

MODERN WOMEN ON TRIAL

SEXUAL TRANSGRESSION
IN THE AGE OF THE FLAPPER



↔ Lucy Bland ↔

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✂ Lucy Bland ✂

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Modern women on trial

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*For my daughter Rosana,
and in memory of my father Tony Bland (1923–89)*

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Introduction

On 7th January 1923 Virginia Woolf, up from Sussex and staying in Gordon Square, London, reflected on the previous night in her diary: 'the house was too noisy for me to sleep. People seemed to be walking. Then a woman cried, as if in anguish, in the street, and I thought of Mrs Thompson waiting to be executed.'¹ Two days later, Edith Thompson was indeed executed – hanged, along with her lover Freddy Bywaters, for the murder of her husband. After her death, Edith's execution was widely considered a miscarriage of justice, yet at the time the jury, judge, Appeal Court, most of the national newspapers as well as surveys of popular opinion, pronounced her culpable. Evidence of her guilt as to murder is now viewed as non-existent, so why was she deemed a murderer at the time? Six months later, in July 1923, Marguerite Fahmy shot dead her husband, millionaire Egyptian Ali Fahmy, in the corridor of London's Savoy Hotel. It took an Old Bailey jury just one hour's deliberation to find her 'not guilty' of murder or manslaughter, despite clear evidence to the contrary. How was such a verdict possible?

One of the objectives of this book will be to answer this conundrum: why one woman, innocent of murder, was hanged – a woman whose tragic predicament had haunted Woolf, preyed on her mind as she lay unable to sleep – while during the same period another, who was probably guilty, walked free. The conundrum acts as a catalyst, opening up a fascinating terrain of questions concerning the law, the press, the public, young women and issues of morality. These intriguing trials are two of a number of sensational British court trials considered in this book, featuring young female protagonists in the period 1918 to 1924 – 'sensational' because the protagonists were involved in what was widely seen as 'transgressive' sex. Equally fascinating is the obsessive focus on the behaviour of women: the woman in the dock, those women who were part of the courtroom audience, and women generally in the wider society. These trials had extensive

press coverage, unsurprising given that in the 1920s – the heyday of the ‘dailies’ – sensational and scandalous trials were the staple of the popular press. Reports on such trials sold newspapers, ‘crime’ and ‘divorce’ (with the accompanying trials) being amongst the subjects cited in contemporary surveys of newspaper readers as the ‘most-read’ items (along with stories about accidents, human interest, royalty and the weather).²

But why examine court trials? I want to explore ideas and possible anxieties regarding the modern woman and her supposed immorality, and I focus on a series of sensational trials as a way in for such an exploration, given that the debates within the law court and on the pages of newspapers reveal (some of the) contemporary attitudes towards women and their sexual mores. The trials are thus taken as a prism through which to identify concerns about modern femininity. Were women thought to have changed/be changing in significant ways? If they were, what threats were perceived to social, economic, moral and domestic order from such a change? I look at these trials not simply in terms of what was said and enacted in court – the facial and bodily expressions, the silences – but also how the trials were represented and commented upon in the wider culture. Thus I analyse not simply the trial transcripts (where they exist), but also police archives, court records, unpublished government memos, public opinion polls, diaries, memoirs, autobiographies and biographies, letters, fictional spin-offs, and most centrally of all, material about the trials in the press: the reportage, commentary, editorials, letters, drawings and photographs. In making the private world of domesticity, sexual relationships, and marriage shockingly public, these accounts generated lively discussion which spilled out beyond the confines of the page into public debate. Reading and talking about sensational trials was a central form of popular cultural entertainment.

