
About the book

- Traces the remarkable history of the common law action for breach of a promise of marriage and its basis in shifting ideals of femininity
- Offers a thorough legal history of the action's rise and fall, analysing over 250 cases brought between 1800 and 1940
- Anchors the legal story in its social context through close readings of a variety of cultural sources - short stories, songs, plays, operettas, novels, and films

The common law action for breach of promise of marriage originated in the mid-seventeenth century, but it was not until the nineteenth century that it rose to prominence and became a regular feature in law courts and gossip columns. By 1940 the action was defunct, it was inconceivable for a respectable woman to bring such a case before the courts. What accounts for this dramatic rise and fall?

This book ties the story of the action's prominence and decline between 1800 and 1940 to changes in the prevalent conception of woman, her ideal role in society, sexual relations, and
the family. It argues that the idiosyncratic breach-of-promise suit and Victorian notions of ideal femininity were inextricably, and fatally, entwined. It presents the nineteenth-century breach-of-promise action as a codification of the Victorian ideal of true womanhood and explores the longer-term implications of this infusion of mythologized femininity for the law, in particular for the position of plaintiffs.

Surveying three consecutive time periods - the early nineteenth century, the high Victorian and the post-Victorian periods - and adopting an interdisciplinary approach that combines the perspectives of legal history, social history, and literary analysis, it argues that the feminizing process, by shaping a cause of action in accordance with an ideal at odds with the very notion of women going to law, imported a fatal structural inconsistency that at first remained obscured, but ultimately vulgarized and undid the cause of action. Alongside more than two hundred and fifty real-life breach-of-promise cases, the book examines literary and cinematic renditions of the breach-of-promise theme, by artists ranging from Charles Dickens to P.G. Wodehouse, to expose the subtle yet unmistakable ways in which what happened (and what changed) in the breach-of-promise courtroom influenced the changing representation of the breach-of-promise plaintiff in nineteenth- and early twentieth-century literature and film.

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Readership: Scholars in Women's (Legal) History, Legal Historians, Scholars and Students in Law and Literature, Literary Historians, Nineteenth Century Social Historians

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Saskia Lettmaier is a jurist trained in both Anglo-American and German law. She obtained her B.A. in Jurisprudence from Oxford University in 2002, being awarded a First as well as the St. Anne's College Law Prize. She holds a German law degree, an LL.M. degree from Harvard University (2003) and a doctorate in Cultural Studies from the University of Bamberg (summa cum laude, 2007). She has lectured in law and in Victorian culture at the universities of Bamberg, Erlangen-Nuremberg, and Cork, and published articles on law as well as on the intersection between law and literature. She is currently a Research Fellow at the University of Erlangen-Nuremberg and an S.J.D. Candidate and Fritz Thyssen Scholar at the Harvard Law School, where she also serves on the Harvard Journal of Law and Gender.