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In:

Susan Brähler und Kerstin-Anja Munderlein (Eds.), Diversity : Linguistic, Cultural, and Literary Perspectives ; Student Conference Proceedings 2024, Bamberg : University of Bamberg Press, p. 62-76. 2025. DOI: 10.20378/irb-110940

Bookpart - Published Version

DOI of the Article: 10.20378/irb-111814

Date of Publication: 28.11.2025

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5. Is Murder Madness? Women Who Kill in Victorian Fiction

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Abstract

The Victorian era is an era of change. Among these changes are developments in medical and legal discourse, specifically a shift in the perception of madness. It becomes a condition primarily associated with women. Alongside this shift, the insanity-plea arrives in Victorian courtrooms. Considering these shifting discourses, this chapter will examine how different modes of Victorian fiction participate in and respond to these discourses. It will analyse Charlotte Brontë's *Jane Eyre* (1847) as an example for Victorian Gothic fiction and Thomas Hardy's *Tess of the D'Urbervilles* (1891) as an example for realist fiction arguing that the degree of social criticism that is negotiated through the representation of madness in connection with murder committed by women in Victorian fiction is tied to the realist or Gothic mode. The more Gothic a novel is, the more murder is the pinnacle symptom of the female perpetrators' madness, thus recontextualising murder as madness and reducing a woman's agency. The more realist a novel is, the more murder is the transgression and not recontextualised as madness, thus leaving more agency to women. This chapter will further complicate these transgressions of murder and suicide by further considering the female characters under scrutiny and their transgressions in light of their race (Bertha Mason) and class (*Tess of the D'Urbervilles*). Both women's actions and depictions are heavily influenced by these circumstances: They are condemned and judged on more than one level.

Keywords

Victorian literature, Gothic, realism, murder, mental illness

Introduction

The perception of madness shifted in the nineteenth century. The raving lunatics one would pay an entrance fee to see in Bedlam were replaced by docile and, significantly, female and feminine patients. "The disturbing images of wild, dark, naked men had been replaced by poetic, artistic, and theatrical images of the youthful, beautiful female insanity" (Showalter 10). Along with this rise of the madwoman in medical discourse comes the mad murderess in legal discourse. Women in the nineteenth century who had committed murder were twice as likely to be acquitted on the grounds of insanity, often simply with the explanation that because they kill, they must be mad. The deed was enough to convince juries of their insanity (Ainsley 43). Literature of the time is also concerned with gender, mental illnesses, and murder. This chapter is placed at this intersection of changing discourses about women in the legal system and women in the asylum system. I argue that the degree of social

criticism that is negotiated through the representation of madness in connection with women who murder in Victorian fiction is tied to either the realist or the Gothic mode. The more Gothic a novel is, the more murder is the pinnacle symptom of madness, thus recontextualising murder as madness and reducing a woman's agency. The more realist a novel is, the more murder is the transgression and not recontextualised as madness, thus leaving more agency to women. I use the term mode here instead of genre since especially the Gothic in the nineteenth century is no longer a stable genre (Killeen 3). Thus, mode, being "associated with method, manner and style" (Cuddon 441), is the more appropriate term. I further consider realism and Gothic not to be separate but rather existing on a continuum, since traces of Gothic can be detected in realist fiction and vice versa (Killeen 10). Regardless of the mode of the novel or the transgression of the characters, however, the female characters discussed here are held to an impossible standard and are further judged, othered, and hindered by their race and class. In order to prove this, I will first give some context on the relevant discourses of the nineteenth century of femininity, murder, and madness which influence the writing of these novels. Then, I will exemplify my argument with Charlotte Brontë's *Jane Eyre* (1847) as a Gothic novel and Thomas Hardy's *Tess of the D'Urbervilles* (1891) as an example of a realist novel.

