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“I wondered at her silence”: *Jane Eyre's* Wrestle with the Bystander's Dilemma

Rose Evelle Hadden

A thesis submitted to the faculty of
Brigham Young University
in partial fulfillment of the requirements for the degree of
Master of Arts

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ABSTRACT

“I wondered at her silence”: *Jane Eyre's* Wrestle with the Bystander's Dilemma

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For the last forty years, *Jane Eyre* criticism has understandably focused on Bertha Mason Rochester as a marginalized, abused, and silenced mixed-race woman. Although Jane's childhood friend Helen Burns is a very different and much less controversial character, she and Bertha suffer similar deaths from the culpable neglect of their guardians. Both women serve as the impetus of a bystander's dilemma: the perennial question of whether a person is obligated to protect another's life or dignity at the risk of his or her own. Because contemporary law imposed no duty to rescue upon bystanders, this paper uses the commentary of Victorian legal theorist John Austin to create a standard against which to judge the ethical merit of the choices made by bystanders throughout the novel.

Maria Temple, superintendent of Lowood, is a bystander to the fatal abuse heaped upon her students; she has the power to expose the school's brutal conditions, but chooses to remain silent so that she can keep her job and her limited power. Her choice, while practical, makes her complicit in Helen's death. When Jane becomes bystander to Bertha's dangerously negligent captivity, she chooses to flee Thornfield rather than intervene. Though many critics have decried her selfishness, Jane makes a practical and ethical choice because she has so little chance of helping Bertha and so much to lose in the attempt. Just as Miss Temple is able to protect Jane because of her self-serving decisions, Jane in turn is able to protect Adèle. Yet all these successes are predicated upon earlier neglect of persons unable to protect themselves, as Helen and Bertha remind us. There is no comfortable solution to the bystander's dilemma.

Keywords: *Jane Eyre*, law and literature, Lowood, duty to rescue, bystander's dilemma

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“I wondered at her silence”: *Jane Eyre's* Wrestle with the Bystander's Dilemma

Who is responsible for the death of Helen Burns?

The question is more complicated, and more significant, than it might at first appear.

Helen's death does not seem to be particularly noteworthy; she dies peacefully in Jane's embrace after a long struggle with tuberculosis exacerbated by a typhus outbreak: “Miss Temple [. . .] had found me laid in the little crib; my face against Helen Burns's shoulder, my arms round her neck. I was asleep, and Helen was—dead” (Brontë 70). It is a quiet, unremarkable death, particularly when compared to Bertha Mason Rochester's dramatic and problematic jump from the burning battlements of Thornfield Hall (365). In comparison with the incendiary suicide of a silent, dehumanized, incarcerated, mentally ill Jamaican woman, the natural death of a white middle-class Victorian schoolgirl naturally pales. Yet the two characters' ends are the result of remarkably similar power imbalances, and an examination of Helen's life and death can offer new insights on how we are to read Bertha's.

The commonalities between the brief, restricted lives of Helen and Bertha draw our attention to the importance of their deaths in Jane's narrative. Like Bertha, Helen is a powerless female character held in unsafe conditions—an under-heated, insalubrious girls' boarding school—that drastically increase her chances of dying from her escalating illness. Just as Bertha is severed from her homeland of Jamaica, Helen is far from her home in Northumberland and powerless to return (46, 48). Both live and die under the management of men who are, at best, indifferent to their health and well-being, and under the observation of women who lack the power to provide meaningful assistance. The similarities of experience are apparent despite the widely disparate amounts of information we receive about the two characters. We know

maddeningly little about Bertha; she is visible for only a few brief moments of the novel, and most of what we learn of her history and character comes second-hand, through Mr. Rochester or the host of the Rochester Arms Inn. By contrast, we know much of Helen, as Jane is her intimate companion and eyewitness to the last few months of her life. Jane sees in great detail the dynamics that drive towards Helen's death: Mr. Brocklehurst's desire to starve and shame his charges to heaven, Miss Temple's impotent efforts to mitigate his cruelty, and the donors' tragic ignorance which prevents them from providing help before it is too late. This wealth of detail that illuminates life at Lowood helps us to fill in some of the gaps in our understanding of Thornfield, clarifying the power dynamics that have been the focus of much *Jane Eyre* scholarship in recent years.

Bertha and Helen, while decidedly different people, find themselves trapped in much the same situation, and the repetition of their circumstances merits attention. Legal scholar Anita Allen describes Bertha as a "morally blameless" character subject to the "tortious [wrongful] lapses of reasonable care by her guardians" (188–89). Though Helen is physically, rather than mentally, unwell, she is also a blameless character who dies through culpable neglect. Yet the two characters have, as a pair, been overlooked in *Jane Eyre* scholarship. Despite the work of Sandra Gilbert, Susan Gubar, Gayatri Spivak, Kelsey Bennett, and others tracing the parallels between Jane and Bertha, or that of scholars like Kirstin Hanley who trace the connections between Jane and Helen, no one has yet explored what the novel can tell us if we take Helen's and Bertha's circumstances as a deliberate parallel. Though Helen and Bertha are drastically different people—sane and mad, poor and wealthy, English and colonial, articulate and silenced—they are both the impetus of an ethical problem sometimes called the bystander's dilemma.

