contempt
1. The action of contemning or despising; the holding or treating as of little account, or as vile and worthless; the mental attitude in which a thing is so considered. . . . 4. Law. Disobedience or open disrespect to the authority or lawful commands of the sovereign, the privileges of the Houses of Parliament or other legislative body; and, esp. action of any kind that interferes with the proper administration of justice by the various courts of law. . . .

—Oxford English Dictionary

Alice, in her final adventure in Wonderland, becomes increasingly bold during the trial to determine who stole the tarts of the Queen of Hearts. She knows she is growing back to her true size; she has experienced that “curious sensation” telling her that she is gaining her full personhood (94). Despite the Dormouse’s warning that she has “no right to grow here,” in this court of law, Alice decides to stay (94). And what a spectacle she makes of herself. She is loud; she literally upsets the jury; she interrupts and talks back to the judge. In fact, she shows no respect for the “stuff and nonsense” of the law itself or for any of its representatives: “Who cares for you?” said Alice (she had grown to her full size by this time.) ‘You’re nothing but a pack of cards!’ At this the whole pack rose up into the air, and came flying down upon her” (101). As Alice comes into herself, chaos becomes the order of the day, and one senses that Wonderland’s system of justice will never be quite the same.
The Performance of Feminist Jurisprudence in a Century of Legal Reform

In this closing episode of Alice’s Adventures in Wonderland, Lewis Carroll dramatizes what, by 1865, was to become an increasingly popular Victorian scene: a woman questioning and critiquing the law and claiming a place for herself within its institutions. The first half of the reign of Queen Victoria witnessed Caroline Norton agitating for a mother’s right to custody of her children and making minor inroads into a father’s absolute rights with passage of The Infant Custody Act of 1839 (2 & 3 Vict., c. 54). In 1854, Norton put the harsh realities of coverture—the legal fiction that, upon marriage, the wife’s legal identity was subsumed into that of her husband—on public display in her pamphlet English Laws for Women in the Nineteenth Century, arguing that the law did not sufficiently protect women. Barbara Leigh Smith went much further in her 1854 publication, A Brief Summary in Plain English of the Most Important Laws of England Concerning Women, making clear that coverture must be completely abolished for there to be any possibility of equality between men and women. Norton, Smith, Bessie Parkes, and Mary Howitt were among a group of women active in the mid-1850s debates concerning the reform of married women’s property and divorce laws. All were greatly distressed by the Divorce and Matrimonial Causes Act of 1857 (20 & 21 Vict., c. 85). Although the Act made it possible to obtain a divorce in England without a special Act of Parliament, it also legislated a double standard by allowing a man to obtain a divorce upon proof of his wife’s infidelity, whereas a woman had to prove her husband’s infidelity plus incest, bigamy, gross physical cruelty, or desertion. Rape, sodomy, and bestiality, on the part of the husband, also were included as grounds for divorce.

In the 1870s and 1880s, despite numerous setbacks, feminists such as Elizabeth Wolstenholme, Elizabeth Gloyne, Lydia Becker, Jessie Boucherett, Frances Power Cobbe, and Josephine Butler worked tirelessly to reform the laws affecting married women’s property. They achieved limited success with the Married Women’s Property Act of 1870 (33 & 34 Vict., c. 93), followed more than a decade later by the much more comprehensive Married Women’s Property Act of 1882 (45 & 46 Vict., c. 75). Cobbe was also very instrumental in the passage of the Matrimonial Causes Act of 1878 (41 & 42 Vict., c. 19), which offered much-needed protection for women from domestic abuse. From 1869 to 1886, Butler devoted most of her seemingly unlimited energy to the campaign to repeal the Contagious Diseases Acts (legislation to control the spread of venereal disease that allowed any
woman suspected of being a prostitute to be apprehended and subject to a genital examination).\textsuperscript{7}

Victorian women were exerting much political influence, and they were fortunate in being helped by male members of Parliament such as John Stuart Mill, Richard Monkton Milnes, and Jacob Bright.\textsuperscript{8} As the century progressed, however, efforts were made to eliminate the need for exclusive reliance on these “middlemen” as women strove to impact the law more directly—by voting, by being elected to public offices, and by becoming members of the legal profession itself.\textsuperscript{9}

