

The Devotion of the Turtle Dove: The Aesthetics of the Legal Sacred in Anthony Trollope's *The Eustace Diamonds*

Winnifred Fallers Sullivan*

I am delighted to be included in this symposium to celebrate *The Legal Imagination* on its fiftieth anniversary. I was a student in Professor White's class on civil procedure in my first quarter in law school—fifty years ago. He taught us common law pleading! Common law pleading was at once bizarrely alienating and revelatory. This was law. And I finished my legal education with *The Legal Imagination* in the spring of 1976. Some fifteen years later, after I had quit practicing law, Professor White served on my PhD examining and dissertation committees at the University of Chicago Divinity School. I now have the enormous pleasure of introducing graduate students in religious studies to his work. White's writing speaks in a special way to those studying Islamic law who see in his work a humane approach to law that resonates with their efforts at repair of the western misunderstandings of Islamic law in contemporary scholarship. So, thank you, Jim. From me and from my students. This symposium celebrates the founding of a field now known as law and literature, but the field has always had a third implicit partner, religion.¹ I will make that third partner more explicit here, drawing on my own field, law and religion.

Jim taught me to be a writer. But I had always been a reader. The two came together for me in Jim's classroom. I learned, among other things, that reading fiction had a close but not obvious kinship with practicing law. Reading fiction also has an important kinship with practicing religion. And with the impossibility in modernity of the separation of religion and law. That impossibility has been my study for the last thirty years. In this short essay, I will introduce and explore the practice of a fictional lawyer, Mr. Dove, who embodies in some senses the ethics of reading and writing that

* Provost Professor, Department of Religious Studies, Indiana University Bloomington.

1. Religion has been an explicit interest and concern of Professor White's (see, for example, his most recent book, an introduction to *The Confessions* of Augustine; James Boyd White, *Let in the Light: Learning to Read Augustine's Confessions* (NY: Columbia University Press, 2022)), as it is also of others in the law and literature field. Yet in the separationist manner of modernist fictions, religion is too often the love that dare not speak its name. In an interestingly parallel way, in my view, the field of Religion and Literature has been haunted by its silent third, law.

Jim teaches—that is, the responsibility we must each take for the words we use and the effects they have—but whose hermetic life also reveals the limits of modern law.

The novels of Victorian England have been brilliantly mined in the last fifty years as keys to imperialist and racist imaginaries. They have also been read as distinctively attentive to the contradictions of the world in which we live.² With those critiques and contradictions in mind, I read here one of those novels for its legal affects. *The Eustace Diamonds*, published in 1871, is the third in the famed Palliser novels of Anthony Trollope, a series centered on parliamentary reform in nineteenth century England.³ Perhaps the least popular of the series, the odd man out you might say, given that it does not focus on politics directly but rather on law and on low feminine intrigue, it is, in a way, a detective story. Some say it is a parody of *The Moonstone* by Wilkie Collins, which is said to be the “first” English detective novel, but with a showy vulgar diamond necklace taking the place of the mysterious and exotic moonstone. Both were, however, colonial plunder, literally and figuratively.⁴ But *The Eustace Diamonds* can also be read as a legal novel, a successor to, perhaps also a satire of, Charles Dickens’ *Bleak House*.⁵ And yet I want to persuade you that there is more to this novel than that.⁶

The heroine of *The Eustace Diamonds* is Lizzie Eustace, a classic bad girl, difficult to like on first acquaintance. Lizzie is clever and very beautiful—lovely and literate—and somewhat unscrupulous. Her mother died young. Lizzie was brought up by her good-for-nothing father, a former naval officer, bankrupt philanderer, and gambler. When the story opens, Lizzie has just been widowed, left with a young son who is heir to the family fortune of her deceased husband, Sir Florian Eustace, including a castle in Scotland. Lizzie herself is in possession of a diamond necklace worth ten

2. I am particularly guided in my reading of Anthony Trollope and of Victorian fiction more generally in this essay by Lauren M. E. Goodlad, *The Victorian Geopolitical Aesthetic: Realism, Sovereignty, and Transnational Experience* (Oxford: Oxford University Press, 2015).

