

“A VERY IMPROPER FRIEND”: THE INFLUENCE OF JOWETT AND OXFORD ON FRANK RUSSELL

RUTH DERHAM
Independent Scholar
RUTHDERHAM@OUTLOOK.COM

The life of Frank, second Earl Russell and Bertrand’s older brother, was characterized by conflict as he repeatedly chose to follow paths that defied convention, carved out by and faithful to his own peculiar moral convictions. His conflict with Jowett, Master of Balliol, led to his expulsion from Oxford and changed the course of his life. Using a range of primary sources, this paper questions previously published accounts of the events that took place and reviews the consequences of the actions of those involved, within the social and political context of the time.

Two weeks before his death in March 1931 at the age of 65, John Francis Stanley, second Earl Russell, wrote to his good friend George Santayana, “I received two great shocks in my life; the first being when Jowett sent me down. My rage and mortification at being so wronged produced a bitterness and permanently injured my character. Finally, when Elizabeth left me I went completely dead and have never come alive again.”¹ Santayana, who had first made the acquaintance of the Earl in the summer of his disgrace some 56 years previously, instantly dismissed the second shock which “didn’t ring quite true in my ears”,² but readily believed the first. He

¹ SANTAYANA, *Persons and Places* (1986), p. 307.

² In *Persons and Places*, Santayana has written a more personal account of Frank’s life than anyone else who knew him. Though sometimes a little sketchy with dates, he has given an open, honest, and invaluable portrait of the essence of the man he knew. For a detailed overview of the significant events in Frank’s life, see PETER BARTRIP, “A Talent to Alienate: the 2nd Earl (Frank) Russell (1865–1931)” (2012).

did not question the relative impact of the first in comparison with Frank's previous shocks: the death of his sister and mother from the diphtheria he, as a nine-year-old, had brought into the house, for example; or the subsequent death of his father some eighteen months later, tearing him from the "free air of Ravenscroft" and placing him and brother, Bertrand, in the "atmosphere of insincerities, conventions, fears, and bated breath" that was the wholly unsuitable Pembroke Lodge.³ Neither did he suggest that later shocks should vie for primacy: the ferocity with which Frank's first wife and her mother would attempt to publicly disgrace him; the prison sentence he would receive at the hands of his Peers for bigamy when he married his second; or, whatever Frank said, the abandonment by his third wife, Elizabeth. Ahead of all these potentially catastrophic, life-changing events, Frank, and Santayana, both placed Oxford. Why? What was it about that particular incident that was to put Frank "under a cloud which any number of public vindications have never entirely dissipated" (*My Life*, p. 107)? To fully comprehend this, it is necessary to explore the events that took place, to review their consequences in greater detail, and to look at the characters involved, within the social and political context of the time.

Bartrip has already described the difference between Frank's published account of the incident in his autobiography, *My Life and Adventures*, and Santayana's recollections of the same, written after Frank's death. For convenience, the basic facts as they have thus far been understood are these: Frank was believed to have written an "improper letter" to an unnamed man. When sent for by the then Vice-Chancellor and Master of Balliol, Benjamin Jowett,⁴ and confronted

³ FRANK RUSSELL, *My Life and Adventures* (1923), p. 33.

⁴ Benjamin Jowett (1817–1893) was a powerful yet controversial figure at Oxford, largely due to his religious views which were regarded as radical. He was a scholar at Balliol from 1836, became a Fellow in 1840 and subsequently a tutor of Literae Humaniores, commonly known as "Lit. Hum." or "Greats". In 1854 he was refused the Mastership which went instead to the more conservative Robert Scott, but in 1855 was appointed Regius Professor of Greek. He worked tirelessly to reform Balliol, which he felt was falling behind in progressive thought relevant to the Victorian age, and when Scott was appointed Dean of Rochester in 1870, the Mastership was finally granted him. He was made Vice-Chancellor of Oxford University in 1882. On his death, he gave full access to his letters and papers to his friend and colleague Evelyn Abbott, who published his *Life and Letters of Benjamin Jowett* with Lewis Campbell in 1897.

with the fact, Frank became incensed and, “being possessed by that white virginal flame of innocence”, demanded to see the letter and for an enquiry to be held before the vice-chancellor’s court. When both were denied him, Frank completely lost his temper, told Jowett he was not a gentleman and that he refused to have anything more to do with him. He took his name off the books and marched out of Oxford, “seen off by scores of enthusiastic friends and defiantly wearing in my buttonhole the white flower of a blameless life” (*My Life*, p. 107). This version of events was, according to Santayana, a complete fabrication and “a cheeky lie, when so many of his readers know the facts.”⁵ Russell himself had told Santayana that the real reason for his being sent down was that Lionel Johnson,⁶ a friend from his time at Winchester College, had come to visit him in Oxford and, missing his return train, had spent the night in his rooms (*Persons and Places*, p. 309).

