married, but shortly after, Walter understands that Anne Catherick, the woman in white, has sent the letter, and she had actually been put into an asylum by Sir Percival Glyde himself.

After six months, Sir Percival and Lady Glyde return to their house in Hampshire, and Glyde forces her to sign a document that will allow him to have her marriage settlement of £20,000. According to this, Sir Percival Glyde can take possession of Laura's £20.000. However, Laura refuses to sign the form. Once again, Anne Catherick warns Laura about Sir Glyde and this communication is discovered by him. Therefore, Sir Glyde and his friend Count Fosco use the resemblance between Laura and Anne Catherick and exchange their identities with a trick. Laura is imprisoned in an asylum under the name of Anne, who dies and is buried as Laura. However, her sister Marian Halcombe hears about the conspiracy plan when she is ill and asks for Walter's help in

order to take her back. Walter discovers that Sir Glyde is actually illegitimate, so he is unable to inherit his title and property because his mother was already married to an Irish man who had left her. Therefore, she could not remarry and Sir Glyde needs his parent's marriage certificate in order to borrow money. When Sir Percival Glyde tries to obtain the fake certificate from the church, he dies in a fire. In the end, Walter Hartright proves that Laura is alive, and they get married and their son inherits the house of Limmeridge.

The plot of the novel turns around the themes of coverture and the married women's property law before the Married Women's Property Act of 1870. Collins draws attention to the existing laws at the beginning. The "Preamble" to the novel opens with a direct criticism of the existing law and legal procedures. "This is the story of what a Woman's patience can endure, and of what a Man's resolution can achieve" (Collins 49). The first sentence of the preamble foregrounds the "endurance" of women against the legal inequalities and men's determination in relation to the wrongs of the law. In this sense, the legal system is biased from the beginning and laws are not satisfactory on behalf of women at all. The Preamble continues, "If the machinery of the Law could be depended on to fathom every case of suspicion, and to conduct every process of inquiry, with moderate assistance only from the lubricating influences of oil of gold, the events which fill these pages might have claimed their share of the public attention in a Court of Justice" (Collins 49). To file a suit was extremely expensive and complicated in the nineteenth century. It was still very difficult to obtain and enforce a right and prove one's point in a case as in Laura Fairlie's personal case. Even a wealthy woman could not obtain her rights like a man. Therefore, the law was not trustable. Collins' preamble assures the reader that the law is not totally true and consistent:

> *But the Law is still, in certain inevitable cases, the pre-engaged servant of the long purse; and the story is left to be told, for the first time, in this place. As the Judge might once have heard it, so the Reader shall hear it now. No circumstance of importance, from the beginning to the end of the disclosure, shall be related on hearsay evidence. When the writer of these introductory lines (Walter Hartright, by name) happens to be more loosely connected than others*

> *with the incidents to be recorded, he will describe them in his own person. When his experience fails, he will retire from the position of narrator; and his task will be continued, from the point at which he has left it off, by other persons who can speak to the circumstances under notice from their own knowledge, just as clearly and positively as he has spoken before them. (Collins 49 – 50)*

The law is in the hands of the property-owning class and ignores both women and lower-class people. Therefore, the reader is warned. Moreover, the reader is informed about both the form and the content of the novel in the preamble. The trial technique is used as the model of narration. According to this, the narrative resembles a criminal trial in which various witnesses tell what they know like in a real trial. As Pykett explains,

> *The Woman in White was Collins's most thoroughgoing departure from a single narrative focus to date. It consists of a series of narratives by various actors in, and observers of, events, as well as journal entries and other documents which are ostensibly collected and 'edited' by Walter Hartright, and made to tell, among other things, 'the story of what a Woman's patience can endure, and of what a Man's resolution can achieve'. This collection of narratives, like those of No Name and The Moonstone, originates in a legal lack; in this case it stands in for testimony in a court of law. It tells the story of how the protagonists (especially the editor/hero Walter Hartright) have acted on their own behalf to right various wrongs without the formal assistance of the law, since 'the Law is still . . . the pre-engaged servant of the long purse. (Pykett, The Nineteenth Century 31 – 32)*

Thanks to this trial technique, characters narrate what they know one by one and each of them points out a "legal lack" that will inform the reader about the injustice which the female character Laura Fairlie is exposed to. Collins used this technique in order to foreground the existing legal limitations of women and criticize the existing law.

The Woman in White emphasizes women's commodification which is supported by the marriage and property law of the nineteenth century. As Marlene Tromp puts forward,

> *In a conversation between novelistic text and parliamentary debate, The Woman in White took up the tensions represented in the Divorce Act of 1857. The novel re-marks the language of violence in the domestic space, anticipating and*

> *casting the frame of later debates, particularly the Married Women's Property Act (1870) and the early attempts to repeal Contagious Diseases Acts (1857 – 1870), which carried with them the same anxieties over, gender, class, and violence as the Divorce Act had. (Tromp 71)*

In Laura Fairlie's case, a wealthy woman after marriage; loses her property and her property becomes her husband's property. Both the law and the domestic ideology support women's passive position at home in the nineteenth century. As Lyn Pykett suggests, "Within the prevailing domestic ideology woman was figured as the queen of the drawing room on parlor, the priestess of the domestic temple and the nurturer and moral guide of the coming generation. However, within the social and legal framework of the patriarchal family, she had only duties, not rights" (Pykett, *The Improper Feminine* 55 -56). At the beginning of the novel, Laura Fairlie is the queen of the house who starts drawing lessons with the drawing master Walter Hartright. She is a young, naïve Victorian woman who lives with her half-sister Marian Halcombe and Uncle Mr. Fairlie. She falls in love with Walter after a while and she does not want to be Sir Percival Glyde's wife but Sir Percival insists on this marriage due to her fortune that will become his fortune after their marriage according to the existing law of coverture. Count Fosco and Percival mention their economic problems. The Count says, "Now listen, Percival. I will put our position plainly before you, as I understand it, and you shall say if I am right or wrong. You and I both came back to this house from the Continent with our affairs very seriously embarrassed" (Collins 348). Percival backs up the Count by saying, "Cut it short! I wanted some thousands and you some hundreds, and without the money we were both in a fair way to go to the dogs together. There's the situation. Make what you can of it. Go on" (Collins 348). As this exchange clearly illustrates, they have their eyes on Laura's fortune. As Staples and Shaw assert, "Under coverture, when a woman married, her legal and economic identity became covered by that of her husband. A married couple was legally a single person with a single will, they could not testify against each other" (Staples and Shaw 221). Collins presents Laura as a victim who suffers from both coverture and the married women's property law together. When Laura becomes Percival's wife, her status will be

feme covert and she will have abdicated her rights. Laura can be regarded as commodified due to Sir Percival Glyde's debts and coverture helps him to pay his debts through the transmission of Laura's property.

However, Laura Fairlie is a wealthy woman, so she has a better chance to protect her own property. Actually, this chance is Laura's lawyer Mr. Gilmore, who wants to save Laura from the legal disadvantages of the marriage law and especially coverture through a legal marriage settlement. As Barbara Leigh Smith argues, "It is usual, before marriage, in order to secure a wife and her children against the power of the husband, to make with his consent a settlement of some property on the wife, or to make an agreement before marriage that a settlement shall be made after marriage" (Smith 5). Collins draws attention to these kinds of Victorian marriage settlements before marriage through the lawyer who warns his client in a detailed and clear way. Mr. Gilmore makes Laura aware of the ongoing legislation which is against women especially after marriage and wants to guarantee both her life and property with the settlement. In the nineteenth century, there were two varieties of marriage settlement:

> *The first and better known is strict settlement. The principal feature of strict settlement was the entailment of property upon the eldest son and his eldest son, reinforcing the practice of primogeniture. Strict settlement has come to be regarded as synonymous with marriage settlements generally, serving to reinforce the idea of early modern England as an intensely patriarchal society in which women were largely victimized by the common law of marriage. (Erickson, Amy Louise 21)*

The other and less known marriage settlement is the trust for a married woman's "sole and separate estate, which preserved a woman's independent interest in specified property during her marriage" (Erickson 21). Actually, this was seen as against the common law since it protected women's property rights and, in a way, it formed the basis of legal reforms on behalf of women in the nineteenth century. For this reason, women's property law reforms gained importance. Laura's lawyer's focus is on the second type of marriage settlement. It could be argued that Wilkie Collins employs his fiction to raise awareness about such

marriage settlements through his lawyer character Mr. Gilmore, informs the Victorian women who are not aware of their rights as *feme sole*. The message conveyed to reader is clear. There can be such settlements and a woman can protect her wealth before marriage through them as in the case of Laura Fairlie.

However, marriage settlements are never enough for stopping the commodification of women. Laura is both wealthy and young and she will be Sir Percival Glyde's wife before she reaches the lawful age. Therefore, such a marriage settlement is compulsory in order to protect Laura's rights. As the nineteenth- century feminist and women's rights activist Barbara Leigh Smith writes in her *A Brief Summary in Plain Language of the Most Important Laws Concerning Women Together With a Few Observations Thereon* (1856),

> *A woman of twenty- one becomes an independent human creature, capable of holding and administrating property to any amount; or, if she can earn money, she may appropriate her earnings freely to any purpose she thinks good. Her father has no power over her or her property. But if she unites herself to a man, the law immediately steps in, and she finds herself legislated for, and her condition of life suddenly and entirely changes. Whatever age she may be of, she is again considered as an infant – she is again under reasonable restraint – she loses her separate existence, and is merged in that of her husband. (Smith 8)*

According to this marriage settlement prepared by the lawyer, Laura will control her own property under the management of a trustee and she will be allowed to use the income deriving from it throughout her lifetime. As Mary Lyndon Shanley suggests, "No man of property would allow his daughter to marry without a settlement, no matter how favorable appearances might be. The humbler classes, however, could not take advantage of equity, and the consequences were often disastrous" (Shanley 68).

The existing marriage law provides Sir Percival Glyde with many advantages and the most important one is Laura's property. Laura will be used as an instrument to pay his debts. According to the existing law, in case of Mr. Fairlie's marriage and having a child, his niece Laura would have all the property on his death. However, if Laura died single or childless, her cousin

Magdalen (the daughter of Arthur Fairlie) would have the property. Moreover, the lawyer asserts that "If she married, with a proper settlement—or, in other words, with the settlement I meant to make for her—the income from the estate (a good three thousand a year) would, during her lifetime, be at her own disposal. If she died before her husband, he would naturally expect to be left in the enjoyment of the income, for his lifetime" (Collins 179). Thus, Sir Percival Glyde will have two important advantages in the case of Laura's death. "First, the use of three thousand a year (by his wife's permission, while she lived, and, in his own right, on her death, if he survived her); and, secondly, the inheritance of Limmeridge for his son, if he had one" (Collins 179). In addition to this, there is a little fortune inherited by Laura's father's will, which is around twenty thousand pounds. "Besides this, she had a life-interest in ten thousand pounds more; which latter amount was to go on her decease, to her aunt Eleanor, her father's only sister" (Collins 179).

For this purpose, Mr. Gilmore prepares a marriage settlement in order to preserve Laura's property rights both as a *feme sole* and as a *feme covert*. After completing her twenty-first year, she will get twenty thousand pounds according to the marriage settlement that Mr. Gilmore has prepared. According to this, "The whole amount was to be settled so as to give the income to the lady for her life; afterwards to Sir Percival for his life; and the principal to the children of the marriage" (Collins 180). When Mr. Gilmore completes the settlement, he shares it with Sir Percival Glyde and his lawyer Mr. Merriman. The settlement is rejected by them and they demand all the money to become Sir Percival's. However, Laura's lawyer does not accept but since Laura Fairlie is under twenty-one, her Uncle Mr. Fairlie is her official guardian. He allows them to marry three months before her birthday. Thus, she marries before her lawful age. As Lisa Surridge asserts in her book *Bleak Houses*, "Since Laura marries three months before her twenty-first birthday, she never becomes an independent being but moves from the guardianship of Frederic Fairlie to the coverture of Sir Percival Glyde" (Surridge 154). In this sense, Laura's marriage will remove her

rights as a *feme sole* and Sir Percival Glyde will become the ultimate controller of her property after her death with the settlement. As O'Neill explains,

> *The situation of wedlock is of central importance, not merely because of a narrow topical interest on Collins' part, but because the patriarchal nature of the marriage laws are more broadly exposed in the terms of the hardship they cause to women. Women are imaged as commodities to be exchanged between men in the interests of property. And while this may not be an altogether new departure, Collins succeeds in showing in unprecedented detail how the law operates to maintain this structure and the subordination of women in the interests of property. (O'Neill 7- 8)*

Actually, Collins demonstrates the binding force of the marriage law in this way. As Lyn Pykett suggests in her book *Wilkie Collins,* "The law disempowered and infantilized women, placing them in the same category as criminals, idiots, and minors" (Pykett 43). In this sense, it can be said that Collins attempted to raise women's social and political awareness in the Victorian age by showing women's social and legal position in *The Woman in White* through Laura Fairlie.

As Mary Lyndon Shanley puts forward, "Feminists argued that marriage law grossly violated a married woman's rights to freedom and equality by taking away her independent legal personality when she married, subordinating her to her husband's will, and subjecting her to her restrictions that did not apply to unmarried women or to any men" (Shanley 10). Collins shows the levels of women's commodification under coverture through Sir Percival's actions. In this sense, Collins implies a distrust of Victorian marriage as a social institution since women are subordinated both socially and legally. Laura is commodified both by her husband and the law. Sir Percival Glyde's first attempt to obtain Laura's fortune by the classic tactic of marrying her is hindered by the terms of the marriage settlement prepared by lawyer Mr. Gilmore although the settlement was not satisfactory. He can obtain all the money and property in case of her death or having her signature when she is alive. He tries to take her signature at the beginning without giving information about the consequences of it since the deadlines of his debts are approaching. Percival says, "Nothing but the interest of her twenty thousand pounds--barely enough to pay our daily expenses" (Collins

352). However, Marian Halcombe learns his plans by coincidence and warns Laura about it. She decides not to sign anything offered by her husband.

Collins first shows the psychological cruelty of Sir Percival Glyde and gradually shifts towards higher levels of action. Sir Percival's threats and psychological abuse are the first steps towards beating his wife. In order to have Laura's signature, Sir Percival should have witnesses to prove that Laura signs the papers. Therefore, Marian Halcombe and Count Fosco will be the witnesses of this transmission. Although Laura asks about the sheet that she will sign, she cannot get any explanation from her husband. Also, she is underrated by him as a woman. He says, "I have no time to explain,". When Laura insists, he becomes tougher. "Nonsense! What have women to do with business? I tell you again, you can't understand it. I am your husband, and am not obliged. How much longer do you mean to keep me here? I tell you again, there is no time for reading anything: the dog-cart is waiting at the door. Once for all, will you sign, or will you not?" (Collins 267). At the end, Laura refuses to sign the unknown document offered by her husband and she is also supported by Marian, who opposes it. Actually, Sir Percival had initially been almost sure about her signature in order to obtain her wealth. If Laura had not been warned by her sister, probably she would have signed the documents offered by her husband. As Laurence Talairach–Vielmas suggests, "The legal disqualifications that women faced in the nineteenth century England, especially their loss of legal identity through marriage, turned women into ghostly figures. Through marriage, women became blanks – white women, socially spectral since their marriage condemns them to a symbolic civil death" (Talairach – Vielmas 22). In this sense, she should be obedient to her husband according to the common law in England. Sir Percival sees Laura as a commodity and he tries to have everything he wanted with the consent of the law because Laura is a *feme covert* and she depends on her husband. However, Laura does not sign any of the documents and she becomes a disobedient woman.

Collins shows in his work that a married woman cannot attain her *feme sole* status after marriage even if she is an upper-class lady, as Barbara Leigh Smith suggested in her *A Brief Summary in Plain Language of the Most Important Laws Concerning Women Together with a Few Observations Thereon* in 1856. Prior to the enactment of the 1870 and 1882 Married Women's Property Acts, all the property including stock, shares, money, jewelry, household goods, clothes belonged to the husband. Also, it was thought that after the 1870 Act a married woman could hold property in her own name and make a will without her husband's consent but this was again not totally satisfactory. Brutal husbands still tried to control their wives as in the case of Laura. Although Laura wants to keep her own wealth, Sir Percival and Count Fosco try to obtain her wealth by using the loopholes in the law.

In addition to the issue of commodification of women which was supported by the common law, another important point is erasing women's identity and voice in *The Woman in White*. Both Sir Percival Glyde and Count Fosco are urgently in need of money and their first plan has been rejected both by Laura and Marian. After Sir Percival fails to persuade Laura to sign, he resorts to another plan with his co-conspirator Count Fosco in order to attain her wealth. According to this, they will change Anne Catherick's death certificate with Laura and put Laura in a lunatic asylum under Anne Catherick's name. They substitute Laura with Anne Catherick, who dies of a heart attack after having been given Laura's identity. Laura's death is the ultimate solution for Sir Percival because marriage was considered as an indissoluble official contract that could only be terminated by the husband's or wife's death.

Sir Percival and Fosco's greed for money leads to Laura's legal death. They make use of Anne Catherick and Laura Fairlie's apparent physical similarity. After seeing Anne, Sir Percival mentions her to Count Fosco. When Count Fosco learns of such a physical resemblance between Anne and Laura, he makes up a plan for Sir Percival to obtain her huge amount of money. According to this, Anne is already ill so she will not be cured and whenever she dies, she will be

buried as Lady Glyde. At the same time, Lady Glyde will be drugged and put into a private mental institution instead of Anne Catherick. Since her sister Marian Halcombe is suffering from a deadly typhus, no one will save her from the asylum. "This successful conspiracy obliterates the identities of both women, one lying dead with a tombstone marked with the name of the other, and the other locked away in an asylum, mocked for being the madwoman she is fast becoming as she pleads that she is really a noblewoman" (May 86).

While Laura Glyde is in the asylum, Anne Catherick suffers from a serious heart disease and she dies. Nobody is held responsible for Laura Glyde's death because everything seems clear. There is no murder or negligence. The cause of death is reported by the doctor as aneurism and her dead body is seen by a woman called Jane Gould. Laura Fairlie is officially dead under Sir Percival Glyde's nuptials and he becomes the owner of her fortune. Walter Hartright says,

> *In the eye of reason and of law, in the estimation of relatives and friends, according to every received formality of civilised society,"Laura, Lady Glyde," lay buried with her mother in Limmeridge churchyard. Torn in her own lifetime from the list of the living, the daughter of Philip Fairlie and the wife of Percival Glyde, might still exist for her sister, might still exist for me, but to all the world besides she was dead. Dead to her uncle who had renounced her; dead to the servants of the house, who had failed to recognise her; dead to the persons in authority who had transmitted her fortune to her husband and her aunt; dead to my mother and my sister, who believed me to be the dupe of an adventuress and the victim of a fraud; socially, morally, legally—dead. (Collins 422)*

However, Laura is alive and she is hiding with Walter and Marian. She is deprived of both her identity and fortune due to Sir Percival Glyde's conspiracy. As Fern Pullan suggests, "Incarcerating somebody takes away that most important of basic human rights – liberty, freedom. By removing this, Percival Glyde, Laura's husband, automatically turns her from human being to thing. The death and subsequent burial of Laura effectively wipes out her identity, while that of the real Anne is stripped away altogether by being buried under an other's name" (Pullan 498).

In fact, Laura Fairlie could have been protected by the marriage settlement prepared by the lawyer, but it became useless due to Laura's age and uncle Mr. Fairlie. Sir Percival Glyde becomes the owner of Laura's money and property, but Laura is alive and she escapes from the asylum with Marian. Walter Hartright helps them to investigate Sir Percival Glyde's secret, which was known by the woman in white, Anne Catherick. In fact, Sir Percival Glyde is illegitimate since his mother was not married legally and for this reason, he hides his illegitimate status which was known by Anne Catherick. At the end, his illegitimacy is discovered by Walter and Sir Percival Glyde. While Sir Percival is trying to steal the documents relating to his illegitimacy, he dies due to the sudden fire in the Church. In a sense, then, it could be argued that his illegitimate status leads to his death.

At the end, Laura's identity is restored through Count Fosco's written confession. After Sir Percival's death, Walter forces Count Fosco to write a confession about their conspiracy against Laura. Thanks to this written confession Laura Fairlie's identity is restored and they prove that Laura is alive and married to Walter Hartright. In the end, the couple have a son who becomes the only owner of Limmeridge House and all the other property after the death of uncle Frederic Fairlie,

> *"There is not the least necessity for doing anything of the kind," said Marian. "We can be just as explicit, and much more interesting, by referring to the future." She rose and held up the child, kicking and crowing in her arms. "Do you know who this is, Walter?" she asked, with bright tears of happiness gathering in her eyes. "Even my bewilderment has its limits," I replied. "I think I can still answer for knowing my own child." "Child!" she exclaimed, with all her easy gaiety of old times. "Do you talk in that familiar manner of one of the landed gentry of England? Are you aware, when I present this august baby to your notice, in whose presence you stand? Evidently not! Let me make two eminent personages known to one another: Mr. Walter Hartright—the Heir of Limmeridge. (Collins 616- 617)*

Laura becomes the first heir of uncle Frederic Fairlie. In this case, if Laura dies single or without a child, the estate will belong to her cousin Magdalen. If Laura has a son, he will be the ultimate owner of the estate. That's why, Laura's son

takes all the property at the end. According to the common law, inheritance priority belonged to the male relatives. A woman could not inherit any property in front of her male and elder relatives. Her brothers, uncles, male cousins, and her husband had the priority of inheritance but Laura owned her estate since there was no male relative.

From the beginning until the end, *The Woman in White* shows the challenging legal confrontations of a female character. As Maceachen argues, "Collins made extensive use of his legal knowledge in his stories. They definitely bear the stamp of a lawyer turned novelist. His knowledge of the legal value of wills and marriage settlements- so important for wives before the passing of the Married Women's Property Act in 1870, of marriage and inheritance law and court procedure, manifests itself repeatedly. Complicated and complicating wills are of especially frequent occurrence" (Maceachen 122). In *The Woman in White*, coverture and the marriage law are the starting points of Collins. While telling about Laura Fairlie's case, the novel presents an extraordinary Victorian woman who is in search of her legal rights and simultaneously questions the existing. laws. After the marriage, according to the common law, Laura becomes *feme covert* and her property becomes her husband's property, too. Although her husband and Count Fosco try to change her death certificate, she manages to restore her identity through her sister Marian and Walter Hartright's help at the end. In a sense, the novel attempts to undermine the view that "Woman was to wield her influence in the domestic sphere, while man exercised his power in the hazardous, hostile, public domain" (Pykett, *The Improper Feminine* 12). For Maceachen, "A final effect of Collins's legal training was that it left him with a desire to bring certain reforms in British law" (Maceachen 123). In line with Maceachen's claim, it can be argued that Collins made use of his fiction and its popularity to raise awareness about the serious legal injustice towards women and to show that women had the chance to take action in order to have equal rights on the grounds of marriage and property laws.

3.2. Marriage, Divorce and Property in *Man and Wife*

> *There is no limit, in England, to what a bad husband may do – as long as he sticks to his wife. (Collins, Man and Wife 580)*

The plot of Man and Wife which was first published in 1870, concerns three different women who have different social status. The first one is Miss Silvester (later Vanborough) who is abandoned by her ambitious husband in order to reach his political goals. The second one is her daughter Anne Silvester, who is cheated on and abondoned by her husband Geoffrey Delamayn in order to marry a wealthier woman and the third one is the cook Hester Dethridge, who is beaten by her husband Joel Dethridge throughout their marriage. In writing *Man and Wife*, Collins was inspired by two real-life cases: The Yelverton Case (1861) and the case of Susannah Palmer (1869), which will be discussed in more detail below.