3. Anthony Trollope, *The Eustace Diamonds* (Oxford: Oxford University Press, 2011 (first edition: London: Chapman & Hall 1872)).

4. Sabina Fazli, “Indian Diamonds in Victorian Fiction: Wilkie Collins’ *The Moonstone*, Anthony Trollope’s *The Eustace Diamonds*, R. L. Stevenson’s ‘The Rajah’s Diamond’ and Arthur Conan Doyle’s ‘The Sign of Four’” in Fazli, Sabina; Lehmann, Sonja; Mangione, Vanessa; Reitemeier, Frauke; Swiatloch, Melanie Reitemeier, Frauke (eds.), *Strangers, Migrants, Exiles: Negotiating Identity in Literature* (Hg. von Frauke Reitemeier. Göttinger Schriften zur Englischen Philologie, 2012) 106.

5. Charles Dickens, *Bleak House* (London: Bradbury & Evans, 1853).

6. That there is more to Trollope than parody is multiply attested to, but particularly in Lauren Goodlad, *The Victorian Geopolitical Aesthetic: Realism, Sovereignty, and Transnational Experience* (Oxford: Oxford University Press, 2015). Goodlad observes that “Paradoxically . . . naturalism’s utopian impulse is its uncompromising vision of a modernity without progress, egress, or salvation—a powerful solvent to chasten imperial (or neoliberal) grandiosity.” (276). On *The Eustace Diamonds*, see also Wendy Doniger, *The Ring of Truth: And Other Myths of Sex and Jewelry* (Oxford: Oxford University Press, 2017); Kathy Alexis Psomiades, “Heterosexual Exchange and Other Victorian Fictions: ‘The Eustace Diamonds’ and Victorian Anthropology” *NOVEL: A Forum on Fiction* 33 (Autumn, 1999): 93-118.

thousand pounds. While relentlessly lying, flirting, and scheming to keep what she says is *hers*, Lizzie grows on you, in my experience, in part by the contrast between her and those around her, very few of whom wish her well. The jangly, often crude, world Trollope shows us, our world, is not devoid of law or love, but it very difficult to see forward with hope.⁷

I have become fascinated with this novel in part because at the center of this rather raucous, even ridiculous, tale, is a curious place of devotion to the law—a chambers that exudes a quiet dark virtuous hush. I have read most of Trollope's novels. I don't know that anywhere else we glimpse the sacred in the way we do in *The Eustace Diamonds*. To be sure, Trollope always admires hard work, sacrificial work. Think of Mr. Palliser and his tireless devotion to decimal coinage.⁸ Trollope—a man who worked in the post office to support his writing—is scathing in his mockery of the idle rich. And merciless in exposing the grasping search for position that is all around him. But he often also scorns the self-importance and pomposity of even those who work hard at necessary jobs. Mr. Dove seems to be an exception.

But now, back to the plot.

Mr. Camperdown, the Florian family lawyer, is confident that Lizzie's diamonds are an heirloom belonging to the estate and asks her to return them to the jewelers where they had been kept in a safe. Lizzie refuses, tenderly saying that she was given them by her former husband as a personal gift—indeed placed around her neck by him. Lizzie has a genius for evoking the binding power of the erotic in all of her interactions.

To support his case and prepare for litigation, Camperdown briefs Mr. Dove, barrister and expert in the law. Trollope introduces us to Mr. Dove, laying it on:

Mr. Thomas Dove, familiarly known among club-men, attorneys' clerks, and, perhaps, even among judges when very far from their seats of judgment, as Turtle Dove, was a counsel learned in the law. He was a counsel so learned in the law, that there was no question within the limits of an attorney's capability of putting to him, that he could not answer with the aid of his books . . . He was a thin man, over fifty years of age, very full of scorn and wrath, impatient of a fool, and thinking most men to be fools; afraid of nothing on earth,—and, so his enemies said, of nothing elsewhere; eaten up by conceit; fond of law, but fonder, perhaps, of dominion; soft as milk to those who acknowledged his power, but a tyrant to all who

7. On hope, see James Boyd White, *Acts of Hope: Creating Authority in Literature, Law and Politics* (Chicago: University of Chicago Press, 1994).