In 1892, Charles M. Beaumont wrote a paper encouraging women to attend legal proceedings in the law courts “to see that their interests are properly cared for by Government” (1). In this paper, later published as a pamphlet entitled \textit{Women and the Law Courts}, he explained:

\begin{quote}
Not many years ago such conduct as I advise would have resulted in certain defeat. Then woman was generally regarded as a sort of domestic animal, on whose part any claim to political rights or to an opinion on questions of morality would be held as ridiculous as similar claims advanced by a tabby cat, though by a curious anomaly they were made to bear all responsibility for immorality. Then their intrusion into the courts would have been resented with merciless severity by the judges, who would have been supported by the public, including the majority of the female sex, whose ideas of female advocates of women’s rights were fairly represented by the caricatures of Artemus Ward. Now all these things have changed. Women have become an acknowledged political force, welcomed by some, dreaded by others, but despised only by the ignorant, and a political force, in our growing democracy, is always treated with respect. The more general education of women has made the sex more restless under bondage, and the example of many of their heroine champions has roused them to some sense of the value of political and social rights. Lady advocates, lady politicians, lady lecturers, have taught the world that it is neither safe nor reasonable to treat women as a class with contempt. (4)
\end{quote}

\textit{In Contempt: Nineteenth-Century Women, Law, and Literature} focuses on women who facilitated and participated in this “intrusion” into the legal realm. In England, the nineteenth century was a period of unprecedented reform in laws affecting the everyday lives of women. Significant improvements were made, not only in the areas of child custody and support, divorce, and married women’s property, but also with respect to reproductive rights, lunacy law reform, women’s admission into law and politics, and domestic abuse. Women’s contributions to these changes in the law,
however, have been largely ignored because their work, stories, and perspectives are not recorded in law books or other authoritative sources of legal history, but rather in texts of a different kind. This book explores the legal advocacy of nineteenth-century women writers in essays, autobiographies, and other nonfiction publications, as well as in courts of law. As is more fully developed in chapter 1, this book also emphasizes the important legal forum to women that was provided by the novel form.

Specifically, this study of women, law, and literature analyzes the work of women writers who performed what today we would characterize as “feminist jurisprudence.” While feminist jurisprudence encompasses multiple approaches and methodologies, broadly speaking it includes “an analysis and critique of law as a patriarchal institution” (Smith, Introduction 3). Moreover, it insists on the importance to law of taking into account the voices and experiences of women and other legal “outgroups.”

**Resistance through Narrative in Outlaw Texts**

While women remained in a subordinate legal position throughout the nineteenth century, the nature and extent of that position under the law changed significantly over that period. Austin Sarat and Jonathan Simon, in exploring how the mutually constitutive relationship between law and culture affects the process of legal change, explain:

Legal meanings are not . . . invented and communicated in a unidirectional process. Litigants, clients, consumers of culture, and others bring their own understandings to bear: they deploy and use meanings strategically to advance interests and goals. They press their understandings in and on law, and, in doing so, invite adaptation and change in legal practices. (19–20)

Legal scholars such as Richard Delgado and Kathryn Abrams have made compelling arguments that narratives offer particularly rich insights into the meanings of law from the perspectives of those who resist having the law passed down in a unidirectional fashion. In “Storytelling For Oppositionists and Others: A Plea For Narrative,” Delgado describes the historical practice of resistance through narrative:

Subordinated groups have always told stories. Black slaves told, in song, letters, verse, about their own pain and oppression. They described the terrible wrongs they had experienced at the hands of whites. . . . Mexican-
Americans in the Southwest composed *corridos* (ballads) and stories, passed on from generation to generation, of abuse at the hands of gringo justice. . . . Feminist consciousness-raising consists, in part, of the sharing of stories, of tales from personal experience, on the basis of which the group constructs a shared reality about women’s status vis-à-vis men. (2435–36)

Specifically with respect to the value of women’s narratives to an understanding of law, Abrams writes, “Experiential narratives are significant not only for the substantive message they convey but for the way they claim to know what they know. Feminist narratives present experience as a way of knowing that which should occupy a respected, or in some cases a privileged position, in analysis and argumentation” (975–76).