Santayana’s published memoirs are said to contain “the only half-way credible version of these events”,⁷ but even he was hampered by his publisher’s concerns about possible libel charges should he reveal everything he knew of this and other events in his friend’s life.⁸ Consequently, much that Santayana knew was only hinted at or half said, despite his apparent candour. His more recently published *Marginalia* with its provocative comment about Frank’s “cheeky lie” and his unpublished notebooks are more explicit, with several pages dedicated to drawing out the nature of the relationship between the two men; Johnson, with his childish, slight appearance, and Frank, rash and arrogant and “like an aesthetic cavalry officer, 6 feet tall but limp”.⁹ And yet, despite these observations and the fact that he regarded it “a

⁵ *George Santayana’s Marginalia* (2011), 2: 217.

⁶ Lionel Johnson (1867–1902) was a student at Winchester College from 1880 until he went up to New College, Oxford in October 1886. It had been his early ambition to become a Catholic priest, but by the end of 1890, after graduating from New, he had become instead an alcoholic, a founder member of the Rhymers’ Club (alongside others such as Yeats, Ernest Dowson, and Arthur Symonds), and is now remembered as a minor British “Uranian” poet. A fuller summary of his life and work can be found in Iain Fletcher’s introduction to *The Complete Poems of Lionel Johnson* (1953).

⁷ RAY MONK, *Bertrand Russell: the Spirit of Solitude* (1996), p. 28.

⁸ Series of letters between Santayana and Daniel Cory and Santayana’s UK publisher, Otto Kyllman of Constable (SANTAYANA, *The Letters*, Book 7 [2006]).

⁹ Unless otherwise specified, all following extracts are taken from George Santayana, *Autobiography* (Notebook IV): Russell, Lionel Johnson, Jepson, Burke, Rare Book and Manuscript Library, Columbia U. Libraries.

strange thing” that Lionel should miss his train “when Russell’s perfect knowledge of the timetables is remembered”, did Santayana believe Frank was guilty of “improper” relations with Johnson? No, “in the material sense” he did not: their relations had not been “in the least erotic or even playful”, he said. Their effusions were “Shelleyesque” and might have flowed from “two Polish poets, planning a fresh creation of the universe”. As such, they conspired against authority, “denied the right of God or man to check the movement of their transcendental souls”, but would not debase their higher commune with ignoble physical relations.

Russell’s own publication, *Some Winchester Letters of Lionel Johnson*, substantiates Santayana’s view. Most of the letters, written while Frank was at Oxford and Johnson still at Winchester, contain fervent and serious religious discussion, written with all the intensity of youthful exuberance. Frank was going through a Buddhist phase at the time, and Lionel was well on his way to converting to Catholicism. As Frank himself admits in the introduction, their relationship remained “rather on the literary and philosophic plane than on any basis of great personal intimacy”. Though he held for Johnson “a passionate devotion and admiration, which still survives after thirty-five years”, his “prevailing attitude to him was one of reverence and awe” (*Some Winchester Letters*, p. 10). Not that this friendship did not raise concerns. In December 1883, under the advice of the headmaster of Winchester College, Lionel’s father, a retired army captain, banned all correspondence between the two young men due to the “unhealthiness”, as he saw it, of their religious discussion. Johnson’s parents considered Frank a “*bête noire*” likely to lead their son astray, whilst Frank considered them “narrow-minded and prejudiced Anglicans”. Ironic, given his father’s actions, that it was Johnson who appeared to be the dominant force in this relationship; a position he would likewise exert over Russell’s stand-in, Charles Sayle, who would continue to correspond with Johnson in Frank’s place for the duration of the eight-month ban.

