

Introduction

Marriage is one of the oldest institutions in Ireland. The earliest legal codes in Irish history incorporated a detailed set of regulations on the rights and responsibilities of husbands and wives. In the medieval period, marriage was at the core of the conflict between Gaelic and English customs and social practices. Marital alliances were also an essential element in sixteenth- and seventeenth-century political and economic networks. The continuing significance of family connections is also evident in eighteenth-century Irish political life. In the nineteenth century, the financial arrangements for marriage were an important factor in the economic structure of rural society. Marriage also set the parameters for the sexual moral code that prevailed in twentieth-century Irish society.

In this book we set out to write an extended study of the history of heterosexual marriage on the island of Ireland from 1660 to 1925. The time frame begins with the Restoration of Charles II as king of Ireland and ends with the parliamentary debate on divorce in the Irish Free State. The starting date of 1660 was partly determined by the availability of source material but the Restoration also marks the beginning of the legislative structure and the political divisions that were to frame the history of Ireland over the following two hundred and sixty years. We chose 1925 as our concluding year because the Oireachtas¹ debate on divorce marked a significant turning point in evolving attitudes to marriage in the Irish Free State and Northern Ireland. The public controversy provoked by the debate silenced parliamentary discussion on the possible introduction of divorce in the Irish Free State. The 1937 constitutional ban on divorce continued the reluctance of the Irish state to countenance legislation on marital dissolution and remarriage until compelled to do so in the 1990s. 1925 was also an important year in the history of divorce in Northern Ireland. By contrast with the Irish Free

¹ The Oireachtas refers to the two houses of the Irish legislature (the Dáil, lower house and Seanad, upper house).

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State, the newly established parliament in Belfast agreed in 1921 to accept petitions for divorce and the first petition was read in the Northern Ireland House of Commons in 1925. Thereafter, marriage law in Northern Ireland was gradually brought into line with that in England. In 1939, divorce was transferred from the jurisdiction of the parliament to the High Court of Northern Ireland, a move that emphasised the increasing legal divergence of the two parts of the island.²

Irish Historiography on Marriage

The primary focus of this book is the logistics of marriage among the social classes below the level of wealthy landowning families: exploring how marriage was perceived, negotiated and controlled by church and state as well as by individual men and women. Despite the importance of marriage in Irish history, only a handful of historians have analysed it in depth. A number of significant publications have appeared on marriage in elite families. Anthony Malcomson has led the field with his research on the importance of heiresses in the survival of aristocratic families. Deborah Wilson elaborated on this theme to explore the property arrangements of married women in landed families and, in particular, the role of widows in the late eighteenth and early nineteenth centuries. More recently, Rachel Wilson has documented the marital and domestic arrangements of women in wealthy families for an earlier period while Maeve O'Riordan has explored similar issues for a later generation of women in Munster in the years between 1860 and 1914.³

Surprisingly little has been published on the history of marriage among the 'middling' and lower social classes in rural or urban society. There are scattered studies on individual marriages and marriage law but there is no major or extended study of the history of marriage in Ireland for any period of time. In the 1950s, K. H. Connell was the first historian to utilise parliamentary papers and contemporary literature to understand what he called 'peasant' marriage patterns in nineteenth-century Ireland.⁴ Connell's conclusions on the prevalence of marriage at a young

² See Diane Urquhart, *Irish Divorce: A History* (Cambridge, 2020), chapter 5.

³ A. P. W. Malcomson, *The Pursuit of the Heiress: Aristocratic Marriage in Ireland 1740–1840* (2nd ed., Belfast, 2006); Deborah Wilson, *Women, Marriage and Property in Wealthy Landed Families in Ireland, 1750–1850* (Manchester, 2009); Rachel Wilson, *Elite Women in Ascendancy Ireland, 1690–1745: Imitation and Innovation* (Woodbridge, Sussex, 2015). Maeve O'Riordan, *Women of the Country House in Ireland, 1860–1914* (Liverpool, 2018).

