

Appellate Lawyers in Petticoats: Access to Justice in Wilkie Collins's *The Law and the Lady*

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<1>It has become a commonplace to refer to Valeria Macallan, the protagonist of Wilkie Collins's *The Law and the Lady* (1875), as one of the earliest female detectives. More significantly, I will argue, she successfully enacts the role of appellate lawyer, using her critical reading skills to examine trial documents and construct a compelling case for the overturning of the Not Proven verdict that has shadowed her husband's existence.⁽¹⁾ Because the legal profession was not open to women in Great Britain until the twentieth century, Valeria's legal practice must necessarily remain unofficial. Working with her husband's trial counsel, she effectively reopens the case, finding suitable grounds for appeal and constructing a new narrative, the equivalent of an appellate brief, to replace the story set forth in his initial trial, and shifts the jury's verdict of Not Proven to an unofficial but very clear Not Guilty. Moving step by step through the process of reviewing, reconsidering, and reopening possibilities, she effectively outmaneuvers the original trial attorneys, seeing through their legal storytelling to construct a new narrative which supersedes the old.

<2>Although *The Law and the Lady* is in print in several editions, it is not among Collins's best-known works; a brief summary will enable the reader to better understand the arguments that follow. The novel centers on the marriage of Valeria Brinton to Eustace Woodville, after the briefest of courtships. Valeria learns that Eustace has been concealing his real name, Macallan, from her, and that some years previously he was acquitted of the murder of his first wife with the qualified Scottish verdict of Not Proven, which has left a cloud of suspicion hanging over him. Overwhelmed by his wife's discovery, Eustace flees to Spain to serve as a battlefield medic, while Valeria sets out to vindicate her husband. From reading the trial report, she determines a course of action, and seeks the assistance of the eccentric, enigmatic, half-mad witness Miserrimus Dexter, and Eustace's trial lawyer, Mr. Playmore. While Dexter encourages Valeria's suspicion of Helena Beaulieu, Eustace's now-widowed first love, Playmore suspects Dexter himself, who was in love with Sara Macallan. When Eustace is wounded in Spain, Valeria and his mother rush to his bedside, and a promise is exacted from Valeria to cease her investigation. However, the subsequent discovery that she is pregnant renews her determination to clear Eustace's name.

<3>Believing that Dexter holds the key to the investigation, Valeria seeks his assistance once more. He suffers a complete mental breakdown during the course of spinning an elaborate narrative designed to convince her of Mrs. Beaulieu's guilt. An exact transcript of Dexter's delirious ramblings, taken down verbatim by Valeria's ally, her late father's clerk, Benjamin, allows Playmore to reconstruct a narrative involving a stolen document. This letter, retrieved from the dust-heap at Gleninch, the Macallan estate, is pieced together, and is revealed as Sara's suicide note. Dexter, seeking to encourage Sara Macallan, whom he loved, to flee with him, had showed her Eustace's diary, which contained praise for Mrs. Beaulieu and disdain for his own wife. By doing so, he inadvertently triggered her suicide. To save her honor and his own embarrassment, Dexter concealed the note until Eustace's conditional acquittal rendered its production unnecessary, and then discarded it.

<4>Fearing that the revelations of Sara's letter might drive Eustace to despair, Valeria asks him to wait until after the birth of their child to read it. At that time, he is informed that the letter will clear him of all suspicion, but at great cost to Sara's memory. Trusting in Valeria, he leaves the letter unopened, and the novel ends.

<5>As this plot sketch of Collins's novel reveals, Valeria chooses to redeem her husband's honor at a point when he himself has given it up as irretrievably lost. She insists that her focus in throwing herself into the process of clearing Eustace's name following the dubious Not Proven verdict is to ensure their happy ending, but what the reader remembers is the enthusiasm she brings to the task. Eustace's final acknowledgement of her efforts, by respecting her judgment with regard to Sara's letter, demonstrates a substantial shift in their relationship. His knowledge of and respect for her has grown in proportion to the good sense and determination she has shown in her role as appellate attorney.

Legal Narratives and the Scotch Verdict

<6>Valeria commences her role of “lawyer in petticoats” (121) in the manner that any attorney would, by doing research to clarify the terms at hand. In the letter informing Eustace of her intent to pursue his vindication, she quotes from Ogilvie’s *Imperial Dictionary*, “A verdict of Not Proven only indicates that, in the opinion of the Jury, there is a deficiency of evidence to convict the prisoner. A verdict of Not Guilty imports the Jury’s opinion that the prisoner is innocent” (116). The Scotch Verdict meant that while Eustace Macallan was not convicted of murdering his first wife, neither was he fully acquitted. Not held guilty, neither is he “not guilty” and he remains under a legal shadow.

