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# Common Precedents

*The Presentness of the Past in  
Victorian Law and Fiction*



Ayelet Ben-Yishai

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## CHAPTER 4



## Past Perfect

*Legitimacy and Wilkie Collins's  
The Woman in White*

Every conception of history is invariably accompanied by a certain experience of time which is implicit in it, conditions it, and thereby has to be elucidated. Similarly, every culture is first and foremost a particular experience of time, and no new culture is possible without an alteration in this experience.

—Giorgio Agamben “Time and History”<sup>1</sup>

Two cases of illegitimacy drive Wilkie Collins’s *The Woman in White*. The first case is the mystery uncovered by Walter Hartright, the main narrator and editor of the novel and involves his nemesis Sir Percival Glyde. Glyde, the novel’s villain, who was born to unmarried parents, elopes his parents (after their death) by forging the marriage register, thus hoping to confer legitimacy on himself. That this legitimacy entails a baronetcy, a manorial estate and the position to marry wealthy Miss Laura Fairlie, is, of course, not beside the point. Much later, after the chain of events has ostensibly ended, Walter Hartright sits down to record the story of *The Woman in White*. He is also motivated by a need for legitimacy of his status as the father of the Heir of Limmeridge. This position, unthinkable at the outset of this story in the eyes of all concerned, becomes Hartright’s reality at its end. But this new reality is built on a shaky foundation. Walter is not

1. Giorgio Agamben, “Time and History,” 91.

only a commoner assuming a place in the upper echelons of the landed gentry; he also takes on the policing of identity in the novel. Having exposed Sir Percival as illegitimate, Count Fosco as a spy and traitor, and having restored his wife's legitimate identity and place, Hartright cannot afford to allow his own suspect legitimacy to be questioned. His new reality at the novel's end must be given legitimacy as it threatens to undermine his own enterprise, exposing the illegitimacy of others. Note that while the illegitimacy of Sir Percival instigates the plot of the novel and the events recounted by the novel's narratives, Walter Hartright's illegitimacy is the impetus for the *writing of* the narratives. The novel's narrative structure is, as he himself claims, the means of obtaining his much-needed legitimacy. The narration of the story thus becomes the final event in the story itself, an event that contributes to the plot, while changing its meaning.

In their recently published collection of essays on legitimacy and illegitimacy in the nineteenth century, Margot Finn, Michael Lobban, and Jenny Bourne Taylor claim that "public enjoyment of—and complicity in—the performance of illegitimate identities emerges as a leitmotif of popular culture in nineteenth-century Britain."<sup>2</sup> Their collection establishes legitimacy and illegitimacy as a central and far-reaching concern of the British nineteenth century. More importantly, they argue, following David Beetham, "legitimacy in the wide sense always depends on the ability of dominant political and social systems to underscore formal legal conventions with the dual authority of ideal normative principles and broad social consent; but it is extremely seldom that these elements are unproblematically aligned" (4). In the same vein, my final chapter addresses the misalignment between legal and social forms of illegitimacy, their temporalities, and the attempts to set them right.

The earliest meaning of "legitimate"—and in the nineteenth century still the primary meaning—is an adjective of "child": "Having the status of one lawfully begotten; entitled to full filial rights. Said also of a parent, and of lineal descent" (OED). The OED also notes that this was the *only* meaning in Johnson's dictionary, though it does give examples of its usage as "conformable to law or rule; sanctioned or authorized by law or right; lawful; proper" from as early as 1638, and these alternative usages increased in the nineteenth century. Nonetheless, it is clear that the latter more general

2. Margot Finn, Micael Lobban, and Jenny Bourne Taylor, eds., *Legitimacy and Illegitimacy in Nineteenth-Century Law*, 174. This excellent collection of essays does much to establish the centrality of the obsession with legitimacy to Victorian culture and to examine its far-reaching implications, many of them along the lines I address in this chapter. Unfortunately, the book's publication coincided with the very final stages of the revision of my own work, so that I was not able to engage with its insights as I would have liked, and hope to in the future.

meaning is an extension of the “lawful birth” one and derives its power from it. Under common law and English culture, legitimacy—in its wider meaning—is thus intimately tied with birth and inheritance and as a result is inextricable from such cultural mainstays as ancestry, breeding, descent, legacy, lineage, position, rank, station, and status, all of which link communal standing with temporal continuity. Moreover, according to English common law, only children who are born in lawful wedlock are legitimate, and no others. Indeed, until the Legitimacy Acts of 1926 and 1959, legitimacy could not under any circumstance be conferred on a child born of unmarried parents even if they subsequently married. Legitimacy is thus conferred by the past and *legitimization*, as we can already see, is predicated on a temporal impossibility. Once illegitimate, one could not *become* legitimate, because going back in time was not really a viable option.

This conundrum, as the *The Woman in White* demonstrates, figured large during the Victorian period, in which a newly emerging and increasingly mobile middle class needed to legitimate its new position. The temporal impossibility became a social necessity; obtaining legitimacy for a new social order meant tapping in to an inaccessible past. In the novel, both Sir Percival and Walter Hartright need to return to the past and alter it for the sake of the present, and even more so, for the sake of the future. But their quests and trajectories are also vastly different. Sir Percival's illegitimacy is of the first, narrow sense, as he was born to unmarried parents. He is illegitimate *by law*, and therefore needs to resort to forging the marriage register—an illegal act—in order to inscribe his parents' nonexistent marriage. His illegitimate birth leads to behavior that is both illegitimate and downright illegal—behavior that does not stop at forgery but also leads to theft, imprisonment, and conspiracy to murder.

In contrast, Walter Hartright's illegitimacy is of the social and cultural kind, stemming from status and rank. In the terms of the legal cultures I have set up in this book, his illegitimacy is communal rather than positive. But as we already know, the fact that his illegitimacy is more nebulous—that there is no positive legal problem—does not mean that it is less significant or easier to correct. After all, status and rank depend on a very long past. While Sir Percival needs only to go back one generation to (illegally) correct the past and legitimize his future, Hartright needs to reestablish, or rather, establish for the first time, a *longue durée*. The solution to Hartright's problem is a reconfiguration of time. But unlike Sir Percival, who needs to resort to illegal acts to do so, Walter Hartright need only find a way to *present himself* as legitimate. Recognizing the temporal force of narrative, he sets out to correct his illegitimacy by a complex narrative sleight of hand—the temporal hijinks of *The Woman in White*.

Others, most notably Cannon Schmitt, have noted that the novel functions as the tale of Walter's upward mobility.<sup>3</sup> What my analysis stresses is the temporal complexity of this move: legitimizing upward mobility means a rewriting of the past. Walter makes canny use of various thematic and formal devices to make his marriage to Laura and his place as the head of the Limmeridge Estate—an astounding, even sensational, act of social climbing—into something self-explanatory, taken for granted. Rather than presenting it as a social triumph, Walter depicts his new status as a long-awaited and well-deserved *return* to his rightful place. By inserting himself into the past he becomes, by the novel's end, not an *arriviste* but a native son come home. A once unthinkable present and future is written so that it is *prefigured* in the past and thus becomes the inevitable outcome of a narrative trajectory.<sup>4</sup> In other words, the narrative is configured so that the changes that take place in its duration seem to have already existed before the narrative in fact begins—that is, in the narrative's past.<sup>5</sup> Through narrative the temporal impossibility is rendered possible.<sup>6</sup>

#### THE TEMPORALITY OF ILLEGITIMACY AND THE SENSATION NOVEL

My insistence on the importance of rewriting the past might seem odd in a novel so intently focused on its present. After all, one of the most prominent features and effects of the sensational novel is its sense of presentness. In

3. Cannon Schmitt too recognizes the reconstructive capacities of narrative in the novel, which he ascribes to the Gothic form: "In the wake of Gothic plotting, under cover of the sensational destruction of identity, *The Woman in White* accomplishes a putting into narrative that reconstructs English nationality." Indeed, as I elaborate later, I join Schmitt in seeing "the novel's final scene—which features Hartright ensconced in his new estate and presented with his son by Laura and Marian—provides an emblematic representation of the new Englishness made possible in its pages: middle-class manliness possessed of the signs of the rural gentry." Schmitt, *Alien Nation*, 133.
4. In Paul Ricoeur's investigation of Aristotelian mimesis, prefigured time (mimesis<sub>1</sub>) is the "practical" real-world experience of time that we bring to a narrative, which is then refigured into a new understanding by the configuration of time of the narrative itself. Paul Ricoeur, *Time and Narrative*, 52–87.
5. Compare this to Catherine Gallagher's discussion of counterfactual narratives that need to go back in time in order to secure a different outcome for the present. Unlike these counterfactuals, Walter's temporal ploys are needed not to alter the present, but rather to enforce its legitimacy and power. Gallagher, "Undoing," 11–30.
6. Peter Brooks recognizes the "anticipation of retrospection as our chief tool in making sense of narrative, the master trope of its strange logic." *The Woman in White* materializes this "strange logic" to create and reify a cultural present. Brooks, *Reading for the Plot*, 23.