In the *Preface* to the novel, Collins informs the reader about the plot of the novel in which "fiction is founded on facts" (Collins 5). He foregrounds the nonsensical condition of the marriage laws of the country through the stories of Miss Anne Silvester (later Mrs. Vanborough), her illegitimate daughter Anne Silvester, and the dumb cook and house-keeper Hester Dethridge. As Helena Ifill suggests, "Collins's preface declares that he intended the novel to 'afford what help it may towards hastening the reform of certain abuse which have been too long suffered to exist among us unchecked', but also that he intended the story to be more than just the means of conveying his message" (Ifill 157). He also wanted to raise political awareness and a call to action. He was aware of the biased laws so the law had to be changed. As Collins says in the Preface, "As to the present scandalous condition of the Marriage Laws of the United Kingdom, there can be no dispute. The report of the Royal Commission, appointed to examine the working of those laws, has supplied the solid foundation on which I have built my book" (Collins 5). Thus, "Collins uses his plot and characterization to show the harmful impact of these legal and social conditions"

(Ifill 157). His main purpose is to criticize the marriage laws of England. In this sense, Collins blends fact and fiction, inspired by the real trials and the legal problems that women were exposed to. Due to these social and legal abuses, in the nineteenth century, women revolted against the legal injustice in the British law as in the case of Caroline Norton. Their cases were reported in the newspapers, and the Yelverton case was one of them. As Norman Page suggests in his introduction to *Man and Wife*, "The confused state of the English, Scottish, and Irish marriage laws had come to public attention through a number of cases, most notably the celebrated Yelverton case of 1861" (Page ix).

The Yelverton case was between the aristocratic Captain William Charles Yelverton and the nineteen- year-old Theresa Longworth. They met on a cross-Channel steamer in 1852. Their story was very romantic at the beginning. Theresa was staying in Italy together with her sister to complete her education. Theresa wrote to him to give an enclosed letter to a friend who was at a Monastery in Turkey. This way, their correspondence started and continued. In 1854, Theresa's father died and Major Yelverton was sent to the war zone in Crimea. In 1855, Major Yelverton went to Sevastopol and she visited him there, "This second meeting of the two was apparently a fulfillment of the sentiments expressed and implied in their correspondence: For her an acceptance of his proposal of marriage; for him the beginning of his plans to make her his mistress" (Erickson and McCarthy 275). The Captain was unwilling to marry. Though they continued their correspondence. William Yelverton was an Irish Protestant and Theresa Longworth was an English Catholic. In the nineteenth century, "To discourage Protestants from marrying Catholics, a statute of George II (19 Geo. 2. c. 13.) declared the Irish Catholic marriage ceremony invalid for a Protestant, though valid for a Catholic. Consequently, in Ireland most Catholic/Protestant couples had a public ceremony performed by a Church of Ireland minister according to the rites of that church, then a renewal of marriage vows before a Catholic priest" (Khan 22). In 1857, when the couple were alone, they declared themselves man and wife on Vincent Street. "This exchange of consent, if made as described and intended as a marriage contract or even as a

promise of marriage followed by sexual intercourse, would have effected a valid and legal marriage according to the laws then in force in Scotland and in the Roman Catholic Church in Scotland" (Erickson and McCarthy 276). William did not want a celebration at all and agreed to a Catholic marriage in Ireland.

In Ireland they stayed in a hotel as Mr. Yelverton and Mrs. Yelverton. They found a priest in Ireland and got married with witnesses present. Later, Theresa had two miscarriages and was abandoned by William. William Yelverton was aware of the law dictating that Catholic marriage was invalid in Ireland, and in 1858 he used this to his advantage in order to marry a wealthier woman Emily Marianne Ashworth Forbes, the daughter of General Sir Charles Ashworth and the widow of Professor Edward Forbes. After this, Theresa moved to Mr. and Mrs. Thelwall at Hull, and "it was Thelwall who entered the petition against Major Yelverton "to re- cover the sum of £259/17/3 for board, lodging, medical attendance, and necessaries supplied to defendant's wife" (Erickson and McCarthy 279). According to the law of coverture, he was responsible for her as her husband. When she learnt about his second marriage, she charged him with bigamy on the basis of Irish marriage, not Scottish. The court questioned the legality of this marriage. During the trial, Theresa was supported by the whole country: "The jury returned with a decision in favor of the plaintiff, affirming that there was a Scottish marriage as well as an Irish marriage and that Yelverton was a Roman Catholic at the time of the marriage in Ireland" (Erickson and McCarthy 281). Theresa's triumph was celebrated by many people. Their next trial was in Scotland in 1862 and declared that Theresa Longworth and William Charles Yelverton were married legally. The final judgment of the House of Lords reversed the judgment by saying the clues were too vague. Therefore, their marriage was not valid and Yelverton's marriage to Emily Forbes was valid and lawful. In the end, they went their own ways and lived separately.

As Norman Page suggests in his Introduction to *Man and Wife*, "The Yelverton case brought the questions of bigamy and of irregularly contracted marriages dramatically to public notice, and there is no doubt that novelists and others

seized gratefully on a theme with so much plot-making potential" (Page x). In *Man and Wife*, Wilkie Collins uses the same theme, that is, irregular marriages by depicting women who are abused by their husbands through their marriages. Therefore, "Collins was prompted to write *Man and Wife* by the publication of The Report of the Royal Commission to examine the workings of the Marriage Laws and since the first appearance of the book an Act of Parliament had been passed to protect, to some degree, the property of married women. The novel itself may have contributed something to this change of mood" (O'Neill 131). Although the Yelverton Case did not close in favor of Theresa Longworth, Collins aimed at exploring similar cases in his novel to foreground the injustice of the law against woman. He was also careful to depict a variety of characters from different social classes.

Man and Wife explores the topic of irregular marriages by exemplifying three different women, Anne Vanborough, Anne' daughter Anne Silvester, and the cook Hester Dethridge. First, John Vanborough wants to nullify his marriage with Anne Vanborough in order to marry an influential woman in politics and since they have been married in Ireland and he is protestant, their marriage is not valid at all. As Maceachen argues, "Collins worked out a characteristically ingenious and melodramatic plot to give concrete illustration to the evils he wanted remedied" (Maceachen 126). In the "Prologue" of *Man and Wife,* Collins points out how a husband can use the marriage law in order to nullify his marriage. John Vanborough is a rich merchant and he has been married for thirteen years but in order to realize his political aims, he wants to marry an influential woman, Lady Jane Parnell. He wants a career in politics and Lady Jane Parnell is a socially prominent and strong woman who can help with his political goals. In the nineteenth century, keeping up a respectable status was vital. Collins was aware of the Victorian values and juridical system. "The aristocratic ideal of the Victorian elite was largely a matter of keeping up appearances" (Newton 19). The upper and upper-middle class women's career was marriage. Also, they were expected to represent and raise their husband's status without a scandal. A wife should help her husband to have a proper place

in society for him. Lady Jane Parnell is presented as such a woman who can provide a better career for her husband. John Vanborough says, "Thirteen years ago I fell in love with a handsome public singer, and married her. I find myself, with a great career opening before me, tied to a woman whose relations are the lowest of the low. If I had not been a born idiot, I should have waited, and married a woman who would have been of some use to me; a woman with high connections" (Collins 22). He sees woman as something that is acquired and has to benefit for the rest of his life.

Therefore, he consults his lawyer, Mr. Delamayn, who asks about the details of the marriage in order to solve his client's problem Mr. Delamayn questions him. Mr. Vanborough and Mrs. Vanborough were married at Inchmallock in Ireland, and Miss Anne Silvester (later Mrs. Vanborough) was a Roman Catholic together with her mother and father. On the other hand, Mr. Vanborough and his family were Protestants. In order to marry her, he became a Roman Catholic and he was formally received into the Roman Catholic Church abroad six weeks before their marriage. Their priest was a young man who had been recently appointed to his clerical duties and he did not ask when he had become a Roman Catholic. This is how the lawyer explains that their marriage is actually invalid.

> *By the Irish Statute of George the second, every marriage celebrated by a Popish priest, between two Protestants, or between a Papist and any other person who has been a Protestant within twelve months before the marriage, is declared null and void. And by two other Acts of the same reign such celebration of marriage is made a felony on the part of the priest. The clergy in Ireland of other religious denominations have been relieved from this law. But it still remains in force so far as the Roman Catholic priesthood is concerned. (Collins 27)*

Therefore, according to the Irish marriage law stated in the Irish Statute of George the second, it is a felony to celebrate such a marriage. The lawyer explains the existing law in detail:

> *It is a felony for a Roman Catholic priest to celebrate a marriage which maybe lawfully celebrated by a parochial clergyman, a Presbyterian minister, and a Nonconformist minister. It is also felony (by another law) on the part of a*

> *parochial clergyman to celebrate marriage that may be lawfully celebrated by a Roman Catholic priest. And it is again felony (by yet another law) for a Presbyterian minister and a Nonconformist minister to celebrate a marriage which may be lawfully celebrated by a clergyman of the Established Church. (Collins 27)*

As in the Yelverton case, they are considered not married at all according to the law. He became a Roman Catholic just six weeks ago and it was not suitable for the law. Both Mr. Vanborough and Mrs. Vanborough are considered single and for this reason, their daughter is illegitimate. Also, their clergyman is liable to be punished due to this felony. As the lawyer asserts, "It is the law" (Collins 28). Although Lady Jane notices their marriage certificate, Mr. Vanborough denies it, and this denial is unfortunately justified by the law. In order to acquire his political goals, he chooses another woman and the law allows him to do this. As O'Neill suggests,

> *In the eyes of the law Vanborough really does no wrong to the woman. The narrative guarantees that we should find no fault with the man on legal grounds. So far as social convention, propriety and the legal system are concerned, it appears that no wrong has been done. Yet the entire novel questions this legal apparatus and those rules of polite behavior which allow for the situation described. Women become synonymous with property and it is hardly surprising that the law should support the property owners. Collins is determined to describe this property system in its true light and advertise the plight of women. (O'Neill 129)*

The significant point here is that Anne Silvester is subjected to injustice legally. She is a middle-class woman. Her husband nullifies their marriage in order to be wealthier and more respectable. Collins's point is not just women's subordination to their husbands and injustice exerted by them. What is the most disturbing is that this subordination and injustice are supported by the common law and women cannot object to it. As in the Yelverton case, although the character Theresa opposes and sues her husband, the result is not satisfactory at all. Another point is, women's commodification is again foregrounded through this couple's story. In order to reach his higher goals, Mr. Vanborough uses another woman. Lady Jane Parnell is obviously very rich and more opulent than Anne Silvester, so he tries to make use of Lady Jane to climb the social ladder.

He wants to maintain respectability and become an upper-class gentleman. Therefore, he uses the Victorian marriage and divorce laws to his advantage in order to gain prestige and higher social status. In this sense, it can be said that women are both subjected to legal injustice but also rightfully commodified by men in the eyes of the law. Collins takes into consideration these legal and social abuses one more time. Then, Collins moves the story to another time and reopens it in Scotland and thirteen years later.

The second woman who is a victim of the law is the illegitimate daughter of Anne Vanborough, Anne Silvester in *Man and Wife*. According to Scottish law, exchanging consent is the most essential condition of marriage. Anne Silvester and her lover Geoffrey Delamayn have a similar case. Although they exchange consent, Geoffrey denies their marriage but, in the end, Anne proves and legalizes their marriage by showing their letters. The story then moves to the initial action that indicates the division of regular and irregular marriages in Scotland.

According to Scottish Law, there were two kinds of marriages. Regular marriages were performed by a clergyman or another official who was liable to perform marriages. Moreover, these marriages were officially registered. However, irregular marriages were informal. As Gordon suggests,

> *Lying at the heart of Scottish marriage laws from the medieval period through to almost the middle of the twentieth century, was the canon law doctrine that exchange of consent was sufficient to constitute marriage. The validity of marriage in Scotland continued to rest primarily on mutual consent with the caveats that there must be no legal impediments and that proof of consent could be established if required. In this respect, the emphasis on the exchange of consent meant that Scotland's marriage laws retained significant elements of continuity from the medieval period through to the modern period. (Gordon 508-509)*

The irregular marriage depended on just an interchange of consent, either oral or written, with a witness or witnesses, or secretly, or just a promise of marriage in the future followed by cohabitation. There were three kinds of irregular marriages in Scotland.

> *Marriage constituted per verba de praesenti which required "some present interchange of consent to be thenceforth man and wife, privately or informally given," marriage per verba de futuro subsequente copula which was constituted "by a promise of future marriage without any present interchange of consent to be husband and wife, followed at a subsequent time by carnal intercourse" and marriage by cohabitation with habit and repute. The latter form of marriage was often popularly defined as "living together". (Gordon 509)*

In *Man and Wife*, the initial action starts in the estate of Lady Lundie in Scotland. Her guests are her brother Sir Patrick Lundie, her step daughter Blanche Lundie, Blanche's fiancé Arnold Brinkworth, Anne Silvester (the illegitimate daughter of Mrs. Vanborough), and Geoffrey Delamayn. There is an affection between Geoffrey and Anne. However, Geoffrey is not interested in marriage at all. He directly says, "You're only a governess. If I marry you now, I'm a ruined man" (Collins 79). Anne, on the other hand, admires Geoffrey: "She had seen him, the hero of the river-race, the first and foremost man in a trial strength and skill which had roused the enthusiasm of all England. His were the arms whose muscle was celebrated in the newspapers. He was first among the heroes hailed by ten thousand roaring throats as the pride and flower of England" (Collins 76-77). Later, Anne persuades Geoffrey to meet in an isolated inn at Craig Fernie. By exchanging consent, they will be husband and wife according to Scottish law. First, Anne goes to the inn and pretends she is a married woman. She is waiting for her husband. However, Geoffrey cannot make it and has to go to London to his father. Therefore, he requests from Arnold Brinkworth to give a letter to Anne. When Arnold goes to the inn, he pretends that he is the husband of Anne in order to save her reputation. Anne gets angry at this situation. Due to the rainstorm, he cannot leave the inn and stays in the sitting room of the room. The next morning Arnold leaves but they can be considered already married according to Scottish law. As Gordon asserts, "The distinctive marriage arrangements of Scotland and England had very real consequences, most notoriously, the vogue for runaway marriages to Scotland, particularly Greta Green and other border towns, by young English couples seeking to avoid the need for parental consent for their marriage and to take advantage of the more flexible and informal marriage laws" (Gordon 510).

After a while, Arnold Brinkworth and his fiancé Blanche Lundie get married according to British law. Geoffrey, in the meantime, is interested in another woman, a rich widow Mrs. Glenarm and forgets his promise to Anne. Also, his father supports his marriage with a wealthy woman. As Geoffrey's elder brother Julius Delamayn says, "The lady in question was formerly Miss Newenden – a descendant of one of the oldest families in England. She is now Mrs. Glenarm – the young widow (and the childless widow) of the great ironmaster of that name. birth and fortune – she unites both. Her income is clear ten thousand a year. My father can, and will, make it fifteen thousand, if you are lucky enough to persuade her to marry you" (Collins 186). Not only Geoffrey but also his family want his marriage with Mrs. Glenarm. In this sense, there should not be a problem. He consults whether he could in any way be considered married to Anne Silvester to a clever lawyer, Sir Patrick Lundie. He pretends as if he is asking on behalf of his friend. Sir Patrick says, "My experience, Mr. Delamayn, is that any single man, in Scotland, may marry any single woman, at any time, and under any circumstances. In short, after thirty years' practice as a lawyer, I don't know what is not marriage in Scotland" (Collins 229). In this respect, Anne Silvester and Geoffrey Delamayn can be considered wife and husband according to Scottish law because "consent makes marriage. No form or ceremony, civil or religious; no notice before, or publication after; no cohabitation, no writing, no witnesses even, are essential to the constitution of this, the most important contract which two persons can enter into" (Collins 231). Thus, Anne and Geoffrey have been united with their consent. Although Geoffrey was not there in the same hotel room with Anne, because Anne stayed there as a married woman, they are considered to have this matrimonial consent which makes them husband and wife. The people of the inn can be considered their witnesses although they did not see their exchange of consent.

Such irregular marriages were very common in England as well until the passing of Lord Hardwicke's Marriage Act, also known as An Act for the Better Preventing of Clandestine Marriage in 1753. It provided requirement of a formal ceremony of marriage in England and Wales. Also, "The Hardwicke Act

provided that all marriages except those of Quakers, Jews, and members of the royal family were to be solemnized only after the publication of banns or the securing of a license and a ceremony performed in an Anglican church by an Anglican clergyman in the presence of two or more witnesses. Parental consent was necessary for the marriage of persons under twenty-one" (Clarke 57). In order to avoid the restrictions of the Hardwicke Marriage Act, couples went to the border of Scotland, Gretna Green village. "Gretna Green, a village on the Scottish border, became famous for tying the knot quickly and cheaply. It is said that for a long time, the village blacksmith at Gretna Green did a thriving business in performing marriages. The name of the village became a synonym for a hasty marriage" (Maceachen 129-130). Before *Man and Wife* was published, in order to eliminate such marriages, Lord Brougham tried to pass a bill but the Scottish people opposed this bill since they did not want any interference with their irregular marriages. In 1856, a new law was legalized. According to this, "one of the parties about to be married in Scotland should have resided there for twenty-one days before the marriage took place. This law put an end to quick Gretna Green marriages, but otherwise left the Scots law on irregular marriages essentially unchanged" (Maceachen 130).

In Collins' novel the lawyer, Sir Patrick Lundie, gives detailed information about the existing laws:

> *The only contract which we leave without safeguards or precautions of any sort, is the contract that unites a man and a woman for life. As for the authority of parents, as the innocence of children, our law recognizes no claim on it either in the one case or in the other. A girl of twelve and a boy of fourteen have nothing to do but to cross the border, and to be married – without the interposition of the smallest delay or restraint, and without the slightest attempt to inform their parents, on the part of the Scotch law. As to the marriages of men and women, even the mere interchange of consent which makes them man and wife, is not required to be directly proved: it may be proved by inference. And, more even than that, whatever the law for its consistency may presume, men and women are in point of fact held to be married in Scotland, where consent has never been interchanged, and where the parties do not even know that they are legally held to be married persons. (Collins 231)*

This again testifies to how Anne and Geoffrey easily considered man and wife within the context of the novel.

Man and Wife depicts two generations of women facing legal injustice just like her mother in the past, Anne Silvester is also abused legally. She is cheated by her husband and abandoned for the sake of being with another woman, Mrs. Glenarm, who is much wealthier than Anne and an upper-class lady who will enable Geoffrey Delamayn to obtain many opportunities. Collins presents a similar case once again with the second generation, and his emphasis is on the common law which permits a raw deal. Due to the legal injustice, women are exposed to discrimination and it is a very difficult and complicated procedure for a woman to achieve her rights in marriage and divorce. Anne Silvester's social class and status also plays a role in the degree of legal injustice she exposed to. She is a governess, and for a woman of her social and financial means, which was to the disadvantage of women, ways of objecting to it were also very costly and could not be attempted by women of lower financial status. Such cases were very expensive and almost unaffordable. Therefore, it could be argued that in addition to the existing law, the procedures were also against women.

Moreover, Collins draws attention to the issue of woman's commodification one more time through Anne Silvester's case. As in the initial action that describes Anne Vanborough, in Anne's story Mrs. Glenarm is treated like Lady Jane. Geoffrey Delamayn wants to use her money and social status to become an upper-class man. He is supported by both his family and the law that easily declares Geoffrey single. Collins emphasizes the need for reform in law which will protect women's rights, too. British law must be changed. Otherwise, women of all classes will be subjected to the injustice of the marriage and divorce law.

The third woman in *Man and Wife* whom Collins depicts as facing legal challenges is Hester Dethridge. "In an important subplot, Collins also depicts a marriage under English law, in which a woman is abused and impoverished by

her drunken husband but is unable to legally escape her situation" (Steere 75). Hester's story is based on the case of Susannah Palmer, who stabbed her husband in 1869. "The injustice of the English marriage laws, which denied a wife control over her own earnings, is also revealed through the story of Hester Dethridge, whose abusive, alcoholic husband legally claims and spends all of her wages until she is driven to murder and insanity" (Ifill 157). Hester Dethridge is Anne and Geoffrey's cook and she cannot divorce her husband according to the existing law. In the novel, it is related that she is the eldest daughter of a large family. Her sisters get married before her and she wants to marry since she cannot get on well with her parents. Eventually, she marries Joel Dethridge, who turns out to be is a drunkard. He spends all of her money at the end of their first year and sells their furniture. They quarrel and he strikes her many times. She decides on legal action against her husband. For this purpose, she goes to the police court and tells her story. She demands protection saying,

> *The law might protect me, provided I had money to spend in asking some higher court to grant me a separation. After allowing my husband to rob me openly of the only property I possessed – namely, my furniture – the law turned round on me when I called upon it in my distress, and held out its hand to be paid. I had just three and sixpence left in the world – and the prospect, if I earned more, of my husband coming (with permission of the law) and taking it away from me. There was only one chance – namely, to get time to turn round in, and to escape him again. (Collins 588)*

Hester's demand of protection is very expensive according to the existing law and divorce is almost impossible for a woman due to the high costs. As Vranjes asserts,

> *Parliament did allow women to petition for private divorce acts, but since a husband's adultery had to be aggravated by bigamy, incest, or extreme cruelty before it could become grounds for divorce, few wives obtained divorces even if they could afford the high legal costs. The fact that only four divorces had been granted to women over the course of three centuries speaks volumes. Even the wealthy wives whose separate property was secured through equity were forced to remain married" (Vranjes 333 -334)*

Hester is a lower-class woman who cannot pay the high costs of divorce. Therefore, she charges him by knocking her down. He bites her severely and he is imprisoned. “The magistrate (happening to be young, and new to his business) sent him to prison, instead of fining him” (Collins 588). She has peace for a short time. After six months, he comes back with the police and claims his rights. She offers money but it is not enough for him. As she explains, “Being married to him, I had no right to have left him; I was bound to go with my husband; there was no escape for me” (Collins 589). The law forces her to go wherever he wants because a married woman cannot claim a separate identity. She is a *feme covert*, and all of her property and earnings belong to her husband. Therefore, she cannot have her own money and any personal property. Then, they go to London where his drinking habit continues. Unfortunately, the only option for her is natural divorce, that is, death. He takes all of her money but there is nothing left to do. Then, she consults a lawyer and searches for a solution to her husband’s problem but the lawyer also says similar things: “The law of England declines to consider an incurable drunkard as a fit object for restraint; the law of England leaves the husbands and wives of such people, in a perfectly helpless situation, to deal with their own misery as they best can” (Collins 591). Actually, there is no solution to domestic violence. After drinking, he strikes her and she cannot get away. Hester says, “The laws of my own country, which ought to have protected me as an honest woman, left me helpless. In place of laws, I had no friend near to open my heart to. I was shut up in myself. And I was married to that man” (Collins 592). Hester is alone and silent. Her mother is not alive and her father does not answer her letters. Hester’s desperate marriage, the marriage laws of England, society’s inability to listen lead to her eventual mutism. When Joel takes her money to spend it on drinking, she says, “I didn’t say a word. I stood, and looked round the empty room. What was going on in me, I hardly knew myself at the time, and can’t describe now” (Collins 593). Joel hits her one more time and she is injured. She loses three of her teeth and the ability to speak. She is taken to hospital and during her healing process, a house is provided to her by the landlord. However, she is disturbed by her husband one night. Although she calls the police, he is the husband. “The policeman laid hands on

him. He had but one word to say: he had only to point up to me at the window, and tell them I was his wife" (Collins 596). As Hester's husband, Joel has power over her and the policemen cannot do anything to protect her. In the end, she has no choice but kill him and she does this without hesitation. Elizabeth Steere asserts, "When she murders him, she imagines that she is like Jael of the Old Testament who killed the army captain Sisera in order to save her nation from being overthrown by a foreign enemy. As her fantasy suggests, Hester views Englishwomen as being 'under siege' by violent and unscrupulous men… The current divorce laws, however, offer these women no easy means of liberation from their abusers" (Steere 75 – 76).

In the end, Hester confesses to the murder of her husband. Explaining in her written manuscript, how her troubles gradually increased and she decides to kill him. His death will be natural divorce, a solution she could not receive from either the police or the law. She says in her manuscript, "I waited till the church clock chimed before striking the hour. At the first stroke – without touching the lock of his door; without setting foot in his room – I had the towel over his face. Before the last stroke, he had ceased struggling. When the hum of the bell through the morning silence was still and dead – he was still and dead with it" (Collins 603). She kills Joel, "the doctor reported that he died of congestion of the lungs; and the jury gave their verdict accordingly" (Collins 604).