So, had this whole incident simply been blown out of all proportion, first by the “prying, gossiping, obscene, nature of those old dons gloat- ing on the scandals that reached them”,¹⁰ and later by a society eager,

¹⁰ This scathing comment, again from Santayana’s notebook, could have been written by the incensed Frank himself and in full reads: “The prying, gossiping, obscene,

despite itself, to hear of anything concerning the “unnatural desires” and decadences of the aristocracy? Not exactly. There are two other statements in Santayana’s notebook that point strongly to there being some truth in Frank’s impropriety, irrespective of his protestations of innocence. Firstly, Santayana makes it very clear that the mysterious letter that Frank was supposed to have written was definitely *not* to Johnson, but to another man; and that the letter had been discovered *not* by Jowett but by George Brodrick, the then warden of Merton College. Though he does not go so far as to name the recipient of this letter, his certainty that it involved Merton College does suggest that Bartrip’s thought that the letter may never even have existed is less likely, and that the recipient may even have been a Merton man.¹¹ Furthermore, while Santayana defends his friend by dismissing any lasting “unnatural desires” on the basis that Frank turned out “a perfectly normal pronounced polygamous male” (Santayana’s understanding of sexual inclination at the time not extending to the concept of bisexuality), he at the same time confirms them by stating that “his early obscenities (which *had* existed) were only schoolboy vices ... and he so completely outgrew Hellenism in this respect that he [later] readily denied that they had ever amused him.”¹² Whilst Savage is possibly right in saying that elements of this incident will always “remain obscure”,¹³ it may likewise turn out that the biggest smoke-screen here is the attention that has been given to the suggestion of a sexual encounter with Lionel Johnson, to whom Frank had previously turned for comfort in a condition of “unpleasing remorse and unwholesome regret” when “labouring under a burden of conscientious repentance and shame” and to whom, it would appear, Frank turned once again

nature of those old dons gloating on the scandals that reached them, as it were, in the confessional, and venting their bottled rage against rebellious youth and against one another, by pretending to the greatest charity, the tenderest prudence, and the most unwilling severity, whilst in truth inventing a story to suit their vilest instincts, and imposing it on the public, by innuendoes, as the sad truth.”

¹¹ Frank names only one friend who studied at Merton—Osman Edwards—but there is no evidence to suggest that the letter was indeed written to him.

¹² My italics. One wonders if Elizabeth would have agreed. In a necessarily discreet letter to her daughter written in 1919 when she was leaving Frank, she says she has “discovered behaviour of a secret nature that made it impossible for a decent woman to stay.” When she has already described his “tempers, rudeness, secret plottings, everlasting gambblings for high stakes at bridge and adultery”, one wonders what else there could be (DE CHARMS, *Elizabeth of the German Garden* [1958], pp. 200, 201).

¹³ GAIL SAVAGE, “... Equality from the Masculine Point of View ...” (1996), p. 68.

for reassurance of continued friendship and advice in the immediate aftermath of his being sent down (*Some Winchester Letters*, pp. 195–7, 203).

Perhaps the more important issue is not the question of Frank's innocence or guilt, but the consequences of his actions, and the role that Jowett played in determining them. For two things happened here that were to shape the course of events. Firstly, as already stated, Frank lost his temper, insulted Jowett, and, apparently resolved to leave the university for good. Secondly, Jowett changed his initial position that Frank should be rusticated, first for a month, then a year, and finally resolving that he should never return. Not only that, but Jowett took it upon himself, when enquiries were made by none other than Captain Johnson, to write "in strictest confidence" that he considered Frank "a very improper friend" and recommend that Captain Johnson "forbid any further acquaintance between his son and Lord Russell."¹⁴ And still further, when after a year's absence Frank appealed to Jowett to be allowed to return and finish his Greats degree, Jowett refused to readmit him; and when Frank suggested that he might instead finish his degree at Cambridge, Jowett denied him the necessary *bene discessit*, which would signify that Frank had left Oxford with Jowett's consent and approbation, on the basis that questions would be asked and Jowett would be forced to have to admit "what ought to be forgotten and not written down".¹⁵

This is curious. Nothing had been proved one way or the other regarding Frank's offences. Whilst Jowett had raised concerns about Johnson's overnight stay in Frank's rooms, the official line was, and continued to be, the story of the letter that Jowett himself would, according to Frank, later admit that he had never seen.¹⁶ Perhaps, as Monk has suggested, it was simply the case that Jowett had taken offence at Frank's very public censure of him; a view which is substantiated by Brockliss who, in his research into the reasons given for students being sent down, found that disrespecting the dons was high on

¹⁴ Letter from Jowett to Ffolliott, 5 July 1885, Jowett Papers, IV/A8/24, Balliol College Archives, Oxford; quoted by permission of the Master and Fellows of Balliol College, Oxford.

¹⁵ Letters from Jowett to Frank, 17 May 1886 and 21 May 1886, RA1, box 6.28, 732 .080057/8.