The period under consideration is the last year and immediate aftermath of the Great War. This was a period of unemployment, strikes and riots – a time of flux and difficult transition from a war economy and culture to one of peace. Dislocations of work, family and relationships contributed to heightened anxiety and great upheaval for both sexes. On the one hand, men, already mentally and physically scarred by the war, returned to the humiliation of high unemployment; on the other, women, having gained greater independence and skills, were now frustratingly expected to resume pre-war work and conventional gender relations. And their choice of potential husbands was feared to have greatly shrunk with so many dead or shell-shocked.³ Accounts of the era mention how male veterans, many profoundly transformed by trench warfare, were frequently appalled to find that the women they had left behind were *not* as they had

left them: the women had gained in confidence, were sometimes insubordinate, had undertaken so-called men's work during the war, had frequently fared well on their own, and most of those over thirty now had the vote.⁴ The younger generation too were demanding greater freedoms and opportunities, the *New Statesman* for example reporting in 1917 that the new women workers 'have a keener appetite for experience and pleasure and a tendency quite new to their class to protest against wrongs'.⁵ There was particular resentment by men of the 'pleasure-seeking' attitude that women now seem to have acquired.⁶ 'A barrier of indescribable experience' was how Vera Brittain later depicted the gulf between the sexes.⁷ One reflection of this gulf lay in the spiralling divorce rate, from just under 1,000 in 1913 to over 5,000 in 1919.⁸ (While such figures demonstrate that divorce was still extremely rare, the rate of increase is significant nevertheless.) As for 'bachelor girls', wrote a commentator in the *Daily Mirror*, they were demanding change because they had 'tasted the sweets of liberty'.⁹ Relations between men and women did not improve when economic depression set in at the end of 1921, with Britain's staple export industries hard hit.¹⁰ These wider structural problems were linked to Britain's weakened global industrial and political standing, exacerbated by challenges from both socialism (invigorated by the new Soviet Russia) and anti-colonialism, especially in Ireland, Egypt and India.¹¹ As we shall see, anxiety about Britain's colonial relations, explicitly or implicitly, informed several of the trials considered here.

The modern woman/flapper

The woman of the immediate post-war period, especially the 'bachelor girl', was frequently termed a 'modern woman/girl'. The term 'modern woman' was often used interchangeably with 'flapper' (although strictly the latter referred to girls and women too young to vote, and thus under thirty, while an older woman could still be termed 'modern'). The modern woman-cum-flapper, a figure found across all classes, represented modernity, mobility, new opportunities, a brave new world, a break with the pre-war world of chaperones, Victorian values and restrictive clothing. Above all, she represented female youthfulness and the future. She was associated with short hair, short skirts, dropped waistlines, a flat chest, in fact a look that was decidedly androgynous. Historian Adrian Bingham suggests that this new young androgynous figure symbolised 'a much wider appropriation of masculine traits by women', but as critical historian Laura Doan points out, the boyishness of this new modern girl was seen more as fashion than threat.¹² However, the modern woman-cum-flapper also represented

immorality, generational challenge, and the erosion of stability, particularly in relation to gender relations and the family. And she dangerously blurred the boundaries between respectable women and women of a 'certain class' (a coded phrase for prostitutes).¹³ Unsurprisingly, while there was much interest in the modern woman-cum-flapper, there was also a deeply felt ambivalence, particularly as far as her sexuality was concerned.¹⁴ In the press, positive commentary sat side by side with more negative sentiments, even in the same publication, where opinion pieces, editorials and fashion pages, for example, might stand in contradiction to each other, suggesting the complexity of 'reading' the modern woman.¹⁵ The press and other commentators categorised women in terms of 'types' – a reductive set of categories which facilitated the telling of a narrative, and helped 'make sense' of certain women's behaviour, but which inevitably straitjacketed any complex or nuanced understanding of the women concerned. In the 1920s the modern woman/flapper was the key 'type'.

