

“As the times want him to decide”: the lives and times of Florence Maybrick, 1891-2015

by

Noah Miller

Bachelor of Arts (Honours), University of Calgary, 2011

Graduate Certificate in Learning and Teaching in Higher Education, University of Victoria, 2015

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# Supervisory Committee

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**Departmental Member**

# Abstract

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This thesis examines major publications produced between 1891-2015 that portray the trial of Florence Maybrick. Inspired by Paul Davis' *Lives and Times of Ebenezer Scrooge*, it considers the various iterations of Florence's story as "protean fantasies," in which the narrative changed to reflect the realities of the time in which it was (re)written. It tracks shifting patterns of emphasis and authors' rigid conformity to associated sets of discursive strategies to argue that this body of literature can be divided into three distinct epochs. The 1891-1912 era was characterized by authors' instrumentalization of sympathy on Florence's behalf in response to contemporary concerns about the administration of criminal justice in England. From 1923 until 1964, this "Victorian tragedy" was re-structured according to the tropes of detective fiction and non-fiction crime writing in a cultural atmosphere increasingly preoccupied with postmodernism, "the psychological," and shifting gender relations. The concept of the "permissive society" and emergence of "new social history" following the late 1960s and early 70s produced a revised version of the story that accentuated aspects of the case that were illustrative of the structures of Victorian society. As such, this thesis is a metahistorical examination of how authors' approaches to the question of whether or not Florence poisoned her husband in 1889 have been shaped by contemporary mentalités.

# Table of Contents

Supervisory Committee .....	ii
Abstract .....	iii
Table of Contents .....	iv
Acknowledgments .....	v
Dedication .....	vi
Introduction .....	1
The Years of Agitation, 1891-1912 .....	14
Rejecting the “Tragic” Myth, 1923-1964 .....	38
Reflections of “the Permissive Society,” 1968-2015 .....	66
Conclusion .....	92
Bibliography .....	96

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# Dedication

*For my parents, Greg and Virginia Miller, who have always encouraged me to “aim higher”*

*and*

*For my partner, Kayleigh Erickson, without whom I may have given up on this project*

# Introduction

On 11 August 1889 the London Correspondent for the *New York Times* wrote, “there is candidly more general and acute excitement throughout the kingdom over the fact that Mrs. Maybrick lies under the sentence of death than any other event has produced during the past ten years.”<sup>1</sup> Mrs. Maybrick was born Florence Elizabeth Chandler in Mobile, Alabama on 3 September 1862. Some biographers argue that her youth was spent under the toxic influence of her mother.<sup>2</sup> Others contend that such “bad seed” arguments rely on flawed, anachronistic sources.<sup>3</sup> Whatever the case, in 1880 Florence Chandler met James Maybrick aboard the *SS Britannic* while on a transatlantic voyage to Britain. Well liked and respected, James was a cotton broker who established an office in Norfolk and “made the rounds” of cotton centres such as Atlanta, New Orleans, and Mobile.<sup>4</sup> Despite twenty-three years’ disparity in their ages, the two were introduced by a mutual friend and remained in each others’ constant company for the duration of their voyage.<sup>5</sup> They were married on 27 July 1881 at St. James’s Church, Piccadilly, eventually settling at Battlecrease House in a suburb of Liverpool known as Aigburth. There, Florence and James became the very image of a “successful couple.” The pair moved into

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<sup>1</sup> “Mrs. Maybrick’s Doom: England Much Agitated by Her Conviction. Petitions to Be Sent to the Home Secretary--Cruelty of English Judges--Irish Troubles,” *New York Times*, 11 August 1889, 1.

<sup>2</sup> Trevor Christie, *Etched in Arsenic: A New Study of the Maybrick Case* (London: George G. Harrap & Co. Ltd, 1968), 33.

<sup>3</sup> Richard Jay Hutto, *A Poisoned Life: Florence Chandler Maybrick, the First American Woman Sentenced to Death in England* (Jefferson, NC: McFarland, 2018), 1.

<sup>4</sup> Christie, *Etched in Arsenic*, 34–35.

<sup>5</sup> *Ibid.*, 37.

immediate prominence in Liverpool society and could be found “at public events in St. George’s Hall, at the best private dinner parties, and at the races.”<sup>6</sup>

Underneath this edifice, however, was another reality. James Maybrick was widely regarded as a hypochondriac. According to his doctors and those that knew him well, James believed he contracted every disease that came along, incessantly describing his symptoms and trying every patent medicine he could.<sup>7</sup> After receiving treatment for malaria which included a regimen of arsenic and strychnine in 1877, James began to regularly take both these drugs as a “preventative” measure. James was also an adulterer with multiple mistresses. He consorted with one of them, Sarah Ann Robertson, intermittently for twenty years. Robertson was not only widely believed to be James’ wife, but bore him five children.<sup>8</sup> The subsequent “domestic problem” that had been simmering beneath the surface came to a head. Florence, unhappy, began a liaison with a more attractive Liverpool businessman named Alfred Brierley.<sup>9</sup> The two spent a weekend together at Flatman’s Hotel in London. Following the Grand National, where Florence and Alfred were seen strolling together, a violent row erupted between James and his wife. Florence called on the family physician Dr. Arthur Hopper to intercede. During this intervention, it was revealed that she had incurred substantial debts.<sup>10</sup> James agreed to settle these, and Hopper left Battlecrease House believing harmony had been restored to the couples’ marriage.<sup>11</sup>

Not long afterwards, on 27 April 1889, James’ health began to rapidly deteriorate. Oscillating between recovery and violent illness, his doctors treated him for acute dyspepsia. Suspicions quickly arose that the alleged reconciliation was not so complete after all. On 8 May

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<sup>6</sup> Bernard Ryan, *The Poisoned Life of Mrs. Maybrick* (London: Penguin Books, 1989), 26.

<sup>7</sup> Christie, *Etched in Arsenic*, 35.

<sup>8</sup> *Ibid.*, 34.

<sup>9</sup> Ryan, *The Poisoned Life of Mrs. Maybrick*, 32.

<sup>10</sup> *Ibid.*, 38.

<sup>11</sup> *Ibid.*, 39.

Florence penned a compromising letter to Brierley, which was intercepted by the nanny, Alice Yapp. Not only did the letter implicate Florence in an affair by referring to her husband as “perfectly ignorant of everything,” but her characterization of his health as “sick unto death” led some to believe that she was the architect behind James’ sudden – and unpredictable – illness.<sup>12</sup> The letter ended up in the hands of James’s brother, Michael Maybrick, whose prolific stature allowed him to depose Florence as mistress of Battlecrease House.<sup>13</sup> On 9 May the nurse attending to James Maybrick suggested that Florence had tampered with his Valentine’s Meat Juice, a condensed meat extract often administered to patients too unwell to take food. Alice Yapp further revealed that, in April, Florence had purchased flypapers, known to contain arsenic, and was seen soaking them in water. This held significance for contemporaries in Liverpool where, only five years before, the city was captivated by a sensational murder case in which “The Black Widows of Liverpool” conspired to insure and then poison victims with arsenic extracted from flypapers to collect insurance pay outs.<sup>14</sup> By the time James died on 11 May 1889, brothers Michael and Edwin were intensely suspicious. Subsequent examinations of James’s body found traces of arsenic but in quantities that generated doubt as to the cause of his death. An inquest was held, and legal proceedings escalated to the point that Florence was charged with the murder of her husband.

The trial was conducted at St. George’s Hall before Justice James Fitzjames Stephen, who was considered a distinguished political and moral thinker.<sup>15</sup> After five days of arguments

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<sup>12</sup> Charles Grinnell, “The Task of the Jury in the Case of Mrs. Maybrick,” *Harvard Law Review* 13, no. 6 (1900): 499.

<sup>13</sup> Christopher Jones, *The Maybrick A to Z* (Birkenhead: Countywise Ltd, 2008), 201.

<sup>14</sup> Ryan, *The Poisoned Life of Mrs. Maybrick*, 26; Angela Brabin, *The Black Widows of Liverpool: A Chilling Account of Cold-Blooded Murder in Victorian Liverpool* (Lancaster: Carnegie Publishing Limited, 2009).

<sup>15</sup> James Colaico and Vicki Schull, *James Fitzjames Stephen and the Crisis of Victorian Thought* (London: Macmillan Press Ltd., 1983), ix.

and a marathon two-day “summing-up,” the jury returned a “guilty” verdict, and Stephen donned the black cap, sentencing Florence to be taken to the place of execution and “hanged by the neck until ... dead.”<sup>16</sup> As the date of execution approached, the public’s interest in the case reached a fever pitch.<sup>17</sup> On both sides of the Atlantic, the press filled its columns with speculation about whether or not Florence would be hanged and angry “Letters to the Editor” for, and against, the prisoner.<sup>18</sup> The “general and acute excitement,” described by the *New York Times*, prompted Home Secretary Henry Matthews to review the verdict. On 22 August 1889 he wrote to Queen Victoria: “The evidence clearly establishes that Mrs. Maybrick administered poison to her husband with intent to murder; but that there is ground for reasonable doubt whether the arsenic so administered was in fact the cause of his death.”<sup>19</sup> Florence’s sentence was commuted to life imprisonment and she was removed to the female convict prison at Woking.

Florence’s time in Woking was spent in solitary confinement, followed by a probationary period, and “hard labour.” Her assigned duties in the prison kitchen were punctuated with illness. In 1896, Florence was transferred to Aylesbury Prison, near London. After serving a total of fourteen years, four months, and twenty-eight days, she was granted parole under the Penal Servitude Act. The next six months were spent in a convent “halfway house” under the supervision of the Sisters of the Epiphany. Florence’s original sentence amounted to twenty years, but three months were deducted for every year she was deemed to have had “good behaviour.” A review of her imprisonment determined that her conduct merited a reduction of

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<sup>16</sup> H.B. Irving, *Trial of Mrs. Maybrick*, (New York: John Day Co., 1927), 348.

<sup>17</sup> Christie, *Etched in Arsenic*, 147.

<sup>18</sup> *Ibid.*

<sup>19</sup> George Earle Buckle, ed., *The Letters of Queen Victoria: Volume 7, 1886-1890* (Cambridge: University Press, 2014), 527.

her original sentence to fifteen years.<sup>20</sup> As a result, Florence was released on 25 July 1904 with the caveat that she not appear on a public stage, write a book, or exploit her experience.<sup>21</sup> She returned to the United States, where she penned a memoir and gave public lectures that expounded her innocence and described her time in prison. Florence eventually settled in South Kent, Connecticut, where she died a recluse on 23 October 1941.

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From the outset, the case of Florence Maybrick served as a barometer of contemporary issues and concerns. The *New York Times* noted that “the interesting personality of the condemned woman ... acted as a spark to ignite a long accumulating store of combustible material.”<sup>22</sup> The research of George Robb likewise asserts that Florence was interpreted as representative of a wide variety of issues.<sup>23</sup> Indeed, several lengthy monographs on a variety of topics followed in the case’s immediate wake. Interest has never abated. The steady stream of scholarship, fictionalizations and popular accounts over the ensuing thirteen decades betrays an enduring fascination with Florence Maybrick. The principal question that all of them consider is, “did she do it?” The debate has been renewed as recently as May 2018. In his new book *A Poisoned Life*, Richard Jay Hutto re-opens the question by arguing Trevor Christie’s seminal study of the case manipulates correspondence sources to support its conclusions.<sup>24</sup> This thesis, by contrast, does not propose to directly engage with this line of questioning, nor does it attempt to intervene within the relatively recent vein of scholarship that suggests James or Michael

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<sup>20</sup> Florence Maybrick, *Mrs. Maybrick’s Own Story: My Fifteen Lost Years* (New York: Funk & Wagnalls Co, 1905), 211–12.

<sup>21</sup> Christie, *Etched in Arsenic*, 228.

<sup>22</sup> “Mrs. Maybrick’s Doom,” *New York Times*, 1.

<sup>23</sup> George Robb, “The English Dreyfus Case: Florence Maybrick and the Sexual Double-Standard,” in *Disorder in the Court: Trials and Sexual Conflict at the Turn of the Century*, eds. George Robb and Nancy Erber (London: Macmillan Press Ltd., 1999), 65.

<sup>24</sup> Hutto, *A Poisoned Life*, 2.

Maybrick may have been “Jack the Ripper.”<sup>25</sup> Instead, it offers an examination of the alterations we have made to the narrative across time as a result of our own “combustible material.”

This approach is inspired by the work of Paul Davis. In *Lives and Times of Ebenezer Scrooge* (1990), Davis argued scholars should regard *A Christmas Carol* (1843) as consisting of two different texts. The first is a “fixed” version, enshrined in the words written by Charles Dickens. The second is what Davis describes as a “culture-text”: the one which we “collectively remember” as a “cluster of phrases, images, and ideas.”<sup>26</sup> The *Carol*’s “culture-text,” according to Davis, “has been recreated in the century and a half since it first appeared,” and it “changes as the reasons for its retelling change.”<sup>27</sup> He compares different iterations of the *Carol* and considers each of them “as manifestations of an ongoing myth in the consciousness of the industrial era.”<sup>28</sup> Davis charts how, during the Victorian era, the tale transitioned from being read as “a retelling of the biblical Christmas story” towards more of a “secular scripture.”<sup>29</sup> Before World War I, the children’s fairy tale version was melded “with the darker adult dimensions of the story.”<sup>30</sup> After the stock market crash of 1929, the text was read as a rejection of the tenets of capitalism. In the sixties, Scrooge becomes “a kind of revolutionary.”<sup>31</sup> Where there is joy in the streets in the sixties version, “in the eighties there is hunger and homelessness,” and Scrooge is transformed into a “social figure placed in the center of unsettling economic realities.”<sup>32</sup> “This

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<sup>25</sup> Anne Graham and Carol Emmas, *The Last Victim: The Extraordinary Life of Florence Maybrick, the Wife of Jack the Ripper* (London: Headline, 1999); Bruce Robinson, *They All Love Jack: Busting the Ripper* (Toronto: Harper Collins, 2015).

<sup>26</sup> Paul Davis, *The Lives and Times of Ebenezer Scrooge* (New Haven: Yale University Press, 1990), 3-4.

<sup>27</sup> *Ibid.*, 4.

<sup>28</sup> *Ibid.*, 5.

<sup>29</sup> *Ibid.*, 15.

<sup>30</sup> *Ibid.*, 14.

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*

protean fantasy,” Davis explains, “embodies the changing realities of the times as it is re-created by each generation to articulate its cultural identity.”<sup>33</sup>

The story of Florence Maybrick may be regarded as its own kind of “protean fantasy.” In his essay “Decline of the English Murder” (1946), George Orwell describes the stereotypical interwar reader encountering accounts of famous murders, “whose story is known ... in general outline to almost everyone and which have been made into novels and rehashed over and over again.”<sup>34</sup> Victoria Stewart more recently asserted that the resulting “codified form” became “a type of context, a shared canon of ‘classic’ crimes.”<sup>35</sup> If recent scholarship has illuminated anything, it is that these “codified forms” are malleable. Reflecting on the historiography of “Ripperology” in 2015, Bruce Robinson wrote that “[Jack]’s in a house of smoke and shifting mirrors. There are glimpses of amorphous faces. Many Jack the Rippers are in here, feeding off what historical fragments their keeper can throw into the pit.”<sup>36</sup> Scholarship on this subject has also highlighted, however, that such malleability is contingent on prevailing cultural values and the discourses surrounding them. As Robb notes, to Florence’s contemporaries, “the Maybrick controversy revealed more about the values and anxieties of the pro- and anti-Maybrick factions that it did about the woman herself and her alleged crime.”<sup>37</sup> Writing in 1957, Nigel Morland likewise observed that “this day and age, so utterly foreign to the 1880s, nudge the historian’s judgment enough to make him decide as his times want him to decide instead of how he should decide.”<sup>38</sup>

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<sup>33</sup> Ibid., 15.

<sup>34</sup> in Sonia Orwell and Ian Angus (eds.), *The Collected Essays, Journalism and Letters of George Orwell Volume 4: In Front of you Nose 1945-1950* (New York: Harcourt, Brace & World Inc., 1968), 98.

<sup>35</sup> Victoria Stewart, *Crime Writing in Interwar Britain: Fact and Fiction in the Golden Age* (New York: Cambridge University Press, 2017), 2–3.

<sup>36</sup> Robinson, *They All Love Jack*, chap. Author’s Note.

<sup>37</sup> Robb, “The English Dreyfus Case,” 70.

<sup>38</sup> Nigel Morland, *This Friendless Lady* (London: F. Muller, 1957), 236.

Morland's presumption of male authorship is unselfconsciously fitting, given that major shifts in the telling of Florence's story are underpinned, in part, by tectonic shifts in gender relations. Susan Kingsley Kent describes how, in Florence's time, liberalism and associated constructions of masculinity were "under assault from a variety of political, social, economic, and intellectual and cultural developments."<sup>39</sup> The "New woman" of the 1880s and 1890s was said to be "educated, independent, active, and assertive," which she points out was "a dramatic departure from the model of femininity pressed upon women in the previous decades."<sup>40</sup> Kent goes on to explain that the "domestic ideology, upon which liberalism was based, imbued marriage and motherhood with an element of the divine."<sup>41</sup> In response, feminists issued a challenge to the concept of "separate spheres" by assaulting the "institution of marriage."<sup>42</sup> George Robb suggests that Florence's supporters articulated this "outspoken feminist consciousness" by invoking "the language of melodrama in her defense."<sup>43</sup> Paradoxically, this discursive strategy redrew Florence's portrait "in a posture of submission" as part of an attempt to differentiate her from "other criminal women" and present her as worthy of "sympathy and protection."<sup>44</sup> In other words, "Maybrick's supporters probably hoped to evoke an archetypal, mythic image of fragile womanhood and martyrdom" in an effort to exonerate her.<sup>45</sup>

Indeed, my analysis of the "deep structure" of major publications produced between 1891 and 1912 reveals that their narratives are arranged to highlight the "tragedy" of Florence's situation in such a way that justifies the extension of sympathy to her cause. As Randall

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<sup>39</sup> Susan Kingsley Kent, *Gender and Power in Britain 1640-1990* (New York: Routledge, 1999), 229.

<sup>40</sup> *Ibid.*, 233.

<sup>41</sup> *Ibid.*, 246.

<sup>42</sup> *Ibid.*, 229.

<sup>43</sup> Robb, "The English Dreyfus Case," 57, 69.

<sup>44</sup> *Ibid.*, 74.

<sup>45</sup> *Ibid.*

McGowen reminds us, “the ‘language of sympathy’ was as liable to advertise and to ‘valori[se]’ as it was to bridge the ‘social gulf.’”<sup>46</sup> Of course, each of the authors presented in Chapter 1 were participating in several overlapping discourses at the same time. Robb points out that “Maybrick’s body had become another battleground in British imperial politics” and was “emblematic of *many* national concerns.”<sup>47</sup> Judith Walkowitz’s *City of Dreadful Delight* illustrates how such “dense cultural grid[s]” can produce “contradictory and unanticipated effects,” even when they utilize “similar cultural themes and rhetorical strategies.”<sup>48</sup> Regardless, the scholars who wrote (at length) about Florence Maybrick during the Victorian era present their narrative in response to deep-seated anxieties about the contested and changing roles of women. Those same narratives ultimately served to reinforce that notion of “separate spheres” which the underpinning “feminist consciousness” was rallying against. As Randall McGowen put it, sympathy could become “not so much a repudiation of power as a transformation of it.”<sup>49</sup>

By the early twentieth century, conversations around constructions of gender were in motion. Julie English Early’s research into the case of Hawley Harvey Crippen suggests that there was a push to reformulate masculinity through a fixed classing of feminine sexuality.<sup>50</sup> Early observes that, in determining Crippen’s manliness, a significant portion of the narrative’s task is “the assertion of how much is enough.”<sup>51</sup> Lucy Bland’s examination of sensational

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<sup>46</sup> Randall McGowen, “A Powerful Sympathy: Terror, the Prison, and Humanitarian Reform in Early Nineteenth-Century Britain,” *Journal of British Studies* 25, no. 3 (1986), quoted in Andrea McKenzie, “‘Useful and Entertaining to the Generality of Readers’: Selecting the *Select Trials*, 1718-1800,” in *Crime Courtrooms and the Public Sphere in Britain, 1700-1850*, edited by David Lemmings (Burlington: Ashgate, 2012), 68.

<sup>47</sup> Robb, “The English Dreyfus Case,” 63–65.

<sup>48</sup> Judith Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London* (Chicago: University of Chicago Press, 1992), 5.

<sup>49</sup> McGowen, “A Powerful Sympathy,” 334.

<sup>50</sup> Julie English Early, “A New Man for a New Century: Dr. Crippen and the Principles of Masculinity,” in *Disorder in the Court* (London: Palgrave Macmillan, 1999), 226.

<sup>51</sup> *Ibid.*

murder trials during the interwar period demonstrates the influence of continued shifts in post-war norms upon narrative structure. She describes how “dislocations of work, family and relationships” ushered in an era of “heightened anxiety and great upheaval for both sexes.”<sup>52</sup> Men, scarred by the war, returned home to “the humiliation of high unemployment,” while women, having recently won additional independence and skills, were expected to “resume pre-war work and conventional gender relations.”<sup>53</sup> As a result, the press and other commentators of the interwar years tended to categorize women into “types,” based on “a reductive set of categories which facilitated the telling of a narrative, and helped ‘make sense’ of certain women’s behaviour.”<sup>54</sup> In a time where “reading and talking about sensational trials was a central form of popular cultural entertainment,” the trope of “the flapper” or “modern woman” was used to convey “a series of fears and anxieties about modernity, and instabilities of gender, class, race, and national identity.”<sup>55</sup> Some authors who wrote about Florence Maybrick between 1923 and 1964 borrowed from this trope, projecting such “anxieties” by presenting her trial as a morality tale which suggested “dangerously mixing sexual perversion, decadence and modernity” spelt treachery.<sup>56</sup> The majority, however, opted to obscure their position as a way of dealing with such anxieties “at arm’s length.”<sup>57</sup> In either case, their adoption of an entirely new set of representational strategies, consistent with the detective fiction and non-fiction crime

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<sup>52</sup> Lucy Bland, *Modern Women on Trial: Sexual Transgression in the Age of the Flapper* (Manchester: University Press, 2013), 2.

