



# Real Property, Real Power: The Role of Property Law in the Fiction of Elizabeth Stoddard and Charlotte Perkins Gilman

Karpinski Joanne B.

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# EPI-REVEL

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**Real Property, Real Power:  
The Role of Property Law in the Fiction of  
Elizabeth Stoddard and Charlotte Perkins Gilman**

**Joanne B. Karpinski \***

Gender is a field of potential imperialism analogous to the more obvious political and historical forms of colonization. In Western culture, patriarchal hegemony is illustrated by the deeply embedded analogy between the body of woman and the body of land (cf. Annette Kolodny, *The Lay of the Land* and *The Land Before Her*). Property ownership (or the lack thereof) had a profound impact on women in nineteenth-century America, which is explored by numerous women writers of the period. In 1848, New York granted women the right to own and dispose of real property in their own person. It was appropriate that New York initiated this legal reform in the same year that the first Women's Rights convention occurred in Seneca Falls. Analysis of short stories by Elizabeth Stoddard and Charlotte Perkins Gilman, both of whom lived in New York for most of their active lives as writers, reveals that New York's passage of the Married Women's Property Act empowered women not only economically but also psychologically. Although neither author quotes the legislation directly, the plots of their stories depend on knowledge of its provisions.

The "Act for the more effectual protection of the property of married women" consisted of four provisions:

1. The real and personal property of any female who may hereafter marry, and which she shall own at the time of marriage, and the rents issues and profits thereof shall not be subject to the disposal of her husband, nor be liable for his debts, and shall continue her sole and separate property, as if she were a single female.
2. The real and personal property, and the rents issues and profits thereof of any female now married shall not be subject to the disposal of her husband; but shall be her sole and separate property as if she were a single female except so far as the same may be liable for the debts of her husband heretofore contracted.

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\* Regis University, U.S.A. E-mail: <jkarpins@regis.edu>.

3. It shall be lawful for any married female to receive, by gift, grant devise or bequest, from any person other than her husband and hold to her sole and separate use, as if she were a single female, real and personal property, and the rents issues and profits thereof, and the same shall not be subject to the disposal of her husband, nor be liable for his debts.

4. All contracts made between persons in contemplation of marriage shall remain in full force after such marriage takes place. (<http://www.wulaw.wustl.edu.students/Courses/History/NYMarriedWomen'sPropertyAct1848.htm>)

Although the act had a profound effect on the legal status of women, women's welfare was not the primary impetus for the legislation. As Richard A. Chused points out, "It is now generally agreed that the first wave of married women's acts were adapted in part because of the dislocations caused by the Panic of 1837" (Chused, p. 4, note 3). He also cites "the alterations made in the operation of the family economy" as a factor, as well as "the gradual entry of women into the workforce and the rising tide of women's acting as the arbiters of family consumption habits." Consequently, "Whether women were to be treated the same as men was not always as important to creditors as knowing precisely the status of married women's property" (Chused, p. 5). Whatever the intent of the legislation's framers, the vesting of property rights in married women created the grounds on which their full citizenship would eventually arise. Ironically, one of the arguments made in favor of protecting a wife's assets from her husband's creditors was that it would protect *his* right to citizenship: "In this way every man will be placed on an eminence where *he can be a man, and his own man* [emphasis in the original]; where he can be an independent suffragen, beyond the compelling grasp of the rich lord or politician [...]" (Thurston, in Chused, p. 7). Thus the Married Women's Property Act laid out a logic for women's suffrage as well. The Progressive movement built a connection between women's property rights and citizenship through the concept of "social housekeeping." Jane Addams argued that "a woman cannot care properly for her family if she has no voice in making the laws and electing the officials that determine whether her home has pure water, fresh food, proper sanitation, and adequate police protection; municipal government is housekeeping on a large scale" (Addams, in Stange, p. 134).

At the same time as women's rights to own and manage property were being shaped by legislatures and courts, the fledgling discipline of anthropology began to develop the theory that the exchange of women between tribes was an important foundation for cultural development. As Margit Stange notes:

Strikingly, the theory that defines women as the object of male ownership rose to cultural prominence at a time when women's

opportunities for self-determination were conspicuously expanding [...] combin[ing] a reaction to the unsettling expansion of women's roles with a reaction to the treat social changes brought about by the growth of the market. (Stange, p. 4)

Thus, two different cultural narratives about woman's status — one of self-determination and one of subjugation — competed for prominence in American society after the Civil War.