⁴ K. H. Connell, 'Peasant marriage in Ireland after the Great Famine', *Past and Present*, 12 (1957), 76–91; 'Peasant marriage in Ireland: Its structure and development since the famine', *Economic History Review*, 14, 3 (1962), 502–23.

age in pre-Famine Ireland have been critiqued by a subsequent generation of historians searching for explanations for the rapid rise in the Irish population after 1750. Few scholars, however, have developed Connell's more general analysis on marriage in rural Ireland before and after the Great Famine (1845–1850). In 1985, Art Cosgrove edited a collection of essays entitled *Marriage in Ireland*. Directed at a general readership, the volume provided the first study of the ecclesiastical and, to a lesser extent, the civil law on marriage from the early Christian period through to the twentieth century.⁵ Like Connell's work, the challenges and questions posed by the individual chapters in this volume have not been explored in any detail in the thirty years since its publication. In this book, we aimed to take a fresh look at the themes in this collection and, through the use of a wider range of sources, to write a more in-depth study of the history of marriage in Ireland between 1660 and 1925.

Although there is no general history of marriage with which we could engage in our study, demographic and legal historians have made significant contributions to the field. There has been a considerable amount of work published on the fluctuating demography of Ireland, particularly in the eighteenth and nineteenth centuries. Cormac Ó Grada, Mary E. Daly, Leslie Clarkson, Liam Kennedy and others have explored marital age and fertility and offered explanations for the decline in rates of marriage in late-nineteenth-century Ireland and the relatively large size of families of couples who did marry.⁶ Although not specifically focussed on the history of marriage, we have drawn on this literature, particularly in Chapters 3 and 8 when we examine age at marriage and, in a more cursory manner, marriage fertility in the nineteenth and twentieth centuries.

In *Marriage in Ireland*, Art Cosgrove, Margaret MacCurtain and P. J. Corish provided an outline of medieval and early-modern Irish civil and

⁵ Art Cosgrove (ed.), *Marriage in Ireland* (Dublin, 1985). Rudolph Thurneysen *et al.*, *Studies in Early Irish Law* (Dublin, 1936) was a pioneering collection of essays that focussed on the earliest Irish law codes, particularly as they related to women and marriage. For a more recent study see Fergus Kelly, *A Guide to Early Irish Law* (Dublin, 1988). See also Salvador Ryan (ed.), *Marriage and the Irish: A Miscellany* (Dublin, 2019).

⁶ Mary E. Daly, 'Marriage, fertility and women's lives in twentieth-century Ireland (c. 1900–c. 1970)', *Women's History Review*, 15, 4 (2006), 571–85; Cormac Ó Grada, *Ireland: A New Economic History, 1780–1939* (Oxford, 1995); Liam Kennedy, Kerby A. Miller and Brian Gurrin, 'People and population change, 1600–1914' in Liam Kennedy and Philip Ollerenshaw (eds.), *Ulster Since 1600: Politics, Economy, and Society* (Oxford, 2013), pp. 65–66. Eugenio F. Biagini and Mary E. Daly (eds.), *The Cambridge Social History of Modern Ireland* (Cambridge, 2017) is the best guide to recent writing on Irish social history.

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ecclesiastical marriage law.⁷ This has been developed in more recent years, especially in the collection of essays edited by Niamh Howlin and Kevin Costello entitled *Law and the Family in Ireland 1800–1950*. The volume, part of an inter-disciplinary series of seminars, included innovative studies on a range of issues related to the history of marriage law. We have made use of this stimulating work throughout our work.⁸ Diane Urquhart, who is a contributor to the Howlin and Costello collection, has also published a more detailed history of divorce in Ireland, which traces the evolution of the laws on divorce from the eighteenth through to the twentieth century.⁹ Our book is also a history of marriage law, but we wanted in addition to integrate a study of the law with an account of the lived experiences of married couples and the ways in which they conformed to or ignored legal imperatives, whether of church or state.