accord with its mysterious and thrilling nature, the events and their telling extend a sense of being in the moment, of an urgency arising from unknown and unknowable future developments. This sense of upheaval, so central to rise of the sensational novel in the 1850s, has variously been related to anxieties over rapid historical change or shift in personal circumstances.<sup>7</sup> I suggest that this genre, which gains its power both from exploiting these anxieties as well as from its attempts to assuage them, turns to questions of legitimacy and illegitimacy as a way of bringing disruption and coherence to terms with each other, of constructing a stable commonality out of the tension between them.<sup>8</sup> Under common law, legitimacy is a function of the transfer of legal standing over time. It ensures “proper” continuity and a methodical handing down of the family name and title, the creation of an unbroken chain. It is thus not surprising that its negation—illegitimacy—is a paradigmatic element of the sensation novel, by definition a genre of disruption and discontinuity. Ostensibly a lower countergenre to the realist novel, it seems to “acknowledge an anarchic and asocial counterworld as a powerfully attractive alternative to the ordered civilized world of conventional beliefs.”<sup>9</sup>

The temporal complexity of illegitimacy is thus central to the upheavals which characterize the sensation novel. In *The Woman in White* this complexity is manifested in two key temporal tensions: the first between the presentness of the novel and its project of rewriting the past, and the second between linear narrative coherence and the disruptiveness of the events it recounts. The first can be better explained through a comparison with the realist novel. If the realist novel projects a deep certainty of the

7. Lyn Pykett points out that the sudden shift in fortunes common to sensation novels “reflects a real mid-nineteenth-century anxiety about the ease with which the family could be disrupted by danger, death or disease on the one hand, and the vagaries of the law, the banking system or the stock market on the other.” Pykett, “Collins and the Sensation Novel,” 59. Pykett, as well as many other critics and contemporary reviewers, has also noted the connection between the sensation novel and a sense of shifting temporalities. These are variously ascribed to increasingly rapid communication and transportation, which “transformed conceptions of time and space” (ibid., 53) or to a larger anxiety of shifting circumstances due to an asynchrony between the pace of reading and the pace of “the times.” Unsigned review, “Review of *the Woman in White*,” 95.

8. On the multiple meanings and contexts of illegitimacy in Victorian legal and literary cultures, see Jenny Bourne Taylor, “Representing Illegitimacy in Victorian Culture,” 119–42.

9. U. C. Knoepfelmacher, quoted in Lillian Nayder, *Wilkie Collins*, x. For the sensation novel as lower countergenre, see, for example, Patrick Brantlinger, “What is ‘Sensational’ about the ‘Sensation Novel’?,” 1–28. Indeed, many of the novel’s contemporary reviewers read it as a failed novel and faulted it for its lack of realism. See unsigned review, “Recent Popular Novels,” 200–3. See also



present and past (and attempts to control the anxiety regarding the mid-to-distant future), the sensation novel, characterized by the unexpected and unexplained, is, by contrast, uncertain about its very present. The uncertainty about the present manifests itself in epistemological guise, since things are never quite what they appear in sensation novels.<sup>10</sup> Moreover, this empirical uncertainty is projected onto the past, which it then destabilizes, and which in turn—in the form of the “irruption into the present of secrets from the past”—further destabilizes the present.<sup>11</sup> A strange inversion thus occurs in the sensational novel: the future is the only thing rendered stable.<sup>12</sup>

This tension between the destabilized present, future, and past in the novel is different from, if related to, the second tension: that between the opposing forces of disruption and continuity in the text. Like all sensation novels, *The Woman in White* is a novel of disruptions (in narrative, in normality, in sequence, in inheritance) but at the same time the narrative also makes these disruptions coherent, always already fitting, part of the normal fabric of life, finally making the unexpected expected. If these two tensions sound familiar, it is because they are also the temporal tensions of precedent and fictionality, as I have outlined them in chapter 1 and 2. *The Woman in White*, with its formal and thematic discourses of legitimacy, is thus a privileged site in which to investigate the communal and especially the temporal elements of the legitimate—and the legitimately fictional. A sustained look at the ways in which communal legitimacy is achieved by recasting the past in light of the present, thus provides a valuable opportunity for understanding the complex temporalities of precedent, of realist fictionality, and the reasons the two are so structurally similar.

As early as 1861, in her unsigned review of *Woman in White* which established the sensation novel as a genre, Margaret Oliphant links this form to the social and political changes and the historical disruptions which disturbed the age of peace heralded by the Great exhibition of 1851.<sup>13</sup> She

10. According to Patrick Brantlinger, the sensation novel is driven by a new, psychological epistemology “in place of the empiricist realism that strives to be objective, direct mimesis, the sensation novel seems to substitute a different measure of reality, based on primal scene psychology, that now reads objective appearances as question marks or clues to mysteries and insists that the truth has been hidden, buried, smuggled away behind the appearances.” Brantlinger, “What is ‘Sensational’ about the ‘Sensation Novel’?” 26.

11. See Pykett, “Collins and the Sensation Novel,” 54.

12. Brantlinger argues that, paradoxically, because sensational novels solve the mysteries that haunt their narratives they are “not finally mysterious at all.” This is unlike “the larger mysteries” in realist novels which are not solved, or resolved, by the novel’s end. Brantlinger, “What is ‘Sensational’ about the ‘Sensation Novel’?” 21.

13. Margaret Oliphant, “Sensation Novels,” 564–84.

sees the genre as one of crisis and violence, running counter to the peace and progress which were the promise of industry. But Oliphant was also one of the first to realize that not only could disruption and violence exist side by side with the smooth and conventional continuity of events, but that they were actually predicated on them. This is true not only of the historical context and thematic elements of the sensation novel, but also of its form. While the genre of the sensation novel could be seen as the negation of novelistic realism, Oliphant points out just how much Collins adheres to its conventions; the language she uses to describe his writing could be taken out of a handbook for realist novelists:

His plot is astute and deeply-laid, but never weird or ghastly . . . His effects are produced by *common* human acts, performed by *recognizable* human agents, whose motives are never inscrutable, and whose line of conduct is always more or less *consistent*. The moderation and reserve which he exhibits; his avoidance of extremes; his determination, in conducting the mysterious struggle, to trust all the *reasonable* resources of the combatants, who have consciously set all upon the stake for which they play, but whom he assists with no weapons save those of quick wit, craft, courage, patience and villainy—tools *common* to all men—make the lights and shadows of the picture doubly effective. The more we perceive the perfectly *legitimate* nature of the means used to produce the sensation, the more striking does that sensation become (Oliphant 1862, 564–584, emphasis added).

In other words, not only is sensation not a negation of realistic conventions, but rather depends on these conventions for its effects; the more a narrative is realistic, the more sensational it can be.<sup>14</sup> Oliphant recognizes that the sensation novel is in constant tension—in its form and content—between the anarchic, counterworld, and disruptive elements on the one hand, and the highly conventional, continuous, and stable elements on the other. The two depend on each other; the tension between them constitutes the foundation of the sensation novel.<sup>15</sup>

14. Obviously, not all reviews, contemporary or more recent, agree. See for example unsigned review, "Recent Popular Novels," 200–3.

15. Scholars have accounted for or resolved this tension in various ways. Tamar Heller argues that the subversive elements in the sensation novel are ultimately contained by the ordered ones. Nayder, *Wilkie Collins*, xii. While Nayder notes that the transgressive characters in those novels "prove to be the detectives themselves, working class men and women who assume the prerogatives of their social superiors in the course of their investigations, and themselves become objects of scrutiny." *Ibid.*, 41.

While the hybridity of the sensation novel is not in itself a new idea, I have chosen to quote from Oliphant's review because of the connection she makes between the problematic of generic hybridity and the question of legitimacy.<sup>16</sup> The "legitimate means" in this quotation are, in fact, the conventions of realism, implicitly equating realism with legitimacy. If realism is the genre of the legitimate, can we then argue that the sensation novel is structured around the tension between the legitimate and the illegitimate, both in the themes in which it is concerned and in the ways in which it produces sensation? Moreover, Oliphant not only discusses the legitimate means of narration but also the *commonality* on which realist fiction is based, indirectly (and perhaps inadvertently) creating the link between legitimacy and commonality. And indeed Oliphant uses "legitimate" in the wider, nonpositive, communal sense of the word, reinforcing not only the communal aspect of both fiction and the legitimate but also tying the two even closer together. I will return to reconsider the communal interface between fictionality and legitimacy and continue my discussion of the sensation novel in the final part of this chapter.