James Boyd White contends that the law works by translating a narrative from a specific cultural language, in which each person is entitled to speak, to legal language, which resolves conflict. White's formulation leads to such questions as, Who is a person under the law? Whose story can be told? Whose cannot? These are also literary questions that are addressed by the conventions of genre. Fairy tales are similar to the common law tradition in that they convey the norms of a culture as they have developed over time. Elizabeth Stoddard's "Lemorne V. Huell" exposes the legal nonentity of the *femme covert* in its deconstruction of the Cinderella story. In contrast, Charlotte Perkins Gilman uses the conventions of literary realism to plausibly imagine the consequences of the unprecedented break with the common law tradition created by the Married Women's Property Acts.

Stoddard's version of the fairy tale begins as expected: a penniless orphan goes to live with a domineering relative. Aunt Eliza Huell unexpectedly develops the characteristics of a fairy godmother, however, offering Margaret the opportunity to spend the season at Newport and even providing the wardrobe and the carriage with which to enjoy it. As anticipated by the conventions of the fairy-tale genre, a charming, highly placed suitor turns up, who declares his love at a ball and proposes marriage as the clock strikes. They do not live happily ever after, however, for the bride soon discovers that she has been, in effect, sold to her husband so that he could gain control of the fortune the aunt intended to settle on her, and in consideration for which he threw over a lawsuit his client had pending against the old lady. In the last line of the story the bride reflects, "My husband is a scoundrel" (Stoddard, p. 829). That the unmasked villain of the piece is a lawyer himself underscores Stoddard's theme that the law pervasively violates the rights of married women.

Paradoxically, one of the characters who use the law to deprive Margaret of her rights is another woman. But Aunt Eliza Huell has never been married, so from the common-law point of view she has never ceded her rights of control over her property. Furthermore, she is the beneficiary of a legal action taken by her father, who disinherited his son, Eliza's brother, when he married beneath the family station. She therefore has both the means and the incentive to make her "scoundrelly" antenuptial bargain with Margaret's suitor.

Like many women's-rights advocates in the middle of the nineteenth century, Stoddard explicitly links the situation of her powerless female protagonist to that of a slave. Margaret Huell lacks the sense of self-ownership that John Locke declared to be fundamental to the rights of *man* — note the irony of Locke's formulation — when he wrote, "every Man has a *Property* in his own *Person*. This no body has any Right to but himself (Locke, *Second Treatise on Government*, part II)." She felt that her own individuality "had never been respected by any person with whom [she] had any relation" (Stoddard, p. 823). As a survival strategy in this oppressive situation, she developed a "life-long habit of never calling in question the behavior of those I came in contact with, and of never expecting any thing different from what I receive." (*ibid.*) She perceives that her Aunt Eliza takes her to Newport "not because she was fond of me, or wished to give me pleasure, but because I was useful in various ways" (Stoddard, p. 814).

One of these uses is as an exhibit of conspicuous consumption. Margaret is required to represent Eliza Huell's social status in Newport, wearing clothes of her aunt's design, driving her carriage, attending social events in her stead. Thus Margaret is converted from a producer — she has been earning her living as a music teacher — to a slave, for as Thorstein Veblen points out, "the habitual rendering of vicarious leisure and consumption is the abiding mark of the unfree servant" (Veblen, p. 69). One Sunday, when ordered to attend church services on her aunt's behalf, Margaret rebels: wearing her own homemade dress and bonnet rather than her elegant, prescribed social livery, she walks over the open fields and experiences "the consciousness of being *free and alone*" (Stoddard, p. 821, italics in the original). Significantly, her consciousness of freedom arises in connection to the natural landscape. Both Stoddard and Gilman make use of the stereotypical association of nature with the female but turn this association to their own feminist purposes. When Margaret is intercepted by the putative Prince Charming, she challenges him, "I am a runaway. What do you think of the Fugitive Slave Bill?" Ominously, he replies, "I approve of returning property to its owners" (p. 821). Even at the moment when Uxbridge declares his love for her, she thinks, "Why should this have happened to me — a slave?" (p. 825) and she experiences his first kiss as a kiss of appropriation. Considered as property by her aunt and her suitor alike, Margaret Huell cannot "keep the sense of liberty [she] started with" (p. 822). Although she will become an heiress, she will have no power over her property or herself.

