Introduction

On 4 February 1674 Herbert Croft, Bishop of Hereford, delivered a Fast Day sermon to the assembled House of Lords. In keeping with the spirit of gloomy self-reflection and calls for repentance and reform that such occasions demanded, his text offered dire warnings of the spread of debauchery and vice. ‘Fornication and Adultery’, Croft lamented, were ‘not only frequently acted in private but publickly owned’, their perpetrators openly bragging about their conquests. Although he conceded that sexual sins were no new thing, they were now conducted in a particularly scandalous manner. While adulteries had once been committed in the ‘dark’ and men had ‘formerly skulkt into lewd houses, and there had their revellings’, nowadays, ‘men, married men, in the light, bring into their own Houses most lewd Strumpets, feast and sport with them in the face of the sun’. In the meantime, their ‘neglected, scorned, disconsolate wives’ were ‘forc’d to retire to their secret closets, that they be not spectators of these abominations’. Rippling out from the court, where the debauches of ‘grandees’ set a bad example copied by their inferiors, the forces of ‘lewdness and atheism’ threatened to engulf the land. Wherever one looked, concluded the bishop, it was as though civilised Englishmen had ‘metamorphosed themselves into lascivious goats’.1

Invectives against the depravity of the times are a feature of many societies at many historical moments. Croft’s picture of an epidemic of sexual sin fits a tradition of moral complaint that had been a persistent feature of English pulpit oratory since the Middle Ages. Yet there was a distinctive shrillness and urgency to this rhetoric in the later seventeenth century. The Restoration project of enforcing moral unity and returning to an antediluvian order after the mid-century upheavals was perceived to be under threat from a number of interrelated forces: from the much-publicised adulteries of King Charles II and his courtiers, from the open scoffing at religion by ‘wits’ and ‘atheists’, and from the

fragmentation of religious allegiances marked by the rise of Protestant dissent and the insidious threat of Roman Catholicism. Embedded in the rhetoric of Croft’s sermon, and the writings of other later seventeenth-century churchmen, appeared to be a growing recognition that the moral hegemony and unity of moral vision which they had striven so hard to preserve was becoming seriously undermined. The core value that underlay Croft’s vision of adultery, that it was a sin for which all who committed it were considered equally guilty and deserving of punishment, was increasingly tested. Over the course of the late seventeenth and early eighteenth centuries a variety of factors – including a burgeoning print culture, the slackening of censorship, a changing urban environment, shifting patterns of sociability, civility and sensibility, and legal innovations – were to lead to the proliferation of a wide range of opinions and angles of vision on adultery and other moral issues. By the 1730s and ’40s boundaries were being redrawn and assessments of adultery depended on a wider variety of social and cultural circumstances. This book charts and explains this process of debate and displacement and explores how, in the process, the meanings of extra-marital sex were significantly altered.

Although great advances have been made in recent years in our understanding of the sexual mores of early modern England, little is known in detail about the period from the Restoration to the mid-eighteenth century. Studies of divorce, prostitution and sexual slander have begun to make good this neglect, but many gaps remain in our understanding of the changing social, cultural and intellectual context in which illicit sexual activity was viewed and discussed. Studying adultery has provided valuable insights into the myriad social and sexual relations in early modern English society, shedding light on such matters as the sexual double standard, codes of male and female honour and reputation, and power relations within the household. Conjugal infidelity has also been studied as an offence punished by the courts or by popular shaming rituals and as an event which might set husbands and wives on the ‘road to divorce’,


whether through formal legal proceedings or private separation or desertion. However, relatively few studies have explored the cultural representation of adultery in early modern England as a topic in its own right, despite the visibility of marital breakdown as a theme of a wide variety of texts. Though historians are increasingly aware that patterns of moral regulation and ideas about the family and domestic relations were undergoing significant changes in later seventeenth- and early eighteenth-century England, the meanings of adultery in this period await detailed attention.

