"THE WOMAN BUSINESS": MILL, TROLLOPE AND THE LAW

Christine Higgins

Consideration of the legal, social and economic status of women and associated debate about the very nature of woman and her proper sphere, dismissively labelled "the Woman Business" by Thomas Carlyle, became a major preoccupation in mid-Victorian thought and writing and central to the legal and social reforms that gradually took place in the second half of the century. As Barickman et. al. point out, rather than being "a debate" *per se*, it was rather

> *a set of issues, impulses, preoccupations—a pervasive social climate of questioning and change that eventually reached into every class and affected, however slowly, nearly every relationship between men and women in nineteenth-century England.* [1]

The extent of the interrogation of women's roles and status is further suggested by Frances Power Cobbe's somewhat acerbic comment of 1869:

> *Of all the theories current concerning women, none is more curious than the theory that it is needful to make a theory about them. That a woman is a Domestic, a Social, or a Political Creature; that she is a Goddess, or a Doll; the "Angel in the House," or a Drudge, with the suckling of fools and chronicling of small beer for her sole privileges; that she has, at all events, a "Mission," or a "Sphere," or a "Kingdom," of some sort or other, if we could but agree on what it is,—all this is taken for granted.* [2]

Since courtship, marriage and family relationships were so central to women's lives at the time, it is hardly surprising that sexual politics was an area of major contestation, and that many considered it to be the root cause of far broader social dislocation. For this reason, much of this paper will focus (as do Mill and Trollope) on this area.

It is worth citing (for their opposition of view) two significant and well known statements by Mill and Trollope in relation to marriage. The first is John Stuart Mill's protest against Victorian marriage laws that legally would govern his own marriage. He wrote this just before his marriage to Harriet Taylor in 1851.

He rejected, he said:

> *the whole character of the marriage relation as constituted by law ... for this amongst other reasons, that it confers upon one of the parties to the contract, legal power and control over the person, property, and freedom of action of the other party, independent of her own wishes and will.... Having no means of legally divesting myself of these odious powers ... [I] feel it my duty to put on record a formal protest against the existing law of marriage, in so far as conferring such powers; and a solemn promise never in any case or under any circumstances to use them.* [3]

The second is from Anthony Trollope's narrator in *The Vicar of Bullhampton*:

> *when a girl asks herself that question, what shall she do with her life? it is so natural that she should answer it by saying that she will get married, and give her life to somebody else. It is a woman's career - let women rebel against the edict as they may and though there may be word-rebellion here and there, women learn the truth early in their lives .... Nature prompts the desire, the world acknowledges its ubiquity, circumstances show that it is reasonable, the whole theory of creation requires it .... Let men be taught to recognise the same truth as regards themselves, and we shall cease to hear of the necessity of a new career for women.* [4]

Pronouncements such as these have ideological force, pointing up the relationship between textual work and the social formation. Any text, it can be argued, is an assemblage of discursive practices emanating from society's material base, and, as such, has a social function or intention - to provide certain meanings or value systems for and in the subjects who read it. However, because of the nature of the processes of signification, any text also has the potential to mean beyond or outside of what may seem to be its overt or preferred meaning.

The texts I am concerned with here - a selection of works by Anthony Trollope, and John Stuart Mill's *The Subjection of Women* - participate in reproducing and interrogating the mid-Victorian social order with all its inherent contradictions and anomalies. While being important signifiers in themselves, these texts have greater impact and significance if examined in terms of their relationship with other signifying systems such as the legal and political systems that contribute to the total cultural complex of the Victorian age.

It is necessary before discussing the contribution of the texts to the debate, to examine at least briefly the structure and deployment of certain key Victorian signifying practices and their role in the construction of gen-

der. One of the lynch pins of Victorian sexual ideology (and one most damaging for women) derives from the construction of gender roles by means of binary oppositions. Men and women were obviously biologically different and were thus meant to inhabit separate spheres, so the argument goes. Being God-given, these manifest differences, both physical and emotional, could not and perhaps should not be scrutinised or expunged by social reform.

One of the characters in Tennyson's *The Princess* spells it out well in these much quoted lines:

> *Man for the field and woman for the hearth;*
> *Man for the sword, and for the needle she;*
> *Man with the head, and woman with the heart;*
> *Man to command, and woman to obey;*
> *All else confusion.* [5]

As the *Quarterly Review* noted approvingly in reviewing this work, it articulated,

> *the simple truth that woman, in soul as in body, is no duplicate of man, but the complement of his being; that her sphere of action is not commensurate or parallel with his, but lies within it, sending its soft influence throughout his wider range.* [6]

The construction and deployment of these representations of male and female roles perform crucial ideological work in that they are intimately concerned with the evolving practices of major social institutions, the law, parliament and the economy.

