



THE POLITICS OF GENDER IN VICTORIAN BRITAIN

Masculinity, Political Culture and the
Struggle for Women's Rights

BEN GRIFFIN

AMBRIDGE

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The Politics of Gender in Victorian Britain

This groundbreaking history of Victorian politics, feminism and parliamentary reform challenges traditional assumptions about the development of British democracy and the struggle for women's rights, and demonstrates how political activity has been shaped by changes in the history of masculinity. From the second half of the nineteenth century, Britain's all-male parliament began to transform the legal position of women as it reformed laws that had upheld male authority for centuries. To explain these revolutionary changes, Ben Griffin looks beyond the actions of the women's movement alone and shows how the behaviour and ideologies of male politicians were fundamentally shaped by their gender. He argues that changes to women's rights were the result not simply of changing ideas about women but also of changing beliefs about masculinity, religion and the nature of the constitution, and, in doing so, demonstrates how gender inequality can be created and reproduced by the state.

BEN GRIFFIN is a Fellow and lecturer in History at Girton College, University of Cambridge. His doctoral thesis was awarded the Prince Consort and Thirlwall Prize, and the Seeley Historical Medal, in 2005, and his previous publications include *The Politics of Domestic Authority in Britain since 1800* (2009), co-edited with Lucy Delap and Abi Wills.

For my parents, David and Meegan, for all their
love and support.

The history of men's opposition to women's emancipation is more interesting than the story of that emancipation itself. An amusing book might be made of it if some young student at Girton or Newnham would collect examples and deduce a theory, – but she would need thick gloves on her hands, and bars to protect her of solid gold.

Virginia Woolf, *A room of one's own*.

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While writing about the relationship between men and their families I have been continually reminded of how grateful I am to my own family. I owe more to my wife, Sally Brierley, than I can say; not least because without her love and support writing this book would have been nowhere near as much fun. My sister Laura has been the ideal non-specialist reader, always ready to discuss ideas and to tell me when I'm barking up the wrong tree. This book is dedicated to my parents with love. As a gesture of recognition for all that they have done for me, it is wholly inadequate.

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Part I

Introduction

1 'Feminism' and the history of women's rights

In June 1870 the former MP for Cambridge, Andrew Steuart, found himself in court trying to piece together a version of his life that would somehow explain his behaviour. In his deposition he explained that he 'was an only child, much brought forward when young, of a warm and somewhat vehement temperament, and above the average as regards intelligence and especially memory'.¹ He had studied at the universities of Glasgow and Cambridge where he took 'often the highest, and always high places' in the class lists. This success had sadly come at a high price, because his mental exertions had 'told most seriously on his health, both mental and bodily'. Indeed, in 1852, his condition had produced 'a temporary deprivation of reason, requiring curative treatment in the Royal Asylum at Perth', where he resided for about eighteen months. Because 'his nervous system was considerably impaired ... unusual labour or family troubles were calculated to excite or harass him', and 'this appears not to have been sufficiently kept in view by his family'. In other words, he thought that it was his wife's fault that he found himself before the court: after twenty-two years of marriage she ought to have known better than to provoke him.

Steuart's predicament stemmed from the latest in a long line of arguments about what he perceived as his wife Elizabeth's extravagant expenditure on servants. Tempers had become frayed and, in front of one of the maids and two of the couple's eight children, she had told him that she thought he was mad. That had been too much for his 'somewhat vehement temperament' to take. Later that afternoon he wrote to Elizabeth's brother explaining that in view of her 'shameful conduct ... I corrected her by giving her three or four slaps in the face'. He was lying: the Lord Ordinary found that Steuart 'inflicted serious injury by repeated blows with his clenched fist'. Now his wife demanded both a divorce and custody of her children.

¹ All of the quotations from this case are taken from *Steuart v. Steuart*, 8 Macph. 821 (1870).

