

Marital Violence

This book exposes the 'hidden' history of marital violence and explores its place in English family life between the Restoration and the mid-nineteenth century. In a time before divorce was easily available and when husbands were popularly believed to have the right to beat their wives, Elizabeth Foyster examines the variety of ways in which women, men and children responded to marital violence. For contemporaries this was an issue that raised central questions about family life: the extent of men's authority over other family members, the limitations of married women's property rights, the different roles of mothers and fathers in the upbringing of their children, and the problems of access to divorce and child custody. Opinion about the legitimacy of marital violence continued to be divided, but by the nineteenth century the basis of ideas about what was intolerable or cruel violence had changed significantly. This accessible study will be invaluable reading for anyone interested in gender studies, feminism, social history and family history.

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Marital Violence

An English Family History, 1660–1857

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For Peter

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Preface

‘One in 5 women live with the constant threat of domestic abuse’. This was the shocking headline of a Scottish government campaign against domestic violence undertaken while I was writing this book. Along with posters that asked ‘Which type of woman is most often abused?’, and answered ‘The female type’, the ‘1 in 5’ statistic appeared on billboards by roads and at bus-stops, on television advertisements, in magazines and newspapers, and on a new website offering information and advice. Yet, within three months of launching this campaign, the Advertising Standards Authority (the national advertising watchdog) had forced a government rethink. The ASA had received two main sources of complaint. The first was that the campaign was biased because it only showed female victims of domestic abuse. This was not upheld by the ASA. But the second complaint was that the government had no proof to support its ‘1 in 5’ claim. Where was their evidence? The government pointed the ASA to a recent survey that had been based on 5,000 households, and had shown that one in five women had experienced domestic abuse at some point in their lives. That, argued the ASA, did not support the claim that one in five women lived in ‘constant threat of domestic abuse’. The campaign as it stood was discredited and had to be withdrawn.¹

As a historian, this campaign taught me a number of lessons about domestic violence, present and past. First, that domestic violence does not yield evidence that can be readily translated into reliable numbers or statistics. Even today, when domestic violence is a crime, and we have a professional police force and modern systems of recording crime, we cannot be certain about the numbers of people it affects. Historians sometimes talk about the ‘dark figure’ of unrecorded crime, or the number of offences that were not reported because of fear, intimidation, a lack of time or resources. Domestic violence has always been the archetype of this form of offence. Whereas most historians agree that

¹ As reported in *The Scotsman* (27 March 2002), and *Scotland on Sunday* (31 March 2002).

domestic violence was likely to be reported if it became so severe that death was the result, the extent of the more common and non-lethal forms of domestic violence is unknown. As a result we can make no confident assertions about whether the levels or incidence of domestic violence have increased or decreased over time.

Second, the advertising campaign and the dispute that followed convinced me that what I was discovering in the archives about marital violence in the past were the roots of many of our present-day ideas about domestic violence. Undoubtedly, marital violence in the period between the Restoration and the mid-nineteenth century took place in a very different legal and socio-economic context. Most importantly, husbands and fathers were widely believed to have a right to ‘chastise’ their wives and children using physical means. But, as this book will show, it was also in this period that the English government first passed legislation that it hoped would tackle the problem of marital violence. Popular condemnation of violent husbands was voiced in newspapers and other forms of print, in church during sermons, in fictional literature, particularly novels, and in the ballads or songs that were sung on street corners and in taverns and pubs. The common causes of marital violence had been identified: male drunkenness, sexual frustration or jealousy, and economic insecurity. In this period there was also recognition that marital violence could be directed against husbands as well as wives, although most attention was paid to extreme forms of female violence. Ironically, given the nature of the complaint upheld by the ASA, there was even debate in the eighteenth and nineteenth centuries about whether living with the threat of violence was as damaging to a woman’s health as the experience of actual violence. By the mid-nineteenth century, the lawyers and judges who heard women’s evidence were prepared to admit and take account of threats, in addition to actual incidents of violence.

Yet some one-hundred-and-fifty years after the end of this study, and well beyond the point when men’s right to beat their wives had been formally rejected, domestic violence was still enough of a problem to attract a government campaign. This history can offer some answers to the question ‘why?’. For it was in the period between c.1660–1857 that our most powerful misconceptions and prejudices about domestic violence were forged. The idea that domestic violence only affected certain ‘types’ of people emerged, and this book will show how the labels of the typical wife-beater and his victim came to be attached to particular sectors of the working class. These cultural stereotypes have proved hard to counter, as has the conviction that domestic violence is a ‘private’ matter for resolution just by the family themselves, with help from professionals only if requested directly. The belief that much current domestic violence remains ‘Behind Closed Doors’, as the song that accompanied the

television advert relayed, is often seen today as the consequence of a breakdown in ‘traditional’ social relations. Families, it is argued, now live in isolation from their communities. Non-family members who intervene in occasions of violence, or who report it, are liable to be seen as interfering in matters that are none of their business. But this book will show that there is little evidence that there was a long-term privatization of family life, which bore significance for dealing with domestic violence. Personal relationships remained a public concern from the seventeenth to the mid-nineteenth century. I will argue that it was when the issue of domestic violence started to be regarded as so problematic that only ‘professionals’ could deal with it satisfactorily, a point which began to be reached by the mid-nineteenth century, that the shift away from community responsibility for handling domestic violence began.

