

A HAREM IN THE HOME: THE DECEASED WIFE'S SISTER BILL AND THE COLONISATION OF THE ENGLISH HEARTH

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The desire of the Englishman to marry his Deceased Wife's Sister is one of the most marked phenomena of the times. The Deceased Wife's Sister Bill may be said to be his steady occupation. In all his breathing spells from emergencies he turns to that. When he is not being massacred by the South Africans, or slaying Soudanese, or fighting Afghans, or pacifying the Irish, or being blown up in his Tower, he is attending to the Deceased Wife's Sister Bill. (*Harper's New Monthly Magazine*, May 1885: 980)

Would it not be a terrible thing if this Bill were to become law and his wife were to die, that this unfortunate man should be compelled to marry all [her] six sisters at once. Why! [...] it would be no better than a harem. (Hansard, vol. 102: 449)

“The Deceased Wife's Sister Bill” controversy was, as the editor of the American magazine *Harper's* comments, a peculiarly *English* phenomenon, for no other country saw the need for it. In Protestant countries like the United States and Germany, marriage with one's deceased wife's sister was legal, and even in Catholic countries such a marriage was allowed after obtaining the required dispensation from the Church. The controversy was also a peculiarly *Victorian* phenomenon, for the prohibition was introduced first in 1835 as the “Lord Lyndhurst Act” and was not repealed until 1907. “The Deceased Wife's Sister Bill,” whose object was to exempt one's sister-in-law from the list of prohibited degrees, was almost yearly presented to Parliament, and invariably defeated, especially due to the strong opposition from the religious members of the House of Lords. The issue, which Gilbert and Sullivan famously nicknamed “the annual blister” (Behrman 483), was indeed the Englishman's “steady occupation.” It was also an important *imperial* mission. If imperialism was to fight against South Africans, the Soudanese, Afghans and the Irish, then the Deceased Wife's Sister Bill

was another battle against the racial Other, namely, the barbaric sexuality hidden underneath the cultured facade of English society.

The Deceased Wife's Sister Bill confronted the English public with the shocking reality that the English home was potentially incestuous and polygamous. A husband virtually owned a harem in his home, for many spinsters had no choice but to live with their married sisters, and thus women far outnumbered men. In the case of the wife's death, the cohabiting sister could naturally take over the household work and the care of his children, and as an aunt, she was considered to be the most affectionate surrogate mother. A well-known example of this family set-up was that of Charles Dickens, who became deeply attached to two of his wife's sisters who joined his household, one after the other, the second later replacing his wife as a domestic companion and caretaker of his children. Dickens described his wife and her sister together with such terms as "my two Venuses," "my pair of petticoats," "my woman-kind" (Slater 165), likening his domestic space to a kind of harem. The constant presence of a sister-in-law turned the home into an *Arabian Nights* bed-room: that scene of storytelling which so fired the Victorian imagination, in which Shahrazad is accompanied by her young sister Dunyazad in recounting her intriguing tales to the King.

The implication of incest and polygamy within the domestic hearth was even more disturbing, since these were the very traits that the English expected to find in the East. For example, Harriet Martineau, in *How to Observe: Morals and Manners*, remarks:

The primitive custom of brothers marrying sisters still subsists in some Eastern regions. Polygamy is very common there, as every one knows. In countries which are too far advanced for this, every restraint of law, all sanction of opinion, has been tried to render the natural method, – the restriction of one husband to one wife, – successful, and therefore universal and permanent. (167)

Martineau applauds the Christian custom of monogamy in comparison with polygamy in the East, which she sees as "imperfection in the marriage state" (167). It is especially in Protestantism, the official religion of England, that the law of monogamy is most perfectly observed, for "celibacy of the clergy, or of any class of men," practised in Catholic countries, "involves polygamy, virtual if not avowed" (170) since the sexual restriction on one class leads to "a much larger indulgence extended to other classes" (171). Thus England, with its Protestantism and a large territory abroad, was given the duty of leading the polygamous societies into a more perfect state of marriage: "It is everywhere professed that Christianity puts an end to polygamy; and so it does, as Christianity is understood in Protestant countries" (171). The technique used to observe the morals and manners of other countries becomes the technique of observing the morals and manners of her own society –

the English home, monogamous and pure, in comparison with other less perfect societies. The Deceased Wife's Sister Bill attacked this very ideal, that the English home was free of any licentious passion and should be propagated among primitive societies as the example to follow. Victorians caught a glimpse of the remnant of ancient and immoral sexuality within their sacred hearth, which they sought to rectify in the colonial space. Throughout the debate, marriage of this kind was repeatedly represented as incest and polygamy, an atavistic recurrence of England's past, which made opposition to the Bill look almost like a crusade against the degeneration of the English home to a primitive stage.