Liberal theorists in the eighteenth century (and indeed earlier) had assumed "natural" divisions of labour and responsibility between men and women based on their sexual differences. Thinkers from Locke onwards had predicated at least some of their arguments upon the distinctions and oppositions of the public and private spheres of male and female influence. What many mid-nineteenth century feminists were at pains to point out was the covert injustice for women enshrined in this conventionalised opposition of "spheres" - particularly for middle class women - in that the male domain, the public sphere, was considered the only appropriate arena for legal and political action, and paid employment, while the private sphere, the domestic sphere, woman's domain, being by definition private, excluded (middle-class) women from economic opportunities, political involvement and legal rights. (Much of what I am saying here about the ideological work of gender construction is fairly class specific.)

Newly emerging and increasingly powerful medical discourse foregrounded reproductive roles when representing sexual difference, which added the weight of scientific "Truth" to the already prevailing male assumptions about women's roles. Medical discourse represented women as prisoners of their female biology, thus naturalising their life goals as bearers and

nurturers of children. In 1874 Henry Maudsley, M.D., an eminent psychologist, wrote in the *Fortnightly Review* that "the male organisation is one, and the female organisation is another.... [I]t will not be possible to transform a woman into a man ... she will retain her special sphere of development and activity determined by the performance of those [re-productive] functions.[7]

As another male commentator, one Peter Gaskill observed in 1833, the strength of the maternal instinct in woman clearly pointed out her proper sphere:

> *Love of helpless infancy - attention to its wants, its sufferings, and its unintelligible happiness, seem to form the very well-spring of a woman's heart - fertilising, softening, and enriching all her grosser passions and appetites.*[8]

The maternal instinct was also the source for woman's capacity for self-sacrifice, devotion and gentleness, which contrasted with male aggressiveness and competitiveness.

Such differences appeared innate, and thus pointed to the public sphere as that most appropriate to men; home, with its domestic responsibilities, was the natural sphere for women.

As the male commentator writing on "the Education of Women" in 1887 for *The Edinburgh Review* put it, marriage for women was:

> *their destined vocation, for which they were created, are born, and intended by nature; for which they are specifically fitted by a character and intelligence in some respects differing essentially from those of men.*[9]

These "immutables" justified

> *bringing up girls to be good wives and mothers, and boys not indeed to be good husbands and fathers, but good lawyers, doctors, officers, tradesmen, and what not.*[10]

Such sentiments are also echoed by W.R. Greg in an essay entitled *Why are Women Redundant?* (1862) where he states emphatically that:

> *Marriage, the union of one man with one woman, is unmistakably indicated as the despotic law of life. This is the rule.*[11]

He goes further then to castigate unmarried women as "the problem to be solved, the evil and anomaly to be cured", thus indicating their defiance of or virtual sin against natural law in remaining unmarried! They are apparently a social evil in a society bent on legitimising or naturalising marriage and its sexual politics.

The ideology of Victorian marriage also represents women as being morally superior to men, perhaps as some sort of compensation for their oft proclaimed unfitness to vote and inability to cope with the sort of education which would allow them to compete with males for better paid jobs. Peter Gaskell explains women's extraordinary moral gifts:

> *The moral influence of woman upon man's character and*

domestic happiness, is mainly attributable to her natural and instinctive habits. Her love, her tenderness, her affectionate solicitude for his comfort and enjoyment, her devotedness, her unwearying care, her maternal fondness, her conjugal attractions, exercise a most ennobling impression upon his nature, and do more towards making him a good husband, a good father, and a useful citizen, than all the dogmas of political economy. [12]

and John Ruskin completes their idealisation in *Of Queen's Gardens* (written in 1865):

She must be enduringly, incorruptibly good, instinctively infallible wise - wise not for self-development, but for self renunciation: wise, not that she may set herself above her husband, but that she may never fail from his side: wise, not with the narrowness of insolent and loveless pride, but with the passionate gentleness of an infinitely variable, because infinitely applicable, modesty of service - the true changefulness of woman. [13]

(Mill, of course, counters this very aptly in his essay *The Subjection of Women* by questioning the validity of placing such a superior moral being under the complete control of an inferior!)

Nonetheless, such representations were contested by many feminists (including Mill) in an attempt to denaturalise the domestic ideal, and, in so doing, expose the patriarchal power structure that created it. Feminists believed that underlying the sentimental idealisation of marriage and "Home, Sweet Home" lay the hard fact that legal rules, social structures and economic necessity made marriage virtually unavoidable for most women.

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 restrictions that did not apply to unmarried women or to any men. The only other persons who suffered anything like the "civil death" of married women were children, whose legal dependency ended when they reached their majority, idiots, who were incapable of fully rational activity, and criminals, who forfeited their rights through their own actions.[14]

The subordination of a wife to her husband (in ways other than solely legal) in marriage had long been "naturalised" as a part of nineteenth century liberal thought. Locke, while admitting that marriage did not require absolute male sovereignty ultimately came down on the side of male dominance, indicating that 'the Rule' "naturally falls to the man's share as the

abler and the stronger."