Context

Murder, attempted murder, and suicide are the transgressions this chapter deals with, yet the women discussed here cross boundaries in more than one way; they also transgress Victorian gender norms. These transgressions are often relevant in the context of the characters' madness and/or criminality. Carroll Smith-Rosenberg and Charles Rosenberg give an intriguing definition of what role definitions are when they write:

Role definitions exist on a level of prescription beyond their embodiment in the individuality and behaviour of particular historical persons. They exist rather as a formally agreed upon set of characteristics understood by and acceptable to a significant proportion of the population. [...] They exist as parameters with which and against which individuals must either conform or define their deviance. (333)

Gender norms are therefore a constructed set of ideals against which women – in this case – define themselves. It is further difficult, if not impossible, to fully conform to this set of constructed rules. What contemporary studies have shown is that ideal notions of femininity were rarely adhered to (Klaver and Rosenman 3), and yet not all women were condemned or perceived as transgressive. Not adhering to all the rules, therefore, did not necessarily mean that one was transgressing, transgression rather meant to turn towards the opposite of ideal notions of femininity.

Fundamentally, the core values from which one could deviate seem to have been closely aligned with the ideals set out by Coventry Patmore in his poem “The Angel in the House” (1858). Pamela Stone and Lisa Shapiro Sanders summarise the depiction of the ideal wife in this poem as follows: “dignity, modesty, grace, and charm – while also underscoring that wives find their reward in their devotion and submission to their husbands’ wishes” (89). While recent research strongly suggests that this ideal of the Angel in the House, along with other essentialist concepts – such as its sexually promiscuous opposite, the Fallen Woman, or separate spheres – did not represent reality (Klaver and Rosenman 3), Stone and Shapiro Sanders nevertheless argue convincingly that women were trained to embody these characteristics “to be the keepers of the hearth, guardians of morality, efficient domestic managers, and loving wives and mothers” (37). What is further important here is that these gender norms are class specific; only for certain upper-middle class women was it at all possible to come somewhat close to an Angel in the House because most other women simply had to work (37). Women were furthermore affected by a racial as well as a gendered hierarchy, where the white, European man’s was the ‘normal’ body and everything else followed behind. White women were below men, but non-white women earned the lowest place in this hierarchy (13).

As Michel Foucault shows in *Language, Counter-Memory, Practice*, where he considers limits and transgression as inherently connected, “a limit could not exist if it were absolutely uncrossable and, reciprocally, transgression would be pointless if it merely crossed a limit composed of illusions and shadows” (34). Despite a difficulty to establish exactly how firm these boundaries were, Victorian gender norms must have presented limits, otherwise, no transgression would have been possible. To summarise, the established core values from which a woman could deviate were that she must be pious, pure, domestic, and submissive to men and that women embrace their role and their natural function as mothers. In connection to this ‘natural function’, women were supposed to be nurturing and caring, and bearers of virtue and morality.

While deviation from core values and norms was certainly frowned upon and usually punished, “[n]o women disturbed Victorian complacency more overtly than those who murdered. But despite their shocking behaviour, most violent women were treated more delicately than men guilty of comparable crime; they were acquitted more often, and their death sentences were more often commuted” (Morris 26). This may be due to “the discomfiting prospect of acknowledging women’s agency when confronted with physical proof of their capacity for anger, power, and violence” (Ainsley 40). Thus, a double standard in the treatment of women who kill becomes evident. On the one hand, the committed transgression was perceived as more severe, exciting public attention to a much larger degree than male murderers (Morris 27), yet the treatment of women who committed violent crimes was much gentler.

They were convicted less frequently and even fewer of those convicted actually went on to be executed (30). “The double standard, invoked, for once, to women’s advantage, provided a cogent and ironic example of the Victorian dilemma: wanting to think of women as special, fragile creatures even when they did not act that way” (26). This further exemplifies a central notion of all studies of Victorian womanhood: The concepts of womanhood, largely constructed by men, are incongruous with the lived reality of women unable – or unwilling – to enact these fantasies.