<7>Valeria is actively defiant towards the law, which she personifies, seeing it as an independent entity. “What the Law has failed to do for you, your Wife must do for you” (116), she declares, and “I refuse to believe the Trial” (109). She similarly sees the verdict as having agency of its own, saying, “I refuse to submit to the opinion of the Scotch Verdict” (241). This personification allows Valeria to set herself up in opposition to an enemy, something more concrete than the abstraction of the legal system as a whole, and thus something manageable to her as an outsider seeking to engage in legal practice. While Mrs. Macallan declares that “My son is resigned to the Scotch Verdict. And I am resigned to the Scotch Verdict” (200), Valeria repeatedly refuses to give in (116, 240, 241, 273).

<8>For Collins the storyteller, Not Proven presents the novelistic interest of a state of limbo; neither acquitted nor imprisoned, Eustace exists in an indeterminate condition which at once calls out for resolution and proclaims moral ambiguity.⁽²⁾ The verdict of Not Proven is remarkable less for its rarity than because it is deeply disruptive to the ordinary conceptions of the Anglo-American legal system, where the Guilty/Not Guilty binary creates a sense of absolute truth. That a jury could render an officially indeterminate verdict is threatening to the idea of justice itself, wherein courtroom proclamations of guilt and innocence performatively create reality. The disruption of this binary throws open the notion that the justice system, and the very nature of truth itself, is less than absolute. Janice M. Allan puts it nicely: Eustace “is therefore both/neither innocent and/or guilty” (47). Not Proven exposes the reality that verdicts may be less than reliable. For a Victorian audience, well-attached to its certainties, this concept is disruptive in a way that a reader in the postmodern era can scarcely appreciate. It is additionally disturbing for an English audience to be confronted with the “otherness” of a system so close (both legally and geographically) to its own. Valeria wants to “change that underhand Scotch verdict . . . into an honest English verdict of Not Guilty” (116); she adopts the role of appellate lawyer in order to do so.

<9>Since Eustace has proved himself unwilling to cooperate with Valeria’s investigation, her reading of the trial report is her introduction to the events, and the basis upon which her investigation must found itself.⁽³⁾ She finds herself in the position of an attorney being handed a case file and asked to deliver an opinion about whether further proceedings are possible, and what course a client should take.

<10>Valeria’s reading of the trial generates an anger at the legal system which is irrational, though understandable, and which triggers her subsequent active and various engagement with Eustace’s case. Her impassioned response, “I do not scruple to say that I never read anything so infamous as this great lawyer’s speech. He was not ashamed to declare, at starting, that he firmly believed the prisoner to be guilty. What right had he to say anything of the sort? Was it for *him* to decide? Was he Judge and Jury both, I should like to know?” (179), forecasts the multiple roles Valeria herself will take on in the course of the narrative.⁽⁴⁾ But of course, in an adversarial system, it is precisely the prosecuting attorney’s role to convince the jury of the defendant’s guilt, and a strong legal argument must always begin with a declaration of what the lawyer will attempt to prove. If he had done otherwise he would have been woefully negligent in performing his duty. Valeria’s declaration shows her lack of knowledge of the legal system, and her partisanship, all the stronger for being not purely professional; she must both use and overcome this.

<11>Collins’s heroine takes out her rage on the text itself, first physically, by attacking it, but later by bringing her intelligence to bear on the subject. “I tore the pages which contained the speech for the prosecution out of the Report, and trampled them under my feet—and felt all the better, too, for having done it” (179), she recounts. Although she admits, in retrospect, to being “a little ashamed of having revenged myself on the harmless printed leaves, now” (179), her act of destruction is grounded in an understanding of the underlying truth that is more fundamental than she knows. Scholarship on legal narrative concerns itself with how law “shape[s] reality through language, us[ing] distinctive methods and forms to do so” (Gewirtz 4). Accordingly, the physical page represents and contains the source of power that exercises control over her husband’s fate.

<12>Thus, Valeria’s attack on the printed word is a direct confrontation with the source of power. Where “the turn to narrative is a clear offshoot of the further loss of faith in the idea of objective truth and the widespread embrace of ideas about the social construction of reality,” narrative *becomes* the social construction of reality (Gewirtz 13). Valeria’s instinctive response acknowledges this; she is acting out against the notion that what she

has read in the trial *does* construct reality, but one that does not coincide with her own. Thus the symbolic act of harming the physical manifestation of the words that construct that objectionable reality is an attempt to destroy literally the verdict she cannot accept. “The law is all about competing stories,” as Peter Brooks writes (16), and Valeria must herself enter the competition. “The goal of storytelling in law is to persuade an official decisionmaker that one’s story is true, to win the case, and thus to invoke the coercive force of the state on one’s behalf” (Gewirtz 5). The prosecution has done this, and Valeria must now attempt to overturn both the ruling and the reality, replacing it with a new reality created by her own narrative, the legal appeal she must construct. Her physical intervention with the trial text suggests an attempt to reshape reality through action rather than language—and it is her actions as appellate lawyer, her interventions, as well as her own storytelling, that bring about Eustace’s resolution.

