

Law, Literature, and the Transmission of Culture in England, 1837–1925

Catherine O. Frank. Surrey; Burlington VT: Ashgate, 2010. 258pp.

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When Queen Victoria, “the woman whose imperative will presides over a changing generation” (Catherine Frank 20), passed away in 1901, rumours of her will and legacy abounded in the popular press both in Britain and abroad. *The New York Times* speculated only days after Victoria’s funeral that four of her children would receive £140,000, while some of her grandchildren were set to inherit “liberal legacies.”¹ The newspaper also reported that King Edward, Victoria’s successor, was naturally tipped to succeed to the bulk of her fortune. The circumstances of the queen’s legacy encapsulates what Catherine O. Frank’s excellent study, *Law, Literature, and the Transmission of Culture in England, 1837–1925*, sets out to explore in the boundaries and overlaps between testators and inheritors, gender politics, and the Victorians, Edwardians and modernists. Belonging to a broader research area of law and Victorian literature, of which Ian Ward’s *Law and the Brontës* (2012) and William P. MacNeil’s *Novel Judgements: Legal Theory as Fiction* (2012), are more recent contributions, *Law, Literature and the Transmission of Culture in England* addresses the relationship between a will as a “rhetorical strategy that enables a particular conception of one’s metaphysical subjectivity” (9), and the Victorian, and later, Edwardian literary worlds.

Frank’s main concern is evident: the “reciprocity primarily between the realist novel’s use of and its negotiation with legal culture, and the construction of Victorian cultural identity” (8). The rise of the realist novel alongside the invention of the modern will is no coincidence, according to Frank, as she capably bridges the gap between law and literature, underpinning her perceptive literary analysis with a confident familiarity with Victorian and Edwardian legal frameworks. The dates, 1837–1925, chosen as the period for this study would seem to be a challenging undertaking but Frank’s execution within this almost century-long time span is, for the most part, impressive. *Law, Literature, and the Transmission of Culture in England* divides into the three logical parts — ‘Writing the Will,’ ‘Proving the Will’ and ‘Contesting the Will.’

Part One systemically addresses the figure of the testator and his appearance in popular periodicals, legal texts and in the novel. Frank’s introduction establishes a cultural and historical framework from which to examine in her later chapters how issues pertaining to legal and literary identity intersect with, and contest each other. Grounded in a comprehensive reading of the Wills Act of 1837 and Victorian case law, Chapter One persists in laying the foundation for Frank’s astute literary examination generated in subsequent chapters by contextualising the importance of the will in the Victorian cultural imagination. Consequently the second chapter is the first instance of where law and literature really start to coalesce in this study, for “law and literature’s common investment in subjectivity, agency, and their expression in the material world – their internal struggles over how to administer or represent these principles – places legal and

¹ “Queen Victoria’s Will.” *New York Times*, 6 Feb 1901. A follow-up article appeared in the same publication on 14 March 1901 stating: “it is understood that her Majesty’s jewelry and personal ornaments have been divided between her daughters, daughters-in law, and grand-daughters.”

literary discourse in conversation and even in competition” (66). Putting the proliferation of wills in Victorian fiction under review from a legal perspective, this chapter cites examples ranging from George Eliot’s *Middlemarch* (1872), to Anthony Trollope’s *Dr. Thorne* (1858), but concentrates in more detail on Charles Dickens’s *Our Mutual Friend* (1865) as a model for the hereditary legacy from father to son that takes place in the cultural shift from the Victorian to the Edwardian era.

The significance of gender comes to the fore in Part Two as Frank shifts her attention to this ‘burden’ of inheritance. The focus of the third chapter is an indication that marital unions in Victorian fiction contravened the reality of the legal existence of women during the period. Frank’s reading of the single woman as agent versus the woman of fortune as potential bride in Wilkie Collins’s *The Woman in White* (1860), for example, shows the “clear indication that legal system of equity, try as it may to protect a woman’s assets, is no guarantee against the long-established common law rules that make a wife’s property her husband’s” (131). Whereas Laura Fairlie falls victim to the inheritance system, Marian Halcombe’s lack of property forces her to find other ways of identifying herself, which Frank argues, prefigures the ‘Edwardian sons’ and their devaluing of empirical and material representative modes she turns to in Chapter Four. Accordingly, in this chapter she argues: “the Edwardian period offers a kind of dialectical crucible in which the self and society, the will and the novel, Victorian and modernist are recast” (138).

The final two chapters in Part Three extend Frank’s previous engagement with Victorian and Edwardian subjectivity as it is mediated through legal and literary discourses. Via the narrative device of the testamentary trust and the illegitimate heir respectively, each chapter traces shifts over time between a “character centred and identity-centred model of law” (167) that reflects the development of a modernist social order. A comparative examination of Trollope’s *The Warden* (1855) with Edmond Gosse’s *Father and Son* (1907) in Chapter Five shows the problems the novelist faces when fashioning subjectivity and testamentary intention both within and outside of legal terms. Alternatively, Chapter Six explores tensions between models of ownership and legal subjectivity by means of the specific legal problem of illegitimacy in Trollope’s *Ralph the Heir* (1871) and E.M. Forster’s *Howard’s End* (1910), thereby tracing the impact of the will as a cultural form from its high-Victorian standing through to its Edwardian culmination.

What is perhaps most interesting about this study is the way in which it continues to carefully and fluently link together law and literature. A significant contribution to the dual scholarly fields of literary studies and the history of law, Frank’s monograph is well researched, detailed, and traces a clear analytical trajectory.

Kirby-Jane Hallum