8. See a previous novel in the series, Anthony Trollope, *Phineas Finn* (London: Virtue and Company, 1869).

contested it; conscientious, thoughtful, sarcastic, bright-witted, and laborious.⁹

An unlikely savior, perhaps! More crow than dove. And yet, oddly, it he who is most respectful of Lizzie's position and of her claim. As well as of the law. Mr. Dove is careful in giving his opinion. Unlike Mr. Camperdown he does not view his job as the reflexive protection of the wealth of the wealthy. His devotion is to the law.

Mr. Dove's opinion in the case is printed in its entirety in the book, inset on the page and in a smaller type. It is set apart. The opinion begins with this statement: "There is much error about heirlooms."¹⁰ Presumably Camperdown was struck with terror when he read that portentous sentence, while we are reassured. We are in the hands of a careful expositor of the law. Canvassing the legal treatises, Coke, Littleton, Brook and Spelman, Dove explains that not all chattels can become heirlooms—and that heirlooms become heirlooms only through custom and are therefore not subject to devise.

After a discussion with his son and partner, who is inclined to defer to Mr. Dove's opinion, Camperdown visits the Turtle Dove in his chambers:

Mr. Camperdown rose, and slowly walked across the New Square, Lincoln's Inn, under the low archway, by the entrance to the old court in which Lord Eldon used to sit to the Old Square in which the Turtle Dove had built his legal nest on a first floor, close to the gateway.

Mr. Dove was a gentleman who spent a very great portion of his life in this somewhat gloomy abode of learning. It was not now term time, and most of his brethren were absent from London, recruiting their strength among the Alps, or drinking in vigours for fresh campaigns with the salt sea breezes of Kent and Sussex or perhaps shooting deer in Scotland, or catching fish in Connemara. But Mr. Dove was a man of iron who wanted no such recreation. To be absent from his law-books . . . was to be wretched.¹¹

Upon seeing his old friend, Mr. Dove greets him:

"You didn't make much, I fear, of what I sent you about heirlooms," said Mr. Dove, divining the purport of Mr. Camperdown's visit.

"A great deal more than I wanted, I can assure you, Mr. Dove."

"There is a common error about heirlooms." Dove repeats.

"Very common, indeed, I should say. God bless my soul! When one

9. Trollope, *The Eustace Diamonds*, 184.

10. *Ibid.*, 185.

11. *Ibid.*, 209.

knows how often the word occurs in family deeds, it does startle one to be told that there isn't any such thing."

"I don't think I said quite so much as that. Indeed, I was careful to point out that the law does acknowledge heirlooms."

"But not diamonds," said the attorney.

"I doubt whether I went quite so far as that."

"Only the Crown diamonds."

"I don't think I ever debarred all other diamonds. A diamond in a star of honour might form a part of an heirloom; but I do not think that a diamond itself could be an heirloom."

"If in a star of honour, why not in a necklace?" argued Mr. Camperdown almost triumphantly.

"Because a star of honour, unless tampered with by fraud, would naturally be maintained in its original form. The setting of a necklace will probably be altered from generation to generation. The one, like a picture or a precious piece of furniture,—"

"Or a pot or a pan," said Mr. Camperdown, with sarcasm.

"Pots and pans may be precious, too," replied Mr. Dove. "Such things can be traced, and can be held as heirlooms without imposing too great difficulties on their guardians."¹²

Mr. Dove's theory of the law carefully distinguishes those things that pass by custom—those things of what he later calls chivalry and romance—the crown jewels, the best bed, pots and pans—from those things which are part of ordinary commerce. The latter, including diamond necklaces, are something a prudent rich man should have disposed of by will. Those things are the business of lawyers. Turning again to his friend, Dove admonishes him, appealing to tradition:

"The Law is generally very wise and prudent, Mr. Camperdown;—much more so often than are they who attempt to improve it." he says.

"I quite agree with you there, Mr. Dove."