<13>Eustace says simply, and repeatedly, “Read the Trial” to Valeria, as though that will be dispositive against him (107). In her first passionate response she says, “I have told you that I mean to read the Trial . . . I mean to read it, line by line, with you. Some inexcusable mistake has been made. Evidence in your favour, that might have been found, has not been found. Suspicious circumstances have not been investigated” (107). In beginning her appeal, Valeria conducts a document review, both to understand the case in its earlier stages and to look for flaws in the proceedings. She believes that a close reading of the trial will reveal to her what those mistakes might have been. At this point she still thinks the trial report is an objective retelling of the trial itself, though she remains defiant. “If the Trial tells me it can’t be done, I refuse to believe the Trial” (109).

<14>Although Valeria prefaces her analysis of the trial by saying “Ignorant as I was of the law,” she goes on to consider it at great and thoughtful length, and brings to her reading and planning a solid legal strategy (139). “I shall first try to form some conclusion (after reading the Trial) as to the guilty person who really committed the crime. Then, I shall make a list of the witnesses who spoke in my husband’s defence. I shall go to those witnesses, and tell them who I am and what I want. I shall ask all sorts of questions which grave lawyers might think it beneath their dignity to put” (121). Valeria’s notion of the relation between making a legal case and determining abstract truth is a reasonable one; she prepares a course of action which will support the counter-narrative she has begun to construct. With the sound instincts of one constructing a case, she breaks down the sequence of witnesses into a sequence of three questions much like those a lawyer would present in a legal brief: Did the Woman Die Poisoned? (126), Who Poisoned Her? (141), and What was his Motive? (153).

<15>Valeria’s reading is complicated, however, by the nature of trial narratives. Jessica Maynard demonstrates that her “faith in the evidential reliability of the case transcription” (191) is undermined almost immediately by a note at the front of the trial report:

. . . assuring the reader of the absolute correctness of the Report of the proceedings. The compiler described himself as having enjoyed certain privileges. Thus, the presiding Judge had himself revised his charge to the Jury. And, again, the chief lawyers for the prosecution and the defence, following the Judge’s example, had revised their speeches, for, and against, the prisoner. Lastly, particular care had been taken to secure a literally correct report of the evidence given by the various witnesses. (Collins 124)

Valeria follows this up with the comment, “It was some relief to me to discover this Note, and to be satisfied at the outset that the Story of the Trial was, in every particular, fully and truly told” (124). Maynard raises the question of how we are “to read the fact that judge and advocates have ‘revised’ their speeches? Could they, in checking for errors, have also altered what they originally said, albeit inadvertently? With each ‘revision’, the distance between this transcription and the original speeches which it attempts to reproduce, only widens” (191). If the judge and counsel, knowing the record of such a notorious trial would be a strong seller, had a chance to revise their speeches, it is likely they would have been irresistibly drawn to make improvements and corrections, to put themselves in the best possible light. Valeria, like the general public, assumes that what is presented to her as a published version of the trial must represent the reality of what occurred; to a seasoned legal practitioner this would seem impossibly naïve, and in the course of her brief legal career, she will learn this.

<16>In warning Valeria about Dexter, Mrs. Macallan has referred to an editorial smoothing over of his testimony. “The shorthand writers and reporters put his evidence into presentable language, before they printed it. If you had heard what he really said, as I did, you would have been either very much disgusted with him, or very much amused by him” (199). Dexter’s disruptive behavior was edited out of the trial report, and his original testimony was incoherent, representing his tenuous hold on reality; it needed to be edited heavily in order to be presented to the public. So, despite the Note’s disclaimer to the contrary, the speeches of witnesses as well as lawyers have been tampered with. Richard Altick refers to testimony in trial records being “normalized” (273). In *The Law and the Lady*

this is a double problem: both with the editing that takes place in the publication of the trial, and with Valeria's own paraphrasing and editing as she retells it in the text.

<17>In bringing the case for appeal, Valeria too shapes the narrative. For example, a description of Dexter's appearance is inserted into the trial record, as if it were a part of the document, but Valeria later admits to having added some of her own impressions on first meeting him. Dexter, making his entrance into the courtroom, is described as "a strange and startling creature—literally the half of a man" and the displacement of his "coverlid . . . exposed to the public curiosity the head, the arms, and the trunk of a living human being; absolutely deprived of the lower limbs" but "an unusually handsome, and an unusually well-made man" (173). This highly emotional and florid language is more appropriate to the sensation novel than to a court record.