At the end of the novel, Hester lives with Anne and Geoffrey. Geoffrey is seriously disturbed by the existence of Hester at home. He obtains Hester's manuscript and learns about the murder of Joel Dethridge in detail. He then blackmails Hester, asking her to kill his wife, Anne. Although the confession is in his hands, Hester does not accept this and instead she kills Geoffrey Delamayn. She is put in a mental asylum and Anne becomes Lady Lundie by marrying Sir Patrick Lundie. "In *Man and Wife* (1870), Collins does offer a representation of the sexually abused woman through his portrayal of the character of Hester Dethridge, a mute, who suffers various abuses at the hands of her husband, culminating, the narrative implies, in rape" (Cox 149). Hester's

manuscript implies that even there, she cannot write about her husband's abuses directly. Collins' depiction of a a lower-class woman character who suffers from psychological and physical violence and who cannot speak but can write instead is very telling. It again points to how women, and in this case especially lower-class women, are at a great disadvantage in having their voices heard and getting protection from the law. Collins's message is apparent here: The law cannot protect women so women try to protect themselves. In this sense, there must be a legal reform that will include women under the shelter of justice. Otherwise, women will be exposed to marital violence and even rape as in the case of Hester Dethridge and the law cannot protect them. In Hester's case, if she had not killed Joel, she would have been killed herself. Similarly, if she had not killed Geoffrey Delamayn, Anne Silvester would have been killed. Collins's point is a legal reform that will provide married women's security. The legal rights of *feme covert* should be regulated. "In *Man and Wife*, Collins depicts spousal abuse as occurring at all levels of the social hierarchy, but he also suggests that women who do not enjoy the privileges and rank of the middle class have fewer options for recourse. Hester's muteness is the physical embodiment of such a woman's voicelessness in the contemporary English justice system" (Steere 77). The other point is, for a lower-class woman, the negative influence of law is more severe. She cannot resist legally. Thus, she prefers natural divorce in order to get rid of her husband. Actually, this is the only choice for her. By depicting women of different classes with similar problems, Collins suggests that the serious legal injustices exist for women from all walks of life, lower-class woman with narrow financial means, they become even more severe.

As Maceachen argues, "In *Man and Wife* (1870) Collins devoted his prestige, which at that time was very great, and his talent to the cause of further legal reforms. In a single novel he attacked English marriage laws for Ireland, Scottish irregular marriages, and the legal status of a married woman in England" (Maceachen 126). Collins depicts the legal injustice through Anne Vanborough, Anne Silvester, and Hester Dethridge. By focusing on the legal problems of

these women characters, he aims to raise awareness and even do a kind of a propaganda for reform in terms of women's legal rights.

3.3. *Feme Sole* and Property in *The Moonstone*

> *Coverture provided that a woman (whether married or not) had no legal capacity; she was subsumed under the legal identity of her husband or male relative and thus was civilly dead. (Kuersten 4)*

The Moonstone is one of the most well-known detective novels of Collins. "Initially entitled 'The Serpent's Eye', *The Moonstone* was serialized in *All the Year Round* from early January to early August 1868" (Law and Maunder 94). It was acclaimed as the most sophisticated work by Collins. "Carefully crafted and technically confident, *The Moonstone* has been seen as the high point of Collins's achievement" (Law and Maunder 95). For this novel, Collins was inspired by Constance Emily Kent's Case, known as the Great Crime of 1860. It was thought that Collins borrowed the mysterious form and the detective of the case for his fictional creation. In the novel, Collins used the same narrative strategy as in his previous novel *The Woman in White* which was published in 1860. Multiple narrators including, Gabriel Betteredge, Franklin Blake, Drusilla Clack, Sergeant Cuff, and Ezra Jennings tell the story according to their own perspectives.

The Moonstone is about a diamond which is stolen mysteriously. "*The Moonstone* begins with Rachel Verinder learning that she inherited the moonstone diamond as an act of vengeance by her uncle Colonel Herncastle, a corrupt British officer who stole and murdered to get it during the Siege of Seringapatam in India" (Faktorovich 185). Later, it turns out that the diamond was stolen by Rachel's cousin and lover Franklin Blake under the influence of laudanum. "Unlike most detective stories, *The Moonstone* does not end with the discovery of the criminal's identity, but is ingeniously prolonged until we learn how the crime was committed" (Ashley 47). In the end, Franklin proves that he stole the diamond unconsciously and the diamond was taken back by the Indians.

Although this inheritance was perceived as a "threat" to Rachel's safety at her eighteenth birthday due to her young age, Collins presents a strong and self-reliant woman, a *feme sole* who overcomes Victorian prejudices and the various injustices around her. Collins published *The Moonstone* in 1868, and the debates about coverture were very heated at that time. Collins knows that "coverture was real and, in the absence of divorce as a socially acceptable and/or as a legal possibility, they understood that marriage had consequences that were difficult to escape from or mitigate" (Hartog 835). Rachel's position as a *feme sole* is an example of this because he suggests that even a self-sufficient woman can lose everything she had due to coverture.

Collins puts forward coverture's implications for a single woman through Rachel Verinder, who inherited the expensive diamond. Although Rachel is not a narrator in the novel, she is at the center of all the narratives. Collins presents Rachel as a *feme sole* who is powerful, independent, and self-sufficient, the opposite of a *feme covert*. Feme sole literally means "a woman alone". "The single woman ("feme sole") had the same property and legal rights as a man; a married woman, however, became a "feme covert" or "hidden woman" - absorbed into her husband, and regarded as one person with him by Common Law" (Simonsen 510). In the Victorian Era, "The ideal woman was willing to be dependent on men and submissive to them, and she would have a preference for life restricted to the confines of home" (Gorham 4). However, Rachel is an independent young lady who is feme sole, and the old house steward Gabriel Betteredge finds her independence dangerous. She is not an ideal Victorian girl. According to Gabriel Betteredge, Rachel is "stiff-necked" (Collins 102). Therefore, it is troubling for him. He says,

> *She was unlike most other girls of her age, in this—that she had ideas of her own, and was stiff-necked enough to set the fashions themselves at defiance, if the fashions didn't suit her views. In trifles, this independence of hers was all well enough; but in matters of importance, it carried her (as my lady thought, and as I thought) too far. She judged for herself, as few women of twice her age judge in general; never asked your advice; never told you beforehand what she was going to do; never came with secrets and confidences to anybody, from her*

> *mother downwards. In little things and great, with people she loved, and people she hated (and she did both with equal heartiness), Miss Rachel always went on a way of her own, sufficient for herself in the joys and sorrows of her life. Over and over again I have heard my lady say, Rachel's best friend and Rachel's worst enemy are, one and the other—Rachel herself. (Collins 102-103)*

Rachel is both decisive and mature despite her young age. She is "an unusually independent and courageous Victorian woman" (Schaub 13). Thus, she is different from the other young Victorian girls. In a way, she speaks her mind and challenges Victorian gender roles through her character. As Kimberly Harrison and Richard Fantina suggest, "Single women who did not fit tidily into this role of wife jeopardized this differentiation and either were treated as if they had no greater legal freedoms than a married woman or, as Cynthia Eagle Russett contends, were denigrated by social theorists who claimed they were not fulfilling their biological destiny of marriage and motherhood" (Harrison and Fantina 162).

Collins presents Gabriel Betteredge as an old steward of the Verinder house who is a representative of rigid gender roles in Victorian England. He is very traditionalist, and conservative against women. He also talks about his wife Selina Goby and their marriage, and he thinks that women are always in need of protection and a man should protect them:

> *The woman I fixed my eye on, was the woman who kept house for me at my cottage. Her name was Selina Goby. I agree with the late William Cobbett about picking a wife. See that she chews her food well and sets her foot down firmly on the ground when she walks, and you're all right. Selina Goby was all right in both these respects, which was one reason for marrying her. I had another reason, likewise, entirely of my own discovering. Selina, being a single woman, made me pay so much a week for her board and services. Selina, being my wife, couldn't charge for her board, and would have to give me her services for nothing. That was the point of view I looked at it from. Economy—with a dash of love. I put it to my mistress, as in duty bound, just as I had put it to myself. (Collins 22)*

For Betteredge, "she [an ideal woman] would be innocent, pure, gentle, and self-sacrificing. Possessing no ambitious strivings, she would be free of any trace of anger or hostility" (Gorham 4-5). Also, it is interesting that he relates his

relationship directly to economy and explains one of his motives as not having to pay for house services after their marriage. Gabriel Betteredge sees women as having clear fixed roles and inferior to men, obviously. "Much Victorian idealization of femininity was concerned with its manifestations by adult women in their roles as wives and mothers" (Gorham 5). Even his wife is a property and free labor force for him. Gabriel Betteredge's views about Rosanna Spearman, Rachel's maid, are similar. After the theft of the diamond, Sergeant Cuff tries to find out who stole the diamond by questioning the people and suspects Rosanna Spearman. Therefore, when Gabriel wants to talk to Rosanna, he says,

> *I suspected what was the matter readily enough. But it is a maxim of mine that men (being superior creatures) are bound to improve women—if they can. When a woman wants me to do anything (my daughter, or not, it doesn't matter), I always insist on knowing why. The oftener you make them rummage their own minds for a reason, the more manageable you will find them in all the relations of life. It isn't their fault (poor wretches!) that they act first and think afterwards; it's the fault of the fools who humour them. (Collins 283)*

He sees men as "superior creatures" and, because of this quality, it is his duty to help inferior creatures, that is, the women around him. Through the character of Gabriel Betteredge, Collins represents conventional Victorian values concerning women.

Similarly, the family lawyer, Mr. Bruff, sees Rachel's *feme sole* status and mentions Rachel's self-reliance as a young girl which is not common among the other girls. The lawyer compares Rachel to other girls, and he emphasizes his admiration for her self-reliance:

> *The first instinct of girls in general, on being told of anything which interests them, is to ask a multitude of questions, and then to run off, and talk it all over with some favourite friend. Rachel Verinder's first instinct, under similar circumstances, was to shut herself up in her own mind, and to think it over by herself. This absolute self-dependence is a great virtue in a man. In a woman it has a serious drawback of morally separating her from the mass of her sex, and so exposing her to misconstruction by the general opinion. I strongly suspect myself of thinking as the rest of the world think in this matter—except in the case of Rachel Verinder. The self-dependence in HER character, was one of its virtues in my estimation; partly, no doubt, because I sincerely admired and liked*

her; partly, because the view I took of her connexion with the loss of the Moonstone was based on my own special knowledge of her disposition. (Collins 533-534)

Mr. Bruff both appreciates and differentiates her due to her character. After Franklin Blake's theft of the diamond, she keeps it as a secret and does not talk to anyone about it. Although people suspect her behaviors as if she has stolen her own gem, she does not talk about it. For example, she rejects Sergeant Cuff's examination of her wardrobe and she did not want to collaborate with Sergeant Cuff. Therefore, he is almost sure that she stole the diamond. He says, "Miss Verinder has been in secret possession of the Moonstone from first to last; and she has taken Rosanna Spearman into her confidence, because she has calculated on our suspecting Rosanna Spearman of the theft. There is the whole case in a nutshell" (Collins 263). Sergeant Cuff's hypothesis is rejected by Gabriel Betteredge and Rachel's mother Lady Verinder. However, the truth is different, and it turns out that Rachel was primarily accused due to her independent behaviors. As Sara Murphy suggests, "Certainly Rachel's behavior is curious: she refuses to cooperate with Cuff, she refuses to speak with anyone about the night of the theft, and she flees as quickly as she can to a relative's home. But it turns out she is not guilty of having stolen the diamond" (Murphy 68).

Rachel's independent and self-reliant behaviors are depicted throughout the novel. Although her behaviors are found strange by the other characters, she does not care about their views. Another example is Rachel's cooperation with Ezra Jennings in order to prove Franklin Blake's innocence. Dr. Candy gives laudanum to Franklin Blake in order to make him relax and sleep well without informing him and for this reason, he steals the diamond for the sake of protecting Rachel from the Indians who want to take back the diamond: "Franklin Blake is twice induced into a waking sleep by laudanum, the first time by Dr. Candy without Blake's knowledge, and the second by Candy's assistant Mr. Jennings, with his knowledge" (Tougaw 151). For this purpose, Ezra Jennings plans an experiment about the case with Franklin Blake, Dr. Candy, Gabriel Betteredge, and Rachel. Rachel wants to join them courageously and she

cooperates with them. First, she writes a letter to Ezra Jennings and Ezra admires her sincerity and kindness. He says,

> *A charming letter! It gives me the highest opinion of her. There is no attempt to conceal the interest that she feels in our proceedings. She tells me, in the prettiest manner, that my letter has satisfied her of Mr. Blake's innocence, without the slightest need (so far as she is concerned) of putting my assertion to the proof. She even upbraids herself—most undeservedly, poor thing!—for not having divined at the time what the true solution of the mystery might really be. (Collins 785-786)*

She wants to be with them during the experiment. However, Rachel's independent behavior disturbs her widowed aunt Mrs. Merridew. Thus, Mrs. Merridew writes a letter to Ezra Jennings and warns them because it will not be proper for a young Victorian lady. As it is stated,

> *Viewed in its social bearings, however, she feels free to pronounce an opinion. I am probably, Mrs. Merridew thinks, not aware that Miss Verinder is barely nineteen years of age. To allow a young lady, at her time of life, to be present (without a "chaperone") in a house full of men among whom a medical experiment is being carried on, is an outrage on propriety which Mrs. Merridew cannot possibly permit. If the matter is allowed to proceed, she will feel it to be her duty—at a serious sacrifice of her own personal convenience—to accompany Miss Verinder to Yorkshire. Under these circumstances, she ventures to request that I will kindly reconsider the subject; seeing that Miss Verinder declines to be guided by any opinion but mine. Her presence cannot possibly be necessary; and a word from me, to that effect, would relieve both Mrs. Merridew and myself of a very unpleasant responsibility. (Collins 801)*

The widowed aunt Mrs. Merridew's views remind the reader of Victorian morality and women's limited space, and the representation of other characters' perspectives helps Collins to foreground Rachel's courage and independence despite her young age

Collins also foregrounds the issue of coverture through Rachel Verinder's love affairs in the novel. The novel criticizes The Married Women's Property Bill of 1868, which implies the biased relationship between women and property. Collins asserts that "both women and property would be their husband's possessions after marriage. The pretext for the law of coverture was that, not

responsible enough to take care of themselves or their belongings, women were in need of men's complete protection" (Briefel 136). In the novel, Rachel is a young, beautiful, and wealthy lady who is the object of fortune hunters. She is a *feme sole* and if she becomes a *feme covert* after marriage, her property will be her future husband's property completely according to coverture.

> *In England, a married woman was unable to hold property in her own name, or to make a will without her husband's consent in an ongoing marriage under common law. This situation, the common law doctrine of coverture, lasted until the Married Women's Property Act of 1870 and 1882, When Parliament at last made the married woman capable of acquiring, holding and disposing of real and personal property, as if she were a feme sole. (Vleeschouwers-Melkebeek 79)*

Rachel's mother Lady Julia Verinder is a clever noblewoman who rules over the Verinder estate and it is said that she rules even better than her dead husband Sir John Verinder. She is also aware of the sanctions of coverture. As Hendrik Hartog asserts,

> *Coverture was one of marriage's legal consequences, a very important and inevitable legal consequence, at least for the daughters and sons of the propertied, but it was not routinely understood as a taking. Few young women knew themselves as possessors who were losing estates and lands. They had been living within a father's household. Then, they lived within a husband's household. At no point would many have been living independently, in knowing possession of their own properties. (Hartog 836)*

Lady Verinder is afraid of the fortune hunters around her daughter. Therefore, she limits Rachel Verinder through a secret trust which was already prepared by the family lawyer Mr. Bruff. He says,

> *Let me state, then, in the fewest possible words, that Rachel Verinder had nothing but a life-interest in the property. Her mother's excellent sense, and my long experience, had combined to relieve her of all responsibility, and to guard her from all danger of becoming the victim in the future of some needy and unscrupulous man. Neither she, nor her husband (if she married), could raise sixpence, either on the property in land, or on the property in money. They would have the houses in London and in Yorkshire to live in, and they would have the handsome income—and that was all. (Collins 528-529)*

The Verinder family has both property in land and property in money. For this reason, Lady Verinder wants to protect her daughter from coverture. According to this, she will not be able to sell her property. Similarly, her future husband is limited like Rachel Verinder. It can be argued that through such a detail in the novel, Collins attempts to raise awareness about the possibility of such an option, a secret trust that could protect women's property. He seems to suggest that the existing law is biased so women of the upper and middle classes should protect themselves. The reader is asked to evaluate not just the common law but what can be done on behalf of women.

In order to take advantage of coverture, Rachel Verinder's cousin Godfrey Ablewhite proposes to her and she wants to marry but actually she is in love with her other cousin Franklin Blake. However, she thinks Godfrey is in love with her without knowing that he aims to make use of her property through marriage. In fact, Godfrey is a hypocrite.

> *The side turned up to the public view, presented the spectacle of a gentleman, possessed of considerable reputation as a speaker at charitable meetings, and endowed with administrative abilities, which he placed at the disposal of various Benevolent Societies, mostly of the female sort. The side kept hidden from the general notice, exhibited this same gentleman in the totally different character of a man of pleasure, with a villa in the suburbs which was not taken in his own name, and with a lady in the villa, who was not taken in his own name, either. (Collins 898-899)*

Godfrey serves in Ladies Charity in London and for this reason, he has an outstanding social position in society but he has a secret life in the suburbs, and he has many debts. In order to pay all of his debts, he needs Rachel's property, and he does not know about Lady Verinder's will. He plans to sell the diamond by cutting it into small pieces. However, Lady Verinder has already limited both Rachel and Godfrey through the secret trust.

However, the secret trust is not needed after all since Rachel herself cancels their engagement saying, she does not want to marry Godfrey Ablewhite. Everybody is shocked due to her decision and especially Godfrey's parents' question

Rachel. Her manner and tone are very decisive and she is sure about herself. She tells that she wants to be just cousins with Godfrey. Her self-reliance provokes Godfrey's father and he says, "In plain English, it's your sovereign will and pleasure, Miss Verinder, to jilt my son?" (Collins 505). He perceives Rachel's manners as if she is insulting the Ablewhites, and he is furious. Once again, Collins demonstrates Rachel's self-sufficiency in front of her lawyer and her aunt's husband. As an unconventional Victorian woman, she speaks her self-will without caring for what society thinks. "Rachel is completely honorable, with not even the shadow of anything false about her" (Schaub 16). In the end, Godfrey is found dead in a hotel room. He has a mask on his face together with a wig. The Indians take back the diamond and put it on the face of the Hindu Moon Goddess.

In conclusion, although Rachel marries her other cousin Franklin Blake in the end, she keeps her self-sufficiency and courage throughout the novel. She is against Victorian womanhood totally: "Rachel is reckless and defiant and lacking all lady-like restraint in her language and manner" (Law and Maunder 97). Collins seems to imply that a woman alone can also be self-reliant and courageous. As a *feme sole*, Rachel Verinder disturbs not only Gabriel Betteredge and Mr. Ablewhite but also her widowed aunt. She is full of self-confidence. Also, her broken engagement with her hypocritical cousin proves her female leadership against conservative Victorian values. She is true to herself. In this respect, Collins presents to the reader a powerful Victorian woman who is unconventional. At the end, the mystery is solved and the precious moonstone goes back to its country, to the forehead of the statue of the god in India.

This chapter has shown how Collins Depicts his female characters as greatly disadvantaged in relation to marriage and property laws. In *Woman in White*, Laura Fairlie suffers from coverture and the law of property. She is used as an instrument to pay off her husband's debts as a wealthy woman. Similarly, in *Man and Wife*, the highly unjust marriage laws negatively affect three women characters, Anne Vanborough, Anne Silvester, and Hester Dethridge who are

also of different social classes. They cannot obtain their *feme sole* status after marriage. *The Moonstone*, the third novel analyzed in this chapter, is similar to the previous two in many respects, but it is also different in the way it portrays Rachel Verinder as a highly unconventional and self-sufficient woman. Rachel is a *feme sole* under the pressure of the conservative Victorian society. In all these novels, Collins exposes and criticizes woman's commodification in marriage and tries to raise awareness about the marriage and property laws of his time. He draws attention to the legal injustice towards women and implies the need for legal reforms.

CHAPTER 4

THE ISSUES OF LEGITIMACY AND CUSTODY IN WILKIE COLLINS' FICTION

4.1. Legitimacy and Identity in *No Name*

> *illegitimate*
> *1. born to parents who are not married to each other.*
> *2. not allowed by a particular set of rules or by law.*
> *-Oxford English Dictionary*

No Name was published in 1862. And as the title of the novel suggests, it emphasizes the issue of illegitimacy through the various legal difficulties that are experienced by the nameless female characters. The main characters are Magdalen Vanstone and her sister Norah Vanstone learn that their parents were not married at the time of their birth. Their father, Mr. Vanstone dies in a railway accident when he is going to London to see their family lawyer Mr. Pendril. Mrs. Vanstone is pregnant and gives birth prematurely after she hears the bad news about Mr. Vanstone's railway accident. After the birth, both Mrs. Vanstone and the baby die. Mr. Pendril informs both Magdalen and Norah that they are illegitimate in fact because their parents were not married legally at the time of their birth. Therefore, they have "no name". As a result of this, they are left without money, property, and identity.

As Vicky Simpson puts forward, "Collins had an unconventional family: he had two common law wives, Caroline Graves and Martha Rudd, for nearly two decades, and he fathered three children out of wedlock" (Simpson 115). It might be that, because of this, Colins was interested in legal issue like legitimacy and reflected them in his fiction. As Lyn Pykett asserts in *The Nineteenth Century Sensation Novel*,

> *Collins's preoccupation with illegitimacy and inheritance may be explained, in part, by the irregularity of his own domestic arrangements; he never married, but maintained separate households with Caroline Graves and Martha Rudd (also known as 'Mrs. Dawson'), the mother of his three children. However, this preoccupation with illegitimacy and inheritance is also part of a more general investigation in Collins's fiction of the ways in which the law's intervention in family life defines and restricts those whom it claims to protect – especially women. (Pykett 40)*

As discussed in the previous chapters, Collins' fiction largely represented the unjust laws of England in Victorian era, and "Collins's first attempt to draw the attention of the British public to an injustice in the English legal system was made in *No Name*" (Maceachen 123).

In *No Nam*e, Wilkie Collins presents an instance of legal injustice by showing Norah and Magdalen's case after their parents' death. "In fact, in longer terms, this novel can be read as the disinheritance of women, orphans in particular, in Victorian culture" (Peters, *Orphan Texts*, 24). This time Collins attacks through a complicated plot- England's unjust laws of illegitimacy and inheritance that ruin the female characters' lives. Collins refers to legal limitations in matters of property and woman's exclusion from inheritance by showing Magdalen Vanstone's loss of identity as a starting point. Then, she takes on new roles and becomes an outlaw as an illegitimate child due to the existing law in the nineteenth century. However, as a strong woman, she quests for justice and struggles for it.

The Vanstone family have been living together in the same house for a long time. Mr. Vanstone and Mrs. Vanstone are actually cohabiting, which was very common in England in the nineteenth century. As it was mentioned in the previous chapter, before 1753 the marriage laws in England were chaotic. "The validity of marriages was a major source of litigation, because couples could marry secretly in a variety of ways. A man and woman could simply state 'I marry you' in front of witnesses, and the church recognised the union as legal. Couples who said 'I will marry you' and then cohabited were also married" (Frost, *Living in Sin* 9). Clandestine weddings were also popular. Later, the

Hardwicke Marriage Act was passed and only legal marriages became valid. Therefore, "The wedding had to be performed after a reading of the banns three weeks in a row or the purchase of an expensive licence. In addition, no marriage was legal unless both parties were over twenty-one or had the consent of their guardians. In other words, all secret marriages of minors, all clandestine marriages, and all oral contract marriages were void" (Frost, *Living in Sin* 9 – 10). However, many couples who were avoiding marriage like Mr. Vanstone and Mrs. Vanstone, preferred cohabitation without the sanction of the church and the state. As a result of this loophole, a family was not recognized as a legal unity and both women and children suffered from the loss of their legal benefits. As Ginger Frost suggests,

> *Despite this, some couples still lived together irregularly and relied on reputation and long cohabitation to give their unions public sanction; without property considerations, the ambiguous state of the union rarely mattered. And even when the courts did get involved, judges might declare the marriage valid, since one of the axioms of English law was that such reputation could be taken as proof of marriage. (Frost 11)*

There was no legal penalty for cohabiting couples. The important thing was public reputation rather than the law. As a result, if the public reputation was ignored by the couple, they could live together and have kids. "Nevertheless, such freedom came at a price, particularly for women. Women who cohabited with men now had no legal claim to the status of wife" (Frost 11). After separation or death, neither the wife nor the and children could claim any right for the family property since all the property belonged to men in the eye of the law.