This book examines nineteenth-century women’s stories and experiences recorded in what I will characterize as “outlaw” texts. I use the word “outlaw” to emphasize that, while these texts are not considered official legal texts and thus “out” of the purview of much legal inquiry, they are texts with respect to which “law” is an integral signifying system. Moreover, this study aims to raise awareness of nineteenth-century women’s critique of unjust laws, including narrative resistance in texts that would not necessarily be characterized as legal in nature. There are no courtroom scenes in Emily Brontë’s 1847 *Wuthering Heights*, for example, but, as described more fully in chapter 1, coverture and the laws relating to married women’s property both underlie Heathcliff’s statements and actions with respect to marriage and illuminate how he ultimately ends up owning everything. Similarly, an understanding of a father’s absolute right to custody of his children (even if he loathes and abuses them) underscores the gravity of Heathcliff’s ravings, “I’ll have it [his child Linton] . . . when I want it” (178), and makes the situation of Isabella (the child’s mother) all the more tragic.

In analyzing the importance of looking beyond traditional legal sources to gain understandings of law, Rosemary Coombe argues, “Rather than stress isolated decisions, statutes, or treatises, we need to attend to the social life of law’s textuality and the legal life of cultural forms as it is expressed in the specific practices of socially situated subjects” (478). Outlaw texts narrate these practices, exploring the effects of law on everyday life, illustrating a primary form of nineteenth-century women’s engagement with the law by examining, for example, how “[l]egal rules and practices daily influence how people act by affecting the expectations they hold and the risks they take” (Minow, “Forming Underneath” 822).

One of the primary goals of this study is to provide legal, historical, and cultural material on a selection of topics such as infanticide, birth con-
trol, and domestic violence such that readers have the context to identify moments of feminist jurisprudence in nineteenth-century writings for what they are. This approach to women’s narrative advocacy facilitates the critical examination of what those moments might signify inside the text (with respect to novels, for example, in relation to narrative elements such as plot, character, and point of view) as well as outside the text—as they “press their understandings in and on law, and, in so doing, invite adaptation and change in legal practices” (Sarat and Simon 20). In this way, my study also responds to Christine Krueger’s call in her 1999 article, “Victorian Narrative Jurisprudence,” for the need to historicize narrative jurisprudence and attend to its complexities.

I feel fortunate that my own book was early enough in the publication process that I had the opportunity to read Krueger’s recent book on this subject, Reading for the Law: British Literary History and Gender Advocacy, and to incorporate discussion of the ways in which our historicized law and literature studies complement each other. In her book, Krueger argues for the importance of literary history to an understanding of the connections between law and literature. Concerned that some law and literature scholarship presents narratives as always critiquing legal discourse, creating an “ahistorical opposition,” her book illustrates that literary history “demonstrates the historically contingent political impact of legal and literary texts for outsider advocacy” (2). While arguing that “literary history presents serious challenges to the celebration of narrative—even autobiography—as intrinsically suited to outsider advocacy,” she shows that “historical scholarship can also provide viable accounts of literary advocacy that, under specific circumstances, moved forward legal recognition for excluded groups” (3).

It is this type of literary advocacy, performed in narratives that are “outlaw texts,” that is central to In Contempt, a study grounded in literary, as well as legal, history.

In this book, because I wish to emphasize women’s important, but much overlooked, role in legal history, I have focused primarily on outlaw texts written by women. But just as Krueger cautions against too facile an association of narrative with progressive movements, I also want to clarify that not all legal writings by women critiqued the patriarchal nature of the law and that many texts written by men, such as George Moore’s 1894 novel Esther Waters, did. Moore’s story of Esther, an unmarried mother who is forced to support herself and her much-loved infant by going into service as a wet nurse, poignantly illustrates the desperate situations of young women with infants to support and no way to pay for their food and care. Esther has no choice but to put her own child in the keeping of an elderly woman, but she is not at all interested in the babyminder’s suggestion that
she might prefer to pay five pounds to have the child “adopted” (the idea being that the infant would die under the woman’s “care”). When Esther’s boy becomes ill at the babyminder’s and her employer will not let her leave to see him, Esther ponders:

By what right, by what law, was she separated from her child? . . . It was then a life for a life. It was more. For the children of two poor girls had been sacrificed so that this rich woman’s child might be saved. Even that was not enough: the life of her beautiful boy was called for. And then other memories swept by. She remembered vague hints, allusions that Mrs. Spires [the babyminder] had thrown out; and, as in a dream darkly, it seemed to this ignorant girl that she was the victim of a far-reaching conspiracy. . . . (146)

The famous baby farmer case of Mrs. Waters in the 1870s (Waters was convicted of murdering one child and suspected of being responsible for the deaths of some forty others) fueled beliefs that illegitimate children were dying because their mothers were uncaring or irresponsible. Narratives such as Moore’s—outlaw texts that provided a different context, that insisted on the relevance of factual information such as poverty and women’s sole responsibility for “immorality”—shifted the blame from individual women to a set of cultural values that conspired against unmarried women who had breached the laws of society.

Finally, certain of the texts presented in this book also are “outlaw” in that they imagine new possibilities for law and justice. Judith Resnik, in discussing the value of the interdisciplinary study of law and literature, explains, “I bring literature to law students to show them what lawyers cannot yet imagine: stories that law has yet to invent, rights yet to be seen, and how to cope with problems seen but that stymie us by their pain” (350). In the nineteenth century, writers such as Jane Hume Clapperton in Margaret Dunmore; or, A Socialist Home invented families that were not organized as patriarchies; novels such as Florence Dixie’s Gloriana included women with rights to vote and sit in Parliament; A Writer of Books by George Paston confronts the unspeakable pain of a mother’s forced (and perfectly legal) separation from her child. Literature also imagined legal advocates of a different kind. For example, Shakespeare’s sixteenth-century archetypal legal woman, Portia, in the nineteenth century was given several stories all her own. Engaging in what Julie Hankey terms the “novelizing of Shakespeare’s plays,” women writers embellished on the positive representation of Portia from The Merchant of Venice, narrating her childhood, family history, education, beliefs, and desires (436). They worked to make this imagined character—the woman advocate—real.
Nineteenth-Century Portias

Making the Character Real

In *The Merchant of Venice*, Portia argues as a lawyer and presides as a judge over one of the most famous trials of all time, the proceeding to determine whether Shylock will be allowed to enforce a contractual remedy of a pound of flesh. It is Portia who tries to persuade Shylock to be merciful, and when he refuses, who articulates the fatal flaw in his desired remedy:

- This bond doth give thee here no jot of blood;
- The words expressly are “a pound of flesh.”
- Take then thy bond, take thou thy pound of flesh;
- But in the cutting of it, if thou dost shed
- One drop of Christian blood, thy lands and goods
- Are by the laws of Venice confiscate
- Unto the state of Venice. (4.1.305–11)

While there was disagreement as to whether Portia or Bellario, the learned doctor of laws she had consulted, had identified this legal loophole, there was overwhelming nineteenth-century consensus about the strength of character of this “[m]ost learned judge” (4.1.303).17

Anna Jameson, in her 1832 *Characteristics of Women, Moral, Poetical, and Historical*, was the first to analyze Shakespeare’s female characters as individuals worthy of critical attention. Prior to Jameson, critics such as William Richardson and Samuel Coleridge had dismissed the women in Shakespeare’s plays as almost without character (Hankey 426–28). Richardson argued that this reflected the social inferiority of real women, explaining that “uniformity of conduct [is] frequently occasioned by uniformity of condition” (qtd. in Hankey 426).18 Jameson disputes the uniformity of these characters, seeing them as much more realistic than the unidimensional historical representations of real women. She argues that Shakespeare’s women “are complete individuals, whose hearts and souls are laid open before us—all may behold and all judge for themselves” (xvi–xvii).