There is an obvious and unresolved anomaly in representations of the female at the time; while one strand of domestic ideology represented women as "fragile plants" who needed support and protection from the "naturally stronger" sex, again clearly enshrining a principle of female dependence, another strand draws upon quite antithetical images of woman to represent her as Eve, the temptress, sexualised, wilful and fallen, and thus in need of control in marriage - a further rationalisation of female subjugation. Thus the journal *The Nineteenth Century* as late as 1886 could claim that:

> *the normal relation between husband and wife must be one of control and decision on the husband's side, and deference and submission on the wife's.* [15]

It is not surprising then that feminists targeted patriarchal marriage and the legislation that underpinned it as priorities for reform. Their efforts were centred on divorce, child custody and married women's property as well as on working conditions and education for women in this mid-century period.

Having briefly outlined some aspects of mid-Victorian patriarchal thought, my aim is now to contrast John Stuart Mill's vehement contestation of patriarchy and those aspects of the social formation that supported it with what I see as Anthony Trollope's far more ambivalent response to it.

John Stuart Mill wrote *The Subjection of Women* in 1861 but did not publish the essay until 1869, two years before Ruskin reprinted his famous opposing treatise *Of Queen's Gardens*. Mill explained the writing of it in his *Autobiography*:

> *It was written at my daughter's suggestion that there might, in any event, be in existence a written exposition of my opinions on that great question, as full and conclusive as I could make it. The intention was to keep this among other unpublished papers, improving it from time to time if I was able, and to publish it at the time when it should seem likely to be most useful. As ultimately published it was enriched with some important ideas of my daughter's, and passages of her writing. But in what was of my own composition, all that is most striking and profound belongs to my wife; coming from the fund of thought which had been made common to us both, by our innumerable conversations and discussions on a topic which filled so large a place in our minds.* [16]

This essay stands almost alone as a rational and logical analysis of the position of women in nineteenth century England, and as an appeal for political action to achieve equality of the sexes. It may well be said to be a unique document in the history of women's rights as it is written by a man and a philosopher of note.

Mill does not deal with divorce law in this essay, presumably for the rea-

sons he sets out below in a letter to Professor John Nichol of Glasgow:

> *I thought it best not to discuss the questions of marriage and divorce along with that of the equality of women; not only from the obvious inexpediency of establishing a connection in people's minds between the equality and any particular opinions on the divorce question, but also because I do not think that the conditions of the dissolubility of marriage can be properly determined until women have an equal voice in determining them, nor until there has been experience of the marriage relation as it would exist between equals. Until then I should not like to commit myself to more that the general principle of relief from the contract in extreme cases.* [17]

Mill, a political realist, was well aware of the resistance he would meet in publishing such a document:

> *In every respect the burden is hard on those who attack an almost universal opinion. They must be very fortunate as well as unusually capable if they obtain a hearing at all.* [18]

Mill was, of course, right, and, despite his capabilities, he was branded as mad or immoral (or both) in contemporary reviews of the essay.

Carlyle's so-called "Woman Business", being so pervasive an issue, could not but impact upon the realist novel of the day, which set out to represent as authentically as possible the conditions of contemporary life. Thus Trollope, along with his literary contemporaries, is unavoidably involved in the general appraisal and reappraisal of the roles and status of women.

In marked contrast to Mill, Anthony Trollope was very popular in his own time for his portrayal of wholesome, charming young women who apparently were seen by contemporary readers to embody all the prevailing attitudes about ideal femininity - or, in other words, to represent women as "Angels in the House."

A reviewer in *Blackwood's* (actually novelist Margaret Oliphant) wrote:

> *It is not he who makes us ashamed of our girls. He gives us their thoughts in detail, and adds a hundred little touches which we recognise as absolute truth, but we like the young women all the better, not the worse, for his intuitions. They are like the honest English girls we know.* [19]

Many of Trollope's public pronouncements in lectures, non-fictional works, letters and in his *Autobiography* seem hostile to the women's rights movement. He made such well known remarks as:

> *You cannot by Act of Congress or Parliament make the woman's arm as strong as the man's or deprive her of her position as the bearer of children. We may trouble ourselves much by debating a question which superior power has settled for us, but we cannot alter the law.... The necessity of the*

supremacy of man is as certain to me as the eternity of the soul. [20]

For this reason, many recent (and not so recent) reviewers have regarded Trollope simply as a conventional, patriarchal figure bent on maintaining the sexual status quo. Michael Sadleir, for instance, considers Trollope to be "the voice of an Epoch". More recent critics, such as A.O.J. Cockshut comment similarly on Trollope's apparent acceptance of the separate spheres notion for men and women:

> *Trollope's assumption of polarity of sexual roles ... with its manifold implications about contrasting roles in the family, in work and in society, was for Trollope simply an obvious assumption of common sense.* [21]

Others, however, (such as Morse, Barickman and Nardin), see Trollope's vision as far more ambivalent and problematic. They point to his oscillation between apparent reinforcement of Victorian patriarchy and subversion of it, especially in the later works. I argue similarly that Trollope's fiction incorporates many of the profound tensions, anomalies and contradictions that characterise Victorian patriarchal ideology. The women who suffer, resent or even occasionally rebel against patriarchal control in his novels serve a textual function well beyond that publically acknowledged by their creator, in that they contest or interrogate the discourses of patriarchy. Trollope's well developed understanding of the commercial imperative may in part account for the contradictory nature of some of his public comments about women and his fictional representations.