I draw this term from the International Committee of the Red Cross, an organization devoted to alleviating human suffering through the coordinated efforts of volunteers and donors whose origins date back to 1863, just sixteen years after *Jane Eyre*'s publication. A bystander is "someone aware of an incident, without being involved, where the life or human dignity of others is in danger" (ICRC 5), and the bystander's dilemma is the problematic question of what a bystander should do when his or her own safety or well-being could be endangered by choosing to interfere in the incident.¹ Victims and bystanders were a major topic of nineteenth-century debate, as manifested by the formation of numerous aid societies, each presenting a slightly different set of priorities as to who should be helped, by whom, and at what cost or risk. The most salient text in the debate may have been Henry Dunant's 1862 treatise *A Memory of Solferino*, which launched a continent-wide debate that culminated in the founding of the Red Cross and the first Geneva Convention of 1864 (A. Bennett 27–29).² Dunant's advocacy led to the bestowal of neutrality, and all its attendant legal protections, upon those bystanders engaged in helping the wounded in wartime. In Dunant's book, however, he does not suggest that a bystander might be legally obligated to provide aid (Dunant 130–31). The bystander's dilemma thus remained an exclusively ethical question, rather than a legal one, in the nineteenth century.

Although many European nations have since codified neglectful bystanding as a violation of the law, neither Great Britain nor the U.S. have followed suit. British law imposes no punishment upon a bystander for failing to intervene, whether or not they would incur any risk to themselves: "Absent a limited number of narrow exceptions, there is no duty to rescue,

¹ This is not to be confused with the bystander effect, or diffusion of responsibility, where an increase in the number of bystanders at an incident has a negative effect upon the likelihood that any one of them will offer help. See www.psychologytoday.com/basics/bystander-effect.

² Jean-Henri Dunant, first recipient of the Nobel Peace Prize, was travelling in Solferino, Italy during the second Italian War of Independence. Upon witnessing the aftermath of the battle between the Austrian and French armies, he organized local civilians in providing aid to the wounded from both sides.

regardless of the ease of rescue and the consequences of non-rescue” (Hyman 1).³ This legal precedent has remained unchanged from Brontë’s time to our own. This means that, in the U.K. and most states⁴ of the U.S., bystanders could watch a baby drowning in a bathtub (provided they did not put it there) or a train run over a person who has fallen on the track (provided they did not push that person), without lifting a finger to help, and not be held legally liable.⁵ As Lord Diplock observes in the 1983 case of *Reg. v. Miller*, “The conduct of the parabolical priest and Levite on the road to Jericho may have been indeed deplorable, but English law has not so far developed to the stage of treating it as criminal” (2). This precedent means that many acts of neglect that could be considered morally reprehensible are unpunishable according to the strict letter of English or American law.

It is for this kind of neglect, ethically problematic but legally untouchable, that Jane has been condemned by some modern readers. She directs all her attention—and, as first-person narrator, thus directs ours—to her own concerns and emotions, leaving little to spare for her unfortunate housemate, Bertha. Jane is an observer, rather than an actor, in the Rochester household; she beholds Bertha’s incarceration and neglect with an uncharacteristic lack of empathy, identifying Bertha as “it” as often as “she” and never by name during their single page of direct interaction (Brontë 250). Jane’s disengagement has been the subject of criticism since the publication of Rhys’s *Wide Sargasso Sea* in 1966, which highlights Bertha as the far more

³ Exceptions include particular legal relationships, such as a parent or guardian protecting their child or a caretaker with their charge, where the victim’s safety is explicitly the legal responsibility of another person. Mandatory reporting by teachers of suspected child abuse is one example.

⁴ Ten U.S. states require that bystanders at least notify law enforcement of the need for aid: California, Florida, Hawaii, Massachusetts, Minnesota, Ohio, Rhode Island, Vermont, Washington, and Wisconsin. These laws are rarely applied.

⁵ For a more thorough exploration of the lack of a duty to rescue in Anglo-American law, please see Damien Schiff, “Samaritans: Good, Bad and Ugly: A Comparative Law Analysis” (2005), and Marin Roger Scordato, “Understanding the Absence of a Duty to Reasonably Rescue in American Tort Law” (2008).

interesting and laudable female lead character. Jane, as revolutionary as she is, is still fundamentally compliant and privileged, easily read in the twenty-first century as an iconic white feminist who congratulates herself on finding power and fulfilment while complacently ignoring the fact that her happiness comes from the exploitation of a woman more vulnerable than herself. Indeed, according to Gayatri Spivak, it is Bertha who exists to be useful to Jane: she is brought to England and into the novel in order to embody the colonized other and to destroy herself for the glory, benefit, and advancement of her imperialist double (251). Sandra Gilbert and Susan Gubar's analysis of Bertha also hinges on the question of how Bertha, "Jane's truest and darkest double" (360), functions in Jane's service, although they see her as an expression of all the anger against patriarchal oppression that Brontë cannot communicate through Jane. All these evaluations, feminist and postcolonial, focus on Bertha's role in facilitating Jane's growth. As Michele Cammers Goodwin points out, "For both women [Bertha and Jane], the novel is also about financial security and sanity—as one woman gains—the other loses; Jane's ascendance foretells Bertha's demise" (659).

Jane wins this zero-sum game, according to Anita Allen, because unlike Bertha, she conforms to the established rules of her society: "The narrative appears to share positivism's faith that adherence to established rules, principles, and authorities is conducive to happiness" (186). Allen draws upon the work of Brontë's contemporary, the legal theorist John Austin, to articulate this model of Victorian positivism, which posits that that which produces the greatest "general happiness or good" serves the "general utility" and is the closest approximation to the will of a benevolent God (Austin 31–34). Within positivism, obedience to the established, enacted law of the land is reliably moral, as an obedient population allows a society to remain stable and thus protect its citizens from the chaos of anarchy. Allen rightly connects this model

with Jane's dogged defense of the law as "given by God, sanctioned by man" (Brontë 270) and suggests that her eventual happiness comes through her virtuous refusal to commit adultery.