<sup>53</sup> *Ibid.* See also: Dierdre Beddoe, *Back to Home and Duty: Women Between the Wars, 1918-1939* (London: Pandora, 1989).

<sup>54</sup> Bland, *Modern Women on Trial*, 4.

<sup>55</sup> *Ibid.*, 3, 218.

<sup>56</sup> *Ibid.*, 216.

<sup>57</sup> Stewart, *Crime Writing in Interwar Britain*, 1.

writing genres, is indicative that they were engaged in an evolving discourse just as stories of sensational trials had retained their value as “sites for the contestation of Britishness.”<sup>58</sup>

The way Florence’s story was told changed again in the late 1960s, when the eminent gender historian Jeffery Weeks observes that “permissiveness” became a “political metaphor” that marked “a social and political divide.”<sup>59</sup> It heralded a greater “flexibility in social attitudes” that was associated with “gradual shifts in many traditional beliefs in the 1960s and 1970s.”<sup>60</sup> To some, this meant a “switch in moral attitudes away from traditional bourgeois virtues.”<sup>61</sup> Others erected it as a “symbol of sexual relaxation, or loose moral standards, of disrespect for all that was traditional and ‘good’.”<sup>62</sup> While the conflated meanings of the term served to obscure “more than it illuminated,” views embedded in its usage were “very influential” and reflected a “change in mentalité.”<sup>63</sup> This change yielded an expansion of research into the history of women and gender. Following University of Glasgow gender historian Lynn Abrams and others, historians focused their investigations on “the history of sexuality and family relations, and analysed ideas and ideals of masculinity and femininity.”<sup>64</sup> The objective of this operation was to “recover and reveal the lived experience of women in the past and in the present.”<sup>65</sup> The existence of the above-noted discourses conditioned the parameters within which authors re-engaged with Florence’s story. This is apparent in the shifting patterns of emphasis which the authors examined here used to participate in these discourses and articulate the meaning of “Victorian values.”

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<sup>58</sup> Bland, *Modern Women on Trial*, 217.

<sup>59</sup> Jeffrey Weeks, *Sex, Politics, and Society: The Regulation of Sexuality Since 1800*, 2nd ed. (New York: Longman, 1989), 249.

<sup>60</sup> *Ibid.*, 250.

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*, 249.

<sup>63</sup> *Ibid.*, 249–51.

<sup>64</sup> Bland, *Modern Women on Trial*, Front Matter.

<sup>65</sup> *Ibid.*

This thesis is not interested in the question of whether or not Florence Maybrick killed her husband. Rather, it offers an analysis of the ways in which the multitude of authors who have written about her case have engaged with that question. This metahistorical examination of major publications produced between 1891 and 2015 suggests that these works can be divided into three distinct “epochs,” each demarcated by their own unique set of representational strategies. Chapter One engages with the legal treatises and “activist” literature of the 1891-1912 period and suggests that they were created under the auspices of weaponizing sympathy on behalf of the causes Florence was seen to represent. This was achieved largely through these authors’ consistent adherence to what Hayden White has characterized as a “tragic” plot structure, which selectively accentuates evidence that supports portrayals of Florence as a victim. Chapter Two charts the skeptical reception of Victorian era depictions, between 1923 and 1964, by both mystery novelists and non-fiction crime writers writing within – and catering to – a changing society. These authors can best be understood as latching onto the conventions of the “Golden Age” of detective fiction with an eye to entrenching the case as a *cause célèbre*, articulating “anxieties regarding the modern woman and her supposed immorality” and transposing the previous era’s one-dimensional images of Florence into more nuanced ones.<sup>66</sup> Chapter Three combines thematic and chronological approaches to sketch how the notion of the “permissive society” influenced a re-structuring of Florence’s story in the late 1960s and early 70s. Latching onto the conventions of biography and “the new social history,” this era’s authors used Florence’s story as a microcosm to illuminate the allegedly repressive “structures” of Victorian society. This chapter further demonstrates how in exploring social concerns that ran parallel to their own, this new generation of authors utilized a standard of representation that endures to this

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<sup>66</sup> Ibid., 2.

day. As such, this thesis illustrates how understandings of the “friendless lady in the dock” have been delimited by contemporary events and ideas about what history should entail. It is an examination of the formation and the underlying bases of historical knowledge, from one era to another, as viewed through the lens of a single – and singularly arresting – murder case.

# The Years of Agitation, 1891-1912

Authors who wrote about Florence Maybrick during her imprisonment, did so within the context of a broad “emergence” of rights and reform movements that swept Britain between 1871 and 1916. Anja Johansen’s recent scholarship illuminates the Victorian age’s “thriving culture of civil volunteerism” and how “some activists began to link different strands together into a ... vision of individual rights in relation to the state” during the last quarter of the nineteenth century.<sup>1</sup> Indeed, some authors, like Alexander William MacDougall, framed the Maybrick case as an opportunity “to watch vigilantly the administration of justice, and to scrutinise jealously the conduct of those who are entrusted with the administration of justice,” particularly as they affected “the Life and Liberty of the subject.”<sup>2</sup>

This sentiment reflects a variety of contemporary concerns about the limitations of English criminal justice. David Bentley outlines the long struggle over the course of the nineteenth century to reform appellate procedures.<sup>3</sup> Until the establishment of the Court of Criminal Appeal in 1907, the consistent rejection of Bills on the subject before Parliament effectively meant that “judicial misconduct went unchecked” and “adverse press publicity” provided the only recourse.<sup>4</sup> This resulted in numerous verdicts that were viewed by contemporaries as flawed. Leon Radzinowicz and Roger Hood also highlight swelling concerns

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<sup>1</sup> Anja Johansen, “Defending the Individual: The Personal Rights Association and the Ligue Des Droits de l’homme, 1871–1916,” *European Review of History: Revue Européenne d’histoire* 20, no. 4 (August 2013): 559-60.

<sup>2</sup> Alexander William Macdougall, *Maybrick Case: A Treatise on the Facts of the Case and of the Proceedings in Connection with the Charge, Trial, Conviction, and Present Imprisonment of Florence Elizabeth Maybrick* (London: Bailliere, Tindall and Cox, 1891), xi.

<sup>3</sup> David Bentley, *English Criminal Justice in the Nineteenth Century* (London: Hambledon Press, 1998), 281–96.

<sup>4</sup> *Ibid.*, 296.

about the state of prisons in the 1890s. They describe an eruption of press criticism over these spaces' tendency to be overcrowded and mismanaged and also point out how the resulting debates brought to light an "underlying conflict" between deterrence-uniformity and reformation-elasticity.<sup>5</sup> The research of Haia Shpayer-Makov likewise conveys the general perception of police detectives as relatively inept, if not dishonest.<sup>6</sup> According to Shpayer-Makov, "public dissatisfaction" intensified following the publication of the "The Maiden Tribute of Modern Babylon" (1885), a controversial series of articles that reported on child prostitution in London, then reached new heights during the 1877 Turf Fraud Scandal, in which Scotland Yard officials were implicated in accepting bribes to help a pair of suspected scam artists evade capture. Concern intensified further in the midst of police detectives' ongoing failure to catch the "Ripper" during the Whitechapel murders.<sup>7</sup>

To rally support for their cause(s), MacDougall and other contemporary reform advocates utilized a set of literary strategies characteristic of the era. As Brigid Lowe observes, during the Victorian period, sympathy was used as a "primary rhetorical and ideological trope" and can be understood as a "wide...conception of a general faculty of affective communication" linked to establishing a sense of solidarity.<sup>8</sup> During this time period, academics also attempted to maintain a "sharp separation between ...history and fiction" by pursuing the ideal of "objectivity."<sup>9</sup>

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<sup>5</sup> Leon Radzinowicz and Roger Hood, *A History of English Criminal Law and Its Administration from 1750*, vol. 5, *The Emergence of Penal Policy* (London: Stevens, 1948), 573, 583.

<sup>6</sup> Clive Emsley and Haia Shpayer-Makov, eds., *Police Detectives in History, 1750-1950* (Aldershot: Ashgate, 2006), 121.

<sup>7</sup> Haia Shpayer-Makov, *The Ascent of the Detective: Police Sleuths in Victorian and Edwardian England* (Oxford: University Press, 2011), chap. 5.

<sup>8</sup> Brigid Lowe, *Victorian Fiction and the Insights of Sympathy: An Alternative to the Hermeneutics of Suspicion* (New York: Anthem, 2007), 9; Audrey Jaffe, *Scenes of Sympathy: Identity and Representation in Victorian Fiction* (Ithaca, NY: Cornell University Press, 2000).

<sup>9</sup> Peter Novick, *That Noble Dream: The "Objectivity Question" and the American Historical Profession* (Cambridge: University Press, 1988), 1-2.

Underlying this ideal, the scholarship of Hayden White suggests that “meaning” was determined by the “sequence of events fashioned into a story” or “mode of emplotment.”<sup>10</sup> Authors writing on Maybrick between 1891 and 1912 display a proclivity for utilizing what White describes as the “tragic mode.” Within this, White explains “there are intimations of states of division among [people] more terrible than that which incited the tragic agon at the beginning of the drama.”<sup>11</sup> However, White also points out that there is another level of conceptualization on which the historian seeks to explain “what it all adds up to” through “formal, explicit, or discursive argument.”<sup>12</sup> The works of MacDougall, Helen Densmore, J.H. Levy, and Florence Maybrick utilize these literary frameworks to varying degrees to advocate for change within the administration of criminal justice in England by asserting Florence Maybrick’s probable innocence.

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An “irascible Scottish Barrister,” Alexander William MacDougall was a “leading champion” for Florence who inaugurated a campaign that advocated for her sentence to be overturned.<sup>13</sup> In the years following the commutation of Florence’s sentence, he “remained tireless in his petitions” for her release, which culminated in the publication of a six-hundred-page volume in 1891 that “earnestly, if intemperately scrutinised the minutiae of the case.”<sup>14</sup> MacDougall’s treatise, *The Maybrick Case* (1891), charged that a “felonious administration” had committed an “illegal imprisonment ... contrary to Magna Charta” (606). Using the rhetoric of civil liberties, he argued that the case set a “dangerous precedent” and forced the public to

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<sup>10</sup> Hayden White, *Metahistory: The Historical Imagination in Nineteenth-Century Europe* (Baltimore: Johns Hopkins University Press, 1973), 7.

<sup>11</sup> *Ibid.*, 9.

<sup>12</sup> *Ibid.*, 11.

<sup>13</sup> Christie, *Etched in Arsenic*, 149.

<sup>14</sup> Kate Colquhoun, *Did She Kill Him?: A Victorian Tale of Deception, Adultery and Arsenic* (London: Little, Brown Book Group, 2014), 318.

consider how they intended criminal trials to be conducted. “[I]t is not merely a question affecting Mrs. Maybrick, it is a question which may affect any one of us some day, whom the police may fasten a charge of crime upon by means of ‘suspicious circumstances’” (469, 570, 575).

The arrangement of *The Maybrick Story*'s plot structure is built upon MacDougall's activist purpose. The narrative centers on a Florence who finds herself in increasingly precarious positions at the hands of hidden forces and an overzealous criminal justice administration. It begins with the recent, mysterious death of her husband and the medical men attending to him “unable to assign a cause of death” (1). MacDougall proceeds to trace the origins of suspicion against Florence (15). He suggests that a group he calls “the suspecting five” were “*whispering together*,” with one and then another ““throwing in their ingredients into the cauldron’ of suspicion.”<sup>15</sup> By invoking the witches in *Macbeth* – a tragedy – MacDougall signals the kind of story he intends to tell. He argues that someone then put these suspicious ideas to the police who, on the basis of vague “inquiries made” and “particulars taken,” arrested Florence “on suspicion of causing the death of [her] husband” (4, 211). MacDougall's version of the Coroner's Inquest proceeds “without one single word of evidence about the cause of death of James Maybrick but plenty of evidence to excite prejudice against [her] personally” (140).

At this point in the account, there is an acceleration in Mrs. Maybrick's misfortunes. MacDougall describes how the popular press, which he illustrates as “purveyors of Daily sensations,” latched onto the mystery allegedly carelessly “thrown into the air” by the Coroner and solved the identity of the perpetrator via “conjectures” (2). As he describes, “the tittle tattle

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<sup>15</sup> Macdougall, *Maybrick Case*, 213, emphasis in original text. MacDougall's “suspecting five” consisted of Michael Maybrick (James' older brother, perhaps better known as famous composer Stephen Adams), Edwin Maybrick (James' young brother), Mrs. Briggs (daughter of the Janion Family, who had close ties to the Maybricks), Mrs. Hughes (another member of the Janion family), and Alice Yapp. See Jones, *Maybrick A to Z*.

of servants and the like furnished the food upon which the public excitement was fed by the Press” (2). Meanwhile, Mrs. Maybrick is presented as consumed by a “speechless swoon,” having fallen “curiously ill” and been rendered “utterly prostrated” (3). MacDougall observes that, by the time of the Magisterial Inquiry, the entirety of the Maybrick family and their friends had all abandoned her (163). At the opening of her trial, Florence is portrayed as so reviled that crowds hiss at her before she has the chance to offer a defence (189). The trial itself, which (the author contends) consisted of a jury steeped in “local feelings and prejudices,” medical men “of the highest standing” holding “diametrically opposite opinions,” and a summing-up that “obliterated from the minds of the jury all recollection to the evidence itself,” culminates in Justice Stephen donning the black cap and dramatically pronouncing that Maybrick is to be hanged (188, 556, 558, 561). While the Home Office ultimately commutes her sentence, MacDougall’s narrative concludes with Maybrick imprisoned for life in Woking for a charge “upon which she has never been tried” (572).

MacDougall’s use of language and imagery that present Florence as a victim provides further evidence that his account has its roots in a larger agenda. He describes her, in one instance, as “caught like a poor little mouse in a trap” (7). At trial she is stuck between “expert” medical witnesses, who are described as “both professor and interpreter ... using language which they themselves did not understand, to a Liverpool common jury who did not understand what they meant” (226). Elsewhere, MacDougall suggests that Mrs. Maybrick is at the mercy of something more pernicious. He states his hope that readers “will entertain no doubt that there is something behind all this – that there is some wire-puller behind the scenes,” by which he means that one of the “suspecting five” has framed her (220). The combination of Florence’s asserted

innocence and the characterization of her as a “victim” provide a launch pad for MacDougall’s point that something is rotten in the administration of criminal justice.

The portrayal of the case as a “tragedy” justifies MacDougall’s campaign and intervention in the Maybrick affair.<sup>16</sup> Early in his text, MacDougall points out that there are alternative explanations for the presence of arsenic in James Maybrick’s body. The prosecution’s version of events begins with the “Brierley Incident” (i.e. the affair) which, they allege, provides Florence with a motive that culminates in Mr. Maybrick’s death. By contrast, MacDougall’s account centers on James’ habit of self-medicating “with everything” recommended to him (41-2). He furthermore attempts to establish his account as “the plain English of the matter” through a “deliberate study of the evidence,” which he claims to have “honestly endeavoured to lay *exhaustively* before [his] readers” in his treatise on the “facts of the case” (576, his emphasis). In doing so, MacDougall distinguishes his work from the popular press and attempts to conform to the ideal of a “sharp separation between ... history and fiction.”<sup>17</sup>

Nevertheless, there is a definite “slant” to MacDougall’s depiction of events. Trevor Christie observed (in 1968) that MacDougall’s treatise “glorified the defendant and blackened all her accusers.”<sup>18</sup> Hayden White has illustrated how historical representations hinge on an author prefiguring “sets of events reported in ... documents.”<sup>19</sup> In other words, the author plays an active role in shaping any narrative through the arrangement of events into “hierarchies of significance” and by “assigning events different functions as story elements.”<sup>20</sup> There is no question, MacDougall’s arrangement of his account’s narrative structure supports his activist

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<sup>16</sup> Beyond the arrangement of plot points, Hayden White points out that there is another level of conceptualization on which the historian seeks to explain “what it all adds up to” through “formal, explicit, or discursive argument.”<sup>16</sup>

<sup>17</sup> Novick, *That Noble Dream*, 1–2.

<sup>18</sup> Christie, *Etched in Arsenic*, 209.

<sup>19</sup> White, *Metahistory*, 30.

<sup>20</sup> *Ibid.*

purposes. MacDougall, the chairman of a meeting which petitioned for Florence's sentence to "be remitted" and the jury's verdict to "be quashed" – "one of the largest and most earnest meetings ever held in the city of London" – concludes his narrative with an encouragement for his readers to "ask [their] representative in Parliament" to identify the evidence which led Home Secretary Henry Matthews to the conclusion that Florence was guilty of attempted murder (564, 574).

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MacDougall's representation of the Maybrick case fits into a larger pattern of activist writing during this period. Dr. Helen Densmore, an American Maybrick campaigner who "contributed a large sum of money to Florence's campaign and helped organise the Women's International Maybrick Association," went on to publish *Maybrick Case; English Criminal Law* (1892).<sup>21</sup> This volume establishes continuity with MacDougall's text by exploiting the trial's tragic elements. Indeed, Densmore characterizes her careful study of the columns on the case as a chronicle of "the unfairness with which the accused was treated, the inadequacy of the defence, the evidence of prejudice and extrajudicial conduct of the judge, and the alertness of the jury in finding a verdict of guilty."<sup>22</sup> Following the commutation of Florence's sentence, Densmore writes that she had difficulty locating continuing agitation on behalf of the "innocent woman," discovering only MacDougall's text (iv). She claims to have worked tirelessly since its publication, "convinced of Mrs. Maybrick's innocence" (v). Her preface also describes a shared objective of the two works: "I was, and still am persuaded that if people could be reached with the facts establishing her innocence, she would be released" (vi).

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<sup>21</sup> Jones, *The Maybrick A to Z*, 165.

<sup>22</sup> Helen Densmore, *Maybrick Case; English Criminal Law* (New York: Stillman & Co, 1892), iii.

Densmore purports to reinforce her case with new evidence, illustrating how every development exonerated Florence. (vi). However, her “lengthy, rambling pamphlet” is regarded by modern scholars as simply rehashing one-sided arguments in favor of the prisoner and against the Home Office.<sup>23</sup> Indeed, Densmore advances many of the same ideas presented by MacDougall. One is the similar “counter narrative” which suggests that James Maybrick likely caused his own death. She introduces evidence pertaining to his time in America to suggest “he was in the habit of *dosing himself with medicines*” and that some self-administered, long-term concoction of “bismuth – arsenic – antimony” eventually became “deadly in their effect” (70, 63; her emphasis). Densmore also problematizes the medical evidence provided at trial by Drs. Carter and Humphreys. She maintains that they possessed limited practical knowledge of arsenic poisoning cases and that more experienced experts “contradicted them *in toto*” (59). She contends the case progressed upon a “superstructure of suspicion” which was the result of “prejudice and conspiracy” (106). Densmore’s dedication of a significant portion of her account to Florence’s alleged infidelity is another similarity with MacDougall. She argues that “this unfortunate woman was put on trial for adultery instead of murder” upon evidence that “would have never been received in a divorce court” (25). The theory of adultery, according to Densmore, was built upon the testimony of Alfred Schweisso, an employee of the hotel where Florence and Brierley were believed to have had their affair. She suggests that Schweisso was prejudicially “prompted ... by the police” to positively identify them as the couple who slept together as man and wife (26). These points build to Densmore’s conclusion that, when it comes to the questionable verdict, “we shall have to ransack the annals of topsyturveydom to discover a precedent for this absurd and ridiculous conclusion” (40).

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<sup>23</sup> Christie, *Etched in Arsenic*, 214.

Densmore's skeptical view of the justice system, and sympathetic view of Florence, is infused throughout the narrative. The trial is explicitly referred to as "the tragedy" (17). Densmore characterizes it as a "judicial game" played amidst a "net . . . subtly woven by conspiracy and enmity" (27). She maintains that an "apathetic defense" was weakened "by adverse rulings of the court" and the "precipitate action of the jury" (17). She goes on to illustrate how Florence descended to a position where she had "no friends except a mother," spent "three weary years . . . alternating between hope and disappointment," interrupted only by persistent illness (80). The oscillation between hope and disappointment further conforms to White's theory of tropes because, "in Tragedy, there are no festive occasions, except false or illusory ones."<sup>24</sup> The narrative component of Densmore's account is foreshadowed in the introduction with the profoundly dramatic image of the gallows being built "within hearing of the unhappy woman's cell" (iii-iv). It culminates in the author suggesting that "it would have been more merciful to have hung Mrs. Maybrick on August 27, 1889" (143). Finally, the reader learns that the work was published owing to interest in the case being re-ignited by "authoritative reports of [Florence's] serious and almost inevitably fatal illness" (142). In short, readers again encounter a plot structure in which Florence's fortunes worsen at every turn. Authors writing about the case in the later 1960s, with access to a greater array of source material, noted that Densmore's approach is rooted in a "blind but excusable ignorance of the facts."<sup>25</sup>

While Densmore and MacDougall's versions significantly overlap, they also contain differences. Most notably, Densmore revisits Justice Stephen's role in the trial. MacDougall's earlier text includes an entire prefatory section dedicated to a critique of the way in which Stephen conducted the Maybrick trial. Where MacDougall remains resolute that "in his public

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<sup>24</sup> White, *Metahistory*, 9.

<sup>25</sup> Christie, *Etched in Arsenic*, 214.

life as a Judge, [Stephen] is ... open to criticism” (vii), Densmore adopts a more sympathetic tone. She suggests that the judge “fully” summed up and “ably” commented on the conflicting evidence of seven doctors on the first day, and she imagines that he “paced his room the night before the verdict as in a frenzy” (24, 38). The “second day” of summing up is described as if “some malign influence seem[ed] to have possessed or obsessed [Stephen], and he raged like a violent counsel for the prosecution” (38). According to Densmore, the “subsequently and speedily developed” mental disease, resulting in the judge’s forced resignation in 1891, absolves him of responsibility for the outcome (92).