Significantly, the lawsuit that provides the title to Stoddard's story concerns a piece of real estate, a tract of New York City land purchased by the protagonist's grandfather, which has since become very valuable. The dispute seems to be about boundaries rather than right of ownership; since Aunt Eliza had never married, and her brother (Margaret's father)

had been written out of the family for marrying beneath him, her inheritance is uncontested and has always been at her own disposal. Aunt Eliza undertakes lawsuits as a kind of hobby; as the attorney Uxbridge says of her, "Law is a game, in her estimation, in which cheating can as easily be carried on as at cards" (p. 828). Her niece Margaret becomes a pawn in this game, as the following exchange demonstrates:

"Do you want Margaret?"

"I do."

"You know exactly how much is involved in your client's suit?"

"Exactly."

"You know also that his claim is an unjust one."

"Do I?"

"I shall not be poor if I lose; if I gain, Margaret will be rich."

(p. 827)

Here is the crux of Margaret's powerlessness: she has no rights in the disputed property nor in her aunt's fortune unless her aunt chooses to will it to her, but if her aunt does so, control of it will pass to her husband because the marriage takes place before her aunt's death. As Aunt Eliza puts it, "It is my part only to see that she is, or is not, Cinderella" (*ibid.*). Margaret is not in fact a helpless dependent; still, when she visits her aunt in her grandfather's house, where "everything about her wore a hereditary air" (p. 815), she is both soothed by its luxuries and angry that the law is able to separate her from this heritage. It appears that everyone in Margaret's life is aware of the fact that her father was disinherited in favor of her aunt; the family lawyer introduces her to her future husband as "Huell *vs* Brown's daughter" (p. 818).

The legal narrative that transfers control of Margaret's family fortune from her aunt to her husband overwrites the romantic elements of the traditional fairy tale. These romantic conventions are plentifully invoked in "*Lemorne vs Huell*." Like *Jane Eyre*, Margaret Huell encounters her future husband when his black horse rears at her out of the fog. He rescues her from a precarious situation when her carriage driver turns out to be intoxicated. When he inexplicably stops visiting her for a week, she presses a leaf she collected at their last meeting between the pages of Tennyson's "*Mariana at the Moated Grange*," a poem in which a woman whose love is not requited wishes she were dead. Like Prince Charming, Edward Uxbridge makes his proposal of marriage at a ball.

The demonic possibilities of the fairy tale are also invoked by the story. As earlier noted, Uxbridge rides a black horse rather than Prince Charming's white one. When she is introduced to him, Margaret notes, "I derived the impression at once that he had a dominating disposition, perhaps from the way he controlled his horse" (p. 818). Becoming aware of his white nervous fingers, she imagines "they might pinch like steel"



(p. 819). At the climactic ball, she recognizes the intermezzo music as coming from Gounod's "Faust". This musical cue foreshadows the demonic bargain that will sacrifice Margaret's innocence as Faust himself destroyed the virtuous Marguerite.

Toward the end of the story, Margaret complains to herself, "I was not allowed to *give* myself — I was *taken*" (p. 826). Although written in the first person, Margaret's narrative voice is eclipsed by the more authoritative voice of the legal narrative and the communal voice of the fairy tale tradition. These two counter-narratives act together to deprive her of agency.

Writing at the turn of the twentieth century, a generation after Stoddard, Charlotte Perkins Gilman produced several stories in which a woman's legal right to property becomes the basis for her empowerment. The plot lines of these are closely similar: a slothful yet grasping husband coerces his long-suffering wife into signing mortgages to property she has inherited so that he can speculate with the proceeds. In order to shield his profits in these speculations from his creditors, however, he banks his assets in his wife's name, knowing that the Married Women's Property Act specifically exempts a wife's property from liability for a husband's debts. The uneducated and downtrodden woman unexpectedly learns of her rights under the law, however, liquidates the assets placed in her name, and goes off to start a new life. Gilman's differing narrative treatments of this plotline emphasize various dimensions of the property-rights issue.