#### REWRITING TIME

The state of affairs at the novel's end, its new reality, requires rewriting the past in order to accommodate the shift in what can be construed as real and thereby legitimized. In other words, the past needs to be told and revealed while simultaneously denied. This temporal tension is evident in Walter's first description of Laura: "How can I describe her? How can I separate her from my own sensations, and from all that has happened in the later time? How can I see her again as she looked when my eyes first rested on her—as she should look, now, to the eyes that are about to see her in these pages?" Several things are at work in this quotation. First we notice how Walter reveals his uneasiness and distress at describing the past in terms of the present. His difficulty is empirical "how *can* I see her" as well as pragmatic "how *can* I separate" and normative "as she *should* look." In its anomalous verb forms, this passage thus encapsulates the temporal anxieties that motivate this novel. In his work on time and narrative form, Mark Currie argues for an expanded notion of tense that he claims is "a promising starting point for any consideration of narrative temporality. It seems to go straight to the relation between the time of an utterance and the time to which it refers, and therefore to the description of narrative's foundational double structure.

16. On the hybridity of the sensation novel form see Schmitt, *Alien Nation*, 1–28.

In doing so, however, it seems to point beyond itself, beyond the notion of verb tense to a more general question of temporal reference, to complex temporal structures and even to philosophical questions about time.<sup>17</sup>

In chapter 2, I argued that in the discourses of precedent and fiction, future realization is incorporated into their very narrative structure; *The Woman and White* offers a glimpse of exactly how—and why—it is done. In these next four sections I offer several different accounts of this process, all of which work together to present a past that is revealed and revised at the same time.

To answer the methodological questions Walter Hartright raises about the temporality of representation, he turns, not surprisingly, to painting:

The water-colour drawing that I made of Laura Fairlie, at an after period, in the place and attitude in which I first saw her, lies on my desk while I write. I look at it, and there dawns upon me brightly, from the dark greenish-brown background of the summer-house, a light, youthful figure, clothed in a simple muslin dress, the pattern of it formed by broad alternate stripes of delicate blue and white. A scarf of the same material sits crisply and closely round her shoulders, and a little straw hat of the natural colour, plainly and sparingly trimmed with ribbon to match the gown, covers her head, and throws its soft pearly shadow over the upper part of her face (74).

The picture that he painted is ostensibly a reasonable solution for his conundrum. If art can capture a moment and preserve it, then it might indeed be a privileged site for a return to a certain point in time, especially when external appearance is at stake. But this pretense does not hold, even if we accept painting's dubious ability to arrest a moment in time. Not only is the painting Walter's creation, it was, he tells us, painted "at an after period" simulating the "attitude in which [he] first saw her." Note that Hartright does not supply important information, such as what constitutes the period of their meeting and how long after it the picture was painted. What we come to realize is that when Walter Hartright painted this painting he was already in love with Laura, he might already have been married to her. For all he tells us, he might already have been the father of the Heir of Limmeridge. In other words, the picture he is painting is not his first impression of her, frozen, as it were, in time, but rather what he remembers as his first impression of her—after the fact. Hartright thus paints this picture already as a foundational moment; it already incorporates not only future events, but also its role in constituting something that was

17. Mark Currie, "The Expansion of Tense," 357.

meant to be. This is analogous to the way Hartright narrates the novel whereby the founding moment is retroactively subsumed by its future telology. Thus, when he describes the figure of Laura “dawning” upon him brightly, he is replaying the inaugural moment over and over again, repetitive as the daily recurring of dawn. The Laura he fell in love with is always the Laura that initiates the chain of events that are to make him who he is by their end. She is defined not by her qualities or by her appearance but by the narrative (his own) that is enabled through her.

The rest of the long description that follows is in the present simple, a tense that is especially meaningful in this analysis.<sup>18</sup> Since he is describing a work of art, the present simple is appropriate: after all, Laura’s shawl in the picture does always sit crisply on her shoulder; the painting never changes. But the constancy of the description is not limited to that which is depicted by the painting, but also to the location of the painting itself “lies on my desk while I write.” Not only is the moment he first sees her frozen in time through painting, so is the very moment of writing, the always-now. Through the painting and the present simple verb forms, the narrative fuses several distinct and distant moments in time: the moment when he first saw Laura; the moment when he painted the picture of Laura as he remembered her when he first saw her; the moment of writing *as he is looking* at the picture that lies always on his desk; and the moment in which the implied reader reads and imagines this moment.<sup>19</sup> (Remember, the reader’s ability to imagine Laura was the object of the description in

18. In his recent work on tense and narrative, Mark Currie argues for a “divorce” between narrative tense and verb forms: “A narrative that is written in the present tense should not be thought of as being tensed (in the philosophical sense) differently from one written in the past tense.” However, as I show in the following pages, while the verb forms are not a direct indication of the tense of the narrative, they are material in creating the narrative’s temporal effect. In other words, I show that investigating the tension between verb forms and the narrative in which they appear and which they take part in producing yields an instructive view into the way narrative time is generated and the ways in which the past confers a present and future. Currie, *About Time*, 139.

19. This could be construed as a variation of Genette’s “simultaneous narration.” Unlike Richardson’s Pamela (or Marianne’s, in our novel), Walter is not narrating the events of the story as he is writing them. But, since I am claiming that Walter’s act of writing—unlike Marianne’s—is itself an event in the plot of the story he tells about himself (rather than the one he tells about Laura) his narrative is his action. Genette claims that simultaneous narrating can “function in two opposite directions, according to whether the emphasis is put on the story or on the narrative discourse.” It can either reduce the narrative to “total transparency, which finally fades away in favor of the story” or it can emphasize the narrating itself, “and then it is the action that seems reduced to the condition of simple pretext. . . . So it is as if the use of the present tense, bringing the instances together, had the effect of unbalancing their equilibrium and allowing the whole of the narrative to tip,

the first place.) The fusion of these moments creates an overdetermined singularity of the moment in time which, paradoxically, stretches indefinitely backward and forward in time.

In addition, the present simple is often used with adverbs of repeated time, implying a sense of continuity and stability rather than momentousness and exceptionality. Through the verb tense, Walter takes a momentous and potentially dangerous moment—the painting master sees his beautiful (and implicitly forbidden) pupil for the first time and falls in love with her—and makes it into (an implicitly normal and legitimate) routine, “lies on my desk while I write.” This move mirrors, linguistically, what I have already described as the project of the sensational novel: containing disruption and exceptionality within a framework of continuity and legitimacy. Linguistically speaking, the present simple tense can convey (a) a singulative state of being, “the sky is blue now,” (b) the iterative, “I walk to school every day,” (c) the always-true “I hate guavas,” or (d) the empirically factual, “water consists of two hydrogen and one oxygen atom.” I argue that Walter’s narrative makes use of all these means, conflating them so that his relationship with Laura becomes atemporal, lacking all reference in time. The past is subsumed into a narrative present, but even more so, the present is projected onto the past. Finally, combining the indefinite period after which the picture was painted and the recurring dawn of her arrival, the present simple tense extends the present state of affairs indefinitely into the past and confidently into the future, in its own version of time immemorial. Walter’s distress at the anachronism he initially recognizes is solved by removing from the description of Laura and by extension, from their relationship, any external reference to time and thus making it—and his legitimate, expected presence at her side—timeless.

#### PROPERTY AS TIME

But the novel’s temporal confusion and sense of disavowal of time begin even before Walter Hartright meets Laura Fairlie. Significantly, it is when he first sees the estate and its location:

When I rose the next morning and drew up my blind, the sea opened before me joyously under the broad August sunlight, and the distant coast of Scotland fringed the horizon with its lines of melting blue.

according to the slightest shifting of emphasis, either to the side of the story or to the side of the narrating.” Genette, *Narrative Discourse*, 218–19.

The view was such a surprise, and such a change to me, after my weary London experience of brick and mortar landscape, that I seemed to burst into a new life and a new set of thoughts the moment I looked at it. *A confused sensation of having suddenly lost my familiarity with the past, without acquiring any additional clearness of idea in reference to the present or the future, took possession of my mind.* Circumstances that were but a few days old faded back in my memory, as if they had happened months and months since. Pesca's quaint announcement of the means by which he had procured me my present employment; the farewell evening I had passed with my mother and sister; even my mysterious adventure on the way home from Hampstead—had all become like events which might have occurred at some former epoch of my existence. Although the woman in white was still in my mind, the image of her seemed to have grown dull and faint already (57, emphasis added).

The mixing of time and space causes Walter to dislocate himself in *time* rather than in space. That this happens when he first sees the expanse of land from within the Fairlie manorial estate is no coincidence, for as Wolfram Schmidgen brilliantly shows, the manorial estate is land that gains its meaning through time. Following Coke, Schmidgen argues that time, in its “long continuance,” joins the manor’s two material causes, land and practice. The manor, he argues, “is thus a communal form in which the operation of a continuous, uninterrupted time has integrated land and practice to such an extent that they cannot be separated. So complex and gradual is this process that it can never be recreated by deliberate human action.”<sup>20</sup> Landed property entitles its owners by embodying the accretion of time which gives it meaning. In other words, in encountering the manorial estate Walter not only encounters its owners’ material wealth, but their “title,” their past. No wonder then that, when confronted by the great expanses of the estate, Walter loses his temporal moorings rather than his spatial ones.