But Allen's argument focuses primarily on the novel's end and on its seeming espousal of an Austinian notion of virtuous obedience. It thus overlooks Brontë's repeated portrayal of "rules, principles, and authorities" that are clearly not conducive to either individual or societal good, and indeed lead directly to Helen's and Bertha's preventable deaths (Allen 186). John Austin mentions the possibility of societies governed by unjust laws, where lawful conduct is, in fact, detrimental to the common good, but he insists that such societies are "of comparatively rare occurrence" (46). *Jane Eyre*, however, insists that harmful authorities proliferate among the isolated houses and schools of England, and their existence undermines Austin's positivist conclusion that submission to authority, morally speaking, is always the safest bet. Inside such communities as Lowood and Thornfield, ethical conduct is divorced from obedience to authority, and moral decisions become much more fraught. In order to serve the common good, bystanders in these households cannot trust the unity of morality and obedience and, setting aside the law on its own authority, must judge for themselves how best to promote the general happiness. The presence of endangered victims, such as Helen and Bertha, changes Austin's "rare" hypothetical into an urgent and immediate moral question with no clearly established answer.

The immediacy of this problem indicates that Jane dwells in what Brook Thomas might call the "ragged edges" of Austinian thought (235), the unforeseen real circumstances that reveal the limitations and contradictions of Austin's legal theory. By viewing Lowood and Thornfield as micro-scale societies in the mold of Austin's formalist ethics, we can see how Brontë demonstrates the inherent conflicts that underlie his assumptions. Jane complicates Austin's seemingly simple goal of general utility by observing how often one character's safety and

prosperity are dependent upon the endangerment of another. Her life refuses to conform comfortably to the Austinian narrative that obedience brings happiness to the individual and stability to the group; in Jane's world, forever lacking a trustworthy governing body to advance the common good, the responsibility for ethical decision-making falls upon the shoulders of bystanders. Jane learns from Miss Temple how to be an effective bystander, weighing the evil done by the commands of a male head of household against the risks and possible benefits of disobedience in defense of the house's helpless subjects. By examining Jane's time at Lowood as an education in the bystander's dilemma, and her time at Thornfield as an application of those lessons, we can see how Jane's decision to abandon Bertha is a natural result of a much more nuanced Austinian moral calculation than we have previously credited her with performing.

To examine Jane's role as a bystander and its ethical implications, this paper will first explore the circumstance of her bystanding with regard to Bertha and the arguments from modern critics that condemn her conduct as unethical. I will then explore the logic that informs Jane's explanation of her inaction. I will use John Austin's legal theory to examine Jane's education in moral calculation through her teacher, Maria Temple, who trades submission to authority for some small power with which to do good. When Jane later discovers just how little power a comparable exchange with Rochester would win her, her calculation requires that she flee Thornfield and reject the role of bystander entirely. My intent is neither to condemn Jane for her cruelty nor laud her for her wisdom, but to bring to light the uncomfortable moral questions of bystanding with which Brontë so honestly and unflinchingly wrestles.

1. Bertha the Victim, Jane the Bystander

Critics, most notably Anita Allen and Michele Cammers Goodwin, have expressed frustration with Jane's lack of empathy towards Bertha. However, Jane's disengagement is more

understandable if it is examined in the greater context of victims and bystanders that appears earlier in the novel.

Jane lands in the role of bystander through her relationship with her employer, Edward Rochester, who has secretly brought his wife Bertha to England from her homeland of Jamaica and has had her declared insane. Although Rochester insists that he has no wish to “indirectly assassinat[e]” (Brontë 256) his wife by housing her in damp and unhealthy quarters, his actions belie his self-absolving declaration. He confines Bertha to the third story of his manor house at Thornfield and leaves her under the confidential care of only one keeper, Grace Poole. Grace is an established alcoholic; when she is drunk, Bertha is able to escape her rooms and roam about the house, “doing any wild mischief” that her mental illness suggests to her, including the attempted murders of both her husband and her brother (364). These episodes escalate throughout the novel, in a clear pattern indicating that someone is likely to end up seriously hurt. Rochester knows of Grace’s alcoholism and the consequent “temporary lapses” in her supervision of Bertha; however, he never hires a second caretaker, even though he knows Grace’s son is employed at Grimsby Retreat and would be admirably suited to “give her aid in the paroxysms” of Bertha’s episodes (264, 257). In leaving Bertha in Grace’s exclusive charge, Rochester absolves himself of guilt without actually assuring his wife’s “safety and comfort” as he feels obligated to do (263). Eventually, Grace’s insufficient supervision proves quite as lethal as the damp could ever be; Bertha sets the house on fire and jumps from the battlements to her death (364–65). Rochester’s original intent is to marry Jane without informing her of Bertha’s existence; when Jane finds out anyway, she becomes a bystander to Bertha’s plight and must confront the dilemma of what, if anything, she ought to do about it.

Jane's primary response is to refuse to take advantage of Bertha as Rochester has been doing. She extends Bertha the courtesy of refusing to usurp her title of "Mrs. Rochester," insisting that within the legally sanctioned marital relationship between Bertha and Rochester "there is neither room nor claim for me" (255). She also makes one abortive attempt to induce Rochester to pity: "you are cruel to that unfortunate lady: you speak of her with hate—with vindictive antipathy. It is cruel—she cannot help being mad" (257). Yet beyond these gestures, Jane does nothing to assist Bertha. Although Rochester promises to provide more sufficient care for Bertha if Jane will live in Europe as his mistress, Jane chooses instead to flee Thornfield. She never even attempts to secure a promise from Rochester that he will hire the second caretaker he mentions. Her focus seems entirely on her own and Rochester's distress: "I thought of drear flight and homeless wandering—and oh! with agony I thought of what I left. I could not help it. I thought of him now—" (274). She expresses no lingering concern for Bertha, and leaves without having altered Bertha's circumstances for good or ill.