Phineas Finn is termed "a political novel" although there is little political ideology expressed in it. The political world provides a back-drop against which Trollope can explore the public and private lives of his characters and the various relationships between them. *The Way We Live Now* is a novel criticising the growing commercialisation of English society. Here the characters interact against a background of the world of speculative finance and big business.

He Knew He Was Right (1869) as a study of marital and personality breakdown which focuses on a man obsessed by the need to attain absolute mastery over his wife, a very strong minded woman, who rebels against his domination. All these novels have much to say about the condition of women, especially as regards marriage; and in all three the question is raised - should a girl marry for love or money?

The female protagonists certainly desire to marry for love in these novels and enjoy some sort of companionate marriage, yet most – Laura Kennedy and Violet Effingham in *Phineas Finn,* Marie Melmotte and Georgiana Longstaffe in *The Way We Live Now* – are very aware and sometimes cynical of prevailing social attitudes to marriage where lip-service is paid to marriage for love, but in practice marriage for money or social prestige is more

common. These same women are also very aware that men often regard them solely as possessions with commercial value. Violet Effingham sums it up thus:

> *what sort of love is it? It is just as when you and I, when we see something nice in a shop, call it a dear duck of a thing, and tell somebody to go and buy it, let the price be ever so extravagant. I know my own position, Laura. I'm a dear duck of a thing.* [22]

Laura finds that "life must be a matter of business," Marie Melmotte is used by her father as a bargaining tool in the marriage market to further his efforts to enter high society, and Georgiana is forced to admit at twenty-nine years of age that "she has always fixed her price a little too high." She is forced finally to relinquish love and money and settle for a poor curate, rather than remain a spinster and a social failure, one of Peter Greg's "problem(s) to be solved."

These cases help to illustrate the problems that can arise not just because women are at the mercy of men but because marriage is the sole aim and sole career open to them.

As Mill says:

> *Marriage being the destination appointed by society for women ... one might have supposed that everything would have been done to make this condition as eligible to them as possible that they might have no cause to regret being denied the option of any other. Society, however, both in this, and in all other cases, has preferred to obtain its object by force rather than fair means.* [23]

Marriage is sometimes seen by women as a means of escape from the tyranny of parents or guardians or as an escape from boredom, or as a means of becoming mistress of a home. Violet Effingham claims rightly that women would like freedom but cannot "please themselves". Georgiana Longstaffe would like "to have the house and the money and the name of the wife without the troubles appertaining." What many women then found was that in marrying they were exchanging one form of tyranny for an even more binding kind.

Over and over again in *The Subjection of Women*, Mill graphically describes the "slavery" of marriage:

> *The wife is the actual bond-servant of her husband: no less so, as far as legal obligation goes than slaves commonly so called.*[24]

In Chapter 2, Mill gives an accurate summary of the law as it was for women at the time. He sums up by saying that "the wife's position under the common law of England is worse than that of slaves in the laws of many countries." [25]

The "slavery" of marriage is graphically illustrated in Lady Laura's unhappy state in *Phineas Finn*. Laura attempts to do her "duty" by her husband, but finds life more and more sterile and futile as time goes on. Mr Kennedy demands absolute obedience and submission from his wife, and Laura, despite her attempts to conform to the pattern of life he lays down for them, finds that she cannot subjugate her whole personality to her husband's whims. As he has the law totally on his side, he can afford to be intransigent. In *He Knew He Was Right* in contrast, we have Trollope's impression of what happens when a wife refuses to submit to her husband: marriage collapse, insanity, and death for the man!

Mill also points out "that men do not want solely the obedience of women, they want their sentiments" which adds insult to injury in a marriage like that of the Kennedys. In fact, the plight of Lady Laura is so depressing that her friend and later sister-in-law Violet Effingham declares that she will give up any idea of marriage and "shall knock under to Mr Mill, and go in for women's rights." (Mill received a number of apparently satirical references in Trollope's works.)