It might seem an exaggeration to claim through this reading that Walter falls in love with manor and title and all that it promises (the view from its window) before he does with its heiress, Laura. But this uncomfortable reading is only made stronger if we return to his description of the first time he sees her. The first thing that is described is the summer house.

20. Schmidgen, *Eighteenth-Century Fiction*, 15–17. Schmidgen here quotes Coke’s 1641 treatise on the nature of manor as a distinct communal form: “The efficient cause of a Manor is expressed in these words, of long continuance, for indeede time is the mother, or rather the nurse of manors; time is the soule that giveth life unto every manor . . . the King himself cannot create a perfect Manor at this day, for such things as receive their perfection by the continuance of time, come not within the compasse of a Kings Prerogative.”



Laura “dawns” from the property, slowly differentiating herself from the timelessness of the property that gives her meaning. The novel seems unclear in its symbolism: is Laura a metonymy of her ancestral home? Or is the manor a metonymy for Laura? And which does Walter desire so much that he loses all sense of time *twice*—first in viewing it for the first time, and second in its narration? Schmidgen’s account of the inherent temporality of the communal form provides the framework from which to solve the puzzle of communal legitimacy. If empirical evidence is not enough to satisfy the readers that Hartright is in his rightful place at Limmeridge, it is up to the narrative to convince us of his propriety. In order to justify his status at the novel’s end, Hartright needs to go back in time, to recast disruption as continuity, thereby giving his attachment to the Limmeridge estate its desired “long continuance.”

#### DISRUPTION, DISTRACTION, AND DISPLACEMENT

Perhaps the most patently obvious way by which Walter camouflages his disruption of aristocratic lineage in the Limmeridge estate is through sensation itself. As the narrative focuses on the abundant present-tense sensational disruptions that populate this novel, disruption is thus displaced: by focusing on the shocking and outrageous (in the sense that they create a sense of outrage in the reader) events in the novel Hartright manages to eclipse his own impropriety.<sup>21</sup> The sum totality of so many inconceivable, shocking, illegal, and sensational events happening *at the same time* in any given moment is paradoxically reassuring. By the novel’s end the reader, longing for some form of order and stability, is ready to embrace Walter’s frame story of restoration, rather than look closely at its disruption. Walter’s legitimation, in this explanation, can be attributed to the reader’s exhaustion from sensation; at this point she is willing to accept any framework that promises continuity and respite from tribulation.<sup>22</sup>

21. In this I agree with Ann Cvetkovich, who argues that Walter’s sensational rise in the social hierarchy is “obscured by its links with those other sensational events.” Cvetkovich, “Ghostlier Determinations,” 25. Interestingly, our conclusions are different: Cvetkovich argues that Walter’s social ascent is presented by him as fate and chance, while I argue that he presents it as inevitable, or even more strongly, as having been his place all along.

22. Rachel Ablow notices a similar displacement when she argues that Walter solves the plot of the novel and crafts his own identity with a single affective method: he feels strong emotions, he names or explains those emotions, and then he convinces himself and others of the names and explanations he has come up with. Ablow notes that this method, especially when applied to other people, resembles “an account of projection” more than anything else. Ablow, “Good Vibrations,” 165.



A closer look at the novel reveals that this stability does not arrive at the end of the novel to take the place of the tribulations that precede it. Rather, as Oliphant hints, the alternative reading—by which Walter’s arrival restores order to Limmeridge because belongs there—has been there all along. Two elements are almost constant in the novel; a never-ending series of surprises is one, and Walter Hartright’s constantly dependable behavior as a gentleman is the other. In other words, Walter’s legitimacy—sanctioned through his good character—is presented as the only constant element in the novel. When we reach the novel’s conclusion we realize that Walter’s constancy and legitimacy have been there throughout, as a counterweight and counterpromise to the illegal, illicit, and illegitimate turns of the plot. Sir Percival and Walter Hartright are both motivated—and motivate the plot—by their desire for legitimacy (and the Limmeridge estate). But Walter’s legitimacy, the novel tells us, has been there from the very beginning (and even before), as evidenced by his behavior, while Sir Percival’s perceived legitimacy was never his to have.

The second method by which Walter insinuates himself into Limmeridge’s past is through his attachment to Laura. In effect he not only marries Laura, but seems to take over her identity, thus literalizing the common-law doctrine of coverture, which asserted that the husband’s legal identity “covered” his wife; she had no separate legal existence apart from her husband. In fact, as Lenora Ledwon has shown, the relationship between Walter and Laura is of an extreme form of coverture, as he actually seems to subsume her.<sup>23</sup> Moreover, by subsuming Laura’s identity into his, Walter not only enacts a Victorian patriarchal ideal but uses this convergence of identities to project the present back onto the past. As a result he becomes not only a part of Laura’s present and future, but part of her past, thus making his place at her side by the end of the novel an act of return rather than one of status-seeking. As others have noted, in a novel populated with many voices and points of view, Laura’s voice is rarely heard, and then only when reported by others. Rendered voiceless, and with no subject position, Laura, never a substantive character (Ledwon calls her “blank”), simply disappears.<sup>24</sup>

23. On the importance of coverture to *The Woman in White*, see Lenora Ledwon, “Veiled Women, the Law of Coverture, and Wilkie Collins’s the Woman in White,” 1–22.

24. Irene Tucker carefully analyzes the logic of substitution—of characters, of bodies—that informs this novel. Walter’s coverture of Laura, not only in his telling of the story but in a physical overpowering of her will, body, and voice, can be regarded as one more case of substitution. Irene Tucker, *The Moment of Racial Sight*, 75–117.

This (initially innocuous and legitimate, in nineteenth-century standards) subsuming becomes increasingly obvious and problematic after Laura and Marian are reunited with Walter, and what he calls the “Third Epoch” begins. Walter’s narrative is full of ambiguities and slippages, which serve to “cover” Laura, both before, and even more so after, their marriage. According to Walter’s narrative, Laura’s return from her presumed death opens the final part of his efforts on her behalf. He is buoyant and confident at the prospect of Laura’s return to her rightful place, to her life: “A life suddenly changed—its whole purpose created afresh, its hopes and fears, its struggles, its interests, and its sacrifices all turned at once and for ever into a new direction—this is the prospect which now opens before *me*, like the burst of view from a mountain’s top” (433, emphasis added).

The word “me” is key to understanding the crucial shift in this paragraph. The reader realizes that the new life at stake might not be that of Lady Laura Glyde, risen from the dead, but can be construed as Walter’s—and that the delightful prospects are his. The word “prospects” implies a person’s expectations of advancement in life or career. Laura has no “prospects”; indeed she has no need for prospects, but it is telling of Walter, who sees in her rediscovery an expectation for advancement. Additionally, the “burst of view” is subtly reminiscent of the scene of Walter’s disorientation following his first view from Fairlie manor, and the promise (or prospects) the view raises within him.<sup>25</sup>

Walter does more here than ventriloquize Laura’s voice and story. Rather, he assumes her identity, and even more so, her *future* (her prospects are his). This identity between her and him (the identity of their identities) is crucial for Walter’s legitimization. Under the transitive logic he implies, if Walter equals Laura and Laura is reinstated, then Walter is *reinstated*, never mind that he was not ever “instated” in the first place. The conflation of Laura’s identity with her inheritance is noted by Carolyn Dever, “[Walter and Marian care for Laura] and reclaim her shattered identity—and, not coincidentally, her lost inheritance.”<sup>26</sup> By proxy, Walter’s identity, though

25. Note that the primary meaning of prospect is “the view (of a landscape, etc.) afforded by a particular location or position.” The prospects are indeed laid out before Walter, the novel’s prospector.

26. Carolyn Dever, “The Marriage Plot and its Alternatives,” 114. In his own narrative, Gilmore the attorney also understands how important the inheritance is to the plot, so much so that he strangely speaks of himself in the third person: “I warn all readers of these lines that Miss Fairlie’s inheritance is a very serious part of Miss Fairlie’s story, and that Mr. Gilmore’s experience, in this particular, must be their experience also, if they wish to understand the narratives which are yet to come” (170). One might conjecture that Gilmore slips here because as he writes these words, he realizes that not only is Laura Fairlie’s inheritance important to the story

never in doubt, seems to be *reclaimed* as well. His place by Laura's side is naturalized, smoothed over by association (and lest we forget, a common and legitimate child.) As a result, when Laura is restored to her rightful place, Walter is restored right along with her, even instead of her.