¹⁶ *Morning Post*, 6 Apr. 1895.

the list of unforgivable offences.¹⁷ And yet Jowett himself disputed this in declaring himself to Frank “not at all offended by your freedom of speech” and in expressing the hope that he would always speak freely to him.¹⁸ And in other colleges, students were readmitted after very public misdemeanours: Sayle, for example, was readmitted to New College the following year after compiling, during the long vacation of 1885 and publishing in November of that year, his book of poems, *Bertha: a Story of Love*, widely known to have been written about a fellow male undergraduate.¹⁹ So why not Frank?

Perhaps the answer lies in the political tensions within the university at the time. In her 1994 book, *Hellenism and Homosexuality in Victorian Oxford*, Dowling has suggested not only that Jowett’s focus on the Greek scholars for the Greats syllabus was unpopular with the more conservative dons, but that followers of Jowett, most notably initially Walter Pater and John Addington Symonds, and later Oscar Wilde and the Uranian Poets, would find in Plato’s writing in particular “an apology for male love as something not only noble but infinitely more ennobling than an exploded Christianity and those sexual taboos and legal proscriptions inspired by its dogmas” (pp. xiv–xv). It is this, she suggests, alongside Jowett’s belief in John Stuart Mill’s invitation “to follow one’s intellect to whatever conclusions it may lead”, that caused confusion in those who, on the one hand, looked up to Jowett with an admiration bordering on devotion, whilst, on the other, started to question his assertion that the male love about which Plato spoke was only ever intended to be purely spiritual and therefore completely asexual. Dowling’s suggestion is that by the time Frank was at Oxford in the early 1880s Jowett’s influence was slipping, and that some of those who were once devotees of his teaching no longer wanted to be led blindly, but to surpass their Master; to find, as it

¹⁷ LAURENCE BROCKLISS, *The University of Oxford: a History* (2016), p. 468.

¹⁸ Undated Letter from Jowett to Frank, RAI, box 6.28, .080060.

¹⁹ LIAM SIMS, “Charles Sayle (1864–1924)” (2014). In an article published in 1982, J. C. T. Oates makes reference to an entry in the 1924 diary of E. C. Benson which states that he had been told by Sir Henry Newbolt, an acquaintance of both Frank and Sayle at Oxford but not of his social circle, that the publication of *Bertha* was preceded by “indiscreetly public demonstrations by Russell and Sayle of their affection for each other”, but falls shy of suggesting either that *Bertha* was written for Frank or that Sayle was the real reason behind Frank’s dismissal (OATES, “Charles Edward Sayle”, pp. 242, 267). At the time of writing, it is considered that this element of the saga needs further investigation for any firm conclusions to be drawn.

were, a level of intimacy that he had denied, or even renounced. In this way, Jowett would begin to appear ridiculous to some—take, for example, Johnson’s amusement at Jowett’s “hypocritical virtues” exhibited in the correspondence Frank showed him after being sent down²⁰—and dangerously misguided to others. And whilst it might be exaggerating to suggest that this conflict alone was behind the actions of both men when confronting Frank’s indiscretion, it does in some way help to explain their relative positions. For just as Frank believed, and would always believe, that he had done nothing wrong, his manner of over-reacting to the accusation put Jowett in such a position that he could not risk the public scrutiny of his curriculum and teaching methods and their unanticipated consequences.

But what of the consequences for Frank? In the short term, his uncle and guardian, Rollo Russell, arriving in Oxford and condemning him with a single “Oh, Frank!”, managed, in Frank’s eyes, to sever his final tie with his relations at Pembroke Lodge: “If this was the attitude before he had even asked for one word of explanation”, said Frank, “I had no desire to have any more truck with him, so my only answer was to say ‘If you feel faint you had better have some sal volatile.’ That finished our relations” (*My Life*, p. 108). On the other side of his family, the Stanleys, long-standing friends and correspondents of Jowett, would remain strangely quiet, all in their different ways disapproving of Frank,²¹ until his Uncle Lyulph would be called upon to remedy his next indiscretion with the removal of a young Chinese man Frank had purchased as a servant whilst on his year’s banishment in America. In the longer term, this estrangement with his relatives would lead Frank, after several attempts to recreate the lost brotherhood of Oxford, first at the house he took in Hampton, *Ferishtah* (named for the Browning poem, *Ferishtah’s Fancies*), and then on a Mediterranean cruise on his steam yacht *Royal* with a small crew and various of his university friends, straight into the arms of the scheming Lady Scott and her attractive young daughter, Mabel.

Maria Selina Elizabeth, Lady Scott (1845–1909) had her own particular tale of woe. Passing as the widow of Sir Claude Edward Scott, fourth Baronet, she had in fact won her judicial separation from him on the ground of cruelty, after his failed attempt to prove her adultery

²⁰ *Some Winchester Letters*, p. 195.