"Would the Law do a service, do you think, if it lent its authority to the special preservation in special hands of trinkets only to be used for vanity and ornament? Is that a kind of property over which an owner should have a power of disposition more lasting, more autocratic, than is given him even in regard to land? The land, at any rate, can be traced. It is a thing fixed and known. A string of pearls

12. Ibid, 210.

is not only alterable, but constantly altered, and cannot easily be traced.”¹³

Heirlooms belong to a world whose value is not calculated—a stable world of unique objects. Mr. Dove does not mix his own family life with his professional life. Not for him the brittle glittering world of London society or trips to the Alps. It is a world of pots and pans and the best bed, perhaps. Of the holy.

If not an heirloom, then what? There remains then the possibility that Sir Florian, although not mentioning them in the will, successfully bequeathed the necklace to Lizzie when he bequeathed her the contents of his castle, or that the necklace constitutes a part of a widow’s paraphernalia, those personal items of clothing that will be allowed to her so she may remain respectable before society, although Dove considers both of those unlikely as well, the necklace having been kept in the jeweler’s safe in London, and paraphernalia usually limited to much more modest accoutrements. The necklace—and Lizzie—seem to exist in a kind of legal limbo—out of place and time. Not for her the best bed *or* the careful devise.

While Lizzie tries to use the necklace to interest a potential second husband, Camperdown continues to harass her into returning it. He regards her as a dangerous adventuress and himself the guardian of the family property. He is outraged that an object of such value be in the possession of such a woman. It is against the natural order. As Lizzie carts the diamonds around with her in a locked safe she has commissioned, to and from Scotland, there are two robberies, the first unsuccessful, the second successful. The reader is kept in suspense as to the perpetrators of the robberies until the end.

At the end, Camperdown persuades Lizzie to visit him in his office, hoping to finally persuade her to cooperate. But he first goes with his client, Sir Florian’s brother, John Eustace, an MP, to consult again with Dove. “‘Be merciful, I should say,’ suggested the barrister. John Eustace was clearly of opinion that they ought to be merciful. Mr. Camperdown did not look merciful.”¹⁴ Mr. Dove then explains why he recommends mercy, comparing Lizzie to their legal colleagues, but also making clear that he has a very low opinion of what he calls “baubles:”

“What can you get by harassing the poor, weak, ignorant creature?” continued Mr. Dove. “She has hankered after her bauble and has told falsehoods in her efforts to keep it. Have you never

13. Ibid, 210-11.

14. Ibid, 527.

heard of older persons, and more learned persons, and persons nearer to ourselves, who have done the same?" At that moment there was presumed to be great rivalry, not unaccompanied by intrigue, among certain leaders of the learned profession with reference to various positions of high honour and emolument, vacant or expected to be vacant . . . There existed considerable jealousy, and some statements had been made which were not, perhaps, strictly founded on fact. It was understood, both by the attorney and by the Member of Parliament, that the Turtle Dove was referring to these circumstances when he spoke of baubles and falsehoods, and of learned persons near to themselves. He himself had hankered after no bauble . . . "Spare her," said Mr. Dove. "There is no longer any material question as to the property, which seems to be gone irrecoverably. It is, upon the whole, well for the world, that property so fictitious as diamonds should be subject to the risk of such annihilation. As far as we are concerned, the property is annihilated, and I would not harass the poor, ignorant young creature."¹⁵

It is left to Sir Florian's brother John Eustace, to speak the truth of the novel: "She is a very great woman,' said John Eustace,—'a very great woman; and, if the sex could have its rights, would make an excellent lawyer."¹⁶

James Boyd White has taught us that genuine legal writing has a mind behind it—a mind that reaches out to engage a reader also presumed to have a moral purpose. Mr. Dove in many ways embodies such a devotion to law—and to the separation of law and custom. In her untutored way, perhaps, Lizzie as well, struggling to keep her footing in a situation in which the alternatives presented for young unmarried women are very limited, might be seen as devoted to the law—and to literature. Her father left her neither heirlooms nor diamond necklaces. Her husband left her only the castle during her lifetime, a residence far from the life in London that matters to her. All she has is her loot. For a short time, it is she who is the buyer. But the only men she can purchase are unworthy of her. In the end, after the robbery, she does not regret the loss of her baubles. They have been more trouble than they are worth. She wants someone to read poetry with.