In *No Name*, Andrew Vanstone and Mrs. Vanstone are an unmarried couple who have been cohabiting for a long time at Combe Raven. Actually, Mrs. Vanstone is the second wife of Mr. Vanstone. When Mr. Vanstone was very young, he married an American woman legally but they did not have a child. As a result of this, he has been living with Mrs. Vanstone and their daughters without a legal relation. His legal wife, the American Mrs. Vanstone, dies in New Orleans, and

Mr. Vanstone becomes single. Thanks to this, he is allowed to marry Mrs. Vanstone who is the mother of her daughters. Although Mr. Vanstone and Mrs. Vanstone are married legally, according to the law of England, their daughters are illegitimate since they were not married at the time of their birth.

Children born even one day before their parents' marriage were illegitimate throughout their lives in the nineteenth century. If the parents got married after their children's birth, again they remained illegitimate according to the common law. Therefore, such children could not enjoy many of the benefits of legitimacy for life. No Name depicts exactly such a case, where Magdalen Vanstone and Norah Vanstone are illegitimate children who are deprived of their family property. In 1862, such illegitimate children were legally nobody's children, which was described by the term *nullius filius*. As Samantha Williams asserts, "The illegitimate child was fillius nullius or nobody's child in common law, which meant that the child had no legal next of kin and could not succeed to titles or any hereditary position. English common law did not allow for the retrospective legitimation of a child if their parents married. Illegitimate children were also not supposed to be able to inherit but family settlements and personal gifts could in fact be left in wills" (Williams 9-10).

According to the law, a person should write a will before his/her death by specifying who will have the inheritance after him/her. Throughout the nineteenth century, there were many precedents about inheritance. One of them was John Wilkinson's case in 1812. John Wilkinson left his property to Ann Lewis and their children. They were cohabiting like the Vanstone family in the same house. For this purpose, he listed them carefully in a ledger. He died in 1808 and his nephews and nieces sued for the estate.

> *The court decided that since Wilkinson had specifically called them the 'children which I may have by the aforesaid Ann Lewis', whom he could not marry legally (he had a wife living), he must have meant the children in the ledger. Also, only those children born at the time of the will could inherit, since an illegitimate child had to acquire 'the Reputation of being such Child' to be*

included. All three of Ann's children fitted this description, so they inherited the estate" (Frost, Living in Sin 23)

In the novel, Andrew Vanstone makes a will before his death. As he says, "My will - made long before I ever thought of having a son- in-law divides my fortune into two equal parts. One part goes to your mother; and the other part is fairly divided between my children. You will have your share on your wedding-day (and Norah will have hers when she marries) from my own hand, if I live; and under my will if I die" (Collins 63). Mr. Vanstone divides his fortune equally but there is a loophole which takes the whole fortune from the Vanstone sisters. When he was preparing his will, he was not married to the second Mrs. Vanstone legally. Therefore, his daughters were considered illegitimate. His second marriage was after the first wife's death but it was too late because he had made his will before his marriage. Furthermore, his legal wife Mrs. Vanstone and legitimate infant die almost at the same time. Mr. Pendril, the lawyer of the family explains the girls' position:

My object was to secure the only provision for her daughters which it was now possible to make. Mr. Vanstone having died intestate, a third of his fortune would go to his widow; and the rest would be divided among his next of kin. As children born out of wedlock, Mr. Vanstone's daughters, under the circumstances of their father's death, had no more claim to a share in his property, than the daughters of one of his labourers in the village. The one chance left, was that their mother might sufficiently recover to leave her third share to them, by will, in the event of her decease. (Collins 97)

Despite Mr. Vanstone's precautions, a legal loophole takes the fortune from Magdalen and Norah and gives it to their uncle. As Richard Collier and Sally Sheldon suggest, "The non–marital child was not just cut off from the father but also the mother and any broader kin network. He or she could not inherit in cases of intestacy and, even where named as a beneficiary in a will, would be disadvantaged by the rules of construction" (Collier and Sheldon 180). Also, Magdalen and Norah cannot object to the law of illegitimacy. The only way out is their uncle's volunteer donation to them because there are also no grandmothers or grandfathers of the dead infant who are alive. The truth is, "Mr. Vanstone's daughters are Nobody's Children and the law leaves them helpless at

their uncle's mercy" (Collins 98). They are outcasts of the whole social community.

The laws of England became harsher with the New Poor Law of 1834. Prior to this, both the unmarried mother and father of the illegitimate children had to support their children legally and financially and there was a legal penalty if they did not fulfill their responsibility as parents. However, "Unhappy with the rising rates and costs of illegitimacy, the commissioners sought to amend the existing bastardy laws through the Bastardy Clauses of the 1834 NPL. Not only did they believe the existing legislation dealing with bastardy to be ineffective, they were also convinced that the combination of the existing bastardy laws and poor relief provision was significant in encouraging women to have illegitimate children" (Carabine 83). In order to prevent people, especially women from having illegitimate children, the law gave the full responsibility of the illegitimate child to the mother without any financial or legal help from the father. Therefore, women took all the responsibility of the illegitimate children without support. In Magdalen and Norah's case in the novel, since their mother had also died, they are left totally helpless. In this sense, Miss Garth defines it as, "A cruel law, Mr. Pendril – in a Christian country" (Collins 98).

"During the long nineteenth century, many church and State leaders believed that punishing children of unwed parents was necessary to protect marriage and 'the home'. Illegitimacy went unreformed in common law, and for millions of children, being filius nullius was a reality" (Frost, *Illegitimacy in English Law*, 266). In *No Name*, Collins foregrounds the cruel and unjust law through the family lawyer. As Mr. Pendril says,

> *I am far from defending the law of England, as it affects illegitimate offspring. On the contrary, I think it a disgrace to the nation. It visits the sins of the parents on the children; it encourages vice by depriving fathers and mothers of the strongest of all motives for making the atonement of marriage; and it claims to produce these two abominable results in the names of morality and religion. But it has no extraordinary oppression to answer for, in the case of these unhappy girls. The more merciful and Christian law of other countries, which allows the marriage of the parents to make the children legitimate, has no mercy*

> *on these children. The accident of their father having been married, when he first met with their mother, has made them the outcasts of the whole social community: it has placed them out of the pale of the Civil Law of Europe. (Collins 98)*

In a way, Collins summarizes and criticizes the existing law against the sisters through Mr. Pendril, who defends their rights. According to this, the whole fortune goes to Michael Vanstone who is entirely careless about the girls' financial security.

Moreover, since *primogeniture* was the abiding rule of inheritance, women could not inherit any property without a male relative. "Under this system, women could inherit only if no male relative was available, unless other provisions were made in the marriage settlement" (Reed 160). Magdalen and Norah are not only illegitimate but also female, so they are doubly disadvantaged. Through the case of his fictional characters, Collins is also attacking the law of *primogeniture*.

While seriously criticizing the unjust laws of England, Collins also shows the negative effects of the law in society. In the nineteenth century, people were obsessed with keeping up appearances. Their social acceptance and respectability symbolized their social status. Family surname and professions were central to middle-class identity. A woman's respectability and morality specified her position. As Stephen Cretney suggests, "The illegitimate child was legally an outcast" (Cretney 546), and Collins was keen to show that an illegitimate child was both legally and socially an outcast in *No Name*. In the novel, the sanctions of being illegitimate are reflected severely. The most important consequence being the loss of one's identity and social position. Previously, while Magdalen and Norah were living in Combe-Raven, they were wealthy middle-class young ladies who were living with their servants and governess but that all gets lost once they lose their parents. As O'Neill suggests, "*No Name* undermines this entire social-ideological fabrication. When Magdalen Vanstone discovers that, in the eyes of the law, she has no name, that she is a character, an individual but not a legal subject, her role in society becomes

problematic" (O'Neill 158). They are totally helpless in front of the law. Furthermore, Magdalen is also deprived of her fiancé Francis Clare, who at the beginning wants to increase his financial means to be able to marry her. "Previous to her father's death, Magdalen, as legal subject, was a young heiress, an eligible young woman who should have been searching for a husband among the rich young men of the neighborhood". (O'Neill 158). Francis goes abroad to make more money to be able to claim Magdalen's hand. But when Magdalen loses her social standing, her fiancé Francis Clare also leaves her by saying "Our engagement is at an end" (Collins 229). Francis Clare also was not successful abroad and he could not earn enough money so he leaves her. They are in need of money and Magdalen lost her property after Mr. and Mrs. Vanstone's death, they are also separated.

Collins emphasizes the fact that the legal system took away Norah and Magdalen's identities. From now on they are *fillius nullius*. Unlike Magdalen, Norah Vanstone is introduced as a submissive girl who has a remarkable physical similarity with her mother. "Her [Mrs. Vanstone's] eldest child, now descending the stairs by her side, was the mirror in which she could look back, and see again the reflection of her own youth" (Collins 4). On the other hand, Magdalen Vanstone is different from her sister. "By one of those strange caprices of Nature, which science leaves still unexplained, the youngest of Mr. Vanstone's children presented no recognizable resemblance to either of her parents" (Collins 5). Throughout the novel, Collins portrays two different girls and does not focus very much on Norah's calm life. Collins depicts two women with contradictory characteristics and his attention is mainly on Magdalen and her life struggle in front of the law. Magdalen is a strong and creative female figure. She does not give in. Therefore, they are dissimilar sisters although their common point is being illegitimate. "As the title suggests, *No Name* is highly self-conscious exploration of the consequences of losing one's identity, concern with identity and its loss in the abiding theme of sensation fiction" (Bolus-Reichert 23). In *No Name*, identity problem is one of the major losses of the girls which is tried to be healed by Magdalen Vanstone's struggles throughout the

novel. “Nameless, marginalized and outside of the law, the existence of Magdalen and Norah Vanstone poses problems both for the family /state and fundamentally, for notions of self” (Peters 25).

Magdalen is more aggressive than Norah and wants to take revenge so she leaves Norah and writes to her. “Magdalen realistically summarizes their present dilemma and, in so doing, speaks for all women of that time in similar circumstances, cast adrift by the Civil Law of Europe and by their place as the second sex” (Cornes 76). She explains her situation almost defiantly: “I have no position to lose, and no name to degrade” (Collins 130). As Peter explains,

> *In his own life, Collins seems to have been most comfortable with women who were intelligent, courageous, and capable of independent action, but ultimately needed the support of a man. This preference is sometimes reflected in his fiction, which often seems to betray contrary impulses. Strong, independent women are presented as capable of controlling their own lives, and influencing the lives of others, in ways that are sometimes reprehensible, sometimes wholly admirable; but this self-assertion is often followed by a retreat. Marian Halcombe is one example: Magdalen Vanstone in No Name is another. (Peters 296)*

In the novel, Norah chooses to become a governess like Miss Garth but Magdalen decides to become an actress to earn money. “Acting, however, is more than just a profession to Magdalen – it shapes her desires and sense of justice, fixing and dividing her identity at the same time. She skillfully employs her talents off the stage in order to regain her lost fortune and the family’s good name” (Kontou 44). Nevertheless, acting was not considered a proper job for a young Victorian young girl. Actually, she has a psychological breakdown since she is deprived of everything including her fiancé. “As a woman with no identity and therefore no future, she often verges on the edge of madness” (Cornes 82). In this sense, she wants to take back whatever she had previously. In order to reach her goal, she should assume other fake identities and at the end marry.

> *It is a fact of the nineteenth-century world that the legal system is empowered to do just this. The law is authorised to take from people their identity as subjects. The entire organisation of society, supported by the legal system, is determined*

> *by this category of the fixed subject. And it is a specifically masculine force which comes from the Father. With the death of the Father, in this case Noel Vanstone, his daughters lose their sense of themselves as subjects and individuals. (O'Neill 158)*

Magdalen discovers that she is living as an individual but she has no name in the eyes of the law as a legal subject. Unlike her sister Norah, she refuses the status quo and she decides to take action against the sanctions of illegitimacy. She is against the unjust laws as a strong woman. Through Magdalen's case, it is understood that the law protects the Vanstones' property against the real owners due to their illegitimate status. This is her primary offense against society.

To defy the status quo and take back what is rightfully hers, Magdalen assumes many identities throughout the novel. She works with Captain Wragge and they give Magdalen a new name as a performer. She first becomes Miss Bygrave. Captain Wragge asks Magdalen first and then they decide about her new name. He says,

> *The trifling responsibility of finding a name for our talented Magdalen to perform under has been cast on my shoulders. She feels no interest whatever in this part of the subject. "Give me any name you like," she said; "I have as much right to one as to another. Make it yourself." I have readily consented to gratify her wishes. The resources of my commercial library include a list of useful names to assume; and we can choose one at five minutes' notice, when the admirable man of business who now oppresses us is ready to issue his advertisements. On this point my mind is easy enough: all my anxieties center in the fair performer. (Collins 174 – 75)*

Magdalen does not interfere with the process of getting new names. Once she has lost her real name, the name given to her is not important for her. In this sense, Captain Wragge chooses her new identity. Having a new name can provide her with legal rights. As Cornes suggests, "Early in the novel, Collins has prepared us for Magdalen's metamorphic abilities when he depicts her talent for acting and mimicry" (Cornes 76). She tries to have a new identity by using her acting talent. When she was Magdalen Vanstone, it was thought that acting was not suitable for a young wealthy girl, but now no one cares about this.

Collins provides another side of the matter which shows the differences between an upper-class lady and a lower-class actress.

When Magdalen is deprived of her identity, she is also deprived of her respectability in society. Thus, she reacts to injustice as an outlaw. She cannot legally seek her rights since this injustice is supported by the law, too. She tries to obtain her rights by other means. In a way, the existing law forces her to do this. In order to take back her rights, she wants to marry Noel Vanstone following her uncle Michael Vanstone's death. First, she changes her appearance by using excessive make-up and different clothes. She puts some wrinkles on her face and introduces herself as Miss Garth, the governess. She visits Noel Vanstone and meets both Noel and his loyal house-keeper Mrs. Lecount. Once again, she demands their rights of inheritance on behalf of Norah and Magdalen, but she is rejected in disguise. In another attempt, she introduces herself as Miss Bygrave and Captain Wragge as her uncle Mr. Bygrave. Noel Vanstone is attracted by her beauty but Mrs. Lecount is always suspicious of her. Their marriage takes place but there is no honeymoon or conjugal relations between them due to Noel's valetudinary nature. For Magdalen, identity is socially constructed, so the important thing is her new identity and monetary rights rather than her marital status. She writes a letter to Miss Garth:

> *My position has altered. I am no longer the poor outcast girl, the vagabond public performer, whom you once hunted after. I have done what I told you I would do—I have made the general sense of propriety my accomplice this time. Do you know who I am? I am a respectable married woman, accountable for my actions to nobody under heaven but my husband. I have got a place in the world, and a name in the world, at last. Even the law, which is the friend of all you respectable people, has recognized my existence, and has become my friend too! The Archbishop of Canterbury gave me his license to be married, and the vicar of Aldborough performed the service. If I found your spies following me in the street, and if I chose to claim protection from them, the law would acknowledge my claim. You forget what wonders my wickedness has done for me. It has made Nobody's Child Somebody's Wife. (Collins 436)*

Before marriage, Magdalen was an outcast both socially and legally but now her social and legal status has changed completely although she uses a fake name.

According to the Victorian society, she becomes a respectable married woman. Ironically, the law recognizes her existence now. She is Mrs. Vanstone who has the capacity to have rights and obligations. She is no more *fillius nullius* but somebody's wife. Actually, in order to get rid of her *fillius nullius* status, she has to become somebody's wife in nineteenth century England. In this sense, Collins makes a criticism of not only the laws of England but also of social norms. She is not a submissive girl and she struggles for her rights, but she is limited after all. She says, "You know how strong I am? You remember how I used to fight against all my illnesses, when I was a child? Now I am a woman, I fight against my miseries in the same way. Don't pity me, Miss Garth! Don't pity me!" (Collins 436). The only way out is becoming somebody's wife legally. Otherwise, the common law is against her, she cannot obtain anything including her property and identity. Her marriage provides an identity for her once again. Collins underlines the difference between reality and the law here. Mr. Vanstone and Mrs. Vanstone were not married legally but they had two children and were happily living in Combe Raven. On the other hand, Noel Vanstone and Magdalen are legally married, but they are not a real family. "The legal world is not interested in the actual existence of things but only in these things as they are represented on paper. The legal world which refused her protection when she was an innocent victim of circumstance will now offer her its protection" (O'Neill 162-163). Furthermore, although she owns an identity thanks to her marriage, she remains under paternal authority. She passes from her father's authority to her husband's. In this sense, Collins exposes the laws which support paternal authority. No matter how strong she is, Magdalen can never gain an independent identity but she can only own it through her husband. It is possible to approach this aspect of the way Magdalen is depicted in two ways. On the one hand, Collins is clearly making a sharp criticism of the existing law and, in a sense, undermining it through the irony involved in Magdalen's false identity, which provides her with benefits and respectability. On the other hand, however, the way Collins portrays Magdalen first a defiant character (because she has "no name to degrade") and then as a character who assumes a fake identity to gain status and benefits through marriage could be interpreted as suggesting that, even

for a strong character like Magdalen, submitting to the dictates of the existing law and society is the only way out. From this perspective, to what extent Collins is being radical and subversive by creating a character like Magdalen remains a matter of debate. The way he makes Magdalen marry in the end (albeit through a false identity) could be seen as a sort of reaffirmation of the existing law and of middle class values concerning the respectability of women.

Later in the novel, Magdalen's secret is discovered by the house-keeper and as a result of this, Noel Vanstone prepares a new will thanks to the warnings of Mrs. Lecount and according to this will, he takes back his money and surname from Magdalen after his death. Then, Noel Vanstone suddenly dies from a heart disease. After his death, Magdalen learns about his will. Mr. Loscombe writes a letter to Magdalen and explains,

> *I beg to perform my promise of again communicating with you, on the subject of your late husband's Will. Be so kind as to look at your copy of the document. You will find that the clause which devises the whole residue of your husband's estate to Admiral Bartram, ends in these terms: to be by him applied to such uses as he may think fit. The legacy is left unconditionally to the admiral; and in the same breath he is told that he may do what he likes with it! (Collins 441)*

According to this, the property is transferred to Admiral Bartram and Magdalen cannot have any benefit from it due to the Secret Trust.

Once again, Magdalen gets a raw deal and loses her husband's property. A Secret Trust "is usually contained in the form of a letter from a Testator to his Executors, privately informing them of testamentary intentions on his part which he has not thought proper openly to acknowledge in his will. I leave you a hundred pounds; and I write a private letter enjoining you, on taking the legacy, not to devote it to your own purposes, but to give it to some third person, whose name I have my own reasons for not mentioning in my will. That is a Secret Trust" (Collins 441). As a result of this, Admiral Bartram's nephew is to succeed to Vanstone's property on condition that he will marry. As Noel writes,

> *I beg you to consider this large legacy as intended, under certain conditions, to be given by you to your nephew George. If your nephew is married at the time of my death, and if his wife is living, I request you to put him at once in possession of your legacy; accompanying it by the expression of my desire (which I am sure he will consider a sacred and binding obligation on him) that he will settle the money on his wife—and on his children, if he has any (Collins 421)*

Also, Collins touches on the difference between Scottish law and English common law through Mr. Loscombe who informs Magdalen about this difference at the end of his letter.

> *If it had been possible to show that Mr. Vanstone was domiciled in Scotland at the time of his death, we might have asserted your interests by means of the Scotch law, which does not allow a husband the power of absolutely disinheriting his wife. But it is impossible to assert that Mr. Vanstone was legally domiciled in Scotland. He came there as a visitor only; he occupied a furnished house for the season; and he never expressed, either by word or deed, the slightest intention of settling permanently in the North" (Collins 442)*

Therefore, Magdalen cannot inherit from her legal husband. She is excluded from the will of Noel Vanstone. She says, "'I ask for no assistance in this matter; I will trouble nobody for advice. You shall not be involved in any rash proceedings on my part. Whatever danger there may be, I will risk it. Whatever delays may happen, I will bear them patiently. I am lonely and friendless, and surely troubled in mind, but I am strong enough to win my way through worse trials than these. My spirits will rise again, and my time will come" (Collins 442-443).

Magdalen adopts yet another identity towards the end of the novel and becomes a maid in the house of Admiral Bartram, the new heir of Noel Vanstone. Her new name is Louisa. She is aware that she is desperate. "I am a lonely woman thrown helpless on my own resources, without rank or place in the world" (Collins 446). However, she is determined and full of passion. She wants to reach the Secret Trust secretly and obtain it. Old Mazey catches her and she escapes. In the end, she becomes ill. Actually, all of her struggles and lies are the consequences of the unjust law which Collins seriously criticizes this character's plight. As John Murray suggests, "*No Name* is principally a protest against the

law which determines the social position of illegitimate children" (Murray 495). She is in search of her huge loss including her name.

To sum up, there was no legal reform about the legal status of illegitimate children. Parliament did not pass a law which altered the legal status of illegitimate children until 1926. In *No Name*, Norah and Magdalen Vanstone are illegitimate sisters who lose their property and identity following the death of their unmarried parents. Unlike Norah, Magdalen is ambitious and wants to take back her property and attain a socially accepted identity. For this purpose, she even changes her name and marries Noel Vanstone but she cannot get their property rights back. "Within Wilkie Collins's lifetime there was no change in the law that visited the sins of the parents on the heads of the children" (Maceachen 125). However, Collins achieves to draw the public's attention about the issue of illegitimacy with *No Name*. Norah's misery and Magdalen's over-ambition result from the unjust law. Even as strong and ambitious woman character like Magdalen cannot succeed in the face of this injustice. Through these characters Collins sharply demonstrates the detrimental social and legal effects of the legitimacy law, and raises awareness about the reform that is needed.

4.2. The Legitimacy Issues of Anne Catherick and Sir Percival Glyde in *The Woman in White*

> *I'm not fit, now. I have been cruelly used and cruelly wronged. You will be kinder than ever, if you will walk on fast, and not speak to me. I sadly want to be silent—I sadly want to quiet myself, if I can.*
> *-Anne Catherick (Collins 68)*

Wilkie Collins relates his novels to the Victorian legal system by drawing attention to different types of law in different texts. As in the previous novel *No Name* (1862), he uses the issue of illegitimacy in *The Woman White* (1860), too. Although *The Woman in White* has been so far discussed mainly under the topics of marriage and property, the way the novel covers the issue of illegitimacy is

also worth discussing. As Jessica Cox asserts in her book *Victorian Sensation Fiction*, "Collins's interest in illegitimacy may be related to the fact that he fathered three illegitimate children himself, although several of his works featuring illegitimate characters appeared before their birth" (Cox 103). After the publishing of *The Woman in White*, Collins gained enormous success that provided him financial security and independence from his family, especially from his mother who, was against his living practices such as irregular unions. "He set up house with Caroline and Carrie in a more formal way toward the end of the novel's appearance and several years later (1868) he began a relationship with Martha Rudd, the woman who would become the mother of his own illegitimate children" (MacDonagh and Smith 285). In this sense, it may be argued that both *The Woman in White* and *No Name* include reflections or extensions of Collins' own private life. The legal and social problems concerning illegitimacy were also his private concerns, and condemning the laws and social prejudices against illegitimate children, he was also reflecting his own private worries.

The Woman in White is a remarkable example of the theme of illegitimacy that focuses on Anne Catherick and Sir Percival Glyde's illegitimate status in matters of property and inheritance. As discussed in the previous chapter, the novel has a complicated plot. Walter Hartright falls in love with his student Laura Fairlie but, Laura is engaged to Sir Percival Glyde, a baronet. After their marriage, Sir Percival Glyde puts her in a mental asylum and fakes her death. "The novel tracks the plot concocted by Laura Fairlie's husband Sir Percival Glyde and his friend Count Fosco, as they attempt to disinherit Laura by establishing her as legally dead" (Irvin 226). In the novel, Collins presents both a woman and a man who are illegitimate and for this reason, they are both social and legal outcasts of society. However, Collins makes a distinction and shows an imbalance of power between them. The illegitimate characters, Anne Catherick and Sir Percival Glyde are enemies of each other. On the one hand, Anne Catherick is a lower-class woman who is mentally disabled and rejected by her parents. She does not have any capacity to realize her goals. On the other hand, Sir Percival is a

wealthy and cunning man who has his own property, has ability to do everything he wants. In the end, both of them pass away without being legitimate.

