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978-1-107-10316-0 - The Bigamy Plot: Sensation and Convention in the Victorian Novel

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Excerpt

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## Introduction

It is painful to inquire where it is that all those stories of bigamy and seduction, those *soi disant* revelations of things that lie below the surface of life, come from.

Margaret Oliphant, "Novels," *Blackwood's Edinburgh Magazine* (1867): 258

Where, asked Victorian reviewers, did "all those stories of bigamy" come from? We might ask, instead, where have they gone? This book begins with a simple, if startling, fact: although we consider the nineteenth century the province of courtship plots culminating in monogamous marriage, stories of bigamy abounded in Victorian culture. In hundreds of novels, plays, and poems published in Great Britain over the course of the nineteenth century, most noticeably in the 1860s and 1870s, a husband or wife remarries bigamously, believing (or merely wishing) that his or her first spouse is dead. The revelation of a repeated marriage plot precipitates more excitement, including bribery, false imprisonment, arson, and murder. By 1870, the set of narrative events that I call "the bigamy plot" was so recognizable that the reviewer Alfred Austin provided a mocking summary of them in his account of "Our Novels: The Sensational School":

If, after all this, the reader is not prepared to be poisoned, stabbed, blown into the air; to find a skeleton in every cupboard, and a lost will in every drawer; to meet with an inconvenient number of husbands, and a most perplexing superfluity of wives; and to get rid of them by arson, strangulation, or a deep well, he must be very insensible to the influence and charm of situation.<sup>1</sup>

For Austin, the inconvenience of these superfluous spouses operates as a narrative engine, generating further plot – quite clearly *too much* plot.

The period's generally hostile reviewers remain an excellent source of accounts of the bigamy plot's prevalence. "We admit that, as a situation of fiction, bigamy has great advantages. A good deal can be made of the remorse of the bigamist, and the constant dread of discovery," wrote a

reviewer in 1866. “Unfortunately, however, all this valuable material has been already utilized – not once, but a hundred or a hundred and fifty times. We have had every possible variety of first partner and every possible variety of second partner, and the ramifications of the plot have been varied in every possible way.”<sup>2</sup> The bigamy plot repeats itself, then, both across hundreds of novels and within its duplicated marriages, but it is also a plot that accommodates a wide range of variations. Bigamy itself is an unusual crime, in that it can be committed either intentionally or accidentally.<sup>3</sup> “Bigamy is one of those offences which may imply consummate villainy [sic], or may be undeserving of the mildest punishment known to the law,” as a writer for *The Graphic* observed in 1874, before calling the reader’s attention to several instances of “what may be termed innocent bigamy.”<sup>4</sup> In this, the plot of bigamy follows the intricacy of the crime itself: shifts in single variables – a telegram received on either April 8 or April 9 – transform the plot’s characters from heroes to villains, or its genre from comedy to tragedy. Versions of bigamy appear in ballads, plays, trial proceedings, and sensation novels, in modes from fantastic to realistic. The plot is also surprisingly gender-neutral: the bigamist is as likely to be a woman as a man.

Nonetheless, there is a clear network of narratives that fall within the bigamy plot, as it was recognized by nineteenth-century literary critics, and as I define it in this book. The Appendix lists over 270 Victorian novels featuring a bigamy plot. A brief catalogue of the plot’s variants follows.

Bigamy may be committed knowingly or unknowingly. The second, illegitimate, marriage is sometimes inadvertent, the result of an extended absence and a misreported death occurring at a distance: William Makepeace Thackeray’s Begum in *Pendennis* (1850) hears (incorrectly) that her first husband has died while a convict in New South Wales; Mary Elizabeth Braddon’s *Aurora Floyd* (1863) sees a newspaper (falsely) reporting her first husband’s death in Germany. The bigamy may be entirely mistaken, as in Wilkie Collins’s *Man and Wife* (1870), in which two characters innocently spend the night in an inn and find themselves accidentally married according to the vagaries of Scottish law. The second marriage can also be recklessly bigamous, as when the heroine of Braddon’s *Lady Audley’s Secret* (1862) chooses to believe that her husband absent in Australia is dead. A marriage may be deliberately shammed, as in George Eliot’s *Romola* (1863), in which a huckster disguised as a priest “marries” a man who will soon be more officially married to another woman. The bigamy may be allowed to continue by the tacit permission of the first spouse, as when the hero of Alfred Tennyson’s bigamy poem “Enoch

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Arden" (1864) returns from a decade-long shipwreck to find his wife remarried, and determines to conceal his existence. The bigamy may occur after an unofficially binding "divorce," such as the wife-selling in Thomas Hardy's *The Mayor of Casterbridge* (1886).