The prohibition against marrying a wife's sister during the Victorian period has been examined recently by scholars in terms of gender, class, and even age, but its racial aspect has been curiously ignored. Nancy Anderson points out that the Bill "forced Victorians to confront the difficult matter of incest" (69), which was a widespread problem especially among poorer families. Margaret Morganroth Gullette shows that the controversy pointed to the second-chance plot of marriage for middle-aged widowers, whose best bet was often with their unmarried sisters-in-law, who, having been living in the same house for a long time, "would take on the maternal and housekeeping functions to keep the family economy intact" (145). Diane Chambers, using René Girard's theory of triangular desire, argues that the bill highlighted the relationship between two sisters and a man in a potentially rivalrous relationship, which could threaten the bond of sisterhood in Victorian England.

While these essays throw interesting light on the various consequences which the prohibition of marriage with a sister-in-law had in Victorian life, I wish to show, by examining the debates surrounding the proposed Bill, that the issue threatened the image of the pure English hearth by suggesting a similarity with the racial Other which the English defined themselves against. I argue that the Deceased Wife's Sister Bill controversy scandalously constructed the Victorian home as a kind of harem, a domestic space onto which the racial fantasy of the polygamous Orient was projected. The moral righteousness of English matrimony was further challenged, since the issue forced Victorians to examine the law of marriage in the Bible, the authority of which they had long taken for granted. Moreover, the controversy forced the comparison of England with other Christian countries, such as the United States of America, where a marriage with one's deceased wife's sisters was simply legal. This comparison with the outside world became a greater issue when British colonies, such as Australia and Canada, started legalising marriage with a deceased wife's sisters in the 1870s and 1880s: the colonies, the marginal space, took it upon themselves to rectify a sexual "abnormality" inside the home country.

I

“Which way will you take the chapters, by the *letter* or by the *spirit*?” (Vincent 11). The Deceased Wife’s Sister Bill becomes a serious topic of conversation between George and James, the two characters in Thomas Vincent’s *Deceased Wife’s Sister’s Bill: A Village Talk*, during which George proves to ignorant James that the Bible clearly forbids such immoral marriages. According to George, one has to take the *spirit* of the Bible into consideration to fully understand the text (the *letter*). For example, the eighteenth verse of the eighteenth chapter of Leviticus – which reads “Neither shalt thou take a wife to her sister, to vex *her*, to uncover her nakedness, beside the other in her life *time*” – should never be understood as permitting a marriage with two sisters, though, as James rightly comments, “[t]hat seems as if to say he may take her when the first is dead” (21). George directs James’s attention to the margin of the text, a footnote which says that “a wife to her sister” may be rendered “one wife to another” (Leviticus 18:18): “I’ve heard say that the men who know Hebrew best take it as it is in the margin, and count it as a law against having more wives than one at a time” (Vincent 22). That is to say, the *spirit* appears not in the main text but in the margin, as an interpretation. The abundant examples of bigamy, polygamy, and incestuous marriage in the Old Testament likewise should not be taken literally as God’s approval for such marriages, for they were *not* “agreeable to God’s will” and were allowed only “for the hardness of their heart” (22), as George understands by the *spirit*.

Thomas Vincent’s *A Village Talk*, published with a letter from the Bishop of Oxford as a short preface, was just one of the countless pamphlets published to oppose the passing of the Deceased Wife’s Sister Bill. Its policy of reading “by the *spirit*” tellingly points to the dilemma that the opponents of the Bill had to deal with: there is in fact no passage in the Bible which clearly prohibits marriages with a wife’s sister, and the only passage which mentions the issue, namely Leviticus 18:18, appears to allow such marriages after the wife’s death. The debate on the legality of marrying one’s wife’s sister not only forced Victorians to examine the Bible whose authority they had long taken for granted, but also revealed for public scrutiny the way in which the monogamous law of God is written only *in the margin*, or exists as the interpretations *added* to the biblical text, but not within the text itself. The English law of marriage, which it was hoped would “put an end to polygamy” in the colonial space in the name of God, was rather a *marginal* and *supplementary* interpretation added to the main body of the Bible.

