

**COHABITATION AND
NON-MARITAL BIRTHS
IN ENGLAND AND
WALES, 1600–2012**

Edited by Rebecca Probert



Cohabitation and Non-Marital Births in England and Wales, 1600–2012

Also by Rebecca Probert

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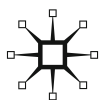
Cohabitation and Non-Marital Births in England and Wales, 1600–2012

Edited by

Rebecca Probert

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Introduction

Rebecca Probert

Today, almost half of all children in England and Wales are born outside marriage, with cohabiting relationships accounting for the majority of such births.¹ But what was the position in the past? What proportion of births outside marriage occurred within cohabiting relationships in earlier centuries? And if the context of non-marital childbearing has changed, what might explain this?

The aim of this interdisciplinary collection is to examine the context of non-marital child-bearing since 1600 in England and Wales from a variety of different perspectives. To this end it brings together leading scholars from a range of disciplines – history, demography, literature and law – and draws on a wide range of sources. Private Acts of Parliament, ecclesiastical court records, reported cases, sessions files, coronial records, Poor Law records, petitions to the London Foundling Hospital, the registers of the London Bridewell, the records of charitable institutions, twentieth-century surveys and modern demographic data are all mined for new insights into the issues.

While all would agree that neither cohabitation nor non-marital childbearing were unknown in earlier decades and centuries, the question of just how common they were, and the relationship between them, is a contested one.² There are difficulties in obtaining reliable figures even for the most basic question of how many children were born outside marriage. The extent of illegitimacy before the advent of civil registration of births in 1837 has to be estimated from individual parish registers of baptisms. The large-scale work that has been done on hundreds of such registers, combined with the data from civil registration, suggests that, when calculated as a percentage of all births, those that occurred outside marriage accounted for fewer than 5 per cent over the four centuries or so under consideration, with the exception of a

short-lived bulge in the latter part of the nineteenth century and small spikes during the two world wars of the twentieth.³

The latter, however, immediately alerts us to one problem with focusing on the ratio of non-marital births. The *number* of illegitimate births actually *fell* during the First World War – only in 1918 was it higher than it had been in 1913 – but the *ratio* rose each year because the number of legitimate births was falling still faster.⁴ The illegitimacy ratio will reflect trends of child-bearing within marriage as well as outside it. Yet focusing instead on the proportion of first births that occurred outside marriage, as an alternative measure of the extent of illegitimacy, may also give a skewed impression of the relationships involved, since unmarried mothers were far less likely than their married sisters to go on to have a second child.

Some comfort as to the reliability of the estimates derived from parish registers could be drawn from the fact that the civil data available from 1837 shows no dramatic change – but then, as John Haskey explains in Chapter 9, the system of registration of births remained defective until the very late nineteenth century, so some births may well have gone unregistered both before and after that date. Indeed, the very fact of the pregnancy and birth might have been concealed by the murder or abandonment of the child.⁵ And of course some children were brought up in households in which their ostensible parents were not (or not both) their biological parents.⁶

In addition, different sources can yield different information about the proportion of births outside marriage,⁷ while the same types of sources can yield different results depending on the locality under consideration. Regional variations clearly existed: in fact, Adair has suggested that births outside marriage varied more than any other demographic factor.⁸ So, while it is useful to have estimates and averages for the country as a whole, the limitations of the source material need to be borne in mind.

The question of the extent to which such births outside marriage as did occur can be attributed to cohabiting relationships has also attracted considerable interest, although it has not, to date, been subjected to the same large-scale demographic analysis. While all agree that cohabitants accounted for only a minority of households – as remains the case today – the question of just how large or small a minority is vital when making comparisons across the centuries. For example, an estimate that 10 per cent of couples were cohabiting in the nineteenth century might seem small, but looks rather different when set against the fact that we know that a similar percentage of couples were cohabiting in the late twentieth century.⁹

Some evidence has emerged within studies of individual communities. For the early part of the period, Wrightson and Levine found that, of the 71 known cases of illegitimacy in the Essex parish of Terling between 1570 and 1640, a third could be linked to sexual delinquency and a third to delayed or frustrated marriage, while the rest could not be traced.¹⁰ Three cases, however, all related to a particular relationship between a couple that never married, although it is unclear whether the couple actually shared a home. Their later study of the northern parish of Whickham identified as a distinctive feature 'the presence of a proportion of couples who were actually cohabiting in anticipation of eventual marriages',¹¹ but this finding appears to have been based on the description of the female partners as 'eius concubin' in churchwardens' presentments. Adair, in his broader study of illegitimacy, similarly suggested that there was a 'sub-set of stable consensual unions producing a string of illegitimate children'¹² – but added that these were a minority of 'repeaters', who were themselves a minority of those giving birth to children outside marriage, and that such unions were generally in the north and west. Given such regional differences, extrapolating from somewhat ambiguous examples in studies of individual communities would be a dangerous matter.

Historians of the eighteenth and nineteenth centuries, with a wider range of sources available to them, have, however, attempted to quantify the extent of non-marital cohabitation. John Gillis, for example, suggested that cohabitation increased in the wake of the Clandestine Marriages Act 1753, on the basis that couples would not have wanted to comply with its requirements, and that 'it would not be an exaggeration to suggest that as much as a fifth of the population may, at one time or another in their lives, have lived in an illicit relationship, most no doubt as a prelude to legal marriage, but some also as a substitute for it.'¹³ This claim has been widely adopted, but the premise that the 1753 Act was a radical break with the past is difficult to sustain in the light of evidence of continuity in both legal and social practice,¹⁴ while the specific sources from which the figure of 20 per cent was derived either do not in fact support it or have themselves been undermined by new scholarship. So while Gandy found that 30 per cent of births occurred outside marriage in the parish of Culcheth, he drew a clear distinction between non-marital childbearing and cohabitation, noting that even the mothers of multiple children 'appear not to have been cohabiting with a man',¹⁵ and attributing no more than 4 per cent of first births to consensual unions for the period 1801–1850, and a mere 0.9 per cent of those detected between 1781 and 1800.¹⁶ Similarly, the suggestion that 60 per cent of couples in one Welsh village married in an

informal folk ceremony has been shown to be based on an earlier misinterpretation of the baptismal register.¹⁷ And the digitization of resources has exposed the danger of assuming that those for whom no marriage has been traced within a limited selection of registers did not in fact go through a ceremony of marriage.¹⁸

Other scholars have been more concerned with the experiences, perceptions and treatment of cohabiting couples than with their actual numbers. Ginger Frost's fascinating book *Living in Sin*¹⁹ examined around a thousand cases of couples who had cohabited outside marriage in the long nineteenth century, focusing on legal and social attitudes to these individual cases. As she notes, however, the largest group in her study were those who would have married if they could have,²⁰ but were barred from doing so either by the prohibited degrees of marriage or by the fact that one or both of the parties were already married to someone else. Indeed, many of those studied had in fact gone through a ceremony of marriage, albeit one that was of no legal effect.

My own contention in *The Changing Legal Regulation of Cohabitation*²¹ was that cohabitation was 'vanishingly rare' before the start of the twentieth century – or, to put it in statistical terms, that fewer than 1 per cent of couples set up home together without going through some kind of formal ceremony.²² Those who were invalidly married were excluded from this definition, since the very fact that such couples had thought it necessary to go through a ceremony that would have had no legal meaning indicates that some importance was attached to at least appearing to be married.

A number of chapters in this volume all test whether this conclusion as to the rarity of cohabitation holds good for different time periods, locations (including more urban areas), and source material. While there is broad agreement that any kind of *permanent* cohabiting relationship was rare, the new evidence examined in these chapters also provides fascinating insights into the fleeting, sporadic and complicated sexual relationships of a rather broader group.

Nonetheless, I would stand by my phrase 'vanishingly rare', in that the more closely one examines any set of data, the more apparently cohabiting relationships often turn out to be no such thing – whether on account of secret or eventually detected marriages, or because a clearly co-residential relationship between the parties in fact takes a different, non-sexual, form, or, most basic of all, because the parties turn out not to be living under the same roof at all.

Examples of each illustrate how apparent cohabitants can vanish. Among those accused before the church courts in the early eighteenth

century of 'living and cohabiting scandalously and suspiciously as man and wife without lawful marriage',²³ a number indignantly responded that they had in fact married before setting up home, and records of marriages for the couples concerned can indeed be traced.²⁴ The greater accessibility of marriage records makes a considerable difference: the failures of earlier scholars to trace marriages for a significant proportion of couples living together and described as husband and wife can now be shown to be attributable to the limited parameters of their searches, rather than to the lack of a marriage ceremony between the couples in question. Alternatively, it might turn out that those living under the same roof were not engaging in a sexual relationship at all: in one study of Neithrop, a suburb of Banbury, it was suggested that a number of households contained cohabiting couples, on the basis that apparently unrelated adults were resident in those households and were described as either 'housekeeper' or 'lodger', but upon investigation at least one lodger turned out to be the brother of the head of the household, residing with his married sister.²⁵ And while in *Knye v Moore*²⁶ the parties were referred to as cohabiting, it is clear that this was a visiting, rather than a co-residential, arrangement. Sophia Knye had originally been the Moores' servant, and apparently 'conducted herself with propriety', but after differences arose between Moore and his wife he propositioned Sophia and fitted up a cottage for her in the neighbourhood, where he visited her. The case also illustrates that the fact that a number of children were born during the relationship is not always indicative of co-residence, since Sophia bore Thomas four children in the course of their relationship.

Of course, detecting cohabitation depends to a large extent on how it is defined, and the difficulties of definition are alluded to by almost all contributors. While consistency in definition is necessary when discussing trends over the centuries, many of the chapters also highlight the importance of recognizing the inevitable blurring at the boundaries, and how changing the definition can yield a different picture. Samantha Williams, for example, points out in Chapter 4 how many of the relationships leading to a birth outside marriage began when the parents were servants under the same roof, and how co-residence may shade into cohabitation. Opportunity was, of course, an important fact here. Important insights into courtship practices are also provided in Chapter 6 by Elizabeth Hurren and Steven King, who differentiate *informal* from *formal* cohabitation – the former encompassing more transitional or fleeting relationships, as well as those where one partner moved into the family home of the other, and the latter those that involved the parties setting up home together.

Such definitional diversity can only enrich our understanding of past centuries – although when discussing trends across time we need to ensure that we are comparing like with like. While today cohabiting couples are still outnumbered by married ones – by approximately six to one – it is easy to imagine that a very different picture would emerge if individuals today were asked to list any relationship which had involved living under the same roof for a few nights.

There is also the very basic question of what terms in the source material can safely be taken to denote a co-residential sexual relationship. In Chapter 4, Williams points out that in her sample of bastardy examinations, to ‘cohabit’ did indeed generally denote sharing a home; in such cases, of course, the fact of a sexual relationship could be taken for granted. Similarly, if one reads that a couple ‘had cohabited together, and during that cohabitation the promise [of marriage] was supposed to be given’,²⁷ it would seem reasonable to assume that the phrase was intended to denote the rather longer-term relationship, else the detail seems unnecessarily intrusive. Similarly, when one finds legislation on the protection of children stipulating that provisions referring to the parent of a child would also apply ‘to the step-parent of the child and to any person cohabiting with the parent of the child’²⁸ it seems clear that a co-residential relationship is indicated. In other sources the use of the term cannot be taken as automatically indicate co-residence, since it was often used to refer simply to the sexual act. Harris’s *List of Covent Garden Ladies*, for example, warned potential clients that the physiology of one particular ‘lady’ demanded ‘a peculiar method of cohabitation’.²⁹ Less explicitly, in an action by an aggrieved landlady to recover the cost of her lover’s lodgings (and wine), it was noted that ‘if a man goes to board and lodge with a woman, *and also to cohabit with her*, undertaking so to do, she could not maintain an action against him for such board and lodging.’³⁰ Indeed, if the use of the term is tracked across multiple sources, it is more likely to refer to the *licit* sexual activity of married couples than illicit cohabiting relationships.³¹ As a result, all references to cohabitation must therefore be read with care: a claim that a particular couple ‘cohabited together at sundry times’ might possibly denote a casual co-residential relationship, but could also simply indicate sporadic sexual activity.³²

All these issues need to be taken into account as different sources are examined. The structure of the book is broadly chronological, taking the reader from the early seventeenth century to the start of the twenty-first. The only decades not to be covered in one chapter or another are those of the mid-seventeenth century – but then the level of illegitimacy

was particularly low during the Commonwealth, and the criminalization of fornication and adultery was hardly an atmosphere conducive to setting up home together unmarried.³³ By contrast, the final two chapters are both devoted to the period after 1970, when cohabitation finally emerged as a statistically significant phenomenon and, in the 1980s, the main driver of the increase in births outside marriage.

So we begin at the start of the seventeenth century, with Eleanor Fox and Martin Ingram exploring both the difficulties that arise when trying to assess the very basic issue of the extent of illegitimacy in earlier centuries and the system of scrutiny, investigation and punishment (both of the principals and those who assisted them) that helps to explain the low levels that appear from the various sources. In Chapter 2, Martin Ingram then takes up the question of the context in which births outside marriage did occur, showing the importance that was attached to the 'good order' of households and family and concluding that, even in the relative anonymity of London, cohabitation remained rare.

The importance of the orderliness of the household is a theme that emerges also in Joanne Bailey's Chapter 3 on broken marriages and cohabitation in the long eighteenth century. She shows how, under certain narrow conditions, individuals might be able to maintain a relatively open cohabiting relationship, and that such an arrangement might be preferable to the alternative of a violently conflictual household. The richness of the stories uncovered should not, however, obscure the fact that they accounted for only a handful of her sample of cases of marital litigation.

The succeeding two chapters examine opposite ends of the social scale. Samantha Williams' analysis in Chapter 4 of plebeian couples in the London of the late eighteenth and early nineteenth centuries draws on a wide range of Poor Law documents and charitable records, as well as court cases. Concluding that cohabitation was relatively rare – indeed rarer than some of those who have examined those same records have suggested – her chapter also reveals the complexities and subtleties of relationships among the poor in this period.

Among the elite, matters were no less complicated. In Chapter 5, Julie Shaffer, examining the adulterous affairs of the elite and the extent to which the offspring of such unions were accepted, finds that both the individual families and the Members of Parliament dealing with the divorce bills instigated as a result of the adultery showed some reluctance to cast out the illegitimate child altogether. While relatively few in number when set against the overall number of births outside marriage, cases of adulterine bastardy provide a fascinating perspective on

the concerns of the time, and illustrate the complexity of the contexts in which illegitimacy occurred.

The complexity of human relationships is also very evident in Chapter 6 by Elizabeth Hurren and Steven King, reflecting their source material. Where others have worked from records dealing with birth – bastardy examinations, parish registers and the like – they are reconstructing lives from the point of death, drawing on a huge study of 30,000 coronial court records. The evidence from this source material leads them to conclude that informal cohabitation was by no means rare, and also to identify regional patterns in the incidence of both formal and informal relationships. It is, however, important to bear in mind that every different type of source material has its own biases. Records dealing primarily with those who have met their death by design or accident may over-represent those whose lives were unconventional or chaotic. Even in the nineteenth century it was being suggested that there might be a link between marital status and suicide – with the married being more socially integrated and less likely to commit suicide³⁴ – and recent research has confirmed that those who are married still have the lowest risk of suicide.³⁵

Ginger Frost's Chapter 7 then takes us from the mid nineteenth century to the early years of the twentieth, and examines the context of non-marital childbearing from yet another perspective, that of the children themselves. The title of her chapter evokes their dependence, in many cases, on 'the kindness of strangers': while some illegitimate children were brought up by both parents, most were not, and their stories of moving between different relatives, or the fragility of adoptive and fostering relationships, illustrate the difficulties that many experienced.

Adoption, fostering and care by kin continued in the mid twentieth century, as I set out in Chapter 8. Things were, however, beginning to change, and surveys from this period – both regional and, eventually, national – indicate that a significant minority of births outside marriage can be attributed to cohabiting relationships in this period.

But it was in the final decades of the twentieth century that practices shifted significantly. Chapter 9 by John Haskey explains how new information on trends in cohabitation and non-marital childbearing began to be captured, and the popularity of different types of cohabiting relationships. He also draws on large-scale surveys to capture both the transitions in and out of different types of relationship and the ways in which attitudes about cohabitation and non-marital child-bearing have also changed in recent decades. This is complemented by the statistical analysis of time-trends in the final chapter by Éva Beaujouan and Máire

Ní Bhrolcháin. They use data from the General Household Survey to examine partnership histories – who cohabits, for how long, and with what outcome.

Fittingly, perhaps, the very last line of the book is one that calls for more investigation. The digitization of source material is transforming not only the ease of carrying out research, but also the *types* of research that can be done. Cross-referencing of digital sources allows assumptions generated by one set of data to be tested against another. Bringing together different methodological approaches in a collection of this kind has the potential to spark further research, as the possibilities of asking questions in relation to one time and place that could previously only be answered by the data available suddenly open up. While there is much in the private lives of individuals in past centuries that will inevitably remain hidden to even the most assiduous historian, we can at least try to push back the boundaries of what is known.

1

Bridewell, bawdy courts and bastardy in early seventeenth-century London

*Eleanor Fox and Martin Ingram*¹

Introduction

By the turn of the seventeenth century London was a phenomenon, a source of wonder to both English and foreign visitors. Already by far the largest urban centre in England – easily surpassing regional capitals like Norwich, Exeter and York – it was growing extremely fast. Around 1500 it is doubtful whether the city had more than 50,000 inhabitants. Yet counting as part of the metropolis not only the old city of London and its liberties, but also Westminster, the rapidly expanding northern and eastern suburbs such as Clerkenwell and Stepney, and Southwark and adjacent areas south of the river, its population around 1600 had reached 200,000. Sustained by immigration – a net rate of maybe 8000 a year, though there was also much temporary migration in and out of London – the number of inhabitants was almost to double to something over 375,000 by 1650.² Did births out of wedlock likewise increase exponentially in this teeming urban agglomeration, a settlement on a scale hitherto unknown in England and in an intricate demographic relationship with its hinterland? Historians have been surprised to find that parish register analysis suggests that it was *less* rather than more common than in the country, but such evidence raises many questions.³ Certainly a number of distinctive features may be identified, both of the circumstances in which illegitimacy occurred and the ways in which church and secular authorities, along with ordinary Londoners, responded to illicit conceptions and bastard births. Overall it is a moot point whether metropolitan illegitimacy is best seen as unique or as a variant on the patterns found elsewhere in lowland England.

Illegitimacy in provincial England

Even in the provinces, illegitimacy was by no means a uniform phenomenon. The precise demographic information required to establish illegitimacy *rates* is lacking. But it is possible to construct illegitimacy *ratios* by calculating the numbers of births that are either stated, or can be inferred, to be illegitimate, as a proportion of total births recorded in parish registers. For this purpose *baptisms*, which is what these registers mostly record, usually have to be taken as a proxy for *births*;⁴ and, of course, there are many other potential pitfalls in using for demographic purposes what are essentially ecclesiastical documents, compiled in often unknown but certainly less than ideal circumstances, by fallible and sometimes negligent humans in the remote past. But the Cambridge Group for the History of Population and Social Structure has taught us that, if these materials are handled with appropriate caution, skill and sophistication, they can yield plausible and certainly highly suggestive results.⁵

Broadly speaking rates were higher in the north and west; more particularly, Lancashire and Cheshire display some distinctive features that have as yet been only partly elucidated.⁶ In contrast, in lowland England – the east Midlands, East Anglia, the south and south east – in the late sixteenth and early seventeenth centuries the ratio was usually quite low. Admittedly in towns it is common to find somewhat higher rates. But this was not, it would seem, because urban conditions in themselves were conducive to illegitimacy, but because some women who became illicitly pregnant in the country moved into towns in order to give birth, either for purposes of concealment or to seek succour. Whether in town or country the illegitimacy ratio was by no means constant over time. While there were numerous variations, overall it may be said that in the lowland zone the ratio increased in the later part of Elizabeth's reign to peak at about 2.4 per cent in the decade after 1600. Thereafter, there was a marked decline, to below 2 per cent in the 1630s. Nonetheless, as a social phenomenon illegitimacy was not as inconspicuous as these figures at first sight suggest. The ratio is calculated with reference to all births; as a proportion of *first* births the figure is much higher.⁷

To take a less statistical view, the figure of the unmarried mother would have been a familiar sight in many villages in lowland England. She was also of grave concern to local officials. Partly this reflected concern that the cost of supporting the bastard child might fall on the parish. But a more general conviction that illegitimacy was a matter of

importance is suggested by the fact that most parish registers (though not all) did distinguish bastard children, even though there was no legal obligation to do so.⁸ Births out of wedlock must also be seen in relation to the more common phenomenon of bridal pregnancy. Parish register analysis demonstrates quite clearly that a sizeable proportion of women – say 20 per cent – were pregnant by the time they got married in church. Presumably an even greater proportion, perhaps a majority in some communities, had sex before marriage.⁹

What attitudes, values and patterns of behaviour lay behind these figures? On the basis of church court and quarter sessions cases from Somerset in the early seventeenth century, Geoffrey Quaife argued that for many ordinary people of the time, whom he characterized as 'peasants', 'sex was not a moral issue'. Men commonly 'believed they had a right to a wench' and acted accordingly.¹⁰ The consensus among other historians is much more circumspect. There were certainly cases of sexual relations between masters and maidservants, and a variety of other liaisons that could not – or at least were most unlikely to – lead to marriage. Women, especially servants, were vulnerable to seduction or worse.¹¹ On the other hand, some women had a succession of bastards. These cases are sometimes referred to as 'repeaters', while historians have inferred that some of those concerned were village prostitutes or 'whores'.¹² There is some contemporary warrant for such a term. In the small Wiltshire village of Wyllye, for example, the compiler of the very detailed parish register referred to a woman who had a succession of bastards as 'meretricula' – little whore.¹³

But most illicit sexual activity seems to have taken place between eligible young men and women whose sights were ultimately set on marriage. Their economic and social lives provided many opportunities for unsupervised interaction. This was particularly true of servants, especially fellow servants in a household. In the early seventeenth century some of the more extreme among 'godly' Protestants tried to suppress games, dances, church ales, and the like, not least because they supposed them to encourage licentious behaviour. Such efforts provoked uproar and were only very partially successful, not least because the royal Declaration of Sports, issued by James I for Lancashire in 1617 and for the whole country in 1618, then reissued by Charles I in 1633, upheld the lawfulness of many traditional sports on Sundays after evening prayer.¹⁴ In any case there is not much evidence that the puritans ever put a stop to kissing and other forms of youthful dalliance. It can only be speculated how much sexual experimentation went on before youngsters got involved in serious courtship. The indications are that

they were fairly circumspect, and of course to pursue any kind of serious sexual activity it was usually necessary to evade the supervision of parents, masters and mistresses. But it would seem that, as Keith Wrightson aptly put it, 'restraints ... crumbled once marriage was in sight'. It is clear that accepted courtship patterns involved growing physical intimacy. Sometimes sex followed on from a promise of marriage, whether an informal understanding between the couple, or in the guise of a binding contract, sometimes called 'spousals' or 'handfasting', which might well be witnessed and accompanied by elaborate ceremonies. In other cases, pregnancy probably precipitated a decision to marry that might or might not otherwise have taken place.¹⁵

The various possibilities are consistent with what we know of bridal pregnancy from parish register analysis. But plainly they also go far to explain the illegitimacy statistics. Given these fluid courtship patterns, it was inevitable that some women would be unlucky and end up not as pregnant brides but as bastard bearers. They might be the victims of deception, or of their own miscalculations or false expectations. For any number of reasons the man might change his mind. They might also be the victim of adverse circumstances. Sometimes marriage plans were wrecked by illness, death, loss of work, or unexpected failure to secure a house or holding. Occasionally the man could not fulfil his obligations because he went to sea or was pressed for a soldier. While these accidents could affect almost anyone, the people most likely to suffer them were most certainly the poor.

The whole set of circumstances also helps to explain changes in the illegitimacy ratio over time and in particular the peak at the beginning of the seventeenth century. Since illegitimacy was so closely associated with courtship, it was likely to increase in line with fertility and nuptiality, as in the later part of Elizabeth's reign. In the years around 1600 the effect was reinforced by the disruptions caused by the war with Spain and in Ireland, combined with adverse economic circumstances – the terrible sequence of bad harvests from 1594 to 1597 was succeeded by serious epidemics in some areas. In such conditions, marriage prospects were particularly liable to mishap. Several lines of argument are needed to explain the decline in the illegitimacy ratio in the early seventeenth century. To an extent it reflected a process of readjustment after earlier stresses and dislocations. Marriage became a more remote possibility for many among the poorer sort and the demographic indications are that expectations were adjusted accordingly – it was precisely in this period that the proportion of people who never married rose to the startlingly high figure of 20 per cent.¹⁶

On the other hand, the institutions of sexual repression were reinforced. At the parish level, the minds of local ratepayers were sharply focused by the provisions of the Poor Laws of 1598 and 1601, which made them liable to support the indigent. They looked increasingly askance at individuals who bore or begot bastards – especially at those who were poor, but also at the better off because they set a bad example. They learned to demand that those responsible for bastard children should post bond or find sureties to ‘save the parish harmless’, and they looked to the local magistrates for assistance in enforcing such measures. Already, by an act of parliament of 1576, justices of the peace were empowered to examine the circumstances of the birth of any bastard child deemed liable to be a charge on the parish, to make an order for maintenance and, at their discretion, to punish one or both parents. These provisions were implemented with increasing frequency in the early seventeenth century, and were strengthened by an Act of 1610 directing that unmarried mothers of chargeable children should be sent to the house of correction for a year. While only a minority of bastard-bearers suffered these statutory penalties, they unquestionably had real bite and no doubt served as a deterrent.¹⁷

The church courts, meanwhile, continued their traditional role of prosecuting adulterers and fornicators. It was local churchwardens who had the duty of ‘presenting’ offenders during the course of ecclesiastical visitations – which took place twice or thrice a year in most areas – and the evidence is that the parishes mostly co-operated, especially in detecting the fathers and mothers of bastard children. Those who were convicted faced the prospect of performing public penance on pain of excommunication. Clad in a white sheet, they were required to make abject confession of their sin in front of the whole congregation assembled in the parish church on a Sunday or major holiday. Since many undoubtedly evaded this humiliating experience, the courts have sometimes been seen as inefficient, but their ability to harass offenders was certainly considerable. When they excommunicated an individual, as like or not this meant in practice that the offender had left the parish – and this was often precisely what local ratepayers wanted. The changing pattern of church court prosecutions also reflects a declining tolerance of sexual laxity even in the context of courtship. By the early seventeenth century in many areas, the courts had begun to punish couples (as previously they had rarely done) for bridal pregnancy or even simple ‘antenuptial incontinence’. This sent a clear message that any form of sexual activity outside marriage was unlawful, and indeed the incidence of bridal pregnancy does seem to have declined in some areas. By this

time also the courts were far less willing than they had been earlier to adjudicate in favour of disputed marriage contracts or 'spousals' made in advance of the church wedding. Indeed, by the early seventeenth century suits to enforce marriage contracts were few in number, and in many areas there seems to have been a decline in the practice of 'spousals' or 'handfasting'. By this time it was widely accepted that the actual wedding was the important thing, so when people talked of 'marriage' they normally meant marriage in church. Births out of wedlock were events that should not happen, a source of scandal and shame or, at best, massive inconvenience to the individuals concerned.¹⁸

Estimating London illegitimacy

How did illegitimacy in London compare with this broader pattern? For many years the sheer scale and complexity of addressing the metropolitan evidence deterred researchers, but Roger Finlay made an initial attempt in 1981, while Richard Adair followed this up with a much more thorough study in 1996. The results were surprising. Whereas A.L. Beier, writing in the mid 1980s, was still confidently asserting that 'London illegitimacy was undoubtedly high', Adair found a varied but basically different picture. Of city parishes within the walls, only St Peter Cornhill revealed an illegitimacy ratio comparable (at 2.5 per cent) with those commonly found in lowland England; other city parishes displayed rates below 1.0 per cent. Rates in Southwark parishes (St Saviour's and St Olave's) were scarcely higher. Figures for both the northern suburbs (St Andrew Holborn, St Giles Cripplegate and St James Clerkenwell) and adjacent parishes east of the city (St Botolph Aldgate, St Dunstan Stepney) were higher but not dramatically so. In combination the city and suburbs revealed generally low values, reaching a seventeenth-century maximum of 1.0 per cent in the 1620s – some two decades later than the peak found elsewhere in England.¹⁹

Inevitably these numbers are subject to many uncertainties. Higher ratios may be constructed for city parishes if it is assumed that 'foundlings' – infants registered as having been 'laid' or abandoned – were in fact mostly bastards. This is Finlay's position, while less explicitly Laura Gowing tends to conflate the two phenomena.²⁰ But Adair argues to the contrary, concluding after a review of the admittedly limited and opaque evidence that '[a]lthough some foundlings may well have been illegitimate, they were very likely a minority before 1650'. In any case, there were few foundlings in the suburbs – mothers chose wealthier parishes in which to 'lay' children that they either did not want or could

not care for – and overall the inclusion of foundlings does not alter the impression that the incidence of illegitimacy in early seventeenth-century London, as measured by entries in parish registers, was quite low. On the other hand, Adair explains, ‘the [London] illegitimacy ratio is far less useful an index ... than for rural parishes’. The population of early seventeenth-century London included markedly more young males than females. Hence the ‘skewed age and sex structure ... makes it likely that ... [the ratio] understates the extent of bastardy in the capital compared with the rural areas until the Civil War, because there was a smaller proportion of the population in London falling into the category of eligible fertile females’.²¹

Completeness of recording is another issue. Adair argues that the best-kept parish registers – those that are plainly defective, or even raise serious doubts as to their reliability, are obviously of little use for calculating illegitimacy ratios – reflect a high level not merely of competence and diligence on the part of local officers, but also of their zeal as active information gatherers, rather than merely passive recorders of information brought to them. For the eastern suburban parish of St Botolph Aldgate there survives a series of memoranda books that in Adair’s view suggest that successive parish clerks were ‘virtually omniscient. They all took great pride in their position and expected to know everything that was going on. Clearly they had a wide-ranging and reliable network of information-gathering’.²² This is slightly to overstate the point, since scrutiny of the record shows that the clerks sometimes lacked full details of times, names and places, and they did get things seriously wrong on occasion; but the outraged terms in which they later corrected false information indicate that they did not expect to be deceived very often. John Clerke, the scribe who kept the record in the late 1610s and early 1620s, was especially assiduous. For example, in November 1623 he recorded the baptism of ‘Anne Barlow, daughter to Humfrey Barlow carman, and Anne his wife’. But in the margin he added that ‘wee doubt [she] is a bastard, the mothers name as wee are informed is Katherine Lawford, the reputed wife of one Joab Lawford, but of whence he is wee cannot learne’. A further note stated definitely that she was ‘none of Barlowes child’, while the burial entry made later the same month made clear that the infant had merely been born in Barlow’s house and reiterated the suspicion that she was illegitimate.²³ If this degree of local surveillance was possible in a large extra-mural parish like St Botolph Aldgate, it must have been well within the reach of local officers in smaller parishes within the walls. Yet it cannot be assumed that professional high standards were universal. In 1626 a

church court separation suit brought to light that in April the previous year the curate of Whitechapel was given five shillings for 'some curtesie' in concealing an illegitimate birth. There was good evidence that the child resulted from an adulterous liaison between a certain Richard Fisher and Mary, wife of Ephraim Holder, while the latter was at sea. But the parish register entry blandly recorded the baptism of 'Richard so[n] of Richeard Fisher and Mary his wife'.²⁴

This case raises a more general issue. Little is known of the processes by which base-born children were presented for baptism. Legitimate offspring were usually baptized within a week or so of birth, sooner if the child was weak. Indeed, if necessary, children were baptized at home, and in the most urgent cases by the midwife rather than by a minister. In St Botolph Aldgate the parish clerk repeatedly recorded his annoyance that a child had been thus baptized without his knowledge, on one occasion commenting that 'by this meanes many are left out of our register'.²⁵ The registers of St Dunstan Stepney, which state how many days old the child was at baptism, indicate that the interval tended to be somewhat longer in the case of illegitimates, but it was still usually a matter of days, though it could, on occasion, stretch to weeks.²⁶ According to the practices of the time, most of these unmarried mothers would still be 'lying in', so in this parish as elsewhere the child would have been brought to the font by someone else. This is implied by such entries as the record of a baptism at St Botolph Aldgate in March 1622: 'Georg [blank] sonne to [long blank space; note added] wee suspect this Georg base borne, wee could not learne ye parent[es] names'.²⁷ Most probably such children were presented for baptism by the midwife or a representative of the household in which they had been born, accompanied by whoever could be mustered as godparents. But that is to assume a level of support that by no means all women who gave birth to bastards enjoyed. Nearly one in three of the 56 base-born children baptized in the parish St Andrew Holborn in the years 1616–20 was explicitly said to have been born in the fields or on the streets; two more were born in the 'cage', a local lock-up for vagrants and petty offenders. In this parish, and no doubt in others, the bodies of some other infants who never made it to the font were retrieved for burial from privies and ditches.²⁸

It should not be assumed, moreover, that local officers sought assiduously to have illegitimate children baptized in their parish; quite the contrary. Since bastard children and their mothers might well prove a burden on the poor rates, it made financial sense to drive them out of the parish before they gave birth. A rare survival from the parish of

St Saviour's Southwark consists of two extremely revealing reports of the 'searcher of inmates', Christopher Fawcett, for April–December 1619 and the year 1622. While his brief was to prevent any incomer from charging the parish unnecessarily, among his prime targets were illicitly pregnant women. Moreover, he was in competition with the officers of other parishes who were likewise trying to rid themselves of unwanted burdens. In a typically brutal entry he recorded how having had 'notice thatt Margrett Younge greate w[i]th child was (as she said[]) brought from the p[ar]ishe of Saint George [Southwark] by the constables there, and sitting att Mr Paines doore att 10. of the clocke att night, I went presently & tooke a constable & had her carryed backe to St George, & there left her: & sett 2 watchmen all night, to see thatt they brought her nott againe: and soe I heard noe more of her'.²⁹

Negotiating illicit pregnancy

The difficulties in interpreting the parish register evidence may be appreciated further by considering the complex behaviour of men and women at risk of becoming the fathers or mothers of illegitimate children. In 1619 John Preston of Stepney stated confidently that, although he had 'twice or thrice' had sex with a certain woman, he 'never conytynued the act so longe whereby he could get her [with] child for he was fearfull yt she would lay it to him yf she should be w[i]th child though it were by an other & therefore forbare'.³⁰ But this degree of contraceptive knowledge may have been unusual. Whether precautions were taken or not, what could be done if the woman fell pregnant? There is evidence from all over England that knowledge of abortifacients, particularly infusions of the herb savin, was widespread, and presumably the same was true of London; indeed the presence there of numerous apothecaries' shops may have made it easier to obtain the required substances. Whether they were extensively used is another matter. There are many incidental references, but sometimes women expressed revulsion at the prospect of procuring an abortion and, if they tried to do so, it was often at the instigation, or even the insistence, of the man.³¹

Infanticide was an even more desperate measure. Throughout the period this was a felony punishable by death, though evidential problems made convictions difficult to secure, and in Elizabethan and Jacobean times prosecutions were few. But some contemporaries came to perceive a clear connection between this crime and bastardy. A statute of 1624, asserting in the preamble that 'many lewd women ... to avoyd their shame and to escape punishment do secretlie burie, or

conceale the death' of illegitimate children, laid down that such concealment should make the mother liable to the death penalty as in case of murder unless she could prove by at least one witness that the child was actually born dead. As a result infanticide prosecutions began to be brought more regularly and led to a substantial number of convictions. Yet the 1624 Act was not *quite* as draconian as may at first sight appear. While the technicalities of motive and evidence ensured that local officers and magistrates investigated untoward infant deaths in considerable detail and were quick to condemn when there was evidence of wanton violence or brutality, they were equally alert to the possibility that the child had been born dead and to mitigating circumstances. In time it came to be accepted as a *prima facie* defence that the mother had made preparations for the child's birth – by making baby clothes, for example – and hence could not have intended to destroy it.³²

The Middlesex, Westminster and city of London sessions records reveal merely a trickle of cases in the early seventeenth century; the few that are illuminated by deposition evidence suggest that here, as elsewhere in England, women accused of this offence were often either in acute distress or in a state of pitiable mental disassociation if not outright denial. Judith Davis of Westminster, pregnant by a Blackfriars tailor, could not remember when she had first had sex with him and claimed that she did not know when her baby was due. According to her account she was intermittently in travail for a week or more, 'sometimes in more paine then other, w[ith] intermission', before she finally gave birth to a stillborn child in the 'house of office' in the garden of her master's house. Having laid the body 'as it was borne' – that is, naked, a piece of evidence probably to her disadvantage – 'vnder a litle fagott of willow stickes', she rested for an hour before leaving the house and struggling down the street, 'thincking to haue gone into London to a freend, but could not'. So she returned to her chamber and waited there till 'women', sent by her mistress, came to question her about the dead infant that had meanwhile been discovered.³³

Men involved in infanticide cases sometimes expressed incredulity that a matter as mundane (from their point of view) as an illicit pregnancy should lead to such an outcome. In 1627 a dead infant was found in a privy in the house of Lady Purbeck in Westminster. Alice Sporton, evidently a domestic servant, claimed that it was stillborn and 'beinge ... demanded how the child came into the house of office she sayth it fell from her as she sate vpon the same'. Cutbeard Man, indignantly rejecting the suggestion that he was the father of the child or even that he had had sex with Alice, denied further 'that euer hee prom[i]sed her

mariage and that she neu[e]r made him acquainted that she was w[i]th child w[hi]ch if she had soe donne, altho hee weare not the father of it ... yett rather then hee would haue had his name scandalized ... hee would haue kept the child'.³⁴ The clerk of St Botolph Aldgate was more forthright in his condemnation. In 1615 he recorded how Joan Tagge, servant to a Houndsditch broker, having given birth to a child fathered by a local man, 'like a murderous strumpett cast hir said child into a privie, but by God[es] good grace it was heard to cry by the neighbours and saved alive', only to die within a fortnight. 'The wicked act of a most lewd strumpett', he commented further, noting that the mother was 'taken afterward[es] and araigned but escaped death'. But the relative isolation of this case confirms the impression that infanticide was not at all common.³⁵

This fact is all the more striking in view of the intense pressure under which illicitly pregnant women commonly found themselves. Maidservants in this plight were sometimes ejected by their masters or mistresses, or took flight of their own volition before their condition was noticed. They then sought accommodation where they could be brought to bed in safety. But this was clearly no easy matter, and it was those who failed who ended up giving birth on the streets or in fields. Even if they found somewhere to stay, it would seem that often they had to shift lodgings more than once. Some left London to give birth in neighbouring towns and villages, or perhaps even further afield – recent immigrants no doubt headed for their home parish, if it was not too far distant. What assistance could they command? As will be seen, in the metropolis as elsewhere in England women often engaged in sexual activity in the hope or expectation of marriage; alternatively they believed that the men responsible would make provision for them if they fell pregnant. Provision was, after all, one of the recognized attributes of mature manhood, and this applied to the begetters of bastards as to any other.³⁶

Thus the first recourse of illicitly pregnant women was usually to contact or confront the man concerned and to negotiate, either in person or by means of a male representative – perhaps a relative, in London more likely an employer, landlord, or neighbour.³⁷ There was little to be gained if the man was penniless or had disappeared, while some men simply responded with defiance, contempt, or hostility; Gowing cites the case of a woman who was apparently coerced into signing away her claims.³⁸ On the other hand, Cutbeard Man, already cited, was not the only individual so concerned about his 'credit' as to be willing to provide support even if he believed that the child was not his. Indeed, as Bernard Capp has shown, the vulnerability of higher-status men to

the charge of fathering a bastard was the basis for a lively blackmail trade, while some women deliberately fathered their illegitimate children on innocent men simply because they had the means to pay up.³⁹ Men of means and credit who really were responsible were even more susceptible to demands for financial assistance, especially if these were expressed in shrill and strident tones. Women who failed to get satisfaction sometimes threatened to lay the child at the man's door or stepped up the pressure in other ways.