This plot is still recognizably a "bigamy plot" even when it stops short of allowing the crime to be committed. Bigamy might be narrowly averted, sometimes in the church itself. This trope, of course, represents the principal plot turn of Charlotte Brontë's *Jane Eyre* (1847), and also acts as a hinge in many of the novels of the 1860s, including Braddon's *John Marchmont's Legacy* (1863) and John Harwood's *Lord Lynn's Wife* (1864). It would seem strange, for instance, to include in any list Harrison Ainsworth's *Myddleton Pomfret* (1868), in which an impoverished husband fakes his own death, so that his wife can collect insurance money, leaving her exposed to commit bigamy with a villain who knows that her first husband is alive, and not Charles Reade's *A Simpleton* (1873), in which the husband's faked death and the wife's insurance fortune *nearly* entrap her in a marriage with a villain who knows that he is alive. In addition, what seems to be bigamy, may, after legal investigation or a trial, be shown to be a legitimate marriage, as in Anthony Trollope's *Castle Richmond* (1860). Or, in yet another variation, two characters may be united in an unofficial ceremony that is nonetheless so emotionally binding that it renders a future marriage nearly bigamous, as when a sixpence is split in half in Gaskell's *Sylvia's Lovers* (1863), in token of a solemn and socially accepted vow.

Although the bigamy plot has primarily been considered a surprising anomaly, merely the signature narrative strategy of Mary Elizabeth Braddon and other sensation novelists, traces of this pattern can be seen in many of the period's best known and most respected novels: in Eliot's *Middlemarch*, the heroine divides her time on her first honeymoon between the two men who turn out to be her sequential husbands; in Charles Dickens's *David Copperfield* (1850), David's first wife gives her blessing to his second, as she lies dying in their bedroom; and in *Jane Eyre*, Mr. Rochester woos Jane under the very room where his first wife is imprisoned. Sequential remarriage savors of bigamy for a variety of reasons in these novels. Sometimes, a dying first spouse identifies the second spouse, as in *Middlemarch* and *David Copperfield*; the courtship phase of the second marriage may even unfold while the first marriage remains in force, as is also the case in Anne Brontë's *The Tenant of Wildfell Hall* (1848). While these novels pull back from the brink of criminal bigamy, they employ many of the bigamy plot's techniques and harness its power to complicate the novelistic conventions of the marriage plot. Novels of

bigamy and near-bigamy alike confound the Victorian novel's tendency to depict personal identity as a single, coherent narrative, concluding in marriage or death.

My interest is not in providing a definitive taxonomy of every possible ramification of the bigamy plot, tracing along with the horrified reviewers "every possible variety of first partner and every possible variety of second partner." Rather, I aim to demonstrate how highlighting a particular plot helps unearth forgotten texts and reframe those we thought we knew.

### Where did bigamy come from?

So where, to echo Margaret Oliphant's question, did all of these stories of bigamy come from? Reviewers in the 1860s insisted that the plot of bigamy, "like Pallas, . . . sprang into being full-grown" in 1861, when *Lady Audley's Secret* began serialization.<sup>5</sup> An 1853 review of Baroness Tautphoeus's *Cyrilla* (1853) could coolly observe:

As an English story, *Cyrilla* fails solely on account of the injudicious choice of matter for the plot. The whole narrative turns on a bigamy; and bigamy being the main event, all the subsidiary events grouped about it are compelled into a strained and artificial tone. . . . The plot, however, is not suited to the English taste, and this is the whole objection to the book.<sup>6</sup>

