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Beyond Bastards: The Nineteenth-Century Task of Constructing Legitimacy

In their introduction to *Legitimacy and Illegitimacy in Nineteenth-Century Law, Literature, and History*, Margot Finn, Michael Lobban, and Jenny Bourne Taylor pose a series of questions that frame the book's essays: "How is a legal identity created and maintained? What does it mean legitimately to belong–in a family and in a place? … Above all, what are the tensions among what contemporaries considered morally legitimate, what they considered as legally legitimate, and what they considered as legitimate in social practice?" (pp. 3, 4). To address these questions, the authors included in this collection consider our more common understanding of legitimacy through marriage and personal identity alongside legitimacy in commerce in the form of forgery and insurance fraud. The strength of this approach is to demonstrate the instability of the private and public spheres of the Victorians. The result is a complex, yet very readable and interesting interdisciplinary collection that presents legitimacy and illegitimacy as problematic, public issues that both defined and defied society.

Notions of legitimacy and illegitimacy are certainly not unique to the nineteenth century; however, the emergence of legitimacy as a narrative technique in fiction reflects a growing public interest in legitimacy during this time period. Moreover, the rise of market investments and insurance companies in the nineteenth century extended private legitimacy concerns to a broader public sphere. In this way, not only could legitimacy of birth become a public issue, but so, too, could personal habits (excessive drinking), mental states (suicidal tendencies), and legitimacy of personal finances and financial investments. In essence, what defined a person was a public concern and could be called into question in the nineteenth century. The difficulty, as each essay argues, is establishing legitimacy and defining the various meanings of illegitimate.

The collection consists of six essays that can be divided into two sections: the first three essays deal with legitimacy and illegitimacy with regard to personal identity; the last three essays address legitimacy and illegitimacy in the commercial world. In her essay, the first of the three on personal identity, Margot Finn explores the issue of empire and legitimacy through the deterioration of the nuclear family. Using Sir George Barlow's family as her primary example, Finn frames her analysis within the accepted view of the Romantic period as a "key stage in the consolidation and enclosure of the marital unit" and the imperial and economic context of the period that required families to become more reliant on in-laws, cousins, and the rest of the extended family (p. 28). In the case of the Barlow family, this included a two-parent unit that resided primarily in India, and fifteen children who were ostensibly raised by their uncles in England. In relying so heavily on relatives to raise his children, Sir George opened the door for a reciprocal economic exchange, in which his nephew, assisted by Sir George, ascended to Major, albeit at the ultimate cost of an adulterous affair between the nephew and Barlow's wife Elizabeth. As Finn astutely claims, the betrayal here went beyond the wife's adultery to include the larger imperial family that spanned two countries and several nuclear families–in a family that relied so heavily on trust and loyalty, not only because of their geographical positions but also Sir George's political position. The resulting adultery trial, in which the lovers were found guilty, marks the blurring of private and public life, domestic and international interests.

Josephine McDonagh's essay builds upon domestic concerns of legitimacy in the legal system with regard to space in Charles Dickens's *Bleak House* (1852-53). This essay is the strongest of this section, as it represents the most interdisciplinary approach and manages to offer in-

sightful, original analysis of a text that has been well analyzed by literary, history, and law scholars. In an innovative reading, McDonagh places the novel within a larger national context of legitimacy and population mobility, reflecting how "place, identity, and belonging had been violently dissevered in the changing conditions of mid-nineteenth-century England" (p. 52). Using George Coode's report on the poor laws and settlement, McDonagh successfully argues that *Bleak House* is a novel about settlement as a reflection of legitimacy in location and identity and eviction or removal as a reflection of illegitimacy in location and identity. Considering the various illegitimate characters in the novel, the overlap of their bastard status–whether legal or familial–and lack of settlement or continual removal, as in Jo's case, is hard to deny, and indeed offers further insight into Dickens's criticism of society's treatment of the poor.