To take an example, it was in 1612 that John Walker, one of Sir Lionel Cranfield's writing clerks, became involved with a domestic servant in the same household called Dionise Halfthead. She said he was a suitor and promised her marriage. He said she enticed him to have sex when he was 'somewhat to merry by keepinge companie w[i]th freind[es]'. He was dubious when she claimed to be pregnant, enquiring of a married woman of his acquaintance 'if it were possible for a woman w[i]thin a monethe after she had lyne w[i]th a man to knowe that she was conceyved w[i]th childe'. Nonetheless he knew what he had to do: 'fearinge discredite by her clamor and thinckinge to have the said cryme kepte secret and not to be brought to the eares of his ... m[aste]r and the ladie his wife ... and others his friend[es] ... [he] was fayne to promise ... to provide for her' and did so 'as privately as he could to avoyde scandall'. Dionise having left the Cranfield household, Walker first secured board and lodging for her at eight shillings a week in a house in Trinity Lane. But within a couple of months the householder 'p[er]ceivinge ... [her] to bee with childe desired her to provide some other place to make her abode for yt shée ... coulede not staie noe longer in ... [his] house without greate discredit to him'. Accordingly Walker removed Dionise to a house in Southwark where she eventually gave birth. Afterwards he took the child and put it out to nurse, while 'in comiseration toward[es] the said Dionize and for the losse of her tyme and that she was then owt of s[er]vice' gave her the sum of four pounds 'to releev hersef w[i]thall and ... to supplie her want[es]'. Dissatisfied with this settlement, the woman turned up at the counting house where Walker worked, and there and in the open streets 'rayled' upon him for getting her with child; she also appealed to an uncle of hers who lived in Hertfordshire, who accosting Walker near his master's house induced him to pay a further twenty pounds. But there were strings attached. Dionise was only to receive the money after two years, on condition that meanwhile she did not 'exclaime' upon him for further recompense or report what he had done to anyone else. But this did not satisfy her either, and in 1615 she sued Walker for marriage. Meanwhile her child had been baptized

as 'Jane d[daughter] of John Halfheade yeoman'; while it was noted that a bond had been entered to discharge the parish of St Olave's, the fact of illegitimacy was not made explicit.⁴⁰

Bastard bearing and the law

Such complex manoeuvrings were driven not merely by apprehension of the disapproval of employers, family, friends and neighbours, but also by the strong desire to steer clear of the various agencies that existed to detect and punish sexual transgression. In London these were unusually elaborate and extremely active. Regrettably, the early seventeenth-century records of the archdeacons of London and of Middlesex – the latter having jurisdiction over some of the suburban parishes, as well as areas of the county beyond the metropolitan area – have mostly perished.⁴¹ But there are good series of disciplinary (or 'office') act books for the court held by the bishop of London's commissary⁴² and also – of greater importance for the central London parishes – for his consistory court. The bishop's official conducted visitations every three years, while between times the court exercised concurrent jurisdiction with the archdeacons and continued to hear some cases. The fact-finding capacities of these 'bawdy courts', as they were colloquially known, appear to have been very good, and large numbers of bastardy cases were duly reported. On the other hand, many of the offenders had absconded or otherwise failed to turn up in court, and were simply excommunicated. There must also have been some who escaped the net altogether. In 1619 it was alleged that a midwife called Isabel Emery 'd[elivere]d Dorothey Carter of sixe, 5, 4 or 3 children, she ye sayd Dorothey being vnmarried & having never had a husband ... in other p[ar]ishes remote from the p[ar]ishe of St Clem[en]t Danes where she the sayd Isabell Emery dwelleth & carried away the child[ren] from the p[ar]ishes where they were borne or recyved them from thence vnbaptized & eyther got them privately baptized or els disposed of [them] to some nurses or nurse vnbaptized to th[e] end it might be kept secrete & not knowne that the sayd Dorothey was d[elivere]d of any suche children or childe'.⁴³ While the case was clearly regarded as particularly scandalous and can hardly be taken as characteristic, church court records certainly document many other attempts on the part of unmarried mothers to evade the notice of authority.

The case of Isabel Emery illustrates what was in fact a usual feature of the church courts' practice in London – they routinely summoned not merely the principals, but also individuals who assisted them in

any way. Midwives who had assisted at a birth without informing the authorities were a prime target. But the principle extended to the masters or mistresses of servants involved in cases of illicit pregnancy; *ipso facto* they were held at least partly responsible, and were called on by the court to do their best endeavours – admittedly often fruitless – to produce them if they had absconded. If employers or others had deliberately helped offenders to escape, or simply allowed them to depart without punishment, the case was treated with greater gravity. The courts were also inclined to be stern towards householders who provided unmarried mothers with accommodation to ‘lie in’, especially if money had changed hands and above all if the culprit was a repeat offender or the matter had been arranged as a commercial transaction involving predictably high rates of board and lodging. Only if individuals had given help in extreme circumstances – when a woman was about to give birth in the street, for example – did hard-nosed church court officials show any signs of relenting. This degree of legal harassment of those who aided and abetted sexual offenders must have made people wary of doing so. On the other hand, the cases before the courts show that there were men and women who were willing – whether for gain, from compassion, or from a common-sense willingness to make the best out of an unfortunate situation – to take risks to help women in trouble. As one midwife was said to have confided, ‘there was manie poore people dwelling about her, and manie escapes were there holpen both of marchant[es] maid[es] and others who were there deli[u]er[ed], and did well after’.⁴⁴

This web of evasion further jeopardized the baptism of illegitimate children, and also made it hard for the mother to participate in the usual ceremony of ‘thanksgiving after childbirth’ or ‘churching’. Ministers were supposed not to ‘church’ women unless they were amenable to ecclesiastical discipline. There might also be practical difficulties. In a case in 1617 it was reported that the man who conveyed away a woman after her delivery ‘would not suffer her to stay to be churched but sayd yf she must be churched he would get her churched by the waye’.⁴⁵ The indications are that unmarried women, or those that assisted them, usually tried to get the child baptized, though not necessarily in the parish where it had been born and not always with success. In a case from 1618 the midwife and another woman ‘did what they could’ to get an illegitimate baptized, first in Whitechapel and then in St Bride’s, but being ‘sicke & weake’ it died before they could do so.⁴⁶ In this, as in some other cases, the parish officers were un-cooperative; on occasion even ministers were complicit in obstructing baptism.⁴⁷

Although many of the mothers and fathers of bastard children could not be brought to court, some did appear and were put to penance. Mostly the church court registers themselves provide the only record, but sidelights are occasionally offered by local sources. In September 1620 the parish clerk of St Botolph Aldgate recorded that 'one Edborow Allin daughter to one Thomas Allin cook[es] labourer of White Beare Alley without Aldgate did open penance in our church ... who was gotten with child by one William Draper a porter of the same alley being a married man, ... [while he] did private penance before the minister, churchwardens and other parishioners ... in the vestrey house'. Earlier he had described the mother as the man's 'lewd strumpett' and now, in a rare comment on the efficacy of ecclesiastical discipline, he added that 'a good whipping had bene better for them both'.⁴⁸ This and other forms of corporal punishment were in fact among the options available to various secular tribunals that, along with the ecclesiastical courts, also dealt with bastard-bearers and other sexual offenders in the metropolitan area. The Westminster Court of Burgesses had been set up by statute in 1585. Its records, surviving for the years 1610–16, show that it regularly punished offenders by carting – that is, by trundling them about the streets in a wagon – whipping, and banishment, or any combination of all three.⁴⁹ From 1618 Westminster also had its own court of quarter sessions, which handled bastardy cases in much the same manner as its provincial counterparts. For the county of Middlesex as a whole, sessions of the peace and gaol delivery were held at least eight times a year, and issues of bastardy and paternity are a regular feature of their business in the early seventeenth century. The city of London had its own sessions and operated in similar fashion.⁵⁰

Mostly, the relevant survivals in the sessions records are recognizances, whereby individuals were 'bound over' by local justices to answer at the sessions. Some concerned accessories, like the Clerkenwell woman accused in 1613 of being 'a common harbourer of great belied women',⁵¹ but most related to the principals, especially putative fathers. Usually, cases were instigated by the pregnant woman herself or by parish officers. Examinations of the culprits, and original orders for maintenance made by two JPs, have unfortunately not survived (except for a few on the Westminster sessions rolls). While it is known that on occasion the justices did subject the parents of bastard children to corporal punishment, the impression is that such penalties were mostly referred to Bridewell Hospital or, when a separate house of correction was established for Middlesex, to that institution instead.⁵² The justices themselves were more concerned to establish paternity and

enforce maintenance, though they had no compunction in imprisoning offenders if they could not or would not pay up. A Westminster petitioner around 1620, 'a poor trad[es] man and a stranger in this contrey', claimed he had lain in the Gatehouse for nine months to the complete 'ouerthrowe of his credit' and utter impoverishment by 'the faulce accusation of a calumnious woman'.⁵³

Whatever the facts of this case, it is true that the justices did not demand a very high standard of evidence to establish reputed paternity. The sexual double standard in favour of men was partial at best; and certainly the benefit of the doubt that, in other circumstances, men might hope to enjoy, was overridden by the need to ensure that someone paid maintenance.⁵⁴ Surviving petitions reveal that unmarried mothers, in appealing to the justices for redress against men who had got them with child, used the fact that they had been disabled from work as one of their principal means of leverage. Thus in 1625 a Westminster widow claimed that by abandoning her and marrying another woman a man had 'vtterlye vndonne' her 'not only in her paynes takinge to gett her liueinge in good sorte ... by her good endeavor and handie labour'; she requested that the man should be compelled either to take the child or to pay maintenance, whereby she might be 'the better relived and the parrishe discharged'.⁵⁵

Beyond this, women who felt they had been wronged – especially if the putative father had promised them marriage, used trickery or violence to effect his desire, or heartlessly abandoned them without succour – seem to have believed that they would get a sympathetic hearing. Thus one woman complained of the 'greate wronge' a man had done her in breaking a contract before witnesses and marrying another, after seducing her with his 'faire and blandulous speeches' and 'betraying her virginity to his luste'. It would seem that, as Garthine Walker has argued on the basis of Cheshire material, unmarried mothers did not necessarily lose all claims to respectability and credit.⁵⁶ In another Westminster case, in 1620, the woman emphasized that before being 'drawen into follie' she had 'behaved her selfe in verie civell & honest manner', having first been apprenticed for six years and then in service with a doctor of the High Commission for a further seven. A gentleman had seduced her with 'deepe vowes & p[ro]testac[i]ons of mariage', but had now left her destitute 'contrarie to all humane honestie'. As a woman in 'distressed estate', 'much wronged & not able to speake in her owne behalfe, and her friend[es] not willing to bee seene therin, but herevpon all forsaking her, and shee ashamed to acquaynte others therew[i]th', she sought the assistance of the court. In this instance the putative father, a gentleman, was committed to prison and presumably induced to give at least partial

satisfaction. Yet such pleas could backfire. In 1613 Joan Lea, having 'vppon her owne petition exhibited in courte ... confessed that she had a bastard child begot on her body by Thomas Bates', was ordered by the Middlesex justices to be herself 'openly whipte at a cartes taylor in St Johns Streete vpon Saturdaye next vntill her body be all bloodye'.⁵⁷

Bridewell – one of a cluster of London hospitals set up in the reign of Edward VI to tackle various aspects of poverty and need – had been specifically designed to combat 'idleness', so insolent or work-shy servants and apprentices, petty thieves, cheats, and (above all) vagrants were prominent among its denizens. But from the start its remit had been taken to include sexual offenders – not merely sex-trade professionals, designated 'common strumpets', 'whores' or 'harlots', and 'bawds', but also adulterers, fornicators, and the like.⁵⁸ For much of Elizabeth's reign bastardy as such was not much in evidence, but by 1600 it was a major focus of business. The register for that year records a total of over 230 sex cases, and in nearly half of them the issue was illicit pregnancy. More specifically, it was often a matter of establishing paternity or adjudicating disputed cases; routinely the putative father was bound over with sureties to 'save harmless' the city of London and the parish concerned – that is, to ensure that the child did not become a financial burden. Depending on his status and other circumstances, the father might also be whipped for good measure. The mother, if she was in an advanced state of pregnancy or 'great with child', was often spared for the time being; though she might well be whipped at a later stage.⁵⁹ In the early decades of the seventeenth century, local constables sometimes waited till unmarried mothers were 'vp againe' after childbirth, and then brought them into Bridewell to be whipped before sending them on their way.⁶⁰

By the 1620s the pattern had changed. By this time, indeed, the overall numbers of sexual offenders dealt with in Bridewell were vastly reduced, for reasons that have not yet been fully elucidated.⁶¹ No doubt some cases went to the new Middlesex house of correction, but this cannot possibly be the whole story. In any event, by now only a mere trickle of bastardy or illicit pregnancy cases came into Bridewell. Most of these were either an adjunct of vagrancy or involved tangled circumstances that required the specialist expertise of the Bridewell governors to elucidate. What had happened to routine bastardy cases? Along with other sexual transgressions they still continued to be dealt with by the church courts as matters of personal morality. But all the indications are that the more practical issues of paternity and maintenance were in the main now handled locally. Even in the early years of the seventeenth century, the parishes – or possibly the city wards – must have been the

main focus of activity in some areas of London, because the admittedly imperfect indications are that the bulk of Bridewell inmates came from the areas closest to hand in the west, north and north-west of the city. In the eastern parts of the city the more usual recourse was presumably the Counter Prison and the various local 'cages' or lock-ups. In cases where illicit pregnancy, bastardy, or indeed other sexual offences overlapped with vagrancy, local officers did not need to resort to Bridewell, or even to a justice, in order to whip culprits: the 1598 'acte for punyshment of rogues, vagabondes and sturdy beggars' empowered them to do so.⁶²

More basically, the concern of parishes was to ensure that their rate-payers suffered no financial loss, and by the 1610s, if not before, local officers had developed well-established routines to achieve this aim. If unmarried mothers had no obvious right of settlement, they took steps to move them on, or prevent them from entering the parish in the first place. The activities of Christopher Fawcett, noticed earlier, offer vivid examples of these practices. In other cases they took great pains to establish paternity. In London as elsewhere in England, midwives commonly withheld assistance from unmarried women in labour until they had named the father, under threat of suffering all the pains of hell if they had spoken falsely. Bonds were routinely taken from the putative fathers of bastards, the masters or relatives of illicitly pregnant women, and indeed from anyone else in any way involved, to ensure that the parish was 'saved harmless'. (Such bonds were sometimes taken even when the child was legitimate but seemed likely to charge the parish.) Local officers were often assisted in these activities by figures of authority, particularly parish ministers, and also by ordinary householders. Thus in 1600 Robert Hichcocke of Clerkenwell testified before the governors of Bridewell

that when Jane Day was suspected to be w[i]th child he was then constable & his neighbours came & told him of it & wished him to go to a justice for a warrant to app[re]hend her & one Edward Dunwell for that they feard the p[ar]ish should be charged w[i]th the child w[hi]ch he did & p[ro]cured a warrant & vpon thapp[re]hencon of Edward Dunwell he confessed to this exa[m]i[n]e[n]t that he had thuse and carnall knowledge of her body about xpmas last & yf he had don a fault he would make amend[es] for the same.⁶³

It is clear from what has already been said that these administrative measures did not preclude the punishment of offenders under secular jurisdiction if circumstances seemed to warrant it. Nonetheless there is some truth in Gowing's suggestion that some shift in policy is discernible;

by the seventeenth century parishes were more interested in 'negotiating with single mothers, driving them out rather than having them whipped'. Punishment in Bridewell or elsewhere was used as a threat to get women to comply, rather than a routine measure. Thus in 1619 the searcher of inmates in St Saviour's Southwark reported of a widow who had given birth and had the baby surreptitiously baptized, 'the churchwardens threatning her to have her punished shee toke her goods & her child & went into the p[ar]ish of St Georgeis & soe I hard noe more of her'.⁶⁴

Contexts of metropolitan illegitimacy

It remains to consider in more detail the circumstances in which illegitimate births occurred. Single women of all sorts, and occasionally widows, might be involved. But all the available sources indicate that female servants were prominent among bastard-bearers, simply because a period of living-in service was a life-cycle experience for the bulk of unmarried women. They had had liaisons sometimes with their masters, but much more often with fellow-servants, or with servants or employees of other householders. In May 1622, after recording the bastard birth that had ensued from such a liaison, the parish clerk of St Botolph Aldgate commented: 'There are too manie of such seruant[es] now a dayes, more is the pittie'. He repeated the sentiment in another case the following December, but in truth the situation was perennial.⁶⁵ In court or under examination before JPs, such women often claimed some kind of promise of marriage. Some such claims were no doubt disingenuous or at least stretched the facts – they were the best means that women had to deflect blame and salvage their reputation – but most were probably genuine. Occasionally this was explicitly admitted by the authorities. Thus in 1621 the clerk of St Botolph Aldgate, recording the baptism of the illegitimate child of a brewer's servant by a local widow, commented that 'he was thrise asked in the church, and fled, and left hir with child, like a knave'.⁶⁶ To that extent it is plausible to apply the 'failed courtship' model familiar from provincial England, though it is probable that some of these London women had run even greater risks than their counterparts in the country. For example, apprentices – many of whom must have had high expectations, if not good prospects in reality – were explicitly forbidden to marry by the terms of their indentures. Unless they were very close to achieving their freedom, their promises of marriage were therefore of little worth. More generally the metropolitan environment, though in a sense made up of many small

communities and to an extent less anonymous than historians used to suppose, was certainly more difficult to negotiate than a village or small town. Young women who found themselves in trouble were less likely to be supported by community pressure.

The social profile of the men who fathered bastard children varied in different parts of the metropolis. The surviving files of the Westminster sessions for the period 1620–30 include 77 bastardy recognizances that ascribed a status to the individual bound over. Some of the poorest individuals were no doubt excluded, since these would probably have found it more difficult than the better-off to find people willing to stand surety. Nonetheless, it is striking that nearly one in five of these putative fathers were gentlemen, including a master of arts.⁶⁷ One in three claimed the status of yeoman, probably denoting householders of reasonable substance. The remaining 45 per cent were a wide range of craftsmen and tradesmen; of these, only tailors stood out as being slightly more numerous than the rest. These findings may be compared with the labels that the parish clerk of St Botolph Aldgate attached to the fathers of the 50 or so bastard children baptized in that parish in the period 1615–24. While a wide range of miscellaneous occupations was again represented, gentlemen and other obviously high-status individuals were rare, so overall the profile was more obviously plebeian.⁶⁸ Whether in Westminster or St Botolph's, the moral status or reputation of the begetters of bastards no doubt varied. The Aldgate parish clerk took a dim view of some of the characters he described. In 1615 Frount Charter, who had fathered another illegitimate child the year before, was described as 'idle', 'a base lewd fellow', while the woman was said to be 'as base as him selfe'. In 1618 the father of another bastard child was characterized as 'a Newgate bird'.⁶⁹

Strikingly, London sources reveal a number of situations leading to illicit pregnancies that had no counterpart in most areas of provincial England. One was where a woman's husband was away at sea for a lengthy period of time. The illicit births that resulted were unusual in that the woman was actually married, but the fact of the husband's prolonged absence made clear that the child could not be his. Adair cites one such case from St Botolph Aldgate in 1597,⁷⁰ but both parish registers and church court records show that the phenomenon was commonest in Ratcliff Highway, Limehouse, and other riverine communities included within the vast parish of Stepney. The episcopal visitation of 1618, for example, uncovered a clutch of examples. To cite but one, Robert Roades, blacksmith, was presented on the basis of a common fame that Mary Dalton 'is reported, and by publique confession hath

acknowledged to have lived incontinentlie' with him, 'in the absence of her husband being at the East Indies whereby she hath had one child conceived in adulterie'.⁷¹ The numerous motives that might induce women in this position to embark on illicit relationships – including not merely sexual desire but also the need for companionship, protection, or financial assistance – may be readily imagined. No doubt such women were in a vulnerable position in other respects too. Edith Buckham, sued by her husband Richard for separation on the grounds of her adultery, claimed in defence that 'by violence shee ... was vrged by Albert Johnson ... to yeeld the carnall knowledge of her body'. Since her husband had also had sex with her a fortnight before, on the eve of his taking 'his iourney out of England beyond the seas' to Virginia, she could not be certain which of the two men was the father of her child. The parish register recorded simply the baptism on 23 August 1620 of 'Adryan sonne of Edy wyfe of Richard Buckham of Wappy<ng> maryner begotten in the absence of her husband being <at> sea, as she affirmeth, by Albert Johnson of St Kather<ines> cooper'.⁷²

Foreign merchants temporarily residing in London were in a counterpart situation to women left on their own. But their gender, combined with the means they had at their disposal, placed them in a much more powerful situation. They might well be on the lookout for sexual services and were sometimes able to persuade young women to provide them. They might even dangle the prospect of marriage; more often they offered rewards in cash or kind, though the women were apparently not full-time prostitutes. Rather they tended to be recent immigrants to London or were otherwise out of service.⁷³ A somewhat similar, but even more distinctively metropolitan situation centred on young gentlemen at the Inns of Court. Their material needs were met by cooks, victuallers and laundresses, who often sent young female servants with the necessary supplies. It is hardly surprising that the latter were often propositioned, with or without a variety of blandishments. To an even greater extent than usual, these women took for granted (and sometimes claimed an explicit promise) that they would be taken care of if they fell pregnant, and they could be extremely pertinacious if they failed to get satisfaction. One went with her child in her arms to the chamber of her seducer and threatened to complain to the master of Gray's Inn '& the rest of the gents of the house'. But as a result she ended up in Bridewell, and indeed all women who tried to assert themselves in this way ran the risk of severe punishment.⁷⁴

Inevitably the London and Middlesex justices or governors of Bridewell were inclined to view these transactions as a species of prostitution.

Indeed in some cases – as where one or more young women, perhaps aided or manipulated by a bawd who was in it for the money, were servicing several men – their stance is understandable. In fact many of these distinctively metropolitan scenarios in which illegitimacy might occur shaded uneasily into sex trade. The point may be made more generally that the existence of prostitution, on a scale far greater than in the provinces, created an environment which raises further uncertainties in evaluating the metropolitan experience of illegitimacy. Prostitution in early seventeenth-century London is a major topic in its own right and cannot be discussed in detail here. Suffice to say that it existed in many forms, from high-class establishments like Holland's Leaguer in Paris Garden; through medium- to low-grade ones in inns, alehouses and private dwellings, where the mistress watched over the activities of one or two 'whores', calling in more from elsewhere as occasion required; to lone women, sometimes vagrant, working the streets and alleys. 'Bawdy' or 'brothel' houses might pop up anywhere, though they were particularly prevalent on the Bankside and in the northern and eastern suburbs.⁷⁵ What is their relevance to the assessment of illegitimacy in London? On the one hand, they must have done something to mop up the libido of male servants, apprentices, and other males who could not or did not wish to marry. They did not need to seduce maidservants, or make spurious or half-hearted promises of marriage, in order to gratify their sexual desires. On the other hand, the sex trade must itself have contributed to the bastardy statistics. Contemporaries were firmly of the opinion that 'common' women produced few offspring.⁷⁶ But undoubtedly they produced some. No doubt they included a share of the infants who were found, alive or dead, stillborn or otherwise, in the fields and ditches fringing Clerkenwell and St Andrew Holborn; while some of the unmarried mothers described by the parish clerk of St Botolph Aldgate as 'strumpet' or, more especially, 'common strumpet' may well have been involved in the sex trade. But how far this dimension of metropolitan bastardy is properly represented in parish records, or even in the pages of Bridewell and church court registers, is anyone's guess.

Conclusion

Richard Adair singles out the issue of prostitution as 'a worrying unknown in the equation'.⁷⁷ But, as this chapter has been at pains to make clear, really this is only one among a number of uncertainties surrounding the interpretation of the parish register evidence. Plainly, in themselves the illegitimacy ratios derived from London registers provide

no support for the idea that illegitimacy was rampant in the early seventeenth-century metropolis. On the other hand, it is evident that the statistics do not tell the whole story. Given that concealment, evasion and migration were such common strategies in response to illicit pregnancy, while parish authorities were so reluctant to be saddled with the costs of supporting illegitimate children, it was inevitable that some bastard births went unregistered. Any attempt to quantify the shortfall is fraught with difficulties, and to do so systematically is far beyond the scope of this brief account. Yet suggestive results emerge even from the limited exercise of comparing the incidence of illegitimacy revealed by the bishop of London's visitation of 1618 and subsequent proceedings with the evidence of the baptism and burial registers for three suburban parishes. St Andrew Holborn reveals a reasonably close match between the two sources. Of five cases reported to the consistory court, four were clearly identified in the register; the one that was not was a stillbirth. In Stepney the discrepancy was much more substantial. Twenty-three cases were reported, of which only nine can be identified in the registers. In St James Clerkenwell the gap between church court record and parish register was even greater. Here nine women were said to have been delivered of children out of wedlock or, at least, to have been illicitly pregnant. Of these only two are clearly recorded as bastard births in the registers. Two more were registered but without any indication that the children were illegitimate. The remaining cases have left no trace at all in the registers, though a consistory court examination reveals that in one instance the child was baptized privately by a minister – the father of the servant of the woman in whose house the delivery took place – who happened to be visiting from Yorkshire. Further research may demonstrate that Clerkenwell was an extreme case, but it does underscore the fact that statistics compiled solely on the basis of parish registers must be viewed with caution.⁷⁸

Irrespective of the precise levels of illegitimacy in London, Westminster and the suburbs, it is clear that it was a complex phenomenon – or rather set of phenomena – including some variants that are rarely if ever found in provincial settings. Overall it seems more realistic to see bastardy in early seventeenth-century London as distinctive and, from a statistical point of view, distinctly problematic, rather than simply as a variant on the patterns prevailing in lowland England generally. Certainly the topic is worthy of much more detailed attention than it has hitherto received.

2

Cohabitation in context in early seventeenth-century London

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Introduction

Surveying the evidence from provincial England in the seventeenth and eighteenth centuries, Rebecca Probert has concluded that numbers of cohabiting couples – in the sense of men and women who lived openly in a heterosexual relationship under one roof without having been united by a marriage ceremony, even if bigamous – were ‘vanishingly small’.² Setting aside some regional peculiarities – to be discussed later – the same applies at a somewhat earlier period. For example, a detailed study of church courts, sex and marriage in late sixteenth- and early seventeenth-century Wiltshire, with comparative material from Cambridgeshire, Leicestershire and West Sussex, concluded that, while there were circumstances in which couples might occasionally cohabit briefly before marriage, permanent concubinage was rare and tended to arouse considerable local hostility.³ The seriousness with which the matter was likewise regarded in places close to the capital is nicely captured in a case from Stratford Bow (Middlesex) in 1605: the daughter of a woman accused of housing an unmarried couple explained that ‘a ma[n] ... with a woma[n] with him lodged in her ... mothers howse about vj week[es] space that were accompted ma[n] & wif but so soone as they were suspected they were had before ... the highe cunstable where beinge examyned they were fownd not to be ma[n] & wif & they dep[ar]ted the towne’.⁴ Was it the same in early seventeenth-century London itself? As is emphasized in Chapter 1, at this time the size of the metropolis was already out of all proportion to all other urban settlements in England, not to speak of rural communities, and was growing fast. Common sense suggests that an urban agglomeration of this sort would offer much greater opportunities for illicit cohabitation. But did it?

The importance of household and family

The issue was undoubtedly important for contemporaries. On the ‘good ordering of privat[e] families’, asserted Attorney-General Edward Coke in 1600, ‘the common wealth doth depend’.⁵ By ‘families’ he meant households, which throughout England formed the basic unit of social, economic and political organization, existing within a framework of powerful religious and moral ideas and sentiments that had been developing for centuries. Already, in the early fifteenth century the moral tract called *Dives et pauper* had emphasized the authority that belonged ‘to the pore man gouernynge his pore houshold, to the riche man gouernynge his mene, to the housbond gouernynge his wif, to the fadir & the moodir gouernynge her childryn, to the iustice gouernynge his contre, to the kyng gouernynge his peple’,⁶ while a century later the religious importance of the ‘family’ was further stressed in books such as Richard Whitford’s *Werke for housholders* (1530). But it was after the Reformation that household conduct books proliferated. The archetype was Miles Coverdale’s translation of Heinrich Bullinger’s *Christen state of matrimonye* (1541),⁷ while the culmination was surely William Gouge’s massive treatment in ‘eight treatises’ *Of domesticall duties* (1622). The importance that modern historians attach to the genre, and to the ideas and values that underpin it, is reflected in an extensive historical literature.⁸ Its significance for contemporaries can occasionally be glimpsed directly, as when shortly after his marriage the puritan wood-turner of Eastcheap, Nehemiah Wallington, purchased a copy of Gouge, ‘so everyone of us may learn and know our duties and honor God every one in his place where God has set them’, while a few years later he drew up a list of ‘31 articles for my family for the reforming of our lives’.⁹

It was in London, above all, that the ‘family’ was most centrally of social and political importance.¹⁰ Households were essential to the good government of the 26 wards into which the city of London was divided for administrative purposes, as also of the parishes in the surrounding suburbs. Householders had many duties, including that of taking their turn as members of the watch that patrolled the streets by night; they were also eligible for election as beadles, constables and churchwardens, who in their respective spheres bore a higher level of responsibility for maintaining order and social discipline. Not least, as was seen in Chapter 1, householders were held to be responsible for illicit sexual behaviour under their roof even if they had no knowledge, let alone direct involvement. More basically, households were supposed to be the framework for socially approved uses of sex. Marriage, an ecclesiastically

constituted institution, was the matrix of procreation. But, characteristically, marriage also created a new household. While the converse was not true – an unmarried male or a widowed female might be a householder – there was a powerful congruence between the two institutions. Male householders were usually married and expected to be ‘able’ or ‘sufficient’ to perform all the associated duties, whether paying rates and taxes, stepping up for watch and ward, or meeting the legitimate needs of their wives not only by providing for them adequately but also by paying the marital debt and begetting children. Writing in the reign of Elizabeth, the musician Thomas Whythorne, whose experience centred on London, was convinced that ‘a notorious cuckold cannot be taken upon [in]quests, and is barred of divers functions and callings of estimation in the commonwealth as a man defamed’.¹¹ Socially and legally the integrity of marriage and the household was of prime importance. Dubious marriages and disordered households were a threat, and likely to be the object of suspicion to the authorities and to neighbours alike.

Prosecuting cohabiting couples

So, how many cases of cohabitation actually came to the notice of the metropolitan authorities in the early seventeenth century? The answer is not many; and this seems to have been because they were relatively uncommon, rather than that they were tolerated or failed to attract attention. The issue had such a low profile that even to approach it involves difficulties. In Spain there was a specific offence termed *amancebamiento*, prosecuted in some areas by the ecclesiastical courts and elsewhere by those of the crown. It was broadly defined to include all manner of long-term sexual illicit relationships, including those of clerics, but in practice often involved cohabitation in one form or another and so *amancebamiento* cases offer a useful perspective on this phenomenon.¹² In English court records it is rather more elusive. The Middlesex and London sessions records yield a few cases. For example, a victualler of St Saviour’s Southwark, was bound over in 1610 for frequenting and keeping the unlawful company of another man’s wife ‘at bedd, boorde and other places’, while in 1618 a mason of Ratcliff Highway was charged with incontinent living with a woman ‘whom he keeps in his house, she being suspected to be with child by him’.¹³ Other instances may be inferred, though in the absence of examinations and depositions – which unfortunately do not survive – it is impossible to be sure that the couple actually lived under the same roof.

Of more obvious importance in bringing cases to the attention of the authorities were the church courts. Accusations usually took the form of 'presentments' made by local churchwardens and their assistants, called 'questmen' or 'sidemen', at episcopal or archidiaconal visitations. Alternatively, charges might be brought as a result of investigations initiated by the court itself, or derive from information provided by diverse sources in the parishes. Yet around 1600 there was the merest trickle of cases. There were more by the late 1610s and 1620s, as London expanded, but never a flood – typically between ten and twenty cases a year. Characteristic charges were 'that they live togeith[e]r as man & wife and yt is not knowne that they are married' (St Benet Paul's Wharf, 1625); or, more pointedly, for living 'in howse ... as man & wife supposed to be married to the offence of all them that know it' (St Botolph Bishopsgate, 1602).¹⁴ Some of the couples cited to court on this basis simply failed to turn up and were subjected to the ecclesiastical penalty of excommunication. This entailed various legal consequences but primarily meant that they were excluded from their parish church – or indeed any other church – and more particularly that they could not participate in the holy communion at Easter or at other times in the year when it was administered. These services, especially the Easter communion, were not merely religious rites, but also indispensable signs of status and belonging. To maintain the position of respectable householder while 'standing excommunicate' was impossible.¹⁵ In all probability these couples suffered the penalty because, when they learnt that they had been cited to court, they knew that they had been found out and decided to move on.

In many cases, however, the man – but sometimes the woman and occasionally both – did appear in court to answer the charge. Sometimes the matter turned out to be merely a financial dispute. For one reason or another, the couple had refused to pay marriage duties to the local minister, and the parish officers had slapped a cohabitation charge on them to bring them to heel.¹⁶ More commonly they were able to show, usually by means of a written certificate, that they were really man and wife in the sense that they had been married in church. Often the wedding was completely above board, and it would seem that the prosecution was simply a heavy-handed means of inducing them to produce the necessary paperwork.¹⁷ In 1620 a St Botolph Bishopsgate couple, in answer to the charge 'that they live togethers like ma[n] & wife & that by comon fame they be not married', claimed that they were married in Scotland, but since being presented had 'for satisfaction to the p[ar]ish married themselves again'. To prove the point they brought a certificate signed by the curate and parish clerk of St Giles Cripplegate.¹⁸

But quite frequently the marriage ceremony turned out to have been what was technically termed 'clandestine', conducted without the usual safeguards of publicity – banns or licence – or in a place other than the parish church of one or other of the couple. In this period the chapel of the Tower of London was a popular venue, at least until 1623 when the Court of High Commission apparently took action to end the abuse. It was said that thereafter 'the incumbent neu[er] durst marry any ... without license', though in fact Archbishop Laud was constrained to take further action in the 1630s.¹⁹ There were many reasons for procuring a clandestine marriage ceremony – for example, to evade parental opposition or to avoid embarrassment if the bride was visibly pregnant. But often they were relatively innocent and proof of a wedding, albeit clandestine, was sufficient to allay local suspicions. In principle, to marry clandestinely, or even to be present at such a marriage, was a serious offence that incurred the penalty of excommunication. But unless there were exceptional circumstances the courts usually imposed some lesser penalty, such as a payment to the poor or acknowledgement of the offence in church, or even let the culprits off with a warning. In 1617 the exceptionally large number of 29 couples had their marital status brought in question in the consistory court, the great majority of them because they had married clandestinely in the Tower, while 19 individuals were prosecuted for assisting at these weddings. There was no episcopal visitation that year, and it would seem that the bishop's officials, with time on their hands, had carried out a drive against this kind of offence. It did not reflect a sudden increase in illicit cohabitation.²⁰

Bridewell Hospital, the penitentiary set up in the reign of Edward VI to address the perceived problem of 'idleness', was the other major venue for winnowing out suspicions that couples were living together without being properly married. It certainly mattered to culprits where their cases were heard. Attendance at the church courts entailed considerable trouble and the expense of lost earnings and court fees. Defendants were sometimes sharply questioned, frequently 'admonished' in no uncertain terms, sometimes ordered to perform a humiliating public penance in their parish church. Culprits brought into Bridewell, on the other hand, could expect to be rigorously interrogated, possibly even browbeaten, confined within the hospital precincts and set to work pending investigations. If they were 'found faulty' they were commonly stripped to the waist, tied to a cross and whipped till the governors were satisfied that they had had enough.²¹

But in Bridewell cases were no more numerous than in the church courts. The pattern is complicated by the fact that, for reasons that have

yet to be fully explained, after about 1620 Bridewell dealt with fewer and fewer sex offenders of any kind.²² Hence, as overall numbers declined steeply, so this particular category of offender shrank almost out of sight – in contrast to the church courts where cases were increasing in number. But even during the period when sexual transgressions were a major component of Bridewell's business, cohabitation cases were by no means plentiful. In 1600, for example, the court register records some 237 cases relating to sex and marriage. (Since many of them concerned couples, the number of individuals dealt with was much higher.) Fewer than ten clearly involved cohabitation. Those that occurred in this and other years came to the governors' attention by various means. Bridewell beadles and the city marshal, whose main function was to apprehend vagrants, brought in a steady trickle of culprits, as did ward constables, who with their 'watch' had apprehended them in the streets or in searching suspect houses. Other cases were referred by the aldermen's deputies in the wards, by the Newgate sessions and, more often, by justices of the peace, who referred culprits to the Bridewell governors because they had the time, resources and expertise to tease out what were often very murky and complex circumstances. Cases were indeed very miscellaneous; but they were invariably viewed with great gravity and handled with corresponding severity.

Parish perspectives

Another approach is to examine local records, particularly parish registers and ancillary documents, for indications of irregular relationships. What they can reveal depends a good deal on the care with which such records were kept and the completeness of the information provided, which varied greatly from parish to parish. St James Clerkenwell was a large suburban parish north of the city; at the beginning of the reign of Elizabeth it was sparsely populated, but grew rapidly as the metropolitan area expanded in the late sixteenth and early seventeenth centuries. It is of particular interest for a variety of reasons. Socially it was very mixed, including some gentry households as well as many middling and poorer ones; it was an obvious area for incomers to London to find lodgings; and it was already notorious for its 'bawdy houses' – places of assignation if not outright brothels – located mainly in St John Street, Turnmill Street and Cowcross Street. Its baptismal registers begin around 1560, but for the first 50 years or so record only the names of the infant and his or her father. From the 1610s the mother's name begins to be recorded intermittently, then for a decade or so, spanning the last years

of James I and early part of Charles I's reign, this information is fairly consistently recorded. The first year of fuller recording, 1620, revealed a clutch of eight cases in which the mother's surname was different from that of the father. Even so it is far from clear that these were cases of 'cohabitation' according to Probert's definition, since the names do not recur in the register as stable couples. Probably this was a means of recording bastard births, to which explicit references, while not entirely absent, are sparse in this register.