This book attempts to fill this lacuna by analysing how marital infidelity was represented in a variety of literary and legal contexts. Drawing on a broad range of sources, including sermons, treatises, periodicals, comic plays, jokes, social documentary, pamphlets reporting on crimes of passion, journalistic trial reports and the records of marital separation in the church courts, it explores the multiple strategies of ‘fashioning’ or constructing the experience of marital breakdown and adultery and analyses the languages through which infidelity was conceptualised. It views these texts not as passive ‘reflectors’ of ‘attitudes’ towards infidelity, but rather as elements of a dynamic process of communication, not only describing but also constituting and shaping changing perceptions and understandings of conjugal disintegration. Four themes underpinning Croft’s message on sexual morality are given special attention in this survey. In the first place, it examines the ways in which representations of adultery were influenced by concepts of ‘public’ and ‘private’, set against the backdrop of significant changes in the theory and practice of public regulation of sexual morals. Second, drawing on Croft’s singling out for special comment the sexual behaviour of ‘grandees’ whose conduct seemed to be beyond the reach of conventional moral teaching, it examines the effects of social differentiation on understandings of sexuality and the ways in which morals were used as a tool of class demarcation, in particular between the increasingly powerful middling sort and their social superiors, at a time when status was increasingly expressed in cultural form. Third, this book explores how changing ideas about masculinity and femininity bore on perceptions of marital breakdown. Particular attention is paid to the neglected question of how men’s sexual behaviour threatened domestic relations and damaged the patriarchal household – a danger clearly of concern to Croft and, as we shall see, many other commentators. Finally, Croft’s attack on the bad sexual manners of Restoration England, and his recourse to distinctions between the civilised and the bestial in conceptualising

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illicit sexuality, points to another relatively neglected area explored in this survey – the ways in which concepts of civility and polite manners influenced discourses of sexual behaviour. The remainder of this introductory chapter develops the objectives of this book in more detail and explains its methodological approach. At the outset, it reviews the changing social, cultural and judicial context in which perceptions of infidelity were formed.

AIMS AND CONTEXT

Since the Middle Ages, adultery had been subject to judicial sanction. However, during the later seventeenth century, the questions of how far the civil and ecclesiastical authorities should intervene in regulating sexual morality, and the forms such intervention should take, were becoming increasingly contested issues. The ecclesiastical courts, which had long functioned as a kind of flagship of acceptable morality, resumed their business of policing adultery and fornication after the Restoration following a mid-century hiatus brought about by the Civil War and temporary disestablishment of the Church of England during the Interregnum. During that time, infidelity had carried the death penalty under the 1650 Adultery Act, but this draconian, largely unworkable, statute lapsed at the Restoration. However, in spite of an initial influx of business caused by a backlog of cases that had built up over the previous decades, the Restoration church courts found their ability to regulate public morals increasingly compromised. The growth of Protestant dissent placed a significant number of people beyond the pale of the Anglican church, eroding the religious consensus on which the courts had operated. The position of the courts was undermined still further by the granting of limited freedom of conscience by James II’s Declaration of Indulgence in 1687 and the Toleration Act of 1689. The expense and tedious procedure of the church courts also began to seriously undermine their effectiveness.

At the same time, growing prosperity and relative political stability in later seventeenth-century England removed some of the impetus on the part of authorities, especially in rural areas, to routinely intervene to uphold the social, moral and gender order by punishing adulterers and other sexual offenders. The result was a general decline in the business of the church courts in the later seventeenth and early eighteenth centuries.


8 Ingram, *Church Courts*, p. 373.

9 Dabhoiwala, ‘Prostitution and Police’, p. 94.

The dynamics and characteristics of this process have yet to be charted in detail for the whole of the country, and there may have been significant regional variations. The decline of ecclesiastical jurisdiction over sexual offences seems to have been particularly rapid in London owing to the high proportion of dissenters residing in the capital. There was also a well-established system of regulating sexual offences under common law, which meant that in the 1680s much of the criminal business of the church courts in moral regulation was being transferred to Quarter Sessions and other local courts. Control of vice remained high on the political agenda into the eighteenth century, evinced by the activities of the Societies for the Reformation of Manners, established in the capital and a few provincial cities in the 1690s with the aim of creating a new moral order in the wake of the Glorious Revolution. These organisations prosecuted adulterers alongside fornicators, sabbath breakers and other offenders. However, public policy was increasingly becoming reoriented towards dealing with the social problem of prostitution rather than regulating family relationships. By the 1730s, prosecutions for adultery in London had virtually ceased, as marital infidelity came to be viewed by the legal authorities as a ‘private vice’, no longer subject to public prosecution. Though adultery may not have become quite so rapidly ‘decriminalised’ in other parts of the country, there is no doubt that by 1740, the terminal date for this study, prosecutions were increasingly rare.