The history of marriage in Ireland has also attracted the attention of scholars in disciplines other than history. Linda Ballard's *Forgetting Frolic: Marriage Traditions in Ireland*, documented the material culture associated with marriage customs and practices. This is a rich area of research and we have only had space to point to themes, some of which are noted by Ballard, that merit further exploration. In particular, the commercialisation of weddings and the development of a consumer culture around wedding dresses, engagement rings, printed invitations, hotel rooms for hire and wedding breakfasts are worthy of much more research.¹⁰

A major theme running through this book is that of sexuality. In his 1982 book, *Priests and People in Pre-famine Ireland, 1780–1845*, Sean Connolly devoted a chapter to marriage and sexual behaviour. This was a pioneering and wide-ranging survey of marriage practices, notably in rural Ireland. Connolly identified the central role of the family in arranged marriages observing that 'the pattern of marriage in pre-Famine

⁷ Art Cosgrove, 'Marriage in medieval Ireland' in Art Cosgrove (ed.), *Marriage in Ireland*, pp. 25–50; Margaret MacCurtain, 'Marriage in Tudor Ireland' in Art Cosgrove (ed.), *Marriage in Ireland*, pp. 51–66; Patrick J. Corish, 'Catholic marriage under the penal code' in Art Cosgrove (ed.), *Marriage in Ireland*, pp. 67–77. See also Patrick J. Corish, *The Irish Catholic Experience: A Historical Survey* (Dublin, 1985); Art Cosgrove, 'Marrying and marriage litigation in medieval Ireland' in Philip L. Reynolds and John Witte, Jr. (eds.), *To Have and to Hold: Marrying and Its Documentation in Western Christendom, 400–1600* (Cambridge, 2007), pp. 332–59.

⁸ Niamh Howlin and Kevin Costello (eds.), *Law and the Family in Ireland, 1800–1950* (London, 2017).

⁹ See Urquhart, *Irish Divorce: A History*. This pioneering study appeared too late for us to engage with its findings. See also David Fitzpatrick, 'Divorce and separation in modern Irish history', *Past and Present*, 114 (1987), 172–196.

¹⁰ Linda Ballard, *Forgetting Frolic: Marriage Traditions in Ireland* (Belfast, 1998).

Ireland subordinated the interests of the individual to those of the family'.¹¹ Our book builds on Connolly's work on courtship and marriage in the period between 1780 and 1845. By extending the time period and drawing on a wider range of sources we provide a more detailed understanding of men's and women's experience of courtship, marriage and marital discord. We trace in particular the ways in which people devised means to subvert ecclesiastical and civil law, thereby undermining family expectations of spousal choice.

Historians of Irish Presbyterianism have also explored sexual activity and morality in the north of Ireland. The work of Paul Gray, Andrew Holmes and Leanne Calvert, especially, has expanded our knowledge of attempts by Presbyterian church leaders to control the marriages and the sexual behaviour of their congregations.¹² In Chapter 3, we engage with this research and problematise further the denominational distinctions that are assumed to have existed in pre-nuptial sexual practices.

Scholarship on the history of sexuality in Ireland has expanded considerably in the last ten years. Building on research into women's and gender history, historians have investigated, among other issues, prostitution, the problems associated with pregnancy outside marriage, infanticide, abortion, celibacy and same sex relations.¹³ This research has questioned popular assumptions about Irish society in the past and the

¹¹ S. J. Connolly, *Priests and People in Pre-famine Ireland, 1780–1845* (Dublin, 1982); 'Marriage in pre-Famine Ireland', Cosgrove, *Marriage in Ireland*, pp. 78–98.

¹² Andrew Blaikie and Paul Gray, 'Archives of abuse and discontent? Presbyterianism and sexual behaviour during the eighteenth and nineteenth centuries' in R. J. Morris and Liam Kennedy (eds.), *Ireland and Scotland: Order and Disorder, 1600–2000* (Edinburgh, 2005), pp. 61–84; Andrew R. Holmes, *The Shaping of Ulster Presbyterian Belief and Practice, 1770–1840* (Oxford, 2006); Leanne Calvert, "'Do not forget your bitwife": Marriage and the negotiation of patriarchy in Irish Presbyterian marriages, c. 1780–1850', *Women's History Review*, 26, 3 (2017), 433–54; "'He came to her bed pretending courtship": Sex, courtship and the making of marriage in Ulster, 1750–1844', *Irish Historical Studies*, 42 (162) (2018), 244–64.