As was seen in Chapter 1, certain riverine communities, notably Wapping, Shadwell and Ratcliff in the vast parish of Stepney, exhibited an unusual pattern of illegitimacy, in which married women who conceived children while their husbands were away on long sea voyages featured quite prominently. But it should not be assumed that this necessarily involved cohabitation. The circumstances of one such affair, as a result of which the woman gave birth in 1625, are illuminated by the testimony of witnesses, since the husband later sued her for separation on the grounds of her adultery. It was said that Richard Fisher 'did much frequent ye companie of ye said Marie Holder both at her ... house and at other places, insomuch as this dep[onen]t and others ... [his] neighbo[u]rs did suspect them of adulterie'. There is no indication that they actually lived together.²³ Here and elsewhere cases that did involve some element of cohabitation occasionally occurred. For example, in All Hallows Barking in 1617 a man was rumoured likewise to have begotten an illegitimate child on a woman whose husband was away on a voyage to the East Indies. She was living at the time in the house of her father, where the man also lodged; no doubt this is how they had become acquainted. But they were not openly cohabiting as husband and wife.²⁴

There is no reason to believe that other kinds of irregular relationship were at all common in Stepney. In the early seventeenth century its parish registers carefully distinguished bastard births, usually by giving the mother's name followed by that of the father 'as she affirmeth' and also by a marginal note that the child was 'base'; and, in the case of all baptized infants, routinely recorded the name of the mother as well as the father and the relationship between them – indeed the recurrence, in entry after entry after entry, of the formula 'and *N* his wife', is a stunning demonstration of the importance of marriage in the social fabric of this parish as of other areas of London. The few anomalies suggest that the clerk did not make these entries mindlessly but was alert to the possibility of dubious circumstances. For example, he recorded the baptism on 28 July 1619 of 'John sonne supposed of

one [blank] Prentyce and Elizabeth his supposed wife who liveth with William Bell of Wappynwall at the signe of the Popes Heade'. He amplified this in recording the burial on 30 July of the same child, 'the sonne of Elizabeth Prentyce wife of [blank] Prentice who liueth suspiciously w[i]th one William Bell of Wappynwall'. This indeed looks like a case of illicit cohabitation, but the circumstances were evidently very unusual and aroused intense local scrutiny.²⁵

Probably the most systematic evidence of this kind comes from the parish of St Botolph Aldgate, partly coterminous with the ward of Portsoken, located east of the city wall, which included East Smithfield and abutted on the liberty of the Tower. Formerly a semi-rural area, by the early seventeenth century it was densely populated and its inhabitants included a wide range of occupations. For some decades in the late sixteenth and early seventeenth centuries, there survives a series of parish clerks' memoranda books that often record vital events in more detail than in the parish registers, along with a vast amount of incidental information. In the late 1610s and early 1620s, this record was kept with exceptional assiduity by the aptly named John Clerke. He did not know everything, but the gaps that he deliberately left in his record – when he could not specify a wife's Christian name, for example – show that he aspired to do so, and he often returned to complete entries at a later stage. He was irked when relevant information was withheld, while deliberate deception outraged him.²⁶

Bastardy cases were usually clearly marked, but in a small number of other baptismal entries the clerk used some variant on the formula 'the reputed son (or daughter) of *N* and his reputed wife *M*'. In many instances this probably meant no more than that he could not be quite certain of his own knowledge of the status of the couple. His hesitation is readily understandable, since often the individuals concerned were incomers, sometimes from locations remote from London, lodging temporarily in the parish; occasionally there were further complications, such as the fact that the supposed father was deceased or said to be a 'runagate'.²⁷ In rare cases, however, Clerke clearly smelt a rat, and later information sometimes took the matter beyond doubt. Thus he recorded the baptism on 8 February 1620 of 'the reputed daughter of John Gascoigne of Sherborne House in ye countie of Yorke gent[leman] ... [and his] reputed wife', adding laconically 'Thus wee are informed, but it is no article of our beliefe'. Previously he had recorded the baptism on 11 July 1617 of 'the reputed daughter of one Thomas Fenne belonging to the king[es] boyling house, ... [and his] reputed wife ... Joane ...', adding later that 'the mother afterward

proved to be a lewd strumpet & no such mans wife'.²⁸ But such cases were very few indeed. Of some 1500 baptismal entries that he made in the period 1616–20, in only 18 (1.2 per cent) did the clerk play safe by indicating 'reputed' relationships, most of which were in all probability perfectly above board. Even those that were not did not necessarily feature cohabitation; straightforward bastardy was a more usual issue. The Fenne case is illuminated by a series of statements in the consistory court, which make plain that the mother of the illegitimate child was a servant who at different times named as the father not only the royal servant but also her master, a sergeant-at-arms. There was no indication that either of them lived with her as man and wife.²⁹

Spousals

To make sense of the fragmentary evidence, it is necessary to step back and review the circumstances which might give rise to cohabitation, whether fleetingly, on a temporary basis, or as a more permanent state. As is well known, before the passage of Lord Hardwicke's Marriage Act in 1753, a simple declaration between a man and a woman in words of the present tense – 'I John take thee Joan'; 'I Joan take thee John' – could create a binding union. At least till the early seventeenth century, and to an extent even later, many couples made such a declaration as part of an informal ceremony, often referred to by historians as 'spousals', that was quite separate from the wedding ceremony in church. As is suggested by an alternative term current in some parts of the country, 'handfasting', this normally involved the clasping and unclasping of the hands of the couple in a ritual gesture, together with the exchange of gifts or 'tokens of marriage', often in the presence of witnesses. Often (though certainly not invariably) the man bestowed a ring on the woman, while very commonly the contract was sealed with a kiss and the couple pledged each other in wine or beer. Witnesses or bystanders, if present, might say 'God give you joy of your marriage'. In more elaborate versions of these events, there was a dinner to follow. Sometimes the financial arrangements associated with the marriage were thrashed out or finalized beforehand.³⁰

But was a spousals ceremony, however formal and elaborate, in itself sufficient to constitute a socially and legally recognizable 'marriage' without being followed by ecclesiastical solemnization? Rebecca Probert has examined this issue for the late seventeenth and eighteenth centuries and demonstrated that it did not. In principle, a marriage contract in due form was binding on the couple and neither could renege even with the other's

consent. If the contract could be adequately proved in court, a reluctant party could be ordered to solemnize the union on pain of excommunication. But the contract of itself did not confer all the rights and benefits of marriage – not least, it did not make sexual relations licit. For most intents and purposes it was the church wedding that made the marriage.³¹

For earlier periods the situation is somewhat less clear cut – both in law and practice and in terms of historians' understanding of the situation. Peter Fleming states confidently that in medieval times some couples, especially in the poorer sections of society, 'made their exchange of vows *per verba de presenti* and never proceeded to the next stage of a church wedding ... as late as the fifteenth century, many of the laity persisted in the belief that marriages made without benefit of clergy were ... perfectly acceptable'.³² If this was indeed so, the situation was soon to change. Richard Helmholz, a pioneer of research into matrimonial litigation in the medieval English ecclesiastical courts, thought that in the late middle ages most of the people who made private contracts intended to have their unions blessed by a priest at some later time, or at least to have the banns read. More robustly, Ralph Houlbrooke concluded that by the early sixteenth century the 'vast majority' of matrimonial contracts in the dioceses of Norwich (Norfolk and Suffolk) and Winchester (Hampshire and Surrey) were regarded as merely preliminary to marriage in church.³³ This is a view with which, on the basis of comparable evidence from London and elsewhere, I wholly concur. Numerous studies indicate that, by the late sixteenth and early seventeenth centuries, there was no question about the matter. As Chapter 1 has already made plain, when people spoke or thought of 'marriage' they normally meant a union that had been ratified by a wedding in church.³⁴

Parts of the north and west, particularly the counties of Lancashire and Cheshire and adjacent parts of Wales, may have been exceptional.³⁵ It has long been surmised – and the researches of Richard Adair and, more recently, Jennifer McNabb have begun to substantiate the point – that at least until the late sixteenth century these regions were characterized by a distinctive courtship regime in which spousals or handfastings were particularly prominent and as a matter of course likely to be followed, if not preceded, by sexual relations. On occasion this probably took the form of actual cohabitation. By the early seventeenth century these characteristics were receding – in part because of the hostility of the authorities – but they did persist to some extent.³⁶ Their importance for the early seventeenth-century metropolis is probably small, but there may have been some impact via immigrants. One of the few anomalous relationships to trouble the compiler of the register of St Andrew

Holborn evidently involved incomers from this region: in March 1619 he recorded the baptism of 'Anne Come daughter of Thomas Come smith of Nothwich of Cheshire & of Margrett Hughs daughter [of] Hugh Robert[es] of Clanrickett 2 miles from Denbe',³⁷

By the early seventeenth century, spousals were on the decline in southern and eastern England. But they were by no means extinct, even in the capital. Indeed, studies of church court material from Shakespearian London suggest that such customs, far from withering away in city conditions, remained lively and varied.³⁸ Some of the ambiguities of attitude and language to which they gave rise are caught in a lawsuit from 1601. There had been 'speche of marriage' or even, it was said, a contract between Thomas Powell and Katherine Garnett before she went into service in Yorkshire. On her return a woman who knew her 'asked her if she weare married', to which Katherine answered 'that she was, and w[i]th that pulled of her glove and showed her ... a Gould ring vppo[n] her finger saying here is my wedding ring ... [given me by] Thomas Powell ... vnto whom ... I am married ... if he be as good as his word I will be as good as myne'. Apparently still unsatisfied, her acquaintance asked her pointedly 'if she weare married in the churche', to which the answer was no.³⁹

In all parts of England many couples who saw themselves as 'married' merely in this sense – the phrase 'husband and wife before God' was used if there were no witnesses – took this as an excuse if not a justification for having sex in anticipation of the church wedding; indeed for many a mere promise or even a reasonable prospect of marriage sufficed. But attitudes were not clear cut – characteristically men were keener to get on with it than were women, who ran the greater risk, while almost certainly attitudes were stricter at higher social levels, where marriage involved the transfer of substantial amounts of property. Moreover for everyone the issue became more contentious as time went on. In principle the church had always condemned sexual relations between contract and wedding as sinful, but in practice in most areas till the late sixteenth century at least it was rare for couples actually to be prosecuted in the church courts. From about the 1580s onwards, in church courts all over England, cases of antenuptial incontinence and bridal pregnancy increased in number till by the 1620s and 1630s they were commonplace.⁴⁰ In London they never became a particularly prominent item of court business, no doubt because of the difficulty of detecting the phenomenon in urban conditions,⁴¹ but perhaps also because the offence was less frequent than elsewhere. Parish register analysis indicates that in provincial England around 20 per cent of brides were pregnant at marriage, but the limited evidence available for the metropolis suggests much lower levels than this.⁴²

What did ordinary people think of the matter? In 1589 a London man went as far as to tell the churchwardens of Clerkenwell 'that they did more then they oughte to doo [in] p[re]sentinge such as are w[i]th childe before marriage'. But an example was made of this individual, who was made to kneel in the church during Sunday service after the reading of the gospel and confess publicly that he had done wrong thus to 'c[oun]sell the churchwardens in ... executinge of their offyce and charge beinge therevnto sworne'.⁴³ It is striking that in St Botolph Aldgate for a few years around 1590 the parish clerk at the time, in recording the 'churching' or thanksgiving of women after childbirth, occasionally used the phrase 'unmarried wife'. In one such case in 1591 it was explained that a sailor and a widow who had given birth to a child 'weare promised as man and wyfe as it was said before ... others before his going to sea'.⁴⁴ Yet the clerk clearly did not view these couples as properly married and regarded any children they had as illegitimate. Whereas on 9 July 1589 he recorded the churching of 'Elizabeth Shale beinge the vnmarried wyfe of Robert Lyddall a butcher', more conventionally he had recorded the burial on 10 June of the 'base borne sonne of Robert Liddall begotten on the bodye of Elizabeth Shale a single woman'.⁴⁵

The overwhelming bulk of evidence indicates that the civic, ecclesiastical and parish authorities in London unanimously regarded the church wedding as the vital event, and after about 1600 there is not much indication that ordinary people thought differently. In a typical case from the church courts, a 'comfit' maker of St Mary Woolchurch and his spouse were charged with 'lyving together as man & wife not knowne to be married' and alternatively with antenuptial incontinence. The man admitted that they had sex before they were married, but affirmed that 'he was contracted to her many year[es] before he had the carnall knowledge of her bodie' and certified that they had been married by licence eight months ago in the church at Chelsea. He was, he said, 'sorie for this offence'.⁴⁶ Suspects before the Bridewell governors sometimes sought lenient treatment on the grounds that they were a contracted couple, but none asserted a right to cohabit on that basis. A typical case would be that of William Meeson in 1609. He was 'taken' at midnight in St Bride's parish in the house of a widow, Elizabeth Butler, where there was only one bed; in court the couple affirmed 'that they p[ur]pose to be married' and were released on promise to quit the parish within fourteen days.⁴⁷

As this last case indicates, within this generally tight framework of attitudes and practices there were circumstances in which cohabitation might occur, but it was usually surreptitious and for a brief period. In

any case the facts were often contested, allegations made in spousals litigation being particularly open to question. A future promise of marriage, or a contract conditional on the consent of kin or 'friends', the payment of money, or the transfer of land or goods could be made fully binding by the fact of carnal knowledge between the couple. It was therefore sometimes in the interests of plaintiffs to insinuate that sex had taken place. In 1600 a widower named William Tomlinson was keeping a cook shop in the parish of St Sepulchre in the north west of London, lamenting that 'I lose xls a weeke for want of a wief to looke to my busines'. Soon he had a 'wife before God' in the person of Katherine Jones. Women were expected to come with a dowry and in this case the bargain seems to have been that she would pay him £6 in cash on the day of the marriage while her 'friends' would pay another £14 later. He responded angrily when, days before the wedding, she revealed that she could not come up with the money: 'Yow that will breake w[i]th me for vj£ yt yow promised me & sayd yow had, I knowe I shall neu[er] haue the xiiij£ and therefore I would haue yow depart my howse for I neu[er] meane to marie yow while I lyve'.

When Katherine subsequently sued him for enforcement of the contract, a tapster in the cook shop opposite testified that shortly before the planned marriage she 'was twoe or three dayes together at ... William Tomlinsons howse both early and late, and he ... thinketh she laye in the howse at that time because she was there so late on evening[es] & so erly a morning[es]'. But Tomlinson's account of the matter was that Katherine, having been 'thrust ... out at dores' by her mistress, simply had nowhere to go; he had therefore given her the key of his bedchamber and 'willed her to ... lock the dore to her' while he slept elsewhere.⁴⁸ A Bridewell case, likewise in 1600, was more clear cut. Jane Danckes recounted how she had given birth the year before, the father being now dead; the child had been 'gotten in the country and ... when they came to London they said they were married', but though he promised her marriage they were never in fact husband and wife.⁴⁹

Broken marriages and bigamy

Once people had been married in church it was extremely difficult to dissolve the union. The pre-Reformation church courts allowed annulments only in cases where there existed some basic impediment, most often a prior union (which might be in the form of an unsolemnized contract), or ties of kinship or affinity within the forbidden degrees. In cases of adultery or cruelty, it was possible for the wronged party

to seek a separation 'from bed and board'. Though often referred to as 'divorce', this did not confer the right to remarry. Divorce in the modern sense – the dissolution of a valid marriage – simply did not exist. On the continent Protestant reformers substantially modified these rules, in particular by allowing the innocent party to remarry in cases of divorce for adultery; even so, dissolutions remained rare. In England there was a lively, indeed heated debate on the subject among moralists and theologians, which continued sporadically into the early seventeenth century, but the Church did *not* relax its position. In fact the ecclesiastical canons of 1604 strongly reaffirmed the Church's ban on remarriage. A change in the law would probably not have helped most estranged couples in any case.⁵⁰ In these circumstances there was a temptation for men whose marriages had broken down, with or without a formal separation, to resort to cohabitation. In 1625 the churchwardens of St James Clerkenwell presented that Thomas Grymes, gentleman, had been separated from his wife *a mensa et thoro*, but now 'doth companie at bedd & bord' with Cicely Trump, the widow of another gentleman, 'as yf ... [they] were man & wyfe, and he pr[e]tendeth that he is married to the said Sisley'.⁵¹ At a lower social level, in 1600 a tailor admitted to the Bridewell governors that he had been married five years and had two children, but 'he hath forsaken his wife two yeares now past and hath ever since kept company with one Joh[a]n Davies as his wife'.⁵²

For a wife to leave her husband was an even more difficult matter and could lead to serious trouble. Some Bridewell cases centred on women who had left their husbands and gone off with another man, usually travelling about the country – effectively on the run – rather than staying in one fixed abode. Cases like this came up in the church courts too; but they were more likely to come to the attention of a justice, and hence to Bridewell, if the errant couple had taken some of the deserted husband's property with them. Some cases spanned the narrow seas. In 1600 a woman confessed that she had left her husband and gone into the Low Countries as a laundress with a cook, who was likewise estranged from his spouse. There they had 'lived together as man and wyfe' and 'dwelt and kept house' for three or four years – only to be apprehended on their return.⁵³ In 1618 Alice Darrell and Paris Vandue

were together att Gravesend by the space of a weeke as man & wife, and intended to goe to Dort to be married confesseth they called themselues husband and wife thinkinge by that meanes to haue the easier passage beyond seas, and that they intended to marry soe soone as she should heare of her husband[es] death ... she called her

husband cuckold & slave, and tould hime that she hated him and loved the other and that vnles he would refraine her bedd & company she would cutt his throate.

In a letter she called her lover 'by the name of sweete heart', while he wrote to her in his own blood. Not surprisingly these romantic touches were not appreciated by the governors of Bridewell, who characterized the couple's actions as 'lewd' and 'shameful'.⁵⁴

A related concern was that of bigamy – marriages contracted when one or both partners had another spouse alive. Those who remarried after a sentence of separation for adultery or cruelty were guilty of this offence in the eyes of the Church. *A fortiori*, so also were individuals who married again after separating informally – by their own act or by mutual agreement – after a marriage had, for whatever reason, effectively broken down. But bigamy extended beyond this to include a variety of other circumstances, often involving deception or fraud. For obvious reasons bigamy was often associated with migration, especially over fairly long distances. Such movement had long been a feature of English society, but it probably increased as the population of London and other parts of the country expanded rapidly in the late sixteenth century. This was one of a number of reasons why the 'bigamy problem' became a matter of intense public concern in the 1590s, provoking debates in both Parliament and Convocation. The upshot was the Bigamy Act of 1604, which made the offence a statutory felony – though the provision that the penalties did not apply to individuals who had been lawfully 'divorced' came to be interpreted in favour of those who had merely secured a separation 'from bed and board'.⁵⁵ Reflecting the prevailing moral panic, there was a cluster of 11 bigamy cases in Bridewell around 1600, some of them overlapping with cases of cohabitation. Henry Bowles claimed that he had 'contynued together as man & wyfe this nyne yeares' with Alice Nelame 'but they were never married' and in any case she had another husband still living; however, she brought proof that he had married her and that her former husband was now dead. In handling cohabitation cases, JPs and the Bridewell governors were often initially unsure whether bigamy was at issue, and this is one of the reasons why they took it so seriously.⁵⁶

Whores, Bawds And Lodgings

Cohabitation was associated with a variety of other illicit sexual relationships. Earlier in the sixteenth century keeping a whore – or, as we

might say, maintaining a mistress – had been by no means uncommon. It was a stock complaint of moralists and numerous cases can be found in the church courts.⁵⁷ While in provincial England it was particularly characteristic of the aristocracy and gentry, in London it was common across a wider social spectrum. Wealthier men installed their ‘private whores’ in high-class accommodation, while those with less to spend commonly kept them in alehouses or other lodgings. A variant was when a bachelor or widower settled into a long-term relationship with a maidservant or housekeeper. Thus in 1574 it was reported of Thomas Peryn of St Andrew Holborn ‘that he haith comytt[ed] whordom w[i]th a woman whome he kepeth in his howse and also he is vehementlye suspected of such lyke evell rule w[i]th other women’.⁵⁸ These habits were on the wane by 1600, and anyway many of them were more likely to result in ‘visiting’ arrangements rather than regular cohabitation; but cases did occasionally occur. In 1600 Joan Cooke recounted how

she mett w[i]th one Mr Hickcocke in Smythfield on Thursday before Michaelmas last and that he said to her that he would give her ijs vjd a weeke if she would goe whome w[i]th him and told her that he was a widdower wheruppon ... [she] went home w[i]th him and saith that ... [he] did lye w[i]th her allnight and had th[e] use and carnall knowledge of her body three seu[er]all tymes and ... she is nowe w[i]th child by him.

Within a couple of days, however, his wife turned up and put a stop to the game.⁵⁹

Some cases are hard to fit into any pattern. One from 1618 involved a couple posing as husband and wife in order to secure lodgings together, and under that pretence cohabiting for various periods of weeks or months. The man was said to have the ‘foule disease’. Another man, a writing clerk, was also interrogated; he denied having sex with the woman, but admitted that he ‘had bene much in her company att playhouses[,] tobacco shopps and other suspitious plac[es]’. Yet another woman was in question too, while the individuals who had lodged the couple were in trouble as ‘bawds’ – that is, aiding and abetting sexual offences. The justice who had referred the case seems to have regarded the whole crew as suspicious and undesirable characters.⁶⁰ In a Westminster case in 1628, a tailor of St Martin in the Fields denied any involvement in the theft of linen from the house of Lady Purbeck, but did confess that he ‘hath gone by ye name of beeing husband vnto Margaret Maye alias Vsherwood and hath liued w[i]th her as his wiffe this two yeares but was neuer maryed’.

Although this was clearly tangential to the felony mainly at issue, the matter was evidently taken very seriously, and the recognizance whereby the man was bound over to the sessions specified that he was charged not only with being an accessory to theft but also 'to liue incontinently w[i]th the sayd Margaret'.⁶¹

Vagrants

The disreputable associations of cohabitation were even stronger in the case of a whole category of offenders – vagrants. The numbers of homeless migrants gradually increased in the late sixteenth century as population outstripped resources, while numbers shot far above normal in years of dearth, trade stoppage, or military demobilization. The authorities feared that vagrants were seditious, criminal, spreaders of disease, and generally not merely parasitic nuisances but actually a threat to the entire social order.⁶² They were also thought to undermine the institution of marriage. Charles I's Book of Orders of 1631 stated that vagrants 'liue like saluages, neither marry nor bury nor christen ... [in] licentious libertie', while in 1654 Richard Younge complained that they did not 'range themselves into families: but consort together as beasts'. But decades before this, local records, including those of Bridewell, reflect a persistent concern to discover whether those who wandered together as couples were in fact properly married. The working assumption was that they were not. To elicit the truth they were commonly examined separately and asked a series of specific questions that 'respectable' couples should have been able to answer with ease – including when and where they were married, the name and appearance of the minister, the identity of witnesses and the man who gave the bride away, who paid for the wedding supper and where they spent their wedding night. In the eyes of the authorities the vagabond and his putative 'whore' or 'quean' – very likely suspected further of theft, cozening or intimidation – were the antitype of the 'honest householders' and 'men's wives' characterized earlier in this chapter.⁶³ In some cases the fact of cohabitation came to light incidentally, but was then seized on as an aggravating factor. In 1620, for example, Richard Dudley was 'stayed' by the Treasurer of Bridewell when he came to sue for the liberty of a female prisoner 'pr[e]tending her to bee his wife but vpon examinac[i]on is found faulty & in divers tayles & was neuer married to her'. An officer being sent to his supposed place of residence in Turnmill Street in Clerkenwell 'to enquire of him, brought noe testimony of his honest life'; whereupon he was whipped and transferred to the Middlesex house of correction.⁶⁴

Conclusion

There must have been cases of cohabitation not picked up by the London authorities. But with the possible exception of vagrants, there is no reason to think that they existed in large numbers. Involvement in illicit sexual activity was hazardous in any circumstances. But given the close mesh of neighbourhood bonds and official surveillance, as also the close proximity in which many people lived, actual cohabitation was likely to become public knowledge sooner or later. Incidental detail in the better documented cases reveals the lengths that individuals had to go to in attempting to keep their secret. In a case in 1609, it was said that Richard Collins 'kept company' with a certain Mabel Collins over a two-year period. They were lodgers in the house of a widow, but 'as man and wyfe they did lie together ordinarilie'. Yet 'when any constable or officer came vpon serche or other buisines', Mabel would leap up and hide in the bed of another female lodging in the same house. This led to complaints, and eventually the couple 'secretlie went away'. In a case from 1618, a woman – herself a householder – mounted an elaborate charade to convince her maidservant that she had been to church and married a man who then moved in with her. But when they quarrelled the truth came out, and the servant was the main witness against them in the proceedings at Bridewell.⁶⁵ It would perhaps be too much to say that numbers of cases were 'vanishingly small'. But they were not common, and those that occurred were seen as highly disreputable.

3

‘All he wanted was to kill her that he might marry the Girl’: Broken marriages and cohabitation in the long eighteenth century

Joanne Bailey

Introduction

Defining cohabitation in the past is not easy. Essentially, there was no legitimate alternative to wedlock until modern times and thus the law did not need to establish the parameters of such a relationship. In order to address the phenomenon of a couple who were not married to each other while living together in a sexual relationship, historians have therefore applied their own terms. Rebecca Probert’s recent study defines cohabitation as ‘non-marital co-residential relationships, whether lifelong or temporary and whether the couple in question actually held themselves out as married or not’.¹ Probert analyses the numbers of such arrangements in the seventeenth and eighteenth centuries. Firstly she shows that although the church courts punished extra-marital sex, few of the prosecutions involved couples who lived with a sexual partner who was a self-styled spouse.² Secondly, she uses illegitimacy figures to show that the majority of unmarried women who bore children did not reside with a man.³ Thirdly, her case studies of formal marriage in several parishes establish that almost all those listed as cohabiting couples were legally married.⁴ She concludes that couples who cohabited were ‘vanishingly rare,’ perhaps a fraction of 1 per cent of the population.⁵ Nevertheless, cohabitation remains an important issue for historians to explore, even if it was not a widespread experience in the long eighteenth century.⁶ In many ways these anomalous unions add further proof that in this period people were committed to the institution of marriage, entering illegitimate relationships only when barred from legitimate versions.⁷ So it remains valid to explore why cohabitation occurred and its meanings for protagonists in the

eighteenth century. This chapter analyses several cases of cohabitation that are revealed in 150 cases of marital litigation before York church courts and Durham Consistory Court between 1660 and 1800.

These cases fall into two types: office promotion cases for adultery from 1660s to 1720s and cruelty and adultery separation cases where the cohabitation was incidentally revealed. The cases are important as they do more than confirm that people appreciated a marriage-like relationship. They also suggest that cohabiting was not entered into as a deliberate alternative arrangement to wedlock. For the most part, the examples adhere to Ginger Frost's findings that the majority of her sample of nineteenth-century cohabiting couples lived together because they could not marry.⁸ Thus the case studies arising from matrimonial litigation in the ecclesiastical court records illustrate that cohabitation was a response, albeit an atypical one, to the lack of divorce and remarriage in the period. Secondly, while communities and parish authorities did not condone couples passing as husband and wife, if a man had relatively high status and financial means he was able to ignore both the community's and church's sanctions. Indeed the church might benefit from the substantial fines and forfeits by which cohabiting couples were punished. Such unions could continue if the couple had the capacity to withstand the public fame. Thirdly, the few cohabiting relationships that existed often developed following a failed marriage; indeed, marital cruelty was often associated with the beginning of such affairs. In these situations the community might tolerate the cohabiting couple because the alternative, a conflictual household, was far more socially disorderly. Finally, it will be suggested that cohabiting relationship could be successfully partially obscured within the household-family structure, due to co-residence of master and servant.

Cohabitation as a reaction to the lack of divorce and remarriage

Studies of cohabitation correlate its incidence with the inaccessibility of divorce with remarriage. This was not available until before the Matrimonial Causes Act of 1857, and even after that was taken up by very small numbers into the twentieth century.⁹ It is worth reiterating the limited options open to those confronting the common experience of marital conflict. Unhappy spouses were offered mediation by family, friends, clergymen and legal professionals. If the unions continued to be seriously threatened by a husband's violence or by the infidelity of one of the spouses then separation was possible either on terms drawn

up by a lawyer or determined in law by bringing a request for judicial separation before a church court. In neither case would a spouse be permitted to remarry. Desertion was a further way for a spouse to escape.¹⁰ All those living apart from a spouse were disadvantaged by not being able to restore a joint domestic economy by living in another relationship, and there is necessarily patchy evidence that some did cohabit instead.¹¹ Thus cohabiting couples, whether long-term or short, were part of the same world as formal marriage, people who wanted the benefits of the union but were unable to marry following one of the partners' marital breakdown. Ginger Frost's analysis of nineteenth-century examples, for instance, found that only a very small minority of couples made a decision to live together on ideological grounds, and that was in a period when more radical or politicized views were in circulation.¹² Before the later eighteenth century this kind of rationale was even less likely to be grounds for cohabitation.

Community and parish authority responses to cohabitation

Office promotion cases for adultery from the northern church courts confirm Probert's conclusion from cases regulating extra-marital sex that cohabitation was fairly rare. They also indicate that communities and parish authorities were not well disposed towards cohabiting couples, certainly in the period from 1660 to the second quarter of the eighteenth century after which time the church courts heard far fewer of such offences. After all, the cases were initiated by someone who knew and objected to the couple's unconventional behaviour. If few in quantity, existing cases can be used to establish what features marked out the cohabiting behaviour revealed in them. The main similarity is that they involved a single or married wealthy man who lived with a lower-status woman as his wife.

In 1686 the churchwardens of Thrumpton, in the Archdeaconry of Nottinghamshire, presented Gervase Pigot, gentleman, and Elizabeth Cowley alias Mary Pigot his 'pretended wife' for cohabiting together from 1679 to 1686. The case was then appealed by the defendants to York in 1688. The deponents' statements offer insights into the relationship. For example a 40-year-old gentleman, Thomas Carleton, heard Gervase call Mary his wife. The curate of Thrumpton confirmed that he knew Mary and Gervase, that they had several children together, and lived together in Gervase's mansion house. He admitted hearing rumours that Mary had a husband still living who was a goldsmith or silversmith in London. Clearly this was a long-standing and unresolved

report which stimulated local action. John Bridges, rector of a nearby parish church who had preached in Thrumpton against fornication, responded by visiting Gervase to ask about their status. His contact was primarily with Mary and he described her varied responses to his questions. First, she denied being married to anyone else. Then she confessed that she'd been raped when she was thirteen, and bore a child. Finally she confessed that she had been married but the union was null and void due to the frigidity of her 'husband'. Bridges insisted, therefore, that for much of the time he had believed the two lawfully married 'otherwise he would not have beene so frequently and familiarly with them as he hath beene'.¹³ As this indicates, parish clergymen were required to be mindful of their own reputation when socializing, although, interestingly, local rumour was clearly not sufficient to necessitate excluding the couple from society; no doubt Gervase's high social standing was pertinent.

It is not clear what happened after the office case was presented. However, we know that Gervase died nine years later in June 1695 at 46. The rather rudimentary family history of the Pigots makes it clear that Gervase Pigot III was regarded as the wastrel and black sheep of the family, no doubt for reasons such as his cohabitation, and therefore largely written out of accounts. His father was High Sheriff of Nottingham in 1669 and had used the fortune his wife brought at marriage to transform his manor house into a lavish Jacobean mansion. Gervase III was the third child of his father's second marriage and perhaps unexpectedly, inherited the estate due to a brother's early death. As a classic ne'er do well, he was forced to sell the house to pay debts when unable to keep up mortgage payments. Indeed the house and debts were actually taken over by his lawyer Mr Emerton in 1685 and the Emertons lived there until 1838.¹⁴ Thus it is perhaps not unreasonable to suggest that Gervase III may have had the power and wealth locally to break rules and live unconventionally with another man's wife, until he was bankrupted and removed from the mansion house in 1685. The couple's reduction in social significance may be responsible for their presentation to the court the following year.

A series of office cases that came before Durham consistory court, however, suggest that such cohabiting relationships could go on for some time if the couple had the capacity to withstand the public ill-fame. In 1701 Dorothy Stafford, wife of Christopher Stafford, rector of Bothall, in the archdeaconry of Northumberland, was presented for adultery with William Cresswell Esquire of Cresswell, in the parish of Woodhorne on the Northumberland coast. The libel accused Dorothy

and William of spending nights and days together at the parsonage house and at William's manor house at Cresswell. The Cresswells were a family of considerable local substance, with a fine manor house built on to their original pele tower at Cresswell, which was demolished and rebuilt in the 1840s. The relationship was clearly permanent enough to have forced Christopher Stafford to leave his wife and rectory and move to London. It had also been thus for some time. The additional positions to the office libel noted that when William Cresswell was ill in 1700 he drew up a will in which he bequeathed a large sum to Dorothy's son Robert; clearly Robert was William's son and not her husband's. Not surprisingly, the office case's sentence went against Dorothy and William. Perhaps more surprisingly, given the timing of the suit in a period of great social concern about vice, the relationship continued.

In 1705 William Cresswell was again presented for adultery with Dorothy between 1699 and 1704, and this time the presentment stated unequivocally that she had borne his child. This sentence went against William and he was condemned to be ecclesiastically punished and pay costs. Presumably his penance and monetary outlay still did not stop William living with Dorothy. In 1722 he was presented yet again for adultery with Dorothy; he confessed in court, was enjoined penance, and warned never more to cohabit with Dorothy. He performed his penance in Rothbury Parish Church in 1724, and at the same time executed a bond with the condition that he would never live with Dorothy or he would forfeit £200 to be used for charitable purposes as the Bishop of Durham chose. It would seem that he was quite prepared to forfeit this very sizeable 'fine' as in 1725 William was again presented by the archdeaconry for adultery with Dorothy. By now, as the depositions for this case show, William and Dorothy's son – Robert Cresswell – lived at Hauxley in Warkworth parish (a couple of miles from Cresswell), and was married. William and Dorothy's status did not preclude the rituals and ceremonies of normal family life. Dorothy came to live with her son and daughter-in-law for three months in 1724 because Agnes was with child. During this time William frequently came and slept together with Dorothy.¹⁵ The location of residences of the couple was perhaps influential in permitting them to consistently ignore the disquiet of local authorities'. Cresswell was three miles south of Druridge Bay in Northumberland, a very isolated part of the North Sea coast, whose nearest town was Morpeth. When William died in 1749 his will bequeathed £80 per annum to his son, Robert Cresswell, and put some estates in trust for the use of another William Cresswell (probably the grandson, for a William Cresswell of Hauxley was baptized at Hauxley

Church on 15 October 1724). When he reached adulthood, his children included a William and a Dorothy.¹⁶

Both the Pigot and Cresswell cases suggest that parish authorities did not tolerate couples cohabiting as man and wife, but that if a man had a relatively high status and sufficient financial means he was able to ignore both the community's and church's sanctions. Indeed the church might benefit from such substantial fines and forfeits.

The relationship between failed marriages and cohabitation

The second type of cohabitations revealed in the transcripts of matrimonial litigation that came before the church courts involved marital conflict, cruelty and cohabitation. In these instances a man was accused of ill-treating his wife due to his residential involvement with another woman who was identified as the cause or example of the marital abuse. In 1725 Nicholas Bramhall presented to York Minster James Murgatroyd, an innkeeper of the George Inn in Huddersfield in the West Riding of Yorkshire, and Elizabeth Woodhead for adultery. James had been married 20 years but had turned out his wife Margaret and in her absence lived with Elizabeth Woodhead 'to the great scandal of all Good People and evil example to others.' Though public fame might have motivated the case, some personal conflict existed, for Elizabeth sued Nicholas for defamation alleging that he told James that Elizabeth was having sex with someone else. It would seem that neighbours saw Elizabeth as the cause of the Murgatroyd marriage breakdown, since Nicholas's interrogatories to deponents asked whether or not Elizabeth was the cause of the quarrels between James and his wife Margaret.¹⁷ The periods of James living with Elizabeth were short term, perhaps of one to two months, however, so that the status of Elizabeth is difficult to assess. Should she be described as his mistress or his cohabiting partner? Elizabeth Wood, a friend of Elizabeth Woodhouse, deposed that Woodhouse was 'privately kept' by James.¹⁸ Another witness said that James declared that if his wife was dead he'd marry Betty in 'twenty four hours time'. James and Betty were obviously prepared to try and live together before Margaret's wished-for death. This temporary cohabitation did not become permanent, and when James predeceased Margaret in 1735 Margaret inherited the profitable George Inn and held it for 20 years until her death in 1757.¹⁹

Laying the blame for a broken marriage at the feet of an alleged mistress was by no means unusual, nor was linking it to the husband's subsequent abuse of his wife. More unusual, however, is to discover

what happened to the protagonists following a separation. This can be done in the suit begun in July 1801 by Ann Watson, who sued her husband Joseph Watson for separation on the grounds of cruelty. Ann was a widow when she wed Joseph Watson, having previously married John Morgan, on 16 May 1789, in Bishop Auckland, County Durham. She was widowed fairly quickly and married Joseph Watson just over three years later, on 23 August 1792, in the parish church of Wolsingham, County Durham. Joseph was in his mid-thirties when he married (b 1759) and he and Ann went on to have three live children, Jane (baptized October 1793), John (baptized in Dec 1794), and Joseph (baptized June 1797). Joseph was of reasonably substantial means, owning an inn in Meadhope Street, Wolsingham, near the Pennines in County Durham, along with a large garden and an adjoining field. As is often the case, his precise worth is unknown, since he disputed Ann's claim that he made around £100 annually, and that the copyhold property brought in a further annual income of around £30. Although Joseph was of independent means, it seems unlikely that, as an inn-keeper whose home was merged with his business, he did not have to consider his public reputation.²⁰

His neighbours, staff and customers certainly became involved three years into the marriage, around 1795 when Joseph began to treat Ann with contempt, disdain and abusive language, she stated in her libel. He ignored their friends' interference and remonstrances to stop his ill-behaviour, and between 1796 and 1798 was brutal, particularly when she was with child. Indeed Ann accused him of causing her three miscarriages in these years, a timing which would seem to fit into gaps between their live children from 1794 to 1797. Such violence during pregnancy is common, and may indicate a man's rage at his inability to escape his wife and marriage, so obviously symbolized by the woman's pregnant belly. Joseph also threatened that he would kill Ann, swearing he'd have 'his fist in her Hearts Blood' and on one occasion went for a loaded gun. It is perhaps fortunate for Ann that Joseph ran an inn which had several public spaces, which restricted Joseph's ability to carry out his threats. The violence moved in and out of the domestic and business areas of the buildings and outbuildings so that Joseph's cruelty was often seen. In his defence, Joseph denied the violence, claiming that the physical signs of violence were owing to Ann's excessive drinking, which caused her to fall over and get bruised. He claimed he would remonstrate with her and try and control her when intoxicated, but did not ill-treat her. His defensive strategy extended to stating that he had heard that her ill-conduct had led her first husband to commit suicide,

and that he had ensured that she promise to be obedient to him when he suggested they marry. Finally, in January 1799, Joseph ordered Ann to leave, forcing her out of the door, shutting it on her leg and causing a nasty injury. She went to live with her father in Bishop Auckland until May that year.²¹

During the five-month separation Joseph discovered just how much family and business life required a woman to run it. He wrote to Ann begging her to return because the children needed her, complaining: 'I never cou'd have thought thou cou'd have left such a child and to leave it with me in my situation of life,' that is with only servants to help. He rejected her claim that he was spiteful and promised 'if we cannot live happy without using one another ill I shall never wish thou to stay with me.' Such promises and her father's wish for the couple to reunite led her to return to Joseph and her children. This was a serious misjudgement because Joseph was 'savage' to her throughout the summer and autumn of 1800. Joseph eventually decided that he had different priorities to Ann. Instead of accepting a life with a woman he no longer loved, he ensured that she was forced out of their home for good. This is interestingly hinted at in a letter he wrote to Ann during their temporary separation in which he suggested 'we must study to please each other more than we used to do ... for what is this life without happiness'. On 28 October after a particularly severe beating to her head and body, Ann applied to the local magistrate Robert Curry for articles of the peace against her husband. On her return home she was met by Joseph swearing he 'would knock her soul out of her' and indeed he had to be restrained from violence by the constable. She left home the same day.²²

All of these elements, if not the specific events, were fairly typical of a cruelty separation case of the period. Similarly, it was not unusual for wives in cruelty cases to also claim that their husbands were unfaithful. This was a sensible tactic in the endeavour to make the judge aware that an accused husband's behaviour was unacceptable in the round.²³ Yet Ann only sued Joseph for cruelty and did not make a formal accusation of adultery. It is only in the depositions produced by witnesses responding to Ann's libel and Joseph's interrogatories that the role within the Watson marriage of another woman arises. For instance Jane Kirkley, the Watsons' 18-year-old servant from May Day 1799 to March 1801, described one of the incidents of cruelty. She said that she was in the wash-house in summer 1800 when she heard Ann scream, and ran to her in the kitchen. There she discovered that Joseph had thrown an earthenware pot at Ann's head, cutting it so badly that a surgeon was required. She added that Joseph proceeded to furiously threaten Ann's

life 'if she would not bring the girl back, meaning Sarah Ayton'. The Watsons' work-woman, 26, also deposed that Joseph often beat Ann without cause, announcing that 'all he wanted was to kill her that he might marry the Girl (meaning as this deponent apprehends one Sarah Ayton)'. Hannah provided a little more detail about the incident in summer 1800, stating that Joseph told the surgeon not to dress his wife's wound 'but let her bleed to death' and declared he would kill Ann before morning and bury her in the garden if she would not bring the girl back who she had turned away. Clearly, Joseph resented his inability to escape his union with Ann and this terrible attack was an angry response to Ann's attempt to resolve the matter by putting Sarah Ayton out of their employment.²⁴

And in the case of George Dalton Shafto we have evidence of multiple cohabiting relationships. The son of Cuthbert Shafto, of Bavington Hall, Hexham, Northumberland, he married Hester Charleton of Alnwick, at the age of 21.²⁵ The two lived together at Hester's father's house for four years until 1789. He then began a relationship with another married woman and lived with her for two years until October 1791 when she left him.²⁶ George then lived with Anna Powell, who kept a milliner's shop near Leicester Square, and she passed as his wife. They lived beyond George's means and he was bankrupted and arrested and imprisoned in the Fleet for debt from 1792. Anna followed him and they lived together until 1797 when George was freed. He made some attempt to pull his life together and gained a commission in the Northumberland Supplementary Militia, as a lieutenant and returned north to Hester who accepted him back.²⁷ Hester and George lived together for several weeks as his regiment travelled round the north-east. On 10 December 1798, however, George decided that he owed greater obligations to Anna Powell and left Hester to live with Anna at the barracks in Sunderland. There Anna took the surname Shafto and passed as George's wife. George obtained a lieutenantcy in the Second Lancashire Regiment in January 1800 and moved to Liverpool with Anna. In April 1800, Hester's patience ran out and she sued George for separation on the grounds of adultery at Chester Consistory Court. George ignored the citations for him to appear before the court, and when the court accepted Hester's libel appealed the case to York. George was something of a serial monogamist: between 1785 and 1800 he lived with three women as husband and wife, only one of whom he was united with in matrimony. In his fairly peripatetic lifestyle, he was able to live in this manner until the inconvenience of his wife caught up with him. It is not clear what happened as no sentence exists and the

note 'Let it Stand' was the final entry in the Act book on 9 December 1802.²⁸ In 1803 *The London Gazette* reported that George was promoted to captain in the Royal Lancashire Militia.²⁹ He may have met a particularly sad end if the handwritten note in the back of a book written on behalf of his father is to be believed. It records that 17 October 1807, Lieutenant Shafto, of the Sussex Militia, son of Cuthbert, threw himself out of the chamber window of his lodgings in Hull. He died of his injuries shortly afterwards. He had been left behind by his regiment, having been taken ill from a bowel complaint which caused delirium, leading to the 'shocking catastrophe'.³⁰

What is striking about these instances of cohabitation is that all might have been invisible if the men had been less violent and indifferent to their estranged wives.

