

**The Case of the Brontës in Law and Fiction**

*Law and the Brontës*. Ian Ward. New York: Palgrave MacMillan, 2012. 195 pp.

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<1>Ian Ward's *Law and the Brontës* has brought us beyond those studies that seek to assess only explicit engagement with the law to the ways in which narratives might have constitutive concerns with law, what he describes as a "narrative jurisprudence that [lies] a little deeper beneath the surface" (7). Focusing primarily on "interconnected exclusions, literary and legal" (13), he finds a fascinating commentary by the Brontës on the workings, limits, dysfunctions, and failures of the law. Equally important, the book comments on the state of the conversation between scholars of nineteenth-century literature and scholars of nineteenth-century law, detailing the evolution of this interdisciplinary dialogue.

<2>Opening with Anne Brontë's *The Tenant of Wildfell Hall* (1848), Ward discusses what he cleverly calls the case of *Huntington v. Huntington*: an abused wife's negotiations of a legally disenfranchising cultural moment. He reads the novel as a "strategic literary intervention" in the ongoing debates about domestic violence, married women's property rights, and child custody (26). Ward reads Brontë's Helen Huntington against the vexing, and publicly debated, historical case of Caroline Norton's separation from her abusive husband and her struggle to gain access to both her children and her own earnings. He argues that the novel powerfully exposes the limits of the law in addressing the lives of real Victorian wives. Ward notes that Anne Brontë argued always for the "truth" of her narrative and sought to challenge her readers and the laws that hemmed in women's options using a "cold brutality of tone, devoid of the Gothic gloss that covered sister Emily's account of life at *Wuthering Heights*" (43). Ward also assesses the legal situation of Helen Huntington's remarriage to Gilbert Markham in the novel, an illuminating discussion that carefully traces the legal (and fiscal) possibilities attached to these events.

<3>Ward next turns to Emily Brontë's *Wuthering Heights* (1847) to explore the legally marginal status of the illegitimate child, but also the (thoroughly legal) violence with which Heathcliff redresses his painful marginalization. In one of the most interesting chapters of the book, Ward attends to the details of the various laws and cultural codes that shape the experience of Heathcliff and those with whom he interacts. While tracing out the relationships between the various characters, Ward ably identifies the complex legal context into which each one fits. He concludes that the "impotence and the complicity of the law" in the manipulations, violence, and

abuses of *Wuthering Heights* are “laid bare” by the novel (61). The law, as he reads it in this novel, is “elusive” (63), and the novel, along with Emily Brontë’s poetry, depicts a “necessarily liberating and necessarily violent” triumph over “prejudice and patriarchy” (70).

<4>Lunacy law is the legal center of the chapter on *Jane Eyre* (1847), entitled “The Rochester Wives.” Following the legal and social debates around lunacy law and the confinement of “lunatics,” Ward reads the details of *Jane Eyre* as a study of female autonomy and the public/private divide, a dimension of Victorian life that becomes increasingly significant in his discussion. Examining case law, as well as monographs on the statutes, Ward explains how “Rochester’s strategy of confinement . . . would have conformed to contemporary attitudes” regarding the maintenance of a “lunatic” in the home in the interests of (familial) propriety (86). He also discusses the costs of such a strategy for the individuals involved, including the person confined, and for the culture at large. He turns at the end of this chapter to the roles of race and empire in such a phenomenon, discussing current criticism on the matter.

<5>In “The State and Shirley Keeldar,” Ward speaks to the ways that *Shirley* (1851) is more than a “condition of England” novel. While it might not directly address questions of the law in the way that *Jane Eyre* might be perceived to do, the novel still demonstrates deep investments in “matters of private politics and morality” and in the failures of the state in managing social concerns. First fleshing out the political context of Charlotte Brontë’s Edmund Burke- and Duke of Wellington-style values, Ward explains that Brontë was conservatively faithful to the church and state. The ability of the characters to enact a “Wellingtonian masculinity” is, as Ward reads Brontë’s novel, “the surest means of England’s redemption” (99). Again and again in the novel, Ward argues, Brontë attends to “public politics” as a matter of “private sentiments,” an “intensely Burkean” strategy for attending to the state concerns, like the condition of the poor. Perhaps in part because of the personal turmoil with which Brontë was struggling in the wake of her brother’s and sisters’ deaths, she reinforced the “fundamental belief that politics is not a just a local experience, but above all a familial and sentimental one” (108).

<6>Ward analyzes Brontë’s delicate balancing act in this chapter. Resisting the notion that the failings of the church should compel us to abandon it wholesale or that the failings of the state should bring revolution, Brontë brings even her strongest characters into proper (and gentle) social management through marriage and perhaps even indicates (although not with the confidence that her earlier work suggested) that the state has the potential to be transformed through such personal acts. In this chapter, Ward also makes a persuasive case for the role of literature in crafting the English state *and* the English state of mind, the former of which he argues has “not been shaped by constitutional jurists [but] imagined by its poets” (103). This is one of the most important arguments in his book and one that, in fact, undergirds much of the discussion. Interestingly—perhaps in a reflection of Ward’s own disciplinary background as a professor of law—the discussion tends to reify the very boundary that he sees Brontë’s novel disrupting: the public/private divide. Remarking, for example, that Brontë “preferred to return to concerns of the human rather than the political condition,” his argument tends to subtly re-establish the boundary between public and private (121).

<7>This disciplinary background, however, may have also given Ward the power to offer such fascinating insights about the parallels between literature and law and the tensions that inhere in both. He notes, “In [the Brontës’s] invitation to the reader to exercise... judgement [‘on matters of law and gender’], such literature of course imported a series of paradoxes.... A writer might write to resist. But a reader might read to resist the writer. Literature liberated, but also constrained, offering itself as a putative site of resistance, but also as a putative site of conformity. Such tensions, between liberty and constraint, power and resistance, are just as relevant to the exercise of writing a novel” as the law (139). Indeed, in these later chapters, he begins to provide analysis that is most “liberated” from the work of other scholars—of all varieties of training—and that permits his arguments to feel more vitally central, rather than forced to the edges of a thoughtful survey of the scholarship that presently exists.

<8>Ward’s concluding chapter considers *Villette* (1853), and here he compellingly argues, “Law and politics are even harder to discern on the surface of *Villette* than is the case with her earlier novels. But it is precisely this invisibility that matters. It is the silence of Lucy Snowe, the intense introspection, the anxiety of self-reflection that makes *Villette*, at a necessarily deeper and perhaps necessarily more elusive level, a testament of real political import” (127). In this chapter, Ward returns to the debates amongst literature and law scholars on the role of literature in jurisprudence and on the role of the “truth”—and whether or not it might be found—in law or literature. Centrally, Ward argues, “Each narrative is built upon the relative failure of the law” (140)—a truly important insight that will make a significant contribution to Brontë scholarship. While a feminist might take exception to the language that he uses to discuss the difference between the “masculine” discourse of law and the “feminine” discourse of novel (143), he’s certainly making a case with which most feminists would have sympathy: that in spite of Charlotte Brontë’s political and social conservatism, a critique of the failures of the law is immanent in all the Brontë novels, embedded in and beneath the surface of the narrative, and is worthy of our investigation.

<9>This book will be of interest to scholars and students of “law and literature” and of the Brontës, as well as to people interested in social history of the nineteenth century. Lucidly written and thoughtfully nuanced, *Law and the Brontës* is well worth reading. This book will take a significant place in the canon of studies on the complex relationship between law and literature, the development of which enriches our study of the nineteenth century in its entirety.