Some modern scholars assert that Jane ceases to be an admirable character when she refuses to act on Bertha's behalf. Michele Cammers Goodwin insists, "That [Jane] had the opportunity to advocate, even mildly, for Bertha's cause and chose not to do so seems inhumane and outrageous" (624). For Goodwin, this inaction makes Jane both cowardly and antifeminist, unworthy of veneration by modern readers. Anita Allen also decries Jane as no worthy role model: Jane is "a privileged, bourgeois, white Englishwoman with an admittedly miserable childhood who complains about women's inequality and poverty but does nothing about either" (175). "Jane lets me down," Allen mourns; "she is no longer a heroine meriting emulation" (176). This sense of betrayal is understandable; Jane herself does not explain or justify her lack

of interest in Bertha's well-being. It is an odd lapse in such an introspective and analytical first-person character.

Since Jane refuses to disclose her motivations, we must look elsewhere in the novel to find the reason for her oddly self-interested attitude. Conveniently, Brontë gives us a detailed account of a situation that parallels and foreshadows Bertha's incarceration in Thornfield: the first winter Jane spends at Lowood Institution, watching her friend Helen Burns slowly die of tuberculosis. At Lowood, Jane receives an education not only in French and drawing, but also in the judicial philosophy known as legal positivism, the principles of which influence her inaction at Thornfield Hall.

2. Brontë, Austin, and Legal Positivism

Nineteenth-century legal positivism, which overlaps with utilitarianism in defining morality in terms of that which promotes the wellbeing of society, infuses *Jane Eyre* with its promises of happy endings for good little governesses who refuse to commit illegal bigamy. Anita Allen frames Jane's departure from Thornfield as a positivist act, and Jane as the ideal positivist woman. However, Jane also frequently encounters circumstances that challenge positivism's fundamental assumptions and learns to push beyond its limits in striving to make ethical decisions.

Anita Allen illustrates, clearly and thoroughly, how the principles of nineteenth-century legal positivism inform Jane's decisions. Jane the positivist, Allen argues, accepts established English law as an ethical standard, assuming that *legal* conduct is by definition acceptably *good* conduct. Though she does understand the fundamental distinction between legality and morality, Jane uses her own judgment to conclude that the two frameworks support and validate one another within her society. As Allen argues: "The virtual unity of normative order—the

perspective embraced by a long line of English legal philosophers that the laws of God, civil government, moral custom, and the physical world require virtually the same conduct of human agents in viable societies—is the perspective embraced by Brontë’s heroine” (196). Jane, Allen insists, understands that it is not her place to try to overthrow, modify, or find loopholes in laws; rather, her own happiness is best served by obeying “the laws given by God, sanctioned by man” (Brontë 270), the concordant earthly and divine expectations for her behavior.

The particular philosopher that Allen mentions as the best articulator of Jane’s Victorian legal positivism is John Austin, who published his most notable work, *The Province of Jurisprudence Determined*, fifteen years before *Jane Eyre* went to press. Though there is no evidence to suggest that Brontë ever read Austin, his work serves as a coherent summary of the general assumptions of the age and a useful standard through which to understand Jane’s worldview. Austin postulates that the best index to the will of God is the principle of “general utility”: inasmuch as God loves human beings and desires their welfare, that which does the greatest good for the community as a whole is probably the closest approximation of God’s intent (Austin 54). He concludes that governments are generally good and should be revered and obeyed: “If we take the principle of utility as our index to Divine commands, we must infer that obedience to established government is enjoined generally by the Deity. For, without obedience to ‘the powers which be,’ there were little security and little enjoyment” (54). Austin thus uses general utility to conflate obedience to government with obedience to God, with security and enjoyment the natural consequence and reward of such behavior. At first glance, Jane acts in accordance with this moral framework, at least in her last few hours at Thornfield.

Certainly, her response to Rochester’s decidedly non-positivist arguments is in keeping with Austinian thinking. When Rochester attempts to differentiate divine mandate from “a mere

human law” against bigamy, Jane internally insists that the law is “given by God” and that her own judgment is compromised by her emotional involvement in the situation—she is “mad,” and to question the law would be an act of “individual convenience” rather than well-considered moral rebellion (270). Jane is eventually rewarded for this moral stand, leading Allen to insist that “[t]he novel also adopts [. . .] the virtual unity of actual and ideal law . . . the conduct that positive law [of modern civilizations] requires is, to a significant extent, the conduct that morality requires as well” (186). Because Jane allows her definition of morality to be shaped by what is legal in her country rather than by her own individual judgment, Allen claims, her consequent happy ending serves as an endorsement of this positivist decision-making model.

Yet this reading discounts Jane’s wide experience with dysfunctional societies throughout the book. Jane spends nearly all of her narrative in households where the laws established by that house’s ruling authority (its male head) are in direct contradiction to the positivist assumptions upon which Jane is taught to rely. At Gateshead, Jane is “habitually obedient”⁶ to her violently abusive cousin John Reed; the household servants, wary of offending “their young master,” observe her terror in deferent silence (Brontë 8). At Lowood, Mr. Brocklehurst requires the students to be kept hungry, cold, and humiliated; the teachers carry out his inhumane instructions despite the concerns they may have for the girls’ safety, and are rewarded with a deadly and preventable outbreak of typhus. Jane has a rich working knowledge of how obedience to authority can bring harm to both individual victims and to society at large. She regularly articulates the distinction between the morality of obedience to earthly authority and the larger positivist goal of service to her community’s well-being, as when she informs Mr. Rochester, “I like to serve you, sir, and to obey you *in all that is right*” (italics mine); Rochester rightly

⁶ The turn of phrase “habitually obedient” is telling, as it is used both by Brontë in her description of Jane’s relationship to John and by Austin in his description of a society’s relationship to its ruling authority (Austin 206).

understands and predicts that Jane, despite her penchant for obedience, will utterly refuse to obey a command she perceives to be *wrong*, no matter by what authority it comes (Brontë 185).

Although Austin tries to argue that earthly law and divine law are functionally parallel, Jane spends too much of her life under abusive, destructive governments to agree that the rule of law is generally a force for good.