One explanation for the low numbers of executions and proportionally larger number of acquittals in women is class. According to Bridget Walsh, the Victorian public felt a certain distaste around hanging women in general, and middle-class women in particular (128). Morris concurs when she states that middle-class women were not hanged at all, whereas middle-class men were. She further points out that, next to the severity of the crime, sexual misconduct played an important part in the conviction of women (30). Another possible explanation: women were proportionally twice as likely to be acquitted of a crime on the basis of insanity, despite men having been on trial for violent crimes much more frequently than women; Jill Ainsley attributes this to the Victorian belief that women were more susceptible to madness than men (4). There were rules and legislation about what it meant to acquit someone on the grounds of insanity since the M’Naghten rule, which read: “He did not know what he was doing was wrong” (Purchase 92). It had to be proven that someone was unaware that the way they were acting was wrong in order to be acquitted on the grounds of insanity. However, as Ainsley points out, women were often acquitted even when they had confessed their crimes, clearly aware of the gravity of their actions (43).

Coincidentally, madness, according to Elaine Showalter, becomes an increasingly female phenomenon in the nineteenth century, moving away from the raving madman to the docile madwoman. Due to the scope of this chapter, this topic will not be treated in too much detail. Primarily, I want to point out how the kind of behaviour that had women be sent to an asylum – primarily women who were diagnosed with hysteria which had become a “catch all classification” for undesirable behaviour (Lyster 77) – overlapped with social transgressions as well as medical symptoms. This becomes most evident in radical treatments like the clitoridectomy. The performing surgeon, Dr Issac Brown, believed that masturbation was one of the primary causes for a variety of mental illnesses, most prominently hysteria. He describes symptoms such as declining proposals in marriage and remaining single past a certain age, and claims that the cure lies in female circumcision (Brown 72-75). “Clitoridectomy is the surgical enforcement of an ideology that restricts female sexuality to reproduction. The removal of the clitoris eliminates the woman’s sexual pleasure, and it is indeed the autonomous sexual pleasure that Brown defined as the symptom, perhaps the essence, of female insanity” (Showalter 76-77). This procedure is described

in detail here because it is so very telling of the anxiety surrounding women's sexuality, their desires, and their agency in acting on those desires. As King argues, these anxieties "echo the anxieties articulated in other discourses about every woman's potential for sin, trapped as she is in her own body" (20). The discourse of madness thus interacts with that of femininity, and it is this interaction that turns madness into a moral as well as a medical diagnosis used to silence and discredit transgressive women.

Jane Eyre

Bertha Mason is a very fitting example for a case where madness is both a medical and moral diagnosis. From the beginning, we perceive her as Other, an impression growing stronger with every encounter and depiction. We meet her as "a curious laugh – distinct, formal, mirthless" (Brontë 125) that becomes ever more threatening. Jane describes it as "demoniac" (176). Therefore, before we even know she exists, Bertha is contextualised as an evil and threatening presence in Jane's new life, part of Thornfield and adding to the Gothic atmosphere of the novel. When Jane finally encounters her – as many scholars claim (see for example Gilbert and Gubar or Klambauer) – dark, Gothic double, she describes the figure that appeared in her chamber: "It seemed, sir, a woman, tall and large, with thick and dark hair hanging long down her back" (340). Her features were "[f]earful and ghastly to me – oh sir, I never saw a face like it! It was a discoloured face – it was a savage face" (340). In short, Bertha reminds her "[o]f the foul German spectre – the vampire" (341). Bertha is depicted as something foreign, something other and less than human, she is often "it", and words used to describe her are "savage" and "animalistic"; they leave no space for empathy on the reader's part.

