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Abstract:

In this article, I review contemporary ideas about sensation fiction and how they relate to realism. Often, contemporary reviewers felt that sensation fiction wrote about fantasy and the unreal, stirring the imaginations of readers in immoral ways. However, I show that sensation fiction was, in fact, based on a contemporary dialogue taking place in the middle period of Victoria’s rule concerning the disadvantaged position of women in society. In particular, Wilkie Collins was able to create a dialogic space for debate on this topic in his well-known novel *The Woman in White.*

Keywords: Victorian fiction, sensation fiction, Wilkie Collins, gender studies, 19th century fiction, women and the law

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In this article, I intend to discuss how legal adjustments and trials during the Victorian era are reflected in sensation fiction. “Diseased appetites” is how contemporary critics of sensation fiction described the public’s reading habits. While the fiction contains shocking events and plots that had not appeared in novels before, there was more to the genre than merely shock value.

Wilkie Collins led the public into this space of exploration beginning with his novel *The Woman in White* (1859-60), the first sensation novel. Collins was writing during a time when legal adjustments were being made concerning marriage, women and property. There were preoccupations and debates grounded in The 1857 Divorce Act, and The Married Women’s Property Act of 1870. In addition to the discourse of marriage, there was also concern regarding the Lunacy Panic of 1858 and trials surrounding women such as Constance Kent and Madeleine Smith.

**The Divorce Act of 1857**

“If two ride on a horse, one must ride behind.”

The idea of a man holding the reins of the horse and a woman sitting behind him represents the dynamic of marriage and laws concerning divorce. Divorce was available as an act of Parliament. It was an expensive process that was granted if a wife committed adultery. If a husband proved that his wife had committed adultery, the process would go through to Parliament while the wife could not defend herself. The Divorce Act of 1857 was meant to change and prevent such injustices. In the 1850s, there was a continuous debate regarding divorce, marriage and the role of women after divorce. Divorce trials such as Caroline Norton’s were included in the

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papers. An effort to challenge the laws governing marriage and divorce began to develop as of 1857. A husband could divorce his wife if she committed adultery, but a wife could only divorce her husband if he behaved cruelly, participated in bigamy, incest, and abandonment in addition to adultery.²

A wife was a husband’s property. He “owned his wife’s affection and sexual services” and “a wife did not have a similar legal claim on her husband.”³ Under the law, fathers had the right to the custody of their children. There was debate regarding a mother’s custody of her children. Once a woman married, her property became that of her husband. Even if a woman were separated from her husband, she could not sign any contract without her husband because she was still married. Such laws kept women’s position subordinate, reinforcing the power dynamic in the relationship between men and women. The debates included discussion of sexual violence in marriage. A husband had the right to access his wife’s body, therefore he could not be charged with rape.

It was acknowledged that men and women had different roles in society. Men were seen as superior and active while women were tender and submissive. Yet, even though they had different natures, women needed to be recognized as individuals. Eliza Lynn Linton said there was simply a need for justice and “The recognition of their individuality as wives, the recognition of their natural rights as mothers, the permission to them to live by their own honourable industry.”⁴ Activists also advocated for a woman’s right to earn money independently of her husband. A

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³ Shanley, 24.
⁴ Lynn qtd. in Shanley 29.
petition circulated in 1856 that included more than three thousand signatures in London and twenty-six thousand throughout the country. Yet, the discussions of Parliament in 1856 and 1857 only allowed women to divorce their husbands based on incest, bigamy and extreme cruelty. The idea of a woman dealing with a separate estate was called *femme sole*. Conservatives resisted the idea of two wills because it was seen as a breakdown of the family. It was a “breakdown of . . . the distinguishing characteristic of Englishmen – the love of home, the purity of husband and wife, and the union of one family.”

An example of a divorce is the Chetwynd v. Chetwynd divorce in January of 1865. William Henry Chetwynd married his 18-year-old bride when he was 42. He was the second son of a baronet and she the niece of an earl. In their household, he hired all of the servants who were women. In 1864, he was accused of adultery with the servants. There were letters he had written to a dismissed servant, which proved his adultery, although this was not enough for Mrs. Chetwynd to divorce her husband. In order to divorce him, she had to accuse him of being cruel to her, “his manner became very cross to me, I felt it keenly. He used to call me a damned infernal bitch.” Her husband was cruel to her in various ways, so the jury accepted the charge and she got her divorce. Mrs. Chetwynd’s reputation was also damaged as her husband accused her of committing adultery with the lawyer, Henry Matthews, who

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5 Shanley, 33.
7 A.J. Beresford Hope qtd. in Shanley, 46.
8 Diamond, 125.
9 Chetwynd qtd. in Diamond 125.
defended her. Even though her diary revealed her feelings for Matthews, those feelings were not reciprocated.