Cohabitation obscured by the household–family structure

The patterns and structure of the family-household may also have facilitated and hidden cohabitation. George Dalston Shafto's father was Cuthbert Shafto, High Sheriff of Northumberland by the later eighteenth century, who inherited property from his uncles between 1782 and 1788. Like his son he had a chequered marital career. He was widowed after having eight children with his first wife and fell in love with a Hexham mantua-maker in the 1770s.³¹ According to a pamphlet written by Robert Heron on Cuthbert's behalf to defend him from accusations of marital cruelty, Mary Swinburne's parents were of low condition, being tradespeople. As such, Mary and her family accepted she could not marry Cuthbert because, according to the ghost writer, their

manners, their sentiments, their estimation in the world, were not such as to make them account marriage very essentially requisite to the intercourse of love. Mr Shafto's honour might be trusted. She consented to come to live with her lover in his house, and to share his bed, without insisting upon being made his *wife*.³²

The couple lived together for eight years and had four children. In 1782 Cuthbert inherited his fortune from his uncle and Mary demanded that he marry her. Cuthbert was eventually persuaded and made her his wife; in 1788, when a second uncle died, he was able to move to the mansion of Bavington, Northumberland. According to Heron, Mary had duped Cuthbert into marrying her by hiding her faults of bad temper, gossiping, and immoral friends throughout their eight-year

cohabitation. After the wedding, however, she became a 'fiend' in his bosom. She mixed with base people, strove for power, assaulted him, accused him of adultery, neglected his many children so that they were dirty and crawled with vermin, and physically assaulted him by kicking him in his private parts.³³ Heron's pamphlet was an alternative form of defence for Cuthbert when Dame Mary sued him for separation on the grounds of adultery and cruelty in November 1797. In her version Cuthbert had left her to set up another cohabiting relationship with a Mrs Radcliffe, beating Mary when she tried to reason with him.³⁴ These cohabitations occurred within the household organization: Mary was the lower-status replacement wife and mother who made it to a wedding, while Mrs Radcliffe was a widow who 'visited' Cuthbert and his wife as part of gentry sociability.

Cohabiting relationships could be partially obscured by the co-residence of master and servant. As Naomi Tadmor has shown, the household in the long eighteenth century was conceptualized around its physical shape, which included members of the family related by birth and marriage, and household servants. As a result, masters and mistresses described their domestic units collectively as family, which Tadmor coins the 'family-household'. These units were predicated upon authority over a number of dependents, which Tadmor observes could function without a marital relationship at its centre.³⁵ It is striking, however, that in many such households where a wife was absent, another woman was incorporated in order to provide the household management and, perhaps, childcare functions of a wife. In this form, the close relationship between a lone master and his housekeeper was normalized, even approved by society. They were permitted to live together and in some cases this provided close proximity which led to intimate relationships forming. In the previously mentioned Watson–Ayton case the master–servant relationship developed into a master–housekeeper one.

Ann Watson was awarded £20 alimony and a sentence of separation from Joseph in December 1803. Using evidence from Joseph's will and parish and census records it becomes possible to trace what happened to Joseph and Sarah Ayton, the girl for whom he was prepared to kill his wife. Although Joseph would have had to pay costs and alimony, and have his actions brought firmly into the public domain, the final sentence perhaps worked in his favour. His will, written 8 March 1815, and proved in September 1822, bequeathed the copyhold house and appurtenances in Meadhope Street to his eldest daughter Jane Watson. He then left £20 per annum to his housekeeper Sarah Ayton, on the condition that she remained unmarried and behaved herself to the

satisfaction of the trustees. After her decease or her marriage, the residue was to be divided between his children born in wedlock: Jane, John, and Joseph Watson and, as he described them, his 'natural' children by Sarah Ayton: Paul, William, George, Thomas and Henry Ayton.³⁶ Clearly after Ann Watson's departure from the inn, Joseph lived with his servant, placing her in the superior position of housekeeper and engaging in a sexual relationship with her which resulted in several children whom he acknowledged as his own. This behaviour contravened the Court's terms of the separation decree, yet seems to have continued to his death.

The records of the Watson–Ayton children indicate that they were eventually subsumed into the family as if they were legitimate. Sarah herself outlived Joseph by some decades, dying in 1848. Born in 1779, she was, however, 20 or so years younger than Joseph, being aged around 20 to his 40 at the time of the separation case. Their son Paul was born in 1802 and since the Watsons' separation was granted in 1803 it may well have been Sarah's pregnancy that brought things between the Watsons to crisis point. Another son, George, was born 14 July 1807 and Sarah Ayton was listed as his mother when he was baptized on 19 January 1810. It is not yet apparent when the other boys were born, though Thomas was probably born in 1811. What is known is that eleven days after Joseph wrote his will, on 27 March 1815, he had four of his sons baptized at Wolsingham on the same day that he buried his other son, George. The four surviving sons were baptized under the name Watson, not Ayton, and both Joseph and Watson and Sarah Ayton were noted as parents. It is unclear why the other boys were not baptized earlier, with George in 1810, or indeed why they were not baptized soon after birth. It seems plausible to speculate that this was related to an urge to keep their parentage obscured at least formally until the will necessitated that the relationship be formalized. Census listings thereafter show that three of the four surviving sons, Paul, William, and Henry, continued to use the name Watson. However, Thomas used the surname Ayton and, in 1841 at least, his mother was living with him.³⁷ It is suggestive that descendants of the family appear to have inferred that Joseph Watson was married twice, first to Ann and then Sarah.

Obviously, not every housekeeper was cohabiting in a sexual relationship with their master. However, it was a relatively convenient cloak for a long-term relationship and more could be done to trace this through family histories. Relationships are easiest to trace when they culminated in a wedding. Henry Fielding, for instance, was married for ten years from 1734 to 1744, when his wife Charlotte died. He and his children lived in Old Boswell Court thereafter, cared for by Henry's sister Sarah

Fielding and Mary Daniel, described either as his deceased wife's maid, or the cook-maid. She was fourteen years younger than Henry, and their relationship no doubt became public when she became pregnant by him.³⁸ Henry and Mary married in November 1747 in the sixth month of her pregnancy. Henry appears to have tried to keep the pregnancy quiet by renting a small house in which Mary gave birth. They were married until Henry's death in 1754 and had six children together.

In the absence of a later wedding, unequivocal evidence of cohabitation is harder to come by. A good example of uncertainty as to a man's relationship with his 'housekeeper' is Jaques Sterne. The precentor of York and archdeacon of Cleveland by the latter part of his career, Sterne was widowed when his wife, Katherine (sixteen years his senior), died in January 1742.³⁹ When Jaques himself died in June 1759 he named Sarah Benson as his sole executor in his will, which he had made in November 1746, and bequeathed his real and personal estate to her and her heirs after debts were paid. He described Sarah simply as 'now living with me', although contemporary journals which reported his death referred to her as his late housekeeper.⁴⁰ The executor's job was to prove the will in court, make inventories available, file all accounts, and divide the moveable property amongst heirs (moveable property would include cash and mortgages). An executor had to discharge the testator's debts and collect credits, which is what Sarah would go on to do. A female executor was not unusual, in many cases a testator's executor was his widow, but a housekeeper was not the automatic choice for a widower, nor was it typical to leave her the whole estate, however small. The precise relationship between Jaques Sterne and his housekeeper is unknown, though contemporaries circulated rumours about it in politically motivated attacks. In 1744 the *York Courant* published the following verse:

MOLLY he loves: But jealous Sarah grows;
'Tis hard for one to please two am'rous Souls.
Ah Sarah! learn to look and not to see;
Thy husband long has known that Mystery

and

An ANSWER to the last Week's Epigrammist.
Your Epigram is quite too keen,
To touch the Fair's Mistakes;
For if it smells not all obscene,
I never smell'd a Jaques⁴¹

Similarly, Fielding's critics mocked him for his marriage to a servant, and both Horace Walpole and Tobias Smollet made much of Mary Daniel's low status.⁴²

Conclusion

The case studies which form the basis of this chapter suggest that in the absence of full household listings and censuses, cohabitation might be hidden from the formal record when one or both of its partners were or had been previously married and lived with another partner following separation or widowhood. It would be worth carrying out research on a sample of master-servant/housekeeper relationships to test whether there was a higher prevalence of cohabiting and sexual relationships in these circumstances. What also emerges from this chapter is that cohabitation was likely to be accepted if not tolerated when the man involved was wealthy and carried considerable power in his community. In smaller communities which were relatively isolated from parish authorities' interference cohabitation might also be tolerated because the alternative was a more disorderly alternative. As the servants, neighbours and customers of the inn in Meadhope Street, Wolsingham, discovered, an unhappy legitimate marriage could result in a violently conflictual household that disrupted society. An illegitimate, but stable cohabitation might lead to far quieter, less vexed social relations, and therefore be tolerated.

4

‘They lived together as man and wife’: Plebeian cohabitation, illegitimacy, and broken relationships in London, 1700–1840

Samantha Williams

Introduction

In the early 1740s John Bell, a brewer, rented a house worth £20 a year in the parish of St Ann Blackfriars where he ‘lived and cohabited together with the said Sarah Bell [alias Morgan] as man and wife’.¹ They had a child, also called John Bell. William Dyos, a painter, was a relation of Sarah’s. He lodged with them and was given the honour of being the child’s godfather. He told the petty sessions that he ‘cannot say that the said Sarah Bell, alias Morgan, was ever married to the said John Bell, though she went always by his name and was reputed to be his wife’.² When both John Bell and Sarah Morgan died, their son John, aged two, came to the attention of the parochial authorities, triggering a settlement examination. There is evidence here of what appears to be a successful cohabiting relationship that only came to an end (and the details before the Justices of the Peace) with the untimely death of both parents.

The case of Elizabeth Hender and Joseph Evans appears to have been rather more complex. Elizabeth, aged 33, claimed to be a widow and ‘kept company’ although ‘she never was married’ to Joseph Evans, an out-pensioner of Chelsea College, ‘about ten or twelve years’.³ At the time the settlement examination was taken, they had two illegitimate children: Mary, aged 10, and Thomas, aged 7. Mary was living away from her parents with Mary Hender (possibly a relative) ‘but [her mother] does not know the place where she lives’. When she requested poor relief Elizabeth was also separated from her son Thomas. They were living in St Luke’s Chelsea, but Thomas was settled in Battersea, where he was born. Thomas was passed to Battersea by removal order

and Elizabeth Hender was sent by the Justice to Bridewell, who commented that, 'It does not appear that she is the widow of Hender or ever married.' Thus, it would appear that Elizabeth Hender had been in two unmarried sexual relationships.

There is a range of sources that can be explored in order to establish the extent of cohabitation among poorer men and women in the metropolis, and the relationship more specifically between cohabitation and illegitimacy. This chapter explores what might be discovered about illegitimacy and cohabitation among plebeian couples from cases that came before parish overseers, Justices of the Peace, the court of the Old Bailey, and the Committee of the Foundling Hospital. This chapter does not consider the church courts, many of which ceased to prosecute couples for sexual offences by the mid eighteenth century, nor quarter sessions, which were empowered to deal with illegitimacy.⁴ The documents analysed here reveal numerous cases of the cohabitation of pregnant unmarried women with their lovers, as well as instances of unmarried couples living with their illegitimate children, but it will be shown that such relationships formed only a small proportion of all cases. Cohabiting plebeian couples experienced poverty, desertion, bigamy, and death.

Defining and locating cohabiting couples

The cohabitation of couples is difficult to recover from the historical record, and identifying 'cohabitation' is itself problematic. Many women who became pregnant with illegitimate children were in domestic service and had lived with the fathers of their children in the same house as fellow-servants or lodgers. Charlotte Winds, for instance, was in service with Mrs Newport and had a relationship with Edward Kenward, the gardener, for two years. Although he was known by others to have promised her marriage, he left his position when Charlotte was around four months' pregnant.⁵ Co-residence of servants, apprentices or lodgers was very common and many relationships began this way.⁶ Although such living arrangements are better described as instances of co-residence rather than cohabitation, such forms of accommodation surely blur the line between the two. Relationships between masters and servants or landlords and lodgers make any distinction even more problematic. Jane Hopperton, for instance, was a hired servant to Richard Johnson and 'stayed 3 years and has a child Richard Johnson (2 months)'.⁷ Rebecca Probert has gone one step further and she questions the historical terminology that historians might use to identify

cohabitation; she argues that terms such as 'living in concubinage', 'cohabitation', and 'living together' could describe the sexual act or sharing a home and were used interchangeably, with 'as man and wife' sometimes added by contemporaries to clarify the nature of the relationship.⁸ Probert defines cohabitation as non-marital co-residential sexual relationships, whether lifelong or temporary, and she also excludes bigamous relationships from her analysis.⁹ Ginger Frost, on the other hand, defines a couple as cohabiting if they lived 'as husband and wife' for a month or more.¹⁰ It will be argued here that references to cohabitation and living together *were* descriptions of cohabitation in the modern sense. These terms were used infrequently in the sources reviewed here to describe couples who were already in a sexual relationship, and so, I would argue, such terminology carried additional meaning to the parochial, charitable, and legal officers who were recording the histories of the plebeian poor. Therefore, descriptions of cohabitation and living together will be included in the figures for cohabiting couples. It will also be shown that a range of other terms and circumstances could also provide evidence on cohabitation.

Historians disagree about the extent of cohabitation in the eighteenth and early nineteenth centuries. Until recently it was assumed that cohabitation was widespread among the lower orders. The work of John Gillis has been hugely influential in establishing this assumption. He has argued that 'common law marriages' were widespread and that such relationships rose from the late eighteenth century, peaked in the mid nineteenth century, and then declined again until the turn of the twentieth century. He estimated that up to one-fifth of the population may have lived in such relationships.¹¹ This trend broadly follows that of illegitimacy ratios; illegitimacy also peaked in the mid nineteenth century at around 7 per cent, when a quarter of all first births were illegitimate.¹² Anna Clark, drawing upon John Gillis, asserts that, '[t]he number of out-of-wedlock births and common-law marriages rose sharply in the second half of the eighteenth century, caused by the passing of Lord Hardwicke's Marriage Act in 1753, which made it expensive and inconvenient for the poor to marry.'¹³ In addition, increasing rates of migration disrupted traditional courtship patterns and made it more difficult for parents to enforce promises of marriage.¹⁴ Ginger Frost also draws upon Gillis for trends on working-class cohabitation. Although she admits that cohabiting couples were a small minority of couples, she argues that 'the largest category of those who chose not to marry was that of the poor' and that 'cohabiting couples were a normal part of the landscape between 1800 and 1850, with some regional

variations.¹⁵ Many Victorian commentators believed cohabitation to be widespread among the poor, and their discussions were framed by contemporary preconceptions about the contagious (im)morality of the 'outcast' and 'residuum'.¹⁶

More recent work has firmly challenged this enduring assumption. Careful research by Probert has found that 'prior to the later part of the twentieth century cohabitation was, while not unknown, highly exceptional'.¹⁷ She finds no basis for Gillis's claims and instead provides robust evidence (from census material and marriage and baptism records) that church marriage was practically universal.¹⁸ It is important to reassess cohabitation among poor unmarried couples with illegitimate children because much of the historiography has assumed that cohabitation was particularly common amongst this group either as a consequence of their poverty (marriage fees) or due to a specific 'culture' of non-marital unions and community tolerance of them.¹⁹

Poor Law records

The greatest potential source of evidence of cohabitation among poor couples is the mass of records generated by the Poor Law, of which the most voluminous are bastardy and settlement examinations. These legal documents were generated when pregnant and unmarried mothers swore the paternity of their infants before two magistrates, who then issued a bastardy bond and/or an affiliation order to putative fathers to recover the costs and maintenance of illegitimate children. Illegitimate children gained a legal settlement in the parish of their birth unless the mother was brought before a justice of the peace, when the child would take the mother's settlement.²⁰ However, the process of affiliation indemnified parishes against the costs of illegitimate children by securing the costs and maintenance on the putative father.²¹ Parish provision for unmarried mothers had existed from at least the late sixteenth century; an Act of 1576 mentioned 'Bastards now being left to be kept at the Charge of the Parish where they be born' and sought to make parents financially responsible rather than parish ratepayers.²² In his manual for justices of the peace, *The Country Justice*, Michael Dalton instructed magistrates to bind over a suspected father as soon as possible 'otherwise there will be no Putative father, when the two Justices (after the birth of the child) shall come to take order.'²³ In 1733 the process of affiliation was specified: 'any Single woman [who] shall be delivered of a Bastard Child which shall be chargeable or likely to become chargeable' was to be brought by parish officials to be examined on oath before two

magistrates where she was to 'charge any person with having gotten her with Child' and the putative father was to 'give security to indemnify such Parish'.²⁴ Putative fathers were expected to reimburse the parish of any expenses, including lying-in costs, the fees and travel costs associated with the process of affiliation, and either a lump sum or regular weekly amounts for maintenance of the child. Weekly maintenance sums reimbursed the parish for the costs of relief paid to the mother (if she was nursing the child) or a parish nurse. Payments in the early nineteenth century ranged between 1s. and 2s.6d.²⁵

Studies of parish bastardy examinations have revealed cases of cohabitation of couples with illegitimate children in eighteenth-century London. Many draw upon the same sources, with slightly different findings depending upon the definitions of cohabitation employed. John Black found that 4.2 per cent of bastardy examinations in St Leonard Shoreditch were of cohabiting couples, 4.72 per cent in St Clement Danes, and 13.4 per cent in St Mary-le-Strand.²⁶ Nicholas Rogers also analysed the examinations of St Clement Danes, plus the other Westminster parishes of St Margaret and St John, and St Martin-in-the-Fields, where at least 3 per cent of those examined in any one decade testified that they were cohabiting 'as man and wife'. The proportion varied across the parishes, with as many as 8.6 per cent cohabiting in St Margaret's Westminster in the period 1718–1722. Rogers argues that cohabitation was 'a well-established, if minority, convention' in the early eighteenth century and he suggests that rates might have increased with the closing of the Fleet in 1754.²⁷ Anna Clark argues for an increase in cohabitation in London: she calculates that in the three parishes of St Mary-le-Strand, St Sepulchre, and St Botolph Aldgate in the later period of 1780–1815, 19 per cent of unmarried mothers had cohabited with the father of their child.²⁸ Randolph Trumbach and Tanya Evans have gone as far as to suggest that there was a culture of cohabitation in the East End of London. Trumbach found that 12 per cent of female examiners in eighteenth-century St Botolph Aldgate had lived with a man by whom they had two or more illegitimate children, while Evans cites a higher figure of 17 per cent of women living in long-term relationships and informal marriages.²⁹ While Rogers argues that 8.6 per cent of couples cohabited in St Margaret's Westminster in 1718–1722, Trumbach found that just 2 per cent of cohabitees had had two or more children together in the period 1712–1721. In St Luke's Chelsea the figure was 5 per cent in the 1780s and 1790s and 3 per cent in St Leonard Shoreditch in the period 1758–1799.³⁰ Evans also argues that 'cohabitation was also common in Islington', claiming that a quarter of labourers

cohabited but did not marry the mothers of their illegitimate children, but she does not give a comparable proportion of all examinants in such relationships. She concludes that 'illegitimate children were often born in long-term and relatively stable relationships.'³¹

The highest figure of cohabitation comes from St Botolph Aldgate. Evans argues that there is evidence in this parish of 'the widespread practice of cohabitation' and Trumbach refers to a 'libertine environment'.³² However, these relationships are defined by Evans as 'more than one or a handful of sexual encounters, if they lived together and if they parented more than one child together'.³³ This definition merges many types of relationship and does not give an accurate sense of the extent of cohabitation defined as living together in a separate domestic space. The proportion of couples cohabiting in this manner must therefore be lower than the figures Evans gives. Indeed, when the St Botolph Aldgate bastardy examinations were re-analysed for this chapter, the figures were lower. I found that 5.4 per cent of bastardy examinations concerned couples who were described as living or cohabiting together, such as Ann Bond, 'she then moved to Wapping with William [Binmoore] and lived with him $\frac{3}{4}$ year'.³⁴ In another 2.7 per cent of cases, couples were described as living 'of the same place' or that the child had been delivered at the father's home, such as Elizabeth Clarke and John Wilson, unmarried parents of a daughter, currently living in East Smithfield Street, where Elizabeth gave birth. Taken together – 8.1 per cent – the figure is lower than those given by Evans or Trumbach. In a further 6.3 per cent of cases unmarried parents had two or more children together (but there were no descriptions of cohabitation); if cohabitation is assumed then the greatest possible proportion of couples living together would be 14.4 per cent. This is higher than Trumbach's figure of 12 per cent but still lower than the 17 per cent given by Evans. It would seem that cohabitation rates were higher for St Botolph Aldgate and St Mary-le-Strand (13.4 per cent according to Black), which suggests that there were parochial differences in cohabitation rates among unmarried parents within the metropolis, but the rates were much lower in the other parishes.

The systematic analysis of other sets of bastardy examinations can only add to our understanding of cohabitation rates for plebeian couples in the metropolis. The bastardy examinations for St Luke's, Chelsea, have been analysed between 1733 and 1826 and divided into two periods, 1733–1799 and 1800–1826.³⁵ Between 1733 and 1799 there were just 12 instances (of 216 cases, 5.5 per cent) of couples recorded in cohabitating relationships. Couples were described as living or cohabiting together, sometimes 'as man and wife', such as John Bell and Sarah

Morgan and Elizabeth Hender and Joseph Evans, with whose examinations this chapter started. Between 1800 and 1826 there were far more bastardy examinations (660 cases), of which eight (1.2 per cent) mentioned cohabitation.³⁶ For example, George Steward was recorded as 'now living with her [a pregnant Elizabeth Jones] in said Parish of Chelsea',³⁷ while Ann Barnes, a deserted wife, cohabited with Thomas Dormer for at least 11 years and they had five sons together.³⁸ Sarah Whitehorn found herself in a bigamous marriage which meant that her three children with Charles Robertson were illegitimate. Her examination recorded that he 'has deserted her in the last 9 or 10 days; since he left she has been informed that he was a married man at the time of their marriage & his wife was living in Seaford, Sussex.'³⁹ In addition, there were at least another 13 instances (2 per cent) of couples having two or more (up to six) illegitimate children together over a number of years, and these couples most probably lived together while they were having children. Hester Barns, for instance, gave birth to both her two infants Edmund and Charles in the lodgings of their father, Edmund Rogers.⁴⁰ Taken together these cases account for 3.2 per cent of the bastardy examinations in 1800–1826.

The low cohabitation rates of the parents of illegitimate children in St Luke's Chelsea is confirmed by a sample of bastardy examinations (155) for St Martin-in-the-Fields in the period 1740–1790, for which there were only three references to cohabitation (1.9 per cent).⁴¹ In the first case Hannah Spence and David Riley 'lived together some time as man and wife' in a porter's house in St Giles-in-the-Fields.⁴² In another instance, Hannah Blaseby and Thomas Lamport lived in the house of Mrs Cooper in Ship Yard by Temple Bar, where Thomas 'kept maintained and lived with her as his wife for the space of two or three months' followed by lodgings at the house of Mr Bilbey's, a Painter in Ship Yard, 'where he rented a first floor and maintained and cohabited with her as his wife for the space of three months more'.⁴³

What do bastardy examinations tell us about cohabitation? For a number of reasons it is unclear whether an accurate index of cohabitation can be calculated from bastardy examinations. Rogers argues that such documents usually record the breakup of these informal arrangements, through death, desertion, or war, and in this way such relationships came to the attention of the parochial authorities.⁴⁴ This implies that there might have been other cohabiting couples with illegitimate children in successful long-term relationships who did not come to the attention of parish overseers, and so historians are under-recording cohabitation. The fact that many examinations in St Luke's and St Botolph Aldgate record

cases of illegitimacy for what appears to be the first time when the children were several years old suggests that these couples had been living together for some time, independently, and it was the break-up of these relationships – and the inability of the mother to maintain herself and her child(ren) – that triggered the involvement of the parish officers and the taking of the examination. However, this is an issue which also rests on ‘chargeability’. Examinations could be taken on a single pregnant woman because she was *likely* to become chargeable to the parish.⁴⁵ This means that relationships did not have to have broken up leaving the woman and/or her child chargeable for an examination to be taken. There were also many cases where single women were examined when they were pregnant and the putative father named in expectation of an affiliation order being made on him (in expectation of a live birth and in expectation that the child might become chargeable). Some of these examinations mention cohabitation, but many more do not. No doubt bastardy examinations were taken in anticipation that an affiliation order might be required, even on (successfully) cohabiting couples.⁴⁶ It was particularly important to take examinations in bastardy cases (of all couples, cohabiting or not) for two reasons: firstly, because the infant took the settlement of where (s)he was born rather than the mother’s, and so overseers wanted the mother examined or in her home parish; and secondly, because there was the potential for overseers to recover the (sometimes substantial) costs from the putative fathers and save the parish money. There has been little research on the point at which examinations were taken and the implications for this for the settlement laws. Nevertheless, relationships did not have to have broken up for the parish authorities to become involved.⁴⁷

Another, significant, problem with the bastardy examinations is that many simply do not record the current living arrangements of the mother and/or putative father at all. Bastardy and settlement examinations were concerned with establishing the settlement status (rather than the living arrangements) of the couple. Places of residence were usually recorded if they had a bearing on the couple’s settlement, such as domestic/agricultural service, apprenticeship, or renting a house. These are complex methodological problems with the bastardy examinations and the changing rules of chargeability. Nevertheless, the bastardy examinations record only small numbers of couples cohabiting with illegitimate children. The evidence from this source supports the argument that cohabitation among poor unmarried couples with children was likely to have been relatively rare.

A second type of Poor Law document – workhouse admission and discharge registers – can be used when researching the extent of

cohabitation. It is possible that single pregnant women entered the workhouse due to the breakdown of a cohabiting relationship, but, equally, it must be borne in mind that they might have gone inside to take advantage of the free medical care and accommodation offered in the house. The registers of St Luke's Chelsea frequently contain evidence about where the mother of an illegitimate child went after she left the workhouse.⁴⁸ In three instances bastardy examinations recording cohabitation before the birth of the child can be linked to the discharge registers, and it is clear from the entries that these women did not leave the workhouse to return to a cohabiting relationship.⁴⁹ For instance, Lucy Robinson met James Randall when she was servant at The Five Bells and he was a painter and glazier who worked as a journeyman with her master. Lucy was examined on 11 September 1766 and the magistrate recorded that they had 'cohabited and lived together ... And that she reckoneth that she has about two months And that she is now become chargeable to the parish of Chelsea aforesaid on account of her being so far advanced in her pregnancy.'⁵⁰ It is not evident whether the examination was taken due to the collapse of their relationship or because the parish wanted to be sure that a financial arrangement was put in place for the arrival of the child. Lucy was admitted to St Luke's workhouse on 1 October 1766 and was delivered of her infant seven weeks later on 20 November. She remained in the house until January 1767 and was discharged to go into service. Her child stayed in the house without her but died two months later. What is evident is that neither Lucy, nor the child, left the workhouse to return to living with James Randall.

As was indicated earlier in this chapter, master-landlord and servant-lodger relationships blur the distinctions historians might wish to draw between co-residence and cohabitation. The other two cases relate to such relationships.⁵¹ Ann Crockford was a hired servant to John Spooner, who kept the public house The Swan and Scotch-Grey. Her bastardy examination recorded that 'in the bed where she lay in his said house, [he] had carnal knowledge of her body several times'.⁵² Ann was admitted to St Luke's workhouse on 25 May 1761, the day before she gave birth to their child, John, who lived for just six weeks. Ann remained in the house for a year; she left to go into service, with a pair of shoes, and did not return to John Spooner. In the other case, Sarah Baldwin lived with Thomas Ball for 19 months as servant at The Flask, St George Hanover Square. Thereafter she was removed by the parochial authorities to St Luke's, where she gave birth in the workhouse. Sarah stayed 49 days, and was then removed back to St George Hanover Square.⁵³

Bastardy adjudications and registers of bastard children also reveal information about cohabitation. For instance, the bastardy adjudications of St Mary Newington, Southwark, show that Hannah Green lived with James Woolly as a hired servant for at least two years in Walworth. She moved with him to 9 Park Place, Newington, where she lived with him for at least another year, and their son William was born there on 1 December 1819. Thereafter their exact relationship and living arrangements are not given, but they are listed in the maintenance book.⁵⁴ There are other cases which hint at cohabitation, such as the three couples who had two illegitimate children together, with the children being born in the father's house. In the case of three other couples the picture is somewhat less clear: these couples had two children together but the place of birth was not given as the father's. Taken together, these cases account for 5.5 per cent of all the maintenance cases. A further nine mothers (8 per cent) married the fathers of their illegitimate children; for instance, alongside John Toomey's entry is written 'he has since married the woman'.⁵⁵ It is possible that these couples lived together. However, of 124 cases in St Saviour's, Southwark, marriage was never mentioned in the bastard maintenance book.⁵⁶ In St Mary Newington's Register of Bastards no women were recorded as marrying the fathers of their children but 24 women (6 per cent) married men who were not the father of the child.⁵⁷

Charitable records

Poor Law sources can be supplemented with charitable records when researching the living arrangements of unmarried mothers. Petitions to the London Foundling Hospital reveal a great deal about the living arrangements of unmarried mothers but rather less about cohabitation. An analysis of cases between 1760 and 1840 reveals only a handful of instances of cohabitation. The likelihood of glimpsing cohabitation is complicated by the rules for admission which changed frequently over the second half of the eighteenth century and the first half of the nineteenth century. During the eighteenth century the infants of married women were also accepted, but there was an increasing emphasis upon the unmarried mother.⁵⁸ Of 321 petitions for the period 1762–1793 only four (1 per cent) mention cohabitation.⁵⁹ The circumstances of their relationships involved poverty, desertion, bigamy, and death. For instance, in July 1772 Mary Batchelor wrote:

That your Petitioner Having unfortunately Cohabited with a person, was from its Criminal consequences delivered of a male Infant now

about two Months old and at the time of her delivery the Father absconded Whereby your Petitioner was left in the most Abject distress of having this Helpless Infant and rendere'd incapable of Getting her livelihood.⁶⁰

In another case Elizabeth Fanning wrote that 'I was unhappily persuaded to live with a man unmared who died and left me in very poor Circumstances.'⁶¹ She gave birth at the General Lying-In Hospital in St Georges Row near Oxford Street. She was admitted to ballot for admission of her infant at a meeting of 21 March 1781, but was initially unsuccessful. She was scheduled to attend again on 2 May, but by then the child was listed as dead. David Brewer wrote on the behalf of Jane Watkins that 'she and the father Both being very Poor and [are] not abele to keep the Child'⁶² and he added 'the Above peron and Father I begg Leave to Recommend as being poor.' The secretary reported that Jane Watkins 'lives with a Shoemaker who is now almost past his labour being nearly blind whether they are married or not he cannot say.'

The last instance relates to a case of bigamy. Ann Little was widowed and had a six-year-old child when she remarried Abraham Smith. She wrote that she:

lived with Him as his Lawful Wife untill she discovered he was married to another Woman who is still living & two Children by Her. She expressed her astonishment and told him He had much deceived her and that she was determine to leave Him at which time she was three months gone with Child soon after leaving Him she got into Service and Continued untill near the time of Lying in at the Hospital near Westminster Bridge.⁶³

The secretary noted that Ann Little could not maintain more than one child.

In 1801 the admission rules changed. Infants now had to be illegitimate, and the regulations shifted in favour of women who had been deserted by their lovers. The rules of admission explicitly stated '[t]hat the father shall have deserted his offspring, and be not forthcoming, that is, not to be found, or compellable to maintain his child'. The rules also stipulated that the mother's plight was not to be a 'parish case', meaning that the father could be pursued for an affiliation order.⁶⁴ This does not necessarily mean that petitions no longer contain references to cohabitation before abandonment, but such living arrangements made such cases more likely to be rejected and women who had cohabited

were probably less likely to apply. Indeed, Ginger Frost found 177 petitions by women who cohabited in the rejected petitions for the period 1810–56 and comments that the small proportion of cohabitees in the petitions overall was ‘because cohabitees were not welcome, so many would not have tried.’⁶⁵ Of a sample of admitted and rejected cases for the period 1801–40 just two women (5 per cent) cohabited with the fathers of their children.⁶⁶ In both cases their lovers abandoned them before the deliveries of their babies. For instance, Isabella Wilson was working as a servant when she started her relationship. When she became pregnant the couple moved into lodgings together ‘as Man and Wife’. Her lover deserted her when she was within a week of delivery. She approached the Hospital when the child was seven months old.⁶⁷ It seems probable that this period of cohabitation resulted in Isabella’s application being rejected by the Hospital, but in the second case, similar in many respects, the petition was accepted. Mary Ann Stelling became acquainted with Thomas Nash, a hairdresser, when he visited a friend at Mary Ann’s lodgings at Mrs Ginges, Little Coram Street. The report tells us that,

one day he called when she was putting her things on and her family abroad and seduced her and soon after he persuaded her to go into Yorkshire to Mrs Thompson of Sheffield 50 Bridge Street a Grocer – she remained there 6 months – but father left her deserted less than 2 months after their arrival.

She became pregnant and returned to Mrs Ginges, delivering her baby there.⁶⁸ In these cases, in the short term, such a residential arrangement was immensely helpful to these women: they shared the cost of lodgings and day-to-day living expenses, whilst hoping that their lovers would eventually marry them. It is likely that such a residential strategy did work for some women. However, instead of living with their lovers, most petitioners lived in lodgings (39 per cent), or with family (22 per cent), or with their employers (12 per cent), or friends (5 per cent).⁶⁹

In two other cases, the fathers offered some assistance to their pregnant lovers but there is no evidence of cohabitation. Sarah Thompson and John Blackhall, a sailor on board *The Glory*, had been courting for four years when she became pregnant. Her landlady told the enquirer that, ‘[t]hey were to have been married but to he was ordered to Sea.’ When Sarah was eight months pregnant, John sent her £5 and Sarah added this to the income she made taking in slop work. In the other case, the father of Susan Poppleton’s child paid for her lying-in.⁷⁰

Nevertheless, these relationships had come to an end, the mothers felt that they were no longer able to cope alone, presumably the father could no longer be traced, and they had approached the Foundling Hospital to take in their children.