The earliest of these tales, "Deserted," was written in 1893, at a time when Gilman was herself seeking a divorce on the grounds of desertion. It is quite short, since it was originally a column published in the *San Francisco Call*. Within its short scope, however, Gilman launches an assault on the common law's presumed basis in Scripture and subsequent fear that granting property rights to married women would increase marital discord, and on the vulnerability of the reformed women's property law to fraud. As it happens, these issues figured largely in the debate about passage of the new law.

Both proponents and opponents of the Married Women's Property Act claimed Scriptural authority for their positions. If on one hand the institution of marriage joined two persons as one in the sight of God, and the dictum "wives, be subject to your husbands" was to be respected, then the wife's legal existence became merged in her husband's. Ideally, his property and hers became "a common fund, to which both may resort, for all the ordinary purposes of support and reasonable enjoyment, [so] it can make but little difference, in the results, by whose name it is called" (Greenleaf, p. 281, in Avery and Konevsky, p. 336). In practice, of course, a wife could be reduced to daily penury since she could not obtain or spend money unless her husband gave it to her, and the possibility that she could obtain "any better provision or any other

rights, or greater liberty, than the rules of law have proscribed for her” (Greenleaf, p. 285, in Avery and Konarsky, p. 337) by antenuptual agreement seems mooted by lack of incentive for the prospective husband. On the other hand, Sarah Grimke also turned to Scriptural exegesis to argue for woman’s status as “a free agent, gifted with intellect and endowed with immortality” (Grimke, p. 32, in Avery and Konarsky, p. 329). “They were both made in the image of God: dominion was given to both over every other creature, but not [despite St. Paul’s later statement] over each other” (*ibid.*). Another religiously-grounded argument in favor of the reform suggested that “if men married for money they ought not to have control over it. Every day they lived together they lived in adultery, for he married the money and not the girl” (Waymire, p. 142, in Chused, p. 18). This sentiment countered the fear that the provision of property rights to married women would cause “much domestic trouble and many divorces” (Deady, in Chused, p. 17).

The fear that creditors might be cheated was borne out in a number of legal actions brought after the passage of the Married Women’s Property Act. As Chused points out:

The acts created a strong impulse to “bury” property in a wife to protect it from risk and creditors. To the degree that insecurity over the meaning of the new separate estate existed, it was possible for unscrupulous, or even well intentioned, married couples to use the wife’s property as enticement for a deal, only to plead the debtor exemption provisions if the deal later soured. (Chused, p. 23)

The outcome of “Deserted” demonstrates that arguments on behalf of good-faith creditors cannot prevail against the greater justice achieved for women by the legal reform.

Another issue raised against the property act reform was that women were not sufficiently educated to manage independently the assets to which the law would entitle them. A Justice of the Oregon Supreme Court found against Jemima Wheeler’s right to sell her donation claim in these words:

Notwithstanding the doctrine which is so zealously promulgated by some (and which in some respects it is to be feared may be somewhat utopian in character), claiming an enlargement of the rights of women, yet it is the generally received opinion that the sphere of married women’s duties, as they have been heretofore generally recognized and acquiesced in, precludes the means of acquiring by them that knowledge of law and commercial transactions necessary to enable them, as a rule, to safely and understandingly enter into covenants concerning real estate.

(Bonham, in Chused, p. 28)

Gilman’s stories of overworked rural women explicitly acknowledge this problem, but provide a solution to it in the form of a visiting female



attorney who educates the protagonist about her rights and advises strategies for obtaining them.

The female protagonist of "Deserted" is introduced under her husband's name, Mrs. Ellphalet Johnson. The Old-Testament overtones of his name are echoed by such Biblical flourishes of narrative rhetoric as "wherefore it came to pass" ("Deserted", p. 64). Ellphalet relies on the common law tradition to sell a lot that Mrs. Johnson's father had willed to her, telling her when she protests the sale, "As to that lot 'twan't no more yours than this house was or the farm — they all come from your father, but when you married me it made 'em mine, and it ought to. A man supports the family. He's got to hold the property" (p. 63). The narrative, however, makes clear that it is not Ellphalet's labors but his wife's that support the household. She attends to the store while he discusses politics with his cronies and does the bookkeeping after the children are in bed. He adds to her burdens by taking in a summer boarder without consulting her, although it is he rather than she who will pocket the additional income. Ellphalet's hypocrisy turns to outright fraud when he transfers the family bank account, business liabilities and deeds to his wife's name so that his creditors cannot get hold of his assets. Adding to his catalog of vices, he begins to drink heavily.