Years after Collins’ novel was published, The Married Women’s Property Act of 1870 was passed. Before the act, any money a woman earned or inherited would become the property of her husband if she were married. The Act stated that any earnings through work or inheritance a woman had, remained her property separately from that of her husband’s. Although a woman could inherit property in her name after marriage, any property a woman owned before marriage would become her husband’s property once they were married.

**The Lunacy Panic**

Before and after *The Woman in White* was published, an ongoing discourse regarding marriage, property and women existed. In addition to these legal adjustments were other anxieties such as The Lunacy Panic of 1858. While Collins was writing *The Woman in White*, there were many cases of false incarceration in asylums, which was termed The Lunacy Panic.10 Throughout the decade, regulations and laws were revisited in relation to lunatic asylums and admittance to them. The Tragedy of Acomb House is one of the more famous cases of The Lunacy Panic. Between July and August of 1858, *The Times* in London published news about the alleged lunacy of Mary Jane Turner, the wife of Mr. Charles Turner.11

Mrs. Turner married Mr. Turner in 1845. Shortly after their marriage, they fought with one another. After receiving a letter, Mrs. Turner became suspicious of

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11 Ibid, 666.
her husband while he was away in Wales. When he returned, she acted violently
towards him at home and in public, as she was suspicious of him. At one point, she
jumped out of the window and broke her leg. Her actions towards her husband
resulted in her confinement at a private lunatic asylum called Acomb House, which
was managed by Mr. J.W. Metcalfe.\textsuperscript{12} Mrs. Turner escaped twice and Mr. Metcalfe
found her both times and acted brutally towards her by grabbing her, throwing her on
the floor and saying, “Come, you have stripped before many men, you shall do it
before me.”\textsuperscript{13}

Eventually, it was declared that the doctors were wrong in declaring Mrs.
Turner insane just because she was suspicious of her husband. After the investigation,
the jury decided Mrs. Turner was of sound mind. A question in \textit{The Times} was “How
many persons may there not be who are in a similar situation?”\textsuperscript{14} The news reported
that a wife’s jealousy of her husband was a common situation but it did not signify
madness. This is one case that represents several wrongful incarcerations that filled
the papers. Collins was using what the public was reading in order to engage and
continue the conversation. We need to look at some of these public debates in order to
understand why sensation authors wanted to make concrete those anxieties
surrounding such situations.

Cases of women such as Madeline Smith, Mary Ann Brough and Constance
Kent also created discussion. In 1857, Madeline Smith was accused of murdering her

\textsuperscript{12} Ibid, 671.
\textsuperscript{13} Turner. qtd. in Ibid, 668.
\textsuperscript{14} Ibid, 672.
lanner Emile L’Angelier.\textsuperscript{15} Smith was accused of lacing her lover’s cocoa with arsenic because she wished to murder him. Shortly before his death, she purchased a large quantity of arsenic.\textsuperscript{16} The most important evidence in the case were the letters Smith had written to her lover in which she confessed to having sexual relations with him. Her letters were read aloud in the court room, “Believed, if we did wrong last night, it was in the excitement of our love,” and “you might rest assured, after what has passed, that I cannot be the wife of any other, dear Emile.”\textsuperscript{17} It was argued that if Emile and Smith were together the night he died, based on the letters, Smith did not have a motive to murder her lover. A great amount of interest from the public surrounded Smith’s case, especially when she was set free, her accusation unproven. The defense’s attorney called L’Angelier’s death a suicide.

\textbf{The Esher Tragedy}

Insane women and their behaviors were a major concern because of its disruption to the domestic space. It was even more horrifying when acts of female insanity occurred in what appeared to be a “normal” Victorian household. In 1854, The Esher Tragedy took place. Mary Ann Brough murdered six of her children by cutting their throats and then attempting to commit suicide. Blood was seen outside her window and a stranger rescued her. She was found not guilty. Forbes Winslow said, “The act itself bears insanity stamped on its very face!” because Bough’s

\textsuperscript{16} Ibid, 22.
\textsuperscript{17} Ibid, 23.
actions were completely against the natural instincts of motherhood.\textsuperscript{18} She was then confined to Bedlam, an asylum, where she died eight years later.\textsuperscript{19}

When she gave birth in 1852, a surgeon who treated Brough, noted that she was attacked with paralysis. Winslow and the surgeon believed Brough’s brain was never fully healed. The reports also added that Brough had been a wet nurse to the Prince of Wales and she was dismissed because she did not follow orders. What was terrifying was the idea that such madness could be transferred through breast milk! Madness as a hereditary illness was a concern as expressed through characters in sensation fiction.

