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A Study of Thomas Hardy's Presentation of the Theme of Marriage
in *Jude the Obscure*

Essay in English

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Abstract

Thomas Hardy was a sensitive writer who loved free, independent and strong-minded women. His last novel shows that Hardy was totally aware of the changing world at the end of the Victorian age and the difficulties women faced at that time in their evolution from the submissive role of wives to that of new women and female suffragettes who defy Victorian expectations in their struggle for equality and recognition (Sandlin 10). Hardy was ahead of his time in his anticipation of the new woman and her future role in marriage and society. Through his novel *Jude the Obscure*, Hardy offers his women a voice, which reflects their changing role in society and in the world. His heroine, Sue, articulates women's difficulties in asserting their individuality in modern times by her refusal of marriage and declaration of love instead. Hardy's novel not only undermines the authority of the social institution called marriage, but his characters initiate and end marriages as they continuously change their personal views on marriage in order to show that love can even exist outside wedlock.

Key Words

Jude the Obscure, Thomas Hardy, feminism, free union, marriage, divorce, cohabitation, Victorian society, new woman.

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*Matrimony have Grown to be that serious in
these days that one really do feel afraid to move
in it at all. In my time we took it more careless;
and I don't know that we was any the worse for it!*

The Widow Edlin in *Jude the Obscure* (325)

1. Introduction

Jude the Obscure, the last but most radical novel by Thomas Hardy, raised a storm of protest among Victorian society upon its publication in 1895. Hardy's adoption of a critical stance in his presentation of marriage was not particularly welcomed by many Victorian readers. Many critics considered the novel extremely offensive to Victorian morality and its legal codes. Among those critics who attacked the novel's sexual frankness was the American author and critic Harry Thurston Pick who renamed the book 'Jude the Obscene', and attacked the novel, for 'speculating in smut' and purveying 'dirt, drivel and damnation' (Norman v). The bishop of Wakefield went even further, as a sign of protest to such an offensive indictment of social and religious mores he threw a copy of the novel into the fire. Hardy wryly expressed his distress in his postscript, added in 1912, that this was "probably in his despair at not being able to burn me" (Norman xxix).

It is very important to examine the reasons underlying the novel's critical mauling at that time. *Jude the Obscure* sums up Hardy's social protest against educational and social disadvantages, marriage and divorce, and the position of women in marriage. It began as a serial story in *Harper's Magazine* at the end of 1894 and was continued in monthly instalments (Norman xxvii). This novel that Hardy "abridged and modified" several times to meet the demands of *Harper's* readers shocked the conservative readership of *Harper*. Many described it as unsuitable to be read aloud in any family circle. After its publication, Hardy was put down and rejected not only by his fellow men but also by women novelists who attacked the novel's heroines for their "sexual frankness". Margaret Oliphant, a well-known novelist, was shocked by the novel's content and attacked Hardy's "coarsely indecent" novel under the title "The Anti-Marriage League" (Norman viii). After all this critique, Hardy was worn out. He commented that "On account of the labour of altering *Jude the Obscure* to suit the magazine, and then

having to alter it back, I have lost energy for revising and improving the original as I meant to do” (Norman 327[1999]). In addition, his plain attack on marriage brought more tension to Hardy’s distressed marriage with Emma Hardy, who was in fear that the novel would be read as autobiographical as the couple grew increasingly estranged in their relationship. Finally, Hardy left fiction-writing and devoted himself to poetry until his death in 1928.

This study examines the situation of women within the sacred institution of marriage in late nineteenth-century England as they are presented in the novel *Jude the Obscure*. I will argue that *Jude the Obscure* addresses social issues related to women and feminism. The study will also focus on the unenlightened view held by the social and religious establishment towards women and sexuality. I will show how Victorian society maintained and legitimated unhappy marriages devoid of love instead of any sexual and loving relationship outside of wedlock. I intend to present Hardy’s main protagonists (Jude & Sue) as the model for a successful relationship based on love. Alongside my analysis of the critique of marriage, I will also examine Hardy’s prevailing argument in the novel that couples “should be free” to marry and divorce as they wish. This suggestion that ‘bad marriages’ exist at all was received with hostility by conservative society, which espoused the nature of marital virtue and its sacredness. In his postscript in April 1912, Hardy points to the role of divorce as an option in an unhappy marriage. He says:

My opinion at that time, if I remember rightly, was what
it is now, that a marriage should be dissolvable as soon
as it becomes a cruelty to either of the parties – being
then essentially and morally no marriage. (xxx)

This novel tells the story of Jude Fawley, an ambitious scholar who falls in love with his cousin, Sue Bridehead. Sue marries Jude’s old schoolmaster, but in entering marriage (ironically called a contract), Sue finds herself trapped in a loveless marriage. Eventually, Sue loses her security in marriage without gaining any freedom and suffers every sort of difficulty, legal as well as social. She leaves her husband and lives with Jude outside of wedlock. However, finding that their illegal relationship attracts the anger and criticism of society, they experience tragedy and isolation through the whole novel. Jude and Sue’s notion of the relationship between the sexes contradicts those around them as they reject the institution of family and value the free union instead. Though they continually emphasise that their union matches the

experience of married couples, they face rejection from society, which condemns their relationship as illegal. After the tragic death of their children, Sue suffers from a mental trauma and blames herself for their death. As a result, she surrenders to the feminine and scripted role of a proper wife and returns to her previous husband to punish herself for her illegal relationship with Jude, which brought her only death and tragedy.