But a decade later, reviewers considered the plot perfectly run of the mill: "As this is a sensation novel," wrote the reviewer of John Cordy Jeaffreson's *Not Dead Yet* (1864), "we have not thought it necessary to say that Rupert was married before, and therefore that his union with Flora was bigamous. The inevitable bigamy is now, we believe, always presumed."<sup>7</sup> And by 1866, the reviewer of George Gifford's *King's Baynard* (1866) complained, "We are weary of bigamy."<sup>8</sup> In the following year, far from considering the bigamy plot foreign to English taste, Oliphant described bigamy as quintessentially British, casting blame on the author most prominently associated with the plot, Mary Elizabeth Braddon:

[Braddon] has brought in the reign of bigamy as an interesting and fashionable crime, which no doubt shows a certain deference to the British relish for law and order. It goes against the seventh commandment, no doubt, but does it in a legitimate sort of way, and is an invention which could only have been possible for an Englishwoman knowing the attraction of impropriety, and yet loving the shelter of the law.<sup>9</sup>

In Oliphant's account, bigamy novels represent a particularly British love for clean, cautious, and legalistic plots – licit titillation. The bigamy plot as

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seen through the decade's leading periodicals, then, seems to present a neat case of the rise and fall of a literary trope.

Bigamy's complex imbrication in the period's legal and cultural history, however, confuses this account of the plot's popularity. On the one hand, as trial records show, Victorian bigamy plots have a basis in reality: bigamy was a frequently committed crime in the nineteenth century.<sup>10</sup> Since Lord Hardwicke's Act of 1753, bigamy in Great Britain had become much more punishable. This was part of a larger trend towards establishing a uniform civil and religious consistency on marriage, a subject that nonetheless continued to be riddled with local variations and irregularities well into the nineteenth century. Officially, as John Gillis explains,

after Lady Day 1754 no marriage other than one performed by an ordained Anglican clergyman in the premises of the Church of England after either a thrice-called banns or purchase of license from a bishop or one of his surrogates was valid. In the case of both banns and a license, at least one party had to be resident for at least three weeks in the parish where the marriage was to be celebrated. Parental consent for those under twenty-one was strictly enforced . . . Tampering with the registers became a capital offense. But of even greater importance was the provision that betrothals were no longer sufficient either to sanction or obstruct marriage.<sup>11</sup>

It is tempting to see Lord Hardwicke's Act as the template for nearly every eighteenth- and nineteenth-century novel of courtship and its obstacles both minor (parental objection, travel, miscommunication) and major (illegitimacy, seduction, falsified marriage registers). But on the other hand, in spite of efforts at increased regulation, informal marriages and divorces remained common, and even necessary, among the poor, who needed to create substitutes for insurmountably expensive official divorces. As Lawrence Stone observes, those without financial means

contrived their own quasi-legal or illegal means of self-divorce – such as desertion, elopement, private separation, or the occasional wife-sale. So long as both parties were satisfied, the illegality of the procedure was irrelevant, and any subsequent act of bigamy carried few serious risks of discovery or of serious punishment if exposed.<sup>12</sup>

Although legally those convicted of bigamy might fear a range of punishments, including seven years of hard labor, in fact such punishments were seldom pursued.<sup>13</sup> There was no dramatic increase in the commission of the crime between 1853 and 1864, the years during which Victorian reviewers asserted that the bigamy plot seemed to “[spring] into being full-grown.”<sup>14</sup> The growth of the plot, that is, far outpaced that of the actual event.

Other potential historical factors for the popularity of this plot present equally convoluted relationships of correlation and causation. One of nineteenth-century Britain's most important pieces of marriage law legislation, the Matrimonial Causes Act of 1857, immediately preceded the explosion of bigamy novels in the early 1860s. It was this act that made divorce a realistic possibility for members of the middle class by transforming it from a legislative procedure (petitioners needed an Act of the House of Lords to be granted a divorce) to a judicial procedure (in which litigants could sue for divorce in the newly established Divorce Court).<sup>15</sup> Bigamy plots thus suggest a literary-historical asymmetry: just when middle-class Victorians no longer needed to commit bigamy, or, for that matter, murder, to get rid of an unwanted first spouse, bigamy was transformed from a real crime into a popular narrative device. Why, then, did the rise of divorce in Great Britain seem to correlate with bigamy novels rather than divorce novels?