It was also troubling for the public because Mary Ann Brough seemed normal. Reports included comments from neighbors and friends, “I have frequently seen the prisoner with her children, and she always appeared to be good and kind to them” or “I consider her as good a mother as ever lived. She kept her children well dressed and clean, and acted in every way like a mother.”\textsuperscript{20} Brough appeared to be a responsible mother but her actions were completely contrary to that role.

**Constance Kent: The Road Murder**

Another shocking case is the one of Constance Kent. Constance Kent’s case also known as The Road Murder was reported in British newspapers from 1860-1865. On July 3, 1860, *The Times* reported the murder of a four-year-old boy:

\textsuperscript{18} Winslow qtd. in Mangham, 32.
\textsuperscript{19} Mangham, 30.
The throat being cut so as almost to sever the head from the body, and a large stab being apparent near the heart, evidently inflicted after death, as no blood had flowed from it. The body was wrapped in blanket belonging to its bed, and he appears to have been killed while still asleep.²¹

The immediate reaction to the murder of the innocent child was:

It is certain that the value of human life, the security of families, and the sacredness of English households demand that this matter shall never be allowed to rest till the last shadow in its dark mystery shall be chased away by the light of unquestionable truth.²²

The sacredness of the home and its image was being threatened for the public. The fact that the murder occurred at home terrified people because it made clear the Victorian family could be a source of such behavior. The detective inquiring in the case, Sergeant Whicher, accused Miss Constance Kent, the child’s sixteen-year old stepsister, that she owned three night dresses and one was missing. She was confined and then released because the Magistrates and the public did not see a missing nightgown as being sufficient evidence.

In 1865, “Miss CONSTANCE EMILY KENT, one of the unfortunate family, a young lady of only 21 years of age, surrendered at Bow-street and made a voluntary confession of the crime.”²³ Her motives were debated and her crime was blamed on her age as a teenager, which was seen as a confusing time during female

²¹ The Times qtd. in Mangham, 49.
²² The Times qtd. in Mangham, 49.
²³ The Times qtd. in Mangham, 59.
The Victorian development. Her crime was also attributed to hereditary reasons. Her grandmother was said to have an unsound mind, her mother a weak one and her uncle had been twice confined in an asylum. Joseph Stapleton had treated both Constance and her mother. He wrote, “we shall find, in the heritable character of the passionate temperament, some explanation for the revolting and atrocious crimes which during the last few months have startled and destroyed the security of our domestic relations.” ²⁴

There were new legal adjustments surrounding marriage, divorce and property. Also, there were cases of wrongful incarceration of women who were named “insane” but were not. There were also cases of women who were found guilty and insane. The time period was full of different events that frightened the public as these issues all threatened the sacred space of the home. Anxieties needed to be discussed. They needed to be made concrete. People had to imagine, “What if?” “What if, I were married and stuck in an abusive marriage?” “What if, my husband married me solely for monetary purposes and I could not escape?” “What if, a woman in a household kills all of her children?” “What does that mean in relation to the definition of the ideal woman who is passive and keeps a moral and safe home?” This is where sensation fiction became successful. People needed this space to continue the discussion of what was happening in the papers. They did not have “diseased appetites” instead they had a craving for a space – a space to imagine, a space to see what could happen, a space to unpack ideas. Wilkie Collins and Mary Elizabeth

²⁴ The Times qtd. in Mangham, 61.
Braddon both succeeded at creating a space for the public to revisit marriage laws, gender roles, morality, scandal, and the most shocking and unimaginable crimes.

**Wilkie Collins & Fiction**

Sensational stories dominated the news and the public thought. Collins was also thinking about these new legal adjustments and cases while writing *The Woman in White*. Readers could imagine all types of scenarios that would lead them back to questions regarding what was happening in society. In his preface to *Basil*, Collins wrote, “the Novel-writer is privileged to excite also, I have not thought it either politic or necessary, while adhering to realities, to adhere to everyday realities only.”

Collins would use what was happening in real life although he did not stop there. He would lead readers to imagine more.

