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0521834511 - Marital Violence: An English Family History, 1660-1857

Elizabeth Foyster

Excerpt

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## Introduction

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Let me start by introducing two married women: Rachael Norcott and Mary Veitch. They both lived near London; Rachael in Barking, Essex and Mary in Richmond, Surrey. They were of comparable social status. Rachael's husband, John, earned enough from the rents of the houses he owned to support a comfortable middle-class lifestyle. James Veitch, Mary's husband, was a member of the Royal College of Physicians, received an annual pension for being a surgeon to the Royal Navy, and had inherited a considerable sum of money upon the death of his father. Like Rachael, Mary was supported in her household tasks by the presence of a number of live-in servants. Both women were mothers as well as wives. Rachael had given birth to at least two sons, but only one of the children born to Mary and James had lived beyond its infancy. Mary was a widow when she met James and she brought one child from her previous marriage into her new home. The wealth, income and occupations of their husbands, their role as managers of households with servants, shared histories of motherhood, and lives cut short by infant and premature mortality, made these women typical of the middle classes of their generation.<sup>1</sup>

But we only know about these women because they experienced a level and type of violence from their husbands that became so unbearable that they both went to the same law court to seek a marriage separation. The records that survive from this court tell us that each woman endured physical, verbal and sexual violence from their

<sup>1</sup> Rachael brought her husband a portion of £500, and in 1666 John had a yearly income of £70 in rents. In 1837 James Veitch earned an annual income of at least £380 as a doctor, and had inherited between £8,000 to £14,000 from his father. Although James disputed these sums, as these were used to determine alimony, they place both couples within the wealth and income brackets that historians have agreed were shared by the middle class. See, for example, P. Earle, *The Making of the English Middle Class: Business, Society and Family Life in London 1660–1730* (London, 1989), pp. 14–15, and L. Davidoff and C. Hall, *Family Fortunes: Men and Women of the English Middle Class 1780–1850* (London, 1987), pp. 23–24.

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husbands, which was exacerbated by forms of economic deprivation. The range of violence that John and James inflicted included hitting, threatening, swearing, forced confinement of Mary in her home, threats of confinement to a madhouse, separation from children and deprivation of adequate money for basic survival. In this book the term ‘cruel violence’ will be used to define behaviour of any of these kinds that contemporaries agreed was unacceptable or intolerable. Both Rachael and Mary had lived with years of this treatment before they took the legal steps to end their marriages. Rachael and John had been married for twenty-three years when she approached the courts; Mary waited thirteen years.

Rachael’s and Mary’s final solution to marital violence was the same, yet their stories were heard in different centuries. Rachael fought for separation from her husband in 1666 and Mary Veitch followed the same course of action in 1837.<sup>2</sup> As this book will show, what was different about their marriages, was not the forms of violence that Rachael and Mary endured, but how they were interpreted. Although there was a continuity of division in opinion about the place of violence in married life, this was accompanied by a shift in the meanings that were given to violence when it occurred. It was not just judges and lawyers who were important in deciding how marital violence should be interpreted. Instead, the ordinary people who surrounded Rachael and Mary, their servants, children, neighbours, friends and other family members all had views that contributed to how and when they responded to their husband’s violence. The reaction and responses of this wider audience to marital violence provides us with vital clues about popular attitudes towards this kind of domestic violence. In the process of responding to marital violence, people revealed their opinions about the ideal roles of women and men in marriage, understandings of the place of servants and children in family life, and thoughts about the best relationship between family and community. Thus, while in many ways this book is a study of violence in the lives of two women, and we will return to Rachael and Mary in each of the chapters that follow, their stories serve as just the starting point for opening up a much wider history of gender and household relations, changing ideas of parenting and childhood, and the varying balance of responsibility for family welfare between the individual, community, professional and state.

<sup>2</sup> LPL, CA, Case 6659 (1666), Eee2, ff.94v–99r, 101–124v; LPL, CA, Case 9440 (1837), H550/ 1–18.