A recent co-authored volume explores devotion as a religious, literary, and political practice.¹⁷ The three authors, all scholars of religion and

15. Ibid.

16. Ibid, 531.

17. Constance Furey, Sarah Hammerschlag, and Amy Hollywood, *Devotion: Three Inquiries in Religion, Literature, and Political Imagination* (Chicago: University of Chicago Press, 2021).

literature, Constance Furey, Sarah Hammerschlag, and Amy Hollywood, explore devotional reading not as one of “slavish subservience,” but as one of commitment to continual and affective re-readings of the past made in a context in which the future is unknown. Importantly for them these re-readings disturb the line between history and fiction as well as the transparency of the modern sovereign subject:

To stand in a relationship of devotion, fidelity, responsibility to the artificial, the fictional, the fetish, the atopic, is to refuse the logic of sovereignty. It is to refuse claims to mastery, either a text’s over the reader or the reader’s over a text. Yet it is not to eschew the demand for articulating criteria by which we judge one reading apt, another unworthy of its object—or, more pressing, one form of life livable, another deadly.¹⁸

Such devotion is present in all of Professor White’s work.

The pull of Trollope today is in part the result of his startling immediacy, his clear-eyed diagnosis of the uncertainty of the times in which he lived and his prescience about the future times in which we live. But, as Furey, Hammerschlag, and Hollywood make so clear, each reading very different archives across centuries, reading as a devotional practice cannot be reduced to content. It is rather the fractures, instabilities, and uncertainties—it is religion—that bring us back and sustain us, that invite us to give ourselves to these texts, legal and literary. At the end of *The Eustace Diamonds*, the legal status of the necklace remains uncertain, subject to the uncertainties of the evidence as well as of the always unfinished nature of the law. In the end, Furey and her colleagues quote American poet Susan Howe:

No amount of rewriting will ever render the past fully legible; none will make it present. The past is as uncertain, as unknowable as the future. The present itself is never within our grasp. “Between two negations/horror of the world/could not leave that world.” In reading what we love and loving what we read, we also refuse it, attempting in that place in between to honor an obligation to “The people/Contemporary History”: “O make me/of Joy.”¹⁹

Some thirty years ago, in a note in the *Stanford Law Review*, a law student

18. Furey et al, *Devotion*, 16.

19. Ibid, 17. Quoting Susan Howe, *The Nonconformist’s Memorial* (NY: New Directions 1993), at 111, 56, 57.

attempted to correct Mr. Dove's understanding of the law.²⁰ Written in the condescending and snarky style not atypical of American law review articles, replete with sophomoric puns and mocking asides, he misstates the facts of the case and then assesses and finds wanting Mr. Dove's and Trollope's understanding of the law. In the process he reveals that he has perhaps entirely misunderstood the novel—which he describes as nothing more than a gigantic hypothetical—and perhaps also the profession that he was about to enter. Whether Mr. Dove or Trollope got the law “right,” according to the standards of one late twentieth century law student hankering after baubles, is in fact beside the point. What Trollope and Dove get right is what we might call the legal sacred—a seeking to speak a law that strives to achieve the delicate task of both serving the best instincts of its community and answering to a higher purpose, of answering to the past and the future in a situation of radical uncertainty and risk. And yet one that also exposes the grubby exchange of both the legal profession and the marriage market. There is the fragile hope that in the failure of the modernist separation of law and custom, out of the mouth of John Eustace, a new human relation might be foretold.

Law could not save Lizzie. As with many other smart single women in Trollope's novels. Something else Dove seems to understand. He has only mercy on offer. Forsaken by all of her respectable allies, she marries a repellant smarmy preacher who turns out to be a bigamist—and a Jew. In the later novels she has become a social outcast. The ending of *The Eustace Diamonds* is rather dark. Dove's sarcastic and sacrificial life both holds up an impossible legal ideal and reveals its limits. I would argue that Jim's work invites us to read Trollope as a religious, as well as a legal, writer.

20. Alan Roth, “He Thought He Was Right (But Wasn't): Property Law in Anthony Trollope's ‘The Eustace Diamonds’” *Stanford Law Review* 44 (Apr., 1992): 879-897.