

BOOK REVIEW

*Judith Rowbotham*¹

Ian Ward, *Sex, Crime and Literature in Victorian England*, Oxford: Hart Publishing, 2014. 160 pp. £30.00 hardback. ISBN 9781849462945

When initially asked to review this, I took up the book with real enthusiasm - the title was so enticing to someone who has spent much of her academic career drawing on literature to inform and inspire her academic work. There has been a real need for reflection on this particular dimension of the law as it can be better comprehended by drawing on literature to add both depth of understanding and wider ranging insights into the socio-cultural context of how sexual conduct was addressed within the criminal justice system. This is particularly so for the Victorian period, when so much of the foundational work for modern prosecution practices were laid down but when (thanks to the beliefs about public decency) the court records and even the newspaper coverage favoured elliptical language when discussing the topic. It is indeed, as the author points out, through literature that one gains important insights into Victorian attitudes towards sex and how this affected their understanding of crime that was inflected by it in some way. What Ward does in this text is choose a number of themes which, as he accurately reflects, were of regular concern to the Victorian public; these include unnatural mothers, domestic violence, and sex (including adultery in one chapter and prostitution in another) outside marriage. All of these were also subject to the scrutiny of the criminal justice system, so it is an interesting and thought-provoking way of organising the text. And in his engagement with a number of texts, including Flaubert's *Madame Bovary* and Thackeray's *The Newcomes*, there are some interesting and challenging comments.

The problem lies, however, in the way in which the book approaches what is included under the enormously broad label of literature. This is a book which has been produced by an author who has clearly read widely, and with an eye for the ways in which fiction and accompanying forms of literature including Ruskin's various essays and Patmore's poetical effusions illuminate the intertwining of law in action and literary comment on that action (or occasionally, lack of it). But what is lacking, amongst other things, is a sense of what the author understands by the term 'literature'. This is something largely taken for granted, and

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for anyone less than well acquainted with the field of nineteenth century literature (rather than Victorian, strictly speaking), this could mislead. The last 50 years of the century saw a huge expansion not just in available titles but also in reading audiences - and this needed to be addressed in this book. What Ward conceives of as literature is essentially a rather old-fashioned conceptualisation of the field. He does mention, if not with much enthusiasm, two sensation novelists - Mrs Henry Wood and M.E. Braddon - but one does not get the sense that the works of these authors have been well mined. For instance, when addressing bigamy, Mrs Henry Wood's work could have provided a particularly rich source because so much of her writing actually revolves around the criminal justice process in action. Largely confined to a sofa because of a spinal condition, Wood's output relied heavily on the reading of newspaper accounts of sensational events, and importantly, much of her fiction was inspired by not always well-disguised real episodes. Bigamy was a regular concern, and *Elster's Folly*, as well as *Lord Oakburn's Daughters*, deal with that and the social as well as legal consequences thereof. This lack of engagement with one author who was extremely popular with a wide mass audience need not, in itself, have been problematic had the author of *Sex, Crime and Literature* explained his choices of literature, instead of taking it for granted that they were sensible choices. There were more sensation novelists, however, than those considered here, as well as many other popular novelists - something that Ward does not discuss in any useful way.

Further, one area which is not considered is the sex of the authors and the perspective that that would have had on their perspectives on the law. Men and women experienced the law profoundly differently in Victorian England. One thing which Mrs Henry Wood showed was the sense of helplessness of middle class women seeking justice when the expectations of a feminine stereotype and consequent cultural constraints on their position combined with the actualities of the law - on, for instance, their property rights, and their ability to seek redress from brutal husbands. Mrs Gaskell, and George Eliot, also portray the challenges facing women wanting to engage with a male-dominated legal system; male authors like Thackeray and Trollope place a different emphasis on the reasoning for the actions of their female characters. I do not think that this survey of the interaction between the law in action and literature needed to be written from a feminist perspective: I do think that a greater sense of the different backgrounds and consequent biases of the authors, including their gender, would have added important insights to the nature of the engagement between law and literature that runs through the book. As a result of the failure to explain the author's reasoning at the start, this reviewer was left constantly enquiring why a particular text was being focused on when another would, from her perspective, been even better at explicating

the line of reflection being followed by the author. The 'I would have done it differently' undercurrent to the reading of a book is not fair to that book; but when there is no methodological framework to a text, as here, it tends to be a temptation that it is very difficult indeed to resist. This is, very clearly, a very personal book - the choices made are those which clearly have for this author a real resonance with the themes and their legal dimensions. But since the resonance is not well explained, it leaves the reader feeling dissatisfied and looking for more.

Equally, because it is so personal, and a fairly short book overall - especially given the potential breadth of the topic - it does not, at times, engage as successfully as it might do with the legal dimension to its themes. The last chapter provides a particularly good example. It deals with prostitution - which, of course, was not an illegal activity, but which was powerfully associated with criminality, both by the women who were prostitutes and by the men that they consorted with. Victorian attitudes towards prostitutes were complex and conflicted. On the one hand, there was the attitude championed by Thomas Hood in his poem, 'Bridge of Sighs' where he invited his readers to sympathise with his 'One more unfortunate, Weary of breath' who is taken up, drowned, from the river. Her 'sin' was to be acknowledged, but culpability was not hers alone. On the other hand, legislation such as the Vagrancy Act 1824 and the Town Police Clauses Act 1847 enabled others to identify prostitutes as idle and disorderly nuisances at best and for them to be criminalised on that basis. But this dichotomy of attitudes is not well addressed because a clear explication of the legal status of prostitution (and the fact that brothels were perfectly legal until 1885) is not provided. The unwary and legally uninformed reader could readily be left with the feeling that this book was saying that prostitution was, in fact, a criminal activity! Again, the background of the writers featured needed to be better explored - and also the reading habits of the legal profession at the time better depicted. How far was there a deliberate cross-fertilisation between the two fields (law and literature)? What were the attitudes towards sex and its associations with criminality of both the authors and the legal personnel featured in the genuine cases featured here, to say nothing of the thinking behind the evolution of the statutes explored in the book? The Contagious Diseases Act 1864 was substantially an example of panic legislation, needing to be understood against the background of the Cardwell Army Reforms at a time when the nation's armed forces were seen as putting the nation in danger by their unfitness (moral and physical). What were more important were the more considered Acts passed in 1866 and 1869 - it was these, rather than the first Act, which were so widely contentious. As such they reveal underlying prejudices amongst legislators and those entrusted with their enforcement as well as the reasoning behind their

opponents. But the elision of this here is confusing to those less well acquainted with the precise detail.

In conclusion, this is a book which - when it is good IS good, but when it is bad it is distinctly horrid. It needed a fuller, more methodologically-orientated introduction and also would have benefitted from being at least twice as long! It is an overly large topic to be confined between the boards of so slim a book, and this is, I suspect, one of the major reasons why it is so unsatisfying a read overall, despite its genuinely good points and its thought-provoking comments in places.