Mill discusses the further injustice of the law as regards married women's ownership of property. Until the *Married Women's Property Acts* of 1870, 1882 and 1893 gave a wife the same right to own property as an unmarried woman, when a woman married, any property she had or might acquire became and remained her husband's unless protected by a marriage settlement. Mill comments somewhat acidly on this:

> *The two are called 'one person in law' for the purpose of inferring that whatever is hers is his, but the parallel inference is never drawn that whatever is his is hers.* [26]

Trollope, too, remarks on this injustice:

> *Even in England there has grown up a feeling that the old law of the land gives a married man too much power over the joint pecuniary resources of him and his wife. Why should a married woman be able to possess nothing?* [27]

It is for this reason that Mr Kennedy could insist upon payment of Lady Laura's "marriage portion" as his right. For the same reason Marie Melmotte is such a valuable prize and is so sought after by the young, indigent, male aristocrats, Sir Felix Carbury and Lord Nidderdale (urged on, too, by their respective fathers parents). At a time when the landed aristocracy was feeling the financial pinch, marriage to a rich heiress, even if she were not "blue blooded," could often save the family from genteel poverty or complete ruin. The law ensured that most women thus remained financially dependent on men - on fathers before marriage and on husbands afterwards; virtual appendages whose legal existence was denied except through the principle of coverture. Dorothy Stanbury in *He Knew He Was Right* sums up the position accurately:

> *A man who is a nobody can perhaps make himself some-body, - or, at any rate, he can try; but a woman has no means of trying. She is a nobody, and a nobody she must remain.* [28]

There were many who would have taken issue with Blackstone when he argued that "the disabilities a woman lies under are for the most part intended for her protection and benefit."

Mill also tackles the darker side of marriage - the ever-present problem (now and then) of ill usage or brutality in the married state. Every woman he claims is in a "chronic state of bribery and intimidation," since every man, no matter how unsuited he is to the exercise of power and authority has in fact the legal right to absolute domination over his wife and children, as legal judgements frequently made plain. Mill remarks:

> *There is never any want of women who complain of ill usage by their husbands. There would be infinitely more, if complaint were not the greatest of all provocatives to a repetition and increase of the ill usage. It is this which frustrates all attempts to maintain the power but protect the woman against its abuses. In no other case (except that of a child) is the person who has been proved judicially to have suffered an injury, replaced under the physical power of the culprit who inflicted it. Accordingly wives, even the most extreme and protracted cases of bodily ill usage, hardly ever dare avail themselves of the laws made for their protection: and if, in a moment of irrepressible indignation, or by the interference of neighbours, they are induced to do so, their whole effort afterwards is to disclose as little as they can and to beg off their tyrant from his merited chastisement.* [29]

Here Mill draws attention to one of the most problematic areas of the law - that of defining and proving matrimonial cruelty. After the controversial new *Matrimonial Causes Act* of 1857, the law relating to cruelty was one of the most crucial for women seeking to gain judicial separation from their husbands or (in conjunction with another justification such as adultery) divorce from them. Sir William Scott's judgement in the *Evans v Evans* case of 1790 that cruelty constituted "bodily injury actual or menaced" seems to be the definition most often applied to cases coming to court in the mid-century decades.

While judicial attitudes were slow to change regarding the constitution of domestic cruelty, the *Evans* case did, as Hammerton notes:

> *invite those judges interested in expanding the definition to ponder the meaning of a "reasonable apprehension of bodily hurt" and to probe in greater detail into domestic relations to discover conduct which might be construed as equivalent to a threat of violence.* [30]

Trollope presents us with evidence of ill treatment in the case of Lady Carbury in *The Way We Live Now.* Her husband "ill used her" and was "often cruel", and as a result she left him, but was forced by social pressure to return to him again. The (moral) double standard of the day causes her further suffering because she is "branded" forever afterwards as a "faithless" woman who has deserted her husband. It is rumoured that Melmotte in *The Way We Live Now* beats his wife, and certainly he exerts physical violence to endeavour to force his daughter Marie to sign away the money she insists is hers. Lady Laura Kennedy is forced to leave her husband, too, unable any longer to suffer his tyranny.

The situation of Winifred Hurtle, the American widow, in *The Way We Live Now* is used by Trollope to highlight the dilemma faced by many women (then and now) between passive victimisation and active resistance (and self-preservation in some instances). She is a most unconventional woman being not unfamiliar with the use of firearms, which she has used to defend herself against violent sexual attack. Her English fiancé Paul Montague, while considering his decision to break their engagement, reflects that she "had become so handy with pistols ... that any ordinary man might well hesitate before he assumed to be her master." Her case makes clear the dilemma women who assert themselves (even for self-preservation) face. Winifred is doubly punished, here by her unworthy fiancé, and also by society at large by which she is ostracised because she has, in their terms, "unsexed" herself in unfeminine resistance.

The position of a woman separated from her husband was a very unenviable one at the time. Until 1884, a woman could be imprisoned for denying her spouse his conjugal rights, and even the right of a man to prevent his wife by force from leaving him was not successfully challenged until 1891. For these reasons, no doubt, Lady Laura flees to the Continent to escape "Justice," and is only able to return in *Phineas Redux* when she feels safe to attempt to divorce Mr Kennedy on the grounds of insanity. However, in *He Knew He Was Right*, Emily Trevelyan's father learns how difficult it is to make a case against his son-in-law on the grounds of insanity.