Densmore’s text contains another component not present in MacDougall’s. First, she more sharply articulates an awareness of class dimensions. She suggests that “such things as ‘theories of prosecution’ were very effective” because the jury was composed of “the most incompetent” and “unlearned men” – labourers, plumbers, bakers, and farmers (24, 115, 127). She further hypothesizes that the prosecution’s narrative would not have been effective against “a metropolitan mind” and that, were Florence to be granted a new trial at the Old Bailey, it would consist of a “*real* ‘trial by jury’” in which a “*real* ‘verdict’ will be returned” (115). This contrast between metropolitan “sophistication” and local “narrow-mindedness” is unusual given Liverpool’s contemporary stature as a prolific cosmopolitan city. British Historian Ramsay Muir outlines the “astonishing progress” of the city towards “greatness” over the course of the nineteenth century.<sup>26</sup> In fact, Liverpool played a central role in the distribution of materials for the industrial sector long before Densmore’s comment on the Maybrick case. As early as 1851, the financially-oriented *Bankers’ Magazine* regarded the city as a European equivalent to New

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<sup>26</sup> Ramsay Muir, *A History of Liverpool* (London: University Press of Liverpool, 1907), 269–95.

York.<sup>27</sup> However, it is worth noting that Densmore's adverse reaction on this point may have been informed by the fact that the jury in Maybrick's case was drawn from Lancashire towns outside of the city itself.<sup>28</sup> Otherwise, this odd point is suggestive that the story was "bent" to fit into a particular kind of story structure and is somewhat detached from reality.

Where MacDougall's text is more substantially narrative in structure, Densmore's also supplements her much shorter "explanation by emplotment" with a more extensive "explanation by formal argument." Of relevance here is what White refers to as the "Organicist" mode. According to White, the essence of this discursive strategy was a "metaphysical commitment to the paradigm of the microcosmic-macrocosmic relationship" and the tendency to be governed by "the desire to see individual entities as components of processes which aggregate into wholes that are greater than ... the sum of their parts."<sup>29</sup> To a larger extent than MacDougall, Densmore's discussion can be read as a microcosm of larger concerns. "[T]he case is so scandalous an illustration of the very worst sides of the British judicial system and of the British character," she wrote (36). Densmore also emphasized that her book revealed "pernicious systems," including "the rewarding of police for the discovery of crimes," which "serves as an artificial stimulus for the discovery of clues, often making the police efficient tools in the hands of conspirators, partisans, and enemies" (11). Her view was not unique. The work of Haia Shpayer-Makov highlights that undercover policing was widely rejected during the mid-Victorian era on the premise that it served as an affront to personal liberty.<sup>30</sup> In addition, portrayals of police detectives tended to be unflattering in that they often highlighted

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<sup>27</sup> See "Notes of the Month – The Commercial Ports of England" in *Bankers' Magazine* (London: Groombridge and Sons, 1851) at 783.

<sup>28</sup> Jones, *The Maybrick A to Z*, 18.

<sup>29</sup> White, *Metahistory*, 15.

<sup>30</sup> Haia Shpayer-Makov, "From Menace to Celebrity: The English Police Detective and the Press, c.1842-1914," *Historical Research* 83, no. 222 (December 2009): 673.

questionable conduct and a perceived lack of efficacy.<sup>31</sup> However, Densmore's narrative and style of argumentation culminates in the identification of "the real tragedy" – the fact that there is "no way by which the law ... can be invoked on [Florence's] behalf" (19). White notes that tragedies build towards an "epiphany of the law governing human existence."<sup>32</sup> The epiphany in Maybrick's case, according to Densmore, is that "when under such a system of jurisprudence there happens a miscarriage of justice in a criminal case, and a person is condemned and imprisoned, it becomes a fatal blunder for which there is no legal redress" (13). Densmore's text is, at its core, an "agitation" in favour of an appeal mechanism. Historian David Bentley illustrates that such a system was non-existent in the nineteenth century and that only a few limited appellate procedures tended to be available under specific circumstances, none of which applied in Florence's case.<sup>33</sup> Densmore explicitly characterized her text as a "locum tenens" and quoted a letter from Gail Hamilton, a pseudonym for famous American feminist Mary Dodge, that calls "for the immediate release of Mrs. Maybrick from Woking" on the basis of "international friendship between great and kindred and friendly nations" and "in the name of humanity" (93). Densmore also cites an article published in the British conservative magazine *The Hawk* to implore her readers to "open their cheque-books," not only to "give Florence Maybrick a chance for her life" but also to "remove ... the stain which the whole proceedings ... have inflicted upon the ermine of British justice" (116, 145). By approaching her argument from the standpoint of solidarity, Densmore retells the Maybrick story according to the "sympathetic

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<sup>31</sup> Ibid., 689.

<sup>32</sup> White, *Metahistory*, 9.

<sup>33</sup> Bentley, *English Criminal Justice in the Nineteenth Century*, 281. Following Bentley, a motion for a new trial was not available in a felony, wherever tried. The writ of error did not include errors made by the trial judge in his rulings and directions to the jury. The old practice of "reserving cases" was "entirely in the discretion of the trial judge," which was only exercised when he "entertained doubt about the propriety of a conviction" (see 281-83).

mode,” as described by Brigid Lowe.<sup>34</sup> These discursive strategies, therefore, were applied to advance the same activist agenda that underpinned MacDougall’s tome.

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Florence’s literary advocates were, in some cases, tied to larger organizations. During the late nineteenth century “democratic and egalitarian currents” created an atmosphere in which rights activists “could organize and campaign effectively with some prospect of moving reluctant authorities to confront uncomfortable allegations of malpractice, illegality and misuse of power.”<sup>35</sup> One of the more prominent groups to do so was the British Vigilance Association for the Defense of Personal Rights. From its inception, women’s civil liberties in particular were prioritized within BVA-DPR statutes (567). When Joseph Hyam Levy, an English author and economist, assumed leadership of the organization in the mid-1880s, the newly re-branded Personal Rights Association pursued an agenda based on an “ideological outlook” that emphasized “radical individualism” (566). This outlook informed *The Necessity for Criminal Appeal as Illustrated by the Maybrick Case* (1899), in which Levy describes the case as “one of the most extraordinary miscarriages of justice of modern times.”<sup>36</sup> While the majority of Levy’s book consists of a comprehensive day-to-day account of the trial itself, its introduction and conclusion serve as interpretive guideposts for the British public, spelling out that “Mrs. Maybrick has been doomed to life-long imprisonment on the strength of a secret *dossier*, for a crime which she has never been publicly tried, and on a warrant for an offence of which it is admitted she may be innocent” (vi-vii). Writing in the wake of the Dreyfus Case, Levy treats the trial as a microcosm for larger events by contending that Mrs. Maybrick fell “victim to [a]

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<sup>34</sup> Lowe, *Victorian Fiction and the Insights of Sympathy*, 9.

<sup>35</sup> Johansen, “Defending the Individual,” 561.

<sup>36</sup> J.H. Levy, *Necessity for Criminal Appeal as Illustrated by the Maybrick Case and the Jurisprudence of Various Countries* (London: PS King and Son, 1899), vi.

political disease” in which expediency was achieved through flexibility in ethical and legal principles (19). He suggests that her trial was a “terrible wrong” among many “frequently done through defective working of the machinery of justice” (vii).

Despite this didactic purpose, Levy’s text departs somewhat from earlier versions. Peter Novick maintains that “at the very center of the professional historical venture is the idea and ideal of ‘objectivity.’”<sup>37</sup> Ideally, the historian’s role “is that of a neutral, or disinterested judge; it must never degenerate into that of advocate or, even worse, propogandist.”<sup>38</sup> In this spirit, Levy asks “for a calm consideration of the Maybrick case – a judgement in which nothing is extenuated” (20). MacDougall’s treatise likewise purported to be “confined to the facts” and to “separate other information and observations as italicized notes” (xi). But where MacDougall clearly rearranged plot points and denoted certain statements as “more important,” Levy deems himself content to present a verbatim account of the trial in its original order and mark statements unsupported by evidence with an asterisk in the margin (22). For instance, in one note he compares the names of the jury in the *Liverpool Daily Post* with “other reports” to arrive at a verifiable list (21). In another, Levy explains the “somewhat confused” nature of the evidence and how it stemmed from “counsel pointing to the [medicine] bottles instead of naming them” (46).

In addition to these structural components, Levy’s attempt at a more objective account of the Maybrick case is evident at the textual level as well. For instance, he tracks two parallel narratives, one beginning with debt and unfaithfulness, the other with “dosing.” Although he admits James Maybrick’s habit of arsenic-eating “was not fully developed at trial,” he maintains that “the other points both for and against the prisoner appear to have been sufficiently

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<sup>37</sup> Novick, *That Noble Dream*, 1.

<sup>38</sup> *Ibid.*, 1, 3.

developed” (16-7). Levy’s readers encountered a James who purchased arsenic in bulk without a prescription, became addicted, and continued dosing himself beyond the recommendations of his physicians (3). At the same time, Florence was presented as a woman who had debts that “undoubtedly existed” and who, having knowledge of her husband’s own infidelity, carried on an affair with Brierley (6, 3). Similarly, Levy complicated the existing understanding of Stephen’s involvement in the trial, describing him as a judge “who always laid great stress on the element of motive and on female immorality, whose nervous health was probably much impaired, and who certainly on this occasion became an advocate when addressing the jury” (15). In doing so, Levy expands the factors at play in his representation of Florence’s trial.

However, Levy chased the ideal of historical objectivity in another way as well. As Peter Novick contends, the concept rests on “a commitment to the reality of the past.”<sup>39</sup> Levy’s conclusion attempts to contextualize the decisions of various Home Secretaries with regards to Florence following the commutation of her sentence. He establishes April 1894 as a watershed moment in which “a really important body of new evidence was laid before Mr. Asquith by Mr. J.E. Harris, [a] solicitor, who had been collecting it for some time previously.”<sup>40</sup> Levy explains the subsequent inaction of Home Secretary Asquith as being “largely influenced by what is called ‘continuity of policy’ – the British analogue of *la chose jugée*” which prohibited a home secretary from reversing a predecessor’s blunder” (470). Similarly Levy suggests with regard to Sir Matthew White Ridley, that the “new evidence” was “not of sufficient importance to enable [him] to release the prisoner without directly reversing the decision of his predecessor” (497). In doing so, Levy seeks to resist anachronistic thinking.

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<sup>39</sup> Ibid., 1.

<sup>40</sup> Levy, *Necessity for Criminal Appeal*, 472.

Nevertheless, Levy's didactic purpose is not lost within his so-called "calm consideration." Convinced of the possibility that Maybrick may be innocent, he states that it is "in order to aid in the prevention of this wrong that the ... volume has been brought into existence" (vii). Levy further maintains that "the most inefficient Court of Criminal Appeal would be able to do something better" because it would at least clarify "the charge and the evidence" (498). At this juncture, the "sympathy" trope seeps into Levy's account. As Brigid Lowe argues, it is a "subtle and human concept" that may be regarded as a "weapon, pitted against ... victimization, and inequality, and as a force capable of imagining and realizing a better future."<sup>41</sup> In the preface to the substantive chapters of the work, Levy evokes a sense of sympathy for Florence by describing her as the "unfortunate woman."<sup>42</sup> Similarly, he primes his readers to perceive Book II a certain way by stating that "a blush of shame ought to come to the cheek of every Englishman, for in this matter of the reparation of judicial errors, we have the spectacle of the poorest country in Europe [Norway] scrupulously providing to give pecuniary compensation" (v). In doing so, Levy colours his readers' understanding of the rest of his "objective" text.

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When Florence Maybrick was released from prison in January 1904, she re-branded herself as a journalist to make a living in "a strange new world."<sup>43</sup> Utilizing language and ideas similar to her advocates, her work tended to lament English justice's "treatment of the defendant" and inadequate protection of their rights, to criticize "the physical arrangements during her stay at Walton Gaol," and to reiterate the demand to create a criminal court of Appeal

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<sup>41</sup> Lowe, *Victorian Fiction and the Insights of Sympathy*, 14.

<sup>42</sup> Levy, *Necessity for Criminal Appeal*, 21.

<sup>43</sup> Christie, *Etched in Arsenic*, 236–38.

(237). Her autobiography, *Mrs. Maybrick's Own Story: My Fifteen Lost Years* (1905) is saturated with these concerns. The narrative is tragic from the beginning, where she writes that she has been “compelled by force of circumstance” to re-live her “crushing life over again.”<sup>44</sup> After a mere dozen lines concerning her married life, Florence plunges into her story, which commences with her confined to bed under house arrest at Battlecrease House following the death of James. She immerses the reader in her own sense of confusion, shuffling from one event to the next and concocts a pitiful image of herself: “I am ... lying in my clothes, neglected and uncared for” (24). She describes her oscillation in and out of consciousness, awakening to Michael Maybrick “shaking [her] violently” and “the tramp of many feet coming up the stairs” to arrest her while she remained “dazed and stricken, weak, helpless and impotent” (24-6). She illustrates her rapidly worsening state of affairs by describing the six-week period before her trial as “very terrible” and depicting the audience at her pre-trial proceedings as composed of “one-time friends” who were “attired as for a matinee” (46-50). She then conjures the image of being “held fast on the wheels of a slow-moving machine” at trial and “hypnotized by the striking hours and the flight of [her] numbered minutes, with the gallows staring [her] in the face” (59). Upon commutation of her sentence, she describes her arrival at convict prison as entering “the grasp of ... a horrible nightmare” (63). At Woking, and later Aylesbury, she is subjected to “the evil of constant supervision” and the “molding effects” of prison life (121, 202). Here she encounters the often-quoted “voiceless solitude, the hopeless monotony, the long vista of tomorrow ... stretching before her, all filled with desolation and despair” (75). Florence’s narrative drives home the point that she was sent to suffer for more than fourteen years on the basis of nothing but suspicion (229). She points out that her eventual release from prison was “accomplished by

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<sup>44</sup> Florence Elizabeth Maybrick, *Mrs. Maybrick's Own Story: My Fifteen Lost Years* (New York: Funk & Wagnalls Co, 1905), 10.

time limit and by no act of grace or concession on the part of the English Government” (251). Upon her release, she describes herself as being “as much in durance to [her] genial enemy, the ubiquitous reporter, as when the English Government held [her] in its inexorable grasp” (11). In other words, within her plot structure, the “fall of the protagonist” is complete. Florence presents herself as utterly devoid of agency from beginning to end, in conformity to the image of ideal of the passive “Victorian” woman in order to solicit her readers’ sympathy.

Florence’s text also echoes the organicist style and sympathetic mode utilized in earlier works. She briefly discusses Adolf Beck’s “martyrdom” as emblematic of the need for a “Court of Criminal Appeal” (162). Beck, who had been wrongly convicted of fraud twice due to mistaken identity stemming from faulty testimony and an overly expedient conviction, is deployed as an example of the ongoing failures of the administration of criminal justice in Britain.<sup>45</sup> Florence also alludes to the late Victorian concern and advocacy for reform in English prisons. Radzinowicz and Hood detail the painstaking attempt to balance deterrence and reformation within penal practices over the course of the late nineteenth century and the attempts made by prominent convicts, such as Oscar Wilde, to “take up the cause of prison reform” by sharing their experience in letters and publications.<sup>46</sup> Drawing inspiration from such works, Florence describes her experience as an example of how prisons were “a dreadful place of punishment and humiliation,” while advancing the case that they would be more effective if they were “made a home of regeneration and reformation” (205). Two modern historians of the case, Charles Boswell and Thompson Lewis, point out that Maybrick’s “strictures against prevailing penal practices transcended preoccupation with merely her own plight and revealed a quiet

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<sup>45</sup> See Tim Coates, *The Strange Story of Adolph Beck* (London: Stationery Office, 1999).

<sup>46</sup> Radzinowicz and Hood, *A History of English Criminal Law and Its Administration from 1750*, vol.5, 573–91.

sympathy for everyone in the same unhappy condition.”<sup>47</sup> A contemporary reviewer in the *New York Times* was of the opinion that Florence’s “publishers and her friends persuaded her that the public would give her the tenderest regard, and that possibly the humanities might be furthered a bit if the story of an innocent woman be given in frankest heart detail to a sympathetic world.”<sup>48</sup>

However, as Brigid Lowe observes, sympathy as a discursive strategy, can be intricately intertwined with class-based solidarity.<sup>49</sup> Indeed, Florence’s book contains frequent assertions of her superior social standing. She lists the many distinguished members of her American family and tells her readers that she “was educated ... under the instruction of masters and governesses.”<sup>50</sup> During the pre-trial proceedings, she emphasizes her occupation of a room “especially set apart for prisoners awaiting trial who can afford to pay five shillings weekly for additional comfort” (35). In prison, she laments her exposure to the “barbarism” and “sordid vices of low life” (88). And she recurrently highlights that she was a member of the “Star Class,” which consisted of women convicted of a single crime, “committed in a moment of weakness or despair, or under pressure which they were not strong enough to resist at the time ... and, who, having been educated and respectably brought up, betray otherwise no criminal instincts or inclinations” (90). She also insinuates that “contamination” occurs when women in her position came into contact with “habitual criminals” (91). This distinction is integral to Florence’s depiction of herself as worthy of sympathy given that chronic criminals tended to be regarded by contemporaries as “separate and foreign species.”<sup>51</sup> By presenting herself as a decent citizen, she

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<sup>47</sup> Charles Boswell and Lewis Thompson, *The Girl With the Scarlet Brand* (New York: Fawcett Publications, Inc, 1954), 161; Anne Schwan, *Convict Voices: Women, Class, and Writing about Prison in Nineteenth-Century England* (Durham, NH: University of New Hampshire Press, 2014), 132.

<sup>48</sup> “Mrs. Maybrick: Her Own Story of Her Trial for Murder and Her Long Imprisonment,” *New York Times*, 10 December 1904, sec. Saturday Review of Books.

<sup>49</sup> Lowe, *Victorian Fiction and the Insights of Sympathy*, 9.

<sup>50</sup> Maybrick, *Mrs. Maybrick’s Own Story*, 20.

<sup>51</sup> Radzinowicz and Hood, *A History of English Criminal Law*, vol.5, 231.

simultaneously excludes herself from a social group that society believed deserved to be on the receiving end of a variety of methods of “repression and control.”<sup>52</sup>

This combination of tragic plot structure and the attempt to generate class-based sympathy convey the central message of her book. These strategies allow her to characterize others as “cold and deliberate” and herself as simply “confused and alone” (25). She is able to assign blame for her conviction to a jury belonging “to a class of men who were not competent to weigh technical evidence” (236). She further decries a system in which “a human life depended upon the direction of this wreck of what was once a great judge [i.e., Stephen, now dead for a decade]” (239). Florence is not shy about explicitly stating that she marshalled everything in this work “to satisfy [her] readers that [she] has substantial grounds for asserting [her] innocence before the world” (380).

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With Maybrick out of prison, discussion of her case, and its significance, acquired a more commemorative tone. At the end of his distinguished career as a “specialist in lunacy,” Dr. Lyttleton Forbes Winslow reflected on various trials in which he had “interested himself.”<sup>53</sup> His *Recollections of Forty Years* (1910) marks the beginning of a disjuncture with Victorian-era representations of the Maybrick case. It retreats from the objectivity claims that tended to characterize the earlier politically-motivated treatises. By contrast, Winslow purports to offer a “chronicle of events” based on “forty years practical knowledge of lunacy” and comprised “entirely ... of a social nature and not a professional record.”<sup>54</sup> His account of the case does,

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<sup>52</sup> Ibid.

<sup>53</sup> *The Times*, 9 June 1913, 10.

<sup>54</sup> Lyttleton Forbes Winslow, *Recollections of Forty Years: Being an Account at First Hand of Some Famous Criminal Lunacy Cases, English and American: Together with Facsimile Letters, Notes, and Other Data Concerning Them: With 19 Illustrations* (London: J. Ouseley, 1910), preface.

however, contains echoes of the “tragic” plot structure. Winslow elucidates how the medical experts for the defense were “apparently ignored” and the jury “posed as moralists and ignored the vital issues as to the poisoning by arsenic” (146). The result, according to Winslow, was a “cruel ... verdict,” which consisted of Florence remaining “an inmate of Her Majesty’s prison” as “an innocent woman wrongly and unjustly condemned” (145-46, 160).

Despite this core continuity, however, the second half of the narrative dislodges Florence as the central character. Winslow elucidates how Alexander William MacDougall and he collaborated to exploit “the Queen’s deep aversion to the infliction of capital punishment on a woman” (147). He describes how “agitation after agitation” yielded no pardon (160). Finally, Winslow’s text shucks the “sympathetic” trope, portraying Florence as an ungrateful beneficiary of the hard work of himself and other men. With regards to the Maybrick case, Winslow highlights the “trouble [he] had taken in this matter,” and the fact that, had it not been for his intervention, she would have suffered the full penalty of the law (161). He furthermore portrays her as almost entirely ungrateful for these exertions: “She has never even thanked me personally, or written to me, for my gigantic efforts made on her behalf” (161-62). Therefore, Winslow’s text highlights the importance of masculine agency in the “just” cause surrounding Florence’s case by invoking a self-congratulatory tone. This tendency towards self-aggrandizement reaches its pinnacle, when in recounting his involvement in examining the “Ripper” murders, Winslow takes credit for progress in the investigation, stating that “it was I and not the detectives of Scotland Yard who reasoned out an accurate scientific mental picture of the Whitechapel murderer” (252). These elements culminate in a characterization of Florence Maybrick that begins to look markedly different.

By 1912, activism no longer provided the impetus for Maybrick literature. Harry Brodribb Irving, son of famous actor Sir Henry Irving, retreated from the world of theatre to become “absorbed” in his “affection” for “tales of ingenious murderers ‘the bloodier the better.’”<sup>55</sup> Leaning on a background in law, Irving produced a series of books that biographer Michael Holroyd observes tended to “reveal the seeds of criminality in even the most respectable citizens.”<sup>56</sup> As a member of “Our Society,” Irving was actively participating in a forum that discussed “prominent criminal cases.”<sup>57</sup> With the establishment of a Court of Criminal Appeal in 1907 and the Maybrick now an affair of a purely “historical nature,” Irving compiled *Trial of Mrs. Maybrick* (1912) which, as a part of the *Notable Trials* series, reproduced the text of major criminal trials, professed to pursue an “educative,” rather than a partisan, agenda (20). In service to this, Irving claims to draw together existing sources to “give an impartial account as possible of the facts of the case, and to abstain from comment or criticism.”<sup>58</sup> Unencumbered by activist outcomes, *Trial of Mrs. Maybrick* consists of “a transcript of the shorthand notes of an actual trial” supplemented by a brief synopsis of the events leading up to it.<sup>59</sup> Unlike his predecessors, Irving’s claim to objectivity is not as evidently compromised to support a stated purpose. Rather than answer the questions raised by the case, he opts to “leave it to the reader, who may study the trial itself, to form his own conclusion, if, after such study, he feels confident of being able to form any conclusion at all” (viii). To this end, *Trial* consists of a “bald, literal report of every

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<sup>55</sup> Michael Holroyd, *A Strange Eventful History: The Dramatic Lives of Ellen Terry, Henry Irving, and Their Remarkable Families* (New York: Picador, 2010), 403.