Most women over thirty acquired the franchise with the Representation of People Act of February 1918.¹⁶ Why were younger women excluded? It was not as if there was still strong opposition to female suffrage. By 1917 formerly anti-suffrage newspapers such as *The Times* and the *Daily Mail* had been converted, and membership of the Anti-Suffrage League had fallen dramatically. The women munitions workers, having been admonished earlier on in the war for their giddiness, were later in the war thought by many to have 'earned' the vote through their patriotic work.¹⁷ But when it came to drawing up an enfranchisement bill, many politicians were anxious that should women get the vote on the same terms as men, they would greatly outnumber them, and when the bill was negotiated it was agreed that the least objectionable way to keep the numbers of women down was by raising their voting age. Suffragist Millicent Fawcett, who was consulted on the bill, was prepared to go along with this, believing that married women and mothers (the majority of whom were over thirty) in having given their sons and husbands to the war, deserved the vote even more than (the generally younger) industrial workers.¹⁸

That women over twenty-one but under thirty were not deemed eligible was never properly explained, by the legislators or by the press. While fear of women's numerical superiority was central (the 'surplus woman' problem), there was also the belief held by many politicians and others that young women were insufficiently mature and stable to be party to political decisions – the doubts about the frivolity of the female munitions workers having never fully disappeared, even as they were tempered by recognition of the women's hard work.¹⁹ The flightiness of young women was presented as an inevitable bar to active citizenship. Further, many

social commentators were of the opinion that women, particularly young women, had been fundamentally changed by the war: they had become more independent, confident, sensation/pleasure-seeking, selfish, impertinent and uncontrollable. And they were taking on some of the attributes of the opposite sex, as expressed in a popular Sunday paper by a Revd Degen: 'In these days girls knock about the town in the same way as young men. With thoughtless levity, they flutter on the edge of proprieties, the conventions of correct behaviour having been blown sky high.'²⁰ But although some young women might have been behaving like young men in certain (socially disturbing) respects, they were not thought sufficiently like them to be worthy of the vote, for they were deemed too susceptible, too easily influenced, too prone to hysteria; above all they inherently lacked will-power – a claim prominent in the nineteenth century that carried on into the twentieth.²¹

Early on in the war, certain behaviour of young women had already caused alarm. Working-class girls accused of throwing themselves at soldiers had been held to be suffering 'khaki fever'.²² There was also believed to have been a huge rise in illegitimacy (an unfounded fear), the offspring labelled 'war babies'. Prostitution had increased, as had the presence of the 'amateur girl/amateur prostitute' (a young woman, across class, giving sexual favours not for money but for presents), the 'amateur' having been seen as a far greater venereal disease threat than her 'professional' equivalent.²³ One response had been the setting up of women's patrols and women police to address issues of immorality. Such women had patrolled parks in search of immoral behaviour, and had been used for the surveillance of women under the Defence of the Realm Act (DORA). In certain areas curfews had been imposed on women 'of a certain class' between 7 p.m. and 8 a.m. However, on grounds of threat to sexual morality and morale the civil liberties of *all* women had been curtailed, with women banned from pubs in London, Cardiff, Sheffield and certain other towns, and their consumption of alcohol prohibited after 6 p.m., even in a restaurant or hotel. There had also been police surveillance of wives and dependents of soldiers and sailors, with the threat of cessation of allowances (given in lieu of pay) if any 'immoral' conduct was discovered – including drinking and consorting with men.²⁴ As historian Penny Summerfield observes, the State was thereby assuming 'the disciplinary function of the absent husband over his wife'.²⁵

There had also been anxiety about women consorting with racially 'other' men. When wounded Indian soldiers, as British imperial subjects, had been sent for treatment to Britain's South coast, rigid rules had been introduced to keep the Indian soldiers apart from local white women.²⁶

The concern had not been simply with the Indian soldiers' possible inclinations, but also those of the local white women. Thus the Secretary of State for India (Lord Crewe) had warned the Viceroy of India (Lord Hardinge): 'even if 'Arry [sic] has to some extent enlisted, 'Arriet is all the more at a loose end and ready to take on the Indian warrior.'²⁷ 'Arriet (the dropped 'h' implying her Cockney provenance) had also been accused of 'taking on' the black sailor. For example, in July 1917 in Canning Town, East London, several black sailors had been attacked in their lodging-houses and on the street by a number of white men and women, the arresting police sergeant in his evidence explaining that 'some of the [local] inhabitants are greatly incensed against the coloured man' because of 'the infatuation of the white girls for the black men'.²⁸