²¹ M. BELLOC LOWNDES, *The Merry Wives of Westminster* (1946), p. 44.

with five named co-respondents in 1875.²² His sudden death five years later left her and her two daughters with a much diminished income, and within a further five years, just as Frank was reaching the pinnacle of his career at Oxford, Lady Scott was suing one Captain Spicer for breach of promise of marriage and reportedly settling out of court for the not insignificant sum of £6,500.²³ Wronged as she felt by both these men, and down on her luck financially, due to having to maintain a lifestyle conducive to the attraction of aristocratic suitors for her daughters, Lady Scott was ideally placed to sympathize with Frank, and early in 1889 their paths crossed.

It is strange to think of such an arrogant, bullish young man as Frank as being vulnerable, but that I think he was at this time; particularly to the devices of Lady Scott. “I had tried for years to open my heart to PL for I should have liked to have relations at home that I could love and trust”, he wrote in his autobiography,²⁴ and this appears to be the vacancy that Lady Scott filled; convincing him, as Santayana put it, that “the way to make him and her friends for life, and guardians of each other’s happiness, was for him to marry Mabel Edith” (*Persons and Places*, p. 317). Their letters at this time show that Frank confided in his soon-to-be mother-in-law in a manner which, once she had finished with him, he would never do with anyone else again: “I know so much of your sad, lonely life,” she wrote to him three months before his marriage, “and love you so dearly that you may very well trust me, and if at any time you think it best to tell me a thing, first come to me....”²⁵ What exactly Frank had told Lady Scott is not known, but that it concerned Oxford is certain from the evidence given at the divorce court during Mabel’s petition for judicial separation a little over a year later. And whilst, under Lady Scott’s advice, he had not similarly confided in Mabel, rumour eventually reached her that he had been “expelled from Oxford for malpractices”.²⁶

²² High Court of Justice Probate, Divorce and Admiralty Division, J 77/167/4109.

²³ *Pall Mall Gazette*, 2 March 1885; *Belfast News Letter*, 3 March 1885.

²⁴ *My Life*, p. 105. “PL” was shorthand for “Pembroke Lodge”, the home of his grandfather, Lord John Russell, and was used as a collective reference to all the members of the Russell family who lived there in Frank’s youth, in particular Lord and Lady John, Lady Agatha and the Hon. Rollo.

²⁵ Letter from Lady Scott to Frank, 9 Nov. 1889, printed during the Scott Russell libel trial in *Evening Standard*, London, 9 Nov. 1896.

²⁶ Letter from Lady Cardigan to Mabel, Countess Russell, 21 Nov. 1890.

What suspicions this must have raised in the twenty-one-year-old Mabel's mind. The spoilt, cosseted daughter of an "adventuress", used to a gay and carefree life of idle pleasure, Mabel can be understood in one of two ways: either as the innocent victim of her mother's manipulations, or as her co-conspirator. The eighteen-year-old Bertrand, who was resident at Pembroke Lodge when Mabel was sent there to see out her initial period of separation from Frank, was inclined to believe the former. He appears to have liked Mabel; he admired her singing voice and they played tennis together. But he was also conscious of her unsuitability as the chosen marriage partner of his brother, and of Frank's domination of her. On hearing that their time together had made her unwell, Bertrand recorded in his diary the reflection, "Poor thing! What misery people do submit themselves to without serious thought! However I think all the blame lies with the mother, who I feel surely urged her to accept him, and who, however she may cant about love for her daughter, cannot have much when she allows her to make such a marriage."²⁷ Either way, whether one accepts this or the more cynical view of Mabel, it is possible to draw a red thread between the events at Oxford, the confidence Frank was persuaded to place in Lady Scott, and the events that would follow—the first of which would become known to the press as "the Roberts incident".

Herbert Ainslie Roberts was a friend of Frank's from his Oxford days. He had actually gone to Cambridge, but had been introduced to Frank on one of the many excursions made between those two great establishments; their students often knowing each other from their school days at Eton or Harrow, Rugby, Christ's Hospital or Winchester. Roberts was an upstanding young man who became a particular friend of Frank's. He would visit him at Oxford, and after Frank's marriage to Mabel, having missed the wedding, would visit them at their home in Eaton Square, where the two men, used to long hours of male conversation, would sit up in Frank's study well into the night, smoking and talking. Mabel, meanwhile, would be sent to bed early, unwanted and feeling neglected by her new husband. When the couple's differences became too much, this scenario would be translated in the "Further Particulars" of Mabel's Petition for Judicial Separation into the following statement: That the Respondent (Frank) had

²⁷ "A Locked Diary" (1890–94), *Papers* 1: 51.