It was due to this suspected heterodoxy of the English law of marriage that the supporters of the Bill relied upon the Bible as their strongest ally. They argued that the footnote to Leviticus 18:18 was nothing but “an unintelligible and entirely unauthorized retranslation” (Marriage Law Reform Association, *Convocation* 9-10) and an absurd “marginal mistranslation” (Denison 6). Many of their pamphlets emphasised that no text in the Bible actually forbids a marriage with a deceased

wife's sister, and accused their opponents of a disgraceful abuse of the sacred book. "The Marriage Law Reform Association," formed in January 1851 with the exclusive object of legalising marriage with a deceased wife's sister, repeatedly emphasised the scriptural lawfulness of marriages of this kind. An 1883 pamphlet by the Association entitled *A Summary of the Chief Arguments for and against Marriage with a Deceased Wife's Sister*, for example, lays stress on the fact that the so-called scriptural prohibition against the marriage is an invention: it is not stated within the original text. The pamphlet puts the argument of Dr. Pusey, known as a strong opponent of the Bill, under close scrutiny:

[Pusey] says, "In the Septuagint translation there are the words (Deut. xxvii. 23), 'Cursed is he that lieth with the sister of his wife.'" He acknowledges that this is *an addition to the sacred text*; yet he thinks right to accept it as "*an integral part of the Septuagint*." (6)

The phrase is "a *human 'addition' to the words of God*," an "interpolation of some late Christian copyist" which was not included in the original manuscripts (6). Here we could see the Derridean notion of supplement – to add something to complete while revealing a lack or deficiency of the original by its very supplementability – fully come into play. The Bible, the word of God, cannot dictate the law of marriage without the help of "a human addition" which, by supplementing the former, made itself pass as the Law in place of the original text of the Scripture. The pamphlet severely attacks this act of supplementation: "to serve a purpose, the spurious corruption of a Christian scribe can be raised to an authority above the word of God itself [...] a mere *human addition* is magnified into authority superior to the text given us by the sacred writer himself" (6-7).

The pamphlet likewise attacks the translation of the Bible, namely the marginal rendering of Leviticus 18:18 – "one wife to another" for "a wife to her sister" – as serving the same purpose of adding a human interpretation to the sacred text:

The marginal reading is *not* to be "preferred," or accepted, by us. It is *not a different authorized translation*; it is a *variation* made by the Karaites – a small sect amongst the Jews, who rejected polygamy, and falsified the passage to favour their opinions. If their variation were adopted, it would amount to a prohibition of polygamy. But polygamy was then, and for ages after, allowed.

The verse is *not* "wrongly translated." It is the translation given us by our Church; its accuracy is admitted by the best scholars; and it accords with the Septuagint, Chaldee, Syriac, Arabic, Vulgate, and every other version. (5)

Monogamy is allowed to exist in the biblical text only as one variation, and as an exception. The other versions accurately translate the original, preferring what the Bible literally commands, that is, polygamy. The Christian law of monogamy was nothing but an interpretation and mistranslation of the sacred text, occupying, among other more authentic readings of the Bible, only a marginal position to the original word of God.

The scrutiny of the Bible not only marginalised the Christian interpretation, but it also disclosed the tribal origin of the Holy Book. The opponents of the Bill had to answer the charge that the Book of Leviticus does not dictate the Christian law of marriage, but the Hebrew law which permits polygamy. As W. J. Fox stated in the House of Commons in 1858, the passage of Leviticus “belonged to a set of others which applied to the state of polygamy that not only existed, but was tolerated and regulated, among the Jewish race” (Hansard, vol. 149: 614). Fox went on to mention a similar custom described in the Koran, namely, that an Arabian woman was “allowed to show herself unveiled to the husband of her sister – a fact which was tantamount to expressing the possibility of a marriage at some future day” (614). That is to say, the supporters of the Bill, while stressing the Scriptural lawfulness of those marriages, at the same time argued that the Biblical restriction should not be applied to Christian times for it deals with the polygamous custom of ancient tribes. They frequently quoted as their authority the opinion of the renowned Orientalist, Sir William Jones, who argued that the Book of Leviticus did not refer to marriage at all: Jones, after reading “*the eighteenth chapter of Leviticus* in Hebrew, with a view to discover the true meaning of the words,” came to the conclusion that the phrase “uncover her nakedness” does not mean marriage, but refers to “the most shocking and disgusting ceremonies [...] actually performed in Egypt and Syria, by persons of both sexes” (147), in honour of their deity of love:

it is surprising, that the chapter before us should ever have been taken for *the law of marriage*, since it is apparent that all the laws contained in that chapter relate only to *the impure lusts and obscene rites of the Egyptians and Canaanites*, to the *abominable customs and ordinances*, as they are called, of the idolatrous nations, who were extirpated by the chosen people. (147)

Jones therefore concludes that “the whole chapter, from which our *degrees* of marriage are called *Levitical*, contains the laws against all *obscenity* whatever, but especially against the *unnatural prostitutions* committed by the idolators of Canaan and Egypt” (148). The English, by faithfully observing the Levitical degrees as the Marriage Law, were in fact venerating the old custom of the idolatrous tribes. His close reading of the Hebrew Bible undermined the authority of Christianity as a revealed religion by turning the Book into an object of philological study.