Ellphalet repeatedly insists that his political and financial doings are "beyond the reach of Mrs. Johnson's busy feminine brain" (p. 62). Luckily for her, however, the lady boarder he takes in turns out to be a lawyer, through whom Mrs. Johnson is "led to read somewhat in the penal and civil codes of her native State" (p. 64). In addition, the lawyer gave Mrs. Johnson "a new view of her duties to her children and the world" (*ibid.*). As a result, Ellphalet awakens from a binge one morning to discover that wife, children and boarder have all vanished from the house, and that "the house and store, stock, furniture and farm had been sold over his head, and the proceeds had disappeared with his wife" (*ibid.*). Mrs. Johnson acts more justly than her husband, however, for she arranges to have an allowance paid to him and promises to "receive him again as a husband" (*ibid.*) if he gives up drinking and becomes a self-supporting citizen. The story concludes, "Then the deserted husband took up the burden of life. It made a new man of him" (p. 65). Thus Gilman demonstrates one her central themes — that creating the conditions for women's economic independence is beneficial to men as well.

Gilman felt so strongly about the issues she raised in "Deserted" that she republished the story in expanded form eighteen years later. The more specific attention this version pays to the legal issues reflects the fact that she had married a New York attorney. The punningly titled "Mrs. Beazley's Deeds" undertakes a shift in narrative focus. The 1911 version places the protagonist's actions within a [continually disrupted]

community of women, and her husband's within a community of authoritative men. In particular, Gilman contrasts the sterile, speculative use to which the men in the story wish to put land with the women's productive plans for it. The provisions of the Married Women's Property Act wind up giving stewardship of the land to those who will make the best use of it. In contrast to the journalistic brevity and Biblical cadence of the original, Gilman's expanded version of the "Deserted" plot builds up significant physical detail in the manner of realism to flesh out her rhetorical positions.

Mr. Beazley, whose surname connotes both "beastly" and "Beelzebub", deliberately keeps his women in isolation in order to keep them under control. The story opens with Mrs. Beazley crouched over the stovepipe, listening to the conversation going on in the store below, which is the only way she can prepare herself for her husband's plans. When he comes to suspect that her understanding arises from eavesdropping rather than intuition, he seals the pipe. A female customer arrives at the store, like Mrs. Beazley "clad in stringy calico" ("Deeds", p. 207), suggesting that all the putative heads of household in this community are either improvident or stingy. As Mrs. Janeway leaves, Mrs. Beazley puts her hand on her cart's wheel "as if to delay it" (*ibid.*), but Mr. Beasley interrupts their conversation. "Do come around when you can. I can't seem to get down to Rockwell" (*ibid.*), she tells her friend. Another female ally is Mrs. Beazley's daughter Louella, at fourteen "a big, courageous-looking girl and prematurely wise from many maternal confidences" (pp. 207-208). Mr. Beazley will not allow Louella to leave their small village to go to high school. As a result she is available to assist and stick up for her mother, but Mrs. Beazley worries that she is attracting too much attention from unappealing local boys. Initially, Mrs. Beazley does not see the female boarder foisted upon her as an ally, because she comes from the city and, more importantly, from a different social class; she expects "Just trouble and work and the insultin' manners of those city people [...] more trouble'n three men!" (p. 210). Ultimately, Miss Lawrence (another freighted name) will become the instrument of Mrs. Beazley's liberation.

Mrs. Beazley understands her rights under the law: "What I know is my father left me a lot o' land — left it to me — to take care of me and the children" (p. 209). Mr. Beazley, for his part, is well aware that the Married Women's Property Law denies him control over his wife's inherited assets: "This fool law is a mere formality — you know the real law — 'Wives submit yourselves to your husbands!'" (*ibid.*). He overcomes her resistance by threatening her children. As she explains her predicament to the lawyer who comes to board: "Here am I and here's the children, and none of us can get away, and if I don't do as he says I must, he takes it out of us — that's all. You can't do nothin' with a man

like that — and him with the Bible on his side!” (p. 213). When Miss Lawrence asks if Mrs. Beazley has ever thought of leaving her husband, she replies, “But I don’t believe in divorce — and if I did, this is New York state [*sic*] and I couldn’t get it” (*ibid.*).