Collins emphasized the importance of the characters in his novels. In his preface to *The Woman in White* he wrote:

> The only narrative which can hope to lay a strong hold on the attention of readers, is a narrative which interests them about men and women – for the perfectly obvious reason that they are men and women themselves.

Collins believed in writing about “men and women” in a way that would relate to the public’s concern. One can see why critics of the time were upset. If Collins was

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writing about “men and women” who were real, there is a suggestion that such violence, cruelty and injustice occurs in the most safe space; the Victorian home.

Collins “enforces reality by describing the invasion of violence upon tranquility, the shattering of the normal by the abnormal.”\(^{27}\) Collins was concerned with larger issues. He was concerned with the realities of present laws that created injustices and inequalities.

Therefore he took what was real and what was happening and placed it in his novels. This was the recognizable part of the narrative for the public. It allowed them to think and imagine further, “Characters which may not have appeared, and Events which may not have taken place, within the limits of our own individual experience, may nevertheless be perfectly natural Characters and perfectly probable Events, for all that.”\(^{28}\) Even if a reader did not recognize a situation or did not know anybody that was suffering an injustice, they could think, “What if someone is?”

*The Woman in White* was a space that Collins created for the public to react and discuss these ideas. Winifred Hughes argues that such ideas needed to become concrete for readers. The novel had entertainment value, but more importantly, readers could think and imagine. The different characters in the novel represent various voices and perspectives of the time period exploiting heteroglossia. Bakhtin’s definition of heteroglossia is:

> All languages of heteroglossia, whatever the principle underlying them and making each unique, are specific points of view on the world, forms for conceptualizing the world in words, specific world

\(^{27}\) Booth, 141.  
\(^{28}\) Collins qtd. in Booth, 141.
views, each characterized by its own objects, meanings and values. As such they all may be juxtaposed to one another, mutually supplement one another, contradict one another and be interrelated dialogically.

The novel serves as a place where various voices representing different stances could converse, contradict and relate to one another. These voices were concerned with what it truly meant to be moral and to consider which laws were fair and unfair. Readers could imagine various ways to deconstruct the laws of the day. Derrida argues:

This history is a history of the transformation of laws. You can replace one law by another one. There are constitutions and institutions. This is a history, and a history, as such, can be deconstructed. Each time you replace a legal system with another one, one law by another one, or you improve the law, that is a kind of deconstruction, a critique and a deconstruction. So, the law can be deconstructed and has to be deconstructed. That is the conditions of historicity, revolution, morals, ethics, and progress. But justice is not the law. Justice is what gives us the impulse, the drive, or the movement to improve the law that is to

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deconstruct the law. That is why I said the condition of possibility of deconstruction is a call for justice.30

“Justice is not the law” meaning just because a law exists, it does not mean it is a fair one. Laura marries Glyde and her estate becomes his, although it is an unfair union especially because she is abused and cannot escape because of the law. Derrida emphasizes that justice is what creates movement in order to deconstruct the law, which would improve it. Robert Audley is stagnant when we first meet him, but because he desires justice for Talboys, Robert becomes active. He has an impulse and drive for justice to triumph. Marian and Hartright both want justice for Laura. Therefore, they become active and move towards helping Laura. In both cases, the desire for justice allows characters and readers to explore the law and deconstruct it. Victorians used the space of the sensation novel to rethink and revise laws while addressing issues concerning the domestic space.

Conclusion

The sensation novel provided the space to discuss the changes in discourse regarding the law as Derrida suggests. Such issues discussed in the space of sensation were grounded in the Divorce Act of 1857 and the Lunacy Panic of 1858. In the sensation novel, readers could see and imagine different scenarios that allowed them to revisit and revise laws. Readers could learn about real cases in the newspapers and then imagine more through sensation fiction.

Thomas Boyle wrote, “the truth of the news (and novels) and the sensation of the news (and novels) blurred so effectively that critiques of both were fraught with

ambivalence and contradiction. The boundary between real and sensation became blurred, allowing people to imagine what could be real. Even though sensation fiction rattled the cage of the public, as Miller argues, readers also saw the triumph of middle class morality in the characters that were altruistic.

The sensation novel was not just a space to discuss and imagine legal, criminal and mental issues. It explored those areas, adjustments and anxieties; but the sensation novel also showed and predicted consequences or solutions to these situations. Those characters that behaved selfishly were always punished or killed, while those characters who performed actions for others’ needs, earned status in society.

Boyle qtd. in Tromp, 11.