The supporters of marriage with a deceased wife's sister, in their gesture of close examination of the Bible to find God's approval of such marriages, seem to have mischievously undermined the authority of God as the law-giver. The Bible suggested that the incestuous and polygamous practices in the colonial space were nothing but the manifestation of their own old sexuality, which, still existent, might at any time subvert the Christian society. It is exactly for this reason that Matthew Arnold objected to legalising marriage with a deceased wife's sister, which he condemned as a "great sexual insurrection of our Anglo-Teutonic race" (207). Arnold's repugnance to the Deceased Wife's Sister Bill is interesting, considering that his famous distinction between Hellenism and Hebraism in *Culture and Anarchy* corresponds to two different approaches to the Bible -- reading it by the spirit and reading it by the letter. Hebraism, whose ultimate law is "firm obedience" (170), follows the Bible blindly and to the letter. Hellenism, on the other hand, allows a "free play" of interpretations, which "tends continually to enlarge our whole law of doing" (176). Arnold welcomes Hebraism as an indispensable part of human history, as long as it supplements Hellenism with its vigorous progress toward perfection. However, as soon as Hebraism enslaves men to its "mechanical and misleading use of the letter of Scripture" and shows resistance to the progress of humanity, it is immediately associated with the Semitic race, atemporal and incorrigible, essentially different from the superior Indo-European race to which the English belong:

Does God's law (that is the Book of Leviticus) forbid us to marry our wife's sister? -- Does God's law (that is, again, the Book of Leviticus) allow us to marry our wife's sister? [...] [Who] can believe that, as to love and marriage, our reason and the necessities of our humanity have their true, sufficient, and divine law expressed for them by the voice of any Oriental and polygamous nation like the Hebrews? Who, I say, will believe [...] the delicate and apprehensive genius of the Indo-European race, the race which invented the Muses, and chivalry, and the Madonna, is to find its last word on this question in the institutions of a Semitic people, whose wisest king had seven hundred wives and three hundred concubines? (208)

Arnold disowns the voice of an Oriental and polygamous nation expressed in the Bible by distinguishing the Semitic and Indo-European races, banishing the former to the temporal and geographical margin of the latter. To legalise marriage with a sister-in-law would surely have been a great sexual insurrection, for it would allow a polygamous nation to re-emerge from the margin and reign within the English home.

In 1866, William Holman Hunt lost his newly-wed wife in Florence on their way to the East. He returned to England as a widower with a motherless child. Ten years later, in 1875, he embarked on a journey to the East accompanied by a new bride, but this time he risked crossing the forbidden boundary – legal and monogamous – for the bride was one of his deceased wife’s seven sisters. The couple first wed in Switzerland with the assistance of Dinah Maria Mulock (1826-87), a sentimental novelist who had recently published *Hannah* (1872), a novel favourably dealing with marriage with a deceased wife’s sister. They then headed toward the East, to Jerusalem – the polygamous land of the Bible – where Hunt had his studio (Hunt 2: 252). It is ironic that Hunt’s life was thus bound to the same text – the Book of Leviticus – from which he obtained the motif for his most famous painting, “The Scapegoat” (1854-6), while turning himself into a scapegoat who bore the sins of his society. Hunt was later to fight for the passing of the Deceased Wife’s Sister Bill as the Chairman of the Marriage Law Reform Association, writing a series of letters to the *Times* urging repeal of the prohibition.

II

Malek Alloula in *The Colonial Harem* argues, in analysing French postcards featuring photographs of Algerian couples, that these postcards “juxtapos[e] two perfectly heterogeneous spaces” – the European home and the colonial harem (38). Any aberration in relation to the monogamous image (for example, a photo of a man with two women) immediately evokes the immoral and erotic stereotype of the harem, while retaining the ideal image of the European couple. What the discourses surrounding the Deceased Wife’s Sister Bill suggested was a reversal of this: that is to say, they implicitly superimposed the colonial harem onto the English home. The sacred hearth suddenly took on a likeness to the harem, where “one man may do as he wishes with several women” (47). This sharp contrast between the home and the harem made the effect of their superimposition even more scandalous.