<18>Just as Valeria now seeks to create a substitute narrative on appeal, the prosecution opens by attempting to fit the Macallans' situation into a familiar mold, by establishing Sara as a woman likely to be murdered by her husband. As Robert Ferguson has written, "Lawyers in conflict look for a story that jurors will believe, and they understand that the most believable story will already appear familiar to their listeners" (85). The story of a jealous, insecure wife is familiar, in fact stereotypical; Sara Macallan, though she has been presented in the text as a multifaceted character, can be easily fitted into that mold in the courtroom. Valeria's critique of the prosecution's case is sound: "Ignorant as I was of the law, I could see what impression the evidence (so far) was intended to produce on the minds of the Jury. After first showing that my husband had had two opportunities of administering the poison—once in the medicine and once in the tea—the counsel for the Crown led the Jury to infer that the prisoner had taken those opportunities to rid himself of an ugly and jealous wife whose detestable temper he could no longer endure" (139). Maynard notes that "Valeria comes to recognise that the ordering and arrangement of the witness statements constitute a form of narrative, an argument. The statements do not simply reveal an event; they prompt its construction by the jury or the reader" (191). On appeal, she must disrupt this reading by making the mechanism behind it apparent, while simultaneously substituting another, more favorable to Eustace's innocence.

<19>As she observes the Lord Advocate's construction of the case, Valeria notes that he had proved several key points: that Eustace Macallan had purchased the poison, that he had given the druggists a false reason, and that he had had two opportunities of secretly administering the poison to his wife. In frustration, Valeria notes that the Dean of Faculty in Eustace's case had proved nothing—that his insistence on Eustace's innocence was merely that, his "assertions [were] not supported by proof" (152). Later, she and Dexter discuss the concepts of legal evidence and moral certainty, and how difficult it can be to make them match up.

<20>Valeria's reaction to the summation by the prosecution has been discussed above; the defense's summation quite naturally wins her accolades, since it supports her own beliefs. "[S]uch glorious oratory," she calls it (181). However, she disagrees with the Defense's conclusion that Sara's death was accidental or by her own hand. Instead, she agrees with the Prosecution that she must have died by the hand of a poisoner, just not the one he suggests (184). In this, we know her critical reading serves her wrong for once, and the search for a poisoner is a red herring.

<21>The Lord Justice's speech to the jury is dissected by Valeria in great detail. As she tells us, "His lordship first told the Jury that they could not expect to have direct evidence of the poisoning. Such evidence hardly ever occurred in cases of poisoning. They must be satisfied with the best circumstantial evidence" (181). Valeria's critique is astute for someone as inexperienced in the law as she is, showing her predilection for the work. "Who is to decide that is a just inference? And what does circumstantial evidence rest on, *but* conjecture?" (181). The Lord Justice is accused by Valeria of being deliberately confusing; the Macallan jury is presented with an overabundance of evidence, none of it sufficient in itself to be convincing. Hence it returns the verdict of Not Proven, providing uncertainty in place of resolution, and setting Valeria's task, as appellate lawyer.

Collins's "Unremarkable" Legal Heroine

<22>While Valeria defies social norms in her engagement with the law, she has a marked tendency to diminish herself. She calls herself "only a woman" (21, 63, 280) and "only an ignorant woman" (249) with tedious frequency, although as Sue Lonoff remarks, "she repeatedly laments [this] as she accomplishes what every man in *The Law and the Lady* has failed to accomplish" (140).⁽⁵⁾ Valeria's verbal self-abnegation serves to temper her rebellion in the eyes of both the other characters and the Victorian audience. In suggesting her own powerlessness, Valeria is suggesting that others should not be threatened by her. At the same time, by insinuating herself into the public sphere, she makes herself powerful, and hence the preemptive defense begins to make sense.

<23>Valeria's name comes from the Latin and suggests strength and determination (419), which she demonstrates in her quest to redeem Eustace's honor. She is, however, the first to say that she is unremarkable. She is conventional in all aspects of her married life, except for her pursuit to clear her husband's name. It is the very fact of her ordinariness that lies at the center of the novel, for it is an unremarkable young woman, with strengths and limitations, including frequent instances of acute perceptiveness and periodic lapses in judgment, who engages with the legal system successfully. The fact that she can take on the law and emerge triumphant is what makes this text an anti-*Bleak House*; were it the case of *The Lawvs. The Lady*, it would be clear that the Lady has won.

<24>Rather than retreating from the legal system into private life, the only place where true happiness can be found, as in *Bleak House*, Valeria must engage with the legal system as a precondition to achieving a satisfactory private life. Domesticity is her ultimate goal, but the self must be asserted against the legal system to reach it; it is Valeria's engagement with the outside world, with the apparatus of the legal system and with the social and personal discoveries she makes in the course of her investigation, that provides the text's center. Valeria may serve as appellate lawyer to reexamine Eustace's case and clear his name, but she is her own client, as well. In the end, it is her personal interest which motivates her with the drive and determination to succeed where distinguished professionals have failed. Although ultimately she suspends her campaign to vindicate Eustace just short of going to court, she has achieved everything she needs in order to overturn the verdict.