*"insisted upon a man named Roberts sleeping in the house for three or four days and nights, and after the Respondent had undressed, going up to Robert's bedroom remaining with him for several hours, and again in the morning. Upon the Petitioner expostulating with him upon his conduct, the Respondent told the Petitioner to go to the Devil and mind her own business."*²⁸

This is not the place to discuss the legal rights and wrongs, the implications, motivations and expectations on both sides of the inclusion of this statement in the petition; but arguably, this insinuation would not have been made without at least the vaguest notion of Frank's Oxford career, and the outcome would be that, under cross-examination, Frank's barrister would push Mabel to confirm that she meant to imply that which was only suggested in its wording, and that a direct accusation was being made about Frank's relations with Roberts. As sodomy was a misdemeanour punishable by up to two years' imprisonment, the Jury could not find in Mabel's favour without condemning Frank to a criminal trial for, at the very least, "gross indecency",²⁹ and as such the decision went his way. In summing up, Sir Charles Butt, chastised Mabel for bringing an "unmanly" veiled insinuation against her husband and, stating the view that if Jowett had subsequently seen fit to invite Frank to his home (which he had) and to attend his wedding (which he also had), concluded that nothing as disgusting as that which was in Mabel's imagination could have happened at Oxford. He saw to it (without anyone so much as taking a statement from Jowett) that Frank's character was vindicated.³⁰

One would imagine that would have been the end of it; but sadly not. Three years of gridlock followed, in which the correspondence between the two sides shows that Mabel continued to ask for an explanation to satisfy her as to why her friend, Lady Cardigan, had

²⁸ High Court of Justice Probate, Divorce and Admiralty Division, J 77/461/4047.

²⁹ Offences Against the Person Act, 1861, Ch. 100, secs. 61–3.

³⁰ Jowett was elderly and unwell by this time, although he would not succumb for another two years. Even so, no deposition was taken from him as was taken from the equally elderly Dowager Countess Russell in the second round of litigation, though surviving letters from Lady Stanley of Alderley and her son Lyulph would seem to suggest that Jowett, who was on friendly terms with Judge Butt, had intervened behind the scenes; perhaps in confirming that he had invited Frank to his Oxford home in 1891, but omitting the fact that the two had met in silence, as Jowett was apt to do when uncomfortable or where there was little genuine and friendly discourse to be had. See Jowett Papers I/F6/61, letter from Frank to Mabel, 4 Aug. 1889, HAR 07025, Harvard Law School Library.

written telling her of Frank's "malpractices" if they were not in some way true, while Frank asserted that Mabel should accept the Judge's verdict, "retract and apologise" for continuing to "publish" his guilt,³¹ and then, perhaps, they could discuss her coming home to fulfil her position as his wife.³² But behind the scenes, detectives were employed on both sides to try to prove each other's adultery in a desperate attempt to extricate themselves from this most inappropriate marriage. Readers of *Bartrip* will know that their lack of success in this course of action concluded in a second round of litigation in 1895, where, most significantly, Frank's team challenged the definition of legal cruelty in Mabel's "falsely alleging and filing a petition and stating on oath that the Respondent [Frank] had been guilty of the crime of sodomy";³³ a challenge that would go all the way to the House of Lords before ultimately failing. They will also know that there was a criminal action brought against Lady Scott for libel that ended in her imprisonment for eight months as a first-class misdemeanant.

This action for libel is another most curious affair undoubtedly with its roots in the Oxford incident. Frustrated at the lack of relief being afforded her daughter by the courts, Lady Scott, in what can only be described as a rash and ill-advised move, contacted three men who had been members of the crew on the *Royal* during the Mediterranean tour previously mentioned, who were prepared to swear, among other things, that Frank was "in the habit of kissing and caressing a [cabin] boy known as 'faithful William' as if he was a girl",³⁴ that he had "caught hold of" a second man as he turned on his bed to open a porthole,³⁵ and had "indecently assaulted" a third on a trip to Winchester before they embarked.³⁶ Having had these men's statements witnessed by a solicitor's clerk, Lady Scott then had 500 copies printed and circulated to members of both Houses of Parliament, friends and family of the Earl, and, most intriguingly, to Frank

³¹ Principally in letters to his family, where she openly expressed her doubt about his innocence, but also in an interview in *Hawk*, in the week following the hearing, in which she stated that, with the evidence she had against Frank, she could have won, had she not determined to say "as little as possible" to avoid embarrassing the family.

³² Exchange of letters between Frank and Mabel, HAR 07026, Harvard Law School Library.