Mill speaks with loathing of marital rape, the final tyranny of marriage, where a man:

> *can claim from her and enforce the lowest degradation of a human being, that of being made the instrument of an animal function contrary to her inclination.*[31]

Laura Kennedy in *Phineas Finn* was wise in all events to flee from England as her husband "had that great desire to enjoy his full rights" and he knew that "he could detain her legally." It is only the fear of public scandal that forces him to hold back. As it is, by flouting convention and leaving her husband, Laura put herself in a position where she could no longer be received in "Society." It seems many people at the time shared the opinion

of the learned Judge who said:

> *If a woman be of so haughty a stomach that she will choose to starve, rather than submit to her husband and be reconciled, she may take her choice. And if a married woman who can have no goods of her own to live on will depart from her husband against his will, let her live on charity, or starve in the name of God.* [32]

Up until 1857, divorce was practically impossible in England, except by means of a prohibitively expensive private act of Parliament. Due to the considerable efforts of Caroline Norton, the *Matrimonial Causes Act* was passed in 1857, with amendments in 1858, 1884 and 1896; this remained the basis of marriage law in England for a very long time. The double standard is evident here also in that although divorce was now possible legally, a man could divorce his wife for adultery only, while a woman had to prove, in addition to adultery, cruelty, desertion, sodomy, bestiality or rape.

As Mill points out, most marriages are apparently based on affection or at least on respect and do not break up. But no amount of affection is "compensation for loss of freedom." To Mill, and perhaps to Trollope as well, the perfect marriage would be an equal division of power and responsibility between man and wife. However, patriarchy ensures that this does not happen in practice, hence Mill's disclaimer quoted in my introduction, and Trollope's many fictional representations of domestic tyranny.

Mill looks at the upbringing of boys and girls in middle or upper class homes and points out that from their earliest years boys are treated differently from their sisters. Even though they are required to show respect and courtesy towards their mothers and sisters, boys soon become aware of their "inherent superiority to a girl."

> *Think what it is to a boy, to grow up to manhood in the belief that without any merit or any exertion of his own, though he may be the most frivolous and empty or the most ignorant and stolid of mankind, by the mere fact of being born a male he is by right the superior of all and every one of an entire half of the human race.* [33]

The whole upbringing and education of women, on the other hand, worked towards producing the submissive wife whose purpose in life was to love, honour and obey her lord and master, to manage his household and bear his children. As Mill summed it up:

> *All women are brought up from the very earliest years in the belief that their ideal of character is the very opposite to that of men; not self-will, and government by self-control, but submission, and yielding to the control of others.* [34]

Christopher Herbert[35] usefully points out that the ideology of Victorian marriage, while appearing a monolithic system of male superiority and com-

mand, "is, in fact, a system deeply anomalous and "full of potential tension." This situation arises, he argues, from the attempt to fuse together two antithetical codes - that of "male supremacy, so deeply rooted in custom and in law" and the ideal of companionate marriage associated with "the great cult of Home." Trollope explores these contradictions with considerable insight in his study of the marriage breakdown of Emily and Louis Trevelyan in *He Knew He Was Right*.

In the figure of Louis Trevelyan, Trollope demonstrates that patriarchal power is far more than a weapon with which a male may bend his household to his will: it is deeply ingrained in the male psyche. When he starts to feel threatened by what he sees as his wife's intransigence and flagrant disobedience, Trevelyan starts to disintegrate as a person. Yielding to her even on the smallest issue, he feels, would cause him to be "robbed of what he loved better than his liberty - his power as a man" (p315).

Trevelyan obviously sees husbands as possessing a kind of patriarchal divine right; he says:

> *He had given her his heart, and his hand, and his house, and had asked for nothing in return but that he should be all in all to her - that he should be her one god upon earth.* [36]

Trollope also has his narrator comment in *The Belton Estate*:

> *The theory of man and wife - that special theory in accordance with which the wife is to bend herself in loving submission before her husband - is very beautiful; and would be good altogether if it could only be arranged that the husband should be the stronger and the greater of the two ... In ordinary marriages the vessel rights itself ... but there sometimes comes a terrible shipwreck ...* [37]

The "shipwreck" of the Trevelyan's marriage begins with Louis' innocuous sounding statement "that he did not wish Colonel Osborne to come so often to his house" (p7). This apparently polite request is deeply suffused with patriarchal assumptions, and reflects the Victorians' particular brand of sexual politics, where the reality of male power is so often disguised or mystified by a web of euphemism, ambiguity and implication. Emily Trevelyan is incensed by the implication of her impropriety in these words, and declares here as she does on many later occasions that she will obey her husband's "commands", as is her "duty", but will not promise to accede to his "wishes," which she knows, as we do, are really commands disguised by euphemism.

The quarrel escalates, as both parties feel they are right and neither will capitulate until they reach the point of separation. Emily is then banished by her husband to the country, to reflect on her insubordination; later Trevelyan forcibly seizes custody of their child as the law allowed him to do.

The final outcome of this struggle for mastery, however, is Louis Trevelyan's madness and death.