"Collins's preoccupation with illegitimacy and inheritance may be explained, in part, by the irregularity of his own domestic arrangements. However, this preoccupation with illegitimacy and inheritance is also a part of a more general investigation in Collins's fiction of the ways in which the law's intervention in family life defines and restricts those whom it claims to protect – especially women" (Pykett 40). Collins places the issue of illegitimacy on the same platform as concepts of identity, class, and inheritance. Both Anne Catherick and Sir Percival Glyde are exposed to discrimination and lose their social class, inheritance, and property due to the existing law of legitimacy. Another point is, by using a male character, he actually criticizes the law of marriage and divorce since Sir Percival Glyde's mother could not divorce. Not only women but also men suffer from the law. Therefore, due to his mother's unregistered marriage, Sir Percival Glyde is an illegitimate child, too. Collins stresses the unsatisfactory laws of legitimacy through Anne and Sir Glyde's economic, social, and legal challenges and criticizes the distinction between legitimate and illegitimate people.

As Jenny Teichman describes, an illegitimate child is "one whose conception and birth did not take place according to the rules which, in its parents' community, govern reproduction" (Teichman 54). For Collins, a fatherless Victorian child apparently could not become a reputable member of society. Collins thought that "The inheritance of a name is as significant as the inheritance of property – both problematic issues for the illegitimate child" (Fiorato 265). Illegitimacy directly erases a person's social status without even considering his/her class. In the nineteenth century, the presence of an illegitimate child demonstrates a familial or societal trauma that led to collapse in the end.

In the novel, Anne Catherick is a lower-class young woman in Cumberland who is the daughter of Mr. Fairlie and Mrs. Catherick, the maid of the house. She is locked in an asylum by Sir Percival Glyde due to the family secret of his fake identity. Collins depicts Anne Catherick as a "doubly illegitimate" woman who is both illegitimate by birth and mentally disabled (Finn 2). Her mother Mrs. Catherick was married to a parish clerk in Old Welmingham. Before her marriage, she met Mr. Fairlie and had a love affair with him. When she was pregnant, Sir Percival Glyde was there and bought presents for her. During her pregnancy, she learned Sir Percival Glyde's family secret and Mr. Catherick accused her of infidelity and abandoned her. Also, Sir Percival rejected to clear her name. Instead, he offered money to keep her silent about his family secret. They came to Cumberland with Sir Percival's permission from time to time. Mrs. Catherick and Anne visited the Fairlie House but Sir Percival was suspicious about Anne because she was unconsciously repeating her mother's words. Thus, Sir Percival sent Anne to a private asylum in order to keep her under control.

Throughout the novel, Collins presents Anne Catherick like a ghost. She is pale and always wears white clothes. When Walter Hartright first meets her, he is afraid of her. She appears scary. He says, "There, in the middle of the broad, bright high-road—there, as if it had that moment sprung out of the earth or dropped from the heaven—stood the figure of a solitary Woman, dressed from head to foot in white garments; her face bent in grave inquiry on mine, her hand pointing to the dark cloud over London, as I faced her" (Collins 63). Anne suddenly appears in whites and Walter is shocked. He handles his stick but understands that she is harmless in fact. When he arrives at Limmeridge, he shares his experience with this woman in white with Marian Halcombe. Also, Anne Catherick is seen by the people around them. Especially, a child sees her when she is around Mrs. Fairlie's tomb and tells his friends about this ghost. The child is questioned by the schoolmaster and learns that a woman in white is in the graveyard. "As a 'ghaist' should be—where a 'ghaist' ought to be—why, you little fool, you talk as if the manners and customs of ghosts had been familiar to

you from your infancy! You have got your story at your fingers' ends, at any rate. I suppose I shall hear next that you can actually tell me whose ghost it was?" (Collins 124). Collins emphasizes Anne's paleness and madness due to her illegitimate status by resembling her to a ghostly figure. She seems both innocent and terrifying. She is parentless and sinister according to the conservative Victorian society. She seems frightening and represents a kind of threat to the social order as an illegitimate child.

Anne is a fatherless child and in their first dialogue with Walter Hartright, he asks, "Had you no father or mother to take care of you?" "Father? I never saw him; I never heard mother speak of him Father? Ah, dear! he is dead, I suppose" (Collins 135). As Mr. Fairlie's illegitimate daughter, Anne is not only deprived of her father Mr. Fairlie but also her mother Mrs. Catherick. Mrs. Catherick is a reckless mother who does not care for her child.

> *An adulteress, co-conspirator with Sir Percival Glyde in concealing his illegitimacy and hence his illegal assumption of the title and fortune of his father, and a woman so attached to material security that she allows Sir Percival to place her weak-minded daughter in an asylum in order to retain the annual pension he allots her, she sees no reason to expose his wrongdoing because it 'did no harm to me' and boasts of her social achievement. (Bedell 21)*

Anne complains about her mother to Walter by saying, "I don't get on well with her. We are a trouble and a fear to each other" (Collins 135). Mrs. Fairlie's consistent interest in Anne makes her Anne's figurative mother in Anne Catherick's mind. Mrs. Fairlie was giving her white dresses as a present, and both Mrs. Fairlie and Anne were wearing white dresses which symbolize a higher social status and Anne's sense of belonging to a family. She feels like a part of her family. She is childish and obsessive girl who is in need of love and intimate care. "Anne receives little love from this mother, but fondly remembers from her childhood the kind treatment she received from Mrs. Fairlie, Laura's mother, who becomes Anne's figurative mother in her own confused mind. She sees herself as Mrs. Fairlie's daughter, and she displaces her love for Mrs. Fairlie onto Laura, whom she regards her sister" (May 85). Anne is mentally fragile due

to her illegitimate status. No one cared about her intimately. She is deprived of her parent's love and care throughout her life. Even after Mrs. Fairlie's death, she visits her tomb. Although she can be caught and put into an asylum, she comes for Mrs. Fairlie. She says, "The friend who was better than a mother to me, is the only friend I have to visit at Limmeridge. Oh, it makes my heart ache to see a stain on her tomb! It ought to be kept white as snow, for her sake. I was tempted to begin cleaning it yesterday; and I can't help coming back to go on with it today. Is there anything wrong in that? I hope not. Surely nothing can be wrong that I do for Mrs. Fairlie's sake?" (Collins 133). Therefore, she cannot forget Mrs. Fairlie as a mother figure and she perceives Laura as a sister. Ironically, Laura is her real sister. Their enormous physical resemblance is noticed not only by Walter and Marian but also by Sir Percival Glyde and Count Fosco. Collins portrays a reckless mother figure through Mrs. Catherick and points out the 1834 New Poor Law which was gradually repealed between 1838 and 1872. In 1858, Collins was working on *The Woman in White* so it was a kind of criticism of the existing law. "Since the law exonerated unwed fathers of responsibility for their offspring, society witnessed a rise in the abandonment of mothers and babies. Instead of resolving the problem of unchaste women, as most legislators laid the blame on women for irresponsible behavior, the law burdened mothers, and hardly improved circumstances for children" (Sheetz-Nguyen 41). Mrs. Catherick is such a mother who was abandoned by her child's father and did not care about her daughter. Through Mrs. Catherick, both the unwed mother and her illegitimate child's position are shown by Collins. The law created this position for them so there is almost nothing to do for a lower-class woman.

The novel shows a lower-class woman's defenseless position in front of both Victorian society and the law. It "emphasizes the helplessness of women under the laws of patriarchal society" (Bedell 22). Collins presents an illegitimate woman who is left by both parents and all alone in the world. She has no relatives around her. Anne says, "a man who had shut me up in a madhouse, and who would shut me up again, if he could" (Collins 298). Thus, anyone can

damage her. Her mental capacity is also not enough for protecting herself. As Lyn Pykett suggests in *The Nineteenth Century Sensation Novel*, "In Anne's case conventional feminine dependence and passivity, in the absence of social and familial frameworks which wholly produce and sustain it, becomes a form of illness, on aberrant psychological state". (Pykett 36). Sir Percival Glyde uses her illegitimate and defenseless position in order to imprison her. Anne is "weak-minded, obsessive and paranoid" (Finn 2). Whenever she repeats some meaningless words, she is unconscious and Sir Percival deduces that Anne Catherick is aware of his secret like her mother. He describes Anne by saying, "She's just mad enough to be shut up, and just sane enough to ruin me when she's at large" (Collins 346). Therefore, he put her in a private asylum like a mad woman. "Sir Percival has her committed to an asylum not only in order to restrain her physically but also deprive her off speech. Scared that she might have learnt about his secret [his status as illegitimate] and that she might reveal it, he manages to put her in a context which delegitimizes her linguistic authority" (Fiorato 337). In a way, Anne is imprisoned like the mad woman in the attic and imprisoned by a man. "Insanity was the label society attached to female independence of will and female assertion, self-interest and outrage. Anne is therefore embodying the typical nineteenth century mad woman" (Fiorato 256). She is in search of justice and tries to help Laura without knowing that she is her sister. Sir Percival Glyde is afraid of her insanity and keeps her under control because she threatens his reputation.

Collins puts forward Anne and Laura as the first double due to their physical resemblance and imprisonment in an asylum and also Anne and Sir Percival as the second double due to their illegitimate status. As Walter Hartright says concerning Anne and Laura's similarity,

> *I looked at her, with my mind full of that other lovely face which had so ominously recalled her to my memory on the terrace by moonlight. I had seen Anne Catherick's likeness in Miss Fairlie. I now saw Miss Fairlie's likeness in Anne Catherick— saw it all the more clearly because the points of dissimilarity between the two were presented to me as well as the points of resemblance. In the general outline of the countenance and general proportion of the features; in*

> *the colour of the hair and in the little nervous uncertainty about the lips; in the height and size of the figure, and the carriage of the head and body, the likeness appeared even more startling than I had ever felt it to be yet. If ever sorrow and suffering set their profaning marks on the youth and beauty of Miss Fairlie's face, then, and then only, Anne Catherick and she would be the twin-sisters of chance resemblance, the living reflexions of one another. (Collins 132)*

This similarity between Anne and Laura is also discovered by Sir Percival Glyde and his close friend Count Fosco. After their marriage, Sir Percival notices this "sickly likeness" (Collins 348). They make up a plan in order to have Laura Fairlie's property and money. According to this, "The sickly Anne will be allowed to die, and will be buried as Lady Glyde (formerly Miss Laura Fairlie), while Laura herself enervated from worry, and from her intensive nursing of her sister Marian through a nearly fatal bout of typhus, will be drugged and placed, in the disguise of Anne, in the private mental institution from which Anne had escaped" (May 86). Laura is incarcerated for the sake of obtaining her wealth. Actually, both Anne and Laura are imprisoned by Sir Percival Glyde. Whenever Anne achieves to escape from the asylum, Sir Percival is under a serious threat.

At this point, Sir Percival Glyde's psychological imprisonment starts as an illegitimate man. In his novel, Collins depicts both a man and a woman who are illegitimate and due to this, they are exposed to legal injustice and psychological breakdowns. Although Collins foregrounds an imbalance of power and shows Sir Percival Glyde as a noble baronet, in the end, he is also deprived of everything he has due to his family secret. He is forty-five, a former friend of Mr. Fairlie and engaged to Laura Fairlie who is in her early twenties. The important thing is, he is a baronet that means the title of the hereditary rank below the peerage and a famous landowner in Hampshire. When Anne Catherick coincides with Walter Hartright, she asks about baronets but Walter is a foreigner so he does not have any information about baronets in London. He compares himself with a baronet. His title provides supremacy which is admired by society. Walter says, "She was engaged to be married; and her future husband was Sir Percival Glyde. A man of the rank of baronet, and the owner of property in Hampshire" (Collins 114).

Laura Fairlie and Sir Percival Glyde's marriage takes place with the consent of Uncle Mr. Fairlie. As an ordinary man with no title, Walter is jealous of him.

Sir Percival Glyde is a powerful and clever man unlike Anne Catherick, who is described as "being always weak in the head" (Collins 531). In the novel, Collins creates an illegitimate but this time an upper-class male character. As MacDonagh and Smith argue, "Percival, who Collins once described as his male villain conforms to a long literary tradition in which the illegitimate were employed as villains, their villainy attributed to bastardy" (MacDonagh and Smith 284). Previously, Sir Percival's mother Cecilia Jane Elster had been married in Ireland and she could not divorce her cruel husband due to the existing law. Divorce was very expensive and a long process in the nineteenth century. Especially for a woman, it was almost impossible. Therefore, she takes back her bachelor's name. Then, she meets Sir Percival Glyde's father Sir Felix Glyde. They have a son but they cannot marry because of her first marriage. "In July 1803 Sir Percial Glyde's parents married (in fact since his mother Cecilia Jane Elster, was already married, the union was invalid-this is to be great secret in the subsequent narrative). The Glyde parents died abroad, at some point between 1825 and New Year 1827. In March 1804, young Percival Glyde was born abroad" (Sutherland 163). Sir Percival Glyde is illegitimate according to the British law. "Though they lived together as husband and wife, their child was of course illegitimate in the eyes of the law; that is, he had no name" (May 98). Sir Percival Glyde is aware of his socially outcast status and for this reason, he is obsessed with constructing a proper identity throughout the novel.

Throughout the novel, Sir Percival Glyde is obsessed with identity. Therefore, he tries to secure his position and property which is vital for him. His first attempt is to secure himself in marriage with a wealthy woman. Before, Mr. Fairlie's death, Sir Percival Glyde was a friend of him and his close friend Count Fosco is married to Mr. Fairlie's sister Madame Fosco. Thus, Sir Percival knows about the entire Fairlie family property. Collins portrays him as a fortune hunter, a villain who is capable of doing whatever he wants in the novel. "Percival, who

Collins once described as his mean villain conforms to a long literary tradition in which the illegitimate were employed as villains, their villainy attributed to their bastardy" (MacDonagh and Smith 284). In order to pay his huge debts, Sir Percival wants to use Laura Fairlie's fortune. Thus, he imprisones both Anne Catherick and Laura Fairlie in the asylum. "In his attempt to acquire Laura' fortune and the trappings of legitimacy, he has ensured the death of the novel's other illegitimate child, Anne" (Dever 137). Actually, he is psychologically imprisoned in his fears because of his illegitimate status. For this purpose, Sir Percival's second attempt is to marry his parents. He secretly forges his parents' marriage registration and take a fake identity for himself. He is called the Baronet of Blackwater and a respectable landowner. "Percival has tried to repair his own weak point, rewriting the authorized narrative of inheritance by inserting his parents' names in the church's marriage registry" (Albright 178). He imitates the handwriting of the register with the same-colored ink.

Anne Catherick and her mother were involved in his secret in the past so he thinks that Anne knows his actual identity, that is, his illegitimate status. However, the tragic aspect is, Anne does not know about his secret, unlike her mother. As MacDonagh and Smith argue, "Anne is easily manipulated, the innocent instrument by which Percival and Fosco make Laura the innocent victim of their plot. And as it turns out, Anne does not really know Percival's secret at all" (MacDonagh and Smith 281). He is paranoid and behaves harsher than anyone who threatens his security and his status as a Baronet.

Collins implies that Sir Percival is an illegitimate villain but, his villainy is due to his mother's unwed status. As an illegitimate man, Sir Percival Glyde dies when he is trying to hide the secret documents which proves his illegitimacy. As John Sutherland suggests, "Sir Percival Glyde was transformed into a monster of depravity" towards the end of the novel (163). He is a fortune hunter, a kidnapper, and a cunning man but Collins suggests that, despite all of this, Sir Percival is also a victim of the existing law. "Glyde's circumstances are a consequence of a legal system which prevented women from divorcing abusive

husbands" (Cox 104). Towards the end, Walter Hartright discovers that Glyde's mother and father were not registered in the Church. He says,

> *I turned to the month of September, eighteen hundred and three. I found the marriage of the man whose Christian name was the same as my own. I found the double register of the marriages of the two brothers. And between these entries at the bottom of the page——? Nothing! Not a vestige of the entry which recorded the marriage of Sir Felix Glyde and Cecilia Jane Elster, in the register of the church! That space told the whole story! There it must have remained, in the church register, from eighteen hundred and three (when the marriages had been solemnised and the copy had been made) to eighteen hundred and twenty-seven, when Sir Percival appeared at Old Welmingham. Here, at Knowlesbury, was the chance of committing the forgery, shown to me in the copy—and there, at Old Welmingham, was the forgery committed, in the register of the church! (Collins 508)*

Walter Hartright learns about Sir Percival's illegitimacy. His parents were not married when he was born so he is out of wedlock. An illegitimate child loses everything he/she has in the nineteenth century England. Walter summarizes Sir Percival's legal rights like a lawyer. According to this,

> *The disclosure of that secret might, in past years, have hanged him—might now transport him for life.1 The disclosure of that secret, even if the sufferers by his deception spared him the penalties of the law, would deprive him, at one blow, of the name, the rank, the estate, the whole social existence that he had usurped. This was the Secret, and it was mine! A word from me; and house, lands, baronetcy, were gone from him for ever—a word from me, and he was driven out into the world a nameless, penniless, friendless outcast! The man's whole future hung on my lips—and he knew it, by this time, as certainly as I did! ((Collins 509-510)*

Collins touches on the issue of forgery, too. "Sir Percival Glyde has stolen his upper-class identity by concealing his illegitimate birth" (Liddle 133). According to British law, Sir Percival is also guilty of forgery. He changed the documents and took the title of Baronet. The punishment of forgery was execution until 1832. "An empty relic of a once-honorable past, his title supposedly represents his worth, but his financial failures manifest the lack of real estate behind his apparent social standing and his well-connected marriage to the vapid Laura Fairlie. Glyde defies the law, usurping its power to consecrate marriages and to execute—to decree the sentence of death" (Malton 42-43). Collins foregrounds

forgery in order to emphasize Sir Percival Glyde's illegitimacy which led to his crimes towards Laura and Anne. As Sara Malton argues, "Carefully situating Glyde's act of forgery in the 1830s, Collins specifically invokes the specter of capital punishment, which Glyde, and, potentially, Mrs. Catherick, in her role as accomplice, would have faced. Collins also engages with the subtleties of forgery legislation" (Malton 43). The novel could be regarded as suggesting that Glyde's crimes and his debts are a natural consequence of his illegitimacy. Hence, foregrounding the highly problematic laws of England in the nineteenth century. In the end, Sir Percival Glyde dies in flames when he is trying to stamp out the documents that would reveal his illegitimacy in the church.

In conclusion, *The Woman in White* portrays instances of illegitimacy affecting both women and men. As John Kucich says, "Collins's lifelong fascination with legal quirks, loopholes, and labyrinths defines both the indispensability and tragic unreliability of legal systems, which can never make social injustice conform to intuitive human sympathies" (Kuicih 84). Collins portrays Anne Catherick as an illegitimate woman who is left by her parents. She is mentally retarded and alone in the world. Sir Percival Glyde thinks if she knows his secret and imprisons her in an asylum. Actually, Sir Percival is imprisoned in his secret, that is, his own illegitimate status. He is obsessed with his identity, causing the imprisonment of both his wife Laura and Anne Catherick. In the novel, Collins engages in a long process of illegitimacy and its results in nineteenth century England. He criticizes the unsatisfactory laws through Sir Percival and Anne. Collins implies that Sir Percival's illegitimacy is as a result of divorce laws of England which prevented Sir Percival's mother from divorcing her previous husband and marrying Sir Felix Glyde. Collins' final point shows the injustice of law against women more than men.

4.3. Divorce and Custody in *The Evil Genius*

> *A woman who broke the law was not simply committing a crime but was also violating society's expectations. (Montgomery 7)*

In 1855, when Caroline Norton was struggling for divorce and custody of her three children, she wrote *A Letter to the Queen on Lord Chancellor Cranworth's Marriage and Divorce Bill*. Norton argued that the existing family law was male-biased and women's legal capacity was not satisfactory at all. She wanted to divorce, but she was accused by her husband, George Norton of criminal conversation. Therefore, she attacked the laws against women and asserted, "If an English wife be guilty of infidelity, her husband can divorce her so as to marry again; but she cannot divorce the husband a vinculo, however profligate he may be. No law court can divorce in England" (Norton 11). Actually, before 1857, there were just four petitions for divorce applied by women and three of them were successful. Applying for a divorce was a difficult and extremely costly process. In this sense, the gender-based family laws of England were criticized by many authors.

Wilkie Collins's *The Evil Genius: A Domestic Story* is such a story that "centers on a seemingly ideal bourgeois marriage which breaks down when the husband (Herbert) becomes infatuated with the vulnerable young woman (Sydney) recruited as a governess for his daughter (Kitty)" (Law and Maunder 135). After Catherine and Herbert Linley's separation, Catherine wants the custody of Kitty but according to the existing law, Herbert is her natural guardian. Catherine Linley's struggle for custody is presented throughout the novel. Through this, Collins points out the injustices of the family law for a wife who wants to divorce and have custody of her little child in nineteenth-century Britain. Furthermore, although she achieves divorce, she cannot escape the social pressure on a divorced woman.

In *The Evil Genius*, Collins uses the governess theme of the nineteenth century through Sydney Westerfield, who is employed as a governess in Linley House at Mount Morven. "The characters are not as richly drawn as in earlier Collins works; he seems to have chosen to revise Jane's [[Eyre] familiar story simply in order to expose the cruel nature of the divorce laws of the day" (Steere 61). After a traumatic childhood, she starts to live in the Linley house. As a child, Sydney has been abandoned by her mother to go to America with her new husband and brother. As M. Jeanne Peterson asserts, "The employment of a gentlewoman as a governess in a middle-class family served to reinforce and perpetuate certain Victorian values" (Peterson 8). However, Catherine's mother Mrs. Presty is disturbed by the coming of a young governess and she warns Catherine about the relationship between Herbert and Sydney. Actually, she sees the "obstacles" in front of Sydney and says openly,

> *First obstacle in the way of her moral development, her father — tried, found guilty, and dying in prison. Second obstacle, her mother — an unnatural wretch who neglected and deserted her own flesh and blood. Third obstacle, her mother's sister — being her mother over again in an aggravated form. People who only look at the surface of things might ask what we gain by investigating Miss Westerfield's past life. We gain this: we know what to expect of Miss Westerfield in the future. (Collins 100)*

Sydney is also beautiful, young, and inexperienced. Mrs. Presty thinks of her past as an obstacle and is anxious about their future because marriage was sacred for the Victorian society and she is afraid of the collapse of her daughter's marriage.

Mrs. Presty is right about her apprehension and Herbert and Sydney's love affair starts secretly. Sydney is easily affected by him both as a lover and a father figure whom she has been in need of but first Herbert initiates their relationship. Especially in Sydney's birthday, he sees her with interest: "Mr. Linley certainly did notice her — at a distance. He looked at her with a momentary fervour of interest and admiration which made Sydney (so gratefully and so guiltlessly attached to him) tremble with pleasure; he even stepped forward as if to

approach her, checked himself, and went back again among his guests" (Collins 111). Sydney is also happy about his interest since Herbert is a handsome, well-educated, and mature man.

Gradually their infatuation increases and they confess their love to each other. She feels passionate about Herbert.