Even less empathy is awarded to her when Mr Rochester finally reveals all about his wife and gives the readers his version of the story. With this revelation, similar to the classic female Gothic, the supernatural elements of the novel are finally explained (Punter and Byron 279). Rochester's tale is a tale of woe – his woe, she is but his burden to bear – of being tricked into marrying a madwoman. He likens her to a witch because she is "prompted by her familiar to burn people in their beds at night, to stab them, to bite their flesh from their bones" (Brontë 362). According to Rochester, Bertha is mad because she inherited the disease from her mother, whom Rochester significantly identifies as "the Creole" (367). That madness could be passed on, especially from mother to daughter was a common belief at the time (Thormälen 190). However, it is more than his bride's heritage that Rochester finds reproachful, it is her character that he takes issue with most of all.

I found her nature wholly alien to mine, her tastes obnoxious to me, her cast of mind common, low, narrow and singularly incapable of being led to anything higher, expanded to anything larger. [...] whatever topic I started, immediately received from her a turn at once

coarse and trite, perverse and imbecile – when I perceived that I should never have a quiet or settled household, because no servant would bear the continued outbreaks of her violent and unreasonable temper, or the vexations of her absurd, contradictory, exacting orders. (Brontë 368-69)

Finally, “her character ripened and developed with frightful rapidity, her vices sprang up fast and rank” and then “the doctors now discovered that my wife was mad – her excess had prematurely developed the germs of insanity” (369). It becomes evident here that while her madness is hereditary, it is transgression that spurs on the disease, Rochester blames his hatred of her, as well as her madness, on *her* behaviour, thus also constructing her suffering as his burden.

It is further helpful at this point to acknowledge the values of femininity that Bertha is transgressing against. In this case, before Rochester goes into what it is exactly about her character that he finds so repulsive, he names the characteristics he is expecting a woman, and specifically his future wife, to possess: “I had remarked neither modesty, nor benevolence, nor candour, nor refinement in her mind or manners” (368). These values align with the boundaries defining ‘good’ women in Victorian society and cement Bertha’s behaviour as deviant.

More than just transgressing against values of Victorian femininity, she transgresses against whiteness. She is the diseased Other, the Creole from Jamaica invading the motherland and wreaking havoc. Bertha is described as Creole, which Sue Thomas identifies as “a derogatory name for West Indian sugar plantocracy” (1). She further summarises studies that show that the construction of whiteness depended not only on skin colour, but also on being European as well as Christian (1). Thus, one can read Bertha “in relation to that stereotype of depraved self-indulgence, and Jane as an emblem of Christian feminine restraint” (2). What further confirms this is that in Rochester’s description of Bertha as excessive, temperamental, and behaving in a way wholly contradicting Victorian ideals of womanhood, one can recognise contemporary prejudice against people – and especially women – living in warmer climates. It was believed that the hot temperature would lead women to be excessive in their desires (3).

Another intriguing point is made by Susan Meyer who claims that although Bertha is traditionally read as a white woman – or passing as white – she is often described as dark. Jane, for example, describes her hair as dark, her face being “discoloured” and “savage” (Brontë 340). “In the form in which she becomes visible in the novel, Bertha has become black as she is constructed by the narrative” (Meyer 164). There is an argument to be made that while Bertha may be supposed to be of white skin colour, on a narrative level, her character is much more closely aligned with the non-white Other. This becomes even more troubling when considering how often Bertha is depicted as more animal than human. Bertha is therefore transgressive and othered on every possible level, even beyond her madness and her crimes, and it is

those external circumstances that, according to the narrative, make her even more prone to madness and crime.

We shall then turn to her primary transgression: that of (attempted) murder and suicide. Bertha harms others and attempts murder more than once throughout the novel. She sets Rochester's room on fire, finally burns down Thornfield and then jumps from the roof of the burning house. A witness identifies her as "the mad lady, who was cunning as a witch" (517). Bertha's suicide reads as little more than the culmination of her insanity, a raving lunatic setting a house on fire and jumping off it. Her madness is clearly the source for the transgression of attempted murder and suicide. Bertha killing herself also works as a convenient way to get rid of Bertha, the obstacle to Jane and Rochester's happiness. She was the only obstacle standing in their way, "the ultimate legal impediment to Jane's and Rochester's marriage" (Gilbert and Gubar 360), and short of disease taking her, suicide was the only way for her to be out of the way without either Jane or Rochester transgressing and murdering her themselves.