According to Alloula, “the phantasmic value of the harem” comes from its “presumed absence of limitation of sexual pleasure” (49). Since the harem is in principle forbidden to the white male, he can experience it as pure fantasy. The Western viewer, without being restrained by any physical limitation, can enjoy the variety and abundance of the oriental harem in his imaginary participation. It was these never-to-be-fulfilled yet inexhaustible possibilities of sexual intercourse which made the harem highly pornographic and sexually tantalising. In this sense, the prospect of marrying one’s sisters-in-law after one’s wife’s death endowed the Victorian home with a phantasmic value, for it suggested a number of *possible* sexual connections within the home. The opponents of the Bill were afraid that the permission to marry a wife’s sister would relax the prohibition against marrying other members of the family, such as the wife’s nieces, step-daughters, step-

granddaughters and so on. Matthew Arnold, for instance, in his letter against the Bill, wrote about a fictitious man called Mr Bottles, who, after his wife's death, wanted to marry his wife's niece, Mary Jane, instead of the wife's sister, Hannah, who was willing. The letter also suggested the possibility that Mr Bottles' brother Job might marry Mary Jane when she became a widow of Mr Bottles. As soon as it passes, suggests Arnold, the Deceased Wife's Sister Bill would be supplemented by two other bills: "one enabling people to marry their brothers' and sisters' children, the other enabling a man to marry his brother's wife" (318). As the Bishop of Exeter commented in 1882:

I do not mean that the passing of this law would immediately be followed by great impurity, but I do mean to say this, that the passing of this law would tend to introduce the possibility and the probability of many impurities, seductions, and adulteries of a new and peculiar kind, such as adulteries with the wife's nearest relations. Is it not awful to think of the added guilt of such adultery? (7)

It may be interesting to recall here that one of the recognised proponents of the Bill was Lord Houghton, known as an indefatigable collector of erotica, the genre which phantasmally experiments with the very "possibility" of sexual connections among characters with unlimited sexual potency. The Deceased Wife's Sister Bill controversy – giving rise to a large volume of pamphlets full of tantalising in-law plots pencilled in over the sacred home, and vigorous condemnations of the lustful fantasies which the supporters of the Bill sought to realise – might be said to have constituted a peculiarly English form of erotica, and so perhaps these pamphlets found an appropriate place in Houghton's renowned library.

The close reading of the Bible was not the only strategy that the supporters of the Deceased Wife's Sister Bill adopted in order to prove the validity of such marriages. They repeatedly emphasised the fact that such a marriage was perfectly legal in other countries. In 1851, the freshly formed Marriage Law Reform Association sent questionnaires to the United States, and published the replies in a pamphlet entitled *Letters from the Right Rev. Bishop McIlvaine of Ohio, and other Eminent persons in the United States of America, in favour of Marriage with a Deceased Wife's Sister*. The American answers collected in the pamphlet characterise these marriages as "natural and suitable" (8), and as promoting "domestic happiness"(10). The English prohibition of these marriages was, on the other hand, attacked as a "prejudice," "not merely preventing of good" but "silly and superstitious" (7). Another pamphlet by the Association in 1858 listed all the countries which allowed such marriages, followed by a remark that "Great Britain is the only country in the world in which such marriages are totally prohibited to persons of all religious denominations" (*Opinions* 20). The opponents of the Bill, on

the other hand, immediately saw the horrid state of “polygamy” in the countries outside the British domain. E. Divett referred to the example of the American state of Utah – “the territory of the Mormons,” who practised polygamy according to the Scripture – as “almost a model nation in the opinion of these marriage law reformers” (Hansard, vol. 149: 610-11). The Rev C.A. Fowler also deplored the fact that America and Germany, where the divorce law was relaxed and marriage with a deceased wife’s sister was permitted, were degenerating into the primitive state of polygamy:

The tendency of the Christian Church has been to restrict, or to draw tighter, the reins which, in early ages, were cast loose to allow men and women to follow their own irregular passions. Amongst many nations polygamy and incest are not regarded with abhorrence as they are by those minds which have been raised and purified by the teaching of CHRIST in the blessed Gospel. It would be sad indeed if the world were to go *back* instead of *forward* in the way of purity, and consign us again to the looseness of heathenism. (Fowler 10)