The cultural dimensions of these changes, and their impact on how extra-marital sex was viewed, await detailed historical attention. Yet their implications


15 Ibid., p. 61; Trumbach, Sex and the Gender Revolution, p. 29.

were profound, not just for how adultery was regarded in official and religious circles, but also for questions of personal choice and moral responsibility. The church courts upheld the principle that all extra-marital sex was considered equally sinful and deserving of punishment and there can be no doubt that their declining efficiency dealt a serious blow to the religious ideal of a moral consensus – thus explaining why Herbert Croft was so concerned about adulterers shamelessly flouting their behaviour in public. Stone has argued that, among the elite in particular, there was a shift in sensibilities during the later seventeenth century ‘away from regarding illicit sex as basically sinful and shameful to treating it as an interesting and amusing aspect of life’.17 Trumbach has also suggested a widespread toleration for men’s sexual relations with women outside marriage in the wake of the emergence of a distinct male homosexual subculture in the early eighteenth century, as men became increasingly anxious to prove their heterosexuality.18 However, this framework of interpretation is open to question. Illegitimacy rates, admittedly a crude indicator of sexual conduct, were low during the later seventeenth and early eighteenth centuries, although they were to rise significantly after 1750.19 Given the variety of contexts in which the meanings of illicit sexuality were formed, and the complex emotions it raised, the notion of a rising ‘toleration’ for adultery needs to be treated warily. Just because adultery was becoming less liable for routine prosecution does not necessarily mean it was becoming more ‘acceptable’.20 But whatever this meant for actual behaviour, the decline of the church courts marked an important watershed for the ways in which adultery was talked about and represented in print. As we shall see, the question of whether adultery was a matter for public regulation or a matter of personal conscience was a key topic of debate from the late seventeenth century.

Changing patterns of moral regulation have been viewed as one aspect of a wider ‘privatisation’ of domestic relations in this period.21 In the late sixteenth and early seventeenth centuries, the regulation of vice by the church courts and magistrates, together with a host of informal community-based shaming rituals against sexual offenders, had been underpinned by an organic conception of society that had viewed the well-governed patriarchal family as a microcosm of the state.22 Over the course of the seventeenth century these patriarchal ideals became internalised, but analogies between familial and political order began

17 Stone, Road to Divorce, p. 248. 18 Trumbach, Sex and the Gender Revolution, passim.
22 Amussen, An Ordered Society, ch. 2.
to break down. The experience of the Civil Wars, which had divided family members and resulted in the execution of the king, challenged this harmonious political vision. After the Restoration, the connection between political and familial authority was increasingly scrutinised as the well-publicised adulteries of Charles II ushered in visions not of familial order but of domestic tyranny.23 Finally, the direct analogy between the power of magistrates and the power of fathers over children and husbands over wives was dealt a serious blow by the contractual arguments used by Whig political theorists to justify the Glorious Revolution. To support the deposition of James II by his subjects, they argued that the power of the magistrate over the people was distinct from the authority a father had over his children or a husband over his wife. The result was that order in the household receded from theories of the state. Among the middling sort in particular, the family was increasingly cast as a private sphere, a refuge of intimacy distinct from the public world of politics, and it was considered increasingly improper for external forces, whether the state or community, to interfere in its relationships. Harsh strictures on relationships of power and subordination within the family, which had dominated puritan conduct literature of the sixteenth and seventeenth centuries, gave way to a more marked emphasis on married love. This has been seen as the start of a gradual separation of the public political and private domestic spheres that would reach its fullest expression in the cult of domesticity that dominated the ideology of the respectable classes in the late eighteenth and early nineteenth centuries.24

There can be no doubt that the events of 1688 changed the terms of reference in which family relations were viewed. However, notions of a rising cult of ‘domesticity’ or a privatisation of the family ignore the complexity of the debate on the public or private nature of marriage and adultery in the late seventeenth and early eighteenth centuries. This book argues that the ‘privatisation’ of adultery was something too complex to be taken for granted. The notion that the family was becoming a less ‘political’ institution needs to be set against what is now known about the continuing importance of gender, the family and sexuality to political debate in this period.25 Moreover, as Margaret Hunt and others have shown, during the eighteenth century there was a growing

25 Rachel Weil, Political Passions: Gender, the Family and Political Argument in England, 1680–1714 (Manchester, 1999).
interest in the relationship between private virtue and political probity, marked by increased attacks on aristocratic vice by a middling sort anxious to assert its social, economic and political worth.26 Such attacks did not run contrary to the cult of bourgeois domesticity; rather they were of its essence. Recent work has also shown that for the middling sort in particular, the household remained important in the public world of business dealings in a financial world still dominated by credit.27 As Houlbrooke has pointed out, the history of early modern family life is best seen in terms of structural continuity, punctuated by changes in the ‘media of expression’.28