Giving pre-eminence to the “characters of intellect,” Jameson’s first character portrait is of Portia, “a perfect model of an intellectual woman, in whom wit is tempered by sensibility, and fancy regulated by strong reflection” (xxix). However, the kind of woman Portia represents, Jameson concludes, would not thrive in the nineteenth century: “A woman constituted like Portia, and placed in this age, and in the actual state of society, would find society armed against her. . . . With her, the world without would be
at war with the world within” (76). In a culture in which the legal fiction of coverture determined the plot of women’s lives, Jameson lamented that either Portia’s vivacious nature would be subdued or her resistance would make her proud and rigid.¹⁹

The nineteenth-century critic Charles Cowden Clarke noted that Portia’s association with the law was particularly troubling: “There is a class of my own sex who never fail to manifest an uneasiness, if not a jealousy, when they perceive a woman verging towards the manly prerogative; and with such, the part that Shakespeare has assigned to Portia in the trial-scene would induce this prejudice against her.”²⁰ His wife Mary Cowden Clarke, however, suggests in her collection of stories, The Girlhood of Shakespeare’s Heroines, that her own sex found Portia’s successful foray into legal territory particularly appealing. Like Jameson, Clarke begins her series of tales with Portia. In this very popular collection, Clarke traces “the probable antecedents in the history of some of Shakespeare’s women” and tries “to imagine the possible circumstances and influences of scene, event, and associate, surrounding the infant life of his heroines, which might have conducted to originate and foster those germs of character recognized in their maturity . . .” (iii). For Portia, Clarke imagines that Bellario, the learned doctor of laws whom she consults prior to the trial, is the uncle who raised her after her mother’s death in childbirth and her father’s disappearance.²¹ As a child, Portia sits with Bellario as he studies his law books and reviews his cases. He educates her himself, and “he would often laughingly tell her, that though she had no regular schooling, no masters, no accomplishments, no womanly teaching,—no set education in short, yet that he should in no time make her an excellent scholar, and a most capital lawyer” (48–49).

As Bellario’s laughter suggests, he does not offer this as a serious course of action; he believes women “would make but poor lawyers,” as Clarke has him say:

In the exercise of their [women’s] discernment, they will frequently triumph too early in the discovery of an advantage; and it is the part of a clever lawyer not to betray his own strength and his adversary’s weakness too soon. To skillfully treasure up each point successively gained, and by a tardy unmasking of your own plan of action, to lead your opponent on to other and more sure committals of himself, is more consonant with the operation of a man’s mind, than suited to the eager, impulsive nature of woman. (52)

Of course, the strategy Bellario accuses women of being unable to execute is precisely the one Portia adopts in the play. When Portia smilingly retorts...
that “one day or other you may be brought to acknowledge that I could make a profound lawyer,” the readers (who are familiar with the play) know she is right (52).

Nineteenth-century women found much to admire in Portia. The actress Fanny Kemble designated Portia as her “favourite of all Shakespeare’s women” (Kemble 106); the novelist Geraldine Jewsbury named Portia as “one of [her] great heroines.”22 Also, when the Girls’ Own Paper sponsored a contest for the best essay on “My favourite Heroine from Shakespeare,” Portia was the most popular character, being the subject of more than a third of the essays submitted (Marshall 41). Manifesting some of the uneasiness noted by Charles Cowden Clarke, the Girls’ Own Paper specifically published an admonishment of the girls whose essays suggested that Portia would be a proponent of women’s rights: “Could anything be more inapropos than this? . . . How foolish girls are to become so exercised about one idea that they must fain ‘drag it in,’ when it has nothing to do with the subject they are writing about.”23 Clearly, some women were insisting on the contemporary relevance of “Lady Lawyer, Portia.”24

In sharp contrast to the literary criticism that had emphasized the limited roles embodied by Shakespeare’s female characters, M. L. Elliott’s sketch on Portia in her 1885 collection Shakespeare’s Garden of Girls presents the fullness of this character:

Portia is a judge upon the bench, an advocate at the bar, a preacher at the pulpit, a wit in company, a student when alone, a philosopher in thought, a poet in expression, and, above all, a tender and romantic girl growing up into the truest of women and the sweetest of wives. (128)