This question has been taken up by the relatively few critics who have examined the bigamy plot; most attribute the appearance of bigamy fiction in the 1860s to a reactionary nostalgia prompted by divorce. Jeanne Fahnestock's article, "Bigamy: The Rise and Fall of a Convention" (1981), provides a foundational overview of the genre and many of its principal texts, and Karen Chase and Michael Levenson's book, *The Spectacle of Intimacy: A Public Life for the Victorian Family* (2000), offers a useful framework for the bigamy fiction of Mary Elizabeth Braddon within their larger argument about the publicizing of private stories and scandals.<sup>16</sup> Barbara Leckie, in *Culture and Adultery: The Novel, the Newspaper, and the Law, 1857–1914* (1999), and Kelly Hager, in *Dickens and the Rise of Divorce: The Failed-Marriage Plot and the Novel Tradition* (2010), both touch briefly on bigamy within the context of their exploration of divorce in the Victorian novel.<sup>17</sup> These critics largely agree with Margaret Oliphant that bigamy is an evasive plot, one which "goes against the seventh commandment, no doubt, but does it in a legitimate sort of way" (263). Chase and Levenson, for instance, consider bigamy safer than adultery or divorce, describing it as "the preferred 'quiet' alternative to the divorce pandemonium," and suggesting that

what makes bigamy a compelling alternative is that it is so close to the divorce it replaces . . . In the uncertain world of the Matrimonial Causes Act, love for a second spouse, while the first spouse lived, was bound to seem an infidelity. In this respect, the bigamy novels of the sixties are all divorce novels, which is to say, novels about the failure of divorce to achieve a true separation.<sup>18</sup>

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Winifred Hughes observes that “Bigamy thus has the advantage of making sexual offense into an actual crime, something for which the offender might theoretically be arrested and sent to jail.”<sup>19</sup> Fahnstock describes the plot’s “unique ability to satisfy the novel reader’s desire to sin and be forgiven vicariously.”<sup>20</sup> This is certainly the case for novels in which bigamous protagonists are the objects of sympathy, as they sometimes are. Charles Reade had to defend his happily ending bigamy novel *Griffith Gaunt* (1866) against criticisms of “Prurient Prudes.” Reade insisted that “instead of shedding a mild lustre over Bigamy, I fill my readers with a horror of Bigamy,” but many readers thought otherwise.<sup>21</sup> The narrator of Ellen Wood’s *East Lynne* (1861) demonstrates how vexed this stance can be, as she alternates between condemning Isabel Vane and prompting the reader to identify with her: “I shall get blame for it, I fear, if I attempt to defend her. But it was not exactly the same thing, as though she had suffered herself to fall in love with somebody else’s husband. Nobody would defend *that*.”<sup>22</sup>

Wood implies that adultery would be a worse marital crime than the one her heroine commits – secretly living with her former husband and his new wife, yet the bigamy plot can also be seen as *more* dangerous to the social order than adultery. While plots of bigamy and near-bigamy gain some of their *frisson* from the danger of sexual infidelity within monogamous marriage, they remain distinct from novels of adultery. Our most powerful accounts of love triangles in literature, including those of René Girard, Tony Tanner, and Franco Moretti, have emphasized adultery as the primary model for the novel’s insistent triadic relationships, usually adding the caveat that adultery is strangely absent from the English novel.<sup>23</sup> While adultery features prominently in Continental and American nineteenth-century fiction, it is certainly less visible in Britain, where, I suggest, it is instead replaced by bigamy. Tony Tanner describes the plot of adultery as a battle between the form of the novel and the formlessness of sexual abandon.<sup>24</sup> Bigamy, however, operates within form and language, and therefore draws both of these into its disruptive scope. If adultery defies the marriage plot, bigamy repeats it. In the bigamy plot’s typical iteration, an official, lawful marriage is succeeded by another marriage that presents itself as equally official and lawful. The accepted means of legitimizing sexuality, a religious and civil ceremony of marriage, is shown to have been null. In terms of narrative, the bigamy plot undermines the security of a wedding as the nineteenth-century novel’s inescapable ending. On both social and narrative planes, then, one marriage renders another marriage illegitimate; one compromised ceremony threatens to compromise all

ceremonies. Because marriage served as a cultural marker of stability and sociality, any disruption to its structure suggested a possible free-fall.