In literary criticism, however, there is, as Showalter notes, much more sympathy awarded to Bertha than Brontë herself offered (68-69), where madwomen like – and perhaps especially – Bertha Mason are read as feminist rebels (Donaldson 11). This romanticisation of madness is tempting since, as Donaldson states, "the figure of Bertha Mason as a rebellious woman subverting the patriarchal order by burning down her husband's estate has a certain irresistible appeal" (12). Bertha burning down Thornfield Hall might therefore also be read as an act of revenge, as Bertha chooses suicide as the only way to escape and be the mistress of her own fate, so to speak. However, as Marta Caminero-Santangelo points out, madness "provides the illusion of power while locating the mad (non)subject outside any sphere where power can be exerted" (4). The fact that Bertha throughout the novel is described as mad, by othering her, by depicting her as less than human, and not in control of herself, removes this potential for agency. By contextualising her actions as madness, all the potential of her actions being conceived of as wilful rebellion against a patriarchal system – or a certain patriarch – is denied.

What is more, the doubling of Jane and Bertha leaves even less space for Bertha to be read as an independent agentic character. Bertha is Jane's dark double in every sense of the word. As many critics argue – Gilbert and Gubar most notably – Bertha acts out, and thus almost embodies, Jane's suppressed desires (359-60). This is, furthermore, an integral part of the Gothic nature of the novel. Anna Klambauer also emphasises the layered duality between Jane and Bertha, whose "kinship [...] is not only visible in their connection to Mr. Rochester – actual and desired wife – as well as their metaphorical/narratorial likeness, the two women are also linked linguistically" (14). While Klambauer acknowledges the potential of reading Bertha as "a stronger, more powerful version of Jane" (15), she concludes that due to the

extremely negative portrayal of the character – especially from a nineteenth-century perspective – this reading may be tempting, yet not fully convincing (15). Bertha's death then is not only the removal of the obstacle in Jane and Rochester's way but also "abandoning madness and passionate resistance from there on out" (15). With Bertha also dies this repressed part of Jane that Bertha can be read to represent, the "type of person that the too passionate Jane could have become" (Smith 82). Bertha is reduced to a mere dark shadow of Jane, which leaves even less potential for a subversive reading of her madness.

Bertha's transgressions in terms of suicide and attempted murder are thus clearly depicted as the result of her madness. However, that madness, in turn, is depicted as a result of a mixture of her heritage as well as her transgressive behaviour. Since madness only "provides the illusion of power" (Caminero-Santangelo 4), Bertha's transgressive behaviour cannot be read as either agentic or socially critical because the roots of her rebellion against her captor and patriarch are recontextualised as the acts of a raving lunatic who is not ascribed enough mental clarity to carry out these actions in order to rebel.

Further, in the figure of Bertha, Brontë subscribed to contemporary beliefs about women and madness and shows an acute awareness of contemporary discourse. As Showalter points out: "Bertha's violence, dangerousness and rage, her regression to an inhuman condition and her sequestration became such a powerful model for Victorian readers, including psychiatrists, that it influences even medical accounts of female insanity" (68), a potent example for the ways in which medical discourse and fictional writing of the time influenced each other. Consequently, there is little subversiveness to be found in her character, and thus little can be made of Bertha as a protofeminist character rebelling against the social conditions of women in the nineteenth century. She functions rather as the "Gothic element within the narrative to the degree that she is associated with racial otherness, insanity, and sexual promiscuity" (Smith 80). One could thus even go so far as to argue that she is a merely functional character, the source of the uncanny discomfort that allows this novel to be read as a Gothic one, not a proto-feminist icon subverting Victorian standards of femininity.