Hardy wrote his novel during the end of the nineteenth century. The nineteenth century was one of the most significant periods of British history because it brought major changes in thinking about women in society and their situation with respect to men. When Hardy started writing, he found himself in the middle of a transitional age where ideas such as, marriage, divorce and feminism were challenging and making entrance in the upcoming century's social and political debates. This man of independent thought found it difficult to remain silent towards the current situation of women in social and private life. He tried to voice the issues of women's struggle for recognition in his novel. In *Jude the Obscure* Hardy defies Victorian expectations of feminism and gender normalization. He does that by refusing the sanctioned institution of marriage and embracing new ideologies, which reject any kind of relationship between sexes that undermine the role of women in marriage or life. Hardy uses Sue to voice his dissatisfaction about Victorian hypocrisies and the Madonna image of women and the way the institution of marriage deludes people and victimize them. Sue's unconventional attitude towards marriage sums up the feminists' struggle for recognition over decades and their future expectation for the evolution of the new individual women. Therefore, it is necessary to have a brief look at the history of the feminist movement in literature, which shaped strong women like Sue Bridehead and pushed women's political cause for equality forward until it granted them more rights in marriage and society.

2. Background

2.1. Feminism in Literature

During the 18th century, "the woman question" as it was called in popular discussions of the time, saw an increased tendency to define the domestic role of women, which limited their social and political influence compared to that of men. An increased number of British writers started to fight against this oppression by means of writing novels that often explored the possibilities and problems in women's private lives (Walters 39). Several of them asked serious questions about the choices facing girls, particularly about marriage and its consequences. They wanted to protect women from a strictly religious and hierarchal society. Among the best and most influential 18th century writers were Fanny Burney and Jane Austen who found in literature a means to incite changes because it appealed to all readers regardless of their gender. Mary Astell, one of the most influential British writers, also expressed her dissatisfaction with prescribed gender roles. In her book *Some Reflections Upon Marriage*, she admitted that "marriage was necessary to propagate the species, but insisted that a wife is all too often simply a Man's Upper Servant" (Walters 27, 28). However, the greatest of these English feminists who eloquently wrote about the rights of women and the wrongs they often experienced was the founding mother of feminism, Mary Wollstonecraft. Her feminist work *Vindication of the Rights of Women* speaks about the crucial role of education for women and Wollstonecraft, in defense of it, admitted that it speaks "for my sex, not for myself" (Walters 33). Wollstonecraft's book advocated a real change in women's situation and inspired many well-known writers such as John Stewart Mill, who pursued the same path of his predecessor in the feminist movement in his struggle for women's rights (Sandlin 24).

Marriage was a central theme for nineteenth century novelists because women's legal status in marriage was much problematic in reality. A woman could neither live alone, divorce or live in sin (cohabit) because she was the "property" of her husband, since he could claim her earnings and her body when she could not make similar claims upon him" (Shanley 22-23). The Victorian law was unfair to women. On the one hand, married women were subordinated to their husbands and lived in a "shackled condition" where they had no rights over their property (Walters 42) and if they asked for divorce they would lose their inheritance and

children to their husbands. On the other hand, husbands took advantage of the marital laws, which asserted the husband's sexual claims over his wife and viewed woman's body as an object valued for its sexual appeal. Sexuality was very problematic if exercised outside the context of marriage and the public opinion could not tolerate any moral or sexual transgression. Any woman who did not abide by society's social customs was deemed as fallen and lost all her rights. For these reasons, women had no rights in marriage and they remained subordinated to their husbands.

When John Stewart Mill published his famous work *The Subjection of Women* in 1869, it was a wake-up call for many writers to raise their voice against the subordination of women. *The Subjection of Women* argued that subordination of women was both wrong and "one of the chief hindrances to human improvement" (Walters 45). Hardy was among the representative figures who were active and reflected society's anxieties through their social criticism. Hardy became intrigued with Mill's political agenda on equality and women's rights (Sandlin 24) and contributed to this debate through his fictional heroine (Sandlin 28). Like other social representatives of the time, Hardy was in agreement with Mill's principles of individualism and social injustice. In June 1876, he wrote of "the irritating necessity of conforming to rules which in themselves have no virtue" (Sandlin 23, 24). Hardy's heroines express their individuality, which was suppressed for years. Sue Bridehead celebrates Mill's ideas when she quotes a copy of Mill's *On Liberty* about individual thought. Sue argues that every individual human being, man or woman, has the free will to choose his/her own path in life. Human beings have to live according to their own norms and preferences and not according to society's expectations, definitions and traditions. In her argument with Phillotson to release herself from marriage, she says:

She, or he, "who lets the world, or his own portion of it, choose his plan of life for him, has no need of any other faculty than the ape-like one of imitation." J. S. Mill's words, those are. (194)

2.2. Hardy and Marriage

Thomas Hardy was born during the first half of the Victorian period. This period reflected Christian values such as moral responsibility and proper sexual behaviour. The

“women’s question” witnessed no major progress because society’s view of femininity was extremely influenced by Christianity. Women were defined within the Victorian Christian view as “standard-bearers of morality” (Calder 88) and they were expected to fulfil their biological duties as devoted mothers and virtuous wives. There were double standards regarding sex. The Victorian view of sexuality was based on two types of women, the Madonna and the whore (Morgan xii), where one is fit for sex and the other for life. Any sexual relationship outside wedlock was forbidden and women had to remain pure for their future husbands-to-be because their reputation was dependent on their sexual status and virginity.