The language of the political and religious debates about divorce that raged over the course of the nineteenth century helps to clarify the unexpected linkage between bigamy and divorce. Opponents of divorce often compared the possibility of legally ending a marriage to what would seem to be its opposite – the practice of taking multiple spouses. William Gladstone provided a typical protest in 1857. He contests John Milton’s centuries-old argument for divorce by referencing a recent anthropological context, the appearance of Mormonism and its polygamous society in America:<sup>25</sup>

That for which [Milton] pleads is a license of divorce for aversion or incompatibility; the wildest libertine, the veriest Mormon, could not devise words more conformable to his ideas, if indeed we are just to the Mormon sages in assuming that they alienate as freely as they acquire.<sup>26</sup>

Gladstone’s conflation of the freedom of acquisition and of alienation is a logical leap that appears frequently in public debates on the subject. Those who challenged divorce’s legitimacy, such as the anonymous author of *The Present and the Proposed State of the Marriage Law* (1864), sometimes even praised bigamy by contrast:

Bigamy mitigates the evils of arbitrary divorce, it being better for a woman to have half a husband than no husband at all, or children either. . . . The permission, therefore, of arbitrary divorce by itself almost involves the permission of polygamy.<sup>27</sup>

Later in the century, an American clergyman described divorce as “a growing evil, which is . . . sanctioning polygamy, – which, though apparently not simultaneous, is yet only successive in semblance, when marriages are not actually dissolved.”<sup>28</sup> In this slippery-slope political rhetoric, what is successive becomes simultaneous, and having no legal spouse oscillates mysteriously between having half a spouse and having many.

Bigamy’s relationship to class presents another striking inversion: while the most popular bigamy plots described middle- or upper-class bigamists, like the landed Mr. Rochester or the baronet’s wife Lady Audley, actual bigamy was largely a lower class phenomenon.<sup>29</sup> In fact, a reviewer in 1868 considered bigamy a distasteful subject for a novel, precisely because

Bigamy is an offence . . . that prevails chiefly among the uneducated poor of agricultural districts, and is due to their dense ignorance of the laws and statutes of their country on marriage and divorce as made and provided, and



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also to certain crude ideas of their own; as, for instance, that desertion, or misconduct, or incompatibility of temper, is a sufficient justification for immediate dissolution of partnership and for subsequent wanderings into fresh woods and pastures new.<sup>30</sup>

As another reviewer observed, “that people occasionally commit bigamy is made obvious by the police reports of the daily papers; but the question is whether it is necessary to write novels about such people merely because they are weak and bad-tempered, and commit bigamy.”<sup>31</sup> And later in the century, the crusading author of *The Bitter Cry of Outcast London* (1883) observed of London’s poor,

Ask if the men and women living together in these rookeries are married, and your simplicity will cause a smile. Nobody knows. Nobody cares. Nobody expects that they are. . . . Those who appear to be married are often separated by a mere quarrel, and they do not hesitate to form similar companionships immediately.<sup>32</sup>

Novels like Braddon’s *Lady Audley’s Secret* transformed the bigamy plot by shifting its setting from the rookeries to a baronet’s mansion. Braddon’s description of the meteoric rise of a drunken sea captain’s daughter who successfully infiltrates the British nobility was therefore partly shocking because it transcribed a lower-class story into an upper-class situation, and into a commodity – the three-volume novel of domestic life – marketed to a middle-class audience. This audience, like Lady Audley herself, was drawn in part by the depiction of a lifestyle to which they might aspire.