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*Histories of marital violence*

This kind of history book would have been unthinkable until recently. Before the 1970s marital violence and the ‘battered’ woman were little discussed by sociologists, psychologists or criminologists, let alone historians. Since then, thanks largely to the feminist movement and the emergence of women’s history, the issue of marital violence has received some historical attention. In seeking to recover women from the past, some of the earlier studies provided an overly simplified history of marital violence that was intended to expose the brutalities of male oppression and female subjection.<sup>3</sup> But a more enduring approach emerged, influenced by the work of sociologists (particularly Rebecca and Russell Dobash), which is the search for the causes of marital violence in the past.<sup>4</sup> Believing that the reasons for marital violence are historically contingent, or shaped by the social, economic, political and cultural conditions of each period, more recently a group of historians has explored the historical roots of violence, hoping to explain its occurrence.<sup>5</sup>

These studies have shown that the motives for violence were sexual jealousy, frustration or insecurity, concerns over money or the management of economic resources, and excessive consumption of alcohol, which could also exacerbate the other causes. While the triggers to this violence may have depended on the particular social and economic circumstances of each period, the same combination of factors have remained the causes of violence across time and space. There is little that would have surprised contemporaries about these studies. Throughout our period there was much concern about the influence of the ‘demon drink’ upon male behaviour, and as we shall see, by the

<sup>3</sup> See, for example, T. Davidson, ‘Wifebeating: a recurring phenomenon throughout history’, in M. Roy (ed.), *Battered Women: A Psychosociological Study of Domestic Violence* (New York, 1977), pp. 2–23.

<sup>4</sup> R. and R. Dobash, *Violence Against Wives: A Case Against the Patriarchy* (New York, 1979), and *Women, Violence and Social Change* (London, 1992).

<sup>5</sup> See, for example, N. Tomes, ‘A “torrent of abuse”: crimes of violence between working-class men and women in London, 1840–1875’, *Journal of Social History* 11, 3 (1978), 331–5; E. Ross, ‘“Fierce questions and taunts”: married life in working-class London, 1870–1914’, *Feminist Studies* 8 (1982), 581–2; L. Abrams, ‘Companionship and conflict: the negotiation of marriage relations in the nineteenth century’, in L. Abrams and E. Harvey (eds.), *Gender Relations in German History: Power, Agency and Experience from the Sixteenth to the Twentieth Century* (London, 1996), pp. 108–16; L. Leneman, ‘A tyrant and tormentor’: violence against wives in eighteenth- and early nineteenth-century Scotland’, *Continuity and Change* 12, 1 (1997), 39–42; R. Trumbach, *Sex and the Gender Revolution: Volume One. Heterosexuality and the Third Gender in Enlightenment London* (Chicago, 1998), chapter 10; and J. Warner and A. Lunny, ‘Marital violence in a martial town: husbands and wives in early modern Portsmouth, 1653–1781’, *Journal of Family History* 28, 2 (2003), 269–71.

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nineteenth century there was a close association between poverty and certain types of marital violence. The 'green-eyed monster' haunted many married couples. Onlookers frequently asked husbands why they were violent to their wives, because if it could be proved that there had been some failure in wifely duty, violence could be viewed as a legitimate form of correction. But there was also a recognition that marital violence did not always have a cause, a point missed by these historians. Witnesses who spoke for Rachael Norcott, for example, emphasized that John was 'causelessly' violent to her.<sup>6</sup>

There are limitations to an approach to violence which begins with its causation. There is a danger of uncritically reproducing the arguments deployed by violent men to justify, defend, or at the very least excuse their behaviour. Historians can be drawn into a process by which they shift attention and responsibility for violence onto external factors, such as economic conditions, over which individual men can be said to have little control. This does not answer the question of why, when men were poverty-stricken, sexually frustrated, drunk and so on, they directed their violence against their wives rather than their work colleagues, drinking companions or neighbours? We have to look at contemporary ideas about marriage, and men's and women's roles within it, to find answers. Without understanding these ideas, we cannot retrieve the meanings that those living in the past gave to violent behaviour. Influenced by modern-day attitudes towards marital violence, which see it as a social 'problem' to be regulated and controlled, historians assume that they can find identifiable causes for this behaviour in the past. But, crucially, in the period of this study, violence in marriage was not always seen as deviant behaviour, and could be viewed instead as a feature of a 'normal', functioning relationship.

Other historians have examined marital violence as part of surveys on the history of divorce.<sup>7</sup> The most well known historian in this field is Lawrence Stone. Stone was interested in charting the emergence of modern-day divorce, and he regarded the Divorce Act of 1857, which this book takes as its end point, as a measure of women's improved position within the family and society. In contrast, during the seventeenth and eighteenth centuries, Stone believed, wives could suffer violence of the most brutal kind. Stone certainly had an eye for the sensational and he relished telling stories of marriage breakdown.<sup>8</sup> But

<sup>6</sup> LPL, CA, Case 6659 (1666), Eee2, ff.95,124r.