Social identity was related to the current marital status. Marriage was the natural practice for young men and women (Saleh & Abbasi 51, 52). Many women entered matrimony at a young age either to ascend the social class system or to seek financial security in a wealthy husband. Generally, the Victorian concept of marriage was a means of financial union between families or a “financial transaction” (Calder 31) rather than a union of love and affection. Marriage was based on gender prejudices and inequalities between husband and wife in public and private life. This means that as soon as a woman entered matrimony, she was dominated by a husband who had the sole control over the family’s property and inheritance.

In reality, there was a great social change in progress. Mill’s *The Subjection of Women* broached the problem of women’s subordination and replaced it with equality between sexes. Writers began to embrace some of the feminist ideals that Mill advocated. Hardy took up Mill’s question of marriage and personal liberty in *Jude the Obscure* (Sandlin 2, 24; Watts 17). He realised the complexity in women’s situation and gave his women characters more space to reflect their social environment, especially in marriage. Hardy’s objection was against the institution of marriage, which maintained control on the lives of couples. Hardy was not against the idea of marriage; he “simply opposed what was unnatural in the conventions of obligatory unions and repression of innate desire” (Sandlin 8, 9). The licensed contract of marriage harmed both partners, though, it had deeper damage on women than men. Couples could not divorce for being unhappy. Eventually, they were forced to accept the cruel terms of marriage and stayed together. In *Jude the Obscure*, women are not more secure or protected in marriage than outside of wedlock. Both Sue and Arabella are representatives of the growing intellectual and sexual freedom, which several reformers like Mill tried to advance through literature of that time. Their modern views on love and ironical statements about traditional marriage are symbolic of their rejection of the cruelty of this institution against women in particular.

Hardy was aware of women’s changing role in society and public and political life. He articulated a serious objection to the nineteenth-century institution of marriage in two different

ways. First, he expressed his hostility towards objectifying of women in marriage. Hardy rejected giving women inhuman status of an object through Mill's master-slave relationship (Saleh & Abbasi 56; Morgan 113,120). He was against any sexual obligation of women in marriage. This is evident in the legal unions of Sue/Phyllotson and Jude/Arabella. On the other hand, he questioned the reliability and validity of the marriage contract, which maintained unhappy couples for life instead of any declaration of love outside of Victorian wedlock (Saleh & Abbasi 56-57) through his advocacy of the free union between Jude and Sue. All the characters in the novel suffer from disastrous marital experiences and they search for alternative ways to find the happiness and affection beyond the legal bounds of marriage contract and they find it possible in cohabitation.

2.2. Hardy's View on Divorce and Cohabitation

Jude the Obscure shows Hardy's distinct view of the social institutions, particularly regarding "cohabiting/Free union" and divorce. Due to the strictness of the English divorce law, which recognized only adultery as grounds for divorce (Frost 16, 96), many couples cohabited or parted to seek happiness outside of wedlock because they could not end their union legally and thus lived apart (Frost 7, 40, 72). The only way to obtain a divorce other than by ecclesiastical annulment was through a private Act of Parliament, a process that was complex and expensive for the poor classes (Frost 16; Shanley 9). Eventually, people were desperate and searched for alternative ways to join their lovers and leave unhappy marriages, such as cohabiting. In general, the term "cohabiting" is as old as marriage itself but was becoming more common as large numbers of people were joining this "liberated" group. The definition means couples living "as husband and wife" and having a sexual relation. Cohabitees presented themselves as married to society and shared domestic duties, the same last name and reared children (Frost 2-5). Since the tightened marriage laws and difficulties to divorce offered no solutions for unhappy marriages, many couples entered these alternative unions, which many called "adulterous" (Frost 96).

The notion of "cohabiting" also problematized the values of "family", "marriage" and the state's role in these institutions (Frost 1). This free union threatened and undermined the whole concept of marriage because it provided an alternative solution for couples to be together, replaced the "sacred" institution of marriage and weakened the state's authority over people (Frost 1, 3, 9). This union (cohabiting) challenged the Victorian marital expectations (Frost

100). Many couples who entered these unions insisted on regarding them as correct despite the opposition of religion and state (Frost 11, 96). When Hardy wrote *Jude the Obscure* in 1895, British marriage laws had recently been liberalized and there was a continuous debate about women's rights to divorce for reasons other than adultery. In his novel, Hardy brings the notion of cohabiting into the social discussion. He draws his characters into disastrous unions to show the failure of this institution in adopting new ideologies and progressing change into the lives of unhappy couples. Hardy tried to address the complexity of marriage and divorce in *Jude the Obscure* in order to reflect the difficulties in the legal laws. He felt it was absurd and cruel to force two people to vow eternal love and if the relationship did not work out, they were forced to stay together because divorce was against society's moral customs. In *Jude the Obscure*, Hardy shows the hardships of the social and legal institutions, which made divorce unattainable and difficult, especially for women.

2.3. Hardy and the New Woman

In *Jude the Obscure* Hardy criticizes the Victorian social structure by displaying the new role that women began to play at the end of the century through his two female characters, Arabella Donn and Sue Bridehead (Young 1-2). These two women are Hardy's critique of the institution of marriage and the social hierarchical system. They are representatives of the model of the "New Woman". The term "The New Woman" was "a generalized phrase describing an economically independent woman who stood socially, politically, and educationally equal among men. It was a topic of much concern and debate in both England and the United States in the late nineteenth century" (Sandlin 10). Hardy created women who highlighted what was significant in the feminist movement at that time. These women had a distinctive view about the religious, educational and social institutions such as the institution of marriage. Rosemarie Morgan in 1988 argues that Hardy's women challenged his Victorian readers' conception about feminism and morality because unlike most of his Victorian counterparts Hardy showed "a complete faith in the healthy, life-giving force of free, unrepressed sexual activity" and "a complete commitment to active, assertive, self-determined women" (Morgan x).