Tess of the D'Urbervilles

Where Bertha remains unsuccessful in killing her husband, Tess of the D'Urbervilles succeeds and is, therefore, unambiguously a murderer – one of the more famous ones in Victorian literature. She kills her husband and pays for it with her own life. What is harder to find in this novel is madness. While an argument might be made that Tess's behaviour after her murder is strange, or that she acted in a fit of emotional turmoil, I will rather attempt to read what is not there in this novel. Thus reading between the lines or the empty spaces of this novel, I argue that it is

significant that Tess is not contextualised as mad, when – given the contemporary discourse – every opportunity was there. The novel rather seeks to assign blame elsewhere, not in the damaged mind of a woman, but in a society that allows for women – even a good, or as Hardy puts it in the subtitle to the novel: “a pure woman” – to be pushed to a point where murder becomes a viable option. What is more, by not having Tess’s action be a consequence of madness, the novel allows for Tess to be read as agentic, but also as criticising the contemporary treatment of women, especially lower-class women.

Tess of the D’Urbervilles is the story of Tess’s Fall. She is set up from the very beginning as a “pure woman” and remains pure throughout the novel despite her social transgressions “because she is completely and totally womanly” (Morris 127). Tess is repeatedly described as utterly beautiful. To her, “the eye returns involuntarily” (Hardy 102). Lisa Hoffman-Reyes claims that Hardy intentionally draws attention to Tess’s beauty. “He links this notion of the ideal from the physical to the moral and in doing so redefines assumptions about what constitutes feminine virtue” (34-35). She is intentionally made beautiful to challenge contemporary views of the connections of purity and beauty, and the description is by no means exploitative (34-35). The narrative is constructed as highly critical of Tess’s circumstances and of a society that allows for a young, working-class woman to be exploited in that fashion. Despite her transgressions that should not allow for her to be read as a pure woman anymore, the narrator insists that she is just that throughout. As Kristin Brady explains: “Hardy’s construction of gender difference works in terms not of civilized, Christian codes but of post-Darwinian anthropological theories about social behavior: the ‘purity’ of Hardy’s characters, especially his women, is that of the rural rustic, of the ‘instinctive’ and amoral ‘primitive’ races” (96). This allows for Tess to be both pure and transgressive.

Beyond her social standing and financial situation that can be read as a – or the – trigger(s) for the events of the novel, all of Tess’s transgressions are framed by important people in her life, and primarily men, failing her. It is her father who forces her to go to her alleged relative Alec D’Urberville, who rapes and impregnates her. It is an instant of “the violence performed by the text on the heroine’s body” (Brady 102). Although her extramarital sex in the form of rape certainly constituted a transgression, the novel depicts this not as a free choice but as an act of violence. When Tess returns home, her mother blames her for her situation, accusing: “You ought to have been more careful if you didn’t mean to get him to make you his wife” (Hardy 95), to which Tess responds with desperate exasperation, asking her mother why she did not prepare her daughter better for the dangers of the world outside the home (95). The novel, therefore, clearly offers a critical assessment of the treatment of women and the dangers of insufficient education. Tess subsequently loses this child, pointedly named Sorrow the Unwanted, which prompts her to go to the farm where

she meets Angel. He is supposed to love and accept her, yet when she confesses, he abandons her after her forgiving him a very similar transgression, one that he committed willingly. Tess even points out the hypocrisy of this: "I have forgiven you for the same. [...] Forgive me as you are forgiven! I forgive you, Angel" (272). Especially with Angel finding himself unable to forgive her, the novel criticises a Victorian double standard of the sexes. What is a small transgression for Angel as a man is damnable for Tess as a woman. Men keep failing Tess, yet it is she who pays the price.