Although Austin does address the possibility of a society that causes more harm than it alleviates, his analysis of such a circumstance never quite addresses what individual bystanders ought to do in such a society. He acknowledges that his theory has limitations, times when “the evil of observing the rule might surpass the evil of breaking it” (53), but hesitates to offer a pronouncement on the right course of action in such situations, for “[t]o measure and compare the evils of submission and disobedience, and to determine which of the two would give the balance of advantage, would probably be a difficult and uncertain process [which] might well perplex and divide the wise, the good, and the brave” (55). Instead, he offers a kind of formula for calculating whether disobedience is justified:

The members of a political society who resolve this momentous question must, therefore, dismiss the rule, and calculate specific consequences. They must measure the mischief wrought by the actual government; the chance of getting a better, by resorting to resistance; the evil which must attend resistance, whether it prosper or fail; and the good which may follow resistance, in case it be crowned with success. And, then, by comparing these, the elements of their moral calculation, they must solve the question before them to the best of their knowledge and ability (55).

Austin's calculation, however, has a gaping flaw when applied to *Jane Eyre*: it is only useful to those persons who have some reasonable chance of overthrowing and reestablishing their society's government, a position in which Jane finds herself only at the very end of the novel. He frames his argument in terms of "opposite parties," one supporting the established government and one calling for reform, each party able to bring the other to a negotiating table (56). Moral calculation is thus the responsibility of rulers, leaders, and organizations, with both a stake and, crucially, a say; in Austin's worldview, a solitary private individual, like a servant or a teacher, has neither the power nor the obligation to consider the question of just government. Young Jane herself articulates, in childlike simplicity, the problem of expecting powerless people to do good in the world: "I could not see how poor people had the means of being kind" (Brontë 20). To these persons, Austin counsels only obedience, reverence for the law and the ruler or rulers from which it springs, with the assurance that in the aggregate, such obedience will do good by allowing the continued functioning of a stable society (37–38).

Austin's dismissive counsel to the humble bystander is insufficient for navigating the troubled miniature societies of *Jane Eyre*. Jane brings our attention to the theme of abusive governments from the very beginning, and explicitly links national tyranny to domestic, when she accuses John of being "'like the Roman emperors!' I had read Goldsmith's 'History of Rome,' and had formed my opinion of Nero, Caligula, &c. Also I had drawn parallels in silence" (Brontë 8–9). Jane is not dealing on terms of equality with Austinian rulers who wish to promote the good of society; her opponents are Caligulas, wielding unseemly amounts of power with cruelty and unreasonableness. Under such despotic governments, the limitations of Austin's model are laid bare, and Jane is left to extrapolate beyond Austin to decide what constitutes a

moral course of action when acting against that government is impractical, but submission and acceptance are morally repugnant.

Throughout her story, Jane experiences abuse in household governments both as powerless victim and as a bystander with varying degrees of power to wield, from total helplessness at Gateshead to wealth and authority when she rescues Adèle at the end of the novel. In order to better understand her abandonment of Bertha at Thornfield, it is important to consider all the experiences Jane has had with the role of bystanders in abusive communities and the overarching virtue of general utility that Austin holds up as the ultimate goal of the law. Jane repurposes Austin's model of moral calculation for use by individual bystanders, employing it to weigh the potential good and harm of attempting to intervene on behalf of the abused people around her. It is a skill she learns in that excellent school of hard knocks: Lowood Institution.

3. Bystanders at Lowood

Lowood, the charity school that Jane attends as a child, is a case study of a potentially "too costly" government such as the one hypothesized by Austin. Within its walls, Jane learns the suffering that may be legally inflicted by such a system, and witnesses her teacher, Miss Temple, wrestle at length with the bystander's dilemma. The costs and outcomes of Miss Temple's choices influence Jane's decisions as an adult.

Though Lowood itself is not legally a sovereign nation (or what Austin would call an "independent political society"), it is a reasonable miniature of one. Austin requires an independent political society to have a "*determinate* and *common* superior" to whom the bulk of the society must be habitually obedient, "whilst that determinate person, or determinate body of persons, must *not* be obedient to a determinate person or body" (Austin 171–2). At Lowood, the Reverend Mr. Brocklehurst fills the role of determinate superior. The generality of persons at

Lowood are obedient to him, and though he is answerable to several superiors, none of them ever exercise their authority to undermine his at the school until the typhus epidemic hits. As a minister in the Church of England, Brocklehurst is answerable to a clerical superior, but that person is “his friend the archdeacon” (51), who has no interest in checking on his trusted subordinate. There is no school board to provide inspection and critique; Lowood is a private institution, and is thus answerable to no organizational oversight, as is observed by the Schools Inquiry Commission of 1868.

Private schools exist on their own merits; they owe no account to any one, they are subject to no inspection or control [. . .] [the schoolmaster] is free to choose his own course of teaching, to take this pupil and refuse that, to retain his pupils as long as he likes, or dismiss them for what cause he likes [. . .] The one Practical condition of his success is his satisfying the parents of his pupils.

(Schools Inquiry Commission Report, 104)

The parents of Brocklehurst’s pupils are, for the most part, dead. Helen asserts that “all the girls here have lost either one or both parents” (42). Her own father seems to still be alive, as she only informs Jane that “My mother is dead” when Jane inquires if she is an orphan, but he never appears in the text, even to attend his daughter’s funeral or furnish her grave with a marker. Nor does the law of England have the power to make Lowood a more just place: child abuse would not be declared illegal until the *Prevention of Cruelty to Children Act* of 1889, at least six decades in the future. In the 1820s, “children, like settled estates, were commonly perceived to be a species of property first and humanity second” (Ward 35). The well-being of children was considered the exclusive business of their parents or guardians, as “English law was extremely reluctant to intervene in family affairs, even to protect children against parental abuse” (Mitchell

40–41). As a proxy of parental authority, Mr. Brocklehurst holds absurd amounts of perfectly legal power with which to torture his students in pursuit of their salvation. The denizens of Lowood, sovereign and subjects, are functionally isolated from outside interference.