Sue, the New Woman heroine, is not only intellectually liberated, but she is also a model for the coming century's emancipated women who detest society's normative measures. Sue, though "taking many of her characteristics generally from the earlier heroines, has the distinctly contemporary features of the New Woman" (Weiqing & Liqing 89). Hardy uses Sue's irony to

make his criticism of the religious institution of marriage. Her “newness” is clear in the way she views the social institutions. After entering marriage, Sue shows her disappointment in the institution of marriage that deprives women of their sovereignty. She expresses her disappointment in the social institution of marriage, which attracts people to marry. She says: “how hopelessly vulgar an institution legal marriage is – a sort of a trap to catch a man- I can’t bear to think of it” (237). What Sue cannot bear to think of is her legal state to be bounded to her man and not having an individual entity. In this, Sue becomes the spokeswoman against the suppression of the institution of marriage. In the preface to his novel, Hardy realized the new prospects of the decade’s “new sensation” (194). Sue Bridehead “the woman of the feminist movement-the slight, pale ‘bachelor’ girl-the intellectualised, emancipated bundle of nerves that modern conditions were producing” (xxx1).

Arabella, the other “New Woman” has also in her distinctive way the characteristics of the New Woman. If Sue is equal to men in education, Arabella is equal to men in her “certain maleness that allows the reader to see the way in which she breaks social expectations” (Young 4). She does the work that men do. She slaughters an animal and works in a bar. Arabella’s ironical view of marriage and traditions is characteristic of the New Woman. She does not consider traditions like marriage seriously (Young 5). Marriage matters only for the financial security it provides. On the whole, Hardy’s novel includes a lot of discussion on marriage from different characters, some of those views even change over the course of the novel and take a totally opposite attitude. Hardy portrayed nuptial relationships as unhappy and unloving (Arabella and Jude, Sue and Phillotson), in comparison to the successful and freer union of the non-marital relationship between Sue and Jude who face many difficulties from Victorian society.

3.The Case Against Marriage

3.1. Hardy’s cynicism about marriage and his advocacy of the Free Union (Jude and Sue)

Victorian novelists reflected the urgent anxieties of their time and their concern of the moral and social institutions, which were concerned with domestic relationships and marriage was above all others. Women had a central role in marriage and were regarded as society's moral guardians (Calder 13). Women's role mattered only in relation to domestic life. They had no status except that of a daughter or a wife. There were no options such as not to marry because society regarded marriage the only means for women to survive through reliance on men. Moreover, marriage acknowledged no legal rights for women in contrast to men and only emphasized women's devotional wifeness. As soon as a woman entered matrimony, she lost her property and entity to her husband.

In *Jude the Obscure*, Hardy showcases the flaws of the religious institution of marriage. He presents the cruelty of the institution through the unequal terms of wedding ceremonies. When his characters step in marriage, they are introduced to the unequal terms of the contract. The marriage law was based on "the premise that a wife owed obedience to her husband, and where she did not voluntarily follow his will the law would leave her no other option" (Shanley 8). What is worse, women did not have an identical human value to men. This means that they were not acknowledged as individual human beings because their identity and individuality ceased to exist when they entered matrimony. Hardy reminds his readers of women's insecurity in marriage and the complexity of their situation in this institution. After entering marriage with Phillotson, Sue expresses her disappointment in the institution of marriage. An institution that suppressed, subordinated and enslaved women to men. She expresses her distaste at performing the marital rituals and tells Jude: "How should I like to go in and see what the spot is like where I am so soon to kneel and do it" (148). Sue has to kneel to this institution, which betrayed her and her race. The once independent, active, free-thinking Sue who was not afraid to mix with men, is uncomfortable in her new position in marriage. Later, while planning for her wedding ceremony with Phillotson, Sue is confronted with the unequal terms in the marriage ceremony. The marital terms deprive women of their individual rights as human beings equal to men and they put them under the suppression and control of men. It turns out that marriage is not a romantic choice rather an institution of control, which regards women inferior to men. The tradition of giving away the bride is very humiliating because it treats women as a property or an object (dowry), which can be exchanged between fathers and husbands. As a sign of her disappointment, she says:

I have been looking at the marriage service in the Prayer-book, and it seems to me very humiliating that a giver-away should be required at all. According to the ceremony as there printed, my bridegroom chooses me of his own will and pleasure; but I don't choose him. Somebody *gives* me to him, like a she-ass or she-goat, or any other domestic animal. (146)

Marriage threatens Sue's feminist and individual identity because it brings about her subordination and enslavement to her husband and her domestic role. Marriage does not offer Sue the freedom she thought she would gain in her marriage with Phillotson. Instead, this institution depersonalized Sue. This means that Sue is deprived of her characteristics and individuality. The "sordid contract" (182) that is based on material benefits harms Sue because it regards her as a domestic servant. After her marriage, Sue finds out that the equal recognition between genders in marriage was illusory because she exchanged the control of a father to that of a husband. Instead of accomplishing more freedom and asserting her individuality and personality, Sue put herself under more suppression. In fact, the Victorian marriage had one obvious feature in common with slavery; in marriage, as in slavery the bounded party was required to take the master's name upon bondage, making the wife a slave of her society, husband and conventions. (Morgan 120). This is evident when Sue is obliged to take Phillotson's name. Sue feels that she is not the same liberated person she was before her marriage with Phillotson. When Sue meets Jude after her marriage with Phillotson, Jude realizes her loss of identity. After marriage she became "labelled 'Phillotson'" (162). In taking up Phillotson's name, Sue becomes enslaved to her husband, conventions and society. She loses her entity to her husband and becomes his personal possession.