¹³ See for example, Maria Luddy, *Prostitution and Irish Society, 1800–1940* (Cambridge, 2007); Diarmaid Ferriter, *Occasions of Sin: Sex and Society in Modern Ireland* (London, 2009); Leanne McCormick, *Regulating Sexuality: Women in Twentieth-Century Northern Ireland* (Manchester, 2009); Cliona Rattigan, 'What Else Could I Do?': *Single Mothers and Infanticide. Ireland 1900–1950* (Dublin, 2012); Elaine Farrell (ed.), 'She Said She Was in the Family Way': *Pregnancy and Infancy in Modern Ireland* (London, 2012); Elaine Farrell, 'A Most Diabolical Deed': *Infanticide and Irish Society, 1850–1900* (Manchester, 2013); Virginia Crossman, *Poverty and the Poor Law in Ireland, 1850–1914* (Liverpool, 2013); Jennifer Redmond, Sonja Tiernan, Sandra McAvoy and Mary McAuliffe (eds.), *Sexual Politics in Modern Ireland* (Dublin, 2015); Cara Delay, 'Girls, the body, and sexual knowledge in modern Ireland' in Christina Brophy and Cara Delay (eds.), *Women, Reform, and Resistance in Ireland, 1850–1950* (London, 2015), pp. 163–84; Lindsey Earner-Byrne and Diane Urquhart, *The Irish Abortion Journey, 1920–2018* (London, 2019). See also James Kelly, 'Infanticide in eighteenth-century Ireland', *Irish Economic and Social History*, 19 (1992), 5–26.

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presumed sexual innocence of Irish men and women. Our study adds to this history by examining further the level of non-conformity in sexual matters amongst individuals and couples over a long time period. We see sexual non-conformity, for instance, in cohabitation, adultery, the keeping of mistresses and the advantage taken of women servants in households. We also explore women's consensual sexual behaviour as witnessed in breach of promise to marry cases and seduction. We observe the blurring of public/private distinctions when, for example, cases of criminal conversation come to court. Newspaper reporting of such cases investigated people's private sexual relationships and exposed their domestic arrangements to public scrutiny.

Outline

The book is structured around four main themes: the laws on marriage; the formation of marriage through courtship and financial arrangements; marital relations and what could lead to conflict, particularly of a violent kind, between husbands and wives; and finally the breakdown of marriage and the processes involved in desertion, separation and divorce.

In Chapters 1 and 2, we analyse how the state and the different religious denominations defined a legally valid marriage and the complexities that arose when these definitions clashed. The nineteenth-century insistence on public registration of marriages was aimed at the standardisation of the religious and civil process, but throughout the period the Catholic church successfully maintained a detached attitude to state law on marriage. This was, as we indicate at different stages in the book, of mixed benefit to the Catholic church and its adherents. All the churches, however, converged on their disapproval of private marriage ceremonies, known variously as 'clandestine' or 'irregular' marriages, particularly those conducted by clergymen with no formal affiliation to a church, commonly known as couple beggars. The figure of the couple beggar was often depicted in comical terms as an alcoholic, dishevelled man who presided over drunken unions in a public house or fair (see Illustration 2.1). Yet, the reality was more complex and we examine the reasons why large numbers of people opted for a marriage celebrated by a couple beggar or a degraded minister.

In Part II, we ask how marriages were arranged, how couples met and at what age they married. A major theme of the book is an examination of how and why particular marriage partners were chosen. Religious belief was only one element in choosing a partner. Individuals and families were also influenced by other criteria including, most importantly,

the economic and social status of the potential partner. We also focus attention on the process of courtship, and the extent to which parental and family approval took precedence over individual wishes. Documenting the financial arrangements for individual marriages is challenging as few of the families that we examine left written explanations. Newspaper reporting of court trials, particularly for breach of promise to marry, enable us to provide some context for the negotiations over dowries and the role that different family members played in them. In Chapter 3, we suggest that marriage ages differed across economic classes as well as regions. The age at which people married was often related to the economic prospects of the couple. It is also important to remember that before the mid-nineteenth century many people did not know how old they were and ages were often guessed or assessed by physical attributes rather than chronological years.