Such examples abroad made it even more imperative to protect the English domestic space by following the Christian doctrine. The English Marriage Law, true to the word of God, was standing as a safeguard against the dissolution of the monogamous domestic space. It marked a boundary between Home and Harem, which did not necessarily correspond to the geographical contours of the Empire. For example, the Empire allowed conquered colonies such as India to have polygamous and incestuous marriages according to their marriage laws, for the English were not supposed to interfere with their customs, except in such “inhumane” cases as the burning of widows. The working class, for whom marriage with a deceased wife’s sister was said to be most common (thus the issue was often presented as “a poor man’s question”), also constituted the same “racial” category within the professedly purely monogamous nation. The working class as well as the polygamous Indian subjects were, though the decisive majority, marginal Others to be civilised, and against whose immoral influence the domestic happiness of the middle and upper classes had to be carefully guarded. The recurring motif was, however, the interplay of the two images, Home and Harem. The Bill succinctly showed how the construction of Victorian domesticity as a pure Home depended upon its phantasmatic double, the promiscuous Harem, since this construction was always presented as a rectification of immorality and invoked the fear of contamination. Through the Deceased Wife’s Sister Bill, proposed and rejected throughout the Victorian period, the imagined space of the harem and the ideal of the sacred hearth negotiated their territories, each time carrying back each other’s shadow. In this way, the Bill represented an essential part of English culture.

III

The English were not to be forever indulged in discussing their favourite topic, marriage with a deceased wife's sister. The legal prohibition against such a marriage in England was fundamentally challenged when British colonies like Canada and Australia legalised it in the 1870s and 1880s. This not only shattered the dichotomy of the pure Anglo-Teutonic and the promiscuous Semitic races, since English people had to witness their own descendants approve what they had judged to be polygamous and incestuous, but also invalidated the imperial civilising mission whereby the Empire pushed forward its moral boundary against impurity, which was rewritten by the new rule that each colony had its own sexual morality. Again the validity of the main text was questioned by the close reading of the margin, and this time by the colonial laws written on the marginal space of the Empire.

This new situation reflected a significant change in the nature of the Empire. It was no longer a single entity centred around the mother country, but a federation of colonies, with hundreds of different legal and sexual boundaries drawn all over it. In the first stage of settlement, it was commonly assumed that Englishmen took with them the common law of England wherever they went (Swinfen 54); a colonial act in conflict with the laws of England was considered "repugnant," and could therefore be declared void and of no effect. In the nineteenth century, as the desire of the colonies to make their own laws according to their own circumstances grew larger, the English prohibition of marrying a deceased wife's sister emerged as a troubling restriction. South Australia attempted to legalise these marriages as early as 1858, but the Royal assent was not given. It was not until 1865, when the Colonial Laws Validity Act was passed, that the colonies could freely legalise such a marriage. South Australia was the first to do so in 1870, followed by the other Australian colonies, such as Victoria and New South Wales in 1872, Tasmania in 1873, Queensland and Western Australia in 1877 (McDonald 11). Canada legalised it in 1882 "as if no law against such marriage had ever existed" (Eversley and Craies 246).

The legalisation of marriages with a deceased wife's sister in the colonies immediately intensified the questioning of the English Law of Marriage. As James in *A Village Talk* comments, "it seems wrong to have different laws in our colonies from what we have here. That a man may marry his wife's sister out in Australy [sic], but mustn't do it here" (3). Indeed, the legalisation in Canada was a turning point, since Australia could no longer be dismissed as a single exception. This time the demand to repeal the law came from both within and without: not only was there a loud outcry that England should follow suit, but colonies also expressed the desire that England should recognise such marriages contracted in the colonies. The tone of argument accordingly changed. England suddenly found herself in a "marginal"

position, resisting assimilation by the colonial examples. An “elderly woman” condemned the colonies’ decision to be “a short-sighted foolish thing”: “why should we do likewise? Because children commit silly actions, is it necessary for their parents to follow suit?” (*A Woman’s Opinion* 2). Fowler likewise argues: “I fail to see that what our colonies chose to do is necessarily any guide to the mother country” (Fowler 7). The demand of legal uniformity was for some opponents nothing but the imposition of the polygamous law onto the mother country. As Griffith Boscawen argued in 1902:

what is true in the moral sphere in the Colonies is also true in the moral sphere in London, and every part of the Empire. That is a most dangerous doctrine. If what is true in the moral plane in Sydney is also true in the moral sphere in London, then what is true in the moral plane in Calcutta is true in the moral plane in London. But that is an argument either for abolishing polygamy in Calcutta or legalizing polygamy in London. (Hansard vol. 102: 453)