Another characteristic of this marital "slavery" was women's sexual obligation. Under the prevailing matrimonial law, the wife has sexual obligations towards her husband and if she denies him the right for a sexual intercourse, she is found guilty and lost her rights (Calder 22). Jude recognizes Sue's enslavement to the domestic obligations in marriage, which give the husband the legal right to have sex with his wife. Jude tells her that: "Mr Phillotson obliges you in everything, as he ought" and she confirms "Of course" (162). Marriage is cruel to Sue because it takes her free will and obliges her to have regular sexual intercourses with her husband. Sue's terror of the sexual obligation is indicative of her physical objection to marriage and the obligations it entails. Sue tells Jude that even if a woman has any objection towards matters regarding sex, she cannot go against social expectations of her race. She tells him

Wouldn't the woman, for example, be very bad-natured if she didn't like to live with her husband; [.....] merely because she had a personal feeling against it-a physical objection-a fastidiousness, or whatever it may be called. (182)

Hardy promotes Sue's and Jude's relationship as an example to show that a successful relationship can exist beyond of matrimonial laws. In the fourth chapter "The Ideal of Marriage", Mill defines the essence of a successful relationship to be, "a union of thoughts and inclinations" that created a "foundation of solid friendship" between husband and wife (Shanley 63). Hardy suggests that there are other alternative ways to find happiness in a relationship such as cohabiting. He highlights that these free unions are "true marriages", unlike the broken ones that legal marriages held. When Sue obtains divorce, she refuses to enter matrimony because she fears that marriage kills love as she questions the meaning of marriage. Sue feels afraid of traditional marriage and the oppression it imposes on women. She would rather continue living in sin than remarry. She tells Jude that she dreads that,

an iron contract should extinguish your tenderness for me, and mine for you [.....] I think I should begin to be afraid of you, Jude, the moment you had contracted to cherish me under the premises by you- Ugh, how horrible and sordid! Although, as you are, free, I trust you more than any other man in the world. (226,227)

Sue is a woman of her time. Victorian society was not ready to accept new social or moral changes. Sue's attitude towards marriage at the time *Jude the Obscure* was published in 1895 was scandalously unconventional because she attracted the attention of many readers to the oppression of this social institution and suggested a union free from church and state domination. When her legal marriage breaks down, Sue turns to the "true" marriage of heart and soul. She leaves her husband and joins Jude. Their union contradicts the Victorian legal "padlock" (338) and the two lead a life free from "the established systems of restriction" (Calder 166). Her distinctive views of the social institutions such as marriage and divorce reflect the growing intellect and awareness of women's role in social and private lives at the end of the nineteenth century. Sue has modern ideas about the ideal relationship between two people. She

says to Jude that she prefers to live in sin and in a spontaneous relationship based on love and free will than being unhappy and married. She says:

But I think I would much rather go on living always as lovers, as we are living now, and only meeting by day. It is so much sweeter-for the woman at least [...] about appearances. (227)

Hardy highlights the union of love and affection instead of the licensed contract of marriage. Sue and Jude reject to remain in their unhappy marriages. When they obtain divorce from their previous spousal partners, they initiate a new kind of relationship, which was probably known as “companionate marriage” in Victorian England (Saleh & Abbasi 53), and which was considered as illegal. Sue’s union with Jude is the kind of ideal union. Hardy suggests this union as an alternative for the cruel institution of marriage, which held unhappy relations instead of a free relationship. He suggests a union free from obligations, suppression, legal and financial benefits. When Sue leaves Phillotson and the unhappy marriage that she was stuck in, she liberates herself from the legal obligations of the legal contract. Her divorce gives her the individuality and independence she enjoyed before her marriage. She says: “Are we-you and I – just as free now as if we had never married at all?” (225). Later, Sue tells Jude that the next generations will pursue their path and will refuse the traditional and cruel terms of this institution and couples will live as they like. She says:

We are a little beforehand, that’s all. In fifty, a hundred, years the descendants of these two will act and feel worse than we. They will see weltering humanity still more vividly than we do now, as ‘shapes like our own selves hideously multiplied. (252)

Clearly, the legal position of cohabiting woman and their illegitimate children made women’s condition unendurable and more oppressive. A woman living in sin had no legal claim to the status of a wife and without a legal marriage, a family lost many benefits, particularly women and children (Frost 11). However, being unmarried and living in sin is only part of the problem because children born to these cohabiting couples were illegitimate and had no legal rights. Little Father Time is aware of the economic and social burden children have on their parents. He feels the shame and society’s rejection of illegitimate births when his family is denied a lodging in Christminster. In an attempt to stop the suffering of his parents, he kills

himself with the other children. It is not only parents who suffer the cruel terms of social institutions. This cruelty extends to their children and damages them. Little Father Time is a symbolic character who draws the reader's attention that the law and the cruel terms of the institution of marriage have mistreated children as much as women. Following the tragedy, the perfect union between Sue and Jude is broken. Sue argues that the mutual harmony between them is lost after the death of their children. Sue says: "O my comrade, our perfect union-our two-in-oneness is now stained with blood!" (300). Sue, once independent and fearless, breaks down, but not due to her weakness, but she falls under the weight of her calamity and tragedy. Sue feels guilty and responsible for the death of her children and considers her tragedy as a kind of punishment for her illegal relationship with Jude.