While the “above all” characteristics seem to reify the ideal of Victorian womanhood, Elliott is making the case that Portia is not “strong-minded” in the derogatory nineteenth-century sense that would make her a “hard-featured, loud talking, forbidding-looking being in semi-masculine or dowdy attire”; she instead substantiates that “the possession of the highest intellectual endowments is compatible with the age and susceptibilities for tender and romantic love” (117). For Elliott, Portia is much more than a representation of women’s limitless possibilities; she is a judge and an advocate. The references to her as a girl, woman, and wife at the end of Elliott’s compiled résumé are cumulative roles, not replacement roles, and indeed, these latter “womanly” descriptions emphasize that the roles first and foremost associated with Portia are not manly prerogatives.25

Portia is an intellectual woman who can more than hold her own in the public sphere, in the male worlds of law and commerce. As Elliott notes,
she can “stand side by side with learned doctors and shrewd practical men of business” (117). And while she has to dress as a man in order to gain admittance and have a voice in the courtroom, her audience knows who she is at all times. She is under the cover of a male disguise, but she is speaking her own mind.

It took until 1919, when Helena Florence Normanton and Gwyneth Marjory Thompson were admitted as law students to the English bar, for fact to catch up with fiction and for newspapers to announce, “Portia Arrives” (“Portia Arrives” 2). Reporting the admission of Normanton as a student to Middle Temple and of Thompson to Lincoln’s Inn, the Evening News stated, “Portia is to have leave to plead, in her proper person, without disguise or simulation or dissimulation of any kind” (“Sister Buzfuz” 4). Alice, at long last, had gained the right to be, speak, and even argue in a court of law.

In the following chapters, I present the feminist jurisprudence of numerous nineteenth-century women writers whose literal and figurative representations of women forever changed the British legal landscape. Working in real-life courtrooms, nonfiction publications, and a variety of types of novel (including Gothic, social-problem, utopian, and New Woman novels), these feminist thinkers addressed a wide array of legal issues that were central to women’s lives. In the broad study of nineteenth-century women, law, and literature, choices must necessarily be made with respect to which texts to include and which aspects of law to cover. In making my selections, I have been guided by certain tenets of feminist jurisprudence. First, feminist legal scholars have developed theoretical approaches and methodologies for analyzing law that take as a central point of departure women’s experiences of exclusion from the law. This study takes as its primary focus works of nonfiction and fiction that, for the most part, have not been considered in legal histories or in studies of law and literature. Second, women’s experiences have been moved from the margins to the center of the analysis. Thus, substantive areas of the law are examined that were of particular importance to women in the nineteenth century, and specific consideration is given to “how the law fails to take into account the experiences and values that seem more typical of women than of men, for whatever reason, or how existing legal standards and concepts might disadvantage women” (Bartlett, “Feminist Legal Methods” 837).

The chapters are organized to broadly follow a legal progression in an effort to explore the myriad ways in which law—as it is drafted, enacted,
adjudicated, interpreted, executed, and reformed—intersects with women’s lives. Thus, after chapter 1 more specifically develops the analysis of novels as outlaw texts and more fully sets forth the state of the law with respect to women at the beginning of the nineteenth century, chapter 2 emphasizes the law as legislated, chapter 3 focuses on the trial stage, chapter 4 considers judgments, and chapter 5 addresses legal appeals. In this way, *In Contempt: Nineteenth-Century Women, Law, and Literature* takes a broad view, not only of legal texts, but also of legal actors, voices, participants, and experiences. As Judith Resnik explains, feminism can bring to law an emphasis on the importance of not limiting the study of law to texts “authored by a very few actors: Supreme Court justices in particular, appellate judges in general, and sometimes members of Congress or their staff” (351). Because such a “choice of text assumes, reiterates, and affirms the primacy of those who are currently hierarchically superior and further assumes that the hierarchy is itself fixed—and appropriate,” she encourages looking beyond “a singular set of actors, positioned by class, race, ethnicity, and gender” to the work of a wider range of legal participants (351–52). Throughout the book, this study weaves larger thematic strands, such as the gradual erosion of coverture, women’s ongoing struggle for legal and literary identities of their own, and the increasingly contested control of women’s bodies.