> *For the first time in her maiden's life, a man's lips touched her lips. All that had been perplexing and strange, all that had been innocently wonderful to herself in the feeling that bound Sydney to her first friend, was a mystery no more. Love lifted its veil, Nature revealed its secrets, in the one supreme moment of that kiss. She threw her arms around his neck with a low cry of delight — and returned his kiss. (Collins 122)*

However, their adultery is discovered by Catherine Linley and she wants him to leave the household with Sydney. At this point, Collins touches on the issue of a husband's adultery in Victorian family law. He knows that "Obtaining a parliamentary divorce was legally complex and extraordinarily expensive for a woman" (Shanley, *One Must Ride Behind* 357). There was a double standard in the divorce law: "Men could divorce on grounds of adultery alone but not women. A woman had to prove that her husband was guilty of rape, sodomy or bestiality; or, if she was suing on the grounds of adultery this had to be coupled with incest, bigamy or cruelty" (Montgomery 10). As a lawyer, Collins was aware of the sanctions of the existing divorce law, he showed them it in the novel through Herbert Linley. According to the law, "A man's adultery was considered trivial" (Montgomery 10). Also, a woman could not sue her husband with criminal conversation due to his adultery. "The action for criminal conversation could only be initiated by men, not women" (Shanley, *Feminism, Marriage, and the Law* 24). Collins first shows Catherine Linley in a helpless situation. Although her husband commits adultery, she is restricted by the family law. As Ann Sumner Holmes argues,

> *The idea that a husband's adultery was a lapse appears in The Royal Commission's discussions of so-called accidental or casual adultery, a term used to distinguish a single act of adultery should not be grounds for a wife to*

> *divorce her husband. Those who could deem a man's adultery "accidental" or "casual" expected women to be tolerant of their husbands' lapses. (Holmes 607)*

Collins does not present a tolerant and patient wife who accepts the case of adultery. Catherine Linley prefers separation and leaves Herbert and Sydney together. As far as their divorce is concerned, the first step is initiated by Herbert Linley who writes a letter to his wife. Although he committed adultery, his adultery was trivial according to the law so he wants to use his legal rights against Catherine by taking the custody of their only child Kitty. Legally, Herbert Linley is the natural guardian of the child although he committed adultery. He explained, he wants Kitty in his letter:

> *I hope and trust you will forgive me for venturing to write to you, in consideration of the subject of my letter. I have something to say concerning our child. Although I have deserved the worst you can think of me, I believe you will not deny that even your love for our little Kitty (while we were living together) was not a truer love than mine. Bad as I am, my heart has that tender place left in it still. I cannot endure separation from my child.*
>
> *There is no wish, on my part, to pain you by any needless allusion to my claims as a father. My one desire is to enter into an arrangement which shall be as just toward you, as it is toward me. I propose that Kitty shall live with her father one half of the year, and shall return to her mother's care for the other half. If there is any valid objection to this, I confess I fail to see it. (Collins 181)*

Herbert knows that he has hurt and wronged his wife. However, he demands more and wants Kitty's custody for six months. Actually, as a subsequent of this request, he is threatening her. Catherine knows that the law is against her and she is furious. She says, "Does he see no difference, she broke out, between his position and mine? What consolation — in God's name, what consolation is left to me for the rest of my life but my child? And he threatens to separate us for six months in every year! And he takes credit to himself for an act of exalted justice on his part! Is there no such thing as shame in the hearts of men?" (Collins 181-182). Catherine sees that the law is biased and ruled by men. "She [Catherine] had no right to apply for a legal hearing because as a married woman, she had no legal existence" (Montgomery 9). Therefore, she knows that Herbert can attain whatever he wants thanks to the law although he is the guilty party.

In addition to this, Herbert ironically tries to console Catherine by reminding her of Sydney's existence by saying, "If your maternal anxiety suggests any misgiving, let me add that a woman's loving care will watch over our little girl while she is under my roof. You will remember how fond Miss Westerfield was of Kitty, and you will believe me when I tell you that she is as truly devoted to the child as ever" (Collins 182). It appears that Herbert is ready to replace Catherine and Sydney without hesitation. Collins seems to be reminding the reader that under the existing legal system, the father could easily have a mistress and try to convince his wife that the mistress' mission was taking care of the child. If it was not accepted by the wife, she would be subject to imprisonment for contempt of Court. Perhaps in telling this story, Collins was aware of the case of Mrs. Skinner which is about Mr. Skinner who lived with his mistress Anne Deverall after separation from his wife like Herbert Linley. Their child was under six years old like Kitty and at the end of many cases, the child's custody was given to Anne Deverall. As Mary Lyndon Shanley suggests in *Feminism, Marriage*, *and the Law in Victorian England, 1850-1895*, "The father could have a mistress, and he could claim his intention to his wife by claiming that the mistress' mission was taking care of the female infant" (Shanley 24). The parallels between Collins' fiction and similar real-life situations are obvious here. Through his fiction he is definitely referring to such cases which is full of injustice. Catherine feels the hidden threat under his request because he has the right to deny her all access to the child. The law is against Catherine and Herbert. Her only choice is to divorce and demand the custody of her daughter.

As in the previous novels, Collins again presents a lawyer character named Mr. Sarrazin of Lincoln's Inn Fields who gives information about the existing family law and tells Catherine about her legal rights to Catherine. Divorce is very difficult and complicated for a woman despite the adultery of her husband. Mr. Sarrazin summarizes their case, "Now, Mrs. Linley, in two words; your husband is determined to have little Miss Kitty; and the law, when he applies to it, is his obedient humble servant" (Collins 187). According to the law, she can win a divorce due to the adultery of her husband in the ecclesiastical courts but there is

a handicap. “The House of Lords steadfastly refused to pass a divorce act in favor of a wife on the ground of her husband’s adultery alone. A wife could win a complete release only when her husband’s adultery was compounded with some aggravating circumstance, such as incest, or cruelty. And the cruelty had to be outrageous” (Baird 403). Catherine and her daughter cannot even travel without her husband’s permission. As Mr. Sarrazin explains, “No person – not even the mother – can take the child out of the father’s custody except with the father’s consent. His authority is the supreme authority” (Collins 189). At any rate, the law supports Herbert Linley.

Collins points out the unfair divorce laws of England but he also addresses another law which makes divorce a more straightforward process. In particular, Collins both compares and criticizes English divorce law and criticizes Scottish divorce law due to its irregularity. Although the sole parliament in Westminster wanted to assimilate Scottish law into that of England, major differences existed. Collins implies the different procedures of divorce in Scotland, which was also covered as an issue in *Man and Wife*. Since Herbert and Linley married in Scotland in the past, they can divorce according to the sanctions of Scottish law, too. Collins depicts Catherine as a determined woman who demands her rights and her daughter’s custody fully. She is clever and thinks of a solution. Catherine and Mr. Sarrazin discover that she can also have full custody of Kitty and become her sole guardian. She says, “There is a thing they call 'incompatibility of temper' — and married people sign a paper at the lawyer's and promise never to trouble each other again as long as they both live. And they're readier to do it in Scotland than they are in England” (Collins 190). She applies for divorce and achieves divorce together with the custody of her child with Mr. Sarrazin. Their divorce report is published in a newspaper, which shocks Herbert Linley.

> *Line by line he followed the progress of the law report, which informed its thousands of readers that his wife had divorced him, and had taken lawful possession of his child. Word by word, he dwelt with morbid attention on the terms of crushing severity in which the Lord President had spoken of Sydney Westerfield and of himself. Sentence by sentence, he read the reproof inflicted on the unhappy woman whom he had vowed to love and cherish. And then —*

> *even then — urged by his own self-tormenting suspicion, he looked for more. (Collins 220-221)*

Herbert is furious and he knows that Catherine is right about her decision. Although Sydney becomes happy about the decision, Herbert does not want to marry again, unlike Sydney's expectations.

Collins not only reminds the reader that the existing law is an entirely male institution but also even if the law changes, Victorian society's conservative attitudes towards women are stable. Collins puts forward Catherine Linley's case as an example of the male-dominated judiciary. However, Collins's other point is women's position after divorce in the Victorian society because marriage is not just a legal union between husband and wife but also it represents a social and religious union for Victorians. As Marlene Tromp says, "Even after 1857, when divorce became a legal option for women, it was not a suitable social option for most of them" (Tromp 39). Collins's treatment of Mrs. Linley's divorce shows the cruel perspective of the Victorians.

In the nineteenth century, marriage was the most critical institution which was enacted by the law, sanctified by the church, and approved by society. Collins is also concerned with the social aspect of a divorce in the novel. Through Catherine Linley, Collins emphasizes the position of women who are cheated by their husbands. Society does not blame Herbert for committing adultery but Catherine is expected to be tolerant and loyal to her husband. Herbert's brother Randal says,

> *Herbert's nature is, in some respects, better known to me than it is to you. I am persuaded that your hold on his respect and his devotion is shaken — not lost. He has been misled by one of those passing fancies, disastrous and even criminal in their results, to which men are liable when they are led by no better influence than the influence of their senses. It is not, and never will be, in the nature of women to understand this. (Collins 179)*

Randal pities Sydney, too. “I say this, pitying the poor girl most sincerely, when I think of her youth and her wretched past life. How it will end I cannot presume to say” (Collins 179). Herbert’s brother implies that he has been under the influence of a passing fancy and due to this he regrets and suffers. In a way, he has been under a sexual temptation and this is natural for a man. Therefore, she must be tolerant and maybe forgive her husband’s mistakes. Interestingly, Sydney is also aware of her temporary position in his life. She confesses Catherine, “I am the miserable victim of a man’s passing fancy. You have been, you are still, the object of a husband’s love. Ask your own heart if the woman lives who can say to you what I have said – unless she knew it to be true” (Collins 295). She also demands her forgiveness both on behalf of herself and her husband. As a young woman, Sydney is also filled with the ideas of submissive womanhood. She wants tolerance and reunification of the Linley family. Sydney regrets her relationship with Herbert in the past.

Not only social expectations but also the conflict between religion and the rights of women are reflected by Collins. Marriage is both a religious and social union and divorce is “contrary to the teachings of Christ” (Law and Maunder 136). After the divorce, Catherine, her mother Mrs. Presty, and her daughter Kitty leave Mount Morven and, in a hotel, they celebrate Kitty’s birthday. Catherine assumes another name, Mrs. Norman instead of Mrs. Linley in the hotel and her real identity is discovered by the other women in the hotel. These are Lady Myrie and Mrs. Romsey who talk about the Linley divorce case in disapproving terms:

> *Lady Myrie looked at her friend in astonishment. "My dear, you must have forgotten what the judge said about her. Surely you read the report of the case in the newspapers?" "No; I heard of the trial, and that's all. What did the judge say?" "Say?" Lady Myrie repeated. "What did he not say! His lordship declared that he had a great mind not to grant the Divorce at all. He spoke of this dreadful woman who has deceived us in the severest terms; he said she had behaved in a most improper manner. She had encouraged the abominable governess; and if her husband had yielded to temptation, it was her fault. And more besides, that I don't remember. (Collins 234)*

In fact, Mrs. Romsey and Lady Myrie's dialogue reflects Victorian society and social expectations of a woman. They claim that Catherine Linley's betrayal is due to her improper manners and the reason of her husband's adultery is totally her own fault. They think that she is the guilty party and she should have prevented him from adultery as a loyal wife although it was totally Herbert's temptation. In addition to this, Kitty gives a farewell dinner party in the hotel and she invites her friends. However, their mothers do not let them join. Lady Myrie says, "Of course your girls mustn't go. Daughters! Think of their reputations when they grow up!" (Collins 235). Their daugters should not contact Kitty in order to protect their family reputation. Collins shows the conservative Victorian women through Lady Myrie and Mrs. Romsey who have been tolerant and loyal wives. Catherine is different from them so she becomes an outcast. Due to divorce, Catherine is not a respectable woman anymore according to them and she becomes just an object of gossip and condemnation. They ostracize both Catherine and Kitty from their community.

Apart from the social aspects of divorce, Collins present religious aspects, too. Victorians are conservative and women's act of divorce is an act of both social corruption and rebellion against God. Catherine Linley's coincidence with Captain Bennydeck is seen as a fresh beginning for Catherine but actually it is not. Catherine hides her real identity from Captain Bennydeck and she does not talk about her divorce case. Her mother Mrs. Presty is aware of the social prejudices and wants Catherine to be honest:

> *Think of Kitty if you won't think of yourself. In a few years more she will be a young lady. She may have an offer of marriage which may be everything we desire. Suppose her sweetheart's family is a religious family; and suppose your Divorce, and the judge's remarks on it, are discovered. What will happen then?*
>
> *My poor dear, do you think you can go on as you are going on now? How many thousands of people have read the newspaper account of the trial? How many hundreds of people — interested in a handsome woman like you — will wonder why they never see Mr. Norman? What? You will go abroad again? Go where you may, you will attract attention; you will make an enemy of every ugly woman who looks at you. (Collins 241-242)*

According to Mrs. Presty, Catherine should not jeopardize her daughter's future life. Catherine is a "charming widow" and everybody looks at her (Collins 267). In this respect, Catherine is disturbed. When Captain Bennydeck proposes to her, "she watched the setting sun, the phantom of her guilty husband darkened the heavenly light; imbittered the distrust of herself which made her afraid to say Yes; and left her helpless before the hesitation which prevented her from saying No" (Collins 283-284). Although her husband committed adultery, Catherine was blamed.

When Captain Bennydeck learns about Catherine's divorce through her letter, he withdraws his proposal. He says, "The day when you remembered the law of man, forget the law of God; the day when you broke the marriage tie, the sacred tie, by a Divorce!" (Collins 325). Although Catherine rebels against his attitude, he believes that marriage is a religious union, too. Bennydeck takes the New Testament found in the hotel room and opens the Gospel of Saint Mathew:

> *I have done my best rightly to understand the duties of a Christian. One of those duties, as I interpret them, is to let what I believe show itself in what I do. You have seen enough of me, I hope, to know (though I have not been forward in speaking of it) that I am, to the best of my poor ability, a faithful follower of the teachings of Christ. I dare not set my own interests and my own happiness above His laws. If I suffer in obeying them as I suffer now, I must still submit. They are the laws of my life. (Collins 326)*

Bennydeck conducts his life according to the Bible. He is a follower of Christ so the laws of the Bible are above everything in his life. He shows the chapter to her. It says, "Whosoever shall marry her that is divorced committeth adultery" (Collins 327). He certainly believes in natural divorce which is a result of the husband's s death. Otherwise, he believes that marrying a divorced woman equals adultery. Also, according to the marriage union, husband and wife promise each other that their union is dissolved only by death. Bennydeck supports Catherine's husband because he believes that there is no sodomy, incest or cruelty and he repented of his sin. In this respect, Catherine could have forgiven him. His judgment reflects the religious and moral aspects of society.

He is imprisoned in the religious convictions despite his love for Catherine. It could also be argued that in this case, religious convictions comply with legal regulations, which both turn out to be to the disadvantage of women.

Not only Captain Bennydeck but also Herbert Linley's brother Randal is a supporter of the law. He is bitterly against divorce.

> *If the unhappy wife can find an honorable man who will protect her, or an honorable man who will offer her a home, Society and Law, which are responsible for the institution of marriage, are bound to allow a woman outraged under the shelter of their institution to marry again. But, where the husband's fault is sexual frailty, I say the English law which refuses Divorce on that ground alone is right, and the Scotch law which grants it is wrong. Religion, which rightly condemns the sin, pardons it on the condition of true penitence. Why is a wife not to pardon it for the same reason? Why are the lives of a father, a mother, and a child to be wrecked, when those lives may be saved by the exercise of the first of Christian virtues — forgiveness of injuries? In such a case as this I regret that Divorce exists; and I rejoice when husband and wife and child are one flesh again, re-united by the law of Nature, which is the law of God. (Collins 346-347)*

Randal's views are yet another version of Captain Bennydeck. Collins shows the conflict between a woman's legal rights and religion through the Captain and Randal. They also demand a re-marriage of Herbert and Catherine both for their social reputation and Kitty's future. Collins puts forward that divorce is not accepted by religion and society even if it is legalized. Through these aspects of the novel, Collins also suggests that even if it legalized, divorce will still not be accepted by religion and society and in that sense, it is unfortunately very difficult to overcome such obstacles for women even when the necessary legal arrangements are made.

To sum up, as Shelley Richardson says, "The institution of marriage was central to debates about the position of women in nineteenth-century Britain" (Richardson 177). In *The Evil Genius*, Collins presents the conflict as well as cooperation between women's rights in the eyes of the law and in the eyes of society and religion. Herbert Linley's love affair with the young governess Sydney Westerfield leads to divorce and the loss of the custody of her daughter

Kitty. Although English family laws make the process expensive and almost impossible, Catherine achieves Scottish divorce since they had been married in Scotland. Due to this, she also takes custody of their little daughter. However, Collins moves the issue further and depicts the consequences of divorce in the eyes of society and religion. Catherine becomes a social outcast after the divorce. She cannot continue her life properly so in the end, she is almost forced to return to her husband again. Collins emphasizes that even if women achieve a legal victory despite difficulties, they are this time punished through the dictates of social norms.

As this chapter has demonstrated, Collins aptly reflects and exposes serious problems concerning the laws of illegitimacy, inheritance and custody in his novels, *No Name*, *The Woman in White* and *The Evil Genius*. *No Name* presents Magdalen Vanstone and her sister as illegitimate children deprived of legal rights. Although Magdalen, as a strong woman, finds ways of obtaining her legal rights, she still remains under the patriarchal norms of the society and cannot assume a fully subversive role. *The Woman in White* similarly depicts two illegitimate characters, Anne Catherick and Sir Percival Glyde, and extends the problem also to men, who can also similarly suffer from an illegitimate status. *The Evil Genius*, on the other hand, criticizes the unfair divorce and custody laws of England through the character of Catherine Linley, whose plight bitterly reflects the injustices concerning these issues in the Victorian Age.

CHAPTER 5

CONCLUSION

This dissertation has analyzed William Wilkie Collins' *The Woman in White* (1860), *No Name* (1862), *The Moonstone* (1868), *Man and Wife* (1870), and *The Evil Genius* (1885) in terms of the representation of women in front of British law by foregrounding the social and legal injustices they are exposed to. The study has been conducted by placing the said novels within the feminist and legal contexts of the Victorian Era and by making use of modern interpretations of the Victorian legal system concerning civil matters and women.

In order to set the background to the study, Mary Wollstonecraft's *A Vindication of the Rights of Women,* which was a seminal work in triggering discussion of legal rights, and the works of certain other activists of that time such as Caroline Norton and Barbara Bodichon have been used. In addition to these, the work of modern-day scholars like Mary Lyndon Shanley, Mary Poovey and Lee Holcombe have been used to create a framework for analyzing Collins' novels. Among the legal acts looked at more closely within the Victorian context are the Married Women's Property Bill (1856), the Divorce and Matrimonial Causes Act (1857), the Woman's Suffrage Amendment (1867), the Royal Commission of English, Irish, Scottish Marriage Laws (1868), the Married Woman's Property Act (1870), the Married Woman's Property Act 2 (1882), the Infant Custody Act (1886).

The legal and historical background to the study explores civil law, marriage and divorce laws, inheritance and custody laws within the legal context of the Victorian Era. A major issue that was dealt with is how, after marriage, a woman lost all of the rights she used to enjoy as a single woman. The system was coverture, which gave woman the status of *feme covert* with no legal capacity.

This system subordinated women radically in the eyes of the law. Also, divorce was extremely difficult and unaffordable for a woman. A number of laws were passed and reforms took place in the second half of the 19th century; however, these reforms were found inadequate by feminists of the time. Collins' work also reflects how, despite some attempts at reform, women were still exposed to a lot of injustice and suffering in the face of the law.

In the analytical chapters of the dissertation, first, Wilkie Collins' *The Woman in White* has been analyzed in terms of the struggle of the female protagonist against the unjust marriage and property laws of England. The female protagonist is a young upper-class lady, Laura Fairlie, who falls in love with her drawing teacher Walter Hartright but later becomes Sir Percival Glyde's wife, who insists on marriage due to Laura's fortune which will become his fortune in line with the law of coverture. In writing the novel, Collins makes ample use of his own legal knowledge and background as a lawyer, and he reflects this in narrative structure he has devised for this novel. The analysis of the novel has shown that Collins not only criticizes Victorian marriage laws through the character of Laura but also aims to raise the awareness of the reading public concerning these matters.

Man and Wife has been analyzed as another novel in which Collins again foregrounds the unjust marriage laws of England through three different women characters. In devising his fictional story and characters, Collins was inspired by the real-life Yelverton case and the case of Susannah Palmer. The first woman character depicted in the novel is Anne Vanborough whose marriage is nullified by her husband John Vanborough so that he can marry a wealthier and politically influential woman. The second woman character depicted is the illegitimate daughter of Anne Vanborough, Anne Silvester, who exchanges consent and becomes Geoffrey Delamayn's wife. Collins points out a similar case again and shows how the existing law leaves women at a serious disadvantage. The third woman character explored in detail is Hester Dethridge, a working class woman who is beaten by her alcoholic husband and cannot escape. In the end, she kills

her husband, which unfortunately turns out to be the only way for her to protect herself from this harmful relationship.

The final novel analyzed in this chapter is *The Moonstone,* which is about a diamond that is inherited by Rachel Verinder on her eighteenth birthday. Rachel is presented as a *feme sole*, a self-sufficient and independent woman. However, she is treated by others like a *feme covert*: Both the house steward Gabriel Betteredge and her widowed aunt Mrs. Merridew are disturbed by her independence and self- sufficiency. It has been argued that, by creating a character like Rachel, Collins tries to set an example for the reading public, showing that there can be options for women to avoid coverture and suggesting that a woman can try to be self- reliant and powerful even when she is limited by the laws.

The next chapter in the dissertation dwells mainly on the issue of legitimacy and begins with an analysis of *No Name*, which depicts Norah and Magdalen Vanstone as children who become illegitimate following the death of their father, learning that their parents had not been married legally at the time of their birth. Through this novel, Collins again draws the public's attention to the illegitimate status of children, who remain as social and legal outcasts of Victorian society even after they grow up.

For a second similar analysis, this chapter revisits *The Woman in White,* this time from the perspective of legitimacy. The analysis explores how Anne Catherick and Sir Percival Glyde are exposed to discrimination and lose their name and property like the Vanstone sisters in *No Name* again because they both turn out to be illegitimate. The novel traces how Sir Percival is obsessed with identity and social status mainly due to his illegitimate status. The study suggests that through *No Name*, Collins adds to his main argument about the dissatisfactory nature of the law for women, but this time he also depicts a male character suffering from the unjust law of legitimacy. This way, he demonstrates the extent of this issue, showing how it could affect men as much as women.

The final novel analyzed in this chapter, *The Evil Genius: A Domestic Story* concerns both divorce and custody. The novel demonstrates how it is very difficult for a woman to attain divorce and have custody of her children even if the other party is obviously guilty in causing the marriage to come to an end. The novel also shows the religious and social pressures of the act of divorce on a woman, suggesting that the law in a way cooperates with the social and religious expectations of conservative Victorian society, leaving women at a very disadvantaged position.

In all these novels, Wilkie Collins the prolific Victorian writer of sensation novels and detective stories, criticizes the unfair civil laws of England through his woman characters. As Lyn Pykett suggests, "Many of the sensation novels grew out of specific concerns about women's social and familial roles" (Pykett, *The Improper Feminine* 199). Moreover, these novels were directly or indirectly "inspired by historical events, notably the sensationally reported criminal trials which filled the newspapers in the 1850s and 1860s" (Pykett 199). Therefore, it is quite understandable that Collins regarded sensation fiction as an efficient device to communicate social and political messages, which could eventually lead to action and reform. Through his thrilling plots and female sensation protagonists, Collins was able to gather a wide readership on the one hand, while on the other, he was able to put his popularity to political use by raising awareness about serious legal problems and even making an implicit call for action.

All the novels studied in this thesis suggest that legal autonomy is closely related to holding power, and without such empowerment women cannot enjoy autonomy or justice within the legal system. However, even in the case of more powerful and independent woman characters, it is not easy to achieve justice and fair treatment in front of the law. Collins' novels also reflect some of the legal reforms made in favor of women, but even then, it can be argued that the improved version of the law is still the product of a patriarchal perspective. To what extent Collins himself was aware of this dilemma is a question to debate.

As a novelist with a legal background and social sensibility, he definitely advocated the need for legal reform in civil issues concerning women. However, as the analysis of some of the novels above also suggests, perhaps Collins was still a man of his time since his feminist sensibility inevitably remains within the boundaries of the Victorian Age. To what extent he is aware that even the reformed law is the product of a male point of view is a question worth considering. Furthermore, his concerns appear to remain mainly within the boundaries of bourgeois feminism, as suggested by the way he seems to uphold bourgeois values of respectability for his female characters and shows less concern for the issues of lower class women and women involved in prostitution or crime.