<25>In keeping with a dominant ideology that saw women's place in the private sphere, during the course of Valeria's engagement with her husband's case, everyone who crosses her path assumes that she should be sheltered from the horrors and rigors of the legal system. Knowledge of her husband's trial, as well as of the mysteries of the law, should be concealed from her, they believe. Valeria's determination to go ahead draws disbelief, condescension, and even derision. Her uncle mocks her, saying "you are conceited enough to think that you can succeed where the greatest lawyers in Scotland have failed. *They* couldn't prove his innocence, all working together. And *you* are going to prove it singlehanded?" (121). In response to similar objections from Eustace, Valeria responds, "the greatest lawyers are mortal men; the greatest lawyers have made mistakes before now" (107). She remains confident in her ability to construct a successful appeal.

<26>Valeria's drive and determination are paired with stereotypically feminine qualities she attributes to herself. In keeping with the Victorian world-view, "Valeria conceptualizes the world in terms of sexual polarities, defining the members of one sex against those of the other" (Nayder 62). But while ordinarily "feminine" qualities would be seen as disabling a woman from functioning in a male-dominated world, here these same personality attributes strengthen her legal and investigative work. Eustace sees Valeria's curiosity as a negative quality, bound to impede their happiness (Collins 54), and she refers to it as a female phenomenon (72), but surely curiosity is an attribute of the utmost importance to both the investigator and the appellate lawyer. She must find the angles of the case that are open for reconsideration, and it is her boundless energy and curiosity in pursuing Eustace's vindication that makes her so effective. Women are seen as illogical, but therefore, says Valeria, "I alone refuse to despair; I alone refuse to listen to reason" (241) and accordingly, she alone continues her investigation and appeal when others have found it unreasonable to persevere. Jenny Bourne Taylor suggests that Valeria's logic is not absent, but differently gendered. "She does not, like her male detective counterparts, depend on rational induction or scientific evidence, but is more likely to follow a different kind of logic, to act impulsively, to pursue random associations, to move in a dream- or trance-like state" (xvii). But Valeria repeatedly shows that she is supremely rational, as well as intuitive. She investigates and frames her appellate claim with a mixture of logic and inspiration, which in combination proves highly effective.

<27>In the text, being a woman implies having a particularly tenacious sort of strength. Valeria declares that "[a] man in my place would have lost all patience, and would have given up the struggle in disgust. Being a woman, and having my end in view, my resolution was invincible" (65). This quality of perseverance is turned against her by Dexter, who manipulates her to continue her fruitless pursuit of Mrs. Beaulieu by saying, "it will be done by a woman . . . a woman who can watch her with the patience of a tigress in a state of starvation" (252). But Valeria manipulates Dexter, as well, patiently extracting the information that only he can provide.

<28>Notably, Valeria's pregnancy, the very reason that a woman is seen as vulnerable and in need of protection, serves instead as a direct source of her strength. On the verge of giving up her quest, she finds herself newly motivated by the desire to clear the name that will be borne by her child (313-14). Her own social and legal status is also clearly at stake; Valeria is her own client because Eustace's disgrace becomes hers and the child's by association. She carries within her a constant reminder of the family unit she wishes to reconstruct. Though some critics have found Valeria too ready to assume traditional gender

reconstruct. Though some critics have found Valeria too ready to assume additional gender roles,⁽⁶⁾ it is precisely that which allays any anxiety that she, or Collins's Victorian readers, might have had regarding her de-sexing herself by engaging with the masculine world of the law. Jill Noelle Rupert says, "her unorthodox trespasses into masculine work do not damage her 'real' identity; nor do they prevent her from fulfilling the proper roles of a wife according to Victorian domestic ideology" (152). Conversely, neither does being a wife and mother-to-be make her less effective as a lawyer; since the case is so personal to her, she takes motivation from that to succeed in her legal endeavors.

<29>On several occasions Mr. Playmore, Eustace's lawyer, learns from Valeria. When Valeria recounts her meeting with Dexter and shares her suspicions of Mrs. Beaulieu, Playmore concludes that it is Dexter who is the guilty party, sarcastically stating, "The light which the whole machinery of the Law was unable to throw on the poisoning case at Gleninch, has been accidentally let in on it, by a Lady who refuses to listen to reason and insists on having her own way" (270). It is clear he views Valeria as a being driven by her emotions rather than her logic. The Victorian notion that a woman was caught in a domestic space between adulthood and childhood is suggested by the emphasis on her insistence "on having her own way." But that childlike insistence is an asset in relation to her appellate legal work, where assertiveness and persistence bring significant results. And despite his easy dismissal of Valeria's suspicions of Mrs. Beaulieu, filtered through his gender-based perceptions, Playmore's own suspicions of Dexter turn out to be equally unfounded. Perhaps he, too, refuses to listen to reason and insists on having his own way, but his results are sorely lacking until he joins forces with Valeria.