Other sources

Another source in which instances of cohabitation and illegitimacy can be found are court cases for bigamy and infanticide, such as those heard at the Old Bailey and recorded in sessions papers. For example, it was claimed that Elizabeth Fires 'did feloniously marry and take to her Husband Benjamin Bradshaw, the aforesaid Anthony Terry [her first husband] being then Living' in the church of St John Wapping and that they 'cohabit[ed] together as Man and Wife' for eight years and had children together.⁷¹ Both Edmund Elgar and Priscilla Horrex, who had two children together, had been married before.⁷² Because these were bigamous marriages the children that resulted from them were illegitimate. In all, 292 cases of bigamy were tried at the Old Bailey in the eighteenth century and many of these couples had children.⁷³

Infanticide cases are another place to look for instances of cohabitation; a number of women accused of killing their infants were also in bigamous relationships. Infanticide was a charge that was overwhelmingly directed at unmarried mothers and the law assumed that only single women would feel compelled, by shame, to kill their newborn infants.⁷⁴ In at least five cases of infanticide (4 per cent) there was discussion of whether the couples had cohabited.⁷⁵ Mary Burket, for instance, was 'considered a married woman by her behaviour.'⁷⁶ Ann Hasle claimed that she was married to Edward Wingate (since deceased) at the time of conception in an attempt to place herself outside the reach of infanticide law (as a married woman); her sister told the court that 'she saw her [sister] married to the said Edward Wingate at Enfield Church'.⁷⁷ Other witnesses reported that 'they liv'd together for some time at Clerkenwell, and that the said Edward Wingate upon his Death-bed expressed his Concern in leaving her six Weeks gone with Child.' However, Edward's sister deposed 'that she examining the Prisoner since the Commission of this Fact, whether she ever had been married to her Brother, she answered her, she had not.' Both Sarah Jenkins and Jane Lyne, on trial for infanticide, were in bigamous relationships. For Jane Lyle, bigamy appears to have led to infanticide but not cohabitation. The proceedings

reported that the putative father 'was so great a Rogue to her she could not live with him, he having two or three other Wives'.⁷⁸ In Sarah Jenkins's case, her lover Thomas Warner told the court, 'I have known Sarah Jenkins, three years, and have been conversant with her pretty much; I have laid by her side almost two years.' He admitted that he was not her husband but 'I bought her of her husband for a gallon of beer.' He had supported her and told the court, 'if she had been with child, I would have maintained it all the same as if she had been my lawful wife.'⁷⁹

Another case, that of Sarah Jenkins and Thomas Warner, also highlights an important point: living arrangements could, in fact, be extremely fluid. Thomas told the court that he had 'absconded from her' for about a week because, 'She would come fuddled to the shop to me, and also abused me at a public-house.'⁸⁰ When there was 'talk of her being with child' he 'went and lived with her after that' in lodgings at Pye Corner. However, at the point of the birth Sarah was living in a 'disorderly house' run by Mrs Elizabeth Maddox in Bow Lane, Cheapside. Thomas said that, 'I know nothing at all of Mrs. Maddox, or her being there.' In another instance, Elizabeth Harrard gave evidence that, 'John Gadd was the Father, and that she was not marry'd to him, but she had lived with him in an odd Manner, a Year and a half, and had miscarr'yd of a Child, by him, once before.'⁸¹ In this last instance Elizabeth and John had conceived two children (one miscarried and the dead infant for whom Elizabeth was on trial for infanticide) and yet their living arrangements are far from clear.

Conclusion

All the sources reviewed in this chapter provide some evidence of cohabitation between unmarried mothers and the fathers of their illegitimate children in the eighteenth and early nineteenth centuries. However, given the various ways of describing cohabitation in these documents, establishing exact levels of poor unmarried parents living together is difficult. While it is relatively straightforward to quantify the number of couples described as 'cohabiting' or 'living together', other terms were also used, such as 'being of the same address' or circumstances suggest cohabitation, such as the child being born at the father's home. For those who had many illegitimate children together, or who were married bigamously, one might assume that they also lived together while they were having children. Relationships between masters and servants or landlords and lodgers blur the lines between

cohabitation and co-residence still further. When all the evidence is reviewed it becomes clear that poor pregnant unmarried women and the mothers of bastard children did not live with the fathers of their children in very large numbers. Nonetheless, the cohabitation rates found in this chapter fall somewhere between Probert's 'vanishingly small' and the 'cultures of cohabitation' found by Trumbach, Evans, Clark, and Gillis. Rates of cohabitation were small but they were not insignificant, with a minimum of 1 per cent and a maximum of around 15 per cent of unmarried couples with illegitimate children, depending upon time, place and source.

5

Bastardy and divorce trials, 1780–1809

Julie Shaffer

Introduction

British novels of the late eighteenth and early nineteenth centuries are littered with illegitimate children or children feared to be illegitimate, suggesting that children's legitimacy and the illicit sexual relationships that undermined it were issues of great concern both to authors and their readers. Typically, these fictional illegitimate characters, or those suspected of being illegitimate, are the offspring of the aristocracy or the landed gentry, the product of mothers who have been abandoned or wives whose husbands disavow the marriage, the case, for instance, of Frances Burney's eponymous *Evelina*. As such, these novels suggest that male promiscuity and irresponsibility were of particular concern, but in terms of property, it was *wives'* adultery that was most problematic, because, as Samuel Johnson explains, *their* adultery potentially passed husbands' name, property, and, where relevant, title, to other men's offspring:

Consider, of what importance to society the chastity of woman is. Upon that all property in the world depends. We hang a thief for stealing a sheep; but the unchastity of a woman transfers sheep, and farm and all, from the rightful owner.¹

As the adulterous Mrs Hodges noted after bearing her lover's daughter, 'it is a pity it is a girl and that such an estate [her husband's] should be lost'.²

The period in which such novels abound corresponds with one in which Britain was undergoing what has been called a 'sex panic'³ – a widespread anxiety that illicit sexual behaviour was rampant, that a breakdown in morals was imminent or had already occurred, and that the elite – both male and female – led the nation in depravity. As Johnson's

summation of the rationale for the double standard makes clear, however, there were ‘huge economic, legal, and moral consequences’⁴ of the production of adulterine offspring by wives of men of property. One would think, then, that men of property, including the dissolute elite, would protest strenuously against their wives’ bastard production, and that the system that privileged men with property would make it as easy as possible to have these adulterine children legally recognized as such. The situation, however, was much more complex.

The two principal ways in which a husband *could* prevent his wife’s by-blows from being taken to be his legitimate offspring were through a divorce *a mensa et thoro* – a separation granted in the ecclesiastical courts – or through a divorce *a vincula matrimonii* – a full divorce granted by an Act of Parliament. Should a husband go the first route, any child with whom his wife became pregnant after the separation would not, legally, be his. Yet a separation from bed and board – referred to henceforth as simply as a separation, or a judicial separation – would not allow either to remarry. A husband who wanted to make remarriage possible needed to take his case to parliament. To do so, he had not only to be granted a separation but also to sue his wife’s lover for adultery in a criminal conversation, or crim con, trial and be awarded monetary damages, as parliament generally required men petitioning for divorces to have won both trials. Once the case was before parliament, any husband who wanted to ensure the bastardization of his wife’s adulterine children included a clause that bastardized his wife’s illegitimate children in his divorce Bill.⁵

Not all men whose wives bore bastards took this route, however; some remained married to their adulterous wives and incorporated adulterine offspring into their own families. Others sought divorces but found themselves unable to have their wives’ illegitimate children bastardized, leaving these children in a grey area between their putative fathers’ rank and legitimacy of any kind, on the one hand, and outright legal bastardy, with no claims at all to their mother’s husband’s property. In what follows, I shall treat each group separately, exploring why many illegitimate children from the middling ranks and above at the end of the eighteenth century retained some forms of nominal legitimacy at the very least.

The non-bastardizing elite

Among certain groups of the elite – especially those connected to the remarkably extra-maritally endogamous Devonshire circle – a wife’s bastard-production at first glance appears to have been tolerated after

she produced a legitimate heir to her husband's name and property.⁶ Georgiana Cavendish, Duchess of Devonshire, for instance, appears to have had lovers after marrying the duke on 7 June 1774, and before bearing his son and heir on 21 May 1790 – William Hartington, or 'Hart,' as she called him. She was fortunate that she gave birth to no child with the lover she had taken before Hart's birth, the Duke of Dorset, with whom she was involved from 1786 to 1788; she was equally fortunate that she became pregnant with the child of her next lover, Charles Grey, 2nd Earl Grey, only after giving birth to Hart; the child she then bore was a daughter, who was given the name Eliza Courtney. Likewise, Lady Elizabeth Foster, or Bess – Georgiana's close friend and the duke's lover – only started her affair with the duke after bearing her own husband two sons – Frederick, in 1777, and Augustus John, in 1780.

Georgiana's sister, Henrietta Frances Ponsonby, Countess of Bessborough, or Harriet, who had married the Duke of Devonshire's cousin, Lord Duncannon, likewise had no illegitimate children before bearing her husband's son, John William, in 1781. She then had a string of lovers with whom she bore no children, starting in 1782 with Charles Wyndham, who was succeeded by Lord John Townshend, Richard Fitzpatrick, and Richard Brinsley Sheridan, who also had an affair with Frances Anne Crewe and certainly others.⁷ Sheridan's first wife, Eliza, had her own extra-marital affair, with Lord Edward Fitzgerald,⁸ and his second wife, Hester Jane Ogle, or Hecca, had one with Charles Grey, years after Grey's affair with Georgiana.⁹ Harriet's affair with Sheridan was followed, in 1794, by her long-term relationship with Lord Granville Leveson-Gower, with whom she had two children – Harriette Emma Arundel Stewart (born 1800)¹⁰ and George Arundel Stewart (born 1802).

Elizabeth Lamb, Viscountess Melbourne, appears to have followed the same unwritten rule that Georgiana and Harriet followed. Like the Duchess of Devonshire, she took lovers before producing her husband's heir but produced no children by them until she bore her husband a son – Peniston Lamb, 1770–1805. She thereafter bore five more children, only one of whom was probably her husband's – her last child, a daughter, Harriet in 1789. The first child she bore between those years was William Lamb, who, at the Viscount's death, became the 2nd Viscount Melbourne, Peniston having died 23 years before his father; William also went on to become prime minister. William's 'true father was widely held to be anyone but Lord Melbourne';¹¹ it was probably Lord Egremont, the brother of the Countess Bessborough's first lover, Charles Wyndham. Lord Egremont was probably also the father of her next child, Frederick Lamb (born 1782), later 3rd Viscount Melbourne.

The father of her fourth child, George Lamb, was 'believed to have been George IV.'¹² Her fifth child, Emily Lamb (born 1787), was probably also Lord Egremont's; so too were more than a dozen other children by different women.¹³

Some, but not all, husbands were willing to give their name to their wives' by-blows, Lord Melbourne being a case in point. Being given a legal right to their mothers' husbands' names allowed the illegitimate offspring to do very well, as was the case with Lady Melbourne's adulterine sons, William and Frederick Lamb. Their illegitimate younger sister Emily married Peter Clavering-Cowper, 5th Earl Cowper, in about 1805.¹⁴ Other illegitimate children were absorbed into the family of one of their parents or into other families, which would give them nominal legitimacy. Georgiana's child with Grey, for instance, was raised by Grey's parents as his much younger sister. This informal adoption gave her enough social legitimacy, at least, to marry well: she 'married a tolerant and loving husband whose elder brother, Edward, had already married Eliza's half sister, Hannah Alethea Grey'.¹⁵ George Stewart, the Countess of Bessborough's son by Leveson-Gower, was socially recuperated by his father's recognition of him and by his employing George as his private secretary. Their daughter Harriette went on to marry George Godolphin Osborne, later 8th Duke of Leeds. After Richard Brinsley Sheridan's wife Eliza died shortly after giving birth to the daughter of Lord Edward Fitzgerald, Sheridan was happy to raise the child and even 'remain[ed] ... on friendly terms' with Fitzgerald.¹⁶

Those husbands who incorporated their own by-blows into their own family also gave them an informal legitimacy. The Duke of Devonshire brought Charlotte Williams, a girl he had fathered before marrying Georgiana, into their household, and, presented 'as a distant, orphaned relation of the Spencers,'¹⁷ she went on to marry the Rev. Jonathan Kendall, rector of Barrowby, the nephew of John Heaton, the duke's agent.¹⁸ The duke's daughter by Bess, Caroline, eventually fared much better. Bess bore the child in Italy and then, in Aix-en-Provence, convinced her host, the Comte St Jules, to represent Caroline as his daughter by an unnamed woman, enabling Caroline to take his name, becoming Caroline Rosalie St Jules.¹⁹ Bess ultimately persuaded the Comte to adopt Caroline, 'giving her some kind of legitimacy.'²⁰ She was sent to Paris to be educated alongside the duke's daughter Charlotte and, when the irregular ménage made up of the duke, the duchess, their legitimate children, and Bess were in Brussels in 1789, they rescued the girls from Paris and incorporated Caroline into their household. Even though Caroline's actual parentage was perhaps not widely known, she

was known to be illegitimate, and thus ‘handicapped ... [she] could never hope to make [the kind of] illustrious marriage’ that the duke’s legitimate daughter Harriet, or Harryo, did. Yet Caroline did quite well, certainly better than the duke’s daughter Charlotte did, and in terms of marriage settlements, much better even than Harryo.²¹ On Caroline’s 1809 marriage to George Lamb – a marriage that would make her sister-in-law to a future prime minister – her father gave her a marriage portion of £30,000. When Harryo married her aunt’s ex-lover, Leveson-Gower, just a few months later, her marriage portion was only £10,000.

Not all initially permissive husbands – among the Devonshire group or not – ultimately accepted the liaisons even of wives who had already given them heirs. Lord Valentia was one such man. He, like Lord Melbourne, allowed his wife’s (supposed) bastard to bear his name. Valentia did so for precisely the reason other men would not: to inherit his property, or rather, to prevent his relatives from doing so. As he was heard to say, ‘[i]f he only had children, he did not care if the Devil got them’.²² He believed that his wife’s first child, a son, was fathered by John Bellenden Gawler, continued to sanction Gawler’s relationship with his wife, and apparently did not mind that the child with whom she then became pregnant may also have been Gawler’s, reputedly telling Gawler – and not angrily – ‘Jack, I do not know whose child this will be – but I know the last was your’s [sic].’²³ Yet in 1795, he sued Gawler for the adultery. Given that the testimony in this crim con trial revealed his earlier apparent satisfaction that his wife had given him an heir in Gawler’s (supposed) son, it is surprising that Lord Valentia won at all, being awarded £2000; he could, after all, have been accused of levity, or not caring about his wife’s behaviour, a factor that led other cases to be dismissed. In 1799, Lord Valentia then sought a statutory divorce in parliament but ultimately withdrew his Bill, stating that some material witnesses were ‘out of the Kingdom’ and could not depose before parliament during that session;²⁴ it is more probable that he withdrew the Bill because he knew it would not pass, precisely because he obviously knew about and allowed his wife’s adultery for so long.

Another husband who initially appeared to tolerate his wife’s affairs but ultimately divorced her was Sir Godfrey Webster.²⁵ The two were never happy together but Elizabeth Vassall had provided him with two legitimate sons and a daughter. It was only after bearing the first son that she began her affairs, the first with Lord Henry Spencer, with whom she may have had a child, and then with Sir Godfrey’s ‘political patron Thomas Pelham’,²⁶ bearing the latter a daughter. It might be that Pelham’s earlier patronage caused Sir Godfrey to ignore her affair with

her second lover. He could hardly overlook the final chapter in their marriage, however: her elopement in June, 1796, with Henry Richard Fox, third Lord Holland, in a high-profile scandal, one exacerbated by her bearing Lord Holland's illegitimate son in November 1796. She was one of the fortunate few who married her lover, doing so only three days after her divorce from Sir Godfrey. She bore her new husband five legitimate children and presided over Holland House, which became 'one of the most brilliant centres of political and literary society in all Europe'.²⁷

While few husbands in the Devonshire group ultimately did divorce their wives, the outside world that thought them unduly permissive may not have known that some very nearly did so. When the Duke of Devonshire discovered that Georgiana was having an affair with the Duke of Dorset, for instance, he threatened her with a separation, perhaps motivated in part by her having lost astronomical sums gambling. Ultimately, he did not proceed, but later again threatened to break with her when she became pregnant with Grey's child unless she agreed to end her relationship with Grey, bear the child overseas, and give it up.²⁸ Similarly, Lord Duncannon was willing to overlook Harriet's involvement with Sheridan if she agreed to end the relationship, but his tolerance ceased when she broke her word not to see her lover again, and Duncannon would have set divorce proceedings into effect, had the Duke of Devonshire not intervened.²⁹

To say that there was tacit acceptance of women's adultery, even among this fairly libertine group, is to overlook the dangers with which that adultery was fraught for the woman and her adulterine offspring. Openly being a man's mistress would certainly lead to social ostracism. Georgiana's friends were concerned when they thought she might get involved with the Duke of Dorset, Lady Melbourne advising against it, 'reminding Georgiana that his indiscreet comments about his affair with Lady Derby had made her situation so impossible that elopement had been her only choice'.³⁰ Worse, Lord Derby refused to divorce her, which 'consigned [her] to social limbo, disgraced, separated and unprotected. Only marriage to the Duke of Dorset would have brought about her social rehabilitation.'³¹ That it was Lady Melbourne, hardly strait-laced herself, who delivered this warning, speaks volumes. Fortunately, the Duke of Dorset was verbally more discreet about his relationship with Georgiana than he had been regarding Lady Derby. In any event, had the Duke of Devonshire divorced Georgiana or in any way caused her to leave their home, his lover Bess could not have stayed: as an 'acknowledged mistress ... she would become a non-person – ostracized by polite society.'³² At least a modicum of circumspection, in other words, was paramount.

It was that need for circumspection that brought both Georgiana and Bess to bear their children overseas and to mask their relationship to the children. In fact, Bess had originally gone to her brother, Lord Hervey, in Italy to bear her child by the duke but while Hervey 'accepted his sister's indiscretion with magnanimity', he nonetheless 'insisted that she should go as far away from people as possible', sentencing her to a sort of double banishment. To avoid being recognized, she '[chose] the meanest inns' after he sent her away and gave birth 'in secret and in squalor'.³³ Another woman who went overseas to bear her lover's child was Caroline Townsend, 'daughter of the late Lord Spencer's trusted Steward', who had become pregnant as a result of her relationship with Richard Brinsley Sheridan.³⁴

Even though their adulterine children themselves were given some form of legitimacy by being incorporated into a pre-existing family their illegitimacy not only affected their marital chances, it affected their status and treatment earlier, within their adoptive home. Georgiana and her sister Harriet brought up the child Sheridan had with Caroline Townsend, whom they named Fanny Mortimer, but 'she grew up at Devonshire House as a sort of foundling, inhabiting a nether world between the servants' quarters and the nursery'. It is true that she eventually married well, but Fanny had believed one of her adoptive mothers was her birth mother and 'never quite recovered' from the truth.³⁵

While Eliza Courtney, Georgiana's child with Grey, also married well, she too earlier apparently inhabited such a nether world. Her husband ostensibly 'rescued her from her life of petty drudgery', suggesting that she was hardly being raised as if she were Grey's sister, on a level of equality with her ostensible siblings.³⁶ Similarly, while Harriette, the daughter of the Countess of Bessborough with Leveson-Gower, married *very* well – she married George Godolphin Osborne, later 8th Duke of Leeds – she had early been kept out of sight, 'farmed out to foster parents'.³⁷ Caroline St Jules' early years were similar, even though she bore the Comte St Jules' name: before going to Paris, she was fostered by the family of one of Bess's brother's servants. These girls' upbringing signalled their liminal position: neither owned as legitimate nor repudiated as bastards.

Although Georgiana seemed willing to bring Charlotte Williams into her home, she recognized that being known to be fostering her husband's illegitimate children could have negative repercussions, especially when those children, such as Caroline, had been fathered during their marriage; she 'dreaded the scandalous rumours which her [Caroline St Jules'] presence at Devonshire House would generate' in

part because it could harm the reputation of her two daughters by the duke. It was thus important to Georgiana that they were able to add her to their ménage while overseas, enabling them to ‘absorb [her] into their orbit with the minimum of fuss’,³⁸ diminishing the amount of gossip that might otherwise have ensued. Regardless of how dissolute the aristocracy were thought to be, without preserving the mask of decency, even among their own set, consequences for adulterous women and their children could be dire.

Adultery, bastardy, and divorce

It is hard to know how many men did tolerate their wives’ affairs even to the extent that elite men were (in some cases erroneously) thought to, but 162 cuckolded husbands sued their wives’ lovers for criminal conversation between 1780 and 1809, making it abundantly clear that not all men were so tolerant.³⁹ Indeed, 94 men in these decades with adulterous wives chose to go further and sought parliamentary divorces; 75 were successful.⁴⁰

If it were true that the misdirection of a man’s property was what ‘constitute[d] the essence of the crime [of adultery]’, as Johnson suggests, one might well think that the higher one’s rank, and the greater one’s property, the more necessary it would be to sue an adulterous wife for divorce. But *that* crime – the crime of the misdirection of property – is of course not the only one a wronged husband might feel his wife had committed; even men of little property had other reasons, such as anger, heartache, and the felt blow to their honour, to want to get a divorce. So who did seek a parliamentary divorce, and to what extent was the fear of bastard-production a factor in a man’s doing so? How many husbands stressed, in their divorce Bills, the importance of bastardizing the spurious offspring the wife had already had? And were men who tried to bastardize their wives’ illegitimate offspring successful in counteracting their wives’ crime of potential misdirection of the husband’s name and property?

The majority of the 94 Bills brought to parliament by men between 1780 and 1809 were in fact initiated by men from what Sybil Wolfram calls the ‘upper classes’: ‘the peerage, baronetage, those entitled “Esquire” or styling themselves “gentleman” on their divorce Acts’.⁴¹ Many men seeking divorces had titles, were directly descended from men of title, were married to an aristocrat, or were presumptive heirs of aristocrats. To this group may be added a couple of wealthy merchants and a banker whose large property would make misdirection of inheritance

significant. That group makes up 79 wronged husbands, or 84 per cent of those suing for divorce. Of these, 63 were successful, constituting 84 per cent of all successful cases as well. But there were another 15 who either left their rank and profession unspecified or were identifiably lower in rank, likely of smaller fortune, including, for instance, a mercer, Francis Rybot (1790); a coachfounder, William Raybould (1792); a trimming maker, William Bright (1796/1797);⁴² a riding master, James Fozard (1798); and a butcher, John Ellis (1808). These 15 men account for 16 per cent of the 94 men suing for divorce – not a negligible number, considering that many of them would be unlikely to be wealthy enough to make the cost of a parliamentary divorce insignificant. Of these, 12 were successful, constituting 16 per cent of all successful cases.⁴³

Of the 94 cases in which men petitioned for divorce, whether these Bills were successful or not, bastards figure in 45; most explicitly showed a concern about spurious offspring either through the addition of a statement highlighting the fear that illegitimate offspring might be attributed to the husbands if they were not granted a divorce, or a clause that stated the precise date after which any children born to their (soon-to-be-ex) wives should be bastardized. Stuart Anderson explains that these clauses were on the wane over the course of the first half of the eighteenth century and that few appeared after 1765;⁴⁴ Wolfram puts the date after which they begin to fall off a little later – 1780 – but also asserts that they appear ‘only very rarely thereafter’.⁴⁵ It is, therefore, surprising that so many appear in Bills submitted to parliament from 1780 to 1809.

In the briefest form, those Bills showing a concern with bastardy tend to say something to the effect that as a result of the wife’s adultery, the husband ‘stands deprived of the comforts of Matrimony and is liable to have a spurious issue imposed upon him’ if not granted his divorce. Sometimes this phrase might be more explicit: Sir Godfrey Vassall’s Bill, for instance, states that unless granted his divorce, ‘spurious issue [would be] imposed upon him to succeed to his Estate and fortune and the dignity of Baronet which is vested in him.’⁴⁶ Bills including such phrases did not necessarily come from men whose wives had actually become pregnant with or already borne an illegitimate child.

The same was true of Bills that included the bastardization clause. These clauses might read something like that in John Hankey’s 1783 divorce Bill, which comprehensively declared that:

all and every Child or Children as well Male as Female which at any time since [1 December 1782] hath or have been born of the Body of

the said Elizabeth is are and shall be deemed a Bastard and Bastards and a spurious Issue and not the lawful Issue of the said John Hankey ... or inheritable to any Honors Manors Messuages Lands Tenaments or Hereditaments of the said John Hankey or any of his Ancestors or Relations by virtue of the said Marriage of the said John Hankey with the said Elizabeth.⁴⁷

The 45 cases that involved bastardy in any way made up 47.87 per cent of the 94 divorce Bills men submitted to parliament from 1780 to 1809. Eight of these were rejected or withdrawn. In ten of the remaining 37, there was no bastard but the Bill nonetheless included the clause. An additional case might be grouped with these; there, a child who may or may not have been illegitimate had died, but the husband, Andrew Bayntun, in 1783, nonetheless included the clause. His Bill would bring the group that involved no (live) illegitimate children but that nonetheless included the bastardization clauses up to a total of 11, or 11.7 per cent of the of 94 divorce Bills men submitted to parliament in this period and 14.67 per cent of all successful Bills. In nine cases, wives were asserted to have given birth to their lovers' children, but the clauses were either cut or amended such that the children were legitimated. To these, one could add the case of the Hon. and Rev. Thomas James Twisleton, who identified only one illegitimate child in his Bill, although newspapers suggested there were two; in any event, the clause was cut. His case brings this group's total up to ten, or 10.64 per cent of all Bills submitted in this period, 13.33 per cent of the 75 successful Bills.

There were anomalous cases, for instance two in which there may have been illegitimate children who were not acknowledged in the Bill, although the bastardization clause was included, leaving members of parliament no reason to preserve the clause. These are the cases of Charles Collins Campbell and Jonathan Twiss. In both cases, witnesses – a midwife and a surgeon – referred to a child that could not have been the husband's, as both were in India when the wives conceived – on her way back to England, in Mrs Campbell's case, and in England, in Mrs Twiss's. In neither case was the child mentioned in the Bill, nor was the issue pursued. Edward Brown's case, in 1793, was slightly different; there was a probable illegitimate child, which, as with Campbell and Twiss, was not mentioned in the Bill; it was, however, in newspaper coverage of parliamentary debate. In his Bill, however, there was no bastardization clause, allowing the child to be legitimated by default. Although the case does involve an illegitimate child, his Bill itself does not show concern about his wife's bastard production, whatever he

may have felt about it. In three other cases, the lack of a bastardization clause makes sense; the wives had indeed given birth to illegitimate children, but these children had died before their husbands' Bills came to parliament. Like Brown's, these three petitioners' Bills themselves do not show concern about the petitioners' wives' bastard production; for this reason, I exclude these four cases from my further discussion. In the ten remaining cases,⁴⁸ the wives' illegitimate children were bastardized, meaning that of the 94 cases submitted *in toto*, 10.64 per cent had illegitimate children legitimated, as did 13.33 per cent of all successful cases. The total number of Bills under consideration, however, is 33.

The group that is the most puzzling is that made up of the 11 men whose Bills contain the bastardization clause although their wives had produced no illegitimate children and were not represented as being pregnant with a lover's child on the Bill or by witness statement – excluding Campbell and Twiss's Bills, in other words. All children with whom wives became pregnant after judicial separations were legally bastardized, after all, and divorce Bills had to be preceded by a judicial separation. Parliament would not bastardize any that could possibly have been conceived while the husband still had access to his wife, so these men's concerns about bastardizing children that had not yet been conceived were already irrelevant. It is, of course, possible that many of these men suspected their wives might be at least a couple of months pregnant by the time the separation was granted but still not visibly pregnant when divorce proceedings started.

Seven of these 11 (or eight of 13, if we include Campbell and Twiss) may have been especially anxious to bastardize any possible spurious children their wives might produce because the couple had not already had a son. Six had no children at all, if we include Campbell and Twiss; three – William Lingham, William Ricketts, and John Thoroton – had only daughters.⁴⁹ Three men in this group had at least one son: Hankey, in 1783, who had three sons; Inglis, in 1785, who had one; and Howard, who also had one son.

The dates when these Bills containing apparently irrelevant bastardization clauses were presented to parliament are also surprising. Those presented during the 1780s might be understandable if the clause was on the wane but not altogether forsaken, as Wolfram and Anderson suggest, and four of those in which there was no child mentioned in the Bill or in witness testimony were sent to parliament then: Hankey (1783); Walter Nisbet (1784); Inglis (1785); the Hon. Edward Foley (1787). So too was Twiss (1788). These husbands might have erroneously thought

that the clause was still necessary, although this would be less understandable for Foley and Twiss, who submitted their Bills to parliament late in the decade, long enough time for those suing for divorce and their agents to know that the clause was no longer required. Men petitioning for a divorce in the 1790s or later should have been even less likely to be misled thus. These include one from 1794, another from 1796, four from 1799 (five, if we add in Campbell), and one from 1805 – long past when Wolfram says these clauses ceased being commonplace.

It is understandable that the 20 cases in which men alleged that their wives had given birth to or were pregnant with illegitimate children identified as such in the Bill⁵⁰ contain the bastardization clause; there is little wonder that these husbands did not want their wives' spurious offspring to inherit the husband's property. What, then, led the Lords to legitimate adulterine offspring in 11 of these cases (or 13, if we add Twiss and Campbell) by cutting and amending the bastardization clause in some of these cases but not in others?

There was one straightforward criterion for ruling whether offspring should be deemed legitimate or not. Ostensibly, if the husband could not have had access to his wife when she became pregnant, the child could not be taken to be the husband's – if, as Lord Norfolk said in discussion of Stewart's divorce Bill in 1793, 'the Parties were separated by the Ocean and it was impossible for them to have had the least communication';⁵¹ 'according to the old Law,' he noted in 1799, they must treat all children as legitimate if 'there could be no proof of non-access brought while the husband was *intra quatuor maria*'.⁵² Being separated by at least one sea when the conception was likely to have occurred was in some cases taken to be adequate. Of the 13 husbands that had their clauses cut, one, John Walford, in 1791, could certainly have had access and been the father of his wife's adulterine offspring, even though she had said on her elopement that the child she had already had while cohabiting was actually her lover's. In five of the cases, the husband could not have had access to the wife, although the spouses were in the same country, as they had ceased cohabiting and all contact as soon as the husband discovered the adultery: Henry Wakeman (1795); Sidenham Teast (1797); Twisleton (1798); John Moore (1805); and Ellis (1807). If the Lords were to be consistent with the rule of couples' needing to be separated by a sea, it makes sense that these men had their bastardization clause cut.

Quite astonishingly, however, in five of the cases in which the clause was cut, the spouses not only had no contact, they were in fact separated by at least one sea when the illegitimate offspring were

conceived: Twiss (1788); Henry Fortick Sheridan (1789); Edward James Foote (1803); Thomas Weston (1805); and William Simpson (1806). Campbell could be added to these; if his wife were pregnant, the child could not have been his, he having been in India when his wife became pregnant in England. Furthermore, in one case in which the clause was upheld – Newton’s – the spouses were in the same country, giving him the same potential access to his wife as Ellis, Moore, Teast, Twisleton, and Wakeman had to theirs.

One might ask why there was such inconsistency in the Lords’ treatment of bastardization clauses. Through much of the period, their discussions reveal them to be very concerned about the issue of bastardy *in toto*, and precisely how to conclude that the husband really had no access to the wife; they were equally concerned about their power in making the decision and the rights of both husband and the illegitimate children. Quite astonishingly, so engrossed were the Lords with these matters that some of their most heated debates occurred where there wasn’t even an illegitimate child to bastardize. Much of the discussion occurs early in the period I am discussing, but as we shall see, the Lords were unable to come to a consensus that could guide them in subsequent decades on any of these topics.

Given that not all husbands did go overseas the moment they learned that they had been cuckolded, the Lords felt it incumbent on themselves to consider the issue differently in at least a couple of cases. One was Andrew Bayntun’s, in 1783. His Bill explains that his wife, Lady Maria, had left him in December 1781 with her lover, the Rev. Cooper. She then gave birth to a stillborn child in April 1782. This should have made it easy for the Lords to have simply cut his bastardization clause when they discussed it in April, 1783. But this was not the case. Lord Bathurst, who seems not to have known at the outset that the child had died – or when it was born, and when Lady Maria eloped – objected that bastardizing Lady Maria’s child, or children, would be ‘very improper, as it had been stated at the bar of that House, that Lady Maria was with child *at the time of her elopement*,’ adding that although she had said that the child was Cooper’s, ‘her saying so was not a sufficient reason with him for his consenting to bastardise it.’⁵³

His then being informed that the child to which he referred was stillborn did not bring discussion of the issue to an end. Instead, it sparked a theoretical discussion on the issue of access. First, Lord Thurlow acknowledged that it was always better if a body of water at least as large as a sea separated husband and wife, wishing that ‘Mr Bayntun had put his design in execution, of going out of the kingdom, from

the first day of suspecting the adultery, until the time of obtaining the divorce, which would have given clear proof of the non-access.⁵⁴ That not being the case – and leaving the kingdom being difficult for many men who found their wives adulterous – the Lords moved from the geographical to the temporal, exploring how long the child's birth would have to be after the cessation of the husband's access to his wife before they could say with certainty that the child was, indeed, illegitimate. Here the assumption was that the two could be proved to have been separate, even within the kingdom. They therefore asked a panel of judges 'Whether the Issue born of a Woman after Ten Months from the Day of her Elopement from her Husband and living apart from him ... and no Access proved, be, or be not, a Bastard.'⁵⁵ The judges responded that they were not presented with anything for which they could give a 'conclusion of law' and that they 'ought not to answer to a conclusion of fact'⁵⁶ – or, as it was more cogently expressed in a newspaper report, 'no matter of law was submitted to them.'⁵⁷ While one newspaper highlighted the absurdity of this discussion in the present case, reminding readers that 'the child, about whose illegitimacy this solemn determination is ordered, was *still born*',⁵⁸ the fact that the Lords did follow the question to hypotheticals demonstrates their recognition that few cases could be counted on to follow set rules.

They set off into hypotheticals again in Howard's case in 1794, in which the Lord Chancellor had to remind the Lords that if the wife had been pregnant when she eloped from her husband – and the Bill explicitly stated that she was not – they could not bastardize the child: when, after extensive debate, someone suggested that the case was analogous with that of Alexander Stewart, from the preceding year, he had to point out that 'the case of Stewart was not in point, for in that case the child was born full twelve months after the lady had eloped from her husband, and during the whole of that time he had been in Ireland and she in England, and ... even under those circumstances, the clause did not pass without considerable debate'.⁵⁹ As in Bayntun's, the case was moot here, but the Lords remained concerned enough about the issue to debate it a good 11 years after Bayntun's Bill was passed.

They did so five years later as well, when they debated the bastardization clause in the 1799 Bill of William Ricketts, one of the men who made no mention of the existence or probable impending birth of an illegitimate child. He had left for the West Indies in May 1796; learned of his wife's relationship with John Hargreaves, which started in December 1797; immediately returned to England, arriving in June 1798; and sued at Kings Bench almost immediately on his arrival. He was granted a

separation on 20 February 1799 and appears to have delivered his petition to parliament the same day. It was thus entirely possible for him to have had access to his wife in the eight months between his return home and the time his separation was granted and he petitioned parliament, which once again led to a great deal of debate on whether a child born, or with whom his wife might be pregnant, could be legitimate. The testimony of Ricketts's uncle, George William Ricketts, Esquire, suggested that this was not possible, because Mrs Ricketts was in Hampshire when his nephew arrived, and that his nephew, on his return, went to Charlton with his uncle, 'from thence to ... Scotland,' and since then, remained with his uncle 'except when ... called up to Town upon his Business'.⁶⁰

This did not adequately demonstrate non-access to Lord Kenyon, who pointed out that according to the law of non-access, 'it was necessary ... to give evidence as to every day's proceeding of the party, as long as he was *intra quatuor maria*'.⁶¹ But Lord Norfolk suggested they need not stick strictly to the letter of the law, pointed out that this was in fact 'the old law' and that he was 'not willing to act upon it in the present case.' He proposed instead that they include the clause but limit it to 'five months after the return of Capt. Ricketts'.⁶² There was no suggestion in this case that Lady Ricketts might be pregnant at all, however, and as such, the extended debate on these issues demonstrates both how strongly members of parliament felt on their take on the issue and how they felt that the law was open to restructuring and, if necessary, to being ignored, perhaps dismissed altogether.

John Newton's 1782 case raised similar issues of access but threw in another element that allowed the Lords to ignore precedent and interpret the law according to common sense and the variability in cases. Newton and his wife, the Hon. Catharine Seymour had agreed to separate in 1777 and he became so ill in December 1779 as to become bed-ridden from then until May 1781. He pointed out that 'he was not only incapable of being the father of that or any child, ...[he] had not, nor could have, any access to his said wife, she being during all that time resident in a distant part of the kingdom'.⁶³ The Lords upheld Newton's clause. They might not have, had it followed Bayntun's. There, Lord Thurlow drew the Lords' attention to a case in which

a woman ... was married to a man, who was so debilitated by a debauched life, as to make him incapable of generation, but who had a child. The fact of bastardy was to be substantiated by the evidence of the surgeon who attended him, and the non-access of the

parties; yet when the debility was proved, that was not sufficient, as the husband had been in London, where she lived, once within the year of her pregnancy.⁶⁴

Newton was reportedly at least 60 when he married Lady Catharine in 1776; she was reportedly not quite 17, or, in one account, not quite 16.⁶⁵ They separated by mutual agreement the next year, on his part due to his having ‘discovered that ... [she] was a Woman of a loose ... disposition’,⁶⁶ but she did not bear her illegitimate child until 1780. He would have had to have been at least 63 when the child was conceived, and the Lords may have believed that he was ‘incapable of being the father of that or any child’ due to age rather than just illness.

Another issue that proved particularly vexing to the Lords, and which we see them debating as early as the Newton and Bayntun cases early in the 1780s, was whether they even had the legal or moral authority to decide on offspring’s legitimacy. Lord Thurlow, one of the most outspoken of the opponents of bastardy clauses, pointed out in April 1783, for instance, that it was against ‘the Constitution ... to bring a case of property, which bastardy must always be, before their Lordships’⁶⁷ because ‘only a court of law should make such decisions’.⁶⁸

Indeed, much of the discussion on bastardy clauses was driven by Lord Thurlow’s adamant belief that they should never appear in any divorce Bills. In some cases, his position verged on the nonsensical, for instance in Newton’s, in which the child’s illegitimacy was taken to prove the adultery. Lord Thurlow insisted that because the child had been born while the Newtons were married – i.e., before he sued for divorce – the child ‘was entitled to all the benefits of ... a subject [born in wedlock], and could not be disinherited, according to the letter and spirit of the constitution, except on a trial by its peers’. But the exasperated Lords Radnor, Gower, and Dudley disagreed vociferously, contending

that as the fact of the illegitimacy of the child was the very admitted fact, and the only one on which the House thought proper to pronounce the divorce, it seemed very extraordinary that ... a difference should arise about admitting that illegitimacy, so as to disinherit the child. There was no separating the bastard from the adultery, because the latter could only be proven by the former.⁶⁹

The rationale for ‘separating the bastard from the adultery’ in this fashion was that the child’s legal rights must be protected. One amendment the Lords made to John Williams’s bastardy clause explicitly addressed

this issue, saying that children born to his wife Elizabeth after a given date should be taken to be illegitimate unless they should ‘think fit to assert his her or their Legitimacy and to institute a Suit or Action for that Purpose and shall therein make satisfactory Proof thereof in which case but not otherwise’ they must be taken to be bastards.⁷⁰ The Lords’ debate on this issue extended throughout the period under discussion. In Howard’s 1794 divorce case, for instance, Lord Loughborough argued, as Williams had, that ‘after the child was born, the legitimacy of it might be investigated in a court of justice, and the parties themselves might be examined, so as to ascertain the fact.’⁷¹

Lord Bathurst might then have countered this with an observation he made during Bayntun’s case, that ‘the distance of twenty years [at which time the child could testify] made it so difficult to procure witnesses that it was absolutely necessary in some cases, to decide it by a clause in a divorce Bill, especially where non-access could be fairly proved’⁷²; after all, there was a chance, as Lord Loughborough pointed out, ‘of evidence dying in twenty years.’⁷³ But the stakes were high for the children affected by their decision. As Fox reminded the rest of the Commons, if a Bill were ‘passed into law [with a bastardization clause], the children could thereafter have no redress, Parliament having, antecedent to their being of age, pronounced them bastards by legislative authority’. In the same discussion, Edmund Burke asserted, no doubt derisively, that ‘bastards should be placed in the lowest and most menial occupations in life’.⁷⁴ If that were ever to be the fate of those deemed to have been conceived out of wedlock, one would think that members of parliament would be *very* careful to ascertain that those being bastardized truly were, beyond the shadow of a doubt, illegitimate.