It is well-known that Wilkie Collins' own life involved some of the issues experienced by his imagined woman characters. Collins never married, but instead cohabited first with Caroline Grave, and then with Martha Rudd. He had three children out of wedlock. Issues like legitimacy, custody and respectability, therefore, were probably close to his heart. It might be that his personal involvement in some of the issues raised in his novels led him to struggle more vehemently for change and reform. It could also be that, because of his own guilty conscience caused by living outside the bounds of "respectability", he was unconsciously motivated to justify his own way of life through fiction, using it as a therapeutic tool. Questions like these have remained beyond the scope of this study and could be an interesting topic for further research. The role played by Collins' own life in devising the five novels analyzed in this study would be a worthwhile question to consider. Further studies could also look at other works in Collins' ouvre, exploring, on the one hand, how they deal with the issue of woman and law, and on the other, the extent to which Collins' work directly or indirectly reflects his personal life experiences, concerns and anxieties.

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APPENDICES

A. CURRICULUM VITAE

PERSONAL INFORMATION

Surname, Name: Pirinçci, Yıldız Sinem

[redacted]

EDUCATION

Degree	Institution	Year of Graduation
MS	METU, Gender and Women Studies	2011
BS	Başkent University, American Culture and Literature	2008
High School	Meram Konya Lisesi	2004

WORK EXPERIENCE

Year	Place	Enrollment
2022-Present	Diltaş High School	English Teacher
2014-2016	Gelenekten Geleceğe	Journalist, Editor
2013-2015	Database	Project Assistant
2009-2010	Konkort	Journalist

FOREIGN LANGUAGES

English, German

PUBLICATIONS

1. Pirinççi, Yıldız Sinem. (2010). "Medyada Kadın Temsilinin Eleştirisi: Hürriyet Kelebek ve Bianet-Biamag Örneği". *Konkort* , 02, 17-19

B. TURKISH SUMMARY / TÜRKÇE ÖZET

Bu çalışma William Wilkie Collins'in *The Woman in White* (1860), *No Name* (1862), *The Moonstone* (1868), *Man and Wife* (1870) ve *The Evil Genius* (1885) romanlarında kadının İngiliz hukukundaki yerini ele almaktadır. Çalışmada, kadın başkarakterlerin ve diğer kadın karakterlerin Viktorya dönemi toplumunda yasal ve sosyal anlamda zor durumda bulundukları savunulmaktadır. Collins, bu kadınları yasal ve sosyal adaletsizliğe karşı durmaya çalışan aktif karakterler olarak göstermiştir. Evlilik ve boşanma yasaları, kişisel mülkiyet hakkı ve koruma yasaları da Viktorya dönemi bağlamında ele alınmaktadır. Bu romanlarda kadın karakterlerin yasal ve sosyal adaletsizliklere maruz bırakılmış olması ve ne ölçüde bunlarla başa çıkabildikleri incelenmiştir. Bu amaçla bu çalışmada ilk olarak on dokuzuncu yüzyılda İngiliz feminist hareketi tarihi içinde medeni kanun, mülkiyet hakkı ve velayet kanunlarına bakılmıştır.

Bir hukuk mezunu olarak Wilkie Collins romanlarında hukuk eğitimini büyük ölçüde kullanmıştır. Bazı eserlerinde çoklu anlatıcı kullanarak duruşma tekniği ile her karakterin kendi bakış açısıyla anlatım sağlamıştır. Collins özellikle süregelen yasal eşitsizlikler hakkında farkındalık yaratmak için eserlerinde politik bir görev üstlenmiştir.

1860larda Sansasyonel Roman türünün öncüsü olarak kabul edilen Collins, sabitleşmiş kural, gelenek ve normları sorgulamıştır. Bazen Collins propaganda romancısı olarak da bahsedilmiş ve eserlerinde var olan sosyal ve yasal eşitsizlikleri eleştirmiştir. Romanlarında kadınların yasal haklarına ilişkin eksiklikleri gerçekçi bir biçimde ele almaktadır.

Viktorya döneminde İngiltere birçok değişim ve gelişime sahne olmuştur. Buhar gücü, baskı makinası, telgraf, fotoğraf, ulusal zorunlu eğitim, ticaret ve üretim sayesinde İngiltere batı dünyasında sanayileşmede önemli bir yol kat etmiştir. 1870'e kadar ekonomik anlamda süper güç olmuştur. Fransız devriminin de

etkisiyle başlayan özgürlük akımı kadınların da eşit haklara sahip olma isteklerini uyandırmıştır ve özellikle çok az hakka sahip olan evli kadınların hak talep etmesine neden olmuştur. Mary Wollstonecraft gibi önemli yazar ve aktivistler kadınların her alanda erkeklerle eşit haklara sahip olması gerekliliğini dile getirmiştir. Eğitim, tıp, politika, hukuk gibi her alanda kadınların eşit şartlara sahip olması gerektiğini savunmuşlardır.

18. ve 19. Yüzyılda kadınlar sadece iyi birer anne ve eş olup politik haklardan mahrum bırakılmıştır. Özellikle evlilikten sonra bir kadın bekârken sahip olduğu tüm haklardan feragat etmektedir. Evli kadının statüsü kocasının himayesinde olmayı gerektirdiği için kendi başına dava açamaz, kontrat imzalayamaz ve en önemlisi mal sahibi olmamaktadır. Böylece kadının her hangi bir yasal kapasitesi kalmamakta ve çocukları bile tamamen kocasının himayesine geçmektedir. Bu ataerkil düzen yüzünden kadın erkekten daha alt bir konumda görülmektedir. Bu sistem kadının kendisine ait tüm varlıklarıyla kocasının kontrolüne geçtiği bir düzen oluşturmuştur.

Aynı şekilde eşinden boşanma da bir kadın için neredeyse imkânsız gözükmektedir. Caroline Norton da o dönemde kendi boşanma ve velayet davasıyla sembol bir örnek olmuştur. Kadının boşanması için tek geçerli sebep kanıtlanması zorunlu olan zinadır ama yine de boşanma ücretleri çok yüksek olduğu için bir kadının buna gücünün yetmesi çok mümkün olmamıştır. Bu sebeple Caroline Norton 1855 yılında Kraliçe Viktorya'ya mektup yazarak o dönemki cinsiyetçi yasaları hedef almış ve değişmesi gerektiğini savunmuştur.
1857 yasası Caroline Norton ve kocası George Norton'ın boşanma davasından etkilenmiştir. Caroline Norton'a kocası George zina davası açmış, Norton toplumsal itibarını neredeyse kaybetmiştir. Bu yüzden de çocuklarının velayetini defalarca talep etmiş olmasına alamamıştır. Tüm mal varlığı da evli bir kadın olduğu için kocasına geçmiştir. Yasal olarak evli olsalar da on iki yıldan fazla bir süre ayrı yaşamışlardır. Norton'ın mektupları o dönem de tüm kadınlara örnek olmuş ve bu anlamda radikal bir reforma ihtiyaç duyulduğu görülmüştür. Bu sayede 1857 yasası çıkmıştır. Buna göre, boşanma yetkisi kiliseden alınıp

mahkemeye verilmiş, boşanmadan sonra kadına nafaka ödenmesi ve kadının kendi kazancını onu terk eden kocasından alma hakkı verilmiştir. Yine de bu reformlar yeterli olmamıştır.

Edinilen mallar söz konusu olunca, varlıklı kadınlar için mal ayrılığı sözleşmesi yapılabilirken varlıklı olmayan kadınlar için böyle bir ayrım söz konusu olmamaktadır. 1870 yılında evli kadınların mülkiyet yasası, kadınların iş yoluyla kazandıklarını mal ayrılığına dâhil etmektedir. Kadının kendi kazancı kocasından ayrı tutulmak suretiyle kendisine verilmiştir. 1878 yılında ise şiddet gören kadınlar için koruma yasası çıkartılmıştır. Ancak feminist aktivistlere göre bu da yeterli olmamıştır çünkü kadın evlendikten sonra bekârken sahip olduğu her şey kocasına geçeceği için yasal bir boşluk söz konusu olmuştur. 1882 yılında ise, evli bir kadın tıpkı bekâr bir kadın gibi mal sahibi ve kendi malından sorumlu olma hakkını kazanmıştır.

1893 yılında ise bu süreç tamamlanmış ve kadınlar hem kendi kazançları hem de miras kalan mallar üzerinde hak sahibi olup yasal kontrol sahibi olmuşlardır. Yine de Mary Lyndon Shanley gibi bazı aktivistler bu düzenlemeleri yeterli bulmamışlardır. Yasal olarak kadınlar bu haklara sahip olmuş gibi gözükse de gerçekte kadın ve erkek hala eşit çalışma şartlarına politik katılımlara sahip olmamışlardır.

Velayet ve gayrimeşru çocuğun statüsü için de geç olsa da gelişmeler olmuştur. Caroline Norton'ın davası hem boşanma davası olarak hem de velayet davası olarak büyük ses getirmiştir. Norton üç oğlunun velayetini alamamış ve bunun için Kraliçeye mektuplar yazmıştır. Sadece evlilik dışı doğan çocukların velayeti anneye bırakılmış, evlilik bağı altında doğan tüm çocukların velayeti babaya verilmiştir. Baba evlilik dışı bir başka kadınla yaşıyor olsa da yine de çocukların velayeti anneye verilmemiştir. Caroline Norton'ın yoğun çabaları sonucu 1839 yılında çıkan velayet yasasıyla, yedi yaşın altındaki çocukların velayeti annenin iyi bir karakteri olması şartıyla anneye verilmiştir. Fakat bu yasa, daha çok orta sınıfı hedef almış, alt sınıflar için pratikte uygulanmamıştır. Bir başka husus da,

sadece yedi yaş altındaki çocukların velayetinin verilmesi olup, feminist aktivistlerin tepkisini çekmiştir.1886 yılında çıkan velayet yasasıyla, eğer çocuğun babası ölmüş ise anne çocuğun tek bakıcısı olabilmektedir. Bu yasadan sonra on dokuzuncu yüzyıl boyunca velayet konusunda herhangi bir yasal gelişme olmamıştır.

1926 Meşruiyet yasası ile evlilik dışı dünyaya gelen çocuğun annesiyle babasının evlenmesi ile meşruluk kazanmıştır. Bundan önce hiçbir şekilde meşru olmayan ve her haktan mahrum olan evlilik dışı çocuk, bu sayede tüm haklarına kavuşmuştur. Ancak, ebeveynlerden herhangi birisi evlenmeden ölürse çocuk yine hayatının sonuna kadar gayrimeşru olarak kalmıştır. Buna ek olarak, miras yasasında 1925 yılına kadar ailedeki en yaşlı erkek evlat aileden kalan mirasa sahip olurken diğerleri mirastan pay alamamıştır. 1925 yılında bu yasa da değişmiştir. 1969 yılına kadar da bu konuda herhangi bir reform olmadığı için Collins'in zamanında yasal problemler hala devam etmiştir.

The Woman in White, Wilkie Collins'in 1859'da yayınlanan en çok ses getiren romanı olarak bilinmektedir. Çok sesli anlatım tekniğiyle de öne çıkan romanda, Collins kadınların on dokuzuncu yüzyıldaki sosyal ve yasal konumuna Laura Fairlie'nin evliliği ile bir eleştiri getirmektedir. Romanda, resim öğretmeni Walter Hartright ve Laura Fairlie birbirine âşık olur ancak Laura, Sir Percival Glyde ile nişanlıdır ve onunla henüz reşit olmadan evlenir. Asıl amacı Laura'nın sahip olduğu serveti ele geçirmek olan Sir Percival, Laura'ya öldü süsü vererek onu Anne Catherick ismiyle akıl hastanesine kapatır. Sonunda Laura Fairlie akıl hastanesinden kardeşi Marian ve Walter'ın yardımıyla kurtulur. Collins romanda evli kadının statüsü ve evli kadınların mülkiyet hakkı konularını gündeme getirmiştir. Romanın giriş kısmında, yasaların tamamen doğru ve tutarlı olmadığına dikkat çekerek yasalar sadece varlıklı olan sınıfa hizmet etmektedir, kadınları ve alt sınıfları görmezden gelmektedir vurgusu yapar. Bu nedenle girişte okuyucuyu uyarır.

Romanda, kadının evlilik ve mülkiyet yasalarıyla on dokuzuncu yüzyılda meta haline getirilmesine dikkat çekilmiştir. Laura evlendikten sonra yasaya göre tüm varlığı kocasına devredilip kendisinin elinden tüm yetkiler alınacağı için kadın pasifize edilmiştir. Sir Percival borç içinde bir baronet olduğundan kendisine çıkış yolu olarak Laura'yı kullanmak istemektedir. Laura'nın avukatı Mr. Gilmore bu konuda Laura'yı uyarır ve bir evlilik sözleşmesi yapmayı önerse de bu sözleşme talebi Sir Percival Glyde ve avukatı tarafından reddedilir. Collins burada evlilik sözleşmesi konusunu gündeme getirerek Viktorya döneminde böyle mal varlığını korumak adına bir sözleşme hakkı olduğunu okuyucuya hatırlatmaktadır. Mr. Gilmore hem Laura'ya hem de okuyucuya süregelen yasayla ilgili bilgi vermektedir. Buna göre, bir kadın eğer yirmi bir yaşından önce reşit olmadan evlenirse mal varlığının yönetimi tamamen kocasına geçmektedir ve her şeyi kocası tarafından yönetilmektedir. Bu nedenle, Sir Percival kendi borçlarını ödemek istediğinden bir sözleşme imzalamayı reddeder. Laura'nın avukatının ısrarcı olmasına rağmen, Laura reşit olmadığı için amcası da onun sözleşmesiz evlenmesine onay verir.

Collins, Laura karakteriyle kadınlar için sosyal ve politik farkındalık yaratmaktadır ve kadının yasal konumunu gözler önüne sermektedir. Sir Percival Glyde evlendikten sonra da Laura'dan servetini almak için uğraşır ancak Laura her seferinde onun gösterdiği kâğıtlara imza atmayı reddettiği için öfkesi giderek artmaktadır. Bu yüzden Kont Fosco ile Laura'yı kendisine fiziksel olarak çok benzeyen ve akıl hastanesinde yatmakta olan Anne Catherick ile değiştirmeye karar verirler. Böylece yasaya göre Laura'nın ve ailesinin tüm servetinin Sir Percival'ın himayesine geçmesi mümkün olacaktır. Kont Fosco ve Sir Percival Glyde, hasta olan Anne Catherick öldüğü zaman onu Laura olarak defnedip, Laura'yı Anne Catherick yerine akıl hastanesine kapatırlar. Laura hem mal varlığını hem de kimliğini kaybeder. Esasen, Laura bir evlilik sözleşmesi ile evlenmiş olsaydı böyle bir şey yaşanmayacağı için Collins burada yasanın eksik, yetersiz ve yanlı olmasına dikkat çekmektedir. Romanda Collins, bir kadının evlendikten sonra yasal haklarını ve mal varlığını kaybetmesi üzerinde

durmaktadır. Viktorya döneminde kadının evlilikle yasal haklarının kocasına devredilmesi ve hukuki varlığının sona ermesine yoğun bir eleştiri getirmektedir. *Man and Wife* 1870 yılında basılan Collins'in var olan evlilik ve boşanma yasalarını üç farklı sınıftan kadınla örnekleyip eleştiri getirdiği bir diğer romandır. Romanda Collins 1861 yılında görülen Yelverton davasından ve 1869 yılındaki Susannah Palmer davasından esinlenmiştir ve romanda gerçek ve kurguyu birlikte sunmuştur.

Man and Wife özellikle o dönemde İskoçya'da yapılan düzensiz evliliklere bir eleştiri getirmiştir. Buna göre, bir koca eğer evliliği geçersiz kılmak isterse bu çok kolaydır. On üç yıllık evli olan John Vanborough siyasi amaçları için nüfuz sahibi bir başka kadınla evlenmek ister. Lady Jane Parnell, John Vanborough'un siyasi kariyerini kolay yolda elde edebilmesi için önemli bir eş adayıdır. Ancak, kendisi Anne Vanborough ile evli olduğu için bir çıkış yolu aramaktadır. Bu çıkış yolunu avukatı Bay Delamayn ile bulur. John Vanborough ve eşi Anne yıllar önce İrlanda'da evlenmiştir. John Vanborough Protestan ve eşi Anne Katolik'tir. Onların evliliğinin gerçekleşmesi için John Vanborough nikâhtan altı hafta önce Katolik kilisesine kabul edilmiştir ama kurallara göre on iki ay önce kabul edilmesi gerekmektedir. Bu nedenle de evlilikleri geçersiz sayılmaktadır. Hatta kızları Anne de gayrimeşru çocuk statüsündedir. Kocası tarafından evlilikleri geçersiz sayılan Anne Vanborough hiçbir hak iddia edememiştir.

Collins'in yasal olarak haksızlığa uğrayan ikinci kadın karakteri Anne Vanborough'un gayrimeşru sayılan kızı Anne Silvester'dır. İskoç kanunlarına göre kadın ve erkeğin birbirine sözlü olarak söz vermesi onların evli sayılması için yeterli bir kural sayılmıştır. Anne Silvester ve Geoffrey Delamayn Craig Fernie'de evlenmeye karar verirler ve Anne oraya gittiğinde evli bir kadın gibi davranır ancak Geoffrey babasının yanına gitmek zorunda olduğu için Craig Fernie'ye gidemez. Kendisinin yerine arkadaşı Arnold Brinkworth'u bir mektupla gönderir. Fırtınadan dolayı Anne ile beraber kalmak zorunda olan Arnold ve Anne karı koca sayılmaktadır. Geoffrey Delamayn'nin ailesi de kendisi de Anne Silvester'la değil daha etkili ve siyasi yönden bağlantıları olan

güçlü bir kadınla evlenmesini istemektedir. Bu nedenle, Geoffrey Delamayn avukatı Sir Patrick Lundie'ye Anne ile evli sayılıp sayılmadığını sorar. Birbirlerine sözlü olarak söz verdikleri için esasında evli olduklarını öğrenir.

Bu tarz düzensiz evlilikler o dönemde çok yaygın olduğu için Collins bu duruma yoğun bir eleştiri getirmiştir ve bir evliliğin ne kadar çabuk olup biteceğini gözler önüne sermiştir. *Man and Wife* basılmadan önce böyle düzensiz evlilikleri önlemek amacıyla Lord Brougham yeni bir yasa tasarısı geçirmeye çalışmıştır ancak insanlar kendi evliliklerine karışılmasını istemedikleri için buna karşı çıkmıştır. 1856 yılında yeni bir yasa çıkartılmıştır. Bu yasaya göre, İskoçya'da evlenmek isteyen kişilerin düzensiz bir evlilik yapmak için öncesinde orada en az yirmi bir gün yaşamaları gerektiği şart koşulmuştur.

Collins anne-kız kadın karakterlerin her ikisinde de düzensiz evlilik yasasının kadınları nasıl mağdur ettiğini göstermiştir. John Vanborough ve Geoffrey Delamayn siyasi kariyerlerinde daha hızlı yol almak için nüfuzlu kadınlarla evlenmektedirler ve Anne Vanborough ve Anne Silvester'ı çok kolay bir şekilde evliliğin geçersiz sayıldığını söyleyerek terk etmektedirler. Her iki kadın karakter de itiraz edemeyip hak sahibi olamamıştır. Collins, bu kadın karakterler aracılığı ile o dönemde kadınların düzensiz evliliklerden gördüğü zararları ele almıştır ve bunlara açık bir eleştiri getirmiştir. On dokuzuncu yüzyıldaki evlilik prosedürünün kadın haklarına karşı olduğunu göstermiştir. Buna ek olarak, Collins burada bir kere daha kadınların metalaştırılmasına da dikkat çekmektedir. Hem Anne Vanborough hem de Anne Silvester kendilerinden daha varlıklı, siyasi bağlantıları olan, sosyal statüsü daha yüksek kadınlar için terk edilmiştir. Dolayısıyla, Collins kadının haklarını koruyacak bir reforma ihtiyaç duyulduğunu da vurgulamaktadır.

Bu çerçevede Collins'in ele aldığı üçüncü kadın karakter ise Hester Dethrdige'dir. Collins Hester Dethridge ile koruma kanunlarının yetersizliğini de gündeme getirmiştir. Hester'ın hikâyesini Susannah Palmer davasından esinlenerek kaleme almıştır. Hester Dethridge, Anne ve Geoffrey Delamayn'in

evinde hizmetli olarak çalışmaktadır. Ancak, kocası hem alkoliktir hem de kocasından fiziksel şiddet görmektedir. Bütün bunlara rağmen kocasından kanunlara göre boşanamamaktadır.

Kocası Joel Dethridge bütün kazançlarını harcayıp evlerindeki mobilyalara kadar satmıştır. Hester buna karşın boşanmayı ve korunmayı talep etse de olumlu bir geri dönüş alamamıştır çünkü o dönemde korunma talebi çok pahalı olduğu için çoğu kadının buna gücü yetmemektedir. Boşanma da aynı şekilde neredeyse birçok kadın için imkânsızdır. Hester'ın bu ücretleri karşılayacak kadar parası yoktur ve fiziksel şiddet görmeye devam etmektedir. Evli bir kadın olduğu için kocasından ayrı yaşaması da mümkün olmayacağı için kocasının Hester'ın kazandığı parayı da ele geçirmektedir. Bütün kazancını ele geçirse de Hester'ın kocasına karşı yapacağı bir şey yoktur çünkü her şey yasaldır. Joel onu sürekli dövdüğü için dişlerini ve konuşma yetisini kaybeder. Polisin bile bu durumda yapacağı bir şey yoktur. Hester defalarca polise şikâyette bulunmuş olmasına rağmen kocası olduğunu söylediği için Joel'in yanından uzaklaştırılmamış ve koruma altına alınmamıştır. Sonunda Hester kocasını öldürerek doğal boşanma yolunu seçmiştir. Collins Hester karakteriyle boşanma ve koruma yasalarının kadınların aleyhine olduğunu ve bu konuda kadınların mağdur olduğunu gündeme taşımaktadır. Sonrasında Hester Anne ve Geoffrey ile yaşamaya başlar ama bu evdeki varlığından Geoffrey oldukça rahatsızdır. Hester'ın kocası Joel Dethridge'i öldürdüğünü öğrenince rahatsızlığı daha da artar ve Hester'ı tehdit edip karısını öldürmesini teklif eder. Bütün şantajlarına rağmen Hester, Anne yerine Geoffrey'i öldürerek akıl hastanesine kapatılmayı göze alır. Bu cinayet Hester için bir kadının daha özgürleşmesini ifade etmektedir. Anne ise sonunda bir başkasıyla evlenir. Collins'in buradaki alt sınıf bir kadın üzerinden gösterdiği yasal eşitsizlikler bir kadının o dönemde nasıl mağdur olduğuna radikal bir eleştiri sayılmaktadır. Yasalar bir kadını korumak için yeterli değildir. Bu yüzden de kadın kendini korumaya mecbur kalmıştır. Bunu da kocasını ve bir başka erkeği öldürerek yapmıştır. Collins aslında kadın karakterleri vasıtasıyla acil bir yasal reform önermektedir. Böylece kadınlar yasa tarafından korunmuş

olacaklardır. Collins eşler arası eşitsizliği, süregelen hiyerarşiyi ve kadına yönelik şiddeti tüm açılardan ele alıp bir reform gerekliliğini göstermiştir.

Wilkie Collins'in belki de en çok bilinen dedektif romanı olan *The Moonstone* 1868 yılında basılmıştır ve yayınlandığı zaman büyük ses getirmiştir. Bu romanda Collins, Constance Emily Kent davasından esinlenmiştir. Daha önceki romanlarında kullandığı çoklu anlatıcı tekniğini bu romanında kullanmıştır.

Roman, Rachel Verinder isimli genç kıza on sekizinci doğum gününde amcası tarafından hediye edilen bir elmasın kayboluşu hakkındadır. Collins bu romanında da önceki romanlarında olduğu gibi, evli ve bekâr kadının statüsü üzerinde durmuş, bu konuya eleştirel bir gözle bakmıştır. Rachel Verinder romanda bir anlatıcı olmamasına rağmen, romanın merkezindeki isimdir ve olaylar onun etrafında gelişir. Rachel güçlü, bağımsız, kendi kendine yetebilen bekâr bir kadındır. Mülkiyet hakları olan, himayesinde olduğu bir eşi olmayan bir kadın olarak dikkat çekmektedir çünkü Viktorya döneminde bir kadının uysal ve kocasına bağımlı olması arzulanan bir statüydü. Bu sebeple, Rachel ideal bir Victoria dönemi kadını olarak görülmemektedir. Evdeki hizmetlilerden biri olan Gabriel Betteredge onun bu bağımsız hareketlerini rahatsız edici olarak değerlendirmektedir.