Significantly, Angel's initial reaction to her tale is: "You cannot be out of your mind, though you ought to be. Yet you are not. I see nothing in you to warrant such a supposition as that" (272). For one, this reads as though Angel is looking for an excuse for Tess's story since the logical explanation cannot be that she chose her path (which arguably she has not since she was raped, but Angel does not perceive it as such), but that she should be mad. However, she is not; there are no signs of madness in her behaviour, which reasserts Tess's agency. The novel could have taken a very different path, excusing Tess's past by describing her as a madwoman with no control over her actions, considering the discourses of the Victorian period around madness and transgression, especially sexuality. And indeed, Angel's words confirm this as a likely, believable, story. In this light, Hardy's decision to not portray Tess's transgressions as a consequence of some lack of mental capacity reads as an active choice to write against contemporary discourses and leave Tess her agency throughout the novel.

Angel abandoning Tess is what leads her back to Alec, whom she marries, and, when Angel returns, kills. We hear her confront Alec about his lies:

And you had used your cruel persuasion upon me ... you did not stop using it – no – you did not stop! My little sisters and brothers and my mother's needs – they were the things you moved me by ... and you said my husband would never come back – never; and you taunted me, and said what a simpleton I was to expect him ... and at last I believed you and gave way! ... And then he came back! Now he is gone. Gone a second time, and I have lost him now forever ... and he will not love me the littlest bit ever any more – only hate me ... O yes, I have lost him now – again because of you! (453)

Finally, she finishes: "O, you have torn my life all to pieces ... made me victim, a caged bird!" (454). Through this conversation we get an image of Tess, the murderer. She is clear and articulate, she does not ramble madly, she has a clear understanding of the harms he has done her, how he has impacted her life, and how he exploited her desperate financial situation. She understands how he could ensnare her and recognises herself as his prisoner and then chooses to end her imprisonment in the most final way, by murdering him. She has freed herself from her oppressor and makes use of her agency. She "pulls herself out of the traditional pattern of the female victim and becomes an assertive woman" (Morris 131). Angel, however, doubts her sanity when she runs after him to tell him what she did. "As well as his confused and excited ideas could reason, he supposed that in the moment of

mad grief of which she spoke her mind had lost its balance, and plunged into this abyss” (Hardy 459). This contradicts the clarity with which Tess has expressed her fury to Alec, as well as anything readers have observed her do and think in this realist novel filled with detailed descriptions of her character and actions. He seems to try and find an explanation for how to combine his image of the pure Tess with the woman who commits murder, and his solution is temporary insanity. Just a page earlier, however, Tess says: “I have done it – I don’t know how [...] Still, I owed it to ‘ee, and to myself, Angel. I feared long ago, when I struck him on the mouth with my glove, that I might do it some day for the wrong he did to me in my simple youth, and to you through me” (458). Tess thus reiterates that she was not suddenly overcome by madness, but that this was an intentional and inevitable action, something she had to do both for Angel and for herself. Yet, this does not fit Angel’s perception of his wife, so he looks for excuses to erase his wife’s agentic behaviour.

Nicola Lacey points out that woman criminals in realist novels of the nineteenth century “often exemplify a form of mental incapacity which is closely related to self-deception: absence of mind or multiple consciousness” (124). These instances did not fall into the definition of the M’Naghten rule, since they were less related to a disease of the mind and rather considered as “failures of volition or of suspended consciousness” (124). Yet, in such cases women were often still found not guilty on these grounds, going beyond the legal definitions of guilt based on the grounds of sanity (124). And while Lacey seems then to use Angel’s words to describe Tess as one of those characters who are killing absentmindedly, I argue that not even that is the case here. Tess acts fully aware of what she is doing and why she is doing it. There is no regret, there is no unawareness of the consequences of her actions. She knows killing is wrong, yet she does it anyway. Indeed, as Lacey agrees: “Notwithstanding the suggestion of a dissociation of will from body, the reader is left in no real doubt of the intentionality with which she commits the murder which condemns her to the gallows” (128). Tess acts with awareness of what she is doing and why she is doing it.