The question of marriage with a deceased wife’s sister was taken up at the Colonial Conference of 1887 in London. John William Downer, representing South Australia, appealed for the recognition in England of such marriages contracted in the colonies; the colonial subjects could legally marry with their deceased wife’s sisters-in-law according to the colonial Act, but they were not considered as legally married in England, and their children, being illegitimate, could not inherit their parents’ property in England. The lack of recognition of such marriages in England, Downer argued, “affixes a sort of stigma to the marriage relations in the Colonies, which has prevented, and is even now preventing, some persons from returning who are very anxious to return to the Mother Country” (*British Sessional Papers* 116). A great anomaly between the law of England and of the Colonies was not desirable, now that “England and her Colonies are drawing so much more closely together than they have been before” (113). A dye Douglas from Tasmania likewise argued that the difference of laws involved treating the colonists like foreigners rather than as an united people of the Empire (120). To these colonial pleas England answered, “You must allow us to have our law just as we have allowed the Colonies to have theirs” (115). Though the discussion did not immediately lead to the recognition of the colonial marriages nor the legalisation of the Deceased Wife’s Sister Bill, it was very significant that during the Colonial Conference, in which England gave her colonies the chance to voice their opinions, one of the voices clearly heard was that of “polygamous” sexuality banished to the margin of the Empire, asking permission to come home.

The pressure for legalising marriage with a deceased wife’s sister intensified each time the closer union of the Empire became an imperial slogan. For instance,

when Donald Alexander Smith (Lord Strathcona and Mount Royal), representing Canada, urged the passage of the “Colonial Marriages (Deceased Wife’s Sister) Bill” during the Boer War, he did so on the basis of the loyalty to the Crown which the colonies demonstrated in the time of England’s greatest need: “Let me appeal to your Lordships, to pass this measure unanimously [...] as a message of goodwill to our fellow-subjects who are so closely connected with us by common ancestry, by common patriotism, by common love for the Empire to which we are all proud to belong, and by common loyalty and veneration for our gracious Sovereign” (Hansard, vol. 83: 1438-39). This line of argument revealed England’s problematic position within the Empire. As the mother country, she was not allowed to have her own proper law, while the other colonies could fully enjoy their diversity. If England wished to maintain the Empire and her position as a norm, she was asked to relinquish that with which the colonies did not agree. Otherwise, England could be accused of stigmatising them with the sense of inferiority and lack of recognition. Moreover, the recognition of colonial marriages in England would soon lead to the abolition of what England held most sacred – the purity of the domestic hearth. That is to say, during the time when Irish nationalists forcefully demanded Irish Home Rule, England started fighting for her own Home Rule – the right to have self-government regarding how to manage her domestic affairs, free from the dictate of the Empire. As Francis Powell put it:

if we are to follow as far as we may the practice of the Colonies, they may be asked in return to follow in some respects at least our own practices and usages. We granted the Colonies a large measure of Home Rule, and I think it is now for us to ask the Colonies for some little privilege of Home Rule in return. I think the Colonies, much as we admire them and desire to increase our affectionate relations with them, are asking too much when they claim to be the rulers of matters of domestic life in the old country. (House of Commons, 5 February 1902, Hansard, vol. 102: 439)

However, this wish to maintain the purity of the English home was not granted. England had to abnegate it for the higher unity of Imperial Home. The supporters of the Deceased Wife’s Sister Bill were firmly united with the colonies, forming a decisive majority. It was natural that the Colonial Marriages Act, intended to recognise in England marriages with a wife’s sister contracted in the colonies, was proposed in tandem with the Deceased Wife’s Sister Bill in the Parliament. The anxiety of some members that the Colonial Marriages Bill was “simply a foot in the door to get an MDWS [Marriage with Deceased Wife’s Sister] Bill passed for the home country” (Behrman 495) proved to be right. The Deceased Wife’s Sister Bill was passed one year after the Colonial Marriage Bill was passed in 1906. The colonies who had kept the prohibition according to the law of the mother country

followed suit and legalised the marriage. Thereby the “Colonisation” of the English hearth was completed.

The Deceased Wife’s Sister Bill is an interesting example showing that the relationship between England and her Colonies was not always hierarchical nor flowed one way from the centre to the periphery: the sexuality which the English banished to the margin played an important role in changing the English marriage law, at the same time revealing that what was uniquely English could become a great impediment to the unity of Empire. In the 1900s, William Holman Hunt, as the chairman of the Marriage Law Reform Association, spoke “echoing the voice of the public at large, both in England and throughout our loyal Colonies” (*Times* 1 July 1903: 6). The silenced voices of the colonies, of the working class, even of women, were on his side. Hunt’s slogan was indeed “Unity,” attacking the tyrannical few of the Church of England, who, though they professed to unite man and woman as one, had been preventing a true union by “stigmatis[ing]” marriages as “unnatural.” The English Law of Marriage, designed to protect the purity of domestic life, was decried by Hunt as “worse than Eastern tyranny” (5 July 1901). England, the nation with a unique mission to civilise Eastern polygamy, now emerged as an “Oriental” and ancient nation, waiting to be civilised by “the voice of the living world” (17 May 1907: 15), the principle of consensus within the Empire.