Even in the process of magisterially defining “The Sensational School” in 1870, the reviewer Alfred Austin complained of the class confusion surrounding the new genre’s audience: “We remember once to have seen a sensational novel described as ‘kitchen literature.’ We thought the epithet appropriate. Unhappily, the sensational novel is that one touch of anything but nature that makes the kitchen and the drawing room kin.”<sup>33</sup> Servants and masters were increasingly consuming the same reading material, a class anxiety a *Punch* cartoon of 1868 transformed into nervous laughter (see Figure 1). In it, a maid has borrowed a gentleman’s novel without authorization and is desperate to discover “if as how the ‘Markis’ found out as she’d poisoned ’er two fust ’usbands.” Their shared reading reflects poorly on both the underhanded, overeducated maid *and* her dissolute master. Although the hero of the borrowed novel is an English marquis (or possibly a French marquis – the maid’s reading vocabulary outpaces her inflected speech), the cartoon reveals that the plot of excessively multiplied and violently terminated marriages appealed to both lower- and middle-class readers.

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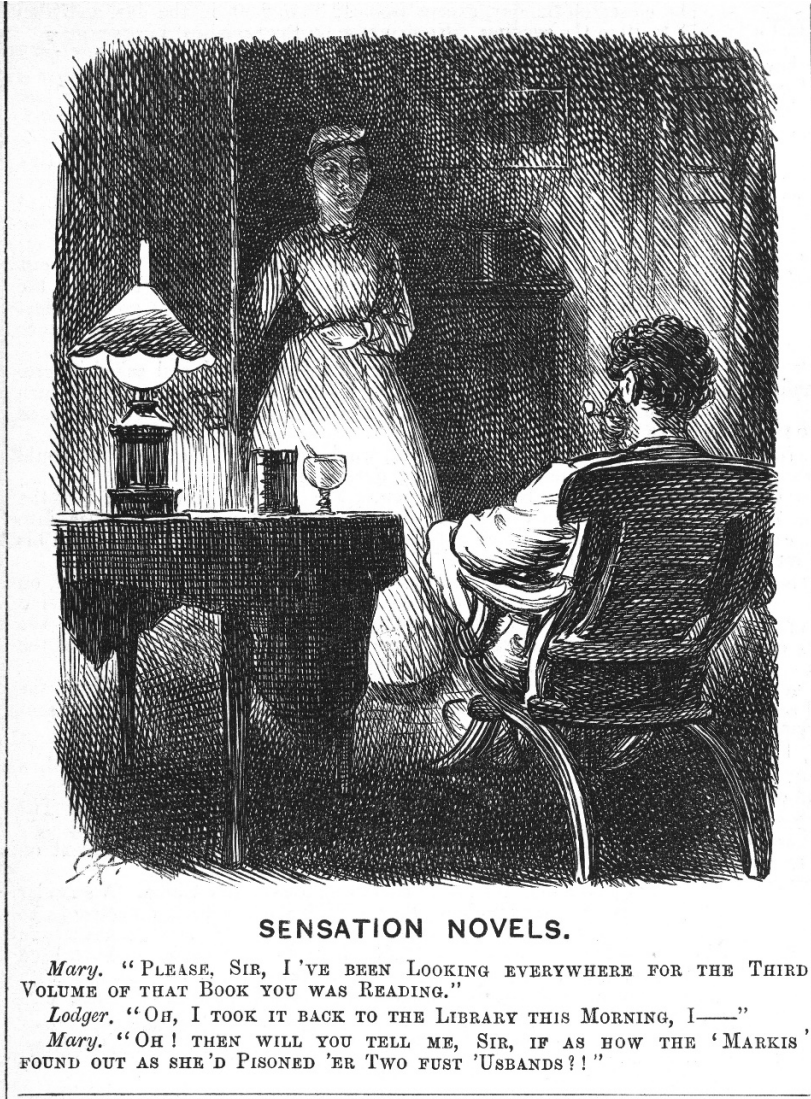
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Figure 1 "Sensation Novels," *Punch* (March 28, 1868)

While the steady stream of trials for bigamy at the Old Bailey did not seem to elicit surprise from contemporaries, when bigamy was committed on a grander scale, it captured the public's imagination. The Yelverton bigamy trial of 1861 and retrial in 1864 are often credited with sparking