Tess is executed for her crimes. And that is despite a trend to be observed in the Victorian justice system to declare women innocent on the grounds of insanity or suspended consciousness. Yet, Hardy chooses another path for his heroine. Tess is executed, but for more than her crimes. Morris argues here that “because she is working-class and can be labelled as promiscuous, she pays with her life for breaking the law” (128). Class is an issue from the beginning; it is her lack of fortune as well as the prideful striving of her father for a better position in society that he thinks he is owed that sets Tess on this path. This is in accordance with the real-world context in which the novel was written, since there are no recorded cases of middle-class women being executed for murder in the nineteenth century. And “What better evidence does the jury need than her compromised morality? If she has already broken

the seventh commandment, why would she hesitate to break the sixth as well?” (137). For Hardy, the issue was the inequitable social and judicial treatment based on class and gender (129). “Hardy’s realism – though often overlaid with symbol and legend – clearly conveys the effect of class distinctions on human behavior, especially women’s behavior. Tess had few choices of employment, and none of them provided the means to support Joan Durbeyfield and her children” (130).

What I have argued here is that Tess is a transgressive woman because she has been raped, because she (initially) chooses not to marry Alec, even though she is pregnant with his child, and lastly, of course, because she finally kills Alec. Yet, none of these actions are blamed on her nature, it is clearly her circumstances, and especially the men in her life, that force her to a point where she makes the choice to rid herself of her oppressor and chooses whom she wants to spend the remainder of her days with, all of which leads to her being executed for murdering her husband. “Hardy assaults the façade of late Victorian society by casting this mistress as vulnerable and sympathetic rather than as a whore or a blight” (Morris 138). Yet, while all of her choices and transgressions are contextualised convincingly, so that she is not blamed for them, they are still clearly her choices and transgressions. No one is there to tell her she should leave Alec; it is her moral compass that does so. No one tells her or forces her to murder Alec; it is her decision that she makes for herself and for Angel. The novel can thus be read as very critical of the position of women, especially lower-class women, their dependency, their lack of education and the standards to which they are held. This is only increased by not framing any of her actions as the consequences of madness. Her agency is fully intact, she makes all of her own choices within a system that only presents a narrow set of choices to its women, especially working-class women. By not depicting Tess’s actions as consequences of madness, Hardy leaves Tess her agency, yet he also shows what happens to transgressive women: they are punished and must pay for their transgressions – in Tess’s case: with her life.

Conclusion

In the Gothic novel analysed here, *Jane Eyre*, transgressive actions are contextualised as madness, and Bertha’s agency is revoked. In the context of the novel’s mode, we can see that madness is also part of what makes the novel uncanny, adding almost a supernatural element. Madness can thus also be conceived as a tool that adds to the atmosphere of the novel. The realist novel, *Tess of the D’Urbervilles*, however, chooses not to do so and thus uses female characters to criticise a society that pushes women to a point where they see little other choice to free themselves from oppression than violence. Through the characteristics of the realist mode, such as extensive description, rich psychological portraits, and free indirect discourse, the reader is allowed more insight into Tess’s character and motivations, leaving little room to attribute

her actions to a lack of mental capacities. Of course, due to the scope of this chapter, I can merely begin to observe trends; however, striking similarities can be found in Gothic novels like *Wuthering Heights* and *Dracula* or realist novels like *Adam Bede*. What both of the characters analysed here have in common is a variety of transgressions ranging from non-conformity to crime. What is more, both Bertha and Tess belong to disadvantaged groups of people. With Tess being a working-class woman and Bertha being arguably perceived as non-white, the odds are stacked against them from the start. They are both inherently unable to fully conform to Victorian ideals of femininity because of that, and it is these circumstances which seem to make them more susceptible to falling. Finally, they both either attempt or commit murder or suicide and even though their actions are treated and contextualised differently, depending on the mode the novel is written in, none of these acts goes unpunished. In Victorian society and in literature – independent of the mode – agentic women elicit anxiety, especially in men, and must thus be eliminated to restore order.

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