More specifically, chapter 1 focuses on Mary Wollstonecraft’s late-eighteenth-century unfinished novel, *The Wrongs of Woman; or Maria: A Fragment* (1897), to introduce the legal fiction of coverture, the basis for “the partial laws and customs of society” (Wollstonecraft, *Maria* 73). Also, while the concept of outlaw texts generally is described in this Introduction, chapter 1 turns more specifically to “outlaw novels,” using *Maria* to illustrate the ways in which novelistic discourse and feminist jurisprudence are ideologically allied. Analyzing the imagery of “protection” in the passages on coverture in William Blackstone’s *Commentaries on the Laws of England* (1765), for example, I explore the ways in which Wollstonecraft’s novel revises this legal text, exposing and metaphorically reconstituting the law’s cover as capture. Moreover, focusing on *Maria* as a Gothic novel, I examine how Wollstonecraft’s text employs Gothic conventions such as subterranean spaces, live burial, doubles, unintelligible writings, and the unspeakable to literalize and symbolically reconfigure the buried (but very much alive) tropes of legal discourse that kept women defined, confined, and silenced within a Gothic reality. This chapter concludes with a re-examination of critical conclusions about the policing role of the novel in light of the feminist jurisprudence performed in novels that are “outlaw texts.” Responding to influential studies of nineteenth-century law and lit-
erature, I also consider how other law–novel connections may be differently understood when “how gender matters” is seriously considered.29

The legal focus of chapter 2 is the law of infanticide and the bastardy clauses of the Poor Law Amendment Act of 1834 (the New Poor Law). The outlaw texts examined in this chapter, ones that provide her stories of infanticide, include The Broad Arrow (1859) by Caroline Leakey (Oliné Keese), The Last Sentence (1891) by Gray Maxwell (Mary Tuttiet) and, most specifically, Frances Trollope’s 1843 novel Jessie Phillips: A Tale of the Present Day. Jessie Phillips is a novel about an unmarried working-class woman who is wrongly accused of murdering her child. I contrast the novels of Trollope, Leakey, and Tuttiet to literary and legal narratives that reinforced the law’s “truth” that infanticide was a problem of deviant women. Specifically, I consider the ways in which George Eliot’s novel Adam Bede indicted the character of Hetty Sorrel. Then I turn to an examination of the legal narrative of infanticide that begins with a 1623 English statute that applied only to “lewd women that have been delivered of bastard children” (21 James 1, c. 27). After briefly tracing the character of the “lewd woman” through two centuries of legal plotting, I provide a close analysis of the intertextual relationship between Jessie Phillips and narratives that emerged during the legislative debates over the bastardy clauses of the New Poor Law. An exploration of these narrative connections illuminates how Trollope’s novel exposes the law’s “cover” to be surveillance, its “protection” to be for the “fondly protected man,” and women’s “madness” to be genuine anger, particularly about their subordinate position under the law.

Chapter 3 examines the topic of birth control in the nineteenth-century contexts of law, literature, and libel. In 1877, Annie Besant and her partner Charles Bradlaugh published a tract on birth control and sold it for sixpence so that it would be available to the poor. They were arrested and charged with obscene libel for publishing an “indecent, lewd, filthy, bawdy, and obscene book” (Freethought 322). At the trial, the defendants served as their own attorneys, with Besant arguing her own case in open court. Taking the 1877 trial transcript as my primary legal text, I examine Besant’s strategy of playing upon the cultural meanings of “woman.” An analysis of Besant’s narrative strategy shows how she used the very ideal of Victorian womanhood to subvert it. In what proved to be a stunning obfuscation of societal norms, Besant revised traditional narratives of female sexuality and good mothering to momentarily open up the possibility of a sexualized domestic ideal of womanhood. I then turn to an examination of the literary legacies of this pathbreaking trial, focusing on the first British novel to advocate openly for the use of artificial birth control, Jane Clapperton’s utopian novel Margaret Dunmore; or A Socialist Home (1888).
I argue that *Margaret Dunmore* was a site for the reconstruction of the cultural meanings of family and the duties of women; this novel displaced representations in works such as Jane Austen’s *Mansfield Park* (1814) and Charles Dickens’s *David Copperfield* (1850) that ignored women’s debilitating confinements or treated them as comic. I also discuss more subtle literary treatments of birth control in novels such as Thomas Hardy’s 1895 *Jude the Obscure*. In the last part of the chapter, I briefly present the feminist jurisprudence of Marie Stopes, who carried the dialogue on this taboo subject into the twentieth century with her runaway bestsellers *Married Love* (1918) and *Wise Parenthood* (1918) and who sued a vocal opponent of birth control for libeling her. Stopes made the hitherto utopian idea of widespread access to contraception a reality when she opened the first birth-control clinic in Britain in 1921.