This book is a study of domestic violence that focuses on marital violence. It shows how children and other family members could be victims of marital violence, even though they were not its chief targets. On the whole, the stories of violence that were examined for this book were not ones that ended with murder. While evidence about domestic homicide may be more readily available, it does not tell us as much about attitudes towards violence as non-lethal instances. Not only was non-lethal violence a more routine form of violence, it also provoked considerable uncertainty, debate and division among contemporaries about its legitimacy. It is violence that was intended to be part of an ongoing relationship, not end it, which interests me. This was violence that could be subject to negotiation and accommodation within marriages. During the period of this study the notion that violence in marriage could be regarded as acceptable was deeply embedded into thinking about relationships between men and women, even within those where violence never occurred. By exposing and exploring differing views and levels of tolerance, this history of domestic violence will reveal the fundamental patterns of how many people governed, experienced and managed their daily married lives.

This book has not been an easy one to research or write, and the accounts of marital violence that I have discovered may make uncomfortable reading. The pages that follow contain descriptions of violence that are both disturbing and depressing. My aim, however, was not to shock or provide any lengthy catalogue of human misery, but to demonstrate how and when in history marital violence could produce resistance, objection, protest and outrage. There are stories of courage, resilience, escape and recovery throughout the book. The first court case I read in which a wife pleaded to be separated from her violent husband, made me feel compelled to write this book. It is a ‘hidden history’ of women’s and men’s lives that has to be confronted and told.

The research for this book was funded by a British Academy Postdoctoral Fellowship, a Carnegie Trust grant, and an AHRB Research Leave award. It is based upon work conducted in a number of archives and libraries, and I am particularly grateful to Melanie Barber and the team at Lambeth Palace Library, and Ruth Paley and Amanda Bevan at the National Archives for their assistance. For five years I was lucky enough to work alongside a group of inspiring teachers, researchers and staff in the Department of History at the University of Dundee. They were friends as well as colleagues, and I benefited greatly from their interest and support. I began, and then returned to complete this book, as a Fellow at Clare College, Cambridge, and I would like to thank the Master and Fellows for welcoming me back.

Many historians have been generous with their time, expertise and ideas. I owe special thanks to Jonathan Andrews, Bernard Capp, Louisa Cross, Jeremy Gregory, Bob Harris, Tim Hitchcock, Steve King, Tim Stretton, Ceri Sullivan, Rosemary Sweet, David Turner and Chris Whatley. Students at Dundee and Cambridge Universities have had the useful habit of asking me some of the most pertinent and difficult questions about my work, and I hope this book will answer at least some of them. I am grateful to the anonymous readers at Cambridge University Press for providing helpful comments and to Michael Watson and Isabelle Dambricourt at the Press for all their assistance. It is Anthony Fletcher and Helen Berry who have helped me most with this book. Both have read and commented upon the entire draft and they have given me much important encouragement. Anthony has shown a commitment and interest in my work that has long outlived his original role as my PhD supervisor, and his advice has been invaluable as my career has taken me in new directions. Helen is my favourite critic, whom I greatly admire for her unique blend of intellectual rigour, sensitivity and good humour. Without her input completing this book would have been a far more difficult enterprise.

Margaret, Richard, Rachel, Kate and Chris are my family who have kept me happy while writing this book, and I would like to thank them very much. My life has been transformed since I met and married Peter Jackson. Peter's enthusiasm for history rivals my own, and his interest in my work has meant much to me. He has coped admirably with the inevitable curiosity that has arisen when others have discovered that his wife is researching marital violence, and I know that sharing the first year of married life with a book that needed finishing has not been easy. While I have been uncovering so much sadness and pain in the historical past, Peter has been the reminder of the great affection and love that can be found in human relationships. This book is dedicated to him.

Abbreviations and conventions

For ease of comprehension, spellings and punctuation from court records have been modernised.

Baring-Gould	Sabine Baring-Gould Collection of Ballads, 10 vols., c.1800–c.1870, British Library, London
Bell Collection	Thomas Bell Collection of Ballads, c.1780–c.1820, British Library, London
CCRO	Cambridgeshire County Record Office, Shire Hall, Cambridge
CUL	Cambridge University Library, Cambridge
<i>English Reports</i>	<i>English Reports: Ecclesiastical, Admiralty, Probate and Divorce</i> , Edinburgh and London, 1917–21
<i>Hansard</i>	Hansard's Parliamentary Debates, 3rd series
LMA	London Metropolitan Archives, London
LPL	Lambeth Palace Library, London
Madden	Madden Collection of Ballads, 26 vols., for the period c.1775–c.1850, Cambridge University Library, Cambridge
NA	National Archives, Kew
<i>Pepys</i>	W. G. Day (ed.), <i>The Pepys Ballads</i> 5 vols., Cambridge, 1987
<i>Roxburghe</i>	W. Chappell (ed.), <i>The Roxburghe Ballads</i> vols. I–III, London, 1871–80, and J. W. Ebsworth (ed.), <i>The Roxburghe Ballads</i> vols. IV–IX, London, 1883–99