Fortunately for Elizabeth Steuart the judges in the case included Lord Kinloch, who had no doubt that her husband's 'notions as to marital rights of chastisement receive no countenance whatever from the law of the country'. Perhaps matters might have been different if the assault had been provoked, but instead the court was more struck by the fact that Mrs Steuart's 'conduct throughout appears to have been unimpeachable'. Moreover, it was clear from the nature of Andrew's defence that his wife 'might expect a repetition of the same treatment in the event of her coming back to live with him'. The court found that for several years prior to the assault Steuart's behaviour towards his wife had been 'often very violent and unreasonable', involving 'oaths, and profane language' as well as threats of physical violence. Lord Deas said that, 'although a wife must unquestionably take the risk of having a good deal to bear from her husband', he was 'not prepared to say that she must submit to treatment such as [Mrs Steuart] has experienced'. The court granted a divorce without hesitation, but they would not give Elizabeth custody of her four-year-old daughter and eleven-year-old son.

The basis for this decision was very clear: Lord Ardmillan explained that 'the interest of the child in life, health, or morals, must be to some extent endangered before the Court can interfere with the father's right of custody'. Because in this case Andrew had only been violent towards his wife, not the children, the judges decided that he had done nothing to justify taking his children from him. In a passage that was to become notorious Ardmillan said that to 'leave his little child in his house is, or may well be, to introduce a soothing influence to cheer the darkness, and mitigate the bitterness of his lot, and bring out the better part of his nature'. The distress that this decision would cause to a mother who had already suffered grievous wrongs at the hands of her husband, let alone the potential danger that the children might be exposed to, were simply not matters for the consideration of the court.

This is just one example of the many ways in which women in the nineteenth century were oppressed by laws that systematically and deliberately served the interests of men. In the middle of the nineteenth century a married woman could not own property of any kind in her own name and she had no legal right to the custody of her children. In fact married women had no independent legal identity in the eyes of the law: husband and wife were deemed to be one person, and that person was the husband. This gave tremendous power to men like Andrew Steuart, who warned his brother-in-law that he would permit Elizabeth to live with him only 'under such regulations entirely as the law puts in my power, without any reference to her wishes or crotchets'. Although the courts could grant divorces in Scotland, which had its own separate legal

system, in the rest of the kingdom a woman had no way of divorcing an abusive or adulterous husband short of obtaining a private Act of Parliament, and between 1670 and 1857 only four women managed to do this.² The extent to which the law subordinated women is clearly visible from the terms of the Contagious Diseases Acts which, in the 1860s, enacted that any woman merely suspected of being a prostitute could be subjected to a forcible medical examination and confined to a hospital for treatment against her will. One of the great achievements of women's history in the past generation has been to show how women in the past manipulated and resisted the legal structures that sought to regulate and control their lives, but even so there can be little doubt that these laws caused enormous hardship and suffering.³ Underpinning this oppressive legal regime of course was the exclusion of women from the judiciary, parliament and the franchise. Women could not make or enforce laws, and they were not directly represented in the legislature because they were not allowed to become members of parliament or to vote.

Under these circumstances the remarkable changes in women's legal and political status that took place in the second half of the nineteenth century seem little short of revolutionary. Married women were given the right to own property in two instalments in 1870 and 1882 and the law relating to child custody was changed in women's favour in 1873 and 1886. An English divorce court was created in 1857 and a string of reforms followed giving women greater legal redress against violent husbands and helping them to obtain maintenance from negligent or abusive spouses. The Contagious Diseases Acts were suspended in 1883 and repealed in 1886. Women still could not vote in parliamentary elections by 1900, but they had been given the right to vote in a range of local elections and to sit on a number of elected local government bodies. In the space of little more than thirty years legal and political privileges that had underpinned male power for centuries were either swept away or substantially undermined. How did this happen?

A vital part of any explanation must be the emergence of an organised women's movement in Britain in the 1850s that fought tenaciously for improvements to women's rights. The second half of the nineteenth century saw campaigns to give married women property rights, to

² Roderick Phillips, *Untying the knot: a short history of divorce* (Cambridge, 1991), p. 66.

³ On female agency see Olive Anderson, 'The state, civil society and separation in Victorian marriage', *Past and Present* 163 (1998), pp. 161–201; Margot C. Finn, 'Working class women and the contest for consumer control in Victorian county courts', *Past and Present* 161 (1996), pp. 116–54; Ginger Frost, *Promises broken: courtship, class and gender in Victorian England* (Charlottesville, 1995).