<sup>7</sup> R. Phillips, *Putting Asunder: A History of Divorce in Western Society* (Cambridge, 1988); and L. Stone, *Road to Divorce: England 1530-1987* (Oxford, 1990).

<sup>8</sup> See, for example, L. Stone, 'Money, sex and murder in eighteenth-century England', in I. P. H. Duffy (eds.), *Women and Society in the Eighteenth Century* (Bethlehem, PA, 1983),

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these were often selected from printed law reports and parliamentary papers, which meant that he neglected studying the primary sources detailing the more mundane, and perhaps more typical marital disputes involving violence. The marriages of those below the social elite were given little attention, and he assumed that the upper and middling social ranks were always the standard bearers of new ideals of marital conduct. Furthermore, Stone was deeply suspicious of the methods of women's history, once pompously writing a list of ten commandments that he believed all historians of women should follow.<sup>9</sup> He gave scant regard to analysing women's views in the law cases he studied, and he did not consider how he might recover the experiences of the many women who did not reach the stage of telling their stories formally in the courts.

More balanced and focused studies of marital violence have been written by legal historians. These have shown when and how the legal concept of marital cruelty developed. Maeve E. Doggett, in particular, considers why the principle of female subjection to men continued to have importance long after the right of husbands to beat their wives was rejected in the courts.<sup>10</sup> These studies have influenced the writing of this book, as has the work by the social historians Anna Clark and A. James Hammerton. Clark's book on working-class marriage from the late eighteenth century until the mid-nineteenth century demonstrates just what Stone missed by concentrating only on the upper and middle social classes. Following her example, the lives of working women who endured marital violence are examined in this book using evidence from petty and quarter sessions, police courts, reports in newspapers, and views of this violence as reflected in popular ballads. Clark showed how the histories of gender and class were intertwined, and this book will develop that theme by demonstrating that ideas of class became increasingly important for determining what forms of marital violence were seen as unacceptable and cruel. However, this study has found no evidence to support Clark's thesis that the extent of marital violence varied with occupation. Clark argued that the wives of artisans employed in traditional trades were more likely to be beaten than wives of the new textile workers. Married men in the former group faced an uncertain economic future, and feeling threatened they reasserted their

pp. 15–28, and *Uncertain Unions and Broken Lives: Intimate and Revealing Accounts of Marriage and Divorce in England* (Oxford, 1995).

<sup>9</sup> L. Stone, 'Only women', *The New York Review of Books* (11 April 1985), 21.

<sup>10</sup> M. E. Doggett, *Marriage, Wife-Beating and the Law in Victorian England* (Columbia, South Carolina, 1993); see also, J. M. Biggs, *The Concept of Matrimonial Cruelty* (London, 1962).

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masculinity by returning to a bachelor culture of hard drinking and violent misogyny. But as well as resorting to a causation theory that places workplace stress at its core, Clark's conclusions are problematic because she assumes that the number of prosecutions for assault brought by wives against their violent husbands reflected the actual incidence of marital violence. This assumption is a false one because we cannot tell how often marital violence occurred and was not prosecuted. As Joanne Bailey has recently remarked, the willingness to prosecute could depend as much upon the proximity of couples to a magistrate or law court as the incidence of violence within particular social groups.<sup>11</sup>

Hammerton's work is unusual because he has examined marital violence in both the working and middle classes. Taking his starting point from where this book ends, he has used the records of the new Divorce Court established after 1857, and those of the magistrates' courts to build a picture of violence in late Victorian marriage. His argument that the ideals of patriarchal and companionate marriage coexisted is convincing, and he shows how this meant that there was never universal condemnation of marital violence. He is sensitive to the continuing difference between the articulation of domestic ideals and the realities of men's and women's behaviour in married life.

Nevertheless, Hammerton makes claims about marital violence in the period of his study, which this book will challenge. Put simply, this book presents a weight of evidence that questions the chronology of change that underpins many of Hammerton's arguments. Hammerton believes that public interest in the issue of marital violence was unprecedented in the nineteenth century, but this book will show that there had been extensive debate about this matter since at least the start of the seventeenth century. This makes it difficult to compare levels of popular intolerance for marital violence over time, and impossible to prove Hammerton's theory that intolerance was increasing in the nineteenth century. Second, Hammerton, along with Martin Wiener, who has focused on domestic violence that led to murder, has argued that the Victorian period saw new pressures on men to control their use of violence. Manliness was being measured by domestic as well as public conduct. However, work on the ideals for early-modern masculinity reveals that there was little that was novel about these requirements. Third, Hammerton believes that the myth created by the Victorians about marital violence, which was that it was a problem confined to

<sup>11</sup> A. Clark, *The Struggle for the Breeches: Gender and the Making of the British Working Class* (London, 1995), especially pp. 74–83, 260–2; J. Bailey, *Unquiet Lives: Marriage and Marriage Breakdown in England, 1660–1800* (Cambridge, 2003), pp. 96–7.