<sup>56</sup> *Ibid.*

<sup>57</sup> Stewart, *Crime Writing in Interwar Britain*, 2017, 22. As Stewart explains, “Our Society” was “a secretive organisation better known as the Crimes Club, inaugurated in 1903 to provide a forum for the discussion of prominent criminal cases. Other early members included Atlay, Sir Arthur Conan Doyle and John Churton Collins.”

<sup>58</sup> H. B. Irving, *Trial of Mrs. Maybrick* (Edinburgh: W. Hodge & Company Ltd, 1912), preface.

<sup>59</sup> H., review of “The Maybrick Case” by H.B. Irving. *Nation* 14, no. 11 (December 1913): 502.

word spoken in the course of the trial.”<sup>60</sup> While some readers continued to interpret the story as “the tragedy,” such a reading of the text began to demand that the reader actively reduce “the principal [characters] ... to three in number: the Husband, the Wife, and the Other Man.”<sup>61</sup> However, the interests of readers began to shift and focus to on other aspects of the case. In December 1913, *Nation* observed that, to a contemporary audience, “attention centre[d] inevitably upon Sir Charles Russell,” Florence’s lawyer, and the saga of how this “Great Irishman wrestles for the life of this erring woman.”<sup>62</sup>

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By adhering to a set of narrative and ideological structures characteristic of the age, Victorian literature produced between 1891 and 1912 forms a distinct period of historical representation. Their use of the “tragic” mode of emplotment consistently emphasized Florence Maybrick’s declining fortunes as the common thread until her release from prison. Outside of this commonality, there is room for considerable difference: so much so that, in 1904, the *New York Times* expressed “surprise” that, in contrast to previous accounts, Florence Maybrick’s book “says not one word of her life with her husband up to the time of his death.”<sup>63</sup> However, this period is also defined by the authors’ advancement of causes related to the very trial depicted in their contemporary histories. As such, they consistently display a proclivity to marshal discursive strategies, including the “distinct formal or thematic mobilization of sympathy” along with the treatment of specific events as emblematic of larger issues, in support of arguments for criminal justice reform. This serves to simultaneously limit their capacity to fulfill their stated purpose of remaining objective and confining themselves to “the facts of the case.” The decline

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<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid., 502-4.

<sup>63</sup> “Mrs. Maybrick,” *New York Times*, 10 December 1904, sec. Saturday Review of Books.

of the exploitation of the Maybrick case for these purposes visibly freed some authors to pursue a genuinely “calmer consideration.” As Mark Phillips observes, having an interval that separates the historian from events “plays a part in making available a variety of possible understandings of what occurred.”<sup>64</sup>

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<sup>64</sup> Mark Phillips, *On Historical Distance* (New Haven: Yale University Press, 2013), xi.

# Rejecting the “Tragic” Myth, 1923 – 1964

Shifting socio-economic conditions in the early twentieth century created an atmosphere in which a new medium of representation thrived. Lucy Bland has outlined the “rising demand for cheap literature” and the subsequent expansion of the daily popular press and “cheap, easy-to-read novels.”<sup>1</sup> Julian Symons likewise notes how the “rise in large circulating libraries, associated in Britain particularly with the names of Boot’s the Chemists and W.H. Smith,” contributed towards “greatly changed middle-class reading habits.”<sup>2</sup> Glenn Most and William Stowe’s 1983 collection *The Poetics of Murder* “diagnose” the detective novel, in particular, as characteristic of this juncture in the development of capitalism.<sup>3</sup> D.A. Miller considers how authors, operating within “an already established urban industrial society,” have tended to write this kind of story “to reflect on mechanisms of power and repression.”<sup>4</sup> Others have suggested that this literary form signals a skepticism about grand theories and ideologies. Indeed, as Michael Holquist notes “what the structural and philosophical presuppositions of myth ... were to modernism ... the detective story is to postmodernism.”<sup>5</sup> The emergence of Freudianism further contributed to a new intellectual ethos. According to Henk de Berg, Freud “offers not simply a model of the mind,” but tools with which to produce an “analysis of the relation of the

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<sup>1</sup> Lucy Bland, “The Trials and Tribulations of Edith Thompson: The Capital Crime of Sexual Incitement in 1920s England,” *Journal of British Studies* 47, no. 3 (2008): 638–39.

<sup>2</sup> Julian Symons, *Mortal Consequences: A History from the Detective Story to the Crime Novel* (New York: Harper & Row, 1972), 91–92.

<sup>3</sup> Glenn Most and William Stowe, eds., *The Poetics of Murder: Detective Fiction and Literary Theory* (San Diego: Harcourt Brace Jovanovich, 1983), xiii.

<sup>4</sup> Most and Stowe, *The Poetics of Murder*, xiii–xvi; D.A. Miller, “The Novel and the Police,” in *Poetics of Murder*, 299–326.

<sup>5</sup> Michael Holquist, “Whodunit and Other Questions: Metaphysical Detective Stories in Postwar Fiction,” in *The Poetics of Murder*, 150.

individual and society.”<sup>6</sup> As a result, Geoffrey Hartman asserts the “essential characteristic of mystery fiction is a strictly delimited sense of suffering, which need not be narrated but may be only alluded to and whose disclosure is the central anchoring point of the story.”<sup>7</sup> The emancipation of women, which “played a large part in the creation of a new structure of domestic life,” provided one parallel social shift for these narratives to grapple with.<sup>8</sup> Lucy Bland’s research into Edith Thompson has illustrated the period’s “deep anxiety about gender roles and the modern woman.”<sup>9</sup> Indeed, Florence was seen by some through the new lens of the “modern woman” described by Bland. She was “‘fast’ in her leisure pursuits and lifestyle” (628) and “appear[s] as a sexual spectacle and in the sense of her capacity for sexual agency” (633-34).

Despite the passage of time, F.E. Smith, the First Earl of Birkenhead, reminds readers that the verdict continued to be “discussed and questioned.”<sup>10</sup> As much as the case itself provided an impetus to depict Florence to an earlier generation, new cases prompted their own renewed interest in the “Aigburth Mystery.” Lucy Bland notes that Florence came to be regarded as a “famous precedent” in the trial of Edith Thompson.<sup>11</sup> Thompson, who was carrying on an affair with Frederick Bywaters, was implicated in her husband’s murder after Bywaters stabbed him to death in 1922. Following Thompson’s conviction and execution, many, especially her barrister Sir Henry Curtis-Bennett, believed that she had been “hanged for immorality.”<sup>12</sup> Edgar Lustgarten’s *Famous Trials* audio series indicates that following 1953, authors regarded the cases of Florence and of Louisa Merryfield as “parallel true crime trials.”<sup>13</sup> Merryfield, perhaps

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<sup>6</sup> Henk de Berg, *Freud’s Theory and Its Use in Literary and Cultural Studies: An Introduction* (Rochester: Camden House, 2004), vii.

<sup>7</sup> Geoffrey Hartman, “Literature High and Low: The Case of the Mystery Story,” in *Poetics of Murder*, 210.

<sup>8</sup> Symons, *Mortal Consequences*, 91.

<sup>9</sup> Bland, “The Trials and Tribulations of Edith Thompson,” 625.

<sup>10</sup> Frederick Edwin Smith, *More Famous Trials* (London: Hutchinson, 1928), 134.

<sup>11</sup> Bland, *Modern Women on Trial*, 128.

<sup>12</sup> *Ibid.*, 111.

<sup>13</sup> Edgar Lustgarten, *Mrs. Maybrick & Mrs. Merryfield: The Famous Trials Series* (N.p.: Ivan and Inge Berg, 1976).

better known as “The Blackpool Poisoner,” was a housekeeper convicted of murdering her landlady, Sarah Ann Ricketts, with phosphorous. Despite being tried together with her husband, the jury only found – and sentenced – Louisa to be hanged, while her husband went on to benefit from Mrs. Ricketts’ estate. Annette Ballinger has further noted the perception of a connection between the cases of Florence and Ruth Ellis (1955), in which a woman was believed to have been punished with excessive severity because of her adultery, resulting in her being the last woman hanged for murder in England.<sup>14</sup>

Recurrently inspired by such “parallel” incidents, a new generation of authors, found the Maybrick case’s existing written mythology to be encased in a “maze of falsehoods.”<sup>15</sup> Many of them looked back on the 1891-1912 era with contempt. Dorothy Dunbar, for instance, goes as far as to diagnose her predecessors as suffering from “Victoriphobia,” an allegedly incompatible “coexistence of fact and fiction.”<sup>16</sup> The consequences for historical representation, according to Dunbar, were that “innocence was deified; sin was ignored,” and “this dualism” expressed itself in terms of a “march of progress.”<sup>17</sup> An examination of the portrayals of Florence’s “crime” written between 1923 and 1964 suggests that historians and novelists alike rejected Victorian models of representation in favour of depictions that contained “figures who have more in common with humanity.”<sup>18</sup> To do so they pursued two parallel modes of representation. One adopted the stylistic conventions of the “Golden Age” of detective fiction, while the other leaned on a common set of principles associated with non-fiction crime writing.

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<sup>14</sup> Anette Ballinger, *Dead Woman Walking: Executed Women in England and Wales, 1900-55* (Aldershot: Ashgate, 2017), 312.

<sup>15</sup> Boswell and Thompson, *The Girl With the Scarlet Brand*, 119.

<sup>16</sup> Dorothy Dunbar, *Blood in the Parlor* (New York: A.S. Barnes and Company, Inc., 1964), 11.

<sup>17</sup> *Ibid.*, 11.

<sup>18</sup> Stewart, *Crime Writing in Interwar Britain*, 8.

The set of literary features that came to define the 1923-1964 period emerged more distinctly during the interwar years. Victoria Stewart's recent book *Crime Writing in Interwar Britain* delineates the overarching principles that the larger genre of crime writing utilized. Stewart observes that "definitions of criminality and the shading of criminality into psychological disorder" served as a "point of contact between fictional and non-fictional writing, and characterization."<sup>19</sup> Building on this, Stewart observes that "fictional and factual crime writing have other narrative techniques in common, including suspense, irony, and, more generally, emplotment."<sup>20</sup> Within this field of vision, Stewart's work also emphasizes that detective fiction in particular "was increasingly perceived as a discrete and codified form."<sup>21</sup> V.A.C. Gatrell has argued that, after 1750, crime itself became "a vehicle for articulating mounting anxieties about issues which really had nothing to do with crime at all: social change and the stability of the social hierarchy."<sup>22</sup> During the 1923-1964 period, depictions of the case were similarly shaped by a "developing rebelling" against a variety of ideas associated with the mentalité that shaped the "tragic" version of Florence's story.<sup>23</sup> This was marked by this new set of representational motifs that dominated the way her story was (re)told.

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"Detective fiction" narratives published during this period constructed their narratives according to a new set of tropes. According to Stewart, they tended to center on the notion of "fair play," the idea that "the reader should be given enough information to be able to solve the

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<sup>19</sup> Ibid., 9.

<sup>20</sup> Ibid., 10.

<sup>21</sup> Ibid.

<sup>22</sup> "Crime, Authority and the Policeman-State," in F.M.L. Thompson (ed.), *Cambridge Social History of Britain, Volume 3: Social Agencies and Institutions* (Cambridge: University Press, 1990), 249.

<sup>23</sup> Symons, *Mortal Consequences*, 118.

mystery for him- or herself.”<sup>24</sup> In addition, it was expected that the culprit be “someone mentioned in the early part of the story” and that clues discovered by the (detective) protagonist would be “immediately produced for the inspection of the reader.”<sup>25</sup> W.H. Auden also contends that detective fiction consists of a plot that contains a “closed society,” comprised of a “limited number of suspects,” alongside a narrative in which, the purging of the guilty person from this society returns it to a state of innocence.<sup>26</sup> Lastly, Stewart points out that “Golden Age” authors tended to conjure motive from the “intersection of character and circumstance.”<sup>27</sup>

Crime writing historian LeRoy Panek has argued that Anthony Berkeley Cox possessed the “most sophisticated understanding of the nature of the detective story of any writer of his generation.”<sup>28</sup> A prolific journalist and novelist during the interwar years, Cox utilized a set of pseudonyms to distinguish “between his comic novels, sketches, criticism and essays.”<sup>29</sup> As “Anthony Berkley,” Cox produced multiple detective stories based on “real, historical murder cases.”<sup>30</sup> His fictionalization of the Maybrick case was published in 1926 as *The Wychford Poisoning Case*. Like Berkeley’s other novels, the story was a kind of anti-thesis to Victorian representations, in that *Wychford*’s premise was formed “in reaction to” standard tropes.<sup>31</sup> Holquist has illustrated how authors of such detective stories were far from “confident, optimistic rationalists” and that they “rejected mythic modes” in order to “experiment with the

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<sup>24</sup> Victoria Stewart, *Crime Writing in Interwar Britain: Fact and Fiction in the Golden Age* (Cambridge: University Press, 2017), 7.

<sup>25</sup> Ibid.

<sup>26</sup> Stewart, *Crime Writing in Interwar Britain*, 2017, 10; W. H. Auden, *The Dyer’s Hand, and Other Essays* (New York: Random House, 1962), 149–50.

<sup>27</sup> Stewart, *Crime Writing in Interwar Britain*, 14.

<sup>28</sup> LeRoy Panek, *Watteau’s Shepherds: The Detective Novel in Britain, 1914-1940* (Bowling Green: Popular Press, 1979), 111.

<sup>29</sup> Malcolm Turnbull, *Elusion Aforethought: The Life and Writing of Anthony Berkeley Cox* (Bowling Green, OH: Bowling Green State University Popular Press, 1996), 2.

<sup>30</sup> Panek, *Watteau’s Shepherds*, 121.

<sup>31</sup> Ibid., 124.

possibilities, the limitations, and the power of conscious perception and the search for knowledge.”<sup>32</sup> As a member of this cohort, Cox utilized many of the associated stylistic conventions. Berkeley’s characters were “bluff, prone to error ... recognizably human” and intentionally satirical.<sup>33</sup> Panek further illustrates that they were also “hardly ever ... sympathetic.”<sup>34</sup>

*Wychford* is perhaps most notable, however, for its “innovating consideration of psychology.”<sup>35</sup> Berkeley discloses that the reader ought to “recognise the attempt ... to substitute for the materialism of the usual crime-puzzle of fiction those psychological values which are ... the basis of the universal interest in the far more absorbing criminological drama of real life” (Dedication). Indeed, throughout the narrative, Roger Sheringham, the story’s detective, resists “concentrating on the facts” (chap. II). Moreover, he criticizes others’ puzzlement over “the woman who poisoned her husband with arsenic,” suggesting that such a view stems from them continuing to “look only upon charming outside coverings” and disregarding “entirely hidden and seething interiors” (chap. I, XIV). Second, Berkeley introduces a, more or less, “closed society” consisting of “the characters of the three protagonists: John Bentley (James Maybrick), who is “continually worrying about his health” and is “probably a bit of a hypochondriac”; William Bentley (Michael Maybrick), who Sheringham does not think “got on at all well with [his brother]”; and Mrs. Bentley (Florence), who “appears as a happy, gay little creature, not overburdened with brains but certainly not deficient in them, always wanting to go out somewhere and enjoy herself” (chap. II). Berkeley underscores the importance of examining

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<sup>32</sup> Holquist, “Whodunit and Other Questions,” 149.

<sup>33</sup> Turnbull, *Elusion Aforethought*, 34–35.

<sup>34</sup> Panek, *Watteau’s Shepherds*, 111.

personalities, positing that “the circumstances of the case, the methods of the murderer, the reasons for the murder, [and] the steps he takes to elude detection ... all arise directly out of character” (chap. II). For instance, he suggests (through Sheringham) that the natural intersection between the husband, whose “chief joy in life” consisted of turning his stomach into “a fair imitation of the inside of a chemist’s shop,” and the wife “always wanting to go out somewhere and enjoy herself,” was that “the inevitable happens” – another gentleman ends up accompanying her to public happenings (chap. II, VI). Berkeley also adheres to Stewart’s observation that the criminal is often represented as abhorrent. The poisoner Sheringham hunts is profiled as “hard and calculating and all that” (chap. XIX).

Berkeley’s novel also infuses the concept of “fair play” into the Maybrick story. As clues are discovered by Sheringham, the reader is given the tools to “solve the mystery.” For instance, Sheringham’s examination of the question “How many people were alone with [John Bentley] during [a critical] half hour?” establishes a pool of six “for certain” suspects (chap. X). By keeping a “suspicious eye” on these six, Sheringham discovers that “no less than four have the most excellent motives for wishing friend Bentley under the turf” (chap. XII). This pool of suspects oscillates in size as new facts come to light. Reconsideration of the ways in which arsenic might have been administered to the deceased causes the detective’s “net” of suspicion to become “considerably enlarged” before he eventually suggests to the reader that Bentley (Maybrick) “committed suicide” after cutting his wife out of his will in order to exact “revenge” for her indiscretions by framing her for his “murder” (chaps. XIII, XIV). Such an incredible resolution to the crime rests on Berkeley’s premise that it is too convenient that “all tangible clues seem to point straight to Mrs. Bentley” (chap. XX). Having “read every word that’s been written” about the case, his aim is “to preserve an open mind” (chap. I). However, as Milward

Kennedy observes, “Berkeley is the supreme master not of ‘the twist’ but of the ‘double twist’” (Introduction). In the end, Sheringham boils the case down to the fact that “Bentley was an arsenic eater!” which the detective comes to view as the “explanation of everything” (chap. XXV).

*Wychford* is also significant in its establishment of a new plot structure to convey the details of the Maybrick case. While he refers to the case as an “appalling tragedy,” Berkeley admits that its resolution might “disappoint” the reader on account of its “tame ending” and its reflection of “real life,” which Sheringham suggests consists of “one anti-climax after another” (chaps. IX, XXV). Secondly, the narrative is “refreshingly ironical,” in that it thoroughly investigates several “people with a perfectly good motive for killing Bentley” only to arrive at the conclusion that he “died a natural death” (chap. XXV). Heightening this element of the story further is Sheringham’s suggestion that the meandering nature of his fictional investigation was due to him paying “too much attention to the psychological possibilities” – the explicitly-stated purpose of the novel (chap. XXV). Lastly, *Wychford* is the first representation of the Maybrick case to explicitly tie the corruption of the fictional world to the crime. At one point the protagonist asks if “there really brood[s] over the place ... some dark uneasy cloud born of violent human emotions, the fringes of which touch our spirit with the same horror which brought it into being?” (chap. VIII). As the story concludes and the incident resolves, the gothic imagery dissipates. In contrast to the narratives of the 1891-1912 era, *Wychford* concludes on a tranquil note with Sheringham’s assistant making sense of the whole case by reading a letter over breakfast.

During the same era, prolific author Marie Belloc Lowndes produced her own set of “psychological murder thrillers” centered on murderesses. Ellen Turner’s recent research argues

that Lowndes “intended [these] novels to contribute to a self-regulation of society that might control a potentially ‘unseemly’ promiscuity that was in her mind ‘at large.’”<sup>36</sup> The belief that the law is a kind of “patriarchal moral code” that checks “female excesses of ‘dangerous’ sexuality,” colours Lowndes’ interpretation of Florence’s case.<sup>37</sup> *The Story of Ivy* (1927) centers on the character of Ivy Lexton (Florence) who emerges as “the central figure of [a] drama of love and death” in that “to the mind of everyone interested in the story” she is “the one point of mystery” (205). Lowndes expends considerable effort exploring Ivy’s psyche, which she describes consistently with other contemporary representations of criminality. For example, Lowndes writes “there’s a side to her, for all her pretty manners, that isn’t pretty at all” (6). She expands on the notion that there is “a curiously soulless quality about her” (2). Lowndes also commits to portraying the intersection of character and circumstance. She suggests Ivy is “very fond of money, or rather the spending of it” (6). As a result, Jervis Lexton’s (James Maybrick’s) capital eventually gets “frittered away” and Ivy inevitably begins to “feel short of money” (6, 71). She seeks male suitors to rectify this situation. Miles Rushworth, due to his vast wealth, is particularly attractive to her. However, Rushworth has reservations about pursuing her given her existing marriage to Jervis, exclaiming “if only you were free!” (67). When she encounters arsenic in a casual conversation with another suitor, Dr. Roger Gretorex, Lowndes suggests that “it must have been at that very moment that a certain as yet vague and formless plan slipped into her mind” (78). Mere pages later, Ivy gives “a good pinch of the powder” to her husband (85). This “fall from innocence” is foreshadowed by a soothsayer, who predicts that Ivy will “bring unutterable misery and shame” and be brought “stress and disappointment” (21). Throughout the

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<sup>36</sup> Ellen Turner, “Paper-Thin Walls: Law and the Domestic in Marie Belloc Lowndes’ Popular Gothic,” *Nordic Journal of English Studies* 11, no. 3 (2012): 76.

<sup>37</sup> *Ibid.*, 56.

novel, she recurrently brings “bad luck on everybody who [comes] in touch with her” (319). Only with her death is the world purged of this contagion. The “haunted house” is a recurring theme in Lowndes’ novels and, according to Turner, is intertwined with: “notions of law and sovereignty in that it represents a female sphere saturated with repressed and dangerous sexuality which attempts to exclude law with murderous results” while “the patriarchal law attempts to penetrate and make safe this sexuality.”<sup>38</sup> In *The Story of Ivy*, peace is restored with Lowndes’ observation that “Well! Now she wouldn’t be able to harm anybody, man or woman, any more” (319).

Consistent with the era’s dominant tropes, *The Story of Ivy* is also riddled with irony. Lowndes most often deploys this in the form of dialogue that is at odds with the narrator’s description of events. For instance, during his interactions with police, Dr. Gretorex says: “the one thing of which I am quite sure is that [the arsenic] did not come out of my surgery,” which contradicts the narrator’s earlier description of Ivy’s theft of it from that very place (152). Similarly, a stranger expresses concern over Ivy’s apparent lack of motive not knowing that he is in the presence of Rushworth, “the other man in tow” (299). Finally, given the opportunity to escape capture, Ivy is given the advice “*don’t bring anything with you*” (316). She fails to heed this warning and hastily returns to her apartment to collect some things. As a result, Ivy mistakenly steps “into the void” of an elevator shaft, which is followed by a “terrible scream” and “an awful thud” (317-19). The restoration of peace within the novel’s cosmos and recurrent negative depictions of her character undermines any possible tragic interpretation of the plot.