Note that Laura's *identity* is not really reclaimed, as she never goes back to being the person she was before her abuse at the hands of Sir Percival and Count Fosco. Mentally and physically she becomes barely a shadow of her former self. Indeed their marriage is elided in the novel, almost as if recognizing the impropriety of wedding someone virtually incapable of consent. But Laura's identity is also not reclaimed legally or nominally. After all, she does not go back to being Laura Fairlie, but becomes Laura *Hartright*. Tellingly, her new name is never mentioned in the novel; the effects of her being named by Hartright, might have been too jarring, possibly drawing attention to the impropriety of this marriage. Moreover, even their child's name is not given, he is only referred to by his status and that which sanctions his father's, "the Heir of Limmeridge."

Finally, in subsuming her legal and personal identity, Walter insinuates himself not only into Limmeridge and into Laura's future, but also, and most crucially, into her past. Since her status is part of her lineage, amassed and consolidated over time, he thus secures for himself her deep past, long before either of them were born, the *longue durée* or long continuance that legitimizes his place on the manorial estate. The temporal stakes in this displacement do not go unnoticed or unmentioned. Walter's ascension of the last rung in the social ladder is portrayed as just another one of what Ann Cvetkovitch has described as the "chance occurrences, uncanny repetitions and fated events" which, according to Walter, enable his "ascension to power."<sup>27</sup> Walter portrays himself as content in his middle-class existence: "We lived so simply and quietly that the income which I now was steadily earning sufficed for all our wants" (644). He seems completely oblivious to the possibility, and even probable eventuality, of Mr. Fairlie's death and the ensuing radical change of status for all concerned. This rhetoric of disinterestedness further establishes him as innocent of desires or designs for title or wealth. His rise to social power, we are led to understand, renders him completely passive, even clueless: "A note from my wife, which was given to me by the servant, only increased my surprise, by informing me that they

because it was the reason for her marriage with Percival Glyde, but that it is also equally important to Walter Hartright, in whose service he is writing his narrative. Gilmore might be remembering that he once put his services in the hands of Sir Percival Glyde, with disastrous results.

27. Cvetkovitch, "Ghostlier Determinations," 25.

had gone to Limmeridge House. Marian had prohibited any attempt at written explanations—I was entreated to follow them the moment I came back—complete enlightenment awaited me on my arrival in Cumberland—and I was forbidden to feel the slightest anxiety in the meantime. There the note ended. It was still early enough to catch the morning train. I reached Limmeridge House the same afternoon” (645).

Having just finished convincing his readers that he was fully capable of presiding over and providing for his family, Walter once again depicts himself as passive, completely in the hands of his wife and sister-in-law. The temporal displacement is not far to follow:

My wife and Marian were both upstairs. They had established themselves (by way of completing my amazement) in the little room which *had been once assigned to me* for a studio, when I was employed on Mr. Fairlie's drawings. On the very chair *which I used to occupy* when I was at work Marian was sitting now, with the child industriously sucking his coral upon her lap—while Laura was standing by the well-remembered drawing-table which *I had so often used*, with the little album that *I had filled for her in past times* open under her hand (645, emphasis added).

At this crucial moment, Walter Hartright, as narrator, makes canny use of the past tenses and especially of the past perfect to make this act of astounding social climbing into one of return. That this scene is one of place and positioning is also crucial. Once again he is in his place, where he belongs. Walter knows his place (because he has been there before) and thus occupies it in both its meanings. The rhetoric of *return* to his *rightful place* completes the temporal project of the novel, restoring Walter Hartright to where he might have been, but never before belonged.

Even more obvious than Walter's oneness with Laura is the inseparability of his character from the novel's narrator (and sometimes, even its author).<sup>28</sup> The ambiguity of his role as compiler or editor of the novel—ostensibly strictly technical, but also engineering its entire enterprise—offers him the opportunity to be in the present and past (as character) and in the future (as narrator) at the same time. Granted, this privilege is available to most retrospective first-person narrators, but Walter's knowledge seems to be more than the simple after-the-fact wisdom of the first person narrator, and his foreshadowing of a slightly—but crucially—different kind. For example, let us look at Walter's introduction of Mr. Gilmore, the

28. Brantlinger, "What is 'Sensational' about the 'Sensation Novel'?", 1–28; Tucker, *Racial Sight*.

Fairlie family lawyer, which is bracketed (emphasis added) by this narrative temporal tension:

Even then, *when I knew nothing by comparison with what I know now*, I looked at the family lawyer with an interest which I had never felt before in the presence of any man breathing who was a total stranger to me.

In external appearance Mr. Gilmore was the exact opposite of the conventional idea of an old lawyer. His complexion was florid—his white hair was worn rather long and kept carefully brushed—his black coat, waistcoat, and trousers fitted him with perfect neatness—his white cravat was carefully tied, and his lavender-coloured kid gloves might have adorned the hands of a fashionable clergyman, without fear and without reproach. His manners were pleasantly marked by the formal grace and refinement of the old school of politeness, quickened by the invigorating sharpness and readiness of a man whose business in life obliges him always to keep his faculties in good working order. A sanguine constitution and fair prospects to begin with—a long subsequent career of creditable and comfortable prosperity—a cheerful, diligent, widely-respected old age—such were the general impressions I derived from my introduction to Mr. Gilmore, *and it is but fair to him to add, that the knowledge I gained by later and better experience only tended to confirm them.* (138–9)

Note that Walter's knowledge of Mr. Gilmore is not gained after-the-fact and as a result of his extensive relationship over time, but actually one that he already had, instinctively, when he first met him. What he learns over the duration of the novel only serves to confirm his initial knowledge. In short, Walter never learns anything; he always already knows.

Introductions are important moments of temporal angst, since they bring up the anxiety of the new in full force. An introduction needs to transform the new into something familiar; the narrator needs to use the reliability he has established and transfer it to the object of his introduction (especially when the person introduced later becomes not only a key player in the plot, but a key narrator himself.) Stressing Mr. Gilmore's foreignness to Walter—he is the family lawyer, *but not yet Walter's family lawyer*—would only accentuate Walter's out-of-placeness. Walter thus holds the narrative stick at both ends—introduces someone new (new to himself as character, new to us as readers) but already interpolates him into his scheme of superior knowledge, a knowledge that shifts Walter's reliability as narrator, to Walter's reliability as character. Walter the narrator thus authorizes himself as character just as much as he authorizes the ostensible subject of this introduction, Gilmore.

## THE LEGITIMATE HEIR

The novel is in fact littered with moments in which Walter equates knowing then with what he knows now, but this knowledge is not due to his structural role as narrator writing in the past tense, but because he is the *kind of person* who knows. His wisdom—which is key to a successful integration at Limmeridge, both in term of plot and in terms of character—is not gained over time but seems have been there from time immemorial. This wisdom is not only undeniably English, it is subtly and yet powerfully connected to that elusive quality which trumps all other—the English gentlemen. Moreover, this knowledge is one accumulated over the ages; it is the knowledge of a cultural insider, one who “belongs.” His ability to read the character of the *family lawyer* presents Walter as a gentleman, one who has a priori access to the social codes of Limmeridge; it makes him a member of its social milieu. In other words, Walter does not have to learn the family’s mores and codes to deserve to become part of the family—he always was there and deserving. Moreover, since he is a perfect reader of character, he not only gains authority as a kind of superreliable narrator, but also makes his wisdom a wisdom of the ages.

When Walter finally shows up at Limmeridge, ostensibly bewildered at the turn of events that have led him back there, Laura, in a rare speaking role, turns to him: “My darling Walter,” she said, ‘must we really account for our boldness in coming here? I am afraid, love, I can only explain it by breaking through our rule, and referring to the past.’ “There is not the least necessity for doing anything of the kind,” said Marian. ‘We can be just as explicit, and much more interesting, by referring to the future.’” Laura cannot explain the situation without breaking their rule that prohibits them from referring to the past. This rule, by the way, is never articulated in the novel itself, though it might not come as a surprise to those who have been following my analysis here. And indeed, Marian, as always savvier, immediately steps in to forbid it. She would rather have them read the past as it has manifested itself in the future—the future as that which completes a narrative trajectory, an ending which writes its past.

The novel thus ends when Marian and Laura present Walter Hartright with the future—his son, who is not given a name, only a title: “Let me make two eminent personages known to one another: Mr. Walter Hartright—the Heir of Limmeridge” (645). Since the father is named by name and the son by title, the sentence as it is structured could be taken as an introduction of Walter *as* the Heir of Limmeridge. In fact, this is the

most logical interpretation of this sentence if not for the one that precedes it. The result is that the baby's status is conferred on the father to a certain degree, if only subliminally. But Walter does not really need this last sleight-of-hand to entitle himself. This is done by virtue of the word "heir," which names not only the child but all those who have come before him and the many who will follow. Thus, while the baby is not Walter's heir, but that of his uncle Fairlie, Walter's status as father-to-the-heir inserts him into that chain, establishing him in a lineage unthought-of at the novel's outset. This one word "heir," conveying the legitimacy of succession and the succession of legitimacy, signifies an uninterrupted passing on of property and status, and of a personal and communal identity. It brings the past into the present for the sake of the future, thus encapsulating not only the temporal ideology of the novel, but—as by now must be recognizable—that of precedent and the legal culture of the Victorian period.