The breakdown of the Trevelyan marriage serves brilliantly to interrogate all the other apparently happy "companionate" marriages contracted in this and other Trollope novels, which are of course operating under the very same ideological circumstances. Indeed, such an interrogation is foregrounded at the end of *He Knew He Was Right* when Emily Trevelyan comments to her newly engaged sister Nora:

> *It seems strange to me, Nora, that after what you have seen, you should be so keen to be married to any one.* [38]

One of the mechanisms Trollope uses to interrogate the discourses of patriarchy is the multi-strand narrative where the various strands serve a dialogic function; each reflecting on and refracting elements from the others. By this means it is possible for the romantic comedy, always prominent in one or more strands, to be scrutinised, undercut or parodied.

In the case of *He Knew He Was Right*, as already discussed, the principal narrative deals with marriage and personality breakdown - hardly the conventional closure of the romantic comedy genre! Three minor narrative strands then, dealing with three other couples and their progress towards inevitable marriage, purport to supply the romance and the expected happy ending - at least for the parties involved. The action and the narration certainly suggest that these relationships should have less lethal consequences than those of the Trevelyan marriage. The prospective husbands, Hugh Stanbury, Brooke Burgess and Charles Glascock seem more moderate and compliant than Louis Trevelyan.

However, on a number of occasions there are pointed reminders of the fact that all Victorian males, no matter how benign or well-disposed, assume mastery in marriage as a natural right. Charles Glascock states at one point: "In my own house I am master"; Hugh Stanbury warns Nora: "I like my own way"; and even the temperate Brooke Burgess is capable of "considerable firmness." Their prospective wives seem to ignore the significance of these clear indicators of male prerogative, but the reader is invited to reflect on the likelihood (or otherwise) of a genuinely companionate marriage taking place under the prevailing ideology, despite the apparent good intentions of the males involved.

So many of Trollope's works (the later novels in particular) contain unhappy or failed marriages that the generic conventions of romantic comedy that require closure in the form of the happy marriage (which signifies fulfilment for the female protagonist) are strained almost to breaking point. This also could be seen as a subversive technique, inviting a reconsideration of real-life Victorian marriage conventions (and their unsatisfactory nature for women), and highlighting the need for urgent reform.

I believe that to a far greater extent than many commentators have previously acknowledged Trollope not only recognises and is sympathetic towards women's disabilities, but is using the fictional form and manipulating a highly conservative genre - romantic comedy - for the purposes of contesting the conventions of patriarchy. Even his oft-commented-upon bland (male) narrator, capable of pronouncements such as the following from *Can You Forgive Her?* -

> *What should a woman do with her life? There had arisen... a flock of learned ladies asking that question, to whom it seems that the proper answer has never yet occurred. Fall in love, marry the man, have two children, and live happily ever afterwards–*[39]

is used subversively to create tension between the narrative action and the narrative voice. The one frequently contradicts the other so blatantly that the reader cannot but question the validity of the apparently authoritative commentary. Thus the text takes on the qualities of a palimpsest; once interrogated, covert meanings surface which are at odds with those expressed overtly by the narrator.

The concentration of *He Knew He Was Right* on Trevelyan's obsession with his wife's possible sexual guilt, I believe, is pointing to a more general Victorian male fear of woman's emancipation. Such emancipation would imply equal sexual freedom for both parties. If a woman could disobey her husband as flagrantly as Emily is seen to do under the current condition of subjection of women, then freedom might mean women's complete rejection of the double standard of conduct and a move towards female sexual licence. Wifely chastity was a prized male possession to the Victorians as well as wifely submission. Both seemed necessary to the male's sense of security, and the knowledge of his innate superiority. If they were lost through female emancipation, the husband would be bereft of some of the certainties and comforts in life, and would become as unsure of his role as is Louis Trevelyan.

The word "right" resounds through *He Knew He Was Right*, and its multivalence is explored in many contexts. The question of what is morally right is debated, as is legal right, patriarchal right. At the heart of all of these is the ever present, increasingly pressing but unvoiced issue of woman's right.

One of the great strengths of Mill's essay is its recognition that women's domestic, legal and political subjection were interlocking and mutually reinforcing. Like other feminists Mill perceived that legal reform was the key to unlock women's domestic prison and begin the process of emancipation. For this to occur, patriarchal ideology had to be successfully challenged. As Mill said:

> *Women's disabilities [in law] are only clung to in order to maintain their subordination in domestic life; because the gen-*

> *erality of the male sex cannot yet tolerate the idea of living with an equal.*[40]

Trollope uses fictional narrative subtly to demonstrate that women's happiness remains precarious while it is dependent on the good nature of their spouses. What he does not develop adequately, as Mill does, is the argument that women need recognition and protection from the law (along with opportunities for a more rigorous education and for financial independence). His critique of patriarchy is thus less incisive and wide-ranging than is John Stuart Mill's. It does, however, reflect the tensions and anomalies that were present in the "Woman Business" debate, especially as they relate to women's sphere and her (only) career - marriage. It is likely that he would have been in agreement with Frances Power Cobbe's assessment of the conditions necessary for marital bliss:

> *When the theory of the "Divine Right of Husbands" has followed to limbo that of the "Divine Right of Kings"... then will become possible a conjugal love and union nobler and more tender by far than can ever exist while such claims are even tacitly supposed.*[41]

NOTES:

[1] Richard Barickman, Susan MacDonald and Myra Stark, *Corrupt Relations Dickens, Thackeray, Collins and the Victorian Sexual System* (New York: Columbia University Press, 1982), p.1.