Works Cited

- “A Woman’s Opinion on the Wife’s Sister Bill.” *Tracts issued by the Marriage Law Defence Union*. London: Marriage Law Defence Union, 1884: 15.
- Alloula, Malek. *The Colonial Harem*. Trans. Myrna Godzich and Wlad Godzich. Minneapolis: U of Minnesota P, 1986.
- Anderson, Nancy F. “The ‘Marriage with a Deceased Wife’s Sister Bill’ Controversy: Incest Anxiety and the Defense of Family Purity in Victorian England.” *Journal of British Studies* 21 (1982): 67-86.
- Arnold, Matthew. *Culture and Anarchy, with Friendship’s Garland and Some Literary Essays*. Ed. R. H. Super. Ann Arbor: U of Michigan P, 1965.
- Behrman, Cynthia Fansler. “The Annual Blister: A Sidelight on Victorian Social and Parliamentary History.” *Victorian Studies* 11 (1968): 483-502.
- British Sessional Papers, House of Commons*. Ed. Edgar L. Erickson. Vol. 56 (1887). New York: Readex Microprint, 1961.
- Chambers, Diane M. “Triangular Desire and the Sororal Bond: The Deceased Wife’s Sister Bill.” *Mosaic* 29 (1996): 19-36.
- Denison, Edmund Beckett. *A Short Letter on the Bishop of the Exeter’s Speech on the Marriage Bill*. London: John W. Parker, 1851.
- “Editor’s Drawer.” *Harper’s New Monthly Magazine* May 1885: 420, 980-84.
- Eversley, William Pinder, and William Feilden Craies. *The Marriage Laws of the British Empire*. London: Stevens and Haynes, 1910.

- Exeter, Bishop of. *Marriage with Deceased Wife's Sister*. Exeter: James Townsend, 1882.
- Fowler, Rev. C. A. *Marriage with a Deceased Wife's Sister: A Sermon*. London: J. Masters and Co., 1883.
- Gullette, Margaret Morganroth. "The Puzzling Case of the Deceased Wife's Sister: Nineteenth-Century England Deals with a Second-Chance Plot." *Representations* 31 (1990): 142-66.
- Hansard Parliamentary Debates*. House of Commons. 23 March 1858. Third ser. Vol. 149. London: Cornelius Buck, 1858.
- . House of Commons. 5 February 1902. Fourth ser. Vol. 102. London: Wyman and Sons, 1902.
- . House of Lords. 28 May 1900. Fourth ser. Vol. 83. London: Wyman and Sons, 1900.
- Hunt, William Holman. *Pre-Raphaelitism and the Pre-Raphaelite Brotherhood*. 2nd ed. 2 vols. London: Chapman and Hall, 1913.
- Jones, Sir William. *The Letters of Sir William Jones*. Ed. Garland Cannon. Oxford: The Clarendon P, 1970.
- Martineau, Harriet. *How to Observe; Morals and Manners*. London: Charles Knight and Co., 1838.
- Marriage Law Reform Association. *A Summary of the Chief Arguments for and against Marriage with a Deceased Wife's Sister*. London, 1883.
- . *Convocation and Wives' Sisters: Remarks on the New "Articulus Cleri" and The late debates in the House of Lords*. 2nd ed. rev. and enlarged. London, 1883.
- . *Letters from the Right Rev. Bishop McIlvaine of Ohio, and other Eminent persons in the United States of America, in favour of Marriage with a Deceased Wife's Sister*. London: James Madden, 1852.
- . *Opinions and National Testimonies, tending to prove the Scriptural Lawfulness and Social Expediency of Marriage with a Deceased Wife's Sister, and the Desirableness of Removing Doubts as to the Legal Validity of such Marriage*. London: T. Hatchard, 1858.
- . *Reasons for passing the Bill to legalise Marriage with a Deceased Wife's Sister. By a Bachelor of Arts*. Dublin: M. H. Gill and Son, 1879.
- McDonald, Peter F. *Marriage in Australia: Age at First Marriage and Proportions Marrying, 1860-1971*. Canberra: Australian National U, 1974.
- Slater, Michael. *Dickens and Women*. London: J. M. Dent and Sons, 1983.
- Swinfen, D. B. *Imperial Control of Colonial Legislation 1813-1865: A Study of British Policy towards Colonial Legislative Powers*. Oxford: Clarendon P, 1970.
- Vincent, Thomas. *Deceased Wife's Sister's Bill: A Village Talk*. London: Parker and Co., 1882.