<30>Late in the novel, Valeria hands the investigation over to Playmore and Benjamin, in order to nurse her convalescent husband, and finds herself in the position of an informed client. Just as Valeria commenced her career as appellate lawyer by digging through the court transcript, looking for overlooked evidence and mistaken procedure, the two men do likewise on a more literal level with the dust heap at Gleninch, searching through trash and ashes as Valeria has worked her way through testimony and legal argument. But while the men debate whether it is worth digging for the missing document, Valeria's visit to Pompeii has convinced her that the dust and ashes have preserved the document in a legible condition. Thus, she says, "thanks to my Continental experience, I was able to instruct my lawyer!" (366). Jenny Bourne Taylor says, "it is Valeria who throughout reveals the limitations of the lawyer's legal training, showing his perceptions to be built on prejudice and speculation" (xvi). While Playmore believes himself to be helpless to aid Eustace further, Valeria's inexperience with the legal system enables her to cut through the Dickensian cobwebs. The fragmentary nature of what her team finds, too, may suggest to us the appellate process; the letter has been torn into pieces, rained on, covered in fireplace soot, and otherwise defaced, and yet must be reassembled into a coherent narrative. Benjamin, whose hobby is solving all sorts of puzzles, reconstructs the letter, in the same way that Valeria uses her own puzzle-solving ability to reconstruct the entire case.

Valeria and the Real-Life Lawyers in Petticoats

<31>To be an appellate lawyer, one must be able to practice law. Since there were no women lawyers in Victorian Britain, the notion of Valeria-as-lawyer seems outlandish to Valeria's male contemporaries like Playmore and Eustace. However, it was a real, if new and unusual, possibility across the Atlantic. While the first woman was not called to the British bar until 1921, Arabella Mansfield was admitted to practice law in Iowa in 1869, six years before *The Law and the Lady* appeared in serialized form. Belva Ann Lockwood, practicing by 1872, was called to the bar of the Supreme Court of the United States in 1879. Although there is no evidence that Collins was aware of these real life "lawyers in petticoats," it was a topic of controversy in the United States, with some jurisdictions admitting women to the legal profession, while others did not.

<32>*Bradwell v. The State of Illinois* is particularly apposite to Valeria's situation, because the judicial reasoning runs parallel to the objections raised to Valeria's legal practice by the friends and relatives she approaches about the case. *Bradwell* was heard by the United States Supreme Court in 1872, three years before the serialization of *The Law and the Lady* in *The Graphic* in 1875, and seven years before that august body permitted Belva Ann Lockwood to appear before it. Myra Bradwell applied for a license to practice law in Illinois and was refused on the grounds of her sex. Her attorney, Matthew Hale Carpenter, asserted the equality rights inherent in the privileges and immunities clause of the Fourteenth Amendment to the United States Constitution, claiming that a woman could not be barred from any form of employment simply on the basis of her gender. "I maintain that the fourteenth amendment opens to every citizen of the United States, male or female, black or white, married or single, the honorable professions as well as the servile employments of life; and that no citizen can be excluded from any one of them" (137), he wrote.

<33>While the majority opinion refused to overturn the Illinois ruling on a narrow interpretation of the Fourteenth Amendment, Justice Bradley's concurrence sets forth the

doctrine of separate spheres, a staple of nineteenth-century thinking about gender. The reasoning that he uses, in finding the legal profession unsuited for Mrs. Bradwell, and vice versa, was similar to the reasoning of Valeria's critics. Justice Bradley notes that the law of which he writes had been adopted from the British common law, less than a century earlier, and thus would likely apply to Valeria as well.

The civil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. . . . The harmony, not to say identity, of interests and views which belong, or should belong, to the family institution is repugnant to the idea of a woman adopting a distinct and independent career from that of her husband. The paramount destiny and mission of woman are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator. (141)

It might be noted that Mrs. Bradwell's sponsor for admission to the bar was her husband, under whom she had studied (Olsen 1523); Mr. Bradwell's notions of what might constitute his own domestic happiness were apparently unreliable. Rather, Justice Bradley would have sympathized with Eustace Macallan's determination to shelter his wife from the legal sphere, despite the fact that Eustace, while his name remains shadowed by the Not Proven verdict, is clearly unable to fulfill the offices of "protector and defender" to his wife. Instead, he is in need of someone to protect and defend him, precisely what Valeria does.

<34>Justice Bradley's separate spheres argument echoes and underlines the responses of the people Valeria seeks as allies in her unofficial legal career. Although in the end they all submit to her determination, everyone she approaches tries to dissuade her from what they see as a hopeless attempt.⁽⁷⁾ In Eustace's eyes, as in the eyes of Justice Bradley, Valeria is a creature too pure to be exposed to his degradation. To his mother he writes, "She spoke of reading the Trial, when I saw her last . . . think of those pure eyes looking at a man who has been accused (and never wholly absolved) of the foulest and vilest of all murders, and then think of what that man must feel if he has any heart and sense and shame left in him" (223). This echoes Justice Bradley's comment about "proper timidity and delicacy," and yet Valeria's examination of the trial report, the precondition of her appellate work, affects her only by increasing her devotion to Eustace and her determination to aid him.