*The Story of Ivy*’s narrative has at least two unique features when compared to other Maybrick fictionalizations. Lowndes’s mystery is not one of “whodunnit?” but instead generates

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<sup>38</sup> Ibid., 75.

suspense around the question of whether Ivy's deed will be discovered. Almost immediately after poisoning her husband, the narrator relates that "there swept over her a strong feeling of misgiving, if not fear" (91). As the narrative progresses, this builds to "abject fear" and as the authorities close in, Ivy comes to feel "as if she were becoming entangled in a horrible, close-meshed net" (171). Secondly, Lowndes inverts Victorian sympathy for Florence, instead weaponizing it in favour of James Maybrick's character: "No one thinks of poor Jervis, do they?" (254).

Margaret Gabrielle Vere Campbell Long was another "prolific British writer who churned out volumes of historical novels and mysteries," mostly as a means of survival, but who also found satisfaction in "writing material in which 'history was to be transformed into fiction and men and women of the past given some kind of life.'"<sup>39</sup> One of the fifteen novels produced under the pseudonym "Joseph Shearing" used the Maybrick case as inspiration. *Airing in a Closed Carriage* (1943) reinvigorated the pattern of representation established by Berkeley and Lowndes' earlier novelizations. Shearing explicitly tells the reader in the preface that "the psychology" should be interpreted as "the core of the story" (v). This claim is fulfilled throughout the text itself. In one instance, Mr. Steele, a fictionalization of the Crown prosecutor Mr. Addison, is portrayed sifting through evidence, "allow[ing] his mind to turn from the legal aspect of the affair ... to the humanities behind it" (289). Early in the story, the reader is introduced to a limited cast of characters, consisting of "two English gentlemen," John (James) and Richard Tyler (Michael Maybrick), as well as May Beale (Florence Maybrick), a beautiful foreigner, whom John falls in love with and eventually marries (12). The narrative relies on characterization and description of circumstances in order "to try to arrive at truth" (v). This

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<sup>39</sup> Frances Malpezzi, "The Parson Fictionalized: A Reprise," *George Herbert Journal* 28, no.1-2 (Fall 2004 /Spring 2005): 65-70.

“truth,” Shearing insists, is inextricably intertwined with the deceased’s younger brother. Shearing describes how both brothers were predisposed to “a gnawing envy, a carking disappointment hidden behind their complacency” and were, as a result, “born bachelors” (24). Following May’s marriage to John, Brierley’s character in the novel observes how Richard “wanted her” (265). Shearing suggests that because of May’s rebuff in response to Richard’s advances, his “cruelty ... increased with indulgence” and he became “more determined than before to extract the last ounce of revenge out of this extraordinary affair...” (303). This culminates in Richard ultimately framing May for the murder of her husband.

In line with Stewart’s concept of “fair play,” the reader is given ample evidence to “solve the mystery.” In the early chapters, for instance, Shearing conjures a fortune teller that suggests she “wouldn’t like to” tell the brothers’ fortunes, but likens them to “two murderers, two stranglers with large, white, wax hands” (38). This foreshadowing simultaneously preserves an element of mystery and reduces the pool of suspects to two. While Shearing’s novel resists an explicit resolution to the crime, with the prison clergyman suggesting “no one will ever be able to make up their minds,” it leaves the reader to consider that May “had no actual enmity toward her husband” along with the rhetorical question: “the man ate arsenic, didn’t he?” (181, 349).

Shearing’s text continues the “Golden Age” traditions established by the earlier novelizations in other ways as well. Following the death of character John Tyler there is a marked “fall from innocence” that consumes the story’s setting. Stone Pynes, the Tylers’ home, is described as if “Hell opened for the Devil’s return” and later as “tainted and fouled from attic to basement” (242, 329). With the death of May, the last character to remember the narrative’s events, Shearing’s fictional world returns to a state of innocence marked by “the perfume of meadowsweet” (358).

Shearing's plot structure also mimics those of the earlier fictionalizations. While it contains echoes of nineteenth-century accounts in referring to May's trial as a "tragedy," the broader narrative is explicitly described as a "cruel comedy" (306, 332). Perhaps more appropriately described as "satire," the tale – like those of Berkeley and Lowndes – is rife with irony. For instance, the judge's instructions to the jury to sequester themselves during the trial is juxtaposed against the jury's subsequent wanderings. Justice Barnfield (i.e., Stephen) tells the jury: "if you want an airing, you will go in a closed carriage" (310). Shearing then describes these "gentlemen" wandering "to and fro, having taken no notice of the words of the judge" and as immersed in "the case ... being discussed" in "every billiard room, in every hotel, in every tap room of every public house" (310-11). Underpinning the psychological "endeavour to understand May Tyler," the narrative draws from social constructions of crime to establish a rupture between a fictionalized Maybrick and the deviant behaviour conveyed by the press, who "described [her] as a murderess, a woman who had recklessly spent her husband's money on race [tracks] and gambling tables, who had run his house with the most careless extravagance" (282-83). Lastly, Shearing incorporates a searing social critique. He suggests, for example, that "perhaps a good many people would have something sharp to say about John if May had told her tale. But May kept quiet and, in the language of her generation, 'preserved appearances'" (49).

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Alongside these three "mystery fictionalizations," a fact-based branch of portrayal was developing its own protocols. Victoria Stewart has noted that "accounts of real cases ... more frequently describe[d] court proceedings in some detail" and presented famous cases as "re-interpretable narratives" that either challenged or reinforced the mythologies surrounding the

stories.<sup>40</sup> The majority of authors during this era chose to challenge the “tragic” Victorian framework. Stewart expands this notion to suggest that “what trial narratives often bring to the fore, and what prefaces and essays dealing with *causes célèbres* also reveal is the relative opacity of character” (13). This is exactly what the more academic anthologies accomplished during this era.

C.J.S. Thompson was among the first to address the Maybrick case during the interwar period. Described as “stylish and prolific” and a “gentleman of great erudition,” Thompson was an honorary curator of the historical collection of the Royal College of Surgeons of London. His lengthy bibliography of works includes books on such wide-ranging topics as “black magic, perfume, astrology, historical mysteries, and the development of surgical instruments.”<sup>41</sup> His volume *Poison Mysteries in History, Romance & Crime* (1923) reflects the “factual crime writing” traits noted by Stewart. Thompson establishes the Maybrick case as one of twenty-three *cause célèbres*, describing it as “one of the most remarkable poisoning cases on record” (308). His narrative centres on “the trial,” which he, in the tradition of the previous period, refers to as “the tragedy.” However, in contrast to earlier works, which argued about Mrs. Maybrick’s innocence or guilt, the story begins when James Maybrick “was seized with a peculiar illness” and culminates in Florence’s sentence being “commuted to penal servitude for life,” with “successive Home Secretaries ... always decid[ing] the conviction must stand” (308, 313). The intervening description of court proceedings serves to establish a degree of murkiness in the case. From the evidence presented, the reader gleans that “the relations between husband and wife had not been of the most cordial character for some time .... [T]here were frequent disagreements,” and “just before” Mr. Maybrick’s mysterious illness, “there had been a serious

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<sup>40</sup> Stewart, *Crime Writing in Interwar Britain*, 11, 13.

<sup>41</sup> Jan Bondeson, *The Two-Headed Boy, and Other Medical Marvels* (Ithaca: Cornell University Press, 2004), xx.

quarrel, resulting from his wife's relations with another man" (309). However, the significance of this motive is minimized by Thompson's more detailed delineation of how the scientific evidence presented at trial was "of a very conflicting character" (309). He quotes Lord Moulton, an "eminent scientist as well as a great lawyer," who in 1899 stated his position that "the testimony for the prosecution entirely failed to support the onus which lay upon it" (313). In contrast to concerning himself with this "tragic" nature of the case's outcome, Thompson focuses his thoughts on the mystery of "who killed James Maybrick?" He resists a definitive answer by suggesting Florence Maybrick "alone could tell" whether she "did actually administer arsenic to her husband *with intent to kill him*" (emphasis Thompson's). In addition, Thompson leaves the reader with a strong suspicion of Mrs. Maybrick, opining that "surely such a web of circumstantial evidence has never before been woven round one accused of having committed a terrible crime" (313). In doing so, he helps reshape the Maybrick mythology from one of "tragedy" towards one of "mystery."

Edward Smith's *Famous Poison Mysteries* (1927) further solidified the non-fictional traits advanced by Thompson. Drawing from newspapers, official court records, trial transcripts, poison records, and medical reports, Smith suggested the Maybrick case was "one of the most celebrated" poison mysteries in history (98). In introducing the volume, he construed "the poisoner" as a social deviant and incorporated a brief social critique. He describes them as being typified by a "wandering footstep" and "erring soul," which society made no attempt to guide except in the "futile vaporings of preaching moralists" (9). Smith's account of the Maybrick case is contained within a larger challenge to the stylistic conventions of the mystery genre. "Almost every other mystery story," he wrote, "contains the myth of some recondite drug, some obscure plant, some exotic venom whose nature and action are unknown to the chemist and anatomist"

(10). He does not mince words in expressing his opinion that in this regard “subtlety has overreached itself” (13). His introduction to the case contains the well-known narrative that commences with James Maybrick falling ill and concludes with Florence languishing in jail. The withholding of any opinion until the end of the text preserves an air of mystery and emphasizes the case’s nuances. The text’s body consists primarily of a “close study of the testimony at trial,” in which Smith recounts the strong points of the Crown’s case, resting on the observation that “the woman had been unfaithful” and that “her husband had strangely and suddenly sickened immediately after she had been found out” (107). The poison found “all about the house ... which she admittedly handled,” and that was found in “the dead man’s body,” is described as the evidence. Smith likewise reviews the strongpoints of the defense, which were that:

Maybrick had been an arsenic eater, that he had for years taken mysterious white powders, that there was not enough arsenic in his system to have caused death, that he had died of a common gastric fever, that if there was enough arsenic in his meat juice it had been put there by his wife at his pleading, and that she was unaware of the nature of the powder (107).

Smith criticizes both sides of the argument instead of expounding on either narrative’s truth. In what he terms a “review of probabilities,” he simultaneously suggests Florence’s “story was a bit thin” while building to his assertion that “the case was not proved” on the basis of “the motive [being] not clearly marked” and “weak links in the chain of circumstance” (110-11). By portraying the Maybrick case as a re-interpretable narrative that highlights nuance, Smith’s text employs the traits characteristic of non-fiction in the “Golden Age.”

After playing a “prominent part in all the main controversies of an exceptionally turbulent period of political history,” F.E. Smith produced *Famous Trials of History*, a volume of popular “legal reprisals” that revisited well-known “romantic and macabre” cases.<sup>42</sup> This book

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<sup>42</sup> John Campbell, *F.E. Smith, First Earl of Birkenhead* (London: Cape, 1983), preface, 722.

was so successful that Smith, produced another that included Florence. In many ways, *More Famous Trials* (1928) stays true to biographer John Campbell's observation that Smith always "had fresh and penetrating things to say."<sup>43</sup> Smith suggests his objective is to simultaneously "entertain and not to instruct," to "be found historically accurate," and to examine "the problems of psychology and pathology" (vii). According to *The Times*, this goal was achieved. On 26 October 1928, they noted that "The book as a whole supplies a remarkable series of psychological studies ... and is full of living interest."<sup>44</sup> In contrast to other non-fictional Maybrick narratives, he proposes to *not* comment at length on the trial itself. Smith defends Stephen's handling of the case, suggesting that his summing-up was "fair and impartial," and further, that "none of the slip ups [were] more than incidental" (133-34). He also agrees that the case is a *cause célèbre* in that it is both "unusual and important" (134).

Smith takes his main purpose to be an examination of "sustained public interest." He places the case within the context of larger sociological trends, arguing that "the position of a wife charged with the murder of her husband ... is by no means without precedent" and that allegedly "administering ... poison under the cloak of devotion ... is not unknown in other cases" (124). Smith is careful to preserve the air of mystery by placing qualifiers on such statements as "if it be a fact, that she was" and by stating that James Maybrick's illness "might plausibly be attributed to the ill-usage to which his internal organs had been subjected to for so long" (134, 136). He suggests that developments in toxicology are key to the trial's enduring importance: "Dr. Stevenson, who was the great authority in 1889, said in his evidence that a fatal dose ... generally killed in six to twenty-four hours" (135). Given that Florence did not have unsupervised access to her husband following 8 May 1889, this claim created "a serious

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<sup>43</sup> Ibid., preface.

<sup>44</sup> "More Famous Trials," *The Times*, 26 October 1928.

obstacle” in explaining how Florence caused his death at trial. Subsequent evidence, however, suggested to Smith that the fatal dose may be administered as much as five to eight days before death: “we may, therefore, in considering the case now, assume what we could not have assumed in 1889, that the death may have been due to administration on or before 8 May” (136). Smith also resisted resolving the mystery with a pair of questions that generate suspense: “Was she guilty?” and “How did the arsenic come to be in the medicine?” (140).

*More Famous Trials* also stands out amongst the representations of the interwar era in terms of its thorough, and explicit, reconsideration of objectivity. Smith suggests that others, who wrote their histories as contemporaries of the case, lacked sufficient historical distance to make such claims. For them, “the case ha[d] not passed deeply enough into history” (139). Now, he suggests, authors can approach the case “without any feeling which might prejudice [their] judgement,” though he bemoans that they must do so “without the advantage that is gained by seeing and hearing the witnesses” (140). Smith goes on to explain that “a study of the evidence is no adequate substitute for ... gestures, changes of intonation, pauses, and all those incidents which enable a bystander to judge of the truth or materiality of a reply” (140).

Edgar Lustgarten, well-known British crime writer and broadcaster, drew from his “professional knowledge of the law” to arrive at a representation that “at the time ... had a jarring impact of something unpleasant but real in contrast to the mild fading pleasures offered by most ... detective stories.”<sup>45</sup> As David Smith points out, many encountered Lustgarten in a visual medium, where he introduced “mini-dramas from a book-lined study in a double-breasted suit.”<sup>46</sup> The “dramatic structure” employed by Lustgarten served to “achieve the potency of

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<sup>45</sup> Symons, *Mortal Consequences*, 159.

<sup>46</sup> David Smith, “Mr. Lustgarten and the Case of the Honest Copper,” *Oxford Journal of Legal Studies* 8, no. 3 (Winter 1988): 434.

myth.”<sup>47</sup> *Verdict in Dispute* (1949) examines six trial outcomes which Lustgarten felt were contestable. He couples an analysis of the facts with a recreation of the atmosphere of the trial “so that the reader can determine the dominating influences that led to their unsatisfactory result” (preface). This presumption of Florence’s innocence nudges Lustgarten’s account towards a resemblance of Victorian-era depictions. However, unlike MacDougall and company, he blends in psychological profiles. “Planned, deliberate killing is no drawing-room accomplishment,” Lustgarten writes, “it needs callousness of heart, insensitivity of mind, indifference to suffering and contempt for human life” (9). He also considers the intersection of character and circumstance. In line with this, Lustgarten argues that “minds, too, can be poisoned, and events had conspired to work on Michael Maybrick’s” (20).

By and large, *Verdict in Dispute* conforms to the interwar narrative archetype by focusing extensively on the trial itself. Lustgarten purported to offer, “in fine and stripped of inessentials,” the case “on which the Crown relied to send [Florence] to the gallows” (20). However, he often includes interpolations in this trial transcript to heighten the dramatic effect. For example, in describing the oratory of Sir Charles Russell, he interjects with phraseology like “after that, Russell moved in for the kill” (31). Moving away from the strategies of his contemporaries, Lustgarten retreats to some of the representational strategies of the 1891-1912 era. Rather than create doubt, he effectively reiterates Russell’s points and examines what he terms the “wide gap in the walls of the defense.”<sup>48</sup> Not only does Lustgarten explicitly describe the case as Mrs. Maybrick’s “own peculiar and poignant tragedy,” he suggests that, on a larger scale, “the verdict

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<sup>47</sup> Ibid.

<sup>48</sup> Campbell, *F.E. Smith, First Earl of Birkenhead*, preface, 722. For instance, he writes, “They found some arsenic, so they called it arsenic poisoning. If they had not found arsenic, they would have called it something else. And Russell had shown how the arsenic might have come there: in a series of self-administered, non-fatal doses, unconnected with the ailment from which Maybrick really died.”

of that jury unhappily remains to mock at and discredit the fair name of British justice” (10, 42). This serves his larger purpose, which is to present a “study of those that disfigure the past” in order to “[lessen] the chance of repetition” (preface). Thus, Lustgarten’s own activist purposes guided the way he retold the story. In essence, he blends a contemporary interest in “the psychological” with the preceding epoch’s tendency to illustrate the tragedy of the story. As ethnohistorian Keith Carlson points out, examination of historical sources sometimes brings to light “continuity in change” as well as “change in continuity.”<sup>49</sup>

Despite the partial return to a more “mythical” mode of representation by Lustgarten, Charles Boswell and Lewis Thompson’s *Girl with the Scarlet Brand* (1954) illustrates the continued use of “postmodern” crime writing conventions. In their book, which would win an Edgar from the Mystery Writers of America in 1955 for “Best Fact Crime,” characterization and psychological analysis endure. Like its predecessors, the bulk of *Girl with the Scarlet Brand* is comprised of a detailed description of the trial proceedings, supplemented by brief chapters at the beginning and end that offer additional context. The book purports to chart “the long metamorphosis of Florence Maybrick from the beautiful, competent, envied matron of Battlecrease House to what she became at the end of her life” (166). Boswell and Thompson begin their narrative by suggesting that “the man was rare who did not acknowledge her beauty with a lingering second look, and Florence, though no flirt, was not the sort of girl who .... would not ... return the look” (8). Upon arrival in England, they describe her as being “in ... extreme youth” and as “undoubtedly ... not grasp[ing] the implications of the complex situation in which she landed” (11-12). They explain the circumstances in which she operated: in debt and surrounded by unfamiliar, hostile people (56). This was so much the case that the defence would

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<sup>49</sup> Keith Carlson, *The Power of Place, The Problem of Time: Aboriginal Identity and Historical Consciousness in the Cauldron of Colonialism* (Toronto: University Press, 2010), 80.

eventually refer to her as “the friendless lady in the dock” (81). By revisiting the evidence of Maybrick “arranging for her illicit rendezvous in London,” the narrative infers she is someone “capable of duplicity, deceit, and falsehood” (109). Following the trial, Boswell and Thompson extrapolate the effect of prison life on her psyche. They argue that, “on a more basic, psychological level, she found that patterns of response built up over fifteen years were difficult to break” (160). When she is released from prison, they question the effects of rapid social change on her personality. Boswell and Thompson note that “she had never known about electricity” and that “the automobile, the telephone, and the airplane . . . were foreign and wondrous adventures to her” and that, as a result of this strange new world, “she found herself hopelessly disoriented” (160). Despite landing with “ardent supporters in the United States,” Boswell and Thompson highlight how, eventually, Florence came to be a “disturbing influence” in that she was “at the center of a spiraling cloud of anomalous incidents” (160, 166). Florence’s return to the United States has interesting implications in that it is illustrative of the “transformation” of her personality towards a figure less worthy of readers’ sympathy. The story ends with a description of Maybrick’s later years, in which the reader encounters her “doing her utmost to obscure her identity” (167). By examining Maybrick’s psyche and connecting it to her surrounding environment, Boswell and Thompson reiterate some of the key characteristics of factual accounts identified by Stewart.

Boswell and Thompson’s account employs several other tropes typical of the factual sub-genre. For example, by describing the jury’s verdict as “a matter of persisting dispute,” they establish the case as “re-interpretable” (7). Such tendency to “revisit” recurs throughout the book, mostly through conjuring doubt about the characters’ reliability. For instance, readers are reminded that Mr. Addison praises “the great ability, of the fairness, and of the zeal with which [Charles

Russell] defended his client” (107). However, in the opening chapters, Boswell and Thompson complicate this understanding of Russell’s involvement by portraying him as “badly in want of rest” at the outset of Maybrick’s trial because it followed immediately in the wake of the “biggest, bitterest, and lengthiest case of his career.”<sup>50</sup> There is a tangible struggle in his capacity to defend his client throughout the narrative. The authors note that the defense’s summation fought “with every weapon at its command,” but also that during its execution Russell was “breathing heavily” and that he “stretched out his hands and rested for a moment against the rail of the jury box” before he could plunge into his concluding address (100, 103).

Boswell and Thompson also use the character of Mrs. Briggs (one of MacDougall’s “suspecting five”) as another point of re-interpretation in the case. They suggest she was “a woman inclined to trifle, if not actually do battle with the truth” (50). However, Boswell and Thompson give the story additional depth by referring to media accounts in which Briggs is described as “a potent factor” in the Maybrick household and to how she held “states of mind and motive” that were resentful towards Florence on the premise that “she had unmarried sisters” whom she felt should have been to “Mr. Maybrick’s taste” (135).

Finally, the narrative is infused with irony. Boswell and Thompson attack the apparent loose-lipped-ness of Alice Yapp by articulating that “a more appropriate name for the young woman hardly could have been imagined” (13). They highlight that Stephen, whose job it was to summarize the pertinent points of the case for the jury, is on record as saying the facts of the case are “too difficult for me” and describing how he “can do so little to help [the jury] in this great

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<sup>50</sup> Boswell and Thompson, *The Girl With the Scarlet Brand*, 24. As Boswell and Thompson go on to note, “A mere two weeks before Maybrick’s death, he had concluded ... the defense, before a Parliamentary commission, of the Irish hero Charles Stewart Parnell and sixty-five Irish members of Parliament against charges of sedition. The commission held sixty-three stormy sessions, during the course of which Sir Charles contended with 340 witnesses many of them hostile.”

matter” (116). Similarly, the authors evoke a tension in the description of Florence’s sentence commutation as “good news” by highlighting that “the Home Secretary’s action was, in the opinion of most of the public, as outrageous as the verdict had been” (145). By building their account of Maybrick’s trial around these literary devices, Boswell and Thompson’s text serves to extend the interwar tradition of representational strategies.