³³ High Court of Justice Probate, Divorce and Admiralty Division, J 77/534/16305.

³⁴ *South Wales Echo*, 24 Nov. 1896.

³⁵ *Evening Standard*, 27 Nov. 1896.

³⁶ *Evening Standard*, 6 Jan. 1897.

himself. It was, according to Frank, a “very determined effort” on Lady Scott’s part,³⁷ but one that was almost designed to fail. The House of Lords, who were at the time deliberating on the verdict of the appeal court in the *Russell v. Russell* matrimonial suit, quite rightly dismissed it as “a gross and scandalous attempt to influence their decision”³⁸ and Mr Justice Hawkins, trying the case, as a “cruel” and “wicked” act of vengeance.³⁹ But, whatever Lady Scott thought she would achieve by this desperate manouvre, here was Frank, once again, back in court defending his character, his sexuality and his honour. One starts to feel a little sorry for him and, at the same time, to wonder how the whole chain of events was viewed by Bertrand: his closest living relative and, by this time, a married man himself.

Frank and Bertrand had never been particularly close, separated as they were by disparity in age (Bertrand was seven years Frank’s junior) and disapproving guardians, fearful that Frank would be a bad influence on his younger sibling. Neither appeared to think well of the other: Bertrand had been on the receiving end of Frank’s bullying,⁴⁰ and Frank, as he so delicately put it, regarded Bertrand as “an unendurable little prig” until he went up to Cambridge (*My Life*, p. 38). It was not until 1894 that there was any confidence between them, and when it came, it was from Frank, who confessed to a stunned Bertrand that, despite still being legally married to Mabel, he was three years into an “unofficial engagement” to Miss Mary Morris, who had been employed as a clerk at his electrical works.⁴¹ Thereafter, the next illustration of anything like brotherly sympathy occurred when Frank visited Bertrand in Paris, where he had been exiled by his grandmother to think very carefully about his proposed alliance with Alys; but it was largely imbalanced. Bertrand’s letters to Alys are full of cautions and criticisms regarding Frank, whose presence set him on edge: “He gives me a sense of perpetual discomfort, like a hair shirt”, he confided to her.⁴² He felt himself at odds with Frank’s opinion of women: “He

³⁷ Letter from Frank to George Santayana, 9 Feb. 1896, Santayana Collection, Harry Ransom Centre, U. of Texas, Austin.

³⁸ *Morning Post*, 17 July 1897.

³⁹ *Morning Post*, 9 Jan. 1897.

⁴⁰ Letter from Elizabeth von Arnim to Reeves, 22 Aug. 1922 quoted in DE CHARMS, *Elizabeth of the German Garden* (1958), p. 245.

⁴¹ Letter to Alys, 8 March 1894, in *SLBR* 1: 61.

⁴² Letter to Alys, 16 Oct. 1894, quoted in CLARK, *The Life of Bertrand Russell* (1975), p.

thinks thee has the American hardness, by which he means not submitting completely to the husband and not being sensual. He says American women only love from the waist upwards—thee can imagine I don't open my soul to him!"⁴³ And he feared Frank's "brutal words" which kept him "quivering with apprehension".⁴⁴ Frank, on the other hand, clearly felt that the trip had been a success and that they had become somewhat closer as a result of it: "Weren't we unusually confidential?" he asked. "It was the wine!"⁴⁵ But Bertrand would always maintain an emotional distance from Frank, and, though they would support each other publicly in a number of ways—Frank would stand by Bertrand at his wedding⁴⁶ and Bertrand would attend the final day of Lady Scott's trial with Frank, to hear her sentencing⁴⁷—Bertrand, perhaps through his own early experiences with Frank, would always show greater sympathy with the victims of Frank's marital mayhem than with his own brother—first with Mabel, as previously highlighted; then with Mary, to whom Bertrand and Alys extended friendship after Frank abandoned her for Molly⁴⁸; and finally with Elizabeth, his friendship with whom would trigger a barrage of letters from Frank accusing him of betrayal.⁴⁹ There would never be any admission on Bertrand's part that Frank in any way influenced him and there is little evidence to the effect; unless it could be considered that the witnessing of the fall-out of Frank and Mabel's relationship helped shape his opinion that "without great intimacy it is folly to become engaged".⁵⁰

But to return to Oxford, and the situation in which Frank found himself after the Scott–Russell trial, as Bartrip has pointed out, all

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⁴³ Letter to Alys, 17 Oct. 1894, RAI, box 5.41, 710.055098.

⁴⁴ Letter to Alys, 18 Oct. 1894, RAI, box 5.41, 710.055100.