#### "IF THE MACHINERY OF THE LAW"

By the end of the novel, Walter is safely ensconced in the novel's past, a past extending long before the events it recounts and shared by many more than the characters it describes. His wisdom, his status, his character and his legitimacy all extend beyond him into a distant and communal past for the sake of just such a future. The sensational sequence of events brings together Walter's character and status; the narrative form of the novel gives it depth of time, and approbation of community. But *The Woman in White* does a lot more than simply recast disruption as coherence, thus restoring a chaotic present into a linear narrative of continuity between past and future, by way of the *longue durée*. The complex system of temporal displacements work to change the past for the sake of a future, through narrative form.

The preamble to the novel, written by Walter, sets up the ostensible *raison d'être* for his narrative enterprise: to fill the place of the legal narrative that *should have been*: "If the machinery of the Law could be depended on to fathom every case of suspicion, and to conduct every case of inquiry, with moderate assistance only from the lubricating influences of oil of gold, the events that fill these pages might have claimed their share of the public attention in the court of justice" (33). Moreover, the narrative will be written in quasi-legal form in order that it take the place of the legal satisfaction so longed for by Walter. In her reading of this novel, Jan-Melissa Schramm points out the ambiguity or paradox of this endeavor, central to many eighteenth and nineteenth-century works of fiction, which invoke



the law as the established discourse of justice while simultaneously revealing it as flawed.<sup>29</sup>

Schramm compellingly argues that the narrative discourses of law and literature competed against each other in their attempts to claim for themselves a better account of reality. She shows how the novels of the period relegated to themselves the realm of justice, acquitting the “innocents” wronged by the harsh legal system. According to her argument, the novel portrays itself as a superior distributor of justice and thus works *against* the law, resulting in two sets of narratives that compete over their ability to represent reality. Moreover, Schramm finds an ambiguity in the novel’s regard of the law, which “both venerates the law as the established discourse of justice and suggests the role of fiction in the resolution of hard cases which lie outside the ambit of usual trial procedure” (13). Interestingly, Schramm and other readers have identified the goal of *The Woman in White* as the restoration of Laura’s identity and her return to her rightful place in society. However, by the end of the events in the novel, and the *opening point* of the narrative, Laura’s identity has already been reinstated and her place in society restored. At this point, as D. A. Miller has already pointed out, “neither legal action nor even a paralegal hearing seems in the least required.” “Why and for whom,” he asks, “does the story need to be told?”<sup>30</sup> As I have already pointed out, by the end of the story legitimacy is required not by Laura, but by Walter. More crucially, the endeavor is not one of reestablishing or reinstating, but rather establishing Walter’s class transgression as legitimate. By conflating Laura’s legitimate position (taken for granted at the outset, then lost, then restored) with Walter’s, he makes his status at the end appear as a return to something that already was, to something that is rightfully so. This then is the goal of the narrative—a discursive rather than a material return, the one legitimating the other.

Similar to Miller and Schramm, I too argue that in this novel “the law” is a straw man. Unlike Miller, however, I do not see the juridical ruse as disciplinary, and unlike Schramm, I do not see it as a ploy to establish literature’s superior mode of justice. What is at stake is not a legal question but a communal one, one of legitimacy. Law and legitimacy in this novel are not the same, and, despite Walter Hartright’s claims, his narrative’s goal is neither revealing the empirical facts in the case nor attaining true justice, but rather cementing the legitimacy of his new status as father to the heir of Limmeridge.

29. Schramm, *Testimony and Advocacy*.

30. D. A. Miller, *The Novel and the Police*, 156.



But, because the law cannot award status, it cannot directly confer legitimacy, not the kind craved by Walter Hartright. The tautology of *The Woman in White*, by which legitimacy confers status and status, legitimacy, means that having the law on your side is necessary for legitimacy, but it is not enough. Justice cannot confer status. It is only the public attention or the approbation of a community that can do so. The narrative of the novel thus reveals a convoluted relationship between law and legitimacy, and a *mélange* of two different epistemologies: one which values empirical evidence on the one hand and one which is based on social status, propriety and character on the other. While we tend to associate empiricism with the law, and communal epistemologies with status, in Walter's quest for legitimacy he paradoxically uses the rhetoric of the empirical epistemology to secure his public, communal, social status.<sup>31</sup>

The *mélange* of these two epistemologies is most evident in the narrative of Mr. Gilmore, the family attorney:

If I had felt professionally called upon to set a case against Sir Percival Glyde, on the strength of his own explanation, I could have done so beyond all doubt. But my duty did not lie in this direction—my function was of the purely judicial kind. I was to weigh the explanation we had just heard, to allow all due force to the high reputation of the gentleman who offered it, and to decide honestly whether the probabilities, on Sir Percival's own showing, were plainly with him, and I accordingly declared that his explanation was, to my mind, unquestionably a satisfactory one. (155)

Mr. Gilmore's explanation is ambiguous: while he uses empirical language associated with "purely judicial" considerations such as "probabilities" or "weighing explanations," they are used to weigh not empirical evidence but rather Sir Percival's character and position. Sir Percival's position (not "against" Mr. Gilmore) and reputation are the main factors for the outcome of this case and the veracity of his claims. As Mr. Gilmore says elsewhere, "his tact and taste were never at fault . . . while I was in his company."

The importance of position is pointed out by Sir Percival himself: "But my position with the lady is not the same. I owe to her—what I would concede to no man alive—a *proof* of the truth of my assertion. You cannot ask for that proof, Miss Halcombe, and it is therefore my duty to you, and still more to Miss Fairlie, to offer it" (155). Note how Sir Percival uses his

31. See my discussion of these epistemologies in legal culture in the Introduction and in chapter 3, where I also stress the communal aspects of empirical epistemologies.

“position” vis-à-vis “the lady” to plead for inferiority in the form of a greater burden of proof. In fact, this position (he owes, but she cannot demand) allows him to set the terms of the proof required and phrase the questions to Mrs. Catherick—thus determining the outcome of this inquiry.

This position is legally known as “the presumption of innocence.” But in this novel the presumption is not universal but one of status, character, and propriety, one that is predetermined by social position *unless proved otherwise*: [Mr. Gilmore]: “If we are friends of Sir Percival’s, who know him and trust him, we have done all, and more than all, that is necessary,” I answered, a little annoyed by this return of her hesitation. ‘But if we are enemies who suspect him—’ ‘That alternative is not even to be thought of,’ [Marian] interposed” (161).

And note that it is not really the anonymous letter which produces suspicion against Sir Percival, it only plays on preexisting disposition to suspect, stemming from Walter’s own sense of illegitimacy, of feeling that he is not worthy of his position as Laura’s betrothed: “Judging by the ordinary rules of evidence, I had not the shadow of a reason, thus far, for connecting Sir Percival Glyde with the suspicious words of inquiry that had been spoken by the woman in white. And yet, I did connect him with them” (101).

Nonetheless, these unsubstantiated feelings are proven right—legitimized—by the subsequent narrative, ultimately legitimizing the trustworthiness (and worthiness) of their bearer, Walter. In other words, Sir Percival has (a) status, (b) the right position vis-à-vis the law, but (c) a bad character. Ultimately, the latter undoes the former two, restoring equilibrium. Walter’s story is the opposite one—he has (a) no status, (b) no real position in the law, but (c) very good character (stressed throughout the novel as “gentlemanlike”); the latter ultimately enables to secure the former two, and, the novel implies, deservedly so. The novel presents a vicious cycle, one that runs contrary to its ostensibly empirical legal logic: position (in the law) is a result of social status which, in order to be legitimate, is dependent on character, which is dependent on position in the law. This requires some unpacking.

As I have already discussed in previous chapters, status was connected with older, communal modes of meaning-making while modern law was associated with empirical, positive modes which were seen as objective. This distinction, crucial to modern law’s understanding of itself, was enshrined in Sir Henry Maine’s groundbreaking work from 1860 in which he famously argues that the shift from ancient law to modern was characterized by a corresponding shift from the rule of “status” to that of “contract.” In the former, privilege and obligation were located in the

individual as a result of his familial status, that is, in *who he was*. In modern law, obligations and privileges arise from *what the person did*, that is, his ability to enter into contract.<sup>32</sup> The exchange between Walter Hartright and Gilmore thus clarifies what is repeatedly made evident in the novel—that even in the age of contract and of a positive equality before the law, status still carried a lot of weight.