Despite the importance of financial arrangements in marriage negotiations, there were, especially among the middling groups in society, agreed forms of courtship behaviour. The failure of men, in particular, to observe them might lead to the breakdown of the courtship either by the woman or by a member of her family. Courtship practices for the middling sorts are evident in letters and diaries and through evidence presented in legal disputes concerning a range of marital issues. Many breach of promise cases, for example, begin with a preliminary overview of how couples met and provide an understanding of what was considered acceptable behaviour in terms of class and respectability. The places in which people courted, whether or not they were chaperoned and the gifts and love tokens they gave each other all had a class component. Couples from a middle-class background, in urban and rural areas, were monitored more closely by their families than those from further down the social scale. It is, however, worth noting that there is very little evidence of the 'traditional match-maker', a popular figure in the Irish imagination, before the twentieth century. There were matches, certainly, but they were usually arranged by the families involved or by a male relative or family friend. Witnesses in court cases claimed never to have come across a 'match-maker'. For their part, barristers and judges in the late nineteenth and early twentieth centuries, often presented a marriage arranged by a 'match' as an antiquated and ancient phenomenon that had no place in modern society.

The transition to marriage for romantic love and young people having the freedom to marry the partner of their choice reached the towns before the rural parts of Ireland. Within the realm of courtship, social rules dictated that people did not interact without an introduction, but in urban society, men and women might mix socially and more informally. The emergence of new cultural activities in which both sexes participated

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also facilitated social interaction between strangers outside the family circle or network. The two worlds could also, of course, overlap. Rural women, working in towns or cities, might meet men independently but as the courtship progressed, they returned home to enable the more formal negotiation of marriage to take place.

The rules for courtship behaviour did not include pre-marital sex but it is clear that many couples did have sex before they married. Some did so with the tolerance, if not the approval, of the local community. The elders at local sessions of the Presbyterian church, for example, administered public punishments to those who admitted to engaging in sex before marriage. They were, however, more forgiving of the offence if the couple subsequently married. In Catholic and Protestant communities, a pregnant bride was less scandalous than an unmarried mother. Not all sex before marriage was, however, consensual. As we document in Chapter 6, the violent abduction of young single women was common among the lower classes in rural Ireland until the middle decades of the nineteenth century. The aim was to force the woman or her family to consent to marriage. The seduction of single women could also involve rape, as their stories in court often revealed.

Courtships could also break down and not result in a happy union. In Chapter 5, we look at what could go wrong in the arrangements for marriage. Promises to marry were, sometimes, broken if a better offer materialised. Reneging on what was perceived as a binding commitment was considered a serious offence by all the church authorities. Until 1818, the church courts had the power, at least in theory, to compel anyone who made a promise to marry to fulfil that promise. Furthermore, from the late eighteenth century, men and women could sue the reneging partner for a breach of a promise to marry in the civil courts. Breach of promise cases that came before the Irish courts can tell us a great deal about attitudes to courtship and marriage.

In Part III of the volume, we move on to the wedding ceremony and its aftermath. We look at relationships of husbands and wives and the different ways in which patriarchy was manifest in marriage. Generalisations based on the personal and emotional bonds between men and women are difficult. Some men were more domineering figures in the home than others, while women too could exercise emotional pressure on their husbands. Economic co-dependence also mitigated against the worst excesses of the patriarchy embodied in the legal system. External developments, particularly, in relation to women's ability to access paid employment outside the home and new laws on women's property rights gave married women greater control over their lives by the late nineteenth century.

As Chapter 10 graphically demonstrates, however, domestic violence remained a common feature of marital relations throughout the two hundred and sixty-five years covered by the volume. The chapter looks not only at issues of assault in marital relationships but also at the extent of spousal murder over the period. Such violence occurred at all social levels, but was less acceptable and less visible at higher social levels. It is difficult, however, to estimate how common domestic abuse actually was. There was some level of social acceptance of mild domestic violence but families and neighbours tended to intervene when matters become too serious. By the nineteenth century, cases involving domestic violence were considered in the lower courts on a weekly basis. The women who reported their husbands to the authorities mainly requested that they be bound to the peace, rather than punished. How effective this was as a means of controlling violence is open to question. There was also a considerable level of other intra-familial violence, including violence against children, parents, in-laws, siblings and other relatives. Access to land and family resources, disputes over relationships and the irritability caused by the close proximity of extended families living in small spaces could all lead to violent conflict. Documenting the prevalence of domestic violence can only, however, provide a partial record of the reality of married life for some couples.