[2] *Ibid.*, p.2.

[3] F. A. Hayek, *John Stuart Mill and Harriet Taylor: Their Friendship and Subsequent Marriage* (London: Routledge & Kegan Paul, 1951), p.168.

[4] Anthony Trollope, *The Vicar of Bullhampton* (London: Oxford University Press, 1924), p.259-60.

[5] Alfred Lord Tennyson, "The Princess", in *Tennyson - Poems and Plays*. (London: Oxford University Press, 1971), p.188.

[6] Unsigned review, "Tennyson's Princess: A Medley", *Quarterly Review* vol. 82 (March 1848). p442.

[7] Henry Maudsley, "Sex in Mind and Education," *Fortnightly Review* 15 (1874),p.466, quoted in Susan Kent, *Sex and Suffrage in Britain, 1860-1914* (Princeton: Princeton University Press, 1987), p.43.

[8] Peter Gaskill, *The Manufacturing Population of England, Its Moral, Social and Physical Conditions and the Changes which have Arisen from the Use of Steam Machinery with an Examination of Infant Labour.* First published in 1883. (Reprint New York: Arno Press, 1972), pp.144-145.

[9] Unsigned review, "The Education of Women," *The Edinburgh Review* 166 (July 1887). p.107.

[10] Unsigned review, "On the Education of Women," *The Contemporary Review* 7 (1868).

[11] W. R. Greg, "Why are Women Redundant?", *National Review* 14 (1862). pp. 438 and 440.

[12] Gaskill, *The Manufacturing Population in England*, p.165.

[13] John Ruskin, "Of Queen's Gardens" in *Sesame and Lilies: Two Essays* (London: Oxford University Press, 1912), p.73.
[14] Mary Lyndon Shanley, *Feminism, Marriage and the Law in Victorian England 1850-1895* (Princeton, N.J.: Princeton University Press, 1989), p.10.
[15] Unsigned review, "Women's Suffrage," in *The Nineteenth Century* 19 (April, 1886). p560.
[16] J. S. Mill, *Autobiography and Other Writings*, ed. J. Stillinger (Boston: Houghton-Mifflin & Co., 1969), p.158.
[17] B. J. Elliot (ed.), *The Letters of John Stuart Mill.* Vol 11 (London: Dent, 1953), p.212.
[18] J. S. Mill, "The Subjection of Women," in *Three Essays* (London: Oxford University Press, 1912), p.126. All further references will be to this edition.
[19] Unsigned review, *Blackwoods* 102 (September 1867).
[20] B. Booth (ed..), *The Letters of Anthony Trollope* (London: Oxford University Press, 1951), pp.417-418.
[21] A. O. J. Cockshut, *Man and Woman: A Study of Love and the Novel, 1740-1940* (London: Collins, 1977), p.152.
[22] Anthony Trollope, *Phineas Finn* (Harmondsworth: Penguin, 1972), p.129. All further references will be to this edition.
[23] Mill, *Autobiography*, p.157.
[24] *Ibid.*, p.158.
[25] *Ibid.*, p.158.
[26] *Ibid.*, p.159.
[27] Booth (ed.), *The Letters*, p.269.
[28] Anthony Trollope, *He Knew He Was Right* (St. Lucia: University of Queensland Press, 1974), p.200. All further references will be to this edition.
[29] Mill, *Autobiography*, p.140.
[30] James Hammerton, "Victorian Marriage and the Law of Matrimonial Cruelty," *Victorian Studies* 3.2 (1990) p274.
[31] Mill, *Autobiography*, p.160.
[32] Judge Hyde, in M. Hewitt, "Anthony Trollope: Historian and Sociologist," *British Journal of Sociology* (Vol XIV, 1963), p.238.
[33] Mill, *Autobiography*, p.218.
[34] *Ibid.*, p.141.
[35] Christopher Herbert, "He Knew He Was Right, Mrs Lynn Linton and the Duplicities of Victorian Marriage," *Texas Studies in Literature and Language* 25.3 (1983). 448-69.
[36] Trollope, *He Knew He Was Right.*
[37] A. Trollope, *The Belton Estate* (London: World Classics, 1963), p.182.
[38] Trollope, *He Knew He Was Right*, p.357.
[39] A. Trollope, *Can You Forgive Her?* (Harmondsworth: Penguin Books, 1972), p.51.
[40] Mill, *Autobiography*, p.181.
[41] Frances Power Cobbe, "Celibacy v Marriage" (1862), quoted in Shanley, *Feminism and the Law*, p.49.