In the fourth chapter, I shift from a focus on the performance of feminist jurisprudence in legal and literary narratives to an analysis of the representations of two women who embodied the power of the law in their roles as judges: the fictional character Ayesha, from H. Rider Haggard’s imperialist 1887 novel *She*, and the real-life Mary Slessor, who was the first woman appointed as a magistrate in the British Empire. In this chapter, because I am not looking at direct testimony of women’s legal advocacy, but rather representations of women in the legal arena, I employ a theoretical approach that I term “cross-examination.” The texts in which these representations appear, the sources of direct testimony, include fictional descriptions and iconographic images of Ayesha in her capacity as judge and written accounts of Slessor’s courtroom persona. Reading these texts against the backdrop of legal proceedings in England in which women sought (and continued to be “lawfully” denied) entry into law and politics (the legal issue in these “pronoun” cases being whether a “she” was entitled to the statutory rights granted to a “person”), I discuss the negotiations at the level of narrative to keep these “Portias” within the confines of their “proper” womanly roles. Through cross-examination, one can see the chaotic attempts in these narratives of white women exercising legal power in Africa to control the disruptions to traditional roles and stereotypes that resulted from the complex negotiations of gender, racial, and national hierarchies that were endemic to the British Empire in the late nineteenth century.

Chapter 5 examines the legal and literary “appeals” of women writer advocates in the context of several late-century legal reform movements, including reform of the lunacy laws and repeal of the Contagious Diseases Acts. The first part of the chapter focuses on Georgina Weldon and Emily
Jackson. Weldon was a leader in the campaign for lunacy-law reform who wrote *How I Escaped the Mad Doctors* in 1879 and represented herself in court as a plaintiff-in-person in the 1880s in more than a hundred legal proceedings. Jackson was a quiet 42-year-old woman from a small village who found herself at the center of a national controversy when, in 1891, she was seized by a masked man (who turned out to be her estranged husband) as she was coming out of church and kept locked away in his house. She successfully appealed for a writ of *habeas corpus* to set her free and, in response to public retaliation against her by those who believed her case had dealt an irreparable blow to the institution of marriage, she wrote a four-part "Vindication," published in the *London Times*. In the second part of this chapter, I read the self-authored stories of Weldon and Jackson in the context of popular New Woman novels of the 1890s that took the intersections of law, literature, and activism as central themes. Sarah Grand's *The Beth Book* (1898), for example, explores the related roles of women writers and political activists in the context of the campaign to repeal the Contagious Diseases Acts. In *A Writer of Books* (1899) by George Paston, the woman writer heroine confronts myriad legal issues, including domestic violence and sexual harassment. Finally, Florence Dixie's *Gloriana* (1890) celebrates the possibilities of feminist jurisprudence with its representation of a woman writer elected to Parliament and, ultimately (after a revolution), to the office of Prime Minister.

*In Contempt: Nineteenth-Century Women, Law, and Literature* is a study of the interrelationships between legal and literary narratives in the contexts of specific chapters in nineteenth-century British women’s legal history. Exploring the practice of feminist jurisprudence in certain nineteenth-century women's writing, as well as in the lives and politics of Victorian women who fought for legal reform, this book testifies to the important but much overlooked role that women have played in legal history.