On previous occasions when she has been required to give up her property rights, Mrs. Beazley has told Justice Fielden that she is “perfectly willin’ and under no compulsion” to sign papers she is not even allowed to read: “‘Much you’ll make out of readin’ the deed,’ said [her husband], with some dry amusement, ‘and Justice Fielden lookin’ on and waitin’ for you!’” (p. 208). Thus the burden of impatient civil authority is added to domestic tradition to limit Mrs. Beazley’s rights.

Mr. Beazley uses the profits he takes from selling his wife’s inheritance to buy land that he hopes will become railroad right-of-way. If he is right, it will be taken out of production for good, and if he is wrong, he has no intention of developing its assets. He has refused to participate in a local power-generating scheme that would make use of the falls on his wife’s last remaining lot because a man he considers his rival thought up the plan. Even his friends point out that he is “Better at specilin’ with his wife’s property than workin’ with his hands” (p. 220). When Miss Lawrence looks into the Beazley affairs she finds that he has poorly managed the properties and not obtained best value on his deals. She suggests that “the little matter of the wood lot deal” (p. 219) may have gone over the line from sharp practice to criminal behavior. Despite his shortcomings as a steward, Mr. Beazley is so incensed when his wife liquidates the assets he has placed in her name to evade his creditors that he determines to “have the law on her” (p. 217).

At this point, the apparently unitary front of male authority breaks down. Consulting Justice Fielden, Mr. Beazley discovers that his erstwhile ally stands impartially for the law. Although he had previously assisted Mr. Beazley to sell his wife’s inheritance when she technically agreed to the sales, he now defends Mrs. Beazley’s right to dispose of assets legally assigned to her: “You technically gave her the property, you see, and she’s taken it — that’s all there is to it” (p. 218). He points out the legal remedies open to Mr. Beazley: he can bring suit for compensation of his services to his wife, or seek a separation on the grounds of desertion, but neither course will restore his illegitimate control over her land. In the end, he accepts his wife’s proffered deed of separation to the catcalls of his friends and neighbors, who have gathered outside the law office to witness his discomfiture. In contrast to the disintegration of male solidarity, Mrs. Beazley plans to move in to the old family home with her sister, and to develop the neglected power project. This fictional representation of women opposing property speculation is supported by historical evidence: in *The Free Women of Petersburg: Status and Culture in a Southern Town*, Susan Lubbock noticed “the most striking feature

of the real estate bargains struck by Petersburg's women was the near absence of speculation" (quoted in Avery and Konevsky, p. 343, n. 113).

Gilman further explores the gendered contrast in attitudes toward land rights in another 1911 story, "The Widow's Might," a title which puns on the Biblical widow who self-sacrificingly gave up to the temple treasury the only two coins she had. In this tale Gilman shifts focus from the wife's need for her own property in order to protect her children to the needs of the wife herself. Gilman also puts an unexpected spin on the link between the body of woman and the land.

Mrs. McPherson's estranged adult children return to the family homestead in Denver for the funeral of their father and, more important to them, the reading of the will. If Mr. McPherson had died intestate, his wife would have received one-third of his estate for use in her lifetime, and his children would have equally divided the property at her death (Avery and Konevsky, p. 352, n. 153), but the fictional father followed the custom of the times and willed his son two shares to each daughter's one (Avery and Konevsky, p. 339). On the basis of these expectations the children begin to quarrel over which of them should take in the widow, but their argument is mooted by the revelation that the will is no longer valid.