But there's more here than a *mélange* of communal and positive, status and contract. Character (as in the “bad character” which undoes Sir Percival, and the “good” one which sanctions Walter Hartright) is presented as the determining feature in this novel. Character, and especially good character, seem to be too nebulous to define and yet self-evident. It is also intimately connected to the elusive nature of Englishness, especially as epitomized by the English gentleman.<sup>33</sup>

I would like to argue that character in the novel functions as the place in which status and contract overlap.<sup>34</sup> Modern law requires that the outcome of a case be determined by the actions of its subjects (contract); character determines that *who* one is (status) is determined by *how* one acts (contract). In other words, the communally sanctioned position (status) is determined not by birth, but by action. This ostensibly allows for a democratization of status—it is now available to all those who know how to behave. But as the

32. Maine, *Ancient Law*. In her discussion of illegitimacy, Cathrine Frank shows how Maine and Blackstone's differing views of illegitimacy stemmed from their opposing allegiances to contract and status respectively: “One that depends on status and one on contract, each of which in turn is associated with a specific type of property and mode of ownership. The status associated with the landed estate, for example, emphasized continuity and implied a more conservative approach. In contrast, money and commodities comprising personal property allowed for and even encouraged a more mobile and fluid model of ownership that complemented the contracting individual for whom choice and promise, not inherited forms, were the key components of his relationships.” Frank, *Law, Literature, and the Transmission of Culture in England*, 193–4.

33. In his autobiography, Trollope expresses his unfashionable belief in the superiority inherent in the English gentleman (once again exemplified by a judge, underscoring the legal/communal connection.) But in expressing the immutable value he ascribes to the gentleman he is at loss to describe what a gentleman is, and resorts to the implied communal understanding: a man who publicly claims exclusive rights (and commissions) to being a gentleman, writes Trollope, “would be defied to define the term [gentleman],—and would fail should he attempt to do so. But he would know what he meant, and so very probably would they who defied him.” Anthony Trollope, *An Autobiography*.

34. Contrast this with more traditional approaches, which see them as radically opposed. Cathrine Frank also considers the possibility that illegitimacy promoted the sphere of contract over status, by creating individuals who, since they had no access to status, had no choice but to follow the contract model. Frank, *Law, Literature, and the Transmission of Culture in England*, 197.

examples above show us this move is not as radical or democratic as it may appear. While allowing status to those who deserve it by virtue of their good character, it reifies the power of status as an institution. Instead of severing the connection between birth and character the novel actually strengthens the bond, albeit extending its availability in terms of class.<sup>35</sup> The moral imperative of noblesse oblige sanctions its own entitlement and legitimacy. In other words, even this new version of status is also a measure and indicator of a communal ideology, constitutive of the very community that determines its rules.

This is why Walter needs to acquire his status surreptitiously and why he does not (as one might initially presume) deem the presumption of status spurious, and advocate a more positive, objective one. Instead, he simply turns it on its head. When he meets Anne Catherick—the mysterious woman in white—for the first time, she has the opposite presumption regarding class: “‘Not a man of rank and title,’ she repeated to herself. ‘Thank God! I may trust *him*.’ I had hitherto contrived to master my curiosity out of consideration for my companion; but it got the better of me now. ‘I am afraid you have serious reason to complain of some man of rank and title?’ I said” (51). The dubious logic of this opposite presumption requires that since men of rank cannot be trusted, men without it can. This presumption works in favor of Walter’s project, and note how intent he is on pursuing this line of questioning. Since by the end of the story he is, through his marriage to Laura, in possession of status and the same fortune for which Sir Percival was willing to kill, his own marriage is in real danger of being perceived as mercenary. Now that he has the status and money, he searches for the clincher—the legal sanctioning of his situation and good name as his rightful place. Realizing the power of law’s association with empirical and objective evidence, Walter stages a performance where the “the machinery of the law” ostensibly solves a factual question, but in effect allows a good name or good character to be sanctioned as status.

This performance takes place at the end of the novel. Walter Hartright stages a courtroom scene at the Limmeridge breakfast room, where he presents his findings to Mr. Kyrle (the lawyer who replaces Mr. Gilmore) and to all the estate’s tenants. Walter refers to this presentation as a “proceeding,” the tenants are his jury. While the positive legal power of this jury is nonexistent, it is nonetheless of supreme importance to Walter’s project. It is an appeal to an older, early modern form of jury, which “constitute[d] a practice in which matters of community membership, truth and law were

35. Schmitt, *Alien Nation*, 133.

inextricably intertwined.”<sup>36</sup> And in fact, it is only through this nexus that Walter—and his narrative—can get their satisfaction. At the end of the novel he has satisfied all epistemological requirements—albeit those he sets up for himself. Following his presentation of his findings he recounts:

Mr. Kyrle rose when I resumed my seat, and declared as the legal adviser of the family that my case was proved by the plainest evidence he had ever heard in his life. As he spoke those words, I put my arm round Laura and raised her so that she was plainly visible to every one in the room. “Are you all of the same opinion?” I asked, advancing towards them a few steps, and pointing to my wife.

The effect of the question was electrical. Far down at the lower end of the room one of the oldest tenants on the estate started to his feet, and led the rest with him in an instant (638).

Uncannily, achieving the impossible (Walter’s marriage to Laura Fairlie) is mirrored by his improbable description of the scene: he puts his arm around his wife, raises her “in the air” so that she is seen by everyone in the crowded room, while at the same time walking forward and pointing at her. Laura appears in this scene to be some kind of rag doll, both propped up and pointed to by Walter. But since this is exactly what Walter’s narrative does to her already—props her up (creates and represents her) and points at her (makes her into an object, never a subject) this awkward scene somehow makes sense in the context of the novel. Laura functions as Exhibit A in the courtroom drama, and the tenants of the estate that fill the Limmeridge breakfast room function both as a modern jury—evaluating the facts set before them by Walter—but also a premodern and early-modern jury who were selected for their knowledge of the community and of the parties of the particular situation.

As this jury scene shows, Walter Hartright’s quest for legitimacy is not a competition between two kinds of legal and narrative epistemologies—a newer, post-Enlightenment investment in empirical evidence, and an older, communal order of truth-making. Rather, the two are inextricable; the indelible residues of the latter haunt and inform the former. Moreover, and most importantly for our analysis of the novel, this epistemological tension informs and creates the complex and often paradoxical narrative structure of *The Woman in White*. The success of Walter’s quest for legitimacy and his role of narrator depend both on the fact that his statements accord with an ostensibly verifiable state of affairs (empiricism) and with the status afforded both by his position as husband of Laura Fairlie, and by his role as narrator/compiler of this novel.

36. Constable, *The Law of the Other*. See also, more specifically, chapter 3.

## THE TEMPORALITY OF SENSATIONAL FICTIONALITY

The success of this quest, we remember, hinges on the reconfiguration of time. Moreover, it depends not only on the temporal shifts in the time of the diegesis—in the past of the events recounted by the novel—but also in the temporality of the narrative genre of sensation fiction. To understand this we must first note that Walter Hartright's status at the end of the novel is not only implicitly considered impossible at the outset of the novel, but explicitly so. When Walter describes the circumstances of his employment contract with the Fairlies, even before he meets them, he takes care to stress the inequality, even incommensurability of the drawing master and his students, the two young ladies. The terms of employment offered him specify that the suitable teacher “was to reside at Limmeridge House; and that he was to be treated there on the footing of a gentleman” (43). Specifying his treatment as a gentleman only serves to stress the fact that he is not really one at all. The fact that he needs “unexceptionable references to character” means that unlike others of birth, he cannot be presumed to have them (43). Walter inexplicably bristles at this lucrative offer; he knows he must take it but “had never before in the whole of my precious experience found my duty and my inclination so painfully and so unaccountably at variance as I found them now” (44). The reason for this discomfort is never elaborated, but his sister Sarah seems to hit the on the reason inadvertently: “Such distinguished people to know . . . and on such gratifying terms of equality too.” What upsets Walter in the terms of equality offered him is the condescension they require. Their very generosity emphasizes that he is not a gentleman, but only gentlemanlike; not equal, but to be treated on terms of equality for which he needs to be grateful. If we remember that Walter is writing this *after the fact of his marriage to Laura* we wonder how much indignation was felt at the original event, and much of it is due to the retroactive narration.

The scene ends in a jest where Pesca imagines his friend Walter marrying one of the sisters, becoming an MP and rising to “the top of the ladder” (46). Walter still fails to be amused, “something”—which is never elaborated—“jarred in me almost painfully.” This sentence, with its unexplained physical disruption and discomfort commences the novel's sensational discourse. The sensational in this novel is thus not initiated, as is most commonly supposed, by Walter's meeting with the woman in white. Rather, it is instigated by the very possibility of an impossibility: marriage between Walter and “a young Miss.” For, while Pesca's joke is predicated on the impossibility of such a union, it also opens it up as a conceptual possibility. Moreover, this possibility becomes reconfigured in the novel as inevitability,

one that in fact—and in accordance with genre—does come true at the novel's end. Indeed, later references in the novel's early chapters to Walter's place and the unbridgeable distance between him and Laura (even after they have already fallen in love) only emphasize the inevitability of this outcome. What was manifestly illegitimate and unthinkable at the outset of the novel becomes a reality by its end.