Burke’s assertion aside, discussions in parliament about bastardization clauses were generally objective in tone; it does appear that members of parliament – typically the Lords, whose discussion of these cases was most frequently reported – truly were grappling with legal issues rather than being swayed by emotion. It was the promiscuous mixing of legal and legislative issues that made the Lords uncomfortable. At times, however, emotive language was used to support both sides of the issue. Interestingly, it was the child’s side that was most likely to give rise to such rhetoric. Lord Thurlow, for instance, pleaded that

the infant, the guiltless infant, unsupported by parents, by guardians, by friends, must not be so dealt with [bastardized]. He, as the apparent heir to his mother’s husband’s estate, had a right to be heard in respect to his claim. He was not to be cut off by an act of

Parliament from the benefit of trial; – he was not to be deprived of cross-examining witnesses, and of all those appurtenances to justice, which belong to a subject. To decide on his claim, would be to take advantage of his tender years; it was what neither law nor equity warranted.⁷⁵

Fox agreed, even in a case in which he believed the child in question was illegitimate, saying that ‘here ... [the offspring] come unsupported, and without a friend, to be stigmatized, condemned, and divested of their inheritance unheard. There was such cruelty, as well as illegality in the proceeding, and it so strongly militated against the spirit of the constitution, that he considered himself bound ... to give [the inclusion of the clause] every opposition in his power.’⁷⁶ The argument was even made that if parliament were to decide on children’s legitimacy, it might be misled by colluding couples who wanted divorces and disliked their legitimate offspring.⁷⁷

Others, by contrast, were at least as concerned about the ‘injury done to a virtuous husband, and the legal heirs of an estate’⁷⁸ and employed emotive rhetoric to make their point. Lord Ashburton, for instance, bemoaned the fact that because there was no lower court where bastardization could be established, ‘their Lordships must decide on one of the most calamitous cases to which the human mind could be subject, that of being forced to acknowledge children which they knew to be another’s’.⁷⁹ Lord Stormont agreed, arguing that ‘it would be denying justice to the unhappy persons who came to ask a [*sic*] divorce, to oblige them to maintain children whom they had the misfortune to believe were not their own.’⁸⁰ Burke stated the case more dramatically when asking members of the House of Commons to sympathize with John Williams in 1782, should they legitimate his wife’s bastard offspring:

Would they ... divorce Mr Williams from his unfortunate marriage, and yet entail upon him for twenty-one years all the worst consequences of that marriage? Would they oblige him to take home to his parental arms the bastards of his most mortal enemy, to have them for twenty-one years under his eye, the monuments of his shame, the pledges of his disgrace! [*sic*] Let the[m] think upon the cruelty, the injustice of such conduct!⁸¹

In the face of such rhetoric, it is easy to overlook the ostensible reason that led, in Johnson’s view, to the double standard – the fact that wives’ adultery might lead to the improper passage of one man’s property,

title, and name to another man's child. But this point was at times highlighted. In Twisleton's case in 1798, for instance, Lord Norfolk drew the Lords' attention to the fact that while the Bill named only one illegitimate child, 'it had appeared in evidence ... that there was a second child. These children were within the line of succession to a peerage; and therefore, he thought some evidence should be given at the time of their births, to remove any doubt or suspicion that might be entertained of their legitimacy.'⁸² The Duke of Clarence reminded the Lords again of the problem during debate in 1799 on William Henry Ricketts's case, drawing their attention to the fact that he was presumptive heir to Lord St Vincent. He pointed out that

Should it at any time be intended to continue the title of the gallant and meritorious Earl St Vincent,⁸³ it would be in the person of Captain Ricketts, who was his next of kin and heir. It was therefore not strange, if the Family were anxious that the fortune and honours of the great man who had done so much for his Country should not be inherited by a spurious offspring.⁸⁴

The Bishop of Rochester countered this by explaining that 'he thought the argument went the other way: for the more desirable it was to be heir to so renowned an Officer, the more cautious should the House be how it prejudged the rights of any one to so enviable an inheritance'.⁸⁵ The bastardization clause was ultimately removed, but only because non-access could not be proven. With so many divergent, deep-seated opinions surrounding the whole issue of bastardy, it is perhaps surprising that any Bills passed with the clause intact.

It is intriguing that some of the most emotionally wrought discussion occurred in cases in which the question of bastardization was moot, there being no child, or imminent child, about whose rights they are arguing. The Lords might have felt freest in indulging in these discussions precisely in cases where there was no child whose rights were in question – they would not be affecting a real individual, whose personhood they had to acknowledge, and whose life they would be affecting quite thoroughly – although logically, it is where such a child *was* involved that the Lords would want to be particularly careful.

The cases that evoked the most heated discussion also occurred early in the three decades under discussion. The implication is that members of both houses of parliament truly were grappling at the time with the *legal* issues they faced in these 'calamitous cases,' as Lord Ashburton called them, in which property, children's rights, justice, and husbands'

feelings were all at stake. It is likely that they were hoping to come to a conclusion and set precedents on bastardization clauses to make subsequent cases easier, less provocative of sometimes rancorous debate. It is hard to know whether or not they succeeded, because petitioners for divorce diminished as we move into the nineteenth century, and there was little reportage in the newspapers of the Lords' discussion on the issue.⁸⁶ Given how long lively discussion persisted on these issues, it is clear that little was settled.

Conclusion

How prevalent, then, were spurious offspring? Or, better said, how prevalent were spurious offspring who were presented thus to the world or legally and or legislatively acknowledged as such? Finding bastards at all, or children acknowledged as such, proves as difficult in parliamentary divorce cases as among the non-divorcing elite. In parliament, of 20 cases in which offspring were almost certainly illegitimate, in only ten were these children bastardized. Clearly there were more questions than answers, more complex problems than easy solutions in parliament's attempts to deal with bastardization. And those who did not want to seek a parliamentary divorce, or felt they could not afford it or were not able to establish the children's illegitimacy might have little option but to absorb the children produced into their families.

Littered as novels of the period are with the illegitimate children of adulterous men trying to find their way, often without familial protection, in a frequently hostile world, in reality, however cuckolded husbands felt emotionally or in terms of the misdirection of their property, the world was much more set up to give these children at least an informal legitimacy that at times certainly allowed them to do quite well.

6

Cohabiting couples in the nineteenth-century coronial records of the Midlands Circuit

Elizabeth Hurren and Steven King

Introduction

Historians of marriage, demography, and the family have long debated the magnitude of cohabitation and other informal marriage arrangements in the past.¹ Spurred on by three key drivers – extensive eighteenth- and nineteenth-century ‘public’ concerns about the looseness of marriage arrangements amongst the labouring ranks in rapidly growing and densely packed urban areas;² a mystifying inability on the part of demographic historians to link large numbers of births to the ‘marriages’ which might be supposed to have spawned them;³ and the flowering of research on court cases dealing with breach of promise or bigamy which has elicited magnificent extended case studies of cohabitation⁴ – the sense amongst historians that British courtships might easily end up in domestic arrangements short of marriage has been palpable. Indeed, demographic historians working on the scale, character and regional dimensions of illegitimacy, as well as those working on the nature of courtship itself, have pointed persuasively to the frequency with which marriage plans went awry.⁵ For men and women, multiple fragile courtships were much more frequent than early commentators allowed, and material drawn from court cases has provided compelling colour to illustrate such fragility.

While Ginger Frost has acknowledged that ‘cohabitees were a small minority of couples’ in the long nineteenth century, her 1000 examples drawn from court cases, newspaper reporting and ego-documents are used to support the idea that this minority was nonetheless ‘significant’ and that cohabiting couples were a ‘normal part of the landscape’. More than this, the urban working classes in particular seem to have been relatively tolerant of cohabitation, which itself exhibited a greater

concentration in large cities and in areas of domestic industry where cohabiting women and children were a valuable economic resource. Frost also identifies a distinct chronological trend in the visibility of cohabitation, with more obvious and deliberate irregular marital arrangements adding colour to the 1760–1840 period, more propriety and less visibility in the period between 1850 and 1880, and a renewed openness from the later nineteenth-century onwards.⁶ On the other hand, Rebecca Probert has been sceptical of the incidence of informal marriage arrangements, calling into question first the scale of alternative marital ceremonies in the eighteenth century – when, she argues, ‘cohabiting couples were vanishingly rare’ – and also prior analyses which have seen the first two-thirds of the nineteenth century as the heyday of informal marital arrangements. Claims that perhaps a fifth of all people would at some point have been involved in ‘illicit relationships’ are, she suggests, wide of the mark. The figures ‘do not stand up to a moment’s scrutiny’. Rather, prior to the ‘later part of the twentieth century cohabitation was, while not unknown, highly exceptional’ and irregular marital arrangements were frowned upon by both communities and wider society. The fact that there was no ‘clear and unambiguous’ label to describe the state of cohabiting and distinguish it from a transient sexual relationship in the long nineteenth century, she argues, ‘reflects the rarity of cohabitation’, which may have constituted only 1.5 per cent of all ostensible marriages.⁷ Of these, the majority were forced into irregular living arrangements because they simply could not marry.

To some extent these divergent perspectives reflect differences of definition. Cohabitation existed along a definitional spectrum which ran from unmarried couples living as man and wife, sharing the same table and finances and often having children together, at one end, to men who effectively moved into the homes of their prospective in-laws in extended courtships, on the other. Detecting and quantifying the underlying relationships, let alone understanding the intent implicit in the domestic arrangement, is a difficult task, more especially when these arrangements were of brief duration. For Probert, cohabitation is proven by the triple indicators of the absence of a recognized marriage ceremony (and recording thereof), co-residential status and the couple themselves claiming or evidencing the status of man and wife. Frost, on the other hand, adopts a more permissive and inclusive definitional framework, suggesting that cohabitation might be said to exist where two people were in an exclusive relationship and living together as husband and wife for one month or more, whether or not the couple were engaged in a sexual relationship.⁸

These distinctive definitional starting points, when applied to different source bases, varied sampling techniques and competing analytical methodologies, underpin conflicting renderings of the scale, spatial distribution and social acceptability of cohabitation. They also facilitate very different interpretation of similar numbers of the proportion of couples who cohabited. Linking eighteenth- and nineteenth-century family listings and censuses to marriage registers and other demographic sources suggests to Probert the essential rarity of cohabitation arrangements. Such sources are chronologically bounded and clearly define the total population at risk of a cohabitation event at the same time as they probably underplay the sorts of casual cohabitation evidenced in court cases. Nonetheless, there is much evidence to support Probert's view. It is striking, for instance, how infrequently the pauper letters and overseers' correspondence that have recently come to dominate perspectives on the English Poor Laws provide direct or inadvertent evidence of cohabitation. While paupers were often accused of having partners of the opposite sex, even partners who hung around the house, accounts of paupers living together as man and wife while they were in fact unmarried are remarkably sparse. Since pauper letters and associated overseers' correspondence were overwhelmingly written *from* larger urban areas to rural parishes, they afford an interesting insight into urban marriage and courtship practices.⁹ Family arrangements were, to be sure, fluid, but in a place like Hulme, Manchester, more than 5000 items of correspondence reveal just one accusation of cohabitation.¹⁰ On the other hand, historians investigating the witting and unwitting testimony about courtship and residential arrangements conveyed in court cases and newspaper commentary – on domestic violence, working-class courtship practices, breach of promise, or domestic visiting¹¹ – have detected a strong undercurrent of informal marital, sexual and residential arrangements. Such sources are not generally chronologically bounded and do not define the total population at risk, often comprising a random national sample with London overly dominant given its locus for much of the court system. Nor are they straightforward to interpret, involving much reading between the lines on a par with that which is implicitly written into the multiple-source record linkage that underpins the tracing of individuals between censuses and parish registers. When allied with a different definitional starting point it is unsurprising to find Probert claiming that figures for the scale of cohabitation have been 'inflated by the inclusion of relationships that would not today be described as cohabiting ones'.¹² Yet, while it may be true that Poor Law records provide little evidence of the

same arrangements, it is also striking the regularity with which those providing testimony on the part of the poor – epistolary advocates like landlords, doctors, neighbours or local officials – were at pains to stress that those for whom they wrote, if not married, lived ‘Alone’. There are several readings of such a phrase, but the one preferred here is that the epistolary advocates suspected the overseer recipients of their narratives had an ingrained suspicion about the residential and marital arrangements of the dependent poor.¹³

Throwing new light on these issues is clearly important for demographic and family historians. Moreover, the beguilingly simple question of how many British couples were together in some form of cohabiting relationship also has wider importance. In its answering lies an important window onto the way, for ordinary people, that youth expectations were generated and youth culture shaped, masculinity and femininity were expressed and experienced, household economies were formed and broken, childcare arrangements were founded and societal images of the labouring classes were invented, maintained and emblemized. Against this backdrop, our chapter engages with a very different source to that usually employed in exploring issues of courtship, marriage and cohabitation. We bring to bear a very large corpus of coroners’ inquests covering the period from the early 1800s to the 1870s and focusing particularly on the Midland Circuit, which comprised the counties of Lincolnshire, Northamptonshire, Leicestershire, parts of Cambridgeshire, Huntingdonshire, Rutland and Warwickshire.¹⁴ Coronial records are rich (for some areas at least) during the eighteenth century and remain so in the twentieth but our periodization is deliberately chosen. It runs from the early nineteenth century – when some historians have seen a transition in the courtship and marriage patterns of ordinary people, in which couples themselves are believed to have garnered more choice and cohabitation levels increased – to the later nineteenth century, when it has been variously argued that parental control over courtship, marriage and residential arrangements was forcefully reasserted or society became more open to irregular co-residential arrangements after a period of restriction.¹⁵ Drawing on this material, we will argue, *inter alia*: that practices of informal cohabitation were relatively common when set in the framework of multiple (sequential and parallel) fragile courtships, even as formal cohabitation (living together regularly as man and wife on a sustained basis) remained relatively rare; that the duration of most cohabiting relationships was short; that the incidence of cohabitation had a distinct spatial distribution; and that the coronial records support views of a much wider tolerance of irregular

marital behaviour than flat periodization of the nineteenth century currently suggests. At the heart of the chapter is an intertwining of the generalized perspectives drawn from the whole corpus, and detailed consideration of emblematic cases, cases which provide a unique way into the question of the intent, rather than just the incidence and longevity, of cohabitation decisions.

The source base

Events such as murder, manslaughter, accidental, or unexplained death occurring in English and Welsh communities, were met with a legal obligation to call the coroner and for the coronial jury to view the corpse and deliberate on the cause of death. A legally rather than medically qualified individual,¹⁶ the coroner had considerable powers to compel testimony, admonish individuals and send cases for further prosecution. Each coroner had a broad 'circuit' for which he was responsible and the often controversial or (for a public interested in scandal) delicious nature of his work ensured an intense media interest in the activities of the coronial court. These attributes mean that a record of the work of the coroner is preserved in three, sometimes overlapping, places and the current chapter draws on a corpus comprising all three sources for the Midland circuit: expense claims for travel and inquest fees, which had to be accompanied by a list (often a detailed list) of inquests/places and to be signed off by Justices at the Quarter Sessions, in the archives of which they are often preserved; the extensive and often detailed newspaper reporting of individual inquests; and the detailed inquest records themselves, usually including witness statements, jury deliberations and sometimes physical evidence such as letters or drawings. Much of this material is extraordinarily rich, comprising the statements of those who discovered bodies, family members, neighbours, friends, doctors and other officials, lovers and work colleagues. Witnesses might have been involved directly in the case, be testifying as to character, or they may just have been bystanders. The coronial court was often the conduit of gossip, rumour, intrigue, or sexual secrets and the coroner himself often became party to private information about courtship patterns and cohabiting histories. Sometimes this related directly to the case in question, as for instance when a lover murdered his/her partner or frustration in love led to suicide. At other times insights arise because of anecdotal evidence presented by less central witnesses, as for instance when local people testified to courtship norms or had to explain why they were in a certain place at a

certain time. Information on cohabitation sometimes appears as a mere afterthought, as for instance in the case of Harriet Skipworth who died 'by the visiting hand of providence having been struck by the electric fluid [lightning]' while out walking with her cohabiting lover at Halton (Lincolnshire) in June 1838.¹⁷

Sometimes the evidence is amusing. Yet, it is tragedy that provides the best spotlight on courtship, marriage and marital living arrangements, as for instance in the case of the death of three-year-old Charlotte Wright Williamson, who on 2 October 1851 got hold of a bottle of laudanum and drank it. Her 'father is a labourer, and a widower, the mother a married woman, living separated from her husband, who is known by the name of "Deaf Burke". They reside in the Drive.'¹⁸ Testimonies range from the young to the aged, comprise both men and women, sometimes span the different social ranks and often included sojourners as well as the more established members of a community. Unlike breach of promise cases – where witnesses usually gave evidence conforming to an accepted 'script' – those testifying before the coronial court knew very well that misstatement, dissembling or outright lies could lead to them being implicated in subsequent criminal prosecutions or to being heavily criticized in the public domain of the newspapers. Our sample includes some 30 instances in which communities disowned those who were judged to have perverted the course of justice by giving partial or misleading evidence.

This is not, of course, to suggest that the records are unproblematic. By definition their major focus is on tragic situations and flawed individuals. In terms of the concerns of this chapter with courtship, marriage and cohabitation we inevitably garner a subset of fragile relationships, though perhaps not one in which any party had an overwhelming imperative to cover up irregular living arrangements. It is notable that labels such as 'reputed wife' are rare in the corpus as a whole, while direct and graphic detail of actual living arrangements is common, allowing us in many cases to distinguish transient sexual relationships from those with greater intent for the future. Women are significantly over-represented as victims of violence spinning out of irregular residential arrangements, while cohorts of older men and women are under-represented though by no means absent.¹⁹ Some of the coronial archives have clearly been 'weeded' of their most contentious cases, and where newspaper reports of inquests exist but the original testimonies do not, one cannot be absolutely sure that matters extraneous to the case (such as living arrangements) were all recorded when stated. These issues notwithstanding, the coronial archives afford a large-scale canvas

on which to explore matters of courtship, marriage and living arrangements. Of the corpus of 30,000 cases from the Midland Circuit collected and analysed, 23 per cent touch in some way on matters of courtship and/or living arrangements, facilitating a spatially and chronologically bounded investigation of cohabiting relationships in communities at the heart of provincial England.

In turn, the depth of the individual cases highlights the essential complexity of the living and marital arrangements of ordinary people, and the consequent need for a sensitive and flexible definition of 'cohabitation', one that reflects the fragile, fleeting and sometimes multiple relationships into which courting couples were often inscribed.²⁰ Two emblematic cases illustrate this matter well. Mary Petch (aged 52), cut her throat on 27 August 1844. Her husband deposed that they had been married on 20 September 1838 but that in early 1840 they had 'parted, and continued to live separate until the 12th July in the present year [1844], when the deceased sent for him, and he took her into his house'. Further evidence revealed that both parties had in the interim lived with others as man and wife, something that would have escaped attention had one been looking through the lens of other potential sources for this period such as the decennial census. In short, the evidence points to one marriage, two definite cohabitations, one potential multiple cohabitation (it is unclear whether Mr Petch's lover had left him or died when he took his wife back into his home) and an oddly fractured marriage rekindled after a separation of four and a half years.²¹ The Petch's story reflects the basic fluidity of the household and living arrangements amongst the poorer sections of the community that emerges out of pauper letters and other Poor Law records, but it also keenly lays bare the question of how to define a cohabiting relationship. Arguably, for instance, we might see Petch and his wife as cohabiting rather than 'married' given the circumstances which brought them back together. At the opposite extreme of the co-residential spectrum we find the case of George Healey and Mary Ann Hill, the latter dying suspiciously in 1846. The pair had wandered about Lincolnshire together for much of the year, moving variously between lodgings and berths in the houses of relatives. The coroner noted testimony that the couple generally occupied 'separate rooms' and charted a history of spectacular falling out, with Healey on one occasion coming through Boston impersonating a constable and with Hill handcuffed to him so that she could not flee.²² How vagrancy and sojourning, courtship and cohabitation shaded together in this case is unclear (and was also unclear to the coronial jury), but the evidence hints that the couple acted and used the

rhetoric of man and wife even if they did not live regularly together as a narrow definition of cohabitation would demand. It is this issue that we explore in the latter sections of the chapter, but for now we can turn to the extent of, and motivation for, formal cohabitation.

Courtship and formal cohabitation

The coronial courts of the Midland Circuit furnish substantial evidence on the nature of provincial courtships and marriages. While family and demographic historians have disagreed over how much power individuals had in the process versus parents, friends and communities, there is overwhelming evidence in the witness statements presented to the coroner that the pace, character, sexual content and conduct of courtship rested firmly in the hands of couples themselves. More than this, a picture emerges from the 6600 individual cases of a courtship process that was extremely fragile. Relationships broke down regularly because of neglect, misunderstanding, bad temper, economic imperative, family resistance, job moves, death, abandonment and rank jealousy. Rapid sequential courtships were extremely common, with both men and women losing little or no time in finding a new partner once a prior relationship had floundered. Multiple overlapping courtships were also remarkably common, for both men and women. Some sense of the complexity of such relationships can be seen in the case of John Smith (aged 50), a groom in Boston (Lincolnshire) who had formed an attachment to Alice Would ('17 or 18 years of age'), a servant in the same household. 'Notwithstanding the disparity in their ages, there was an apparent affection existing between them', but this was interrupted when Alice went to work for Mr Bones at Kettering. She rapidly moved on to keeping company with other men and Smith became jealous, but the 'ill-assorted pair nevertheless kept up a communication ... and a short time since she had accompanied Smith to Lincoln where they stayed two days and a night as man and wife'. They subsequently left their respective service to set up house together, but Alice continued to attract the attention of other men and eventually Smith tried to drown her in a fit of jealousy. He only succeeded in killing himself, but the story of multiple sequential and overlapping courtships, fragile relationships and the fuzzy outcomes of a courtship process in terms of cohabitation is one repeated systematically in the underlying corpus.²³

Of course, it might be objected that the very occasion for the giving of evidence – a murder or suspicious death – acts as a selection mechanism for those with the most chaotic courtships, the most

jealous personalities, and the most passionate relationships. On the other hand, the same broad picture of fragile courtships emerges if we shift our attention from cases where a lover murdered a partner or a woman murdered her illegitimate child, and focus instead on the details which emerge from oblique testimony where courtship itself was not on trial. Thus, in an inquest relating to one of his customers the Lincoln brothel-keeper George Trafford was said by character witnesses to be living 'in concubinage' with Elizabeth Coxon, one of several women to have filled this position.²⁴ In Northampton, Martha Ellis was obliged to explain why she had been in the wood in which the body of John Swift was discovered hanging from a tree, telling the Jury that while she lived (unmarried) with Jonathan Powell, she had been meeting a second lover, Henry Short, at the wood for sex and to plan an elopement and (another) cohabitation because she 'did not like my situation' with Powell who was several years her senior.²⁵ The impression from the underlying corpus that historians may have overplayed the smoothness of courtships for the nineteenth-century is strong.

Against this courtship backdrop, evidence of long-term cohabitation in the sense of an unmarried man and woman living together as man and wife in a clear domestic arrangement and for a long period is intriguingly patchy. For the Stamford circuit, extending to a ring of villages up to 10 miles from the town, the number of inquests stood at around 2500 per decade across the period covered here. Of these, some 14 per cent can throw light on courtship, but no more than a handful (1.1 per cent) make any direct reference to cohabitation. For Spalding the circuit included 35 communities, and of its 3465 coronial inquests between 1809 and 1873, 6.3 per cent throw some light on courtship. Less than 0.6 per cent, however, provide direct evidence on cohabitation. Across the whole corpus we can detect 708 cases of formal cohabitation. Such numbers offer clear support to Rebecca Probert's contention that cohabitation as a practice was rare. Indeed, and as we have already observed above, coronial juries were frequently at pains to note that single women taking lodgings or houses did so alone, as for instance in the case of Elizabeth Singleton from Louth, the death of whose illegitimate child on 10 July 1844 occasioned an investigation in which it was noted 'she had been in lodgings until the last week, when she took a small house, and resided alone'.²⁶ Yet the evidence is not consistent. The Peterborough circuit, for instance, provides evidence for 6735 cases over the period, with 11 per cent giving direct evidence of cohabitation. For Northampton the evidence is even more compelling, with 21 per cent of all inquests yielding information on cohabitation. Even

in Lincolnshire, the Gainsborough circuit saw 19 per cent of inquests containing references to cohabitation, something reflected in the relatively thin linkage of baptisms to marriages in the family reconstitution of this town.²⁷ In short, there was a spatial or typological element to cohabitation and its societal acceptability, much in the way that we have come to see for the incidence and tolerance of illegitimacy in the eighteenth and nineteenth-centuries.²⁸ The broad pattern repeats in the evidence on informal cohabitation explored later in the chapter. This patterning is, however, rather more complex than the simple urban–rural and smaller urban–larger urban dichotomies inscribed into much of the existing work on this subject. Rather, communities with the highest incidences of cohabitation, formal and informal, tended to be those closest to or acting as a national or regional transport trunk route or exchange and (often an overlapping category) those where labour markets were dominated by the craft and artisanal trades such as shoemaking or fancy ribbon weaving. Levels of cohabitation, in other words, seem to have been sensitive to a complex mix of opportunity, the freedom of liaison in craft and transport towns, particular economic imperatives and the more tolerant attitudes one often finds in towns where sojourning was a normal part of everyday life.

More work is clearly needed on the spatial dimensions of cohabitation, but for now the coronial records allow us to move beyond simple observations of the incidence of formal cohabitation and to matters often closed to us such as motivation, longevity and outcome. Four types of experience loom particularly large. They map unevenly onto Frost's tripartite grouping of cohabitantes: those who could not marry, usually because they were already married; those who did not marry; and those who would not marry. In particular, the underlying corpus has only a handful of examples of couples cohabiting because one or other party (or occasionally both) were already married.²⁹ Against this backdrop, the first type of experience was for the 208 women and some men who ended up in cohabiting relationships where marriage plans evaporated, were never made despite promises, or were fractious. Sarah Peacock (aged 25 of Spalding), who drowned trying to retrieve a sheet 'was formerly in respectable service until John Snart, blacksmith, of Deeping Fen, persuaded her, under a promise of marriage, last May [that is, May 1839] to leave her place and live with him.' Snart spent her savings, had the marriage banns published and then absconded, leaving her pregnant.³⁰ Michael Moore of Mountsorrel (Leicestershire) committed suicide in March 1842 having discovered that his 'wife' Hannah 'had cruelly deceived him in claiming that her brother was a

vicar and he having married the couple five years prior'.³¹ Sara Mudd of Northampton went to live with John Hartop in 1863 when her parents objected to the courtship, fearing that the tempestuous relationship between the two would end badly. It did, with Hartop poisoning Mudd as soon as he found out that she was pregnant.³² The duration of cohabitation in cases of frustrated marriage plans was invariably short. A mere handful of women continued to sustain a relationship once the prospect of formal marriage receded, something that chimes well with Frost's evidence from criminal and other cases and her view that women cohabited in order to 'parlay the sexual relationship into a more permanent bond'.³³ More than 130 lost their lives upon leaving a lover who saw little wrong with the arrangement. Thus, on 18 August 1874, the *Leicester Mercury* reported that a sailor had murdered a Midlands girl in a furious rage over money.³⁴ The Coventry coroner convened a hearing that night. The reporter explained that:

On Saturday night last a sailor named Edwin Rollins, a native of Walsall, near Birmingham, stabbed a girl named Sarah Barkbey at a public house at Grey Friars Lane in Coventry. It appears from his statement that they had been living together since Xmas last, he having made her acquaintance on her discharge from Bristol Borough gaol. A few days ago she left him, taking with her a portion of his clothing, and also his discharge from his ship, most of which she either pledged or sold. He heard of her at Atherstone and subsequently traced her to Coventry, where he demanded of her his goods, and on refusal stabbed her with a clasped pocket-knife in the jugular vein.

At first, it was assumed the girl was dead as Rollins had 'stabbed her in the neck, just behind the left ear'. The Coroner arranged for Rollins to be arrested, and Sarah's body was delivered to Coventry Hospital. There, the surgeon discovered that she had a very faint pulse. He explained 'the knife actually missing the external carotid artery by about the eighth of an inch, which had the same been penetrated, would most probably have proved fatal'. The Coroner had to adjourn his verdict because he did not have a dead body. Nonetheless his role did not end there. He ordered all the witnesses to remain available for the Warwick Winter Assizes where, some months later, Sarah Barkbey was able to appear in person. The Jury observed the knife wound across her throat. She explained that:

I am a single woman living at No 10 Stanley Street, Humberstone Road, Leicester. I have co-habited with the prisoner. I came out of

jail in Bristol, in January last, and met with the prisoner. *I co-habited with him for three days.* I then told him I had made up my mind to do better and go home. I went home and he wrote to me in March last at Leicester. He afterwards told me he had work at Walsall and if I would go with him, he would marry me. He sent me money to go to him, and I went. He illused [sic] me, and about six weeks ago, he left me at Atherstone. On the 5th August, at the Grey Friar Tavern, he kicked me in the stomach and struck me on my arm. He asked me where his pawn tickets were, and I told him they were at Nuneaton. I told him he left me destitute and I had to borrow money on the tickets. He said, 'I'll either have you or your life'.

Sarah then recounted how Rollins stabbed her in the neck with a sharp knife and she 'ran out bleeding – my clothes were saturated with blood'. Rollins was duly charged, but the case is emblematic of the difficulty that women in particular faced when trying to exit cohabiting relationships, however brief. For this group of women, marriage was clearly the desired outcome of cohabitation as Frost suggests. It is less clear that the men involved simply wanted to test out a potential wife or to continue a sexual relationship. Indeed, the sheer variety of reasons for the breakdown of marriage plans – running from fictional commitments on the part of both men and women through to women thinking simply that they could 'do better' – points to a complexity of underlying emotions and causative chains which has been flattened out in some of the current historiography.

A second group of accidental cohabiting couples were those for whom contractual and personal relationships became entwined. The most prominent of this sub-group were housekeepers, whose stories are woven throughout the corpus. Indeed, and notwithstanding Probert's suggestion that 'in most cases' housekeepers and lodgers were precisely what they seemed,³⁵ the very status of 'housekeeper' begins to highlight the definitional grey areas that beset the debate about living arrangements. Thus, Ann Cawthorn (aged 42) was 'housekeeper' to Samuel Sharp, a Stamford bookseller. She committed suicide by taking laudanum on 5 January 1844 after she 'had been induced from disappointed affections [Sharp had determined to marry another] to destroy herself'.³⁶ Similarly, Hannah Harpham (aged 30 of Borough in the Marsh), housekeeper to the surgeon Henry Ashlin, poisoned herself when their ongoing intrigue was punctured by Ashlin's desire to plant his marital affections elsewhere.³⁷ In these cases we can only surmise that the couples were effectively cohabiting. Some of the evidence

relating to the group is, however, rather richer, as for instance in the case of Catherine Nickerson (nee Hall) of Great Gonerby, Lincolnshire, who was housekeeper to Robert Nickerson from July 1845 after his wife died. They married in April 1846, but not before she was heavily pregnant, suggesting a *de facto* cohabitation masked by a contractual or customary arrangement.³⁸ Similarly, Sarah Walton of Roxholme was housekeeper to the parish constable Mr Falkner 'for some years', bearing his child before dying of dropsy.³⁹ More generally, a surprising number of former housekeepers were subsequently discovered to be pregnant when they reached their new situation. Such liaisons were rarely punctuated by the death of one lover at the hands of another, as opposed to the suicide of both men and women in the event that cohabitation ended with one party moving on to someone else. In more than two-thirds of cases cohabitation ended with a formal marriage, but the duration of the cohabitation itself was often substantial, with a median figure of 2.5 years for the 120 cohabiting housekeepers in the sample.

Against these accidental, involuntary or consequential arrangements, we might set the experiences of a third group: those who consciously engaged in cohabiting relationships, often of a multiple sequential nature, or those for whom cohabitation was a convenient choice. Amongst the latter group we find Joseph Coulson (aged 26, 'a very dissolute character and much diseased') who committed suicide in August 1848 after 'his woman had turned him out, and would give him no further support'. He and Emma Coulson 'the assumed name of the deceased's pretended wife' resided in a 'house of ill fame kept by Robt. Tomblin'.⁴⁰ This case, one of more than 200 in the underlying corpus where women ejected men, turns on its head the conventional notion underpinning much of the literature that it was women who had most to lose from cohabitation. Others led less complex cohabiting lives but made equally conscious choices; Hannah White of South Thoresby (Lincolnshire) lived with 'man named Enderby' and, becoming pregnant' though with 'no thought of marriage', was conveyed by Enderby to her relatives in Grimsby only to be abandoned by him after the birth.⁴¹ Almost immediately, he entered a cohabiting relationship with another lover. Unlikely to end in marriage, these sorts of relationships, collectively of highly variable duration from days to years, led to a range of murderous acts, infanticides, unexplained deaths and suicides. Disproportionately concentrated in communities that boasted regional transport hubs, this sort of cohabitation was both common (some 284 cases) and anchored by complex and multi-layered circumstances to

which broad catch-all categorizations such as 'Did not marry' or 'Would not marry' do little justice. Two detailed cases provide a sharper focus on the idea that for a significant cohort of very ordinary people cohabitation was an active choice.

Joseph Ladds came before the Peterborough coroner twice in little more than a decade. On the first occasion in March 1841 he lost his first wife during childbirth because she had been attended by her unqualified mother-in-law who had allowed Lucy Ladds to haemorrhage. A subsequent appearance takes up the story immediately after the death, with evidence suggesting that Joseph fell into the habit of liaisons with women (prostitutes and others) that he encountered at the local pub.⁴² In September 1854, Joseph met a young woman called Louisa Norman at the Blue Bell Inn in central Peterborough. She was alluring, pretty and 'about 25 years of age', compared to Ladds at more than 40. Norman quickly moved into Ladds's house, the two of them living as man and wife with his children. It was not long before Ladds realized his mistake. At a coronial hearing called on the occasion of Norman's death in the street on 2 October 1854 he testified that 'she used to go out at night and be out all night – and sometimes be out two or three days at once'. It soon became clear why he had met her in a public house. He explained that although she was in 'very good health ... she used to come home in a liquor'. Louisa Norman was a drunk. At Peterborough Coroner's court the conduct and nature of the courtship with Louisa Norman was discussed in detail by the local community. It was important that his love life was opened up to public scrutiny because this was the second time that he had appeared before the Coroner. As one local newspaper pointed out, to lose a wife was unfortunate, but to lose a 'lover' as well was very suspicious.

Joseph Ladds testified that Louisa Norman was often 'very much intoxicated'. He hoped to have regular sexual relations but in reality she usually came home drunk and 'lay on the bed and complained of being cold'. The physical attraction soon faded. Joseph explained to the Coroner that when drunk 'she became troubling in her mind ... in the morning [when sober] she became quite mad'. She urinated a lot, and smelled. Louisa Norman was no longer an attractive proposition for a middle-aged man but Joseph did not know how to get rid of her. On the fatal day, he testified, Louisa 'broke away from the house and ran down the street with her hair hanging about – her bowels all the time were very much affected – and she drank a great quantity of water'. He said that she demanded drinking-money, which he could ill-afford

as a middle-aged widower with a family of five children to feed. Mr Thompson the Relieving Officer at Peterborough Workhouse confirmed that Joseph Ladds had made an application for 'medicine' for Louisa on the day that she died. Thompson refused however to give Louisa any more alcohol or medicine made up with spirits. He did give her a ticket to go to the Infirmary to dry out. This she refused and by nightfall Louisa was anxious to get back to the public house.

In court, local people testified that they saw Joseph walking to the Blue Bell Inn on 2 October with Louisa Norman. She had been cleaned up and had persuaded Joseph 'they should have a glass of Porter apiece'. He told her to start walking towards the public house and he would follow. Louisa went ahead, 'stumbled', then started 'mumbling', 'making water in the street' (urinating) and finally 'fell to the ground'. She was dead by a quarter past six that evening. Joseph ran for Mr Hanbury the physician who had attended after the death of his first wife. He was fortunate that a passing coachman named Samuel Plumb, employed by 'Revd. Henry Pratt' witnessed Louisa's death in the street. The coach and four horses stopped in front of the corpse. Plumb alighted, checked the body, and confirmed that Louisa had 'no pulsation ... her face was moist and rather warm'. He said that there seemed to be no foul play. It was however the testimony of John Wortham Pearce (a Peterborough surgeon) that cleared Joseph's name in court. Pearce testified that he found from his examination of the body that 'it was quite dead and her face appeared to be drawn on one side - I think it very likely from the evidence I have heard that the deceased died from an epileptic fit and exhaustion combined, brought on by drink'. He concluded that in courtships of this nature where a middle-aged man had been foolish enough to bed a drunken young woman for sex: 'It is just the way I should imagine a case of this to terminate.' In the opinion of the local surgeon the case was common proof of the saying 'There is no fool like an old fool.' Here, then, cohabitation was convenient for both parties and it is striking how many of those who gave evidence saw the case as all too emblematic of others in the wider community.

Whether Norman had previously been involved in cohabitations, or whether Ladds went on to form other irregular partnerships (he was precise in his testimony that he had not formally lived with anyone after the death of his first wife) is unclear. In other cases, however, multiple sequential cohabiting arrangements are clear for both men and women. Thus, the 40-year-old shoemaker Samuel Clayson began courting the 18-year-old Mary Bedford in 1843.⁴³ When Clayson was

accused of embezzling leather from his employer, the couple eloped from Northampton to the small industrial town of Irthlingborough, in east Northamptonshire, as part of a process by which courtship elided, in this case deliberately and without any apparent thought of marriage, into cohabitation. Mary soon, however, missed her friends and family. She had previously courted a man named Barber when she was 16 years old.⁴⁴ In turn, Barber heard rumours (via mutual friends) that Mary was unhappy in her new situation and he came across to Irthlingborough when Clayson was at work to persuade her to renew their courtship. When Clayson returned he discovered that Mary had packed up her things and left. In 'a fury' he went to Northampton and 'called at the house [where she was staying] in Market Street, demanding to see' Mary but 'she refused to speak to him in private'. Neighbours later reported that there had been 'an altercation and he [Clayson] left, shouting threats'. Word soon spread amongst the county shoemakers that 'Barber and Mary Bedford were to be married'. Clayson duly set off again for Northampton, pretending to his neighbours that he needed to visit his sister, Martia Kidsley, who lived in the town. His real motive was to search the streets for Mary Bedford. On Tuesday 26 December, 1848, Mary had the day off work and decided to go into town with her future sister-in-law, Mrs Boddington, and another near-relation.⁴⁵ Suddenly Mary heard heavy footsteps behind her and turning round saw Clayson running towards them. After a confrontation Clayson shouted out 'Revenge is sweet' and, taking a shoe-maker's knife from his pocket, he 'stabbed her in the shoulder twice, twice in the neck'. The final thrust 'severed the jugular vein and the trachea, leaving the weapon sticking out of her neck'. Mary slumped forward into the arms of her two companions. A local newspaper reported that 'Torrents of blood gushed from her neck and Mrs Boddington screamed 'Murder'. Clayson ran away and Dr Percival, a local surgeon, pronounced Mary dead at the scene. At first light, Samuel's corpse was found floating 'near the sluice house of Mr. Adkin's Mill' in the river that flowed through Midsummer Meadow in Northampton town. He had committed suicide.