<35>But if Eustace's notion that his wife cannot but be revolted by the juridical stain upon him is a willful misunderstanding of Valeria's nature, his underestimation of her abilities is even more flagrant. "Does she still meditate that hopeless project—the offspring, poor angel, of her artless, unthinking generosity? Does she still fancy that it is in *her* power to assert my innocence before the world?" (224), he wonders. Indeed, she does; by the time Eustace says this, Valeria has been through the trial record and critiqued it, begun to formulate alternative theories of her own, and has made contact with counsel and witnesses from the original trial, to question them and seek their aid in her appeal. Clearly, Eustace has not gotten to know his intended sufficiently in the weeks before their marriage. The "poor angel" sees right through him when he lies to her (34). Eustace's mother shares the reader's frustration. "What I complain of in my son," she says, "is that he has entirely failed to understand you. If he had married a fool, his conduct would be intelligible. . . . But you are not a fool. I can see that, after only a short experience of you. Why can't he see it too?" (197). While she wishes Valeria to stay out of legal matters, she does not doubt her competence to deal with them; she is clear that Valeria has the intelligence and determination to carry out her legal objectives.

<36>*The Law and the Lady* suggests that the law is accessible to Valeria; it shows that an ordinary intelligent individual, with no particular training, has the ability to take on the challenge of understanding the legal proceedings involved at trial and in pinpointing errors and omissions—as long as she is determined and willing to work hard. Eustace misunderstands what a woman's abilities are; Valeria inhabits a separate sphere because her society places her there, not because of any personal incapacity. The problem with the argument made by Eustace and by Justice Bradley in *Bradwell* is that it leads men to judge women by a standard that holds them both above and below the level of ordinary men. It means that Myra Bradwell, despite her manifest professional achievements,⁽⁸⁾ is judged unfit to practice law. And it means that Valeria is assumed to be incapable of doing what she is actually doing quite effectively. Valeria is neither "artless," as her husband presumes, nor "unthinking." Rather, shrewdness and reason are two of the primary characteristics she displays in her engagement with the law.

The Female Lawyer in Action

<37>In both her investigation of Eustace's case and her approach to the law as an appellate attorney with no previous background, Valeria is able to manipulate the notion of separate spheres to her own benefit. She approaches the men in the novel in a way that

another man could not, freely admitting her helplessness and openly seeking assistance. She uses her feminine wiles to appeal to the susceptible Major Fitz-David, subjecting herself to the “odious deceit” of “paints and powders” which give her “skin . . . a false fairness . . . [her] cheeks a false colour, [her] eyes a false brightness” (57) and is admitted into his presence solely because his servant finds her to be “better than pretty” (59). The Major asks, “What have beauty and grace to do with Trials, Poisonings, Horrors? Why, my charming friend, profane your lips by talking of such things?” (189). And yet he ends up providing Valeria with significant aid, making the published trial transcripts available to her, which enables her to begin the appeal process, and, subsequently, providing the opportunity for Valeria to make further direct inquiries regarding Helena Beauy.

<38>Likewise, Playmore is at first reluctant to aid her, commenting, “I suppose it is unreasonable that a young woman like you should share any opinion with an old lawyer like me” (283-84). (Note that here she is defined by her gender, and he by his profession.) Valeria has taken care to approach him alone, leaving Benjamin behind at the hotel, for “[she has] observed that, in nine cases out of ten, a man will make concessions to a woman, if she approaches him by herself, which he would hesitate even to consider, if another man was within hearing” (271). He assists her, at first reluctantly, but his conversion to her point of view marks the final stage of the case—Valeria’s sheer determination has taken her so far toward the truth, that former skeptics like Playmore and Benjamin now willingly aid her in both investigation and appeal.

<39>As Valeria struggles to combine the role of “lawyer in petticoats” with her identity as a dutiful married woman, something she can only do with Playmore’s aid, so too does Playmore have a sense of doubleness about his identity. “[T]he lawyer gets the better of the man and refuses to be suppressed” (274) he says, and later, “the lawyer disappears and the man resumes his proper place” (275). But if a lawyer is something different from a man, is it something that is necessarily male? Playmore assumes so, but it is a role, a collection of professional behaviors, combined with a body of knowledge. The position of lawyer is something that Valeria is actively assuming; the knowledge is something she is eagerly absorbing. He advises her to bring someone to serve as note taker to her final interview with Dexter, “but then, I am a lawyer, and my business is to make a fuss about trifles” (289). In her role investigating and constructing the new legal narrative that will support her appeal, Valeria too must “make a fuss about trifles” or she will fail in her quest. In Playmore’s language, male/female opposition has been replaced by lady/lawyer. Gender is now replaced by profession; a “lady” is not only a woman, but like a “gentleman” she is necessarily an amateur. It goes without saying that he does not recognize her as his equal in her unacknowledged role as lawyer (she enacts the role of junior associate to his senior partner), but he no longer claims that their differences are based on gender, but on professional status.