Cohabitants were victims of the institution of marriage, which regarded only traditional marriage as legal and legitimate. Marriage is only a means to control the lives of people. Though Jude and Sue are victims of the cruel terms of marital laws, marriage was much more unfair to Sue than Jude. Hardy chooses this tragic end to show the cruelty of the social institution of marriage against any declaration of love and sexuality outside of wedlock. When Sue and Jude did not choose to abide by the marital laws, they were disadvantaged and rejected by conservative society. It seems that the institution of marriage punished Sue and Jude by rejecting them and denying their existence legally and socially disadvantaging their families and children. Sue thinks that she is being punished because she chose to live in sin instead of traditional marriage. She thinks that her children are dead because she chose to live freely and rejected the laws, which she was supposed to follow. She says:

I see marriage differently now. My babies have been taken from me to
Show me this!.....the right slaying the wrong. What, what shall I do!. (310)

The tragedy makes Sue blind to the fact that men are also victims of the cruelty of this institution. They suffer and offer as much as women. Jude loses his job, his dreams in studying divinity and his children. The marital laws harm men too as much as women. He tells Sue:

Still, Sue, it is no worse for the woman than the man. That's what some
women fail to see, and instead of protesting against the conditions they
protest against the man, the other victim. (253)

On the whole, *Jude the Obscure* remains Hardy's most prominent novel because of his presentation of controversial debates at that time such as marriage and women's role in this institution. Margaret Oliphant is right to consider Hardy among "The Anti-Marriage League" because Hardy writes to defend love and attack marriage. Marriage does not live up to Sue and Jude's expectations as the two are oppressed by the rigid marriage laws. Finally, this novel is Hardy's last say about unhappy relations and he was successful in conveying his message about marriage and femininity.

3.2. Legal Union (Sue & Phillotson / Jude & Arabella)

Hardy attacks the failure of the institution of marriage to bring happiness to the lives of his main characters when their relationships fall apart. Sue and Phillotson as well as Jude and Arabella suffer the devastating consequences of their unhappy nuptial life as they experience tragedy and isolation throughout the novel. These relations are Hardy's plain attack against this institution that held loveless marriages despite personal distress instead of successful relations outside of wedlock.

3.2.1. Sue and Phillotson

Hardy questions the validity of the marriage contract through the unhappy marital lives of his characters. Hardy displays that any marital relationship conducted for other motive than mutual love is damned to failure and will bring pain. Sue initially marries Phillotson to prevent her expulsion from the training school where she studies to become a teacher. She thinks that she is going to be happy in her new role in marriage, but when she discovers the cruel terms and marital obligations she becomes reluctant to perform her duties. Her view of Phillotson changes after her marriage. He is not only old enough to be her father, but he is also sexually repulsive to her and a traditional man in his view of life and matrimony. It seems that Phillotson is the problem because his age and intellect does not match with Sue's. This contradiction brings their downfall. Jude realizes that Sue is incapable of playing the role of the virtuous wife with a man she dislikes physically and emotionally. He tells her:

the slim little wife of a husband whose person was disagreeable to her [...] quite unfitted by temperament and instinct to fulfil the conditions of the matrimonial relation with Phillotson. (189)

In fact, sexual incompatibility between Sue and Phillotson is one of the main reasons that their marriage falls apart (Saleh & Abbasi 53). At that time, women had no sexual knowledge about marriage. the only way to experience their sexuality was through marriage. Sue expresses her fear of marriage and the sexual act when she gets married. She tells Jude: “What tortures me so much is the necessity of being responsive to this man whenever he wishes” (184). Indeed, Sue’s sexual ignorance brings more pain and sorrow to her life with Phillotson. On several occasions, Jude tries to draw her attention to the sexual obligation in marriage before she marries, but Sue ignores his remarks. He keeps telling her several times: “O Susanna Florence Mary! [...] You don’t know What marriage means” (146). It is only after her marriage experience that she is able to understand his warning. Sue thinks that there is one thing that is worse than Phillotson’s hideous sexuality, which is to get used to perform this marital duty to her husband. She explains to Jude that:

And it is said that what a woman shrinks from – in the early days of her marriage- she shakes down to with comfortable indifference in half-a-dozen years [.....] the amputation of a limb is no affliction, since a person gets comfortably accustomed to the use of a wooden leg or arm in the course of time! (184).

The sexual obligation in the institution of marriage is one of the reasons why Sue and Phillotson’s marriage fails. The issue of sexual obligation was much more complex. A woman’s refusal of her sexual duty in marriage was an act against the law, which required the state’s intervention and punishment. In turn, husbands took advantage of the unfair legal state of women and forced their will on their wives. Legal marriage turned men into “chartered robbers” of their wives’ bodies through state-sanctioned rape (Franeý 162). Though the term “marital rape” was not common at that time, there was a huge debate about whether women had the “legal right” over their bodies. It meant that wives submitted to their husbands’ sexual needs only in fear of being punished because the law regarded the act of sex as a wife’s obligation (Franeý 161). Phillotson’s flaw is that he fails to realize Sue’s “terror” of a sexual intercourse with him. In fact, Phillotson is a model of the male and sexist view in Victorian society. For

Phillotson, the wife is morally obliged to perform her sexual duties towards him in marriage because he has the right to exercise his conjugal rights over her. He does not realize the sexual incompatibility in his marriage with Sue. For Sue, sexuality is not the ultimate goal of marriage, while for Phillotson it is the ultimate reason for marriage. The contradiction between the two breaks their marriage. Sue debates with her husband, but the discussion finally collapses. For Phillotson, marriage is all about sexual obligation. He is blind to the fact that this obligation harms Sue. He says: "What then was the meaning of marrying at all?" (192). He reminds Sue that it is a serious crime if she denies him his sexual right and he says: "But you are committing a sin in not liking me." (193). However, Sue realizes that there is no legal way to free herself from this obligation. She pledges to Phillotson to let her go.