The next author to offer a non-fiction examination of Florence’s case was Nigel Morland, a journalist and publisher who began writing in 1923, producing books and pulp magazine content “in great profusion, averaging 30,000 to 50,000 words a week.”<sup>51</sup> By the 1950s he had “turned increasingly to popular criminology, doing much to propagate the literature of forensic science.”<sup>52</sup> His book *Background to Murder* (1955) makes continued use of the tropes identified by Stewart. Morland initially highlights the opaque aspects of the case. In this volume, he examines seven cases in which there is “a wide gap” between “sound suspicions, moral certainties, and legal proof” (11). He also explicitly states his preference for discussion of cases in which “realism [is] to be found” (14). In line with other authors of this era, he tries to reconcile the *cause célèbre* with the prevailing knowledge of criminologists.<sup>53</sup> According to Morland, these subject-matter experts suggest that the “scandalously short courtship concluding in marriage” and the disparity in ages “was the root of the subsequent troubles” (143-44). Morland relies heavily on characterization, suggesting that “the real answer rests in Maybrick’s character and his wife’s lack of it” (144).

However, the key point, according to Morland, is that James Maybrick was “a confirmed worrier about his health” (142). Meanwhile, he considers Florence “so foolishly irresponsible” that

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<sup>51</sup> “Obituary of Mr Nigel Morland,” *The Times*, 12 April 1986.

<sup>52</sup> *Ibid.*

<sup>53</sup> Nigel Morland, *Background to Murder* (London: T. Werner Laurie Ltd., 1955), 143. In addition to referring to the case explicitly as a *cause célèbre*, Morland writes that *R v. Maybrick* was “one of the ugliest miscarriages of justice in British legal history” at 141.

“she was not clever enough, not devious enough to have done what she was accused of doing,” but surrounded by a “household of people fanatically determined in some way to implicate [her]” (142, 158). Morland uses these characterizations to colour the evidence given at trial. He suggests that Florence’s purchase of the flypapers appears “neither furtive nor like a person planning murder” and that “even feather-headed Florence Maybrick, were she homicidally inclined, would certainly have taken some elementary precautions” from being caught (153). Nevertheless, the reader learns that she “conceived an illicit passion for a man of the name of Brierley” (148). In his narrative, Morland risks retreating into the tragic mode of emplotment. Within the account, he recounts the “early tragedy of Florence” in which “she was handed over to the care of an ageing man in the cold-blooded fashion of the Victorian era; probity, position, possessions on the suitor’s part being more firmly noted ... than morality, tastes, and disposition” (142). As the story progresses, the reader learns that Florence ends up serving a “life sentence” which “treated her badly” (169). However, the “tragedy” is disrupted by Morland’s use of satire to evoke ironic elements in the case. For instance, he writes that “considering Battlecrease House and the behaviour of the authorities, it shows admirable constraint in not calling out the military as well to cope with this wanton American hussy” (161).

The consistency with which authors, from a diverse range of backgrounds, employed a set of stylistic conventions to write about Florence is further exemplified by Gerald Abrahams. Perhaps best known for his exploits as a chess player, specifically as the architect of the “Abrahams Defence,” Abrahams’ background as a barrister gave him the requisite knowledge to pen a series of legal tracts. Among them, *According to the Evidence* (1958) presented the English trial as generally “lacking ... in ‘psychology’” (ix). To address this alleged shortcoming, he purports to show how “artisans of the law, labouring at their benches, contemplate spectacular criminal trials”

(ix). Abrahams' discussion of Maybrick's case itself highlights points of ambiguity. On one hand, he points out that "there was plenty of support for the belief that [Florence] administered poison to her husband," but that "there was also reason to believe that the husband had been drugging himself with unknown medicaments, and that an immediate factor in his death might have been a chill" on the other (15). Abrahams adds a layer of complexity by inferring that the jury's verdict, though rational, was excessively influenced by Stephen. The jury "implicitly found either that the doubt was not reasonable, or they were convinced notwithstanding the doubt," while Stephen "summed up without the clarity or cogency that had characterized his great mind in earlier years" (15, 17n). Abrahams couples this with a firm rejection of the previous period's motifs. He has "no sympathy for those careerists of sentimentality who have penned, in violet and vitriol, their lurid convictions about other persons' 'convictions'" and further insists that, as such, his book "is not an essay about legal reform" (x).

Following a career in the silent movie industry, retired actress Dorothy Dunbar produced her own interpretation of Florence in a collection of twelve stories that recounted nineteenth-century murders with "a light, macabre sense of humor." *Blood in the Parlor* (1964), like the many non-fiction portrayals that preceded it, is presented as an alternative to detective fiction. Dunbar states that the book is for "murder *aficionados* who are weary of twentieth-century materialism, who are jaded from the negligee-ripping, I'll blow-your-guts-out school of ... fiction" (15). However, like her contemporaries, she explores "the psychological" and social roots of crime. She suggests that "Dr. Freud and his colleagues have given probers into the past a new tool" or "a second sight" that reveals that "things are not what they seem to be" (14). She attempts to apply this tool within the context of Victorian Britain, arguing that "the morality of the Victorians was corseted ... rigidly. It repressed natural functions and caused warping. And when the moral

drawstring snapped, it often resulted in – murder” (14). However, in contrast to the rest of the authors writing during this period, Dunbar reflects critically on the tendency to utilize psychological explanations. She laments that “artistry in murder ... is becoming a lost accomplishment” due to an “ever-growing scientific and psychological knowledge” (13). As a result, Dunbar suggests, “murder in [her] own time” came to have “a flat, one-dimensional surface,” usually explained “on an economic level” (13). She introduces a series of crimes that “belong to that happy era when crime, crinolines, and custom combined to produce murders that are ... forever ... devotees of Mr. De Quincey’s ‘fine art.’” (14).

The narrative of Florence’s crime contained as a chapter in Dunbar’s book foreshadows the demise of the “Golden Age” tropes. It reiterates the case’s status as a *cause célèbre*. Indeed, Dunbar describes the case as “one of the biggest legal goofs in legal history,” in which a “woman was tried for murder where murder was never proved and convicted because of her morals, or lack of them” (130). However, *Blood*’s satiric emplotment retreats from an extensive focus on the trial itself and diverts from “opacity” in characterization, instead providing the reader with a series of caricatures. Dunbar describes Florence as the “sexy Southern Belle” and Mr. Maybrick as “merrily continu[ing] his pharmaceutical orgy” (122-23). The reader learns about Mrs. Maybrick’s “three frankly carnal nights in a hotel room with a man other than her husband” and “the fast acceleration of suspicion,” presumably orchestrated by Michael Maybrick, the “archevil genius” (120-21, 127). In line with this, Dunbar likens portrayals of the case to “*Alice’s Adventures in Wonderland* dipped in blood, with illustrations by Beardsley instead of Tenniel” on the basis that both are filled with “irrefutable nonsense” (119).

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Provoked by the “parallel” cases of Thompson, Merrifield, and Ellis, these academic writers and novelists projected their own fixations through their reinterpretations of Florence’s story.<sup>54</sup> Stewart has speculated that fictional and non-fictional narratives may have been, in some part, determined by a lurking discomfort with the death penalty, especially in cases where there was a lack of certainty about the convict’s guilt.<sup>55</sup> As Stewart notes, this genre “has often been seen as a way of confronting dark emotions and hidden anxieties at arm’s length.”<sup>56</sup> Hartman corroborates this notion by arguing that mystery novelists “trivialize[d] serious issues by reducing them to a fashionable science.”<sup>57</sup> This fashionable science came in the form of a new pattern of emphasis. Many of the authors examined here clearly spent the 1923-1964 period discarding the representational strategies utilized by an earlier generation. Holquist, among others, ties their abandonment of mythologization in favour of “the ironic” to postmodernism and a larger attempt to “escape” from the perceived limitations of “*literature itself*.”<sup>58</sup> Stewart, however, contends that “black comedy or irony” was more generally another “means of neutralising a perceived threat.”<sup>59</sup> More research is required to pin down what exactly each author perceived those threats to be.

The resulting representations were, in any case, altogether different than those which came before them, forming a second distinct “epoch.” As early as 1912, authors were beginning to look back on the Victorians and see their work as “an earnest and elaborate plea in defense of Mrs. Maybrick’s absolute innocence,” but as “not always temperate or judicial in tone.”<sup>60</sup> This

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<sup>54</sup> Bland, *Modern Women on Trial*, 2.

<sup>55</sup> Stewart, *Crime Writing in Interwar Britain*, 175.

<sup>56</sup> *Ibid.*, 1.

<sup>57</sup> Hartman, “Literature High and Low: The Case of the Mystery Story,” in *Poetics of Murder*, 210.

<sup>58</sup> Holquist, “Whodunit and Other Questions,” 165, emphasis in original text.

<sup>59</sup> Stewart, *Crime Writing in Interwar Britain*, 174.

<sup>60</sup> Irving, *Trial of Mrs. Maybrick*, preface.

new generation of authors replaced such allegedly one-dimensional images “with figures who ha[d] more in common with humanity.”<sup>61</sup> One group, led by Berkeley, Lowndes and Shearing, did so by adopting the conventions of detective fiction. They utilized the concepts of “fair play,” “closed societies,” motive conjured from the intersection of character and circumstance to present the case as a mystery. Non-fiction crime writers simultaneously sought to provide an alternative for “those who [were] tired of crime as conceived and detected by the novelist of today, but who care to become absorbed in a story of passion leading up to a final conviction for murder.”<sup>62</sup> To this end, authors like Boswell and Thompson, as well as Morland, drew from detailed descriptions of trial proceedings in order to highlight the complexity of character and the “re-interpretability” of Florence’s story.

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<sup>61</sup> Stewart, *Crime Writing in Interwar Britain*, 8.

<sup>62</sup> H., review of “The Maybrick Case,” 502.

# Reflections of “the Permissive Society,” 1968-2015

By the 1960s many considered the “consensus” around a common vision of the proper relationship between government and society, which had been forged during the Second World War, to have broken down. In *Gender and Power in Britain*, Susan Kingsley Kent describes a “profound sense of ‘moral panic’ ... over what many people regarded as a ‘permissive’ culture out of control.”<sup>1</sup> Some historians, like Arthur Marwick, suggest the permissive moment was a “revolution in ... lifestyles, family relationships, and personal freedoms for the vast majority of ordinary people” and, for that reason, was a moment of “outstanding historical significance.”<sup>2</sup> Indeed, the arrival of Second Wave Feminism prompted a fresh examination of power relations that, according to gender historian Nancy Hewitt, “uncovered a deep well of grievances” regarding men’s power over women and produced a proliferation of feminist theoretical writing.<sup>3</sup> The introduction of the pill in 1961 followed by the legalization of abortion in 1967 led some scholars to argue that young women found themselves with the “growing capacity” to “insist upon their own desires.”<sup>4</sup> Others interpreted the (limited) decriminalization of homosexuality under the 1967 Sexual Offenses Act as further evidence of the progressive “liberal culture of the times.”<sup>5</sup>

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<sup>1</sup> Kent, *Gender and Power in Britain*, 335.

<sup>2</sup> Arthur Marwick, *The Sixties: Cultural Revolution in Britain, France, Italy, and the United States, c. 1958-c. 1974* (Oxford: University Press, 1998), 5–7.

<sup>3</sup> Nancy Hewitt, *A Companion to American Women’s History* (Hoboken, NJ: John Wiley & Sons, 2008), 416; Sarah Gamble, ed., *The Routledge Companion to Feminism and Postfeminism* (New York: Routledge, 2001).

<sup>4</sup> Hera Cook, *The Long Sexual Revolution: English Women, Sex, and Contraception, 1800-1975* (Oxford: University Press, 2005), 2.

<sup>5</sup> Stephen Engel, *The Unfinished Revolution: Social Movement Theory and the Gay and Lesbian Movement* (Cambridge: University Press, 2001), 76.

For many, however, society was becoming too liberal. Writing in 1975, British sociologist Christie Davies examined how the multitude of changes that were indicative of a “permissive society” signalled an “erosion of traditional values” and the expansion of a “hedonistic and anti-ascetic” worldview.<sup>6</sup> The result, according to Davies, was a society more willing try different kinds of drugs and engage in criminal activities.<sup>7</sup> Historians, such as James McMillan, argued that, in addition, society simply could not be trusted to behave with so much freedom. Commenting on the relaxation of censorship in 1972, he wrote: “Auntie BBC didn’t just hitch up her skirt, she took it off altogether.”<sup>8</sup> The more conservative sectors of society felt attacked and began to mobilize against this perceived threat to morality.<sup>9</sup> This mobilization, according to Kent, developed into “the advent of ‘Thatcherism,’ an economic, political, and cultural movement calling for a return to ‘Victorian’ values.”<sup>10</sup> While many scholars have illustrated that these characterizations of “Thatcherism” and “permissiveness” are somewhat reductive, the majority concede that the social agenda in Britain during this period was nevertheless “substantially rewritten.”<sup>11</sup>

The story of Florence Maybrick was rewritten too. This chapter temporarily abandons a work-by-work chronological approach to depict the thematic consistency of these authors’ fixations. Together, their works reflected the emerging ideas and priorities of “new social history” and, increasingly, presented the story as a “biography.” Considering life “in parallel” to

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<sup>6</sup> Christie Davies, *Permissive Britain: Social Change in the Sixties and Seventies* (London: Pitman, 1975), 1.

<sup>7</sup> *Ibid.*, 2.

<sup>8</sup> James McMillan, *The Roots of Corruption: The Erosion of Traditional Values in Britain from 1960 to the Present Day* (London: Tom Stacey Ltd, 1972), 61.

<sup>9</sup> Lesley Hall, *Sex, Gender, and Social Change in Britain since 1880*, 2nd ed (New York: Palgrave Macmillan, 2013), 160–62.

<sup>10</sup> Kent, *Gender and Power in Britain 1640-1990*, 335.

<sup>11</sup> 198 Mark Bevir and R.A.W. Rhodes, “Narratives of ‘Thatcherism,’” *West European Politics* 21, no. 1 (January 1998): 97–119; Dennis Kavanagh, *Thatcherism and British Politics: The End of Consensus?*, 2nd ed (New York: Oxford University Press, 1990); Frank Mort, *Capital Affairs: London and the Making of the Permissive Society* (New Haven: Yale University Press, 2010), 3.

their own, they evoked discourses familiar to contemporaries, such as the status of women, the influence of the press, and capital punishment. This chapter argues that this way of telling the story of Florence Maybrick has remained dominant until as recently as 2015 and, therefore, forms a third, distinct epoch of historical representation.

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Accounts of Maybrick's life produced after 1968 began to depict the story as illustrative of the "structures" of Victorian society. Edgar Lustgarten purported to depict how his gallery of "human subjects" were "representative of their generation" in terms of "method, motive, or circumstances."<sup>12</sup> Similarly, Gerald Sparrow's volume *Women Who Murder* (1970) explicitly casted its examination as a "sketch of social background and attitudes."<sup>13</sup> Sparrow used this "sketch" to explain the initial public vitriol for Mrs. Maybrick as a function of the convention that women discovered having an affair would endure "virtual social ostracism."<sup>14</sup> In *Vintage Victorian and Edwardian Murder* (1971), Sparrow likewise declared that his primary purpose was "to examine the Victorians and their climate a little more minutely."<sup>15</sup> In tracking the "structure and background of society," he attempts to explain why the case "stirred immediate and avid interest" (31). Mary S. Hartman, a scholar of Women's Studies, broke ground by examining "the influence of a code of femininity."<sup>16</sup> She claims that her survey of Victorian murderesses offers "glimpses into the domestic confines of middle-class families and some hints

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<sup>12</sup> Edgar Lustgarten, *A Century of Murderers* (London: Eyre Methuen, 1975).

<sup>13</sup> Gerald Sparrow, *Women Who Murder* (New York: Tower Publications, 1970), 74.

<sup>14</sup> Ibid.

<sup>15</sup> Gerald Sparrow, *Vintage Victorian and Edwardian Murder* (Newton Abbot: Victorian & Modern History Book Club, 1972), 11.

<sup>16</sup> Mary Hartman, *Victorian Murderesses: A True History of Thirteen Respectable French and English Women Accused of Unspeakable Crimes* (New York: Schocken Books, 1977), 2.

of the problems and even the terrors that women faced there.”<sup>17</sup> In applying this notion, Hartman located the rift between Maybrick and Yapp in a larger dynamic in which “female servants showed a willingness to betray mistresses in matters involving sexual infidelities” as a result of changing relations between servants and employers.<sup>18</sup> In short, many of this era’s authors treated Florence’s life as a microcosm of larger Victorian society.

This addition to the Maybrick mythos can also be understood as reflective of shifts in the historical thinking. As Marie-Luise Kohle prophesized, “much as we read Victorian texts as highly revealing cultural products of their age, neo-Victorian texts will one day be read for the insights they afford into twentieth-...century cultural history and socio-political concerns.”<sup>19</sup> Indeed, John Tosh describes how some historians became “much more ambitious” in the 1960s and 70s when they “aspired to offer nothing less than the history of social structure.”<sup>20</sup> As part of a movement known as “new social history,” they purported to focus on “society as a whole” even when only “a small fragment was actually investigated” (56). According to Adrian Wilson, the emergence of this “new social history” was further defined by “its particular academic and political relationships” that consisted of “closure towards state historiography, openness to progressive politics, and asymmetrical openness towards the social sciences.”<sup>21</sup> One pertinent example of such “progressive politics” was the women’s movement, which Joan Scott suggests “inspired” historians to “document ... not only the lives of ... women in various historical

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<sup>17</sup> Ibid., ix.

<sup>18</sup> Ibid., 236.

<sup>19</sup> Marie-Luise Kohle, “Introduction: Speculations in and on the Neo-Victorian Encounter,” *Neo-Victorian Studies* 1, no. 1 (2008): 13.

<sup>20</sup> John Tosh, *The Pursuit of History: Aims, Methods and New Directions in the Study of History* (New York: Routledge, 2015), 58.

<sup>21</sup> Adrian Wilson, ed., *Rethinking Social History: English Society 1570-1920 and Its Interpretation* (Manchester: University Press, 1993), 7.

periods, but ... changes in the economic, educational and political positions of women[.]”<sup>22</sup> As a result, women’s history rose to prominence, and under the banner of social history, helped legitimize “woman” as a category of analysis.

This category looms large throughout popular representations of Maybrick following 1968. In Trevor Christie’s epilogue to *Etched in Arsenic* (1968), he suggests that the gender dynamics at play in Florence’s case are what make it one of “the great trials of history.”<sup>23</sup> He writes that she “will be remembered for all time as a seductive Mary Magdalene caught in the toils of male-made justice.”<sup>24</sup> Christie’s recurring emphasis on “the double standard” is also noteworthy. He explores how “public opinion generally tended to condone infractions of the moral code in a man where it would condemn them in a woman” at length and dedicates an entire chapter to examining Justice Stephen’s view of the trial as “a highly important moral case.”<sup>25</sup> Christie also takes care to identify the various reasons people “rallied against the verdict,” with particular attention to “the newly awakened feminist viewpoint” that “considered it an example of man’s inhumanity to woman.”<sup>26</sup> Lastly, Christie examines Florence’s interaction with prevailing gender norms. For example, he suggests that she “developed a habit, when confronted with an unpleasant situation with which she could not cope, of fainting, in the fashion of the times among her feminine elders.”<sup>27</sup> Sparrow likewise emphasizes this analytical lens. He purports to examine “female murderers, as a race apart,” suggesting that there is a “pattern” among them and their motivations.<sup>28</sup> He posits that, “women being different from men in their

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<sup>22</sup> Joan Scott, “Survey Articles Women in History The Modern Period,” *Past & Present* 101, no. 1 (November 1983): 141.

<sup>23</sup> Christie, *Etched in Arsenic*, 272.

<sup>24</sup> *Ibid.*, 272.

<sup>25</sup> *Ibid.*, 127, 134-46.

<sup>26</sup> *Ibid.*, 147.

<sup>27</sup> *Ibid.*, 33.

<sup>28</sup> Sparrow, *Women Who Murder*, 7, 182.

mentality, thought-process, intuition, emotional reactions and in their whole approach to life and death, when they murder, do the deed in a way that a man often would not contemplate.”<sup>29</sup> While Florence’s case appears to fit the trope of “emotionally inspired,” Sparrow is unable to reconcile Maybrick with other such “monsters of egocentric selfishness.”<sup>30</sup> “If [she] had not had an affair with Brierly,” he argues “she would not have been convicted.”<sup>31</sup> Hartman’s version of the story, portrayed alongside the trial of Claire Reymond, stresses to “the ways in which the women’s lives were linked to those of their more typical female peers.”<sup>32</sup> Guided by the lens of women’s history, Hartman examines “barometers of shifting pressures that confronted women at the end of the century” and traces women’s emergence from “previously subdued roles to new and active ones” that display “a new spirit of partisanship.”<sup>33</sup> Hartman draws attention to the letters of women who, by arguing against the double standard, were becoming “visible and vocal.”<sup>34</sup> She concludes that “courtroom displays of blatant sexual prejudice” like Maybrick’s served to “obliterate all differences” between women beholding the “spectacle” and the woman in the dock, creating a “shared and persecuted womanhood.”<sup>35</sup> By re-focusing on Maybrick’s status as a Victorian woman, these narratives bring the “double standard” to the fore in their accounts.

The significance of these overarching structures is further articulated through discussion of the “fascinating setting” of Florence’s life and the “special circumstances” surrounding it.<sup>36</sup> Christie, for instance, examines the curious phraseology of “sick unto death” contained in Florence’s letter to Brierley. Tracing its linguistic usage, Christie identifies it as “an American

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<sup>29</sup> Ibid., 8.

<sup>30</sup> Ibid., 8, 24.

<sup>31</sup> Ibid., 84.

<sup>32</sup> Hartman, *Victorian Murderesses*, ix.

<sup>33</sup> Ibid., 215, 251.

<sup>34</sup> Ibid., 252.

<sup>35</sup> Ibid., 269.