Jane is sent to Lowood by her aunt, who wishes to be rid of her by the cheapest and nastiest legal means possible: “I should wish her to be brought up in a manner suiting her prospects [. . .] to be made useful, and to be kept humble [. . .] I feel anxious to be relieved of a responsibility that was becoming too irksome” (Brontë 28–29). Mr. Brocklehurst shares Aunt Reed’s views, and strives to make his students humble by deliberately inflicting suffering upon them. He expresses vastly more pleasure at the thought of “a good little child, whose soul is now in heaven,” than the hale and hearty but supposedly wicked Jane (27). This good little child whom Brocklehurst has recently buried may have been another Lowood student; if so, Brocklehurst seems almost to be congratulating himself at having shepherded the five-year-old girl so directly to celestial bliss. Brocklehurst stands as a testament to how destructive a ruler can be, even in a modern, civilized, Christian society, a far cry from the merciful heads of state imagined by Henry Dunant: “Is there in the world a prince or monarch who would decline to support the proposed [Red Cross] societies, happy to be able to give full assurance to his soldiers that they will be at once properly cared for if they should be wounded?” (126). Yes; in Jane’s world, there is such a monarch, and his active desire for his students’ suffering demonstrates how dependent Austin’s utilitarianism model is upon the ruler’s goodwill.

The girls under Brocklehurst’s oversight at Lowood live in bitter cold and semi-starvation. The clothing the school supplies is unsuited for the winter weather, and the supply of food is “scarcely sufficient to keep alive a delicate invalid,” with the greater portion going to the older and stronger girls who are able to take it by force (Brontë 50–51). Unsurprisingly, these

conditions leave the student body vulnerable to a deadly typhus epidemic. Among the deaths during the epidemic is Jane's closest school friend, Helen Burns, her death facilitated by a long-established case of tuberculosis.

Throughout this ordeal, Jane holds herself back, maintaining her station as a powerless observer. Since she has learned at Gateshead the consequences of direct and outright defiance (being locked in the Red Room with her uncle's ghost as punishment for attacking her cousin), she forces herself to be circumspect in the interest of self-preservation. She has, in Austinian terms, learned the personal consequences of resistance to the household's government, and she has a much more realistic idea now of the miniscule chances of securing a better government by her own feeble power. She is still angered by cruelty, but forces herself to watch it in silence or, as a last extremity, to rebel behind the backs of authority, as when she sees Helen forced to wear a "Slattern" badge: "The moment Miss Scatcherd withdrew after afternoon-school, I ran to Helen, tore it off, and thrust it into the fire" (63). But this fit of temper is only an emotional vent, and not a real attempt to break the control Brocklehurst and his minions have over her life. As a small girl in brutal conditions, Jane must devote all her attention to her own survival as the winter grows colder, the older girls steal her food, and she is crowded away from the fire (50–51). She scarcely has the means to protect herself, much less anyone even more helpless, like Helen. For young Jane, John Austin's counsel of submission is reasonable and prudent, a course to assure her own survival.

Jane does, however, carefully observe the actions of the school's superintendent, Miss Maria Temple. Miss Temple is a woman of compassion and good sense who cares about the wellbeing of her students and is anxious to help them. Though she is only a subordinate, rather than a sovereign, in this society, she uses her limited power to mitigate the negative

consequences of the ruler's decrees. She repeatedly provides lunch on her own authority when breakfast is inedible (53), publicly clears Jane of the false charges Brocklehurst has made against her (63), and monitors with concern the progress of Helen's disease:

'How are you to-night, Helen? Have you coughed much to-day?'

'Not quite so much, I think, ma'am.'

'And the pain in your chest?'

'It is a little better.'

Miss Temple got up, took her hand and examined her pulse; then she was returned to her own seat: as she resumed it, I heard her sigh low. (Brontë 61)

Yet Miss Temple's kindness and support are curtailed by the Brocklehurstian government under which she lives; she refuses to take any action that could be taken as a challenge to her employer's authority. In keeping with Austinian principles, she values the continued functioning of the school and does nothing either to disrupt that or to damage her own position within it. This restriction proves fatal to Helen: in spite of all Miss Temple's efforts, Helen's health worsens drastically, and in the midst of the typhus outbreak she dies next to her teacher's empty bed (70).

Jane never seems to consider blaming Miss Temple for Helen's death, but in order to understand the implications of Miss Temple's decisions as a bystander, and her subsequent influence on Jane's choices, it is important to explore her role in the tragedy. She is clearly aware that Helen is in mortal danger. She has myriad opportunities to act on Helen's behalf. Some of these she takes, such as feeding Jane and Helen seed-cake in her room (61), but others she deliberately ignores, prioritizing the rule of law over Helen's immediate needs. She only moves Helen's bed to the warm and salubrious sanctuary of her own room after the social order is entirely broken down by typhus, when it is too late for the change to do any good. If ever she

writes to Helen's invisible father, we never hear of it. And she never reaches out to the one group of people who are both invested in the students' health and able to check Mr. Brocklehurst's power: the school's donors.

The donors, "[d]ifferent benevolent-minded ladies and gentlemen in this neighborhood and in London" who fund Lowood through subscription (42), have the power to check Brocklehurst's power and reform the entire institution of Lowood. They demonstrate this power after the typhus epidemic, when they quickly act to demote Brocklehurst, build new and safer facilities, provide better food and clothing, and make Lowood "a truly useful and noble institution" (71). Their quick and effective action supports John Austin's assertion that it is "only in the ignorance of the people, and in their consequent mental imbecility, that governments or demagogues can find the means of mischief" (50). But Miss Temple never makes use of this tremendous power by informing any of the donors that the students are in danger. In this decision, she complies with Austin's mandate of obeying the established government: she will protect her students, but only to the extent that she is allowed to by Brocklehurst—within the limits of the law.