The morality of Mary Bedford's dual courtship was the subject of much gossip in the town. Indeed, the coroner felt obliged to remind the jury that whatever their religious beliefs or personal morality, 'scarcely any circumstances could justify a man drawing a knife upon a fellow creature'. He nonetheless accepted that the conduct of the courtship required closer examination. Mary's female companions were the first to testify, noting that Mary was frightened when she saw Samuel

Clayson, known locally as 'Sot-Pot', presumably because of his liking of drink. They reported her dramatic last words:

'Oh Ann, there's old Sot-Pot! Oh what shall I do? What shall I do?'

Clayson refused to go away, demanding, 'Mary, Mary, I want to speak to you'.

She said: 'What do you want me for?'

He replied: 'I want to speak to you!'

She said: 'Then speak to me. You can speak in front of them, not by myself'.

He said: 'No, I can't'.

She said: 'Then I shan't come'.

He said: 'You bugger, won't you? Then revenge is sweet and I'll have it now'...

Mrs Boddington said: 'Mary, has he hurt you much?'

'Ann' she said, 'He's killed me! He killed me!'

Ann called out, 'Murder!'

Mrs Boddington (who claimed that Mary had spoken to her about both courtships) then confirmed that it was not the first time her future sister-in-law had recently met Samuel Clayson. A month before Mary's death, he called at their shared family house, an event which confirms the co-residence of Mary with her future sister-in-law *and* with her future husband, a situation that had led to gossip about sequential cohabitation. Since Mary was now betrothed, she did not want to speak to Clayson alone. Ann told the coroner that when 'she [Mary] positively refused' to step outside into the street on two occasions to speak to Clayson he shouted out 'You bitch, revenge is sweet and I'll have it out with you some day'.⁴⁶

The coroner also pressed other local witnesses to tell him more about Mary's stormy courtship history. John Warren, a shoemaker from Irthlingborough, informed the court that Samuel Clayson had been lodging with him. He stated authoritatively that he had 'heard him talk of a girl named Mary Bedford', whom he had been courting since she was 18. The young girl's first love, Warren intimated, had been a man called Barber when she was 16 and she had recently returned to him because he had offered her marriage. John Warren's wife, Ruth, told the court that she too had spoken to Clayson about Mary Bedford: 'I have heard him say he would freely forgive her, if she would live with him.' He had been 'writing to the girl that was murdered' but to no avail, facts in turn confirmed by Clayson's sister, Martia. At the conclusion of the case, the Jury wanted to question Mary Bedford's sister, Mrs Walmesley,

because local gossip suggested that she 'might give evidence about the bitter words, 'Revenge is sweet'. Mary was pregnant at the time of her death and it was unclear which of her cohabittees was the father.⁴⁷ The Coroner, however, intervened:

I shall not stop you from making whatever enquiry you might think right, into the past life and conduct of this unfortunate woman, but I must remind you, even assuming she had behaved improperly to Clayson that would in no manner, shape, or form, justify an act as this. If after this deliberation you still think it desirable to go into an inquiry of the nature suggested, I shall call her sister Mrs Walmesley.

Clayson, Mary Bedford and James Barber played out their courtships very much in public, with Mary moving from one cohabiting relationship to another, albeit that the second was informed by an offer of marriage and physical co-residence with a future sister-in-law. For Mary Bedford, the offer of marriage was a reason to end one relationship and restart another, but more generally the decision to cohabit seems almost casual for both the very poor (the major part of Frost's grouping of those who 'Did not marry') and other socio-occupational groups.

A fourth set of experiences, and one that has figured fleetingly in the literature, encompass the inter- and intra-generational concentration of cohabitation within family groupings.⁴⁸ Usually of a short duration and often with poor outcomes, there are 70 cases in which witnesses or coroners referred to multiple cohabitations within the same family. Inter-generational transmission was more rarely referenced, but the cases themselves are very revealing. Thus, Mary Ann Hewitt, 'an illegitimate daughter of Hepzibah Kent' was 'a pretty 15 year old girl' with a headstrong character. Born in a cohabiting relationship, her father had absconded when Hepzibah wanted to get married and she had been raised in the bosom of her mother's family, the Hewitts. Hepzibah began a second courtship that resulted in marriage to a respectable labourer named George Kent of George Square Northampton. To keep the peace at home, the Kent family decided that the best arrangement would be if Mary Ann 'boarded with her mother but slept at the house of a neighbour in the Square called Mrs Duhey'. The problem was that although Mary Ann was out most of the day (she worked as a shoe-closer) on her return she often argued with her step-father whom she disliked. By early November 1851, Hepzibah told her neighbours that she worried about her daughter's conduct, suspicious that she was involved in a relationship. On 18 November 1851, Mary Ann went missing. She did not turn

up for work and by nightfall her mother was very distressed. Hepzibah sent for the girl's grandfather. William Hewitt heard a rumour that Mary Ann had been courting and had run off with her lover. Alarmed that she was repeating her mother's mistakes, he searched the county. Someone told him that Mary Ann had been seen in Bedford. Others said that she was staying at the George Inn in Lavendon on the Northamptonshire border with Buckinghamshire. Each time William Hewitt set off to investigate the sightings. At Lavendon he was told that Mary Ann had been seen 'with a young man walking out in front of her'. Two other witnesses at Yardley Hastings and the Houghton turnpike confirmed the same details. William Hewitt was a worried man, and rightly so, for a short time afterwards his grand-daughter was found drowned. While the coronial jury struggled to discern whether she had fallen or been placed in the water, it is clear from the evidence that Mary Ann had absconded with an unidentified lover, hoping to set up house much as her own mother had done.⁴⁹ Such stories are a useful counterbalance to a literature that has often seen nineteenth-century courtship as essentially rational, but they also illustrate well the sense that cohabitation could itself be rational and natural in the eyes of both parties rather than something to be undertaken simply when one could not marry.

Effective cohabitation

If formal cohabitation was relatively uncommon in this period, the case of Mary Ann Hill reviewed earlier, where cohabitation was brief and played out in the houses of others and in lodging houses, points to a wider underbelly of irregular sexual and residential arrangements attached to courtship in the Midlands. It is this sort of liaison which it is so difficult to detect in the sorts of sources that dominate the debate over irregular marriages. Yet, the corpus of coronial material is redolent with cases in which oblique references are made to the essential fluidity of residential arrangements, and thus to the difficulty of both quantifying cohabitation and understandings its place in the courtship process (a total of 1250 in which it is possible to distinguish a simple sexual relationship from cases in which effective co-residence was the intent). While the evidence reveals a spectrum of cohabitation durations ranging from days to decades, the mean is relatively short (four months) and the relationships that underpin them relatively transient and tumultuous. Had some of these liaisons not resulted in deaths or the witnessing of deaths, we would know little about their existence or conduct. In particular, the boundaries between a liaison and cohabitation, between an affair and

cohabitation, and between lodging and cohabiting are constructed as particularly fuzzy in these coronial records. Even more than with cases of formal cohabitation, those that touch on effective cohabitation show a distinct concentration in places that acted as transport hubs, suggesting that the churn of population might, even outside the largest urban areas, be a key predictive variable for irregular residential arrangements.

Several core experiences might be observed. Thus, there are 350 cases in the underlying corpus in which lodging, co-residence, liaison and cohabitation were shaded together. Azubah Fountain and her lodger/lover George Rowell conspired to poison Robert Fountain of Waltham (Lincolnshire) on 1 July 1813, planning to elope together having done so.⁵⁰ Whether their relationship amounted to cohabitation in practice is difficult to surmise, but the intent was clearly there notwithstanding the obvious inconvenience of a husband. William Ward (aged 60) had no such troubles. His son had murdered his mother and William Ward had in his turn taken in the son's servant Mary Harnes (aged about 35), with a contractual arrangement of master-servant eliding relatively quickly into a sexual relationship, effective cohabitation and his fathering a child which subsequently died.⁵¹ At the opposite end of the spectrum, the 'Eccentric' John Marriott, who was found dead in his bed on 26 February 1846, had 'of late years been residing by himself. But 'Since Christmas, a woman who was a "parish traveller" had been residing with him ...' On the evening in question, Marriott had gone to bed alone though the woman was at the time in his house. The fact that the Jury and witnesses dwelt on this matter for some time is an indication that the community believed this was an instance of cohabitation rather than simply philanthropy or lodging.⁵² In turn, such cases speak to a subtle but nonetheless ingrained sense in the underlying corpus that the boundary between lodging and cohabitation, even more than that between employer and co-resident employee, was rather fluid and porous. Contemporaries clearly saw this to be the case. On the death of Thomas Gee in April 1850, the coroner noted archly that he had previously 'lodged' with Millicent Metham and inherited her furniture when she died.⁵³ Four years later, the Leicester coroner dealt with the case of John Ford of Market Harborough who had managed to hang himself while involved in a sexual game with his lodger Emma Fieldhouse. Noting a long history of Ford impregnating his lodgers, the Coroner wished that the case 'would be a lesson to young people not to fall into the snare of empty promises of marriage from such men only to be drawn into the evil of cohabitation'.⁵⁴ Nor did the impetus for such relationships come only from male landlords. Hannah Sugden of Northampton gave evidence in the case of the unexplained death of her servant William Ward and was

obliged to explain that Ward was the only person in the household with whom she had not previously had a liaison, in effect living in a tri-partite cohabiting relationship with two long-term lodgers. Powerless to do anything about the situation and finding the servant died of natural causes the coroner nonetheless railed at the 'madness of the times'.⁵⁵ While some attempts to define cohabitation would categorize such liaisons away, in practice the evidence suggests that they were meant to represent more than a fleeting excuse for casual sex.

If crossing the sexual boundary with lodgers invariably carried a whiff of scandal, other forms of effective cohabitation were actively tolerated. Nowhere is this clearer than in the 290 cases where one or other partner in a courtship effectively moved in with their prospective in-laws. This was more than frequent visiting, and actively involved a change of residence and the movement of goods. We have already seen this scenario played out obliquely in the case of Mary Bedford. Other examples abound. Mary Lumley of East Stockwith (Lincolnshire) drowned herself on 7 May 1818 after her lover, who had been living with Mary and her mother for three years, moved out.⁵⁶ In 1851, Mary Cottam fell pregnant at age 14. Her child subsequently died in unexplained circumstances, necessitating an inquest. While the father was unnamed, the coroner observed caustically that the child 'was a much finer baby than could have been expected considering that the united ages of the parents did not amount to 30'. Later evidence confirmed that both the girl and her lover were living in the same house, that of her mother, when she became pregnant.⁵⁷ At the very end of our period, Anne Sparey was called in 1873 to give evidence in the case of the unexplained death of an apprentice in the house where she lived. Aged 21, she had been living in the house of Mary Brace at Warwick for 18 months, moving in after a whirlwind six-month relationship with Mary's son John. She could not, she explained, throw light on the circumstances of the death of the apprentice John Ball, because she 'had done as she normally did and retired with the said John Brace to their chamber' and had not any occasion to get up until morning.⁵⁸ Whether this sort of residential and emotional arrangement equates to cohabitation in the very strict sense of the term is uncertain, but the evidence is clear that Sparey and Brace were acting as a married couple even though they lived unmarried in the house of a relative. How such liaisons might be discovered in other sources is unclear, a reminder that conventional analysis probably traces only a part of the underbelly of informal living arrangements in nineteenth century England.

Reading the experiences of those who were proximately resident rather than co-resident is an even thornier issue and it is unsurprising that

Probert leaves such 'visiting' relationships outside her definition of cohabitation.⁵⁹ Yet such relationships were both relatively common (220 in the underlying corpus) and clearly in most cases more than simply casual and transient. Mary Motson of Spilsby (Lincolnshire) died on 17 September 1801 'from taking some powerful drug to procure abortion'. She had been living in the house adjacent to John Mortimer, the acknowledged father of the baby. While both lived 'alone' in theory, Mortimer deposed that a connecting attic door had allowed them 'for some time to be as man and wife'.⁶⁰ Such intricate arrangements are relatively rare in the underlying corpus, but the sense that plenty of people found themselves in *de facto* cohabiting relationships is one that bisects the underlying data. Thus, Ann Frith of Washingboro (Lincolnshire), committed suicide in November 1846 after getting pregnant by an ostler at the inn where she worked. They had been engaged secretly for three years and in effect living together even if not in their own home.⁶¹ When the shoemaker Thomas Horne was called to testify about the unexplained death of his apprentice William Marne, he suggested that in fact the coroner needed to speak to Hannah More, the daughter of his neighbour John More. Hannah has 'been in the habit of visiting Marne every night for six months last', in effect cohabiting while not living in the same building.⁶² How often two people had to be together in order to be considered as cohabiting was itself sometimes a focus in the coronial evidence. When Mary Lunt was found dead in the street in Leicester with a fatal head wound on 15 July 1864, suspicion immediately fell on Peter Swift, a carpenter and sometime resident of Tur Langton. Two witnesses recounted a heated conversation between Mary and a man who kept his face covered, in which he said 'You bitch you are mine and if I can't have you then no man will' a matter of minutes before she was found dead. In subsequent testimony, Swift confirmed that while they lived and worked in different places, they had barely spent a week apart for the last two years. Swift's assertion that he was engaged to Lunt was contradicted by two of her female friends, but his observation that 'two people so much together can reasonably be said to have claims on each other', speaks volumes as to the sentiment that lay behind their extended and intensive liaison.⁶³

A final category of effective cohabitation (390 cases in the underlying corpus) encompasses versions of the classic elopement. Mary Bedford, Mary Ann Hewitt, John Snart and Sarah Peacock all eloped or planned to elope with partners. While Frost suggests that such elopements were driven by the anticipation of marriage, there is little evidence of this in the coronial records. Some certainly ended in marriage, but the majority were transient and characterized by residence in temporary

accommodation. Moreover, we can identify multiple forms of elopement in the corpus: those that involved the couple leaving the local community; leaving the local 'country'; leaving the county or region; and those which were simply statements of rebellion. Jonathan Hartnell of Leicester combined all four transitions, eloping with Jane Crawford when his father refused his blessing to marriage, and relocating to Market Harborough before moving in several stages of transient accommodation to end up in London.⁶⁴ In turn it is precisely this sort of fluidity in household and marital arrangement which is missed in many of the sources that have underpinned the historiographical literature on cohabitation. At no point, their evidence suggests, did Hartnell and Crawford weigh with seriousness the option of marriage, something that is common to the majority of cases that fall into this category.

Conclusion

Coronial records inevitably deal with conflict, relationship breakdowns and deaths. Nonetheless, the wider testimony of witnesses points to a provincial courtship experience which throughout the nineteenth century was remarkably fragile. Of the cases that throw direct or indirect light on the prior courtship histories of either partner, the majority point to multiple sequential (and sometimes overlapping) courtships. Breakdown of relationships was common, and where marriage plans were frustrated men and women were sometimes propelled into (often) short-term cohabitation arrangements either in a home established together or on the road in the houses of relatives or lodging houses. On the other hand, a consideration of the largest corpus of coronial data ever analysed suggests that suicides because of frustrated marriage plans outnumber cases where cohabitation resulted by a factor of 15 : 1. Meanwhile, if we shift our focus from the familiar territory of frustrated courtships, the sheer fluidity of the domestic arrangements of those involved in the courtship and marriage markets is striking. Boundaries were fuzzy and porous and once we account for effective cohabitation arrangements, the practice is more common than some of the current literature allows. The tangled web of relationships into which cohabitation might be inscribed is well illustrated by cases such as Josiah Merryweather who was found dead on 29 August 1850 by the woman he lived with, having the previous day gone for tea with a wife 'who did not live with him', but did cohabit with someone else.⁶⁵ Similarly, David Taylor committed suicide in January 1851. Jane Wood was examined and 'stated that she had been cohabiting with the

unfortunate man for several months; that she was a married woman; and the deceased a married man, but that he and his wife had parted'.⁶⁶

While the duration of cohabitation ran across a spectrum from mere days to decades, the modal values were brief, a matter of months rather than years. For some the experience was associated with ingrained shame. Elizabeth Fenwick (aged 19 of Wragby) poisoned herself with mercury on 12 April 1819 when 'a false report had been circulating [that she was cohabiting with her master Mr Bartholomew] prejudicial to the poor girl's character, which (she observed) she was not able to bear on finding her own relatives active in publishing it'.⁶⁷ Most cases, however, suggest widespread acceptance of, or at least indifference towards, cohabitation.⁶⁸ In turn, the tendency for incidences of cohabitation, particularly of the briefest and short-term nature, to be disproportionately concentrated in artisanal and craft communities and those (often the same places) connected to local and regional transport hubs, is striking and strikingly new, suggesting that it was not simple urbanity or density of population (or poverty) which shaped cohabitation but the culture fostered in places with high population churn. This patterning of experience should perhaps not surprise the modern reader given strong regional differences currently persisting in variables such as illegitimacy, the density of one-parent families, the scale of divorce, recorded domestic violence and fatherless households. There are also parallels with modern experiences in terms of outcomes in the case of people like Susan Francis, who in November 1849 left her job as a domestic servant in Boston (Lincolnshire) to live with 'a man named Lee ... by whom she was very cruelly treated, and left destitute of the necessities of life' before eventually dying from exhaustion.⁶⁹ Or of Fanny Ward who died of apoplexy in March 1850. On the evening prior to her death 'the man Milns with whom she cohabited strapped and kicked her violently'.⁷⁰ Such resonances remind us keenly of the need to understand the essential human dimension of courtship and living arrangements in our attempts to define, measure, and explain historical patterns of cohabitation.

In the larger corpus, change over time – in number or duration of cohabiting relationships, causation, spatial concentration or the extreme fragility of the relationships spawned in 'normal' courtship – is remarkably muted, challenging the attempts at tightly defined periodization which have dominated discussions both of cohabitation and courtship patterns and the broad attitudinal and experiential shifts identified by Gillis and others. The lack of parental involvement in supervising courtship and preventing cohabitation is striking across the period. Coronial juries were eager for gossip, but there appear to have

been few moral judgements on the worth of cohabitantes and almost no sense in which their stories had to be prised from them. Tolerance of cohabitation is not, seemingly, an entirely modern phenomenon.

While cohabitation was not common, nor, and especially when we define it expansively, was it rare. Just as an ingrained culture of domestic violence helped to form the expectations of young women about the nature and conduct of courtship,⁷¹ so the fact of the acceptance of cohabiting relationships implicit in coronial records must have shaped youth expectations of living arrangements. The almost casual way in which most men and women drifted into cohabitation, through choice rather than frustrated marriage or an inability to marry, points to a strongly independent youth culture of the sort that others have found for Germany and elsewhere.⁷² Striking numbers of cohabiting couples ended up in the coroner's court, and for many the outcome of a casual drift into such arrangements was fatal. The stories occasioned by such events reveal much about masculinity and femininity, locating women as proactive in courtship and marriage/residential decisions, jealousy as a core characteristic of interactions between couples, and violence as something closely yoked to cohabitation. To be a cohabiting woman was certainly to be physically, mentally and financially vulnerable. Yet the coronial records also suggest the fragility of the existence of cohabiting men. In these records at least masculine and feminine roles elide. While the records themselves inevitably focus on the most chaotic people, even cohabitantes who appear as bystanders or in cases where cohabitation was not the issue at hand, appear to have led irregular lives. As we have seen, intergenerational transmission of cohabitation is surprisingly easy to find. Against the backdrop of the coroner's court, it is easy to see why our period was punctuated by moral panics and a public commentary which saw the labouring sorts as violent or potentially violent, determinedly poor and both corrupting and corruptible. The 30,000 or more cases for the Midland circuit, one of many coronial circuits in England and Wales, were each played out in public. The bodies of babies were discovered, people were found hanging, jilted lovers cut throats, the bodies of young people were found floating in the rivers, husbands poisoned wives and vice versa, and cohabitantes shot each other. This drama, played out in the public arena of the street or neighbourhood, shaped and emblemized the perception of ordinary culture by the conversational classes. The records thus generated allow us a unique window on to living arrangements of people across a social spectrum which runs from the very poor to the middle classes, and they suggest that the intent to cohabit was by no means rare.

7

The kindness of strangers revisited: Fostering, adoption and illegitimacy in England, 1860–1930

Ginger Frost

Introduction

As Nara Milanich has shown, illegitimate children were primary candidates to move between families, foster parents, charities and institutions.¹ Like orphans, illegitimate children had usually lost at least one parent; unlike orphans, these children's existence signalled illicit sexuality. Some illegitimate children were brought up by both parents; most, however, were not, and the nature of their upbringing provides important evidence about the experience of illegitimacy. For the most part, despite the shame, relatives stepped in to care for their young kin, but when they were unwilling or unable to do this, children moved from relative to relative and in and out of care. In financial terms, the lack of a father was the crucial difference. Illegitimate children had no right to support; economic strain was all but inevitable. In the past, those children that families could not afford to keep went to the church or into large households as servants, but by the mid nineteenth century those avenues had largely closed.² As a result, families rotated these children between households and, when necessary, used fostering or adoption.

Fostering and adoption encompassed a vast array of relationships, from those based entirely on affection to those that were frankly mercenary. Single mothers needed nurses for their children throughout this period. Over time, child-saving charities also used foster homes, and maternity homes increasingly pushed women to this option as well. By the 1880s, some workhouse authorities also sent children into foster families. Many Victorians insisted that women needed the responsibility of caring for their infants to avoid 'falling' again, which was why adoption was less common than fostering. Still, some public charities, like the Church of England Waifs and Strays Society (CEWSS, now the

Children's Society) encouraged adoption. Private adoption agencies also emerged, and these, too, tried to move children into new families. In other words, by the turn of the century a large number of children lived with foster parents or informal adopters. Those relationships are, then, an understudied aspect of both childcare and illegitimacy in the past.

Fostering relationships began with an exchange of money, because the families involved on both sides of the transaction were too poor to do otherwise. For mothers, being able to work and earn a living required that they be unencumbered by childcare responsibilities. From mothers, foster mothers took between 3s. and 6s. a week to tend to infants, barely enough to sustain life. From institutions, the sums varied between 4s. and 8s. per week, plus clothing. Adoptions were equally problematic and sometimes equally mercenary. Informal 'adoptions' often included a 'premium' lump sum to take the child for good. Even in those adoptions without monetary payments, the new parents did not have any legal claim to the children until after the Adoption Act of 1926. For most of this period, then, mothers could sue for custody of the children; conversely, adopters could also return children without penalty. The results of fostering and adoption, then, were immensely complex, and these relationships were fragile. At best, children found some security and established affectionate relationships. At worst, children became commodities.

Fostering and adoption were not new in this period; moving children into neighbours' homes was ubiquitous in the early modern period. Shared child-rearing was also common in the poorer classes through much of Britain's history. Neighbours and kin took in children when necessary; even strangers sometimes kept foundlings. As Milanich points out in the Chilean context, mothering was a social activity, not simply a biological one. For illegitimate children, mothering and fathering became a complicated, multiple, and sometimes contested activity. Of course, orphans and half-orphans also led unsettled lives as families scrambled to support them.³ But children of unwed parents had two additional hardships. First, their economic vulnerability was greater because their fathers did not have to support them. Second, they usually lacked paternal relatives, which halved the number of kin who could offer them houseroom. These factors increased their likelihood of living with strangers.

Theoretically, foster parents took in a child for pay and assumed the relationship would be temporary. The market for young women's labour forced most of them into domestic service, meaning they could not keep their children with them. Since one of the few jobs for older women was caring for infants, the two sides of women's working lives coincided to encourage fostering. A woman could earn a decent supplemental

income by taking in foster children, but these arrangements were generally not long-lived. Single mothers had low incomes and thus high default rates. When institutions hired foster parents, these homes had more stability, but institutions demanded a higher standard of care, which meant that children moved often. In addition, most institutions used foster parents only up to a certain point, then sent the children to school or work. Fostering, then, meant frequent transitions, sometimes four or more before a child went out to work.⁴

In contrast, adoptions implied permanence, and the adoptive parents would not expect weekly payments (though they might ask for a 'premium' at first). Neighbours and family 'adopted' children in this way; in addition, some charities, like the CEWSS, encouraged it so that their charges could have a settled life. As Deborah Cohen has shown, Mrs Ransome Wallis's Haven of Hope for Homeless Little Ones, founded in 1893, arranged adoptions for most of the illegitimate children it received, skirting the legal niceties whenever possible.⁵ Nevertheless, the terms 'foster parent' and 'adopted parent' were used interchangeably in the records. To add to the confusion, foster parents shaded into adoptive parents at times; moreover, relatives sometimes 'fostered' their own kin, needing the extra pay to be able to afford to keep the child. In this chapter, 'fostering' will mean relationships based on weekly payments, while 'adoption' will mean those without such payments, irrespective of any blood relationships.

Though historians have examined many of these issues, they have mostly done so from the point of view of mothers of the children, child savers, or in criminal justice studies of baby farming. This essay will instead look at fostering and adoption from the point of view of the children, and will rely on a wide variety of sources. Legal records, encompassing both criminal cases and custody disputes, form only one part. I will also use autobiographies of children who experienced both the good and bad sides of fostering and adoption. In addition, this chapter uses the records of the CEWSS and the London Foundling Hospital as examples of adoption and fostering in private charities. Finally, I have studied the records of two poor-law unions, Cambridge and Cardiff. Both began using fostering and adoption in the 1890s, with mixed results. This wide array of sources makes clear that fostering and adoption were complex processes with variable results for children and parents.

Fostering

Poor families made an effort to keep their young kin before resorting to fostering, adoption, or institutional care. The normal pattern in

the case of illegitimate children was for the mother to fail, then the grandparent(s), and finally the wider kin before the caregivers appealed to outsiders. 'S', born in 1890, came to the attention of the CEWSS when he was still an infant. His mother, a servant, gave birth to him in the workhouse, but she could not return to work unless he found another home. His maternal aunt took him, since his grandparents were dead, but his uncle-in-law did not want to adopt him permanently. The mother, grandparents, and aunt/uncles having failed, S went into care, where he lived with two foster mothers over the next few years.⁶ Similarly, 'F', born in 1887, lived with her grandparents and then an aunt and uncle after her mother deserted her. When both her grandfather and uncle became too ill to support her, she, too, was taken in by the CEWSS.⁷

Not surprisingly, families also moved illegitimate children around before resorting to that place of last resort, the workhouse. John Rowlands, son of a Welsh servant, lived with his grandfather until the latter died, then his uncles paid a foster family to take him. Only after his uncles grew tired of the expense did they take him to the workhouse, and he presented this choice in his memoirs as the rankest of betrayals.⁸ Dorothy Hatcher, born in 1904, lived with her mother and great-grandmother when she was small. Unfortunately, her mother fell pregnant with a second child, and the great-grandmother refused to take in another infant. The little family then went to the workhouse.⁹ On the plus side, then, families tried to find house-room for unexpected children. On the minus side, this circulation of children showed them to be highly vulnerable to being removed from the family. Once in an institution, a child's fate depended on a number of factors, especially timing. Rowlands, a mid-Victorian, stayed in the institution until he left school. Dorothy, product of the Edwardian period, instead had three different foster homes.

Foster parents ran the gamut from saviours of children to indifferent frauds. However, all these relationships shared one disadvantage – they were easily broken. Many children remembered foster parents in idyllic terms, but bemoaned the temporary nature of the relationship. When Dorothy Hatcher turned four, an older couple fostered her from the workhouse. Her 'Auntie Bea' and 'Uncle Ambrose' gave her loving care for six years. Unfortunately, Ambrose's son then died, and his family had to decide what to do with their two grandchildren. Though one went to an aunt, the other entered Bea's house. The rule of fostering was that the child had to have her own room, so Dorothy went to a different foster home, where the couple could not deal with her subsequent

behavioural problems. Within months, they asked that she go to yet a third home. 'Aunt Kit,' her new foster mother, was kind to her, but she blamed the constant shuttling for some of her problems: 'I must have been a very bewildered little girl, and the only way I could retaliate was to do something outrageous ... I had a huge inferiority complex and it has taken the best part of my life to conquer.'¹⁰

Charles Nalden, born in 1908, showed the strengths and weaknesses of a happy fostering relationship as well. He was brought up in the London Foundling Hospital (FH). Like all foundlings, he went to a foster home until he reached school age. He felt love and gratitude for his foster parents, the Millses, and was fond of their biological son and his many foster brothers (also from the FH). After he left for the FH school, Mrs Mills visited him at all of the quarterly visiting times, even after her husband died young and left her a widow. Having lost many of her own children, she was fond of her foster sons. Nalden's relationship with her was almost entirely positive, yet he did not get security from it. The main reason was the FH policy of removing children from their foster parents at the age of five or six. Mills warned him periodically that he would have to leave her when he went to school, but the experience was still traumatic. Like Hatcher, he complained that he was 'long tortured by feelings of inferiority...'.¹¹ Because of their temporary nature, fostering relationships – including positive ones – were problematic.

The fragility of the relationship came from many sources. Certainly, the small amounts some nurses took to keep infants made survival unlikely, and in some cases couples took too many children to care for them adequately in overcrowded homes. As Daniel Grey and Ruth Homrighaus have shown, though, many of these couples were, in the words of an early twentieth-century judge, 'more ignorant and stupid than wilfully cruel'.¹² The odds against a dry-nursed baby were long in any circumstances. Babies caught infectious diseases, especially diarrhoea, that made them unable to retain any nourishment; in addition, poor nurses were reluctant to go to doctors. Mary Ann Morer, 25, was the nurse of Harriet Peacock's two-month-old son in 1868. Harriet, a cook, paid her 3s. 6d. a week for his care. Morer complained that 'the money the mother allowed did not support it', and when the boy fell ill, she did not go to the doctor. The case of manslaughter failed, partly because the cause of death was natural, but also because Morer and her husband were clearly fond of the baby, since 'they had no children of their own.'¹³ Similarly, Martha Jones nursed the infant of Matilida Brown for 7s. a week in 1884; when the baby became ill with bronchitis, Jones took him away, blaming Brown for his condition. She then hired

Sarah Pitman, a widow, to care for the baby, but the little girl could not take food and died. Though Brown was not the most careful of nurses, she insisted that she 'loved it with a mother's love', and the jury found her not guilty as well.¹⁴

Mothers' default rates were high, another major source of disruption. Indeed, women who cared for children often kept them for months without pay. The problem was not the nurses' incompetence, then, but their legal and economic powerlessness. Richard Davis, born 1863, lived with a foster mother, Mrs. Coole, from the age of two to four. Eventually, his mother, Blanche, stopped paying her required 3s. a week, but Coole kept him until the arrears reached £2. She then returned him to his mother, where Richard soon became ragged and half-starved. Periodically, he returned to his foster-mother to beg for food; Coole cleaned him and fed him, but then she sent him away again. In June 1869, Coole's daughter found Richard in their yard at seven in the morning, 'naked and famished...' The daughter later told the magistrate's court, '[h]e complained that he was beaten, that he had to lie on an old sack to sleep, and only got dry bread to eat. He always begged not to be sent home again.' This time, the Cooles contacted the authorities. Davis got six months at hard labour for neglect, while her son went to the workhouse. Despite her concern for him, Coole was unlikely to be able to reclaim him; her relationship to him was too informal.¹⁵

Similarly, Beatrice Rendall was the illegitimate child of Annie Rendall, and Alice Thurlborn nursed her to the age of seven. Alice, too, kept the little girl when the mother fell into arrears, which eventually mounted to £2 11s. Thurlborn then appealed to the Relieving Officer, who tracked down the mother. Annie had married Henry Russell in the meantime, and he was unaware his wife had had a child before their marriage. He deeply resented his step-daughter, and the mother was most unhappy to have her past exposed. As a result, Beatrice became thin and ragged within six months of joining her mother and step-father; she had experienced much better care from her nurse. Called in by the neighbours, the National Society for the Prevention of Cruelty to Children (NSPCC) inspection revealed neglect and slow starvation. Beatrice, too, ended up in the workhouse infirmary.¹⁶ Children in these situations must have been bewildered and hurt, rejected by both 'mothers' in quick succession. Few poor nurses could afford the expense of a child, which limited their powers to intervene. In short, the success of a fostering relationship depended on many factors outside the control of the child or fictive parent.

'Good' foster mothers like these show that fostering was not necessarily a bad choice for an illegitimate infant, but a mother did need to be careful about whom she picked. The instability of fostering, automatic to the system, became worse if the foster parents had emotional or physical limitations. Ann Wilkinson and her husband got 4s. a week from the mother of her charge. Unfortunately, both were alcoholics who left the baby alone for hours. Ann insisted she was fond of 'the little dear,' and was always sure he had 'dry clothes.' The magistrate still gave her eight months, due to the poor condition of the six-month-old infant.¹⁷ In 1895, Julia Baxter, a servant, paid Mary Ann Davis 8s. a week to care for two of her three small children, a four-year-old girl and a new-born boy. Within a month, the baby had died. According to neighbours, Davis left the baby in the care of her children, including a girl of seven, and was too drunk to hear the baby crying. Though the child died of diarrhoea, Mary Ann got six weeks for neglect, almost certainly because of her drinking.¹⁸ Mothers who had to work had no choice about finding nurses for their children, but the amounts they could afford rarely got a high level of care.

As many historians have shown, fostering arrangements came under scrutiny by parliament and organizations like the NSPCC beginning in the 1870s, due to scandals over 'baby-farming'. Though foster mothers with only one child could still slip through the cracks, overall supervision of fostering homes got stricter. In particular, workhouses and charities checked up regularly on their nurses. Foster parents for workhouses had to have homes large enough to accommodate the children, and no foster mother could have more than two children at a time. The pay was decent, but not lavish, and medical inspections occurred regularly.¹⁹ In short, fostering for institutions had the advantage of steady money, but the disadvantage of constant oversight. Some children remained with the same foster mothers until they went out to work; others changed frequently, depending on the inspections and personal preferences. Rose Gedders (born 1892), an inmate of the Cambridge Union, had four different foster mothers by the time she was five. Though a bright and cheerful child, she had trouble adjusting when she went to work at fourteen, not surprising given the frequent transitions in her life.²⁰

In fact, as historians of the Scots system have shown, most children did not react well to the insecurities of workhouse fostering.²¹ Harry Drury, for instance, went to the workhouse, where the Cambridge guardians designated his mother as mentally unfit. She went to an institution, while he went into foster care. His first foster mother described him as 'delicate' in 1918 at the age of seven, but he improved under his

second foster mother in the 1920s. Once he went to work at fourteen, though, he caused 'a good deal of anxiety and expense – for now he is at work he is more difficult to control & he is spoiling his clothes and loosing [sic] things... he will not concentrate on his work.' Harry went through five different employers by the age of eighteen.²² This instability was one reason the Cardiff union, with a much larger population, housed children in the Ely workhouse school unless they had relatives willing to foster them. The vast majority of foster parents in Cardiff were kin, mostly grandparents and aunts.²³

Workhouses required frequent, difficult, and unexplained changes for children in many ways. Most unions kept nursing infants with their mothers in the house, but removed them from their mothers' wards when they were weaned. After that, they might be boarded out or sent to a children's home or, if their mothers were dead, to foster parents (at the age of two to four). An infant might not remember his/her mother at all or find the constant moves bewildering. One illegitimate child went to the workhouse with her mother; as she was two years old, she was immediately separated from her parent. She concluded, 'it is worse than it reads to have the experience'.²⁴ When the children were moved to foster homes, they rarely got any inkling of the change to come. 'Catherine B', born in 1890, grew up in the workhouse as a disabled child, and the matron treated her kindly. When she was four, the officials took her to a strange house with no explanation. When the matron and master got up to leave her, she protested, 'I don't want to stop here. I want to go back to my other home!' Her complaints were useless; she stayed with the foster parents until she went into domestic service.²⁵

Private charities faced similar dilemmas. Foster parents' care of infants helped to reduce the often high infant mortality of institutions, but the use of them meant more transitions for the children. Positive relationships between foster parents and children developed wherever the practice was common, but this very success could lead to difficulties, as children regretted leaving for school, or parents demanded their return. The CEWSS fostered out children regularly throughout its history, and some children bonded with foster parents rather than their biological ones. 'E' (born 1883) entered the CEWSS in 1889 when his mother had a second illegitimate son. He lived with the 'Ps' in the countryside and developed a close relationship with them. According to the local worker, Mr P 'loves the boy as if he were his own, & would gladly keep him for nothing if he could afford it'. In 1892, E's mother inherited £20 from an uncle, set up a new house, and demanded her son's return. The

Ps were indignant that the CEWSS could do nothing to prevent E going back to 'bad' surroundings. They offered to keep him for less money, to no avail. E's mother took him away, but she returned him in 1893 when she 'found him so happy at the Ps.' After a short break, then, he went back to his foster parents. Still, when he got old enough to support himself (in 1897), his mother again asked for him to return; this time, he refused on his own. He was still supporting his foster family in 1911; the local worker reported, 'He is now a pattern young man to the parish, and so good to his foster-mother.'²⁶

In E's case, the transitions ended when he grew old enough to make his own choices, but this was not always possible. As Nalden's memoir indicated, fostering was universal for the London Foundling Hospital. As soon as babies came into the hospital, they went into private homes until they went to school. Children usually assumed the couples they lived with were their parents; unlike Charles, most had no idea they would be leaving when they reached school age. Many memories of fostering homes were warm; one man, born in 1925, called his parents 'kindly' and 'generous'. Harold Tarrant, born 1911, described his country life with his foster parents, the Palmers, as 'absolutely carefree'. He did not understand that the Palmers were not his parents until he had to leave for school. Then he had a terrible, painful shock at realizing that he did not, in fact, belong with them. The major disruption for these children came at an age when many people begin to remember childhood incidents. The abrupt and harsh transition was thus burned in their memories. Hannah Brown, a Victorian foundling who left at a slightly younger age, described it as losing her mother twice in three years. She added, 'Had we been allowed to remain with them [foster parents],... life would have had a much brighter outlook for all of us.'²⁷

Despite problems in fostering, it was certainly preferable to life in institutions, and those children who could do so, like Nalden, kept up their relationship with their 'parents'. In addition, fostering frequently shaded into adoption, especially in the late nineteenth and early twentieth centuries. Both charities and the state encouraged adoptions by successful foster parents. For example, the CEWSS actively encouraged foster parents to adopt the children if they were able to do so. George Behlmer has analysed 19 CEWSS adoptions between 1877 and 1909; the vast majority occurred when the foster parents asked to keep the child, as with 'E', whose mother was a servant and who boarded with a 'Mrs S' in London. E was in poor health when she arrived at her foster home, but recovered under S's care. The child's sponsor, Mrs Billing, urged

that E remain with S, though the CEWSS rarely left children in crowded urban neighbourhoods:

[S] has given her a Mother's love & care & the child is better & stronger now than I ever supposed she could be. I quite agree that Pelham Street is not an ideal boarding-out spot – not what wd be called a desirable place – but I think this is more than compensated for by the real love the child has enjoyed & under which she has thrived.