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the working classes, meant that the middle classes did not face up to the issue of its incidence in their own social circles until the end of the nineteenth century. But there is overwhelming evidence, from the cases of marital violence brought to the courts by middle-class wives such as Mary Veitch, the interest in reading reports of marital violence in daily newspapers, and the necessity for middle-class officials and professionals to deal with its consequences, that maintaining any collective blindness to this issue was practicably impossible. Finally, Hammerton argues that in the early years of the new Divorce Court, the concept of matrimonial cruelty was widened to include more than just physical violence, and to take account of the consequences of violence as well as the nature of the violent incident itself. This book will show, however, that well before the mid-nineteenth century, the definition of cruel violence was one that was often dependent on more than physical violence, and was assessed according to its effects upon the women involved. As Chapter 1 will demonstrate, it is crucial that we understand how ordinary people, outside as well as within the courtroom setting, defined and described the violence they experienced or witnessed, before we analyse how they judged it in any formal capacity.<sup>12</sup>

Despite the recent publication of scholarly work that focuses specifically on marital violence, it is noticeable how this is divided between studies that examine the early-modern period, which usually means the period up to the outbreak of the Civil War, and those like Hammerton's, which examine the mid to late Victorian period.<sup>13</sup> While it raises some crucial issues that will be discussed in this book, the most important study of marital violence in the eighteenth century, by Margaret Hunt, draws upon a sample of just ten cases drawn over a two-year period.<sup>14</sup> Based on the period from the Restoration until 1857, this book addresses the gap in our knowledge about marital violence in the 'long' eighteenth century. By providing a much needed longer perspective on the history of marital violence, it questions the originality of many Victorian ideals for married life, and shows how their attitudes towards

<sup>12</sup> A. James Hammerton, 'Victorian marriage and the law of matrimonial cruelty', *Victorian Studies* 33, 3 (1990), 269–92, and *Cruelty and Companionship: Conflict in Nineteenth-Century Married Life* (London, 1992); M. J. Wiener, 'The Victorian criminalization of men', in P. Spierenburg (ed.), *Men and Violence: Gender, Honor, and Rituals in Modern Europe and America* (Ohio, 1998), pp. 197–212, and *Men of Blood: Violence, Manliness, and Criminal Justice in Victorian England* (Cambridge, 2004).

<sup>13</sup> For an example of work on the earlier period see, S. D. Amussen, "'Being stirred to much unquietness": Violence and domestic violence in early modern England', *Journal of Women's History* 6, 2 (1994), 70–89.

<sup>14</sup> M. Hunt, 'Wife beating, domesticity and women's independence in eighteenth-century London', *Gender and History* 4, 1 (1992), 10–33.



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marital violence were derived from debates that had been ongoing for centuries. The problematisation of male violence was no innovation of the nineteenth century, but had antecedents in the seventeenth and eighteenth centuries. Crossing the divide between early modern and modern social history reveals what people living in these periods held in common. In contrast to previous studies, this book will demonstrate the many continuities in ideas about marital violence in the past. The most fundamental of these was an intolerance for this form of marital conduct. This was enduring, and not mounting or increasing over time, as it has been suggested. As Chapter 1 will show, however, this criticism of marital violence was always circumstantial, depending on the characteristics of the couple involved. Across our period, there was a point at which marital violence became intolerable: it was not unacceptable *per se*. Thus critical comment about marital violence was accompanied by a long-term acceptance that there were occasions when husbands did have a right to use violence to correct their wives. The popular judgement of incidents of marital violence was subjective, but the common terms of reference that people used to reach their viewpoints altered less than many historians have led us to believe.

This emphasis upon continuity does not mean that discussion of changes in the definition or responses to marital violence will be absent from this book. Instead it will be shown that as the period progressed, class became more influential in shaping the types of violence that contemporaries thought would be experienced in each social group. The ways in which wives could respond to their husband's violence also changed as ideas about what constituted ideal femininity developed along new lines. In the final chapters of the book, the continuities of neighbourhood intervention will be contrasted with the early attempts by the professionals, including the 'new police', to deal with the consequences of marital violence. Legislation to deal with the problem of marital violence, passed in 1803, 1828 and 1853, also marked the beginning of parliamentary attempts to deal with its occurrence.