<sup>36</sup> Ryan, *The Poisoned Life of Mrs. Maybrick*, 12; Hartman, *Victorian Murderesses*, 254.

colloquialism, especially common in the South,” that signifies “any serious but not necessarily fatal illness.”<sup>37</sup> Therefore the allegedly damning letter presented by Addison at trial, Christie suggests, may be the simple misinterpretation of linguistic differences. He likewise considers the ebb and flow of politics as having an influence on the “stay” of Florence’s execution. As Christie explains, “almost certainly political considerations entered into the decision, for Lord Salisbury and his Unionists were looking ahead to the next test of arms with Gladstone and his Liberals.”<sup>38</sup> One of Home Secretary Matthews’ colleagues is quoted as suggesting that the Unionists would lose “a hundred thousand votes” if Maybrick swung.<sup>39</sup> Lastly, Christie explores the “moralist” influences on Justice Stephen to explain his treatment of the courtroom as a “school of morality.”<sup>40</sup> He suggests that Stephen’s slanted view of the case was moreover a function of his general dislike of women’s presence in the courtroom.<sup>41</sup>

Sparrow presents a different, and much simpler, view of Stephen’s significance. He refers to the judge’s contribution to the case as “the bedlam summing up,” in reference to his declining mental faculties at the time of Florence’s trial.<sup>42</sup> The list of “special circumstances,” pointed out by Hartman, differs from scholars of other generations in a couple of respects. Beyond emphasizing the “absence of an appeal mechanism,” Hartman discusses the “personal power of a superannuated monarch.”<sup>43</sup> She argues that the Queen, not some kind of “secret dossier,” was the force resisting “those crusading on Florence’s behalf.”<sup>44</sup> Hartman produces an excerpt from Victoria’s letters that conveys her resolve that “so wicked a woman should [not] escape by a

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<sup>37</sup> Christie, *Etched in Arsenic*, 80.

<sup>38</sup> *Ibid.*, 170.

<sup>39</sup> *Ibid.*, 171.

<sup>40</sup> *Ibid.*, 134.

<sup>41</sup> *Ibid.*, 135.

<sup>42</sup> Sparrow, *Women Who Murder*, 82.

<sup>43</sup> Hartman, *Victorian Murderesses*, 254.

<sup>44</sup> *Ibid.*, 253.

mere legal quibble” and her subsequent order that Florence’s sentence “must never be further commuted.”<sup>45</sup> Bernard Ryan connects an epidemic of Scarletina “raging through Liverpool” with Florence’s discovery of her husband’s mistress.<sup>46</sup> He also explores the possibility that the Nurses’ Institute may have been involved in the disappearance of a critical “sample of meat juice,” the development of the Pocahontas coal-mining region in Virginia as the catalyst for the Maybricks’ return to Liverpool, and the brothers’ withholding of Florence’s cashbox as an undercurrent at trial.<sup>47</sup> Despite the wide divergence in these authors’ focal points, they are consistent in their attempt to explore the conditions in which Florence’s story unfolded.<sup>48</sup>

In continuity with the previous generation, these accounts display an enduring concern over the degree of “correctness” and “humanity” present in their representations.<sup>49</sup> Sparrow begins his history of murder in the Victorian era by rebuking others who simply look back on the Victorians in general as “hypocritical” and instead highlights the ways “they were far more honest,” as well as the ways their outlook may be regarded as more “tough and realistic.”<sup>50</sup> Hartman considers Maybrick to be one in a series of “ordinary women who found extreme solutions to ordinary problems.”<sup>51</sup> Florence and her husband, ill-prepared to face personal misfortune, were caught up in the “Victorian ritual of ‘keeping up appearances.’”<sup>52</sup> Edgar Lustgarten likewise rejects presenting a “gallery of fiends and freaks,” insisting that his book should be interpreted as about “human subjects.”<sup>53</sup> Richard Altick avoids the expression of an

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<sup>45</sup> Ibid.

<sup>46</sup> Ryan, *The Poisoned Life of Mrs. Maybrick*, 28.

<sup>47</sup> Ibid., 25, 92, 64, 129, and 212.

<sup>48</sup> Christie, *Etched in Arsenic*, 10.

<sup>49</sup> See Chapter 2 and Stewart, *Crime Writing in Interwar Britain*, 8.

<sup>50</sup> Sparrow, *Vintage Victorian and Edwardian Murder*, 9.

<sup>51</sup> Hartman, *Victorian Murderesses*, 3.

<sup>52</sup> Ibid., 220-22.

<sup>53</sup> Lustgarten, *A Century of Murderers*, n.p..

explicit characterization altogether, instead arguing that “the historian’s task ... is to record, not to rebuke.”<sup>54</sup> Meanwhile, Christie makes it his express purpose to “breathe the essence of life into the stereotypes that the principal actors in the drama had become.”<sup>55</sup> His Florence is “not just a cold-blooded murderess,” and the Maybrick brothers are “men of mixed motivations.” Those whose actions brought Florence to trial were not, according to Christie, participating in a clear-cut conspiracy, but were part of “an amorphous, loosely organized cabal.”<sup>56</sup> Bernard Ryan’s exploration of the persona of Alice Yapp displays a similar murkiness. He traces Yapp’s dislike of Florence to early in 1889, when Florence “severely reprimanded” her for a failure to comply with instructions “never to leave [the children] alone.”<sup>57</sup> However, an exploration of Yapp’s own history confronts Ryan with the possibility that her behavior conforms to a larger pattern; she had once been “forced to leave Montreal to escape an indictment for perjury” in a case in which she had acted as an accessory “in a conspiracy to blacken the character of an honourable wife.”<sup>58</sup> The result of this approach to the Maybrick narrative is “an extraordinary story of human frailty” that complicates a straightforward “structural” interpretation of the case.<sup>59</sup>

In contrast to the “Golden Age,” this new era of popular representation hinged on greater emphasis on Maybrick’s early life and the period following her imprisonment. Christie looks to supplement the “accepted version of events” by exploring what hitherto unexamined archival sources reveal about the so-called “frail foundation” of Florence’s life.<sup>60</sup> His evidence detailed how Florence’s mother, the Baroness von Roques, led a life of “frenzied existence” and that “a

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<sup>54</sup> Richard Altick, *Victorian Studies in Scarlet* (New York: Norton, 1970), 7. He goes on to state, “Here are the facts. Let the moralizing reader make of them what he will.”

<sup>55</sup> Christie, *Etched in Arsenic*, 10.

<sup>56</sup> *Ibid.*, 56.

<sup>57</sup> Ryan, *The Poisoned Life of Mrs. Maybrick*, 30.

<sup>58</sup> *Ibid.*, 217.

<sup>59</sup> Christie, *Etched in Arsenic*, 8.

<sup>60</sup> *Ibid.*, 33, 63.

trail of scandalous conduct, bad debts, and broken promises” followed in her wake.<sup>61</sup> Within this pattern of behavior, Christie argues that Florence became collateral damage as an “innocent pawn” in a game “dominated by her mother” that culminated in a “marriage founded on avarice and deception.”<sup>62</sup> Occupying a more important role in the narrative than before, the Baroness’ actions and presence occupy more space throughout. In Ryan’s account of Florence’s “poisoned life,” the reader is given a detailed account of Florence’s genealogy as well as her final years spent in Connecticut.<sup>63</sup> By including examination of these periods, both authors establish a parallel between Florence and her mother’s duplicity, which serves as a constant thread throughout the narrative. Christie states that, during her formative years, Florence “had difficulty in distinguishing between truth and falsehood.”<sup>64</sup> During the ordeal of her trial and imprisonment, he illustrates that her “most serious troubles ... originated with her own deception.”<sup>65</sup> For example, Christie compares records from Woking prison to historical accounts which claimed that Florence fell dangerously ill during her imprisonment, particularly in 1892, when she complained of “spitting blood” daily to the prison doctor. The Woking records, however, recount the doctor finding Florence’s lungs “perfectly sound” and his suspicions that “she was deceiving him in some way.”<sup>66</sup> Indeed, as Christie suggests, Florence was determined to improve her situation at any cost:

Perhaps inspired if not instigated by the Baroness, the prisoner had inserted a tin knife into her vagina during the menstrual period and had drawn forth the blood which she mixed with sputum and exhibited to the doctor. In doing so she accidentally severed the vaginal artery, produced a haemorrhage, and nearly bled to death before she was found stretched out in her cell.

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<sup>61</sup> *Ibid.*, 32.

<sup>62</sup> *Ibid.*, 39.

<sup>63</sup> Ryan, *The Poisoned Life of Mrs. Maybrick*, 12, 17–20, 245–63.

<sup>64</sup> Christie, *Etched in Arsenic*, 33. Christie speculates that this may have developed as a “protective device.”

<sup>65</sup> *Ibid.*, 177.

<sup>66</sup> *Ibid.*, 178.

The parallels with the Baroness' character continue in Christie's examination of Florence's personal, post-1904 letters, which he summarizes as a "study in deception."<sup>67</sup> Similarly, Ryan tracks Florence's many unpaid debts after 1926.<sup>68</sup> Christie infers skepticism of Florence's innocence given the similarities between her and her mother, particularly in light of his discovery that the Baroness was once considered "a thorough amateur toxicologist" and that some news sources suggest "she probably used this knowledge in ridding herself of two husbands."<sup>69</sup> As such, this "biographical" approach serves to re-shape readers' understanding of the woman in the dock as someone engaged in a life-long struggle to escape her mother's rotten influence. Kate Colquhoun would later dismiss this characterization as "easy to assume."<sup>70</sup>

The accounts of this era articulate Florence's story in the image of the contemporary ethos. Ryan observes that "though it begins nearly two decades before the twentieth century" his version of events "offers surprising parallels to life in the 1970s."<sup>71</sup> One such parallel, according to Ryan, is "the procurement and use of habit-forming drugs."<sup>72</sup> As Durrant and Thakker observe, "the 1960s was ... a time when the recreational use of a wide range of psychoactive substances became prominent."<sup>73</sup> David Musto charts the atmosphere of "rapidly increasing" drug use and swelling public concern over its "social damage" by the turn of the decade.<sup>74</sup> This helps to explain Ryan's near-obsession with drugs in his account, especially given the

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<sup>67</sup> Ibid., 258.

<sup>68</sup> Ryan, *The Poisoned Life of Mrs. Maybrick*, 255–59.

<sup>69</sup> Christie, *Etched in Arsenic*, 73–74.

<sup>70</sup> Colquhoun, *Did She Kill Him?*, chap. 15.

<sup>71</sup> Ryan, *The Poisoned Life of Mrs. Maybrick*, 12.

<sup>72</sup> Ibid.

<sup>73</sup> Russil Durrant and Jo Thakker, *Substance Use & Abuse: Cultural and Historical Perspectives* (Thousand Oaks: Sage Publications, 2003), chap. 4.

<sup>74</sup> David Musto, *The American Disease: Origins of Narcotic Control*, 3rd ed (New York: Oxford University Press, 1999), 249.

Victorians’ “attractions to arsenic consumption” and debates over its regulation.<sup>75</sup> Indeed, *Poisoned Life of Mrs. Maybrick* is marked by a particular fascination with the Reinsch’s tests conducted by Doctors Humphreys and Carter on James Maybrick’s “evacuations” and food prior to his death.<sup>76</sup> Ryan also delves into the logistics of arsenic-eating, describing how James Maybrick would “pull from his pocket a small vial in which he carried [it], and, putting a small quantity on his tongue, he would wash it down with a sip of wine.”<sup>77</sup> He draws attention to the trial testimony of Edwin Garnett Heaton, a Liverpool chemist, to illustrate the widespread nature of this habit in Victorian society. Ryan reproduces Heaton’s description that Maybrick was “a customer who had come in regularly ... to get his ‘pick-me-up’, a tonic indulged in by many members of the Exchange.”<sup>78</sup> However, Ryan’s discussion of habit-forming drugs is not limited to arsenic. Perhaps one of the most distinguishing features of his narrative is his recurring mention of Sir Charles Russell’s indulgence in smokeless tobacco. When the reader first encounters Russell, he draws “from his vest pocket a large snuff box and carefully sniff[s] a pinch of snuff into each nostril.”<sup>79</sup> During trial, Ryan’s description draws attention to the perception that Russell’s “snapping snuffbox and sweeping robe spoke almost as eloquently as his precise questioning.”<sup>80</sup> Where Boswell and Thompson’s exhausted Russell paused to “wipe his brow,” the Russell portrayed by Ryan recurrently “wipe[s] his brow and take[s] snuff.”<sup>81</sup> It seems clear that the contemporary perception around the prominence of drugs attuned Ryan to

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<sup>75</sup> James Whorton, *The Arsenic Century: How Victorian Britain Was Poisoned at Home, Work, and Play* (Oxford: University Press, 2010), 192–99, 271.

<sup>76</sup> For examples, see Ryan, *The Poisoned Life of Mrs. Maybrick*, 61–62, 66, 102.

<sup>77</sup> *Ibid.*, 217.

<sup>78</sup> *Ibid.*, 161.

<sup>79</sup> *Ibid.*, 113.

<sup>80</sup> *Ibid.*, 132.

<sup>81</sup> *Ibid.*, 155.

certain parallels between Maybrick's time and his own, which resulted in a tangible alteration of the narrative to highlight them.

Feminist scholarship prompted other commonalities to be brought to light. Recent research by Judith Knelman asserts that, in both the nineteenth and twentieth centuries, the justice system was "maintained by men for men."<sup>82</sup> David Barrie suggests that, during the Victorian era, the media played a key role in this by acting as "judicial and extrajudicial shaming resource."<sup>83</sup> Applying their "own notion of 'common-sense' lay justice," editors both mirrored and defined "middle-class notions of shameful behaviour and masculine and feminine conduct."<sup>84</sup> According to Barbara Leckie, the newspaper coverage generated in the 1880s stirred a "general fear in England" that "women's sexuality could not be controlled and that women's sexual transgression would not be adequately punished."<sup>85</sup> This was made perceptible to authors writing in the late 1960s and early 1970s following the emergence of studies highlighting the media's role in "marginalizing the Women's movement" of that era.<sup>86</sup> While Maybrick scholars of the 60s and 70s offer no such specific explanation in their accounts, writing in the wake of growing recognition of a "long-standing inattention to women's voices," they identify "trial by newspaper" as among their themes of interest.<sup>87</sup> In fulfillment of this aim, Trevor Christie, for

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<sup>82</sup> Judith Knelman, "Why Can't a Woman Be More Like a Man? Attitudes to Husband-Murder 1889-1989," in *Behaving Badly: Social Panic and Moral Outrage - Victorian and Modern Parallels*, eds. Judith Rowbotham and Kim Stevenson (Burlington: Ashgate, 2003), 193.

<sup>83</sup> David Barrie, "Naming and Shaming: Trial by Media in Nineteenth-Century Scotland," *Journal of British Studies* 54, no. 2 (April 2015): 349.

<sup>84</sup> *Ibid.*

<sup>85</sup> Barbara Leckie, *Culture and Adultery: The Novel, the Newspaper, and the Law, 1857-1914* (Philadelphia: University of Pennsylvania Press, 1999), 77; Knelman, "Why Can't a Woman Be More Like a Man?," 197.

<sup>86</sup> Martha Fineman and Martha McCluskey, *Feminism, Media, and the Law* (Oxford: University Press, 1997), 12.

<sup>87</sup> Ryan, *The Poisoned Life of Mrs. Maybrick*, 12.

instance, tracks the progression of “the Press sniffing out the story” and incorporates some of their competing positions into *Etched in Arsenic*’s narrative without any further theorizing.<sup>88</sup>

Richard Altick attempts a more direct interpretation of the relationship of the press with society. He suggests that murder cases “provided an inexhaustible source of material for ... mass-circulation journalism” that consisted of a “moralizing hand” and a “reportorial hand” that “sought to give the public what it wanted, an initial brief surge of decent outrage and then a wholesome wallow in blood.”<sup>89</sup> However, these thoughts, contained in Altick’s conclusion, are never directly discussed within the specific context of Maybrick. Ryan’s account of the case explores the diversity of opinions present in newsprint as opposed to its larger function as a monolithic entity. For instance, in discussing public reactions to the verdict, Ryan contrasts the positions taken by various newspapers. He writes that *The Times* “expressed surprise,” while *The Star* “made a vehement attack on Mr Justice Stephen,” *The Chronicle* and *Standard* “strongly disapproved,” and the *Telegraph* and *Daily News* “sat on the fence.”<sup>90</sup> Despite the press being ever-present in these accounts, few conclusions are explicitly drawn about their importance. Judith Knelman’s *Twisting in the Wind* (1998) eventually bridged the gap between these two areas of study, arguing that “the emphasis on sexuality in press representations of murderesses reflected changing popular attitudes and contributed to the Victorian construction of femininity.”<sup>91</sup> Therefore, the shift in narrative to emphasize the “role of the press” can be loosely correlated with developments within feminist scholarship offering critiques of the media’s patriarchy-reinforcing tendencies.

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<sup>88</sup> Christie, *Etched in Arsenic: A New Study of the Maybrick Case*, 179. See 154 for an example of how Christie incorporates newsprint sources into his narrative of the case.

<sup>89</sup> Altick, *Victorian Studies in Scarlet*, 288, 300.

<sup>90</sup> Ryan, *The Poisoned Life of Mrs. Maybrick*, 204.

<sup>91</sup> Judith Knelman, *Twisting in the Wind: The Murderess and the English Press* (Toronto: University of Toronto Press, 1998), 12.

Ongoing contemporary debates about capital punishment also shined through in these narratives. Block and Hostettler chronicle the “growing uneasiness among the public and in Parliament that miscarriages of justice might have taken place, and innocent people ... had been hanged” in the 1960s.<sup>92</sup> They also sketch the opposition as “stubborn” and illustrate the “uneasy compromise” that led to the eventual abolition of the death penalty on 18 December 1969.<sup>93</sup> This division persisted well throughout the period of representation discussed here. Writing in 1997, James Callaghan, Prime Minister of the United Kingdom between April 1976 and May 1979, wrote that “it seems likely that public opinion in the country has not even yet been won over.”<sup>94</sup> Altick’s account argues the Victorians greeted “macabre events” that were “due horror” with “something nearer a festival spirit” as a result of their “intellectually empty and emotionally stunted lives.”<sup>95</sup> Ryan’s book contains an epitaph that expresses gratitude to Maybrick for her role in the development of important legal reforms that protect in the case of wrongful conviction, but says little else about the matter.<sup>96</sup> Gerald Sparrow’s works, however, are framed entirely around a pro-capital punishment argument. Concerned with what he viewed as a “frightening increase in gang-murder,” Sparrow builds a thesis that this kind of crime can be “most effectively halted by the dread of the death penalty.”<sup>97</sup> In his presentation of “monsters of egocentric selfishness” it is not clear what his review of the Maybrick case contributes to his argument, especially given his assertion that “if Florence Maybrick had not had an affair with Brierley she would not have been convicted.”<sup>98</sup> It may be that it serves as an example of a “very

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<sup>92</sup> Brian Block and John Hostettler, *Hanging in the Balance: A History of the Abolition of Capital Punishment in Britain* (Hook: Waterside Press, 1997), viii.

<sup>93</sup> *Ibid.*, ix.

<sup>94</sup> *Ibid.*, x.

<sup>95</sup> Altick, *Victorian Studies in Scarlet*, 10.

<sup>96</sup> Ryan, *The Poisoned Life of Mrs. Maybrick*, 276.

<sup>97</sup> Sparrow, *Women Who Murder*, 186–87.

<sup>98</sup> *Ibid.*, 24, 84.

rare” situation in which Sparrow believes “a man or woman has been wrongfully convicted of murder” – a risk worth taking, in his opinion.<sup>99</sup> Indeed, his second book yearns sentimentally for a “different world” comprised of “authority and accepted standards.”<sup>100</sup> Again, Sparrow appears inflamed with the rise of “new and alarming developments in our crime,” namely “gang murder” and again argues that “we need the death penalty” as a deterrent.<sup>101</sup> As with his first book, the function of Maybrick within Sparrow’s line of argumentation is unclear, especially given his statement that her case contains “all the ingredients of farce – and tragedy.”<sup>102</sup> This lack of clarity may be due, in part, to Sparrow’s narrative style. As reviewer Alexander MacDonald says in *The Sydney Morning Herald*, “he tends to babble sometimes embarrassingly.”<sup>103</sup> The divergent stances of these authors nevertheless betray an intensification of interest in portraying these particular facets of the story.

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By the late 1990s, a new development within “Ripperology” reinvigorated interest in the Maybrick case. In 1992 a so-called “Diary of Jack the Ripper” entered the public domain. Keith Skinner, in his opening remarks to the volume *The Last Victim: The Extraordinary Life of Florence Maybrick, the Wife of Jack the Ripper* (1999), describes how “the writing ... purports to be a record of the Ripper’s activities from about April 1888 to May 1889” and that “internal evidence proves beyond doubt that the author is or is intended to be James Maybrick.”<sup>104</sup> Sparking “detailed arguments about its authenticity and status,” the evidence remains “contradictory and inconclusive.”<sup>105</sup> Regardless, the “Diary” provided a new perspective to

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<sup>99</sup> Ibid., 187.

<sup>100</sup> Sparrow, *Vintage Victorian and Edwardian Murder*, 155.

<sup>101</sup> Ibid., 157-59.

<sup>102</sup> Ibid., 35.

<sup>103</sup> “Weekend Magazine and Book Reviews,” *Sydney Morning Herald*, 25 September 1971, 23.

<sup>104</sup> Graham and Emmas, *The Last Victim*, x.

<sup>105</sup> Ibid., xii.

explore. Skinner writes that “whatever the final verdict, the very existence of the Diary has resulted in [a] deeply moving *biography* of Florence Maybrick” (xiv-xv, emphasis added).

Written by Anne E. Graham, self-described granddaughter of Florence’s illegitimate child, *The Last Victim* utilized the tropes of the post-1968 era to tell the story. While the family connection, and claim to intimate knowledge of the subject, is never substantiated, this “new study of the Maybrick mystery” attempted to distinguish itself from other books on the subject by further claiming that it has “the advantage of containing the information from the Home Office files” (xii, xxii). However, as in Christie and Ryan’s accounts, Florence is portrayed as a “woman of questionable morals” on account of the influence of her mother (8). Prior to her marriage to James, Graham describes the Baroness von Roques “attempting to manipulate the situation” (29). Correspondence from the Home Office records are deployed to suggest officials saw themselves “dealing with a tricky character” when interacting with von Roques during Florence’s imprisonment (228). Graham likewise emphasizes Florence’s own duplicity, especially in the context of her time in prison. She revisits Florence’s self-inflicted injury to her vaginal artery (243-45) and describes how she continued to get “up to her old tricks” as her sentence progressed (256-57). Graham, however, resists branding such “duplicity” as unique and instead places it within larger patterns of prison life:

Inmates would adopt any amount of deception in order to gain a few precious days in the infirmary ... Some women would swallow soap, soda, ground glass, or poisonous insects in order to make themselves ill. Others, in total despair after suffering for years the harsh conditions of penal life, would resort to self-mutilation. It was not unknown for convicts to wound themselves so severely that an amputation of a limb was required, ensuring a long period of hospitalization (220).