Genç yaşına rağmen Rachel Verinder olgun ve kararlı bir karakter yapısına sahiptir. Gabriel Betteredge ise geleneksel ve tutucu bir adamdır. Karısıyla evliliğini bile kendisine hayat boyu hizmet edecek ücretsiz bir bakıcı bulmak diye düşünmektedir. Bu nedenle evlenilecek kadın saf, masum ve kocasına iyi hizmet verebilen bir kadın olmalıdır. Gabriel Betteredge gibi Rachel'in hizmetçisi Rosanna Spearman de bir kadının baskın karakterli olmaması gerektiğini düşünmektedir. Collins bu karakterler aracığıyla tipik Victoria dönemi değerlerini ima etmektedir.

Rachel'in avukatı Bay Bruff da onun özgüveninin başka kızlarda olmadığını ve onun özgüvenine hayran olduğunu belirtmektedir. Rachel'in elması çalındığı

zaman bile onun kendi elmasını çaldığından şüphelenilmiştir.Rachel Verinder'in Ezra Jennings ile Franklin Blake'in masumiyetini ispat etmek amacıyla iş birliği yapması da oldukça dikkat çekmiştir. Buna göre yapılacak olan deneyde Franklin Blake ilaç alacak ve uyurgezer halde elması çaldığı gözlemlenecektir. Bu iş birliği teyzesinin onayını almamıştır çünkü genç bir kız olarak erkeklerle gece yarısı bir deney yapmasının hoş olmayacağı düşüncesindedir. Ona göre Rachel geleneklere aykırı hareket etmektedir.

Collins evli kadının evlendikten sonra mal varlığının kocasının himayesine geçmesinin eleştirisini de Rachel Verinder üzerinden yapmaktadır. Rachel''in annesi bunun önlemini daha önce avukatı aracılığıyla almıştır. Ancak kuzeni Godfrey Ablewhite Rachel ile evlenmek istemektedir çünkü paraya ihtiyacı vardır çünkü borç içindedir. Tüm bunlara rağmen en sonunda Rachel nişanı bozarak diğer kuzeni ile evlenir. Her ne kadar nişanı atmış olması Viktorya dönemine uygun sayılmasa da Collins o dönemde tutucu toplumun kadına bakışını yansıtmıştır.

1862 yılında ilk kez basılan *No Name* evlilik dışı doğan çocuğun statüsünü konu alan önemli bir romandır. Collins gayrimeşruluk yasalarını Magdalen ve Norah Vanstone üzerinden eleştirmektedir. Bay ve Bayan Vanstone uzun yıllardır aynı evde yaşamaktadır. Birlikte yaşamak on dokuzuncu yüzyılda çok yaygın ve popüler olan bir durumdu. Ancak, böyle bir durumda aile toplumda yasal bir birlik olarak sayılmamaktadır. Böyle bir beraberlikten doğan çocuklar ise gayrimeşru çocuk statüsündedir ve hayat boyunca yasal haklarından mahrum bırakılmışlardır. Bay Vanstone, Bayan Vanstone ile evlenmeden önce bir başka evlilik yapmış olduğu için Bayan Vanstone ile evlenmemiştir. Evlilik dışı iki kızları olmuştur. Ancak ilk eşinin ölmesinin ardından birlikte yaşadığı ikinci eşiyle resmen evlenmek için harekete geçer. Fakat trafik kazasında hayatını kaybeder.

O dönemdeki yasaya göre, ebeveynlerinin nikâhından önce doğan tüm çocuklar gayrimeşrudur ve bu statüleri ömür boyu değişmemektedir. Ebeveynleri daha

sonra evlense bile statüleri gayrimeşru olarak kalmaktadır. Bay Vanstone daha önce bir vasiyet hazırlamış olmasına rağmen resmi olarak Bayan Vansstone ile evli olmadığı için vasiyet geçersiz sayılmıştır. Bu nedenle tüm mal varlığı erkek akrabası olan Noel Vanstone'a kalır. Aile avukatı Magdalen ve Norah'a artık isimlerini ve tüm mal varlıklarını anne ve babaları resmi olarak evli olmadıkların için kaybettiklerini açıklar. Collins yasalardaki adaletsizliği gözler önüne sermektedir. İki kız kardeşin hiçbir hak ehliyeti kalmamaktadır. Magdalen ve Norah sosyal olarak da yasal olarak da artık kimsesizdir. Mal varlıklarını da kaybettikleri için artık bambaşka hayatları vardır.

Norah sakin bir hayatı tercih edip mürebbiye olmayı seçerken Magdalen daha hırslı ve aktif bir karakterdir. Bu sebeple hayatına başka bir yön vermeyi kafasına koyar çünkü yenilgiyi kabul etmemektedir. Adaletsiz yasalara karşıdır ve haklarını geri elde etmek istemektedir. Bu amaçla önce Kaptan Wragge ile kendisine yeni bir isim belirleyip oyuncu olmayı seçer. Daha sonra ise onların tüm mal varlığının yeni sahibi olan Noel Vanstone ile evlenmeyi planlar. Noel Vanstone onun güzelliğinden çok etkilenir ama evdeki hizmetçi ona şüpheyle yaklaşır. Evlendikten sonra yeni bir kimlik sahibi olduğu için Magdalen çok mutludur çünkü artık gayrimeşru kimliksiz bir çocuk değildir. Her ne kadar Noel Vanstone ile gerçekten sevgi üzerine kurulmuş bir evliliği olmasa da aradaki evlilik bağı onun yeni bir kimlik edinmesini sağladığı için amacına ulaşır. Collins burada ironik bir şekilde konuyu ele alır. Magdalen her ne kadar ataerkil sistem içinde yeni bir kimlik kazanmaya çalışmasa da yine kocasının otoritesi altında kalarak ataerkil düzende kalır.

Noel Vanstone'un hizmetçisi Magdalen'in gerçekte kim olduğunu ve Noel'in mal varlığını ele geçirmek istediğini öğrenince, Noel Vanstone bir tedbir ile ölümünden sonra Magdalen'i her şeyden mahrum bırakır. Bir kere daha Magdalen Vanstone sahip olduklarını kaybeder ve bir daha üzerinde hak iddia edemez. Magdalen bir kez daha mal varlığını kaybederek başka bir kimlik ile Admiral Bartram'ın evine hizmetçi olarak yerleşir.

Collins gayrimeşru çocukların statüsünü Norah ve Magdalen Vanstone üzerinden eleştirerek yasal boşlukların ve yanlışların kadınların hayatını alt üst ettiğini vurgulamaktadır. Bu konuda toplumda Norah ve Magdalen gibi mağdur olan birçok kişi için yasal bir reformu gündeme taşımaktadır. Fakat 1926 yılına kadar bu konuda herhangi bir yasal reform ve değişiklik olmamıştır. Yine de Collins bu konuya o dönemde dikkat çekmeyi başarmıştır.

Wilkie Collins *The Woman in White* romanında da *No Name*'de olduğu gibi gayrimeşru çocukların statüsü konusunu ele almaktadır. Collins'in gayrimeşruluk konusundaki ilgisinin kendisinin gayrimeşru üç çocuğa babalık yapmasından dolayı gibi gözükse de romanlarıyla o dönemde bir farkındalık yaratmıştır.

The Woman in White romanında Anne Catherick ve Sir Percival Glyde iki gayrimeşru karakterdir ve birbirine düşmandır. Anne Catherick akıl sağlığı pek yerinde olmayan alt sınıf bir kadındır ve annesiyle babası tarafından reddedilmiştir. Öte yandan Sir Percival Glyde bir baronettir ve istediği birçok şeye sahiptir. Ancak Sir Percival Glyde kendi borçlarını ödemek için Laura Fairlie ile evlenmek ister ve daha önce akıl hastanesinde yatmakta olan Anne Catherick ölünce onunla yer değiştirerek Laura'yı akıl hastanesine Anne Catherick ismiyle kapatır. Collins burada hem erkek hem de kadın gayrimeşru karakterler kullanmaktadır. Her ikisi de hem sosyal hem de yasal olarak toplumda kimsesizlerdir. Collins yasal boşlukların insanların hayatında nasıl önemli sonuçlar doğurduğunu göstermektedir.

Anne Catherick Bay Fairlie ve Bayan Catherick'in kızıdır. Annesi evlenmeden önce Bay Fairlie ile bir ilişki yaşamış ve hamile kalmıştır. Hamileliği boyunca Sir Percival Glyde'ın aile sırrını öğrenir ve kocası tarafından sadakatsizlikle suçlanır. Doğum yaptıktan sonra kızı Anne Catherick ile Sir Percival'ı ara ara ziyarete geldiklerinde Anne bilinçsiz bir şekilde kelimeleri tekrar etmektedir. Bu durumdan şüphelenen Sir Percival Glyde ilerleyen zamanda Anne'i kontrol altında tutmak için akıl hastanesine gönderir. Roman boyunca Collins Anne'i

hayalet gibi gösterir. Her zaman beyaz giyinir ve solgun yüzlüdür, gizemli bir hali değişik tavırları vardır. Hatta Walter Hartright bile onunla ilk karşılaştığı zaman mezarlıkta onu beyazlar içinde hayalet zanneder. Korkutucu bir hali vardır.

Daha ilk anda annesiz ve babasız olduğunu Walter'a anlatır. Annesi o kadar ilgisizdir ki, onu neredeyse tek seven ve ilgilenen Laura Fairlie'nin annesi Bayan Fairlie'dir. Onu gerçek annesi gibi kızı Laura'yı da kardeşi gibi benimser. O yüzden de Anne Catherick Bayan Fairlie'yi ölümünden sonra da mezarında ziyaret etmektedir.

1858 yılında Collins *The Woman in White* üzerinde çalışırken gayrimeşruluk davaları çok yoğun olarak gündemde olduğu için Collins hem kadın hem de erkek karakterler aracılığıyla konuyu gündeme almaktadır. Anne Catherick hem ailesi tarafından terkedilmiş hem de alt sınıf bir gayrimeşru kadındır. Bu yüzden de alt sınıf bir kadın için özellikle yapacak hiçbir şey yoktur.

Sir Percival Glyde ise gayrimeşru ikinci karakterdir. Asil bir baronet olmasına rağmen kendisinin bir aile sırrı yüzünden huzursuzdur. Bu sırrın açığa çıkmaması için çaba sarf etmektedir. Güçlü ve akıllı bir adam olan Sir Percival Glyde, dik başlı ve kurnazdır. Geçmişte Sir Percival'ın annesi Cecilia Jane Elster daha önce İrlanda'da bir evlilik yapmış ama var olan yasaya göre boşanma çok zor ve pahalı olduğu için boşanamamıştır. Bu nedenle de eski soyadını kullanarak hayatına devam etmektedir. O esnada Sir Felix Glyde ile tanışır ve oğulları Sir Percival Glyde dünyaya gelir ancak Sir Percival dünyaya geldiği zaman annesi Cecilia Jane Elster ilk eşinden henüz resmi olarak boşanmadığı için çocukları gayrimeşru statüsünde doğar. Bu durumdan ve yasadan Sir Percival Glyde'ın haberi olduğu için gayrimeşru olduğunu bir sır olarak saklamaktadır. Roman boyunca da kimliği konusunda takıntılı bir karakteri olduğunu Collins vurgulamaktadır. Eğer gayrimeşru statüsü ortaya çıkarsa baronet ünvanını ve aileden kalan her şeyini kaybedecektir. Bu sebeple de Laura Fairlie ile evlenip hem borçlarını ödeyecek hem de kendisini garanti altına

alacaktır. Bu anlamda tam bir servet avcısı gibi görünmektedir. Kendisinin sırrını bilen herkese de düşmandır.

Collins Sir Percival Glyde'ın bu acımasız karakterinin annesinin babasıyla resmen evli olmamasından kaynaklı olmasına dikkat çeker. Romanın sonunda Sir Percival Glyde hebgayrimeşru olduğuna dair belgeleri çalmaya çalışırken kilisede kaza sonucu yanarak hayatını kaybeder. Bu nedenle Collins Sir Percival Glyde'ın da var olan yasa sonucu öldüğünü ima etmektedir. Collins hem boşanma yasaları hem de gayrimeşru çocuğun statüsü üzerine eleştiri getirmektedir. Collins'e göre yasalar yeterli değildir ve değişmesi gerekmektedir. Bu yasalar hem kadınlara hem erkeklere zarar vermektedir ancak kadınların daha çok ezilmesine sebep olmaktadır.

1855 yılında Caroline Norton kocasından boşanmaya çalıştığı zaman Kraliçe Victoria'ya mektuplar kaleme almıştır. Norton'a göre var olan evlilik ve boşanma yasaları erkek bakış açısına göre düzenlenmiş ve kadınları ikincil konumda bırakmıştır. Bu nedenle Norton bu yasaların değişmesi için öncü bir kadın reformcu olmuştur.

Collins, 1885 yılında basılan *The Evil Genius* romanında hem boşanma hem de velayet yasalarını ele almaktadır. Romanda Herbert Linley kızlarına mürebbiye olarak aldıkları Sydney Westerfield ile eşi Catherine Linley'i aldatır. Bunun sonucunda Catherine Linley eşini terk etmeye karar verip kızları Kitty ile evden ayrılır. Hem boşanıp hem de kızlarının velayetini almak istemektedir ama on dokuzuncu yüzyıl kanunlarına göre bir kadının boşanıp bir de çocuğunun velayetini alması neredeyse imkânsızdır.

Sydney ile Herbert'ın yakınlaşması Catherine'in annesi tarafından farkedilir ama bu yakınlaşmanın önüne geçememektedir. Sonunda Catherine Linley boşanmaya karar verir. O dönemde erkek kadına zina suçlamasıyla rahatça boşanabilirken kadın için aynı durum geçerli olmamaktadır. Bir kadın yasaya göre kocasına böyle bir suçlamada bulunurken aynı zamanda bu suçlamasını ispat etmek

zorundadır. Yasadaki çifte standart yüzünden kadınların boşanması ve dava açması mümkün olmamaktadır.

Collins ilk başta Catherine Linley'i çok çaresiz bir durumda göstermektedir. Ancak Catherine kocasının sadakatsizliğine tolerans göstermeyip harekete geçme kararı alır. Herbert ile Sydney'i terk edip gider. Herbert bunun üzerine bir mektup yazar. Zina suçu işlemiş olmasına rağmen yasal hakları gereği kızları Kitty'nin velayetini almakla tehdit eder. Yanlış yaptığının ve karısını incittiğini bilmesine rağmen yasadan ve yasanın kendisine sunduğu haklardan güç almaktadır. Catherine de yasanın erkek yanlısı olduğunu düşünmektedir. Bundan dolayı da kocası Herbert'ın haksız da olsa ne isterse yasal olarak elde edebileceğini bilmektedir. İronik bir şekilde Herbert eşinden boşandıktan sonra da başka bir kadınla yalayıp çocuğuna baktırabileceğini ve bu konuda Catherine'nin rahat hissetmesi gerektiğini de söylemektedir. Herbert'a göre özellikle Kitty ile arası iyi olduğu için Sydney Westerfield bu konuda çok uygun olacaktır. Karısı ile sevgilisini yer değiştirerek düzenine devam etme çabası içindedir. Collins bir kere daha okuyucuya var olan yasal sistemi hatırlatır. Bu yasaya göre de, baba eve bakıcı olarak başka bir kadın getirerek onunla beraber yaşayabilir. Ancak bu düzen karısı tarafından kabul edilmez ise, kocası tarafından şikâyet edilebilir ve hapse bile gönderilebilirdi. Kızları Kitty henüz altı yaşın altında olduğu için anneye ihtiyacı vardır ama bu ihtiyaç babanın uygun gördüğü başka bir kadın bakıcı tarafından karşılanmaktadır. Herbert Linley bu sebeple bakıcı ismi altında kendi metresi ile aynı evde yaşayabilme imkânına sahiptir.

Collins'in neredeyse her romanında bir avukat karakteri bulunmaktadır ve bu romanda Bay Sarrazin yasalar hakkında hem okuyucuyu hem de müvekkillerini bilgilendirmektedir. Buna göre Catherine için kocası zina suçu işlemiş olmasına rağmen boşanmak çok zordur çünkü yasaya göre zina yanında kocasının başka suç işlemesi de gerekmektedir. Ayrıca, Catherine'nin Kitty ile babasının izni olmadan seyahat etmesi de yasaya aykırıdır. Collins hem İskoç hem de İngiliz boşanma yasalarını farklı prosedürlere sahip olduğu için eleştirmektedir çünkü

Herbert ve Catherine İskoçya'da evlenmiştir bu İskoç yasalarının yaptırımlarına göre boşanabilmektedir. Bu sayede Catherine daha kolay boşanıp çocuğun velayetini alabilmektedir. Boşandıktan sonra boşanma ilamını gazetede yayınlarlar. Bu duruma sinirlenen Herbert tekrar Sydney ile bir evlilik yapmak istemez. Nihayetinde Catherine boşanmayı elde etmiş olsa bile on dokuzuncu yüzyılda evlilik kutsal bir kurum sayıldığı için bir kadın için bu durum hoş karşılanmaz. Toplumun beklentisi bir kadının kocası aldatmış olsa bile bunu kabul etmesidir.

Sydney de Herbert ile ilişkisini keser ve yaşadıklarına pişman olur. Catherine ise annesini ve kızını yanına alarak bir otele yerleşir. Bu otelde Bayan Norman ismini alır ve gerçek kimliğini saklar. Fakat gerçek kimliği otelde başka kadınlar tarafından keşfedilir ve çabucak yayılır. Otelde kalan diğer kadınlar Catherine hakkında dedikodu yaparlar. Onu kocasının aldattığını, hatta kocasının aldatmasına Catherine'nin tavırlarının sebep olduğunu konuşurlar. Hatta onlara göre kocasının zina suçu işlemiş olmasının bile sebebi kendisidir. Eşine sadık bir kadın olarak bunu kabul etmelidir. Bu yüzden de Kitty'nin otelde vereceği veda partisine o kadınlar çocuklarını göndermez. Kitty ile ilişki kurmalarına müsaade etmezler.

Collins tutucu Viktorya dönemi toplumunu da yansıtmaktadır. Catherine kocasının suçunu hoş görmemiş ve boşanmayı tercih ettiği için boşanmış bir kadın olarak kızıyla beraber toplumdan dışlanmıştır. Toplum onu artık saygıdeğer bir kadın olarak görmemektedir. Bu nedenle insanlar onlara karşı önyargı içindedir. Catherine'nin annesi bile Kitty'nin geleceğinin tehlikeye atıldığını düşünmektedir.

Aynı şekilde Catherine'e evlenme teklifinde bulunmak üzere olan Kaptan Bennydeck onun boşanmış bir kadın olduğunu öğrendiği zaman teklifini geri alır çünkü Kaptan da muhafazakâr biridir. Bu nedenle de boşanmaya karşıdır. Bu yüzden de toplum tarafından uygun görülen son Catherine ile Herbert'ın yeniden evlenmesidir. Böylece hem Kitty'nin geleceği tehlikeye atılmamış olacak hem de

Viktorya dönemi toplumu içinde mutlu aile görüntüsünü yeniden sağlayacaklardır.

Collins'e göre bir kadın hem yasal olarak eşinden ayrılma akdini gerçekleştirmiş hem de çocuğunun velayetini almayı başarmış bile olsa toplum gözünde itibarını kaybetmektedir. Toplumun önyargıları kadını her zaman suçlu göstermekte ve boşandığı için toplumdan dışlamaktadır. Collins yasal reformlar ile beraber toplumun bakış açısının değişmesi gerektiğini ve önyargıların yıkılması gerektiğini göstermektedir. Bu yüzden de on dokuzuncu yüzyıl toplumunu da yasalarla beraber eleştirmektedir ve düzenin değişmesi gerektiğini vurgulamaktadır.

Bu çalışmada William Wilkie Collins'in *The Woman in White* (1860), *No Name* (1862), *The Moonstone* (1868), *Man and Wife* (1870), ve *The Evil Genius* (1885) romanlarında kadının İngiliz hukukundaki yeri ele alınmıştır. Mary Wollstonecraft, Barbara Bodichon ve Caroline Norton gibi kadın hakları için mücadele vermiş isimlerin yanında Mary Lyndon Shanley, Mary Poovey ve Lee Holcombe gibi modern aktivist ve yazarların çalışmaları da arka planda roman analizi için kullanılmıştır. Viktorya döneminde evlilik, boşanma, mülkiyet hakkı, gayrimeşruluk ve velayet hakkında çıkan yasalar incelenmiştir. Kadının evlendikten sonra bekârken sahip olduğu tüm haklarını kaybetmesi ve kocasına bağlı hale gelmesi, boşanmanın çok pahalı ve neredeyse imkânsız bir süreç olması, kadınların çocuklarının velayeti üzerinde söz sahibi olamaması incelenmiştir.

Çok yönlü bir yazar olarak Collins de bu konulara romanlarında yer vermiştir. *The Woman in White* romanında, kadın başkarakter olan Laura Fairlie'nin evlenme ve boşanma yasaları yüzünden kocası tarafından öldü süsü verilerek akıl hastanesine kapatılmasına kadar yaşadıklarını göz önüne sermektedir.

Man and Wife romanında da Collins yine adil olmayan evlilik yasalarını eleştirmektedir. Bu romanda Yelverton ve Susannah Palmer davalarından

etkilenerek üç farklı sınıftan üç kadının yaşadığı yasal sıkıntıları okuyucuya sunmaktadır. Anne Vanborough ve kızı Anne Silvester düzensiz evlilik yasaları yüzünden mağdur olurlar. Benzer şekilde Hester Dethridge de kocasından boşanamadığı için gördüğü şiddete dayanamayarak kocasını öldürür. Collins, bu romanda evlenme ve boşanma yasalarındaki eksikliklere dikkat çekmektedir.

The Moonstone romanında ise Rachel Verinder'in doğum gününde kendisine hediye edilen elmas çalınır. Romanda Rachel bağımsız, kendi kendine yetebilen, güçlü bir kadın olarak gösterilmiştir. Hiç kimseye ihtiyacı yoktur. O yüzden de onun bu tavırları etrafındaki insanların dikkatini çeker. Collins, Rachel karakteri ile kadınlara evlilikten dolayı haklarını kaybetmeyen güçlü bir kadın profilini örneklendirir.

No Name'de ise Collins on dokuzuncu yüzyılda gayrimeşru çocuğun statüsü üzerine eğilmiştir. Norah ve Magdalen Vanstone'un ebeveynleri öldükten sonra gayrimeşru olduklarını öğrenmeleri üzerine her şeylerini kaybetmeleri ve bunun geri dönüşünün olmaması Collins tarafından eleştirilmiştir. Aynı şekilde *The Woman in White* romanında da Anne Catherick ve Sir Percival Glyde iki gayrimeşru karakter olarak her şeylerini kaybetmektedir. Collins, hem kadın hem de erkeklerin aslında yasalardaki boşluklardan dolayı acı çektiklerini vurgulamaktadır.

En son olarak da *The Evil Genius* romanında Collins hem boşanma hem de velayet yasalarına dikkat çekmektedir. Catherine Linley'nin yasal ve toplumsal baskıyla mücadelesi ile on dokuzuncu yüzyıl yasalarını eleştirmektedir.

Wilkie Collins bütün bu romanlarında, yaşadığı dönemin yasal sorunlarından esinlenerek kadın karakterlerini zor durumlar içinde gösterip sansasyonel roman türünde siyasi reform iması yapmaktadır. Collins hem bir hukuk adamı olarak hem de bir yazar olarak feminizme karşı da duyarlıdır. Bu nedenle eserlerinde kadınların Viktorya dönemindeki yasal sorunlarına ve kadının üstündeki

toplumsal baskılara dikkat çekmiştir. Ancak genellikle burjuva feminizmi sınırları içinde kalmış ve alt sınıf kadınların sorunlarına çok eğilmemiştir.

Collins kendisi de hiç evlenmemiş ve evlilik dışı olarak çocuklarına babalık etmiştir. Bu nedenle de gayrimeşru çocukların statüsü, velayet ve saygınlık gibi konularla da yakından ilgilidir. Collins'in başka eserlerine de bu amaçla bakılıp daha fazla araştırma yapılabilir.

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