<40>Valeria has proved herself the best of readers, and of storytellers, in her actions within the text, adopting the role of appellate lawyer successfully, and replacing the court’s resolution of Not Proven with her own, much more definite narrative, complete with convincing evidence. At the end, however, she is able to walk away short of achieving a legal resolution through the courts, and allows Eustace’s official legal status to remain ambiguous, as long as she, he, their closest family and friends, and, in particular, the reader of the novel, are fully informed of the truth. “In the grey light of the new morning, I closed the Report of my husband’s Trial for the murder of his first wife” (182). Her dissatisfaction with this narrative has led to her successfully carrying out the appellate process, beginning with the reexamination of the trial documents, finding flaws with the original trial, and, through both reexamination and further investigation, constructing a compelling replacement. Valeria has not brought about Eustace’s full legal vindication, but in a very real way, she has triumphed over the law, playing by the system’s rules and achieving her desired result, when all along, she is exercising the role of appellate attorney that will still be barred to Englishwomen for decades to come.

Endnotes

(1)While critics have focused on Valeria-as-detective (Lonoff 114; Maynard 187; Taylor ix; Nayder 62; Peters 12), recent work by Karin Jacobson and Jill Noelle Rupert deals more directly with Valeria in connection with the law, although both echo the “female detective” label as well (Jacobson 290, 294; Rupert 153). Rupert writes of Valeria in the context of the Victorian work ethic and the agency it creates, while Jacobson focuses on the inability of the law to tell women’s stories.^(A)

(2)While the Madeleine Smith poisoning trial, in 1857, is the best-remembered Not Proven verdict, it is hardly unique. A verdict of Not Proven was handed down, for instance, in the 1854 murder trial of Dr. William Smith (Altick 151), and in the 1894 “Ardlamont Mystery” trial, where Alfred John Monson was accused of murdering Cecil Hambrough for his

insurance (102-3). Thus, for Collins's contemporary readers it was an unusual but not unheard-of outcome.(^)

(3) Trial reports were immensely popular in nineteenth-century Britain (Taylor xix), and the public followed them eagerly, both in newspaper reports, and later in volume form. Series like *Famous Trials* and *Notable Scottish Trials* were by no means read only by legal specialists.(^)

(4) In addition to appellate lawyer and detective, Valeria arguably serves as judge, jury, and client at various points in the novel. In this, she is not unlike Lewis Carroll's Snark, who, in the "Barrister's Dream" episode of *The Hunting of the Snark*, acts as prosecuting counsel, judge, and jury (84-8).(^)

(5) Women in nineteenth-century Britain were, of course, not men's equals under the law. They did not have the right to vote and, under the common law, a married woman's property belonged to her husband (Bodichon 16; Shanley 77). Neither could she enter into a contract, for the same reason: according to the legal doctrine of coverture, she had no legal existence. According to Blackstone, "By marriage, the husband and wife are one person in law; that is, the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated or consolidated into that of her husband" (1: 430). By the 1850s, there were movements to reform this situation, and the Married Women's Property Acts of 1870 and 1882 brought about significant changes (Holcombe 110-47). But the quotation from the marriage ceremony which places married women in "subjection unto their own husbands" (7) reflects their overall position. Eustace Macallan advocates this for much of the novel, and Valeria pays lip service to it as well. By the end, however, both of them have reason to be thankful for Valeria's defiance.(^)

(6) There is a critical debate around whether Valeria's domestic longings crucially compromise her status as a feminist heroine. A significant number of critics believe that it does so (Lonoff 150; O'Neill 204; Peters 12; Nayder 68; Rupert 182). Kathleen O'Fallon praises faintly, saying Collins "does not undercut her strength to the degree that he has undercut the strengths of earlier heroines" (231). But Susan Balee, in an essay on *The Woman in White*, counters this criticism effectively by saying, "Collins knew his audience: he wanted to portray women as he really saw them—strong and capable—but he did not want to alienate his readers. Furthermore, the happy endings tacked on his novels do not eradicate what came before; the subversiveness is there, and still lingers in the minds of the readers" (210). Karin Jacobson argues that it is the law that fails women, and not Valeria who fails herself (285).(^)

(7) Although Eustace's mother does not doubt Valeria's competence, she agrees with Eustace's opinion that Valeria should not continue with her investigation (195-96). So, too, does her father's clerk Benjamin (109), Major Fitz-David (192), her uncle Starkweather (120-21), and even Mr. Playmore (273), later her staunchest legal ally. Even Dexter, who supports Valeria because he believes he can use her investigation to forward his own agenda, points out that "[l]adies are not generally in the habit of troubling their heads about dry questions of law" (239).(^)

(8) She was the editor of *The Chicago Legal News*, a prominent legal publication (Olsen 1529-30).(^)

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