The notions of a ‘privatisation’ or ‘de-politicisation’ of the family become still more problematic in the context of a much greater visibility of sex and marriage in the burgeoning public sphere of later seventeenth-century England.29 Cultural innovations and new genres of print, by revealing details of ‘private’ life, were making marriage and adultery more ‘public’ than ever before. The climate of relative social stability in the later seventeenth century created the conditions for a more questioning approach to traditional meanings of sexual behaviour and morality, which found an outlet in a variety of cultural forms. The introduction of actresses on stage after 1660, together with the growing use of moveable scenery, which allowed adulterous couples to be ‘discovered’ in flagrante delicto, increased the vogue for plays dealing with all aspects of marital relations and the battle between the sexes.30 Sex and marriage were topics of consuming interest in an increasingly eclectic mix of publications – from sermons and works of religious devotion to pamphlets describing domestic homicides, from periodicals answering questions on matrimonial issues submitted by their readers, to scandalous ‘secret histories’ serving up tales of the sexual adventures of the beau monde, which allowed their readers to experience the thrills of clandestine affairs vicariously.31

These changes in cultural production and consumption are central to this study. The proliferation of plays, pamphlets and periodicals discussing sex and marriage was part of a much broader expansion of the realm of public debate in the later seventeenth century, marked by an increasing volume of printed output, improving levels of literacy and a developing infrastructure of communication. James Raven has calculated that printed output grew from around 400 titles published in the first decade of the seventeenth century to 6,000 in the 1630s, and 22,000 by the 1710s. This growth was particularly spectacular during the lapses of censorship that occurred during the Civil War and Interregnum, between 1679 and 1685 and in the wake of the permanent lapsing of the Licensing Act in 1695. Conservative estimates of reading skills, based on the ability to sign one’s name, suggest that in the mid-seventeenth century around 30 per cent of men and 10 per cent of women had acquired basic literacy. By 1700 the proportion of literates had risen to 50 per cent of men and 25 per cent of women, and by 1750 some 62 per cent of adult males were literate compared with 38 per cent of women. Literacy levels were higher in London than the rest of society, due to greater educational opportunities and the development of metropolitan trade, which necessitated the acquisition of reading and writing skills. A flourishing network of coffee houses and taverns in the later seventeenth-century metropolis encouraged the flow of ideas and acted as a forum for the interchange of ideas. At the same time, improved roads and transport links with the provinces enabled the spread of printed materials produced in the capital, and with them the values and opinions of London society, to reach a wider audience.

This proliferation of genres prompted greater questioning of how and why marriages failed and what motivated men and women to be unfaithful to their spouses. Aimed first and foremost at a metropolitan audience, print was used by urban dwellers to explore the moral boundaries, tensions and contradictions

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36 Hunt, The Middling Sort, ch. 7.
of their world, putting traditional ideas and modes of thought to the test. Though vice was never represented as an exclusively urban or metropolitan phenomenon, there was an increasing cultural interest in the place of illicit sexuality in urban society, set against the expansion of opportunities for elite sociability in the capital (later copied by provincial towns) such as playhouses, assemblies, pleasure gardens like Vauxhall and Ranelagh, parks, balls and masquerades, all of which seemed to offer new opportunities for adulterous assignations.38 Interest in urban vice was, of course, no new thing – it had featured regularly in satires comparing ‘country’ and ‘city’ living, dating back to classical times, and in ‘city’ comedies performed on the Renaissance stage.39 Over the course of the early modern period, there was a growing awareness that London, as a complex, urbanising society sustained by high levels of migration, followed different rules for living than more stratified rural communities. The perception of London as a separate moral universe, where rules for conduct needed to be reconsidered to cope with the variety of its social scene, became sharper during the late seventeenth century as an increasing proportion of the population (perhaps one in six people) spent part of their lives residing in the metropolis.40 The result, as we shall see, was increased public debate about how new forms of social and spatial organisation altered the perception of social and moral issues, including adultery. Inevitably, focus on these issues gives a metropolitan bias to this survey. While acknowledging the need to recognise the diversity of regional cultures, and being aware that outside London changes in thinking may have followed different trajectories and that ‘rustic’ societies could have been more resistant to ‘urbane’ culture, the urban focus of many of the printed sources nevertheless raises a series of interesting questions and therefore deserves study.41

The development of new arenas of urban sociability or ‘polite society’ gave new cultural prominence to ideas of refined behaviour and virtuous interaction


41 For an ambitious study of cultural diversity see Carl B. Estabrook, Urbane and Rustic England: Cultural Ties and Social Spheres in the Provinces 1660–1780 (Manchester, 1998).