In this restraint, Miss Temple demonstrates the validity of Anita Allen's argument that the novel rewards law-abiding characters with happy endings. Miss Temple certainly is rewarded for supporting Brocklehurst's regime. She maintains her position as headmistress, a singularly good situation for an unmarried middle-class lady in an age when girls' schools were both rare and small,⁷ enjoying a salary, the services of the school's domestic staff, and sufficient resources

⁷ The Schools Inquiry Commission provides us some insight into the typical state of Victorian girls' education, highlighting what an oddity Lowood is: "Girls are much more often educated at home, or in schools too small to be entitled to the name, and both the number and value of the endowments which are at present appropriated to their education bear an extremely small proportion to those appropriated to boys" (*Schools Inquiry Commission Report* 2). Girls' schools tended to be newer, smaller, more poorly funded and more poorly organized than boys', partially because of the greater perceived importance of boys' education and partially due to the belief that small schools were more family-like and thus appropriate for girls (560).

to live comfortably, as we see in the “good fire” contained in her room (59) and her “plaid cloak” that she wears through the winter (51). She even receives a happily-ever-after ending when she marries the Rev. Mr. Naysmith and leaves Lowood for good (71). She also has the reward of seeing Jane grow up into an accomplished, self-sufficient, and reasonably happy young woman as a result of her mentorship. But Brontë does not let us forget that Miss Temple’s Austinian obedience also has negative consequences on a community level: many of her pupils are dead, and Helen’s unmarked grave in Brocklebridge churchyard testifies to the harm that Miss Temple’s obedience has allowed to come to the common good of the school.

Though Jane generally sees her teacher as a ministering angel, there are moments when she sees Miss Temple reflect the abusive ruler whose authority she refuses to challenge. In these moments, we can see Brocklehurstian qualities stamped upon Miss Temple’s features. Jane never quite perceives Brocklehurst as human; her first impression of him is as “a black pillar! [. . .] the grim face at the top was like a carved mask, placed above the shaft by way of capital,” and she is subsequently surprised to identify him as “*He*, for it was a man” (26). And when Brocklehurst forces Miss Temple to listen to (and implicitly support) his tirade on the salutary effect of starvation upon the character, she becomes a mirroring white pillar: “Miss Temple had looked down when he first began to speak to her; but she now gazed straight before her, and her face, naturally pale as marble, appeared to be assuming also the coldness and fixity of that material [. . .] and her brow settled gradually into petrified severity” (53). When Miss Temple’s power is so checked as to be effectively useless, she restrains her desire to defend her students by becoming stony, hardened to their suffering so that she can maintain what power she has to protect both herself and them in the future. This hardness reflects the emotional and moral cost

of her choice to compromise her values and become complicit in Brocklehurst's government.

When Jane, as an adult, is confronted with a bystander's dilemma of her own, her choice reflects her understanding of this cost.

4. Jane Escapes the Dilemma

Jane learns from Miss Temple's example both the value and the price of choosing self-preservation and non-confrontational responses when confronted with a bystander's dilemma. When as an adult Jane faces a similar conundrum, she weighs her options and chooses an even more complete disengagement: leaving, and so refusing to take advantage of an abusive situation she cannot reasonably hope to make better.

The scenario that Rochester presents to Jane upon her discovery of Bertha's existence parallels Miss Temple's situation uncannily: to maintain a position at Thornfield from which she might help the helpless, Jane must surrender her own moral code. If Jane agrees to go with Rochester to France and live as his mistress, he will hire Grace Poole's son, an experienced and competent caretaker of the mentally ill, to assist his mother in caring for Bertha and preventing her from harming herself or others:

'But I'll shut up Thornfield Hall: I'll nail up the front door, and board the lower windows; I'll give Mrs. Poole two hundred a year to live here with *my wife*, as you term that fearful hag: Grace will do much for money, and she shall have her son, the keeper at Grimsby Retreat, to bear her company and be at hand to give her aid in the paroxysms when *my wife* is prompted by her familiar to burn people in their beds at night, to stab them, to bite their flesh from their bones, and so on'— (256–7)

When Jane does not agree to go with Rochester, all of his energy and focus redirects onto himself, and he spares no further thought for Bertha beyond anger. His neglect, quite predictably,

allows Bertha's destructive behavior to continue escalating under Grace's solitary and insufficient care.

It is in this conversation between Rochester and Jane that Michele Camers Goodwin insists that Jane has an opportunity "to advocate, even mildly, for Bertha's cause" (624). She wants Jane to do *something*. And Jane does try, when she insists that Bertha "cannot help being mad" (Brontë 257). But almost as soon as she begins, Rochester diverts Jane's attention from Bertha's well-being to her own, with a series of semi-serious threats: "Jane! will you hear reason? [. . .] because, if you won't, I'll try violence" (258). The threats escalate in response to her intractability: "[P]ut your finger on my pulse, feel how it throbs, and—beware!" (259). Though Jane never seems to fear that Rochester will actually hurt her, she allows her focus to be redirected and acknowledges that his unruly emotions lessen her control over his behavior: "I saw that in another moment, and with one impetus of frenzy more, I should be able to do nothing with him" (258).

Just like her teacher before her, Jane is presented with a situation that she might be able to ameliorate only at great risk to herself. She can cooperate entirely with Rochester, subscribing to his worldview and assisting him in enforcing his power (as Mrs. Harden and Miss Prichard do for Brocklehurst). She can do something drastic, as Miss Temple could have done, by advertising Bertha's situation to the public in an effort to drum up sympathy. Instead, her course of action parallels Miss Temple's, at least to begin. She attempts to reason with Rochester, drawing attention to the injustice of Bertha's circumstances, without making threats, demands, or challenges to his authority that might provoke retaliation (257). This is a far cry from her violent and confrontational challenge to John Reed at the beginning of the novel (9); the contrast illustrates how much Jane has learned of the value of self-preservation in her years at Lowood.