Graham’s later chapters make recurring mention that Florence had “broken the conditions of her release” and “violated her prison parole” by granting interviews, lecturing, and writing her book (279, 282).

Influenced by literature that had emerged on sexuality, Graham sought to sketch the outlines of how Florence “indulged in her own liaisons” (49). According to Graham, this initially included James’ brother Edwin and a London solicitor by the name of Williams. She goes on to suggest that Florence’s miscarriage of “what could have been Edwin’s child” was the catalyst for the rapid deterioration of her marriage to James in late 1888 (70). James, reportedly aware of the situation, said, “it could not possibly be mine” (64). Graham’s narrative is suggestive of Florence’s enduring infatuation with Brierly. In a practical response to the realisation that she was pregnant by him, “she... was sleeping with her husband in order to provide the child with a legitimate father should Brierly not come up to scratch” (82). With Edwin still recovering “from the shock of discovering that Florence was in love with another man,” according to a letter written by a Charles Ratcliffe, the eventual search of Florence’s possessions brought to light “various love letters .... Thirteen ... from Edwin, seven from Brierly and five from Williams” (106, 122).

Like the many accounts produced since 1968, *The Last Victim* locates characters within larger social structures. For instance, Graham contextualizes events within the societal standard of “middle class respectability” (xviii). She considers why Florence was the sole object of suspicion and the question, “who else had both motive and opportunity to murder the Liverpool cotton broker?” (8). Recurring mention of a “mysterious bottle of medicine containing an almost fatal dose of strychnine” postmarked London, which James mistakenly believed to have been prescribed by Dr. Fuller, sets up Graham’s answer:

The life James had been leading, with its increasing reliance on drugs, had been a thorn in Michael’s flesh for many a long year. There was almost his expensive and frivolous wife and her tortuous management of money, and Sarah Robertson with her brood of illegitimate children. James was a scandal waiting to break. Had Michael also recently learned of his brother’s involvement in the recent horrors at Whitechapel? (93)

As the narrative progresses, Graham presents Michael as the person who put the arsenic in James' meat juice (120). She infers that he may have also been that "someone in the background pushing for the capital charge," using "his Masonic influence" to manipulate the authorities, "who, after having discovered adultery and opportunity, were ... determined to find arsenic" (136-37). Graham's review of the case asserts that the "hungry press" must have been fed information by "someone very close to home" (141) and that "only Michael could have planted the evidence" discovered at Battlecrease house (149). In other words, the social structures are treated as the conditions in which the "Maybrick mystery" unfolded.

*The Last Victim* entrenches some aspects of the established narrative while revisiting others. For instance, it shores up the importance of the withholding of Florence's cash box, which received recurring mention in Ryan's account. Regarding it as "only a small point," Graham suggests that the interference with this item nevertheless symbolizes "the suspicion and ill-feeling" that Florence had to contend with "to the point that she was unable to retrieve her own property" (166). Similarly, Graham returns to Sir Charles Russell's "famous snuff box" (185). She explains that his use of it was a "famous cross-examination technique" in which Russell "refreshed himself," feigned disinterest, and then quickly pivoted onto the offensive (171). Much of the trial portion of the narrative centers on "the gifted advocate" and allows Graham to present the consensus opinion that "this had been Sir Charles Russell at his best" (187). However, Russell marks a point of departure in Graham's account. She revises the story to illustrate her perspective that "ill luck and bad judgment had dogged the defence during the whole of the case" (188). This shift is perhaps best accounted for by Michael Holquist, who argues that hero-type characters, as Russell has been hitherto presented, form a "particular

pattern of reassurance” that can be linked to the atomic age.<sup>106</sup> “At a time when enormous destruction is in the hands of faceless committees it is reassuring indeed to follow the adventures of a ... man who, by exploiting the gifts of courage and resourcefulness ... can offset the ineffectiveness of government as well as the irresponsibility of the scientists.”<sup>107</sup> When he wrote *Whodunit and Other Questions* in 1983, Holquist already noted that such “patterns of easy reassurance” were being found “increasingly less” in some mediums. Therefore, it comes as little surprise that by 1999, the character of Sir Charles Russell was being revamped.

George Robb’s “The English Dreyfus Case: Florence Maybrick and the Sexual Double Standard” (1999) established a thread of continuity with many tenets of this epoch. Robb situates the events of Florence’s life within broad social structures in order to emphasize the development of a feminist viewpoint. In reviewing the circumstances in which Florence was indicted, Robb presented the by-then familiar image of Victorian society “awash in arsenic” (60). Robb goes on to suggest that Florence’s conviction was part of a larger trend in which “throughout the nineteenth century, women had been convicted in poisoning cases on the flimsiest of circumstantial evidence” (62). Building on a previous publication that asserted such cases were a window into “Victorian ideas about science, domestic routines, patterns of marital conflict, and attitudes toward women in general,” Robb suggests that responses to Florence’s sentence were unique in that her supporters “articulated a new, more outspoken feminist consciousness” and how this, in turn, evoked “deep-seated anxieties over women’s changing roles.”<sup>108</sup> In doing so, Robb borrows from the tropes of the era to not only recount “the trial of Florence Maybrick,” but

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<sup>106</sup> Holquist, “Whodunit and Other Questions,” 153.

<sup>107</sup> Ibid.

<sup>108</sup> George Robb, “Circe in Crinoline: Domestic Poisonings in Victorian England,” *Journal of Family History* 22, no. 2 (April 1997): 176; Robb, “The English Dreyfus Case,” 57.

also to tell the story of English and American feminists, who were “the most enthusiastic and sustained opposition to [her] imprisonment” (66).

Victoria Blake’s *Mrs Maybrick* (2008) leans on the same representational strategies. Blake presents the case as an enduring *cause célèbre* that “led to two important changes in the law,” namely the Criminal Evidence Act of 1898 and the establishment of the Court of Appeal in 1907 (6). She states that it retains interest due to modern parallels: aspects of the case are “very recognizable today” (102). Chief among these are “attitudes to[wards] women” and “the role played by the press” (7-8). Charlotte Adcock, a contemporary to Blake, has highlighted some of the ways “the gendered politics” of newspaper storytelling has “constrained women’s visibility and self-representation.”<sup>109</sup> Similarly, Adcock reveals the pervasive extent to which “stereotypical and idealised images of ‘Womanhood’” have continued to underpin “journalistic narration.”<sup>110</sup> Because of her affair with Brierley, Florence ceased to fit the mould of “the angel in the home,” appeared “innately prone to corruption,” and consequently was demonized by newspapers that had become “cheaper and more readily available” (7-9). Contrasting the competing portrayals of her as “horrible woman” and a “friendless lady,” Blake ponders the question of Florence’s guilt through a story of her life that begins with her “transatlantic romance” and culminates in her death “alone in a filthy hovel with only cats for company” (5, 102). The resulting biography is filled with “sex, drugs, and arsenic poisoning” that regurgitates the post-1968 period’s dominant pattern of representation.

As English literary critic Dinah Birch observed in *The Guardian*, Kate Colquhoun’s book *Did She Kill Him? A Victorian Tale of Deception, Adultery, and Arsenic* (2014) likewise serves

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<sup>109</sup> Charlotte Adcock, “The Politician, The Wife, The Citizen, and Her Newspaper: Rethinking Women, Democracy, and Media(Ted) Representation,” *Feminist Media Studies* 10, no. 2 (June 2010): 136.

<sup>110</sup> *Ibid.*

to highlight “what the case can tell us about late Victorian England.”<sup>111</sup> Colquhoun’s narrative, which focuses on the events at Battlecrease house and subsequent legal proceedings, speaks of – among other things – the dubious state of medicine. By describing “James’ situation” – the persistent vomiting, diarrhea, and prickling sensation in his throat that followed every consultation and prescription leading up to his eventual death – Colquhoun illustrates in detail the ways in which “limited knowledge still meant that doctors often failed to make much of a difference and their remedies often made things worse or produced painful side effects” (chap. 9). Similarly, in tracing the development of the Marsh and Reinsch tests for arsenic and detailing the “stalemate” between expert witnesses in court, she illustrates that “despite the rise of the chemical analysis as ‘poisons detective’ and the development of toxicology in jurisprudence, the experts, it turned out, lacked certainty” (chap. Afterword). Colquhoun’s frequent mention of arsenic (357 times), and poison more generally (257 times), reflects the perception that “it seemed to be everywhere” and that arsenic in particular “was practically impossible to evade by the mid-nineteenth century” (chap. 12). Indeed, this was so much the case that an 1860 article in the *Lancet*, one of the most prolific general medical journals, likened life to “a man living in a cloud of arsenical dust” (chap. 12). Colquhoun’s description of the development of “deeper dangers of broken promises, curdling disappointment, and growing discontent” within Florence and James’ marriage is used to illustrate larger “fissures in the domestic ideal” (chap. 1). Descriptions of Liverpool’s experience of “indignation” while also being “entertained and delighted” highlight the “complex” atmosphere of “persistent doubleness” in which her case was tried (chap. 15). However, as Birch observes, the primary theme in *Did She Kill Him?* is “above all the uncertain position of its women.”<sup>112</sup> Colquhoun draws parallels with “New Woman

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<sup>111</sup> Dinah Birch, Review of “Did She Kill Him?,” *The Guardian*, 25 February 2014, sec. Books.

<sup>112</sup> *Ibid.*

Fiction,” a genre in which Victorian authors wrote of “sexual behaviour with a frankness which had previously been unthinkable” using women who were “unusually independent, intelligent and free from convention” as spokespeople.<sup>113</sup> In doing so, she suggests that Florence’s intrigue with Brierly issued a challenge to “the prevailing sexual code” and so “typified numberless women trapped by the demands of traditional authorities, negotiating the disorienting realities of a middle-class world in rapid flux” (chap. Afterword). As such, Florence’s guilt or innocence is treated as of secondary interest to Colquhoun, who is instead focused on how “her history” articulates “the spirit of the age” (chap. Afterword).

The final work to be examined here is Bruce Robinson’s *They All Love Jack: Busting the Ripper* (2015). Robinson used a similar arsenal of tropes to expound his theory about the connection between the Maybrick mystery and that of “Jack the Ripper.” Contrary to Graham, Robinson dismisses the Ripper Diary as “a forgery” and suggests James Maybrick’s candidacy as the Ripper is unlikely given that he “suffered from a maniacal fear of death” (chap. 18). Robinson’s account says comparatively little about Florence, but acknowledges the existence of comparisons with her mother. “As far as certain sections of the Liverpool press were concerned, murdering husbands was a family trait” (chap. 18). However, unlike his contemporaries, Robinson discards the idea that these traits were transmitted to Florence and likens the accusation that she murdered her husband with arsenic to “accusing her of trying to murder an alcoholic with a teaspoon of gin” (chap. 18). Robinson’s whitewashing of Florence’s less admirable traits serves to support the larger story he presents about “a combination of circumstance and moral turpitude” in which “concealing the Ripper was ... a conspiracy of Her Majesty’s executive” (chap. 2). In conformity to the other authors’ emphasis on structure, he

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<sup>113</sup> A. R. Cunningham, “The ‘New Woman Fiction’ of the 1890s,” *Victorian Studies* 17, no. 2 (December 1973): 178.

describes a larger “System” in which everyone’s “sole and primary interest” was “the protection of the elite they represented” – including Michael Maybrick, who (Robinson asserts) “set up” brother James before murdering him “with the state’s acquiescence” and “blaming Florence for the deed” (chap. 19). Within the “wheels of [this] machine,” Robinson claims that “the function of [Florence’s] ‘trial’ was to shut her up [about the identity of the Ripper], and keep her shut up in perpetuity,” thereby protecting one of the elite’s own (chap. 18). Indeed, by the 1880s Michael was at the pinnacle of his music career as composer “Stephen Adams” and at “the high end of London’s elite” (chap. 10).

Florence effectively disappears from the narrative constructed by Robinson. She is not needed to illustrate the “social structures” underpinning the story, which are articulated primarily through Robinson’s other characters. First, he emphasizes the importance of “psychopath” Michael’s embodiment of a culture of hate (chap. 1). Robinson describes Michael as “fully in control of the evolving wickedness at Battlecrease House” and details how “by stealth and force of personality he had assembled a formidable team, each with their individual motives for animosity towards Florence... that he was able to exploit” (chap. 18). Meanwhile, Florence is portrayed as helpless while Michael “kept up the pressure, dissembling through magisterial hearings and manipulating the authorities to his will” (chap. 18). In reviving MacDougall’s view that a conspiracy was afoot and that “the intrigue against Mrs. Maybrick [was] ‘the Spirit of Evil,’” Robinson highlights larger forces at work (chap. 17). Crucial witnesses were suppressed, secret huddles were held in court, and Florence’s letters were “tampered with by an unfriendly hand,” all in service to the cult of “Her Majesty’s men in wigs” (chap. 18). According to Robinson, Sir Charles Russell was “one of their best” (chap. 18). Robinson details the elite connection held by Michael and Charles, stating that “they were stars of the same circuit, sharing

the same friends, and members of the same club” (chap. 19). Robinson’s characterization of Russell suggests he had “little care for truth” and that, instead, “his entire career was a dedication to heaving his corpulent Belfast frame up to and beyond the next rung” (chap. 1). Robinson alleges that to do so, Russell sneakily threw the case because it was “predetermined that Florence Maybrick should go to the grave with her supposed secret” (chap. 18). In an act of “courtroom wizardry,” Robinson re-contextualizes each question asked at trial to suggest that every word out of Russell’s mouth was “designed to confuse the guileless mind, and every answer was another shovel of earth on Mrs. Maybrick’s grave” (chap. 19).

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Texts produced after 1968 articulate a change in representational ideals. Christie explicitly refers to his narrative (on multiple occasions) as a “biography.”<sup>114</sup> As Elizabeth Mytton more recently asserted, “the use of biographical methods” may hold “radical potentialities” for “making difference(s) visible.”<sup>115</sup> Many of the authors exploit these “potentialities” in their pursuit of a “total history” that tells “the Victorian story” in parallel to their own.<sup>116</sup> The capacities of biography were, furthermore, suited to the objectives of feminist scholarship, which encouraged readers to reinterpret Florence’s story as about “a scarlet sister ground under the wheels of a Victorian juggernaut.”<sup>117</sup> The emergence of this view, and the feminist scholarship that helped produce it, reflects “an academic response to women’s liberation movements.”<sup>118</sup> Wilson points out that increasing academic specialization, however, ironically renders the goal(s)

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<sup>114</sup> Christie, *Etched in Arsenic*, 10, 272.

<sup>115</sup> Elizabeth Mytton, “The Radical Potentialities of Biographical Methods for Making Difference(s) Visible,” (Poole: Bournemouth University School of Finance and Law Working Paper Series, 1997), 26.

<sup>116</sup> Wilson, *Rethinking Social History*, 9; Sparrow, *Vintage Victorian and Edwardian Murder*, 27, emphasis added.

<sup>117</sup> Christie, 272.

<sup>118</sup> Carolyn Byerly and Karen Ross, *Women and Media: A Critical Introduction* (Malden: John Wiley & Sons, 2008), 1.

of “new social history” elusive.<sup>119</sup> Hartman appears aware of this in 1977, when she wrote that “historians are only beginning to explore the uses of the exceptional individual in defining hidden features of the typical” and that “detailed biographical material on a limited number of individuals does not lend itself easily to ... extended generalization.”<sup>120</sup> This was only complicated by the “developing debate over language, class and politics in the recent historiography of the nineteenth-century” associated with postmodernism.<sup>121</sup> As such, the aspirations of the post-1968 era largely remain an “unfulfilled dream.”<sup>122</sup> Nevertheless, these aspirations are significant in that they altered the way Florence’s story has been told for the past fifty years.

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<sup>119</sup> Wilson, *Rethinking Social History*, 20.

<sup>120</sup> Hartman, *Victorian Murderesses*, 7.

<sup>121</sup> Wilson, *Rethinking Social History*, 22.

<sup>122</sup> *Ibid.*, 20.

# Conclusion

As major socio-cultural trends have waxed and waned since 1891, the focal points of what Florence Maybrick's story has been "about" have changed with them. This is evidenced by the shifting patterns of emphasis and authors' rigid conformity to associated sets of discursive strategies. In major publications inspired by Florence's case, the story began in the 1890s as a direct response to the trial's outcome. Authors like MacDougall, Densmore, and Levy viewed her case as emblematic of a number of contemporary concerns, namely the lack of an appellate court, the perceived dubiousness of police detectives, and the need for prison reform. As was the case in other representations of legal proceedings, "the presumed sympathetic responses of readers" took "centre stage."<sup>1</sup> The form of the resulting activist literature was, therefore, prefigured by cultural preoccupations. It spun a "tragic" rendition of the story in which the aspects of Florence and her ordeal that reflected late Victorian ideals of femininity were brought to the fore. She was presented as a passive victim juxtaposed against the defective machinery of British justice in the hopes that supporters would rally to her cause.

Following Florence's release from prison in 1904 and the passage of appeal legislation in 1907, her use as an activist symbol diminished. The accounts of Winslow and Irving were "transitional" in that they no longer articulated a steadfast exoneration of Florence. During what some scholars have referred to as "The Golden Age" of crime writing, the story was re-cast as a "mystery." The depictions produced between 1923 and 1964 evoked – above all – a postmodern discomfort with Victorian-era grand narratives that unequivocally asserted Florence's innocence.

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<sup>1</sup> McKenzie, "Useful and Entertaining to the Generality of Readers," 68.

Non-fiction accounts explicitly weighed both the most compelling evidence for and against, resisting final conclusions, while novelizations were saturated with irony. Contemporary interest in Freudianism was also reflected in the new generation of authors' persistent highlighting of "the psychological." To varying extents, most notably in Lowndes' *Story of Ivy*, this element was combined with a darker shading of characterization that can be associated with the projection of anxieties about the modern woman embodied in the "flapper" archetype as described by Lucy Bland. As such, literature belonging to this period was distinct when compared to what was produced during the preceding era.

The late 1960s and 70s mark another watershed within Maybrick historiography. Biographers began to examine Florence's childhood and her final years in the United States – an endeavour that was not possible while she was still alive. The development of the "permissive society" and "new social history" ensured academics and popular biographers refocused their attention on larger social trends. This new era of representations prioritized discourses that mirrored contemporary conversations about gendered "double standards," the use of drugs, the place of capital punishment in society, and the role of the press. There is a significant degree of interpretive license in these accounts. The characters of both Charles Russell and the Baroness von Roques, for instance, transition from hero and villain and vice versa. For instance, in his recent book *A Poisoned Life*, Richard Hutto suggests the Baroness is "a far more sympathetic subject" than has been hitherto suggested.<sup>2</sup> Despite this fundamental disagreement with Christie's earlier interpretation, the overarching approach to storytelling is the same: a biographical narrative that delineates the "hostile world" surrounding Florence.<sup>3</sup>

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<sup>2</sup> Hutto, *A Poisoned Life*, 4.

<sup>3</sup> Ibid.

The recent tendency within this latest generation of scholarship to examine the relationship between Florence and “The Ripper” can be understood not only as a product of “The Diary” being found or the release of “The Home Office Files,” but as a reflection of the rise of conspiracism as a cultural phenomenon. Peter Knight, among others, has analyzed the proliferation of conspiracy thinking flowing from the countercultural movements of the 1960s.<sup>4</sup> Bruce Robinson’s presentation of a Masonic conspiracy to conceal the identity of Jack the Ripper, to which Florence falls victim, conforms to Knight’s generalization that narratives of this nature usually betray a “crisis of confidence in the secretive authority of government.”<sup>5</sup> Indeed, at the core of Robinson’s account is a revival and revision of MacDougall’s perception of a “conspiracy” at work to articulate his cynical view that “in politics [we can] expect the worst, and usually get it.”<sup>6</sup>

As such, portrayals of Florence’s life and times serve as conduits to the phenomena that shaped them. As these phenomena have changed, the conduits have changed with them. As Douglas Kellner argues in his examination of the popular television show *X-Files*, the use of story formulas and revision of “traditional epistemological certainties” both “provide a critique of contemporary society” and are “a symptom of it.”<sup>7</sup> Indeed, authors of the 1891-1912 era actively resisted portraying the case as anything other than “tragic.” In a 1892 letter to *Hawk*, MacDougall articulated his generation’s outlook when he wrote, “Why not leave the word ‘mystery’ out[?]”<sup>8</sup> Joseph Shearing’s use of the conventions of detective fiction coupled with

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<sup>4</sup> Peter Knight, *Conspiracy Nation: The Politics of Paranoia in Postwar America* (New York: University Press, 2002), 6.. See also: Timothy Melley, *Empire of Conspiracy: The Culture of Paranoia in Postwar America* (Ithaca: Cornell University Press, 2000) and Mark Fenster, *Conspiracy Theories: Secrecy and Power in American Culture* (Minneapolis: University of Minnesota Press, 2008).

<sup>5</sup> Knight, *Conspiracy Nation*, 14.

<sup>6</sup> Robinson, *They All Love Jack*, Author’s Note.

<sup>7</sup> Ibid.

<sup>8</sup> *The Hawk*, 13 December 1892, quoted in Robinson, *They All Love Jack*, chap. 19.

extensive characterization “to arrive at truth” likewise embodied the spirit that rejected the tragic myth and felt more comfortable dealing with contemporary concerns from a distance.<sup>9</sup> It is also not by coincidence that Dorothy Dunbar likened Victorian morality to a rigid corset that “repressed natural functions and caused warping” just as arguments about the “permissive society” were beginning to proliferate.<sup>10</sup> While some of these conduits remain more opaque than others, what *is* apparent is that within the various iterations of Florence’s story, there are three perceptible representational epochs. In each of these, portrayals of her innocence (or guilt) have been underpinned by each era’s socio-cultural baggage, articulated through shifting patterns of emphasis. If we ever hope to approach a definitive answer to the question of whether or not Florence killed James Maybrick, we must first become aware of the cultural preoccupations that have guided our answers.

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<sup>9</sup> Shearing, *Airing in a Closed Carriage*, v.

<sup>10</sup> Dunbar, *Blood in the Parlor*, 14.

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