Historian Sonya Rose perceptively comments on societal reaction to the behaviour of women in war:

War's liberating potential threatens the nation that it is imagined to represent. Under such conditions, and in a society with a long history of constructing female sexuality and the pursuit of pleasure as dangerous, women who were perceived to be seeking out sexual adventures might well have been defined as subversive.²⁹

The concerns about women during the war can be summarised as anxieties over promiscuity, sensation-seeking and active sexual agency ('khaki fever', the amateur prostitute, women's relationships with men of colour) and irresponsibility (spreading venereal disease and producing illegitimate children). All such behaviour was additionally deemed unpatriotic (although the young women sleeping with soldiers claimed quite the reverse) and, as Rose suggests, dangerously subversive.³⁰

At the end of the war, many of the same anxieties about women's morality shifted onto the modern woman/flapper, but also the 'butterfly woman' (a sub-species of the modern woman who frequented night-clubs), the surplus woman, the sterile woman, the promiscuous woman, the female 'dope fiend', and the woman who consorted with men of colour. Representations of these types of women feature in one or more of the trials considered here. Furthermore, each trial, in its reportage and commentary, as well as in the actual content of court proceedings, manifested a critique of some aspect of popular culture and modernity relating to women's leisure and lifestyle: dance, drugs, 'desert romances', sensational fiction, fashion, cinema, nightclubs, etc. The trials in effect became vehicles not simply for the passing of judgement on an individual, or on a particular type of woman, but also entailed the castigation of women more broadly, particularly their pursuit of independence, consumption and sensation.

Historiographical debates

There have been several important studies of young women's representation in inter-war Britain. Billie Melman's *Women and the Popular Imagination in the Twenties*, the classic, invaluable text, was followed a year later by Deirdre Beddow's *Back to Home and Duty*.³¹ Melman, who usefully examines a wide selection of popular novels and magazines read by women, in her first chapter analyses the *Daily Mail* and *Daily Express*'s depictions of the modern woman; these she claims to have been largely negative. Beddow, as her book title suggests, argues that women were forced back into the home after the Great War, pursuits other than domesticity and motherhood being vigorously discouraged. The arguments of both texts need some revision. In relation to women's inter-war work, while it is true that restrictions were introduced, including the marriage bar in teaching and the civil service, new arenas of work were opening up for women – in white-collar work, in teaching and the civil service (for single women), in finance and in new light industries.³² Adrian Bingham, in his impressive *Gender, Modernity and the Popular Press in Interwar Britain*, presents a more nuanced picture of press depiction than that given by Melman. He points to how many of the popular newspapers carried articles celebrating sportswomen, and encouraging women to be 'modern' and career-minded.³³ Bingham is certainly correct in pointing to the many positive representations, but I suggest that he underplays the co-existence of negative portrayals, his seeing the inclusion of these as the editors' or owners' desire for controversy rather than indicating ambivalence.

There have also been excellent recent publications on trials. George Robb and Nancy Erber's co-edited *Disorder in the Court* takes as its object the role of the state in regulating sexual morality at the *fin de siècle*, arguing that the various trials analysed in their book provide 'a snapshot of critical moments of social contestation'. This was the era of the 'new woman' – a construct not dissimilar to the later 'modern woman'. Their helpful introduction points out that legal proceedings have too often been overlooked in the study of sexual behaviour and attitudes, but that recent scholarship has begun to appreciate the role of 'the judicial contestation of sexual matters'.³⁴ Such recent scholarship, in addition to Angus McLaren's *The Trials of Masculinity*, now includes two riveting books by Kate Summerscale: one about a murder case, *The Suspicions of Mr Whicher*, the other a divorce case, *Mrs Robinson's Disgrace*.³⁵ There are also two new books on women accused and acquitted of poisoning: Eleanor Gordon and Gwyneth Nair's study of the nineteenth-century trial of Madeleine Smith, and John Carter Wood's of that of Beatrice Pace in the late 1920s.³⁶ I follow these important