Because of the panic of 1897 and subsequent pressure from creditors, McPherson had transferred all of his assets to his wife's name. When illness forced him to give up ranching, his wife turned the necessity of nursing into a business. Thus the ailing body of her husband becomes a metaphor for the dusty, unyielding landscape, while his wife's healing skills extend to the land itself. The son who is a lawyer proposes that his mother should make over these assets to him to manage, thus "see[ing] that Father's wishes are carried out to the letter" ("Might", p. 144), but she refuses. She points out that under her management the land, used as a health spa, has yielded a much greater profit than it had when her husband had attempted to run it as a ranch. She will respect her husband's wishes by offering to give each child the value of his or her original bequest in a lump sum, but urges her daughters in particular to take the annual income of the steadily appreciating investment "since it is good for a woman to haave some money of her own" (p. 145). As for her own future, she claims that after thirty years of fulfilling her duties to husband and children, she has finally come into self-possession. She intends to travel worldwide, and as a symbol of her complete control of her own body she has even prepaid her own funeral arrangements in case she dies abroad.

So strongly did Gilman feel about a woman's right to control her own property that she was willing — in her fiction, at least — to countenance the bending of other laws in order to achieve it. In her

novella *Benigna Machiavelli*, the adolescent title character, like Luella Beazley, tries to support her mother through a difficult domestic situation. When she discovers that her father is pressuring her mother to mortgage away her inherited property, Benigna takes Machiavellian action. She lures her father away on extended travel by placing an ad in the local paper that induces him to go to Scotland. In his absence, and unbeknownst to her mother, she signs the mortgage papers herself, using the proceeds to send her mother away for a rest cure and to establish a boarding house business that is so successful that she is able to pay off the mortgage before her father returns. Benigna rationalizes that she has not committed a forgery because her name is exactly the same as her mother's, and that her mother was on the verge of signing the papers for a much less productive purpose:

What if it is a prison offense? It doesn't say anything against it in the Bible. Anyhow, it seemed right to me, and what I think is right I mean to do, law or no law. These laws people make, they unmake as fast as they make them—always having new ones and altering old ones, or repealing them. And they don't even pretend to have a revelation or anything. Besides, some are made on purpose by rich people, and the lawmakers paid to do it—I've read about that.

*(Benigna Machiavelli, p. 131)*

Gilman had read Ibsen's *A Doll's House* in 1891, and so was well aware of Nora's tragic effort to save the family's fortunes by forging a signature. Gilman rewrites this scenario to provide the grounds for her heroine's successful bid for independence. She carefully provides the financial and logistical calculations that make Benigna's boardinghouse plan seem achievable, thus moving the plot from naturalism's construction of character determined by economic and social forces to realism's understanding of social and economic forces through focus on character. Benigna finds that "It wasn't so dreadful after all, but pretty close calculating" (p. 140). A key feature in her domestic economy is providing food for the boarders from her garden rather than from the grocery, as her next-door competitor does; Benigna's relationship to the land is not simply one of natural fecundity, but of market production. In a year's time she has saved the thousand dollars she needs to repay the mortgage in full and to burn the incriminating document. Gilman seems to feel that Benigna has served her imprisonment in advance, putting up with the financial and emotional consequences of her father's alcoholism: "It was the ceaseless irritation, the criticism, and caustic comment, the being hindered in everything she wanted to do, and the uncertainty about money. That is worse than plain poverty" (p. 103). Since no one is actually harmed by the fact that Benigna's signature on the mortgage is taken to be her mother's, and considerable social good results, Benigna is not held to account for her action. Here, of course, Gilman's realism tilts into the realm of Utopia.



Both Stoddard and Gilman chose narrative modes that, like the law, seek to achieve closure. Fairy tales traditionally end with the phrase "and they all lived happily ever after," foreclosing the prospect of further development or change. Although Margaret Huell Uxbridge seems likely to live *unhappily* ever after her discovery that "my husband is a scoundrel," the finality of the genre's formulaic conclusion is still strongly implied. Gilman's fiction output consists primarily of short stories, a genre distinguished from novels not only by diminished length but also by absence of subplots; this second generic criterion governs Gilman's novel-length fictions as well. Thus Stoddard's and Gilman's stories both have the capacity to achieve a clear resolution of the conflicting cultural narratives they introduce. Resolution does not mean compromise, however; the logic of common law is the clear victor over married women's property rights in *Lemorne vs Huell*, while the reverse is true in Gilman's stories. Margaret Huell is transplanted from her rural environment to the hothouse culture of Newport and becomes a corsage for Edward Uxbridge to wear in New York City, while Gilman's newly-propertied heroines free themselves to cultivate their own gardens.

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