Moreover, as generic convention has established, the discursive disavowal—the fact that the text takes care to point out the impossibility—is that which paradoxically ensures its coming into being. The possibility can only be articulated through its denial, but in its articulation becomes a possibility. But how does a possibility become a probability, even an inevitability? How does a single, ostensibly freak occurrence gain the force of empirical probability and communal expectation, the twin (if paradoxical) elements of realist fictionality? The answer, I suggest, lies in the temporal and generic conventions of the sensation novel and is made up of three main strands.

The first element which helps morph a random possibility into a widely regarded probability is the affinity of sensation fiction with realism. The sensation novel is ostensibly antirealistic because it deals with the *improbable*, but, as Patrick Brantlinger has argued, the sensation novel is so imbued with “the conventions of realism as to make its events seem possible, if not exactly probable.”<sup>37</sup> In so doing, it expands the range of probability. In other words, the sensation novel doesn't simply import realist conventions into its Gothic foundation; it also expands the range of possible in fiction. The fictionality of sensation makes the impossible possible, and therefore within the range of the probable.<sup>38</sup> In other words, realist conventions in sensational fiction legitimize the inclusion of what might be seen as nonrealistic elements. Within the logic of fiction, probability legitimizes the bizarre, initially impossible events and brings them into the fictional fold.

But realistic affinity in itself is not enough to lend such credibility and weight to a preposterous chain of events. To the realistic conventions of sensation fiction we must also add the conventions of probability of the genre itself. What does this mean? The conventions of sensation fiction deem that an outrageous impossibility, ludicrously voiced in the first fifty

37. Brantlinger, “What is ‘Sensational’ about the ‘Sensation Novel’?,” 9.

38. “Every good new Victorian murder helped legitimize and prolong the fashion of sensational plots,” writes Richard Altick. Reality seems to join in this normalizing enterprise, each new shocking instance reported in the press served to underscore sensational probability, thus further legitimizing the genre. Altick, *Victorian Studies in Scarlet*, 79.



pages of the novel, becomes a reality by its end. This is, of course, unlike real life. While in real life, something that is presented as impossible at the outset does not usually become possible over time, in the novel of sensation—it most probably will. The internal probability of the genre of the sensation novel (what we expect when we read it) is thus shifted onto the external probability of events it recounts (how much is this like real life.) And in our case, the probability that the preposterous will turn out to be reality, is imperceptibly shifted to the probability that a young drawing master will marry a wealthy heiress and assume a hitherto unimaginable rank and position in life.

More specifically, the probability of the impossible is generated through the *temporality* of these conventions of sensational fiction. This has to do with the radically different temporalities of real life and of sensation fiction. When I stated earlier that “Walter Hartright’s status at the end of the novel is . . . considered impossible at the outset of the novel,” I invoked not the temporal trajectory of the diegesis but that of the novel. The events in the diegesis do not have an outset or an end, nor does real life—only a novel does. The inevitability of the outcome is figured because the narrative has a beginning and an end, and those set the conventions of pacing—the expectation that certain things will happen over a certain time of reading (rather than over a certain time in the diegesis.) In other words, readers of the genre develop an inbuilt sense of when and where events will produce events. The pace of a certain genre takes on a probability of its own, and in highly formalized genres such as the novel of sensation rises almost to the level of inevitability. The overlapping of presentness and past in the novel fosters this slippage between the pacing of the diegesis and that of the genre itself. Moreover, sensational temporality presents an ostensibly open-ended future—anything could happen in this highly unpredictable genre. However, its outcome, and not its outset, is in fact the only constant in the novel. What is open is not the end, but the beginning, and even more so, the past that precedes the beginning. The sensation novel writes the past by pretending to grapple with an unknown future. The teleological temporality of the sensation novel is the linchpin by which the ostensibly and sensationally impossible becomes the conventionally and realistically probable.

This brings us back to the tension between the presentness of the narrative and the actual narrative scope that it covers. *The Woman in White* seems to take place—relentlessly so—in the present. As befits a genre of sensation, the events take on the overabundance, the breathlessness, the arbitrariness and the indeterminacy associated with the present, that which is represented most emblematically in Marian’s in-the-moment narrative of



her diary. It thus is repeatedly unnerving to rediscover what we ostensibly know from the very beginning—that the story is in fact told retrospectively. It might help then to note that while all of the events recounted in the novel take place in the past, and are told retrospectively, the event of the telling of the story—*the event which counts for Walter*—is told in the present (or so we are asked to believe). The part entitled “The Third Epoch,” which contains the story’s denouement opens thus:

I open a new page. I advance my narrative by one week.

The history of the interval which I thus pass over must remain unrecorded. My heart turns faint, my mind sinks in darkness and confusion when I think of it. This must not be, if I who write am to guide, as I ought, you who read. This must not be, if the clue that leads through the windings of the story is to remain from end to end untangled in my hands.

A life suddenly changed—its whole purpose created afresh, its hopes and fears, its struggles, its interests, and its sacrifices all turned at once and for ever into a new direction—this is the prospect which now opens before me, like the burst of view from a mountain’s top. I left my narrative in the quiet shadow of Limmeridge church—I resume it, one week later, in the stir and turmoil of a London street (433).

The immediacy of emotional turmoil and confusion is palpable and convincing. As readers, we are led to believe not only that Walter is agonizing about whether and how to tell his story but that he himself does not know how it will end. But Walter’s own words undo this effect: when he pleads (with himself) that “the clue that leads through the windings of the story is to remain from end to end untangled in my hands,” he reveals that the story already has an end, and thus that its trajectory and teleology already exist, albeit in tangled form. While the novel seems to be invested in the presentness of events and meaning, its real project is to make a coherent and implicit connection between the past and the future.

Even more telling in this respect are Mr. Gilmore’s opening words, when he describes the task he has been given: “The plan [Walter Hartright] has adopted for presenting the story to others, in the most truthful and most vivid manner, requires that it should be told, at each successive stage in the march of events, by the persons who were directly concerned in those events at the time of their occurrence” (150). The temporal language “each successive stage in the march of events” implies a historical inevitability. The teleology exists; the narrative is already in lockstep. Moreover, the narrative framework and expectation is also set up for him not only because the end is already known (the plottedness of the narrative) but because he

has read Walter's narrative and has therefore has the terms of his own narration already set up for him by Walter: "I say nothing about the more serious matters which engaged my attention on that day—having all been fully noticed, as I understand, in the narrative which precedes this" (151). So, while critics tend to see writing in the present tense as done in the service of an open-ended future (casting suspense), I tend to see the novel's presentness working in the service of the past and an inevitable (rather than open) future state of affairs.<sup>39</sup>

### CONCLUSION

Earlier in this chapter I have argued that the sensation novel, through its incorporation of realistic elements, expands the range of the possible in fiction by making the unthinkable not only thought-of but possible (if not probable.) Within the logic of fiction, I showed, probability legitimizes the bizarre, initially impossible, events and brings them into the fictional fold. From this inclusion comes the anxiety and frisson of the sensational, but also its normalizing qualities. This develops the argument I made even earlier in my discussion of *Middlemarch*, where I claimed that in Eliot's realism, the realm of the known is subtly and incrementally developed through the expansion of commonality. Expanding the common, the argument goes, expands that which is received as common sense, and hence probable. My discussion of the temporality of legitimization in this chapter completes this argument by showing the temporal maneuvering that makes this work: sensation fiction can think the unthinkable by expanding the past so that it always already contains the kernel of the present, which will bear fruit in the future. It expands impossibilities into possibilities and those into probabilities not by opening up new paradigms but by locating the new in the past.

In their heyday, sensation novels were famously accused of subverting Englishness. Cannon Schmitt argues convincingly that "from this subversion comes the possibility of change," and that the novel's end provides an emblematic representation of the new Englishness made possible in its pages; middle-class manliness possessed of the signs of the rural gentry."<sup>40</sup> But as I have shown, this "new" Englishness was enabled precisely because its alterity, its newness, was disavowed. Englishness was

39. Susan Lynn Beckwith and John R. Reed, "Impounding the Future," 299–318.

40. Schmitt, *Alien Nation*.

constantly reproduced, but always with a deep affinity—legal, cultural, and social—to the past.

If Englishness has constantly to be reproduced, when is it first produced? The gap between the time of narration and the time of the story *The Woman in White* clues us into the way production is cast as reproduction. This, in a nutshell, is also the *raison d'être* of this chapter. The temporal machinations of *The Woman in White* afford an exceptional view of temporality of precedent. It shows us how change can be cast as repetition, how disruption can claim its place in a continuous line, how the new always finds itself in the past. If not quite a triumph of the *longue durée*, the novel is a testament to its rhetorical power. This delicately maintained temporal tension is fundamental to the functioning of precedent and to the construction of the commonality known as “Englishness” throughout the nineteenth century.

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