But although Jane begins her conversation with Rochester by copying the model of her teacher, by the end, she has firmly decided to forge a new path for herself by doing what Miss Temple never did: leaving the house entirely. She has the option of becoming the Miss Temple of Thornfield, remaining as Rochester's dependent and intimate (either as governess or as mistress), then using her emotional influence with him and her status in the household to secure improved living conditions for Bertha. She has already employed this model in advocating for Adèle, so we know her to be quite capable of such intercession (226). Jane, however, refuses to surrender to Rochester the responsibility of moral decision-making; what little power she has, she claims, repurposing the Austinian model of moral calculations to consider the best way that she, as a private citizen, may use that little power in the interest of the general good. Rochester is right in guessing, "you are thinking how *to act*,—*talking*, you consider, is of no use" (256). And although Jane is indeed taciturn over the next few pages, she does provide clues to her analysis as she considers the potential good and harm that she may do at Thornfield.

During their conversation, Jane ascertains the limits of her influence over Rochester's behavior and consequent power to benefit Bertha. She observes that referencing Bertha reliably provokes Rochester to express contempt towards his wife, threats towards Jane, and anger at them both (258–59). Jane explicitly doubts she has the strength of character to refuse Rochester's romantic advances for very long, and to live as his mistress would rob her of self-respect and, eventually, of Rochester's love and any influence she might have over him: "[I]f I were so far to forget myself and all the teaching that had ever been instilled into me as—under any pretext—with any justification—through any temptation—to become the successor of these poor girls [his former mistresses], he would one day regard me with the same feeling which now in his mind desecrated their memory" (Brontë 266). Once she surrenders the moral high ground,

all her moral authority goes with it. And if Jane accedes to Rochester's entreaties, she must rob Bertha of the one scrap of dignity she has left. Despite Rochester's insistence that "I am not married. You shall be Mrs. Rochester," Jane retorts, "your wife is living: that is a fact acknowledged this morning by yourself. If I lived with you as you desire, I should then be your mistress: to say otherwise is sophistical—is false" (259). Jane never wavers in her assurance that the title of Mrs. Rochester belongs rightfully and irrevocably to poor, mad Bertha Mason.

In this determination, Jane confronts an aspect of the bystander's dilemma that Miss Temple avoids and that John Austin does not take into account: that a society's bystanders can profit from its oppressions and that even bystanders of drastically limited power are morally implicated in the abuses their society inflicts on others. Just as Miss Temple enjoys the benefits of a regular salary and a position of authority for administering Brocklehurst's abusive school, so Jane would obtain a life of comfort and stability facilitated by Rochester's concealment and incarceration of his wife. But Jane understands that to bystand passively in a society that provides her with benefits stolen from another is a passive act of violence.

Jane's individual, citizen-level response to this ethical dilemma is unaddressed in John Austin's treatise. Rather than accepting the rule of an unjust government, or seeking futilely to improve or overthrow it, she removes herself from that government's rule, rejecting alike its securities and its culpabilities. When the voice of temptation attempts to persuade her to stay with Rochester, demanding rhetorically, "who will be injured by what you do?" the answer has already been established. For Jane to stay at Thornfield is to injure Bertha in dignity, to deprive Jane of her own self-respect, and to diminish the general well-being of the denizens of Thornfield in the aggregate. So Jane departs from Thornfield, rejecting a life of security and ease for a more utilitarian station in life than as Bertha's illegitimate replacement. Limited though her

power is, she has more options than she did as a Lowood schoolgirl. As an adult, Jane has at least the power of withdrawing from Thornfield and its abuses, of refusing to be complicit like Miss Temple. Thus, while Jane passes by a whitewashed stone pillar on her way out onto the moors, she avoids her teacher's fate of becoming one (275).

5. Conclusion

Jane's departure from Thornfield is, and should be, deeply uncomfortable for us as readers. It leaves Bertha abandoned by everyone who might care about her well-being, seriously mentally ill and insufficiently supervised, and her eventual death allows Jane to reclaim nearly all the privilege she had earlier rejected. Anita Allen is right to note and criticize the fact that obedience to the law, whether just or unjust, is consistently rewarded within the text of *Jane Eyre* (185-86). Miss Temple keeps her job until marriage provides another means of prosperity and stability (Brontë 71), and Jane is free to marry Rochester after her flight and his negligence allow Bertha to commit suicide. However, it is worth noting that both these women employ their rewards to protect others. Miss Temple helps Jane through her Brocklehurst-free years at Lowood, and Jane, in her turn, rescues Adèle from the Lowood-like school to which Rochester sends her: "She looked pale and thin: she said she was not happy. I found the rules of the establishment were too strict, its course of study too severe, for a child of her age: I took her home with me" (383).

There is a certain neat symmetry in Jane rescuing Adèle from the same danger from which Miss Temple shielded her, but Allen is nonetheless justified in her annoyance that Jane's reward for disengagement as a bystander is a happily-ever-after ending (partially financed by Bertha's fortune). This disengagement is thorough and permanent; to our knowledge Jane never thinks or speaks of Bertha again. Although Jane eventually returns to Lowood to lay a marker on

Helen's grave (70), there is no indication that she ever bestows such consideration upon Bertha. It is hard to be comfortable praising her for such cold-blooded practicality. Her departure should discomfit us, but not to the end of condemning her decision. Rather, Jane illustrates how unjust societies force their subjects into a bystander's dilemma that cannot be easily or comfortably resolved. Helen and Bertha never cease to haunt the text of *Jane Eyre*, serving as reminders of the cost of security, the wide-reaching implications of injustice, and the inescapable moral quandary in which all bystanders in abusive societies are ensnared.

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