Hardy considers Phillotson, like Sue, a victim of society's endorsement of normativity and morality. Phillotson is criticised for his behaviour with Sue and for letting her get away without any punishment. However, Phillotson is liberal in his behaviour, he lets Sue go with the man she loves and takes all the blame. Indeed, Phillotson can proclaim and exercise his "Legal Right" upon his wife to "put her virtuously under lock and key" (202), but he is unwilling to do this. Though, he is aware of his legal right, he refuses to take advantage of the law and force Sue to live with him. He says: "but I wouldn't be cruel to her in the name of the law" (206). Phillotson, like Jude and Sue is a victim of the cruelty of the institution of marriage. He is totally conscious of the consequences of his action that would dissatisfy his society. Because of his sympathy with Sue, Phillotson loses his job at the school where he was teaching, his money and his social standing.

Hardy suggests the possibility of divorce as a release from the marriage laws, which contribute to the suffering of Sue and Phillotson. Hardy's characters protest against the institution of marriage, which made it difficult for the middle and low classes to afford the high expenses of it. Sue is liberal in her view of divorce. When Sue realizes that she and Phillotson are not the perfect match, she applies for divorce to gain her freedom. She explains to her husband the cruelty of the legal terms, which do not grant women divorce for reasons other than infidelity. She says "What is the use of thinking of laws and ordinaries [...] If they make you miserable when you know you are committing no sin?" (193). Sue suggests the total abolition of the laws of marriage that make people suffer for the rest of their lives. She says: "Domestic laws should be made according to temperaments [...] the very rules that produce comfort in others!" (193). Marital laws and divorce were controversial political issues. In *Jude the Obscure*, Hardy tries to reflect part of the complexity of these debates on the lives of his married couples and show the damages these laws have on the lives of bounded couples.

Indeed, Hardy's negative view on marriage is repeatedly emphasized through his characters involvement in marriages, which they are unfit for taking, and this is expressed through Jude, Sue, widow Edlin and Phillotson through the novel. For Jude, marriage is a "fanatic prostitution" (319) for Sue it is an "iron contract". Phillotson, meanwhile, confesses that "I took advantage of her inexperience" (201). The widow Edlin is perhaps the character that best sums up Hardy's own view when she says that marital ceremonies kill love and they are no more happy ceremonies. She says: "Weddings be funerals" (353).

3.2.2. Jude and Arabella

Two women (Arabella and Sue) play essential roles in the exploration of Hardy's ideas about marriage. Arabella Donn is seductive, intelligent and uneducated, while Sue Bridehead is active, lively, free and spiritual. Arabella tricks Jude into marriage twice. The first meeting between Jude and Arabella takes a sexual turn, as Arabella hits Jude with a pig's penis when he was dreaming about his future in divinity. Jude is attracted to the sensuous Arabella. Hardy's language in describing Arabella is animalistic. Her animalistic nature exposes her real sexual nature. He describes her thus: "She was a complete and substantial female animal" (30). Hardy dehumanizes her in order to reflect society's sexual opinion of women. Arabella is a deceitful woman in her nature. She takes advantage of Jude's immaturity in order to trap him into marriage. However, Arabella acts the way she has to because she is a powerless person. She is aware that a woman cannot survive on her own because she needs a husband to take that responsibility. Like Sue, Jude and Phillotson, Arabella is also a victim of the social institution of marriage and its rigid laws. She is powerless without a husband and inheritance. Her close friends are aware that she uses her sexuality, which is her only means to catch a suitable husband. Arabella and her friends mock Jude's immaturity about sexual matters. They think that it is easy to deceive him into marriage because of his simplicity. They tell her that, "he's as simple as a child. I could see it as you courted on the bridge, when he looked at 'ee as if he had never seen a woman before in his born days" (34).

Arabella is Hardy's critique against the traditions of the institution of marriage and the wedding ceremonies. Hardy is ironical in the way he describes the exchange of the marital oath between Jude and Arabella. Both promise to continue their lives on the basis of a temporary sexual attraction. Hardy questions the validity and trustworthiness of marital vows, which are based on temporary affections and not mutual love and understanding. During their wedding

ceremony, the couple promise to deliver emotions they already do not have. Hardy's biting critique is evident:

And so, standing before the aforesaid officiator, the two swore that at every other time of their lives till death took them, they would assuredly believe, feel, and desire precisely as they had believed, felt and desired during the few preceding weeks. What was as remarkable as the undertaking itself was the fact that nobody seemed at all surprised at what they swore. (46)

Through Jude and Arabella's marital relationship, Hardy protests against the unequal and unfair terms of the institution of marriage on men and women. On the one hand, Jude loses his dreams of studying in Christminster and he is compelled to stay in a marriage, which he dislikes. He acknowledges that the institution of marriage made it almost impossible to undo marriages due to the high expense and the long legal process of divorce. He says there is "something wrong in a social ritual which made necessary a cancelling of well-formed schemes involving years of thought and labour" (50). On the other hand, Arabella, who is unmarried and pregnant, cannot survive society's ruthless conviction. She becomes also a victim of her time because she has no other option. Even Jude is aware that his marriage and Arabella's is a "mistake" (50). He protests against the legal terms that destroy the life of men and women. He says to Arabella that marriage is like "to be caught in a gin which would cripple him, if not her also, for the rest of a life time" (50).