In the final essay on personal identity, Rohan McWilliam looks at imposter narratives that threatened the fabric of the Victorian family, most notably financially. Unlike imposters of previous centuries, those in the nineteenth century were defined by their performativity and production of documents to support their claims–both of which, according to McWilliam, are reflective of contemporary interests in romance and the gothic. Using three accounts of imposters, all of which focus on monetary and social gain, McWilliam argues that these "unreliable narrators" not only appealed to the public's reading interests, but also "were an uneasy reminder that wealth and attainment might not necessarily be based on solid foundations" (p. 69). The imposters' narratives are fascinating, and the only criticism I can offer is that the narrative foundation McWilliam argues could be better contextualized through some literary examples, as the editors provide in their introduction. However, it does provide a fitting closing to this first grouping of essays and notions of biological and personal legitimacy.

The real strength of this collection comes in the second grouping of essays, all of which explore the fascinating idea of legitimacy in commerce, which has more immediate relevance to today. In Randall McGowen's essay, he argues that the downfall of Henry Fauntleroy–the last forger to be hanged for his crime–reflects contemporary concerns with the threat to the credit economy. In an effort to keep the well-respected bank Marsh, Stracey, and Co. afloat, Fauntleroy forged depositors' names to gain power of attorney in order to sell their government bonds. Fauntleroy successfully tricked the bank's partners, as well as the Bank of England, before a trustee investigated assets held at Marsh, Stracey, and Co. in 1824, revealing that the bank was facing bankruptcy. The trial that followed, according to McGowen, reveals not only the frenzied public interest in the case, but the defense of the middle class for one of their own–at least against the gallows–and the legitimization of the middle-class criminal. The public outcry meant the abolition of capital punishment for forgery; McGowen concludes, "the emergence of white collar crime was made possible by the disappearance of capital punishment for forgery" (p. 115).

This theme of commercial morality is continued in Michael Lobban's essay, which deals with speculation in the second half of the nineteenth century, focusing on the idea that "the line between commercial respectability and illegitimate conduct was a very blurred one" (p. 121). This is effectively demonstrated in the case of Edward Hartmont, who, in attempting to a float a loan for Santo Domingo, broke the laws of the London Stock Exchange. Unlike many of the examples in the previous essays, the resulting trial was a civil one, and while Hartmont was found financially responsible for his conduct, the complexity of his actions after the decision not only helped him to avoid paying all his debts but also to fraudulently earn more money. Lobban suggests that the importance of the decision against Hartmont–and his subsequent successes–demonstrates a moral legitimacy that overshadowed legal legitimacy, as the laws were slow to react to the growing commercial market. Thus, Hartmont's success was a product of his ability to manipulate the complexities of the system to present himself as immoral but not acting illegally.

The final essay in the collection is the most compelling of all the arguments, not only because it deals with an immensely interesting topic, but also because it epitomizes the blurred lines of the public and private spheres. Timothy Alborn uses insurance companies in the latter half of the century as a means of discussing illegitimacy in the nineteenth century, demonstrating how policy holders were viewed through the lens of legitimacy based on their personal habits and mental states. Alborn provides several examples that are grouped in two categories: life insurance policy holders who did not disclose their true drinking habits (and subsequently died from a drink-related incident) and policy holders who committed suicide. In the first category, jurors were inclined to side with the middle-class policy holder's family, continually altering the accepted definition of temperance; in the second category, jurors were more inclined to side with the insurance company, thereby defining suicide as default on the policy and an illegitimate act. Alcorn concludes that the combination of shifting

medical views and the insurance companies' responses to these changes, as well as the media coverage of the trials, allowed for a shift from morally defined legitimacy in the mid century to legalistic and medical definitions.

Legitimacy and Illegitimacy in Nineteenth-Century Law, Literature, and History is a thorough and engaging analysis of the difficult and varying notions of legitimacy and illegitimacy in a period that was largely focused on this topic. This is the most well-researched and comprehensive study of legitimacy to date, one that historians and literary critics alike will find essential in understanding shifting legal definitions of legitimacy and personal identity.

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