A further common theme to emerge from previous studies on marital violence is their concentration upon male violence. The violence of wives has been largely ignored. In part this is because historians have defined marital violence as physical violence, and have given less consideration to its other forms. As Chapters 1 and 2 will show, taking the same wider definition of violence as people in the past allows us to discuss when and how women used violence in their relationships with their husbands. Violence could be exchanged within marriage, rather than simply being one-way.



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By seeing marital violence as an important part of family history, this book is taking a new approach to the subject. It is an extraordinary reflection of the distance between historians of gender relations and those of the family, that consideration of the impact of violence between men and women upon other family members has never been attempted.<sup>15</sup> In particular, children have been the ‘missing persons’ in all previous histories of marital violence. Yet there is ample evidence of their presence during marital quarrels, and that they were immediately affected by what they saw and heard. Important changes in the law on child custody occurred during the period of this book, and along with children’s responses to parental violence they will be discussed in Chapter 3.

Despite the criticisms that have been outlined above, there is still much to learn from the histories of marital violence that have been written since the 1970s, and this book will engage with many of their findings. Drawing upon evidence of conflict in marriage across the social scale, and placing marital violence in the context of familial as well as gender and social relations, this study will examine both marital behaviour and ideas about it over a two hundred-year period. To make sense of what the book will reveal, however, it is vital that first we place the institution of marriage in its historical context.

*Married life c.1660–1857*

When Rachael Norcott and Mary Veitch married they entered an institution and stage in their lives that brought status, rights, duties and obligations. Marriage, and motherhood that was assumed to follow, were goals for middle-class women in a society where spinsterhood and widowhood held so many economic and social uncertainties. But while being a wife signalled adulthood, authority and usually governance over a household, it also required a woman to assume a gender role of subjection and obedience to her husband. The institution of marriage was intended to be the bedrock of the patriarchal ideal where women were subordinated to men, and husbands ruled over and dominated their wives.

Women’s inferior position to men was supported in scriptural, political, medical and legal thought across our period. Ordinary women and men learned about their gender roles through popular culture and

<sup>15</sup> The different directions of research often undertaken by historians of gender and the family have been noted by Megan Doolittle in, ‘Close relations? Bringing together gender and family in English history’, *Gender and History* 11, 3 (1999), 542–54.

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custom, and from a range of prescriptive and advice literature. All tended to support the idea that the organizing principle of gender relations within marriage should be that of 'separate spheres'. In other words, the lives of wives should be confined to the 'private' sphere of the home, where they carried out their domestic tasks, and men should be active in the 'public' sphere of work and politics outside it. Wives and husbands were prescribed particular gender roles for their lives in these spheres, which were based on what were perceived to be the natural qualities for each sex. Wives were to be carers and managers of their families and homes, because they had the female characteristics of compassion, patience, tenderness and charity. Their more emotional natures and lack of reason made them less suited than men to the competitive and challenging world of business and politics. It was men's greater intellectual capacities, ambition and determination that gave them the ability to survive, and, more importantly, prosper in the public sphere. The main duty for husbands was to provide economic sustenance for their wives and families.

Historians initially believed that the ideal of separate spheres in married life emerged in the late eighteenth century, and that it was their attempts to achieve this state of gender relations, which were crucial to middle-class formation and identity.<sup>16</sup> Subsequently, however, it has been shown that many aspects of this ideal were shared by men and women living in the sixteenth, seventeenth and early to mid-eighteenth centuries, so that Victorian notions of ideal gender relations represented more a refashioning than a radical new model. It is now thought that it was ideals such as those of separate spheres which enabled patriarchal beliefs to adapt and endure over time. What was perhaps more novel by the nineteenth century was that changes in the economy meant that the ideal of wives remaining in the home while their husbands went out to work became within the sights of working-class as well as middle-class couples. Victorian concepts of respectability in family life placed much importance on women's economic dependence upon their husbands. Nevertheless, as many historical studies have shown, from the sixteenth to the nineteenth centuries, there could be an important difference between ideals and practice. In reality, wives and husbands crossed the boundaries between the private and public spheres on a daily basis, and many households continued to rely upon the economic contribution of both sexes. Thus as an analytical tool for historians, the concept of separate spheres does not capture the complexities or range of women's

<sup>16</sup> Davidoff and Hall, *Family Fortunes*, passim.