Marriage fails between Jude and Arabella, as it does between Sue and Phillotson, because of bad choices and the cruelty of the marriage contract and law that bind people for life. Their union breaks down not only because of the absence of the most essential part in marriage, love, between a husband and wife, but also due to the legal terms of the institution of marriage that made it difficult to separate. While for Sue marriage is a "trap" (237), it is "more business-like" (236) for Arabella.

Though Sue and Arabella contradict each other in their conception of marriage, both are victims of the same rigid marital laws. While Arabella cares for marriage only for the social and financial advantages it provides, Sue enters matrimony and discovers the difficult situation of women in marriage. Both women feel the suppression of this institution on women and the weak legal state of women in marriage. Sue becomes reluctant to perform her sexual obligations. She loses her career of becoming a teacher, her children are killed due to the weight

of society's convictions on illegitimate children. She returns to her first husband to punish herself and converts her conventions and changes her mind. Arabella, on the other hand, survives, but not due to her respect for marriage but because she knows how things are done in society and she succeeds in finding a husband after the death of the previous.

Hardy's criticism of the social institution of marriage is evident in the ironical way his characters constantly change their personal view of marriage. Arabella turns to Christianity after the death of her second husband only to find it "Righter than gin" (275). She pretends to be a moral and Christian woman only to catch a new husband. Sue, on the other hand, embraces the traditional thoughts she previously rejected and returns to marriage only to punish herself for the tragedy and her disobedience. At the end, Hardy gave Arabella the last word in his novel to comment on Sue's misery in her nuptial life with Phillotson because he knew that Sue's marriage is not a happy one and Arabella is aware that she will never find peace and love with Phillotson. When the widow Edlin tells her that Sue has finally found peace in marriage, Arabella says: "She's never found peace since she left his arms, and never will again till she's as he is now!" (362).

4. Conclusion

The Victorian novelists reflected the social and urgent human anxieties of their time. Many of them criticised the moral and social institutions, especially those institutions that were concerned with domestic relations such as marriage in many different ways. Hardy was one of those novelists who represented his social environment that was changing rapidly at the end of the nineteenth century. He felt deeply about his society's problems and introduced characters who refused marriage vows and craved further dimensions and freedom for their lives, such as Jude, Sue, Arabella and Phillotson. Though the institution of marriage damages both men and women, women were more disadvantaged because they had no legal or equal claims like men. Hardy's women best articulate his objection to the legal terms of this institution. Though Sue and Arabella have different characters, they are critical to traditional marriage. For Sue, marriage is an iron contract, which is based on inequality, suppression of women and sexual obligation. For Arabella, marriage only matters for the social and financial advantages it provides. As for the men, they were also victims of the social and legal terms of this contract. They lose their jobs and their whole lives are ruined. Hardy uses the disastrous marital unions to shed light on the flaws of the social and religious institution of marriage and the cruel terms

that bind couples for life despite of their unhappiness. There should be other alternatives than being married and unhappy and divorce should be easier to obtain on equal terms because broken marriages are not fair to men or women. Sue and Jude's union becomes an example of how a true union of love and mutual affection should be. Sue Bridehead, the model of the New Woman of the late nineteenth-century refuses marriage as the ultimate goal of her sexuality. She refuses the unequal terms of the marriage ceremony and the total subordination of women to men's needs and calls for a new non-marital relationship with men to live in happiness.

Hardy's novel successfully reveals his new and unconventional ideas about marriage, divorce and femininity at the end of the nineteenth-century England. He advocates free love instead of the legal contract that imprisons couples for eternal unhappiness. Sue's sexual freedom from Phillotson is, therefore, a freedom from male domination and her ideal union with Jude is based on moral and sexual equality between man and woman. Sue and Jude's dream of an ideal union of mind, soul and body is ahead of their time as society was not ready to accept new ideologies. Consequently, Hardy became the target of a hostile criticism for his contribution to debates regarding the "New woman", especially in his introduction of Sue Bridehead, a model for the feminist movement. His novel remains a valuable contribution to the role of women in marriage. He stresses the necessity to free women from the Madonna image of virtuous wife and mother and introduces active, free-thinking women for whom marriage is not a desirable goal like Sue. Thomas Hardy, like his characters, was representative of his time. Hardy advocates a free union outside wedlock like the one between Jude and Sue in contrast to the legal union that fails between Sue and Phillotson and Jude and Arabella. Hardy shows that Jude and Sue fail in their pursuit of happiness not because of the lack of affection, but mainly because of the cruelty of the social and legal terms in the institution of marriage, which bring them tragedy and death at the end. Phillotson, Arabella and the aunt are typical stereotypes of that age, though some of them wish a real change, but they do not dare to face the consequences. In contrast, Sue and Jude are the ambassadors of love in this novel. At the end, their death may be the only way to join together, though cruel, but that's how Hardy illustrates it. *Jude the Obscure* definitely had the last say about love and marriage before Hardy abandoned fiction-writing and devoted himself to poetry for the rest of his life.

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