In the final part, we focus on the breakup of marriage: the reasons for it and the available processes for separation. The 1857 Act, which opened up divorce proceedings to the middle classes in England was not enacted in Ireland. The omission of Ireland from the Act did not create any significant opposition. The barristers and judges in the Irish courts increasingly argued that divorce was not natural to Irish society and they urged Irish juries not to condone the dissolution of the marriage bonds. Yet, from the early eighteenth century, it was possible for men (and later, women) to petition parliament for a dissolution of their marriage. It was a complicated legal process and only available to those who could afford it. In 1922, it was initially assumed that petitions for divorce would be heard by the new legislature of the Irish Free State, but under pressure from the Catholic hierarchy this assumption was quietly dropped. The lack of access to divorce led many people to devise their own solutions to unhappy marriages. Men and women deserted wives and husbands, cohabited with new partners or committed bigamy by marrying them. As we document in Chapters 11 and 12, the ecclesiastical and common law courts imposed financial penalties on men who deserted their wives but it proved difficult to implement such judgments. In the middle decades of the nineteenth century, new maintenance legislation, however, strengthened the ability of the courts to chase deserting husbands.

Historical Context

A constant contextual theme throughout the period is the impoverishment of Irish society. Many travellers to pre-Famine Ireland were struck by the poverty that they witnessed in the form of the numbers of beggars they encountered, or the extent of the ‘hovels’ in which people lived. The size and shape of domestic dwelling is, of course, an important consideration in examining marital relations. In the 1770s Arthur Young described how wandering families in Ireland constructed their habitations ‘with a few sticks, furze, fern, etc. [they] make up a hovel much worse than an English pigstie, support themselves how they can, by work, begging and stealing, if the neighbourhood wants hands, or takes no notice of them. The hovel grows into a cabbin’.¹⁴ In 1841, the census commissioners divided the houses of the country into four classes. Over 600,000 families lived in fourth-class housing, or one-roomed houses. The third class of house consisted of dwellings, including cottages built of mud, but having two to four rooms and windows. Classes three and four made up about 77 per cent of the housing available in the country.

As many historians have documented, the living conditions of the poor in Irish cities were also cramped and unhealthy. In 1841 in Dublin, 20,097 families lived in 8,289 second-class houses (five to nine rooms with windows). By the early years of the twentieth century, the city contained some of the worst slums in Europe. By contrast, in rural Ireland, standards in housing rose steadily after the Famine and by 1891 more than half of Irish rural families lived in dwellings with at least four rooms. In particular, the provision of labourers’ cottages improved standards for the poorest of rural workers in Ireland. What is evident from the 1850s onwards, therefore, is the development of a greater level of private space within households. This is particularly clear in the provision of separate bedrooms for parents and children.¹⁵

¹⁴ Arthur Young, *A Tour in Ireland with General Observations on the Present State of That Kingdom Made in the Years 1776, 1777, and 1778, and Brought Down to the End of 1779* (2 vols., Dublin, 1780), ii, pp. 269–70.

¹⁵ T. W. Freeman, *Pre-famine Ireland: A Study in Historical Geography* (Manchester, 1957), pp. 146–52; Barry O’Reilly, ‘Hearth and home: The vernacular house in Ireland from c.1800’, *Proceedings of the Royal Irish Academy*, Section C, 3 (2011), 193–215; Frank Cullen, ‘The provision of working- and lower-middle-class housing in late nineteenth-century urban Ireland’, *Proceedings of the Royal Irish Academy*, Section C, 3 (2011), 217–51; Caitriona Crowe, *Dublin 1911* (Dublin, 2011); Jacinta Prunty, *Dublin Slums, 1800–1925: A Study in Urban Geography* (Dublin, 1998); Ellen Rowley, ‘Housing in Ireland, 1740–2016’ in Biagini and Daly (eds.), *Cambridge Social History*, pp. 212–32; Angela Bourke, *The Burning of Bridget Cleary: A True Story* (London, 1999), pp. 46–7.