⁴⁵ Letter to Bertrand, 23 Oct. 1894, RAI, box 6.27, record 119582.

⁴⁶ In a letter to Bertrand just before the wedding, Franks quips that it will be odd to be known in the newspapers as Alys's brother-in-law in preference to his description during the Cookham Parish Council election campaign: "best known as a Buddhist at Oxford and the favourite pupil of Professor Jowett"—one can't help thinking that on the last point at least he was being ironic (RAI, box 6.27, 736.046884).

⁴⁷ *Morning Post*, 9 Jan. 1897.

⁴⁸ Letter from Frank to Bertrand, 19 June 1900, RAI, box 6.27, record 119587.

⁴⁹ Letters from Frank to Bertrand, 17 May 1919, RAI, box 6.27, 710.046934; 15 Sept. 1920, 710.46938; 8 Jan. 1921, record 119608.

⁵⁰ "A Locked Diary", *Papers* 1: 64.

these legal escapades took time, money and energy and still did not extricate Frank from his unfortunate marriage; something that only rather drastic action on his own part would eventually do. At the same time, the magnitude of these events tends to overshadow the fact that there were other more practical consequences of the Oxford incident stemming from the fact that Frank failed to get his degree. Though not uncommon for men of his social position at the time to attend Oxford or Cambridge for a couple of years without any intention of graduating, the fact that Frank took part in the matriculation ceremony does suggest that he had at least intended to sit his exams, and, though not an outstanding scholar—later confessing himself “flattered” that Bertrand might imply, by sending him a copy of his *Principles of Mathematics*, that he might actually understand it⁵¹—he was regarded as an intelligent man and therefore might have been expected to succeed. As it was, after his experiences in court had given him a taste for the law, without his degree it took him six years to study for the bar—a not insignificant illustration of determination. Bartrip has also suggested that Frank’s personal history and reputation held him back. A good moral character was seen as having two components: “the habit of self-command which defined the rule of the will over one’s own desires, and being known for such a faculty amongst one’s friends and associates.”⁵² Frank had proved he lacked such self-possession, which led to Marie Stopes having to withdraw her offer to him of the vice-presidency of her Society for Constructive Birth Control after objections to his candidacy, whilst E. S. P. Haynes was tasked with having to ask him to take a less prominent role in the campaign for divorce law reform when it was suspected his name was prejudicial to the cause.⁵³ In addition, a letter from Prime Minister Ramsay MacDonald suggests that Frank had either complained about his choice of appointments to office, or had felt he had been unfairly overlooked, in the first short-lived Labour Government.⁵⁴ Not until the second would he secure himself the minor government positions that became his political legacy in the advent of his sudden death.

“If this subject were not somewhat special and unpleasant,”

⁵¹ Letter from Frank to Bertrand, 8 May 1903, RAI, box 6.27, 730.046891.

⁵² H. G. COCKS, *Nameless Offences* (2010), p. 119.

⁵³ HAYNES, “The Late Earl Russell and Divorce Law Reform” (1931).

⁵⁴ Letter from Ramsay MacDonald to Frank, 20 Dec. 1924, RAI, box 6.29, 734.080715.

Santayana would write of the confusion between the dons, the letters, the lovers and friends at Oxford, “a very good and profound comedy might be made out of it.” Given Frank’s final assessment of events, one could hardly think he would have found it funny. But one cannot help also thinking that, however unfortunate he had been to cross paths with the Scotts, in his desperate attempt to find someone else to blame for his troubled path through life, Frank himself made Oxford the monumental event it became, steeping himself permanently in the “wrath and hatred” that would find him for the six months following his expulsion, sitting in the garden every Sunday, in his undergraduate cap and gown, “cursing Jowett” (*My Life*, p. 108). And whilst one can admire his tenacity in sticking to his principles and not allowing himself to be effectively blackmailed by the Scotts, it is agonizing to recount his absolute inability to see beyond his own sense of injustice and fail to give credence to the opinions and thoughts of others or abide by necessary convention to the point of self-sabotage. What a shame he could not have taken the advice given at the time by his “priest of the Most High”, Lionel Johnson: “The main course is clear,” he had written, “dismiss whatever insults your own soul.” It would appear that as regards this most epochal of events, Frank could neither do that, nor agree with Johnson that “on the whole, this hardly seems a situation calling for much pity.”⁵⁵ But then, if he had, the likelihood is, it would never have happened in the first place.

⁵⁵ Letter from Lionel Johnson to Frank, 15 May 1885 (*Some Winchester Letters*, p. 203).

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