E stayed where she was, and her subsequent history vindicated Billing's argument; after six years of fostering, S adopted her.²⁸

If the adoptions were not by foster parents, there were not the same advantages. Because the boarding-out system was expensive, the CEWSS had a financial motive to have the children placed in adoptive homes. 'J' lived in a stable foster home; his case worker described him as 'happy and well cared for and loved.' Nevertheless, when his mother disappeared, taking her four shillings a week with her, the CEWSS accepted an offer of adoption for him, and he was abruptly uprooted. Such adoptions were especially problematic, as they happened after children were old enough to know exactly what was happening to them. Older children had also developed personalities and quirks of their own; in other words, adoptive parents might be less charmed by a sullen adolescent than by a toddler. These factors made for failed adoptions and yet more rejection for the children. 'L' was adopted by a 'Mrs E' in Wales when she was fourteen; two years later, E backed out of the arrangement, complaining that L was 'a bit rude.' Informal adoptions sometimes caused more disruptions than they prevented.²⁹

Though the Poor Law guardians in many areas also had financial incentives to get foster parents to adopt, they did so less readily. Guardians increasingly wanted to keep control over the children in their care, to the point of adopting some themselves after the Children's Acts of 1889 and 1899. Still, the Poor Law authorities occasionally allowed relatives or strangers to 'adopt' their charges if they believed this was in the child's best interests. In Cardiff, Ivy Morgan lived with a Miss Gardner, who got 6s. a week from the board; when Ivy neared the age of 13, when she should have gone into service, Gardiner asked to keep her. The Boarding-Out Committee recommended that she be allowed to do so, since 'she does not wish to part with her.'³⁰ Indeed, after the Adoption Act of 1926, one former foster parent couple formally adopted their foster child in March 1927, and others probably followed.³¹

The Foundling Hospital governors usually refused adoption requests, because they guaranteed mothers the right to reclaim children, but they did have a few exceptions to this rule. (The records do not always say why, but possibly the mothers had died.) In 1913, the 'Js' asked to have their foster-daughter, 'L', live with them. L apparently had some physical or mental difficulty, and the Governors agreed 'as the J[...s] seem to be extremely fond of her.' She settled with them a month later.³² Other times the transitions were greater. In 1921, the 'Ts', who had emigrated to Canada, asked if their foster-daughter, 'L', could join them. The governors asked for a full inquiry, and the Ts passed the test; L also agreed to go. The Ts borrowed the cost, which was £35, from the FH. L travelled to Canada early in 1922; a letter in April of that year indicated she arrived safely. Like many other illegitimate children, L had gone through several changes and a long journey before finding a settled home.³³ All the same, these were exceptions; most children went to work directly from the FH, returning neither to their mothers nor their foster parents.

In general, taking children in 'for hire' was an odd mixture of economic calculation and nurturing. Although fostering for money seems mercenary (and sometimes was), many foster parents were fond of their charges and received affection in return. They needed the money from the parish or charity to afford the extra mouths to feed, but this did not preclude an emotional bond. Some foster parents were childless, or, like Mrs Mills, had only one child survive, and they enjoyed rearing foster children. Such parents, though, had no legal standing. Changes in household, the need to take in blood kin, and the possibility that the mother might wish to reclaim her child all militated against permanence. As these records make clear, all foster parenting was ultimately based on money; these families were too poor to take in children without financial help, at least not until the children could earn their keep. They, then, had to accept the disadvantages that went with that requirement, unless they were one of the minority of foster parents who decided to adopt.

Adoptions

In theory, adopting the child removed some of the impermanence as well as the economic incentive. In fact, though, adoptions were often facilitated with lump sum payments. Moreover, adoptions were not legally binding and in consequence were frequently temporary; at times, the mother intended the exchange to last only until the child

was no longer a financial burden. Adoptive parents, too, might change their minds and insist the mother take back her child. Under English law, a mother could not alienate her parental responsibilities, though, as Deborah Cohen has pointed out, the poverty of unwed mothers meant that, for them, 'the inalienability of parental rights was mostly a dead letter'.³⁴ Still, a child might go back and forth between 'mothers' like a parcel; in addition, the secrecy that so many adopters preferred left children unprepared if biological mothers reappeared. Clearly, as well, a loose system like this was open to abuse. Mothers paid to be free from the responsibility for their children, while some adopters hoped to move children on at a profit. Adoptions organized by institutions had more safeguards, but they were not free of difficulties either. In short, the results of this 'system' were a mixed bag.

Informal adoptions had a long history in Britain; stories were legion of children taken in by neighbours or left on doorsteps. Children brought up from a young age with adoptive families might never know they were not blood kin. These kinds of adoptions rarely left records. Adoptions that did get into the newspapers were ones with noteworthy circumstances – a custody battle, violence, or desertion. A child's illegitimacy was a major factor in most of these cases. Such 'unwanted' youngsters moved from home to home with or without economic incentives, but when profit entered the picture the results were often grim. Press coverage of 'adoption' issues included everything from foundlings to foster-parents to 'baby-farming.' The poor reputation of adoption, in fact, came from its association with the latter practice, one of the reasons that adoption legislation only emerged after the First World War.³⁵

Economics and affection mixed in uneasy ways in these arrangements, and motives for adoptions varied widely. The best-case scenarios involved childless couples who wished only to have a child to love. Cohen's work on the Haven for Hope showed that many of the more than 2000 adoptions that Mrs Ransome Wallis arranged before 1926 were successful. Wallis guaranteed secrecy to the middle-class families who sought to adopt. Parents found they loved their adopted children as if they were their own, and many children did not know they were not blood kin. Still, secrets were unstable, and some children found out from neighbours or relatives with devastating effects. Happy children, too, might later wish to know their blood kin; as late as 1980, Margaret Litchfield, whose adopted home was idyllic, wrote to the society, asking about her brother.³⁶

Wallis's society, with its better-off clientele, was unusual. Most adoptive parents had modest incomes, and some were as poor as the natal

family. Adoptions with poorer families had physical dangers as well as the emotional ones common to all such homes; happy endings were often a matter of luck. 'E' was born to a poor hawker in 1888, a woman who could not afford to keep her illegitimate offspring. Her mother signed an agreement with 'MB' to give up her daughter when E was five months old, paying a premium. MB took care of her adopted child for six years, but she died in 1894. At that point, her sister, 'JB', had to take care of the small girl. JB went 'out to work,' and did not want the burden of an adopted niece. Little of the premium likely remained; as one case worker explained, '[i]t is evident that Mrs [B.], having now no pecuniary interest in the girl wishes to get rid of her.' E, then, came under the care of the CEWSS. She first went to a children's home, but within six months, 'R' adopted her. E's first adoption was possible because her mother paid an older woman to take the child, a situation rife with potential dangers. Nevertheless, E survived to school age when she again faced an uncertain future. Her second adoption presumably saved her from further instability.³⁷

Ironically, the 'permanence' of adoption sometimes meant more, rather than fewer, changes for children, due to custody disputes. Adoptive parents had few legal rights before 1927, though charities and workhouses could help them intimidate poor parents. 'M' was six years old when she went to the CEWSS. Her mother, 'S', died when she was four, and her brother, 18, was caring for her in 'one of the lowest dens in Scarbro [sic]...' when the local NSPCC intervened. M was unusual in that both maternal and paternal kin cared about her. Her brothers regarded her as their responsibility, and her father, 'H', a docker, acknowledged paternity. Indeed, after the NSPCC took M from her brother in Scarborough, M's father wrote to the CEWSS to ask about her. The NSPCC intimidated H into signing away his rights, but he still stayed in touch. In 1894, he explained that he had not visited because, 'I have been laid up with an accident from the Docks at Hull...[but that] I have got a Sister in Leeds and she can visit her at times...' In part to separate her from her relatives, M went to a foster mother, 'Mrs H', who adopted her in 1900. M, then, lived with her mother and father, then her brother, then with a foster/adoptive mother, all by the age of six; her transitions were because people cared about her, not because they did not.³⁸

Workhouses also arranged adoptions, which also meant more transitions. The Cambridge Union had some stranger 'adoptions,' though this was not the norm. Henry Garmon, born 1909, was the son of a single mother, and he was adopted by the Shearmans in 1916. Unfortunately, in 1924, when he was still in school, Mrs Shearman died, and his adopted

father ran away a few months later. Henry was left 'destitute,' and returned to the workhouse.³⁹ The Cardiff Union, with its much higher population of children, used its Children's Home Visiting Committee to oversee adoptions. 'Adopted' children were usually orphans, or, in the case of illegitimate children, had lost their mothers. The Children's Home Visiting Committee reported in October 1908 that both Emily Battestini, nine, and Olive John, ten, illegitimate orphans, were adopted by new families. Emily went to James Okey, while Olive stayed with Even Williams 'with whom her mother formerly placed her for some time.'⁴⁰ Relatives also appeared as adopters; Miss Darling was allowed to adopt William Yates, her nephew, in 1910 after she had fostered him.⁴¹ However, relatives did not automatically get acceptance. In 1920, RH John, aged 20, asked to adopt his half-sister, Hetty, who was only two, but the CHVC turned him down, since a Mrs Hamblin had already taken her.⁴² Maternal and female relatives predominated in workhouse adoptions; the father of the children had little influence on their fates, and males were not seen as suitable adopters for little girls.

Adoptions mixed with fostering, with children going back and forth between different types of homes; in addition, some children were adopted and re-adopted. Given the number of difficult transitions, children benefitted if organizations offered oversight or regulation. 'F' was born in 1878, and her mother advertised for someone to adopt her privately. A woman who had just lost her own child set up an appointment at a train station. Though the mother did not appear, a small child was on the platform when the train departed. Rather than leave the girl alone, the woman adopted her. In January 1888, F's adopted mother became seriously ill, and she arranged the future care of her daughter, now ten, with her vicar. The CEWSS accepted F, and her mother died a few months later. The CEWSS then found a foster family for her. Correspondence from 1901 and 1916 indicated that her foster parents had given her a 'happy home.' According to them, she 'never caused them a minute of trouble was a good girl...' F was fortunate; her mother's use of a newspaper advertisement and her adopted mother's early death both could have put her in serious danger.⁴³ The adoptive mother's use of the CEWSS, which vetted the foster parents, meant she ended up in another good home.

Without this kind of regulation, adoption was full of pitfalls. Unwanted children went from person to person with shocking ease; these movements only came to the attention of the authorities if something went badly wrong. Otherwise, records mention adoption casually, as if it were beside the point. For instance, Mrs Perry, in 1885, appealed

to the magistrate's court in Westminster about her daughter's disappearance. When questioned, she admitted that the 12-year-old girl was adopted. Perry found her walking alone in the snow ten years before and had taken her home. No one questioned her right to take the child off the streets, just as no one had objected to F's adopted mother taking her home from the train station.⁴⁴ In these two cases, the children benefitted from the kindness of strangers, but this was happenstance.

Indeed, in contrast to the happy examples, legal records show dire consequences for illegitimate children left to the mercy of unregulated adoption and parental indifference. In April 1890, Charles Nation, a coachman, answered an advertisement which asked for 'some kind person to adopt a child.' Nation met with a 'Miss Brown,' who handed over a two-year-old girl. Nation and his wife kept her only 13 months; they then advertised to have her re-adopted. Nation later claimed that he got a hundred offers for the little girl, now aged three. The Broughtons eventually took her; they were an odd choice, as George Broughton was 19 and Ann Broughton close to 70. Though Ann had once had a legacy, the couple had spent it, and George lived with his mother, giving his wife a small weekly sum. When Edith lived with her 'father,' she got adequate food, but her 'mother' was too infirm to take good care of her. When Edith went to stay with her mother permanently, she entered a terminal decline, and she died of starvation at the age of five. The Coroner concluded at the inquest: '... a more horrible or painful case than this had never come within his experience. It plainly showed the facility with which illegitimate children could be passed from hand to hand without any registration... whatsoever.' In the end, Ann served six weeks for neglect and George got off entirely. The Nations faced no charges, nor did Edith's biological family. They had, after all, not committed any crimes.⁴⁵

Though many adoptive parents offered excellent homes to 'orphaned' children, then, unregulated adoptions had potentially deadly consequences; some seemingly excellent adoptive parents had hidden, and serious, weaknesses. In 1912, a childless couple, the Stantons, went to a private agency run by a Mrs Robson to adopt a child. They took a three-year-old girl named Winifred Tombs, the illegitimate child of a servant. Though the Stantons were perfectly respectable, Emily Stanton was unable to adjust to mothering a child with Winifred's insecurities. In particular, Winifred (now called Ena) had great difficulty with potty training. In October 1913, Mrs Stanton found dirtied blankets yet again, became enraged, and strangled Ena to death. In the subsequent trial, her fondness for her adopted daughter was clear, but she did not have the patience to handle the difficulties of a traumatized girl. Fortunately for

her, the defence barrister stressed her lack of financial gain, helping to convince the jury of her insanity.⁴⁶

Clearly, circulating children had dangers even without a profit motive; adding financial incentives made tragedies all but inevitable. Some people took in as many children as possible for payment, making child adoption a business (called 'baby-farming'). At the worst, criminal baby-farmers either neglected the children until they died, or they re-sold them to other adopters at a profit. In this way they differed from poor foster mothers who got into trouble, since most foster mothers broke the law in minor ways – for example, by taking in too many children at a time – but meant no harm and made only small sums. Criminal baby-farmers used a 'business' model to enhance their gains. A good example was the case of John and Catherine Barns. The Barnses either answered advertisements offering children for adoption, or they put in ads themselves, asking to adopt children 'for a premium'. They then made arrangements with mothers to exchange the children. After they had the infants, they 'either parted with them to others for a lesser sum or pawned their clothes and wilfully neglected them in order that they might die'. When neighbours informed on them, investigators found three children near death in the house, none of whom were biologically related to their 'parents.' Two of the three died in the workhouse.⁴⁷

The details of the Barnses' dealings with the parents show how easily illegitimate children moved from person to person. For instance, Alice Rodenhurst testified that after she gave birth to an illegitimate girl, the putative father advertised for an adopter, and Catherine contacted her, calling herself Mrs Hamilton. 'Hamilton' signed an agreement which read, 'I agree to take your little girl for ever and to bring it up as my own for £30, and never to trouble any one belonging to her from this day.' Samuel Blyth told a similar story; he paid £15 to Catherine to take a baby girl; Catherine, acting under the name of 'Mrs Hall,' agreed to bring her up. Elizabeth Thompson gave her child, born October 1878, to a Mrs 'Hampson' in March 1879 for only £5. The Barnses subsequently fostered the girl out to Fanny Devine, paying her 5s a week for four weeks. They took the child back for two months, and then returned it to Fanny. Devine then nursed the child until the authorities found her mother. In two years, this baby had gone from her mother, to a foster mother, to the Barnses, to a second foster mother, back to the Barnses, back to the second foster mother, then to her mother again. Only at the end of these travels did anyone raise an alarm. The only child the Barnses kept for any length of time was Maria Louisa Waller, thirteen, who helped them. She was not their biological child either; her parents

had paid the Barnses £60 to take her in 1873. Both husband and wife received sentences of life in prison for manslaughter (serving twenty years); poor Maria's fate went unrecorded.⁴⁸

The Barnses' trial was a major scandal, given that they ran a business in baby adoption for ten years without detection. One of the main reasons they evaded detection was the wilful ignorance and silence of the babies' parents as well as many of the authorities supposedly regulating childcare. As *The Times* explained, 'Almost all the children which have formed the subject of correspondence with the prisoners have been of illegitimate birth, and the parents have, naturally enough, shown the greatest disinclination to come forward.'⁴⁹ The historian has no way of knowing how complicit the mothers and fathers were in the deaths of their children, but those who sold the child for £5 must have known this sum was not adequate. Further, the Victorian authorities' insistence that mothers support illegitimate children made such tragedies far more likely, but parliament made only minor changes to the affiliation laws before 1929. Unsurprisingly, though the press urged reform, such cases continued to crop up in subsequent years.⁵⁰

In 1891, Joseph and Annie Roodhouse were arraigned on charges of taking in infants 'under the pretence of adopting the infants, but in reality with the intention of disposing of them afterwards'. The Roodhouses 'adopted' babies from mothers, then advertised for re-adoptions. The mothers paid the Roodhouses lump sums. Martha Nodes, for instance, testified that she adopted a baby girl in October 1890 from the Roodhouses and kept her until the investigation broke. Nodes took the baby for no payment and with only the clothes she was wearing; the Roodhouses had kept the premium and had pawned the extra clothing the baby's mother provided. Annie supplied false references, but only one of the witnesses, a doctor's wife, insisted on an address before handing over the baby of one of her husband's patients. Most of the mothers paid between £3 and £15 and asked no questions. Eventually, one mother made enquiries about her child, and when the Roodhouses could not give satisfactory answers, called in the police. When arrested, the couple had the addresses of over a hundred women; the prosecution identified 35 separate children who passed through their home at a profit of over £250. Nevertheless, they were convicted only of making money under false pretences.⁵¹

Another way adopters swindled women was to take premiums for the children, foster them out to nurses for a small weekly sum, and then abscond, leaving the nurses with the babies and no way to trace the 'parents.' This was the pattern of Herbert Smith and Lottie Roberts,

who received £166 from various women for their babies' adoptions. All of these children went out to nurses, who received only two or three payments before Herbert and Lottie disappeared. The couple had treated their own baby the same way, putting it out to nurse and then deserting it. They were finally caught after one client became suspicious when Roberts' 'address' turned out to be a letter call office. At first the police believed the child to be dead, but they soon traced it to a nurse in Lincoln. The fact that so many of these infants survived, in fact, is a testament to the generosity of the nurses, who kept taking care of the infants without any pay, undoubtedly a hardship for most of them.⁵² Relatives anxious to get rid of embarrassing children rarely examined the 'adopters' closely enough, at a steep cost to the babies involved in the traffic.

As Cohen points out, secrecy was a major part of all adoptions. The family of the mother, mortified by her 'fall,' preferred the child not be traceable to them. The adopters, including those who had only kind intentions, wanted the child to be their own and never to know about his/her status. Those with only financial motives clearly wished to erase the children's identities to avoid prosecution. For their own parts, charity workers and workhouse guardians preferred to protect the children against blood relatives who might pull them back down to 'unrespectability' rather than investigating adopters carefully enough. All these issues militated against children knowing their biological families while also limiting government oversight. For some children, the results were positive, but for others this system made for quick, anonymous deaths. And for all, child circulation had a number of complex results.

Results

Fostering and adoption were preferable to life in institutions for most illegitimate children. Workhouses, orphanages, and charity homes offered food and shelter, but lacked the personal touch. All the same, this choice came with drawbacks, including constant disruptions and life-long insecurities for the children. Nalden and Hatcher, for example, both complained of feelings of inferiority, and Emma Smith, given to abusive foster parents at age six, had a serious enough depression that she twice attempted suicide. Another common reaction was to become aggressive and angry. Dorothy Hatcher attributed her bad behaviour in school to the constant movement in her life: 'I had spent four years of life going from pillar to post and it took a long, long time for me to adjust; in fact it has taken the best part of my life.'⁵³

Happy fostering families were saviours of children, but the fragility of the connection led to insecurity. 'E', whose foster parents fought with his mother for custody, lived in fear for years. The local worker, Miss Fell, wrote to the CEWSS directors that every month she arrived with the money to support him, E 'is in terror lest he should be sent back & it has been piteous to see him cry for joy & cling to Mrs P each time I have brought him a month's reprieve through the kindness of friends'. When he was re-instituted with the CEWSS in February 1893, Fell explained, 'one of E's troubles has been to think that he was no longer "The Society's Boy." ...poor E was greatly troubled about it'. In the end, he got the family he wanted, but only after a long period of uncertainty.⁵⁴ And his story was one of the happier ones. Poor Winifred Tombs, whose insecurities manifested with bed-wetting, paid a steep price for her inability to adjust to the transitions she faced.

Conversely, children who remembered their blood families also had trouble reconciling themselves to the loss of kin or felt guilty for leaving them. Hatcher never entirely reconciled with her mother, who, in turn, was ill at ease around her daughter. Hatcher claimed, 'I did have a guilty feeling because I could never feel for her in the same way as I had for Auntie Bea when she had been alive.'⁵⁵ And, for some, an adopted family was simply not the same as 'real' family. M, adopted by Mrs H in 1900, nevertheless wrote to the CEWSS in 1907, asking about her kin. (M was the child whose father and brothers took responsibility for her.) Apparently, her father had indeed persuaded his sister to visit M, and M had not forgotten:

As you know I feel awful lonly [*sic*] by myself it is nice to feel you have some one belonging to you for I know I have an aunt for as young as I was I remember her coming to see me and if I rightly remember her name was Mrs. Lion... I should know about someone belonging to me.⁵⁶

The CEWSS did not give M any help in her quest, feeling she was better off looking to them for guidance. But longing for blood kin was not unusual, even in happy adoptions. Cohen's work highlighted the Litchfields, whose daughter, late in life, sought out her brother, despite her happy home life. She, too, was turned away without the information she requested.⁵⁷ Children felt guilty about wanting someone who 'belonged' to them, but they experienced the need all the same.

Studies of adoption have centred on frankly abusive practices, as in baby-farming, or on individual cases that showed a wide variety

of results for children.⁵⁸ Certainly these children suffered abuse and neglect from unscrupulous nurses or adopters, and trials highlighted their suffering. However, using a wider range of sources has shown the immense variety of fostering and adoptive practices in this period, especially for illegitimate children. Cohen's work is one of the few to centre on an institution with widespread adoption, and her examples agree with those in this chapter that adoption and fostering had unpredictably wide effects. As she points out, some children shrugged off knowledge of their adoptions and illegitimacy, while others were shocked and horrified. The differences could not be explained by the happiness or unhappiness of the adopted home, class, gender or age issues, but by the resilience or lack of it of individuals.⁵⁹ Undoubtedly, many of these boys and girls benefitted from fostering and adoptions, but these relationships lacked legal support, and regulations often failed to protect the children involved. Institutional fostering and adoption had more safeguards, but the very rules meant to protect children resulted in further traumatic transitions for them. Well-meaning reformers' efforts to improve children's lives caused the constant changes that led to confusion and insecurity.

Fictive kin also show clearly that parenting was a social and economic activity, not simply a personal one. Women (especially) banded together to find homes for illegitimate children; given their economic weaknesses, they had to improvise less-than-ideal solutions. Without a male breadwinner, a child had limited options for care. This was true of orphans as well, though a poor widow had more charitable support than a 'fallen' woman. As a result, poor nurses did a great deal of early childcare, informally or formally, over this period. Though legal records have negative stories, other sources show how crucial foster mothers were to children's growth and development, and kindness outpaced cruelty overall. Once charities and workhouses began fostering, the need for 'other' mothers and fathers only grew. In the end, their successes or failures influenced the lives of untold numbers of children.

8

The context of illegitimacy from the 1920s to the 1960s

*Rebecca Probert*¹

Introduction

The mid twentieth century was what some have described – whether nostalgically or ironically – as a golden age of marriage and the family. In the first decades of the century only around one-quarter of women had married by their twenty-fifth birthday, and around 15 per cent could expect to remain single all their lives.² By contrast, from the 1930s to the late 1960s the overall proportion of women who were married rose, and the number who married at a young age rose dramatically.³ Yet the proportion of births outside marriage was rising even as marriage was seemingly becoming more popular. Indeed, it was in the 1960s, as the age of marriage fell and overall marriage rates rose, that the illegitimacy ratio increased most significantly, from 6.9 per cent in the first half of the decade to an unprecedented 8.3 per cent in the second half.

In trying to reconcile these different trends, and to assess the extent to which cohabitation outside marriage played a role, the historian of this period has the luxury of drawing on a far wider range of sources than those available for earlier centuries. New methods of gathering data on a whole range of topics were emerging: Mass Observation instigated surveys and motivated many to keep diaries, while detailed sociological studies of communities also began to be carried out. And, since the period falls within living memory, further information can be gleaned from questions that were asked of this generation in later years.

Such studies provide invaluable – if not always easy to interpret – evidence about the relationship between births outside marriage and cohabitation from the 1920s to the 1960s. But it is always essential to place information on a specific point in the context of general trends and to explore any apparent inconsistencies between the two: on the

one hand, the results from any given study may need to be confined to their own particular context (whether in terms of location, occupation, or age range); or, alternatively, the insights gained from more detailed and qualitative data may give us a different and more nuanced view of the broader trends.

This chapter accordingly begins by examining the centrality of marriage in this period, which was reflected both in the constraints on sexual relationships outside marriage and the tendency for any pregnancies resulting from such relationships to be swiftly followed by a marriage. It then goes on to look at the circumstances in which a marriage might not follow, and the context in which unmarried mothers gave birth. The options for the unmarried mother after the birth are then explored, since the extent of the resort to adoption, or, alternatively, the reliance on family members, has the potential to illuminate the nature of the relationship (or lack thereof) between the parents. With this background in place, a number of contemporary studies of births outside marriage in various urban areas that found a significant proportion of mothers-to-be cohabiting with the father of the child will be assessed.

The centrality of marriage

The centrality of marriage in this period is attested not only by the statistics on the number and proportion that married, but also by contemporary evidence of individuals' expectations. As the heroine of E.M. Delafield's 1932 novel *Thank Heaven Fasting* mused, '[s]he could never, looking backwards, remember a time when she had not known that a woman's failure or success in life depended entirely upon whether or not she succeeded in getting a husband.'⁴ Marriage was not only the norm, but was being entered into at an increasingly young age.⁵ Between 1929 and 1939 around 50,000–60,000 girls were married each year before they were 21.⁶ By 1961, 59 per cent of women under 25 were married, more than double the proportion three decades earlier, and the average age was to fall still further in the 1960s.⁷

It is unsurprising, then, that the hundred or so working-class teenage girls interviewed by Pearl Jephcott in the late 1940s 'were very much alive to the fact that they would possibly be getting married within two or three years' time and be having a baby within a year or so later'.⁸ Similar aspirations and assumptions were expressed in other surveys.⁹ In one exercise carried out in 1961, Joseph noted that 90 per cent of the 600 teenage girls who had been asked to write essays imagining their

future lives wrote about their marriage.¹⁰ Nor was this merely a female expectation: when Wilmott interviewed teenage boys in East London in the early 1960s, 91 per cent of them expected to get married, with over a quarter saying that it was 'natural' or (perhaps less positively) 'inevitable'.¹¹

Even as late as the mid-1960s, a survey of almost 2000 older teenagers found that very few rejected marriage: only 1 per cent of girls, 6 per cent of the younger boys and 3 per cent of the older boys said that they did not want to marry.¹² Similarly, in Leonard's in-depth study of 50 couples getting married in Swansea at the end of the 1960s, the key decision had been who and when to marry, not whether.¹³ As Denis Marsden noted in his study of lone mothers, even 'the girls who slipped into and out of sexual relationships and cohabitation were still hoping for marriage'.¹⁴

Yet, as that last account hints, the expectation and hope of marriage is not necessarily incompatible with less traditional behaviour. The falling age at marriage was not due solely to youngsters' enthusiasm for the wedded state but, as Leete put it, the 'desire for earlier sexual relations, with marriage being the most socially acceptable way of fulfilling this desire'.¹⁵

Given the constraints on engaging in sex *before* marriage this was unsurprising. In Woodside's 1946 sample of couples, '[m]any were frank that they had only been deterred by fear of consequences or lack of opportunity'.¹⁶ The fact that the vast majority lived at home until they married was one major constraint: Rosser and Harris, in their study of one South Wales community, found that of the 1250 married couples in their sample, only 8.5 per cent of the men and 3 per cent of the women had not been living with their parents at marriage.¹⁷ Leonard, finding similar patterns in her sample of couples getting married in Swansea at the end of the 1960s, noted that 'for the young people concerned, not having any private, comfortable courting venue makes a home (or even a room) of their own and a marital bed seem delightful'.¹⁸ By way of contrast, respondents to another survey recalled popular places for couples to meet as including the cemetery, the bus station and the gas works – the latter being 'a favourite spot because you had a nice warm wall to lean up'.¹⁹

Even if couples were able to snatch a moment or two of privacy, fear of the consequences of engaging in a sexual relationship might still act as a deterrent. Lack of access to birth control remained a perennial problem for the unmarried: as Hall has noted, 'given the problems even married couples of the period had in coming to terms with the very idea of contraception, as well as its practicalities, it may be doubted whether it

was a significant element for unmarried couples except in fairly sophisticated circles'.²⁰ Marie Stopes, for example, was 'vehemently opposed... to any suggestion that unmarried girls, even those who were to be married immediately, should be permitted to obtain birth control advice'.²¹

Those who were about to be married might, however, be willing to take the risk of engaging in a sexual relationship without contraception. Certainly the studies carried out at the time suggest that many individuals regarded sexual relationships between engaged couples as acceptable. Jephcott, in her interviews with teenage girls, noted that the 'traditional view' that sex was permissible for couples who were engaged 'still seems to be widely held among the girls'.²² The ambiguities as to what was acceptable were nicely captured in a BBC radio discussion involving a group of young people: one girl 'broke in to say (with others murmuring agreement), "Sexual intercourse before marriage would be wrong if it's just anyone. If it's the chap you're going to marry, that's different. It isn't quite right, but it isn't exactly wrong."'²³ Such ambiguous attitudes were reflected in the divergence between professed views and practice: Woodside, for example, found that of her 200 couples, 115 husbands and 47 wives admitted to pre-marital sexual intercourse, either with their spouse or someone else, even though 'sex during courtship was generally deprecated'.²⁴ As one respondent to 'Little Kinsey' bluntly put it, 'Just because I do it, I don't think it's right'.²⁵

So while it would seem that only a minority engaged in sex before marriage in the first half of the twentieth century,²⁶ it was a large minority, and in the wake of the Second World War attitudes began to change. Surveys like 'Little Kinsey' both captured and normalized sexual experiences before marriage, finding as it did that over half of the married members of its National Panel 'had experienced sexual intercourse with someone, fiancé or otherwise, before marriage'.²⁷ This perhaps overestimated the extent of extra-marital sex (since the National Panel, despite its name, was not a nationally representative sample but rather those who volunteered to write regular bulletins for the organization and who were both 'below average in religious beliefs and ties, and above average in educational level and Leftish politics'²⁸) but this was not likely to blunt its impact.²⁹ Other surveys found higher rates of pre-marital sex among those with higher incomes,³⁰ and lower rates among the population as a whole: as Gorer emphasized in his 1951 survey *Exploring English Character*,

half the married population of England, men and women alike, state that they have had no relationship, either before or after marriage,

with any person other than their spouse, and that the numbers are even greater in the working classes.³¹

Yet Gorer's study – despite the coyness of some of the questions – itself reflected the greater discussion about sexual attitudes and practices in this period and was part of the changing atmosphere.

There were also developments that potentially removed one of the main inhibitions to sex before marriage. By the late 1950s, condoms were becoming an easier option, both in terms of their availability and their comfort,³² while for girls there was at least the possibility of borrowing a wedding-ring to obtain contraceptive devices from the increasing number of birth-control clinics.³³ And 'progressive liberal opinion' had begun to suggest 'that sex before marriage... might actually make for better relationships within marriage'.³⁴ Attitudes that had been expressed by a few in earlier decades were now being embraced to a far greater extent.³⁵ The post-war babies were beginning to hit puberty, bigger and stronger than earlier generations because of free school milk and welfare-state orange juice, and to a soundtrack of rock and roll.³⁶ The National Survey of Sexual Attitudes and Lifestyles subsequently found that the age at first intercourse fell from 21 to 19 between 1954 and 1962.³⁷

At the same time, the proportion of births outside marriage remained relatively low throughout the middle years of the twentieth century – at least in peacetime – on account of the strong expectation that marriage would follow if a girl got pregnant.³⁸ It was calculated that in 1938 just over 70 per cent of all extra-maritally conceived maternities were legitimated by the marriage of the parents before the birth of the child.³⁹ As Jennifer Worth recalled of the East End in the 1950s, 'the pressure on the young man to marry her was so great that few resisted'.⁴⁰ Such pressure existed across the social scale: Joan Bakewell remembered two Cambridge contemporaries who married when the girl was six months pregnant (she was sent down, he stayed on to take his degree),⁴¹ while Mass Observation diarist Nella Last noted that the town clerk had started badly 'when public opinion practically forced him to marry a hairdresser who was expecting his baby'.⁴²

For the majority of the period, then, any portents of the coming sexual revolution were obscured by the strength of marriage as an institution. But even in the period recalled by these individuals, things were beginning to change.

Births outside marriage

Pregnancies that did not lead to a marriage

There were of course, as there always had been, a number of pregnancies that were *not* followed by a marriage. Both the number and proportion of births outside marriage had remained low throughout the 1930s, as economic hardship and the threat of unemployment provided incentives for restraint. The subsequent spike in the number and proportion of births outside marriage during the Second World War owed less to the war-time casting off of inhibitions than to the impracticality of covering up a pregnancy by a marriage once the father had been posted overseas: the proportion of pre-nuptial pregnancies actually fell.⁴³ The entry made by Nella Last in her Mass Observation diary for 19 November 1940 was intended to demonstrate sympathy but in fact illustrated the concern and misery generated by a pregnancy that could not be legitimated in time:

Such a sad thing I heard today. A dear little girl of eighteen or nineteen is going to have a baby, and the father – an equally nice lad – is on his way out East. The mother ... looks crushed. I said, ‘My dear, standards are changing. Don’t worry too much or make your daughter unhappy – it’s just one of those dreadful things that happen.’⁴⁴

In addition, some married women had illegitimate children while their husbands were away, and clearly were unable to marry the father.⁴⁵

Tellingly, in the late 1940s, as the illegitimacy ratio fell back from its war-time high,⁴⁶ the percentage of *legitimate* first births that had been pre-maritally conceived rose again.⁴⁷ Even so, during the supposedly conservative 1950s the proportion of births outside marriage was in fact higher than in earlier peacetime decades – especially if one looks at the illegitimacy *rate* rather than the ratio.⁴⁸ Gallwey’s analysis of oral testimonies from five women who found themselves pregnant and unmarried in the 1950s and early 1960s illustrates the types of situations that might have contributed to this rise. She found that ‘an expectation of marriage framed pre-marital sexual relationships’,⁴⁹ with one of those interviewed recalling that:

I resisted to begin with of course, but I was very much in love with him and I couldn’t resist much longer and our relationship did seem as though it was going to go into the long-term. I saw marriage on the horizon with him so I thought that it was probably okay, I was

quite safe, and he would take good care of me if anything happened... . We had talked about marriage and he bought me a ring!⁵⁰

Yet of the five interviewees, only one went on to marry the father. For a second there was no question of marriage, as the father was an older relative who was sent to prison. For the other three their fiancé's reaction was to break off the relationship. As one recalled '[h]e just went completely cold on me, he changed and that was it, that was the end'.⁵¹ Another broke off the relationship after agreeing that the wedding would be brought forward, while in the final case it seemed to have been the disapproval of the boy's parents that hindered any marriage.

There was also increased questioning of whether a shotgun marriage was necessarily the best solution. Segal recalled herself as 'pregnant and fearful, blackmailed by both my parents', feeling that marrying was 'unprincipled and wrong'.⁵² In the early 1960s, Schofield's interviews with a representative sample of 1873 teenagers aged between 15 and 19 found that only a minority of those interviewed would contemplate marriage in the case of pregnancy: when asked 'What would you do if your girlfriend was going to have a baby?', 24 per cent of the younger boys and 35 per cent of the older boys said that they would offer to marry her, while in response to a similar question, a still smaller proportion, 16 per cent of the younger girls and 24 per cent of the older ones said that they would try to marry the father.⁵³ While the low levels might be explicable by the young age of the interviewees and the fact that this was for the moment an abstract question, Schofield seems to have felt that it might in fact be too high, commenting that '[u]nfortunately it is by no means clear that the shot-gun marriage is always the right solution to this problem'.⁵⁴ By the late 1960s, the percentage of extra-maritally conceived maternities that were legitimated by the marriage of the parents before the birth of the child had fallen to a little over half.⁵⁵

Claire Langhamer's recent work on the emotional revolution of the mid twentieth century has shown how it 'not only pre-dated any sexual revolution' but also 'provided the necessary conditions for such change'.⁵⁶ Love, in short, became seen as an acceptable reason for engaging in sex in the hope and expectation that it would lead to marriage, and its lack as a justifiable reason for refusing to marry in response to a pregnancy.⁵⁷ As Margaret Smith recalled, the father of her unborn child had simply told her parents 'I don't love her enough to marry her'.⁵⁸

There is little indication in any accounts from this period that setting up home unmarried in order to test the relationship might be an acceptable alternative. So what happened to those who did not marry?

Giving birth

Despite the growing awareness of, and organizational support for, unmarried mothers,⁵⁹ the stories of some twentieth-century women differ little from those of their Victorian counterparts.⁶⁰ One investigator recorded her wanderings in what she termed – with a nod to earlier commentators – ‘darkest London’: finding herself at a Salvation Army shelter, she was asked by another woman whether she was going to have a baby – ‘Most of us are, here.’⁶¹ That institution was at least less moralistic than some: as Chesterton noted, ‘[p]laces there are, blasphemous with the title of Home for Fallen Women, where the unmarried mother is preached at all day, and crucified at night on a hard mattress and a harder pillow’.⁶²

By the 1950s, mother-and-baby homes had replaced the workhouse,⁶³ but the experiences of unmarried mothers were not always any more positive. Gallwey has noted that ‘the Mother and Baby Homes of the 1950s carried with them a stigma associated with the pre-war world of poor relief and incarceration, as well as the continuation of a punitive ethic in relation to women’s illicit sexuality’.⁶⁴ Expectant mothers might be required to scrub and polish the building.⁶⁵ As one recalled ‘[n]o one was unkind, just the system, and the pity and the knowing looks’.⁶⁶ Some entered the home just for the birth, others arrived months earlier in order to hide the very fact that they were pregnant.⁶⁷ Official condemnation seems to have continued throughout the 1960s,⁶⁸ and Gallwey similarly noted ‘very little change between the testimonies of the interviewees who entered Mother and Baby Homes in the 1950s and those who entered them in the 1960s’.⁶⁹

At the same time, more positive images of lone motherhood were beginning to emerge in literature.⁷⁰ At the very least, as Adam put it, the unmarried mother of the 1960s was seen as ‘bored and irritable rather than tragic’.⁷¹ She was, however, still very much a *lone* mother, and this was reflected in the way in which the child was brought up, as the next two sections will show.

The resort to adoption

The desire to provide a home for children born outside marriage was one of the drivers behind the enactment in legislation in 1926 allowing for court-sanctioned adoptions to effect a transfer of the child’s legal parentage.⁷² This also meant that statistics began to be collected on the number of adoption orders made. But interpreting the official figures poses a number of challenges. It is one thing to compare the number

of formal adoptions with the number of births outside marriage in any given year, but the practice of mothers adopting their own babies also needs to be taken into account, as does the number of legitimate children who were adopted.⁷³ On the former point, Ferguson and Fitzgerald noted when writing in the 1950s, it had been estimated that 'about one-third of the orders provided for the adoption of children by their own mothers'.⁷⁴ As this indicates, concealment of the fact of illegitimacy did not always necessitate removal of a child from the mother. A circular issued by the Ministry of Health in 1943 made it clear 'that social workers should help unmarried mothers keep their children, and only in "special" cases give advice about adopting'.⁷⁵

Nonetheless, it is clear that many babies were adopted by new, almost invariably married, parents. In one survey carried out in the first six months of 1945, 15 per cent of illegitimate babies were separated from their mothers, with the vast majority of these adopted, a smaller proportion being fostered, and a still smaller group being placed in residential homes. Individuals recalled the pressure placed on young mothers to agree to adoptions,⁷⁶ and the practical problems of bringing up a child alone led many others to take this course. Middle-class girls might be particularly desirous of concealing the fact that they had had a child.⁷⁷ And despite the occasional novel depicting young women raising their children alone, the 1960s saw the number of non-parental adoptions of illegitimate children rising to a historic peak in 1968.⁷⁸

Brought up by kin

A more common option, however, was for the child to be brought up by the mother with the support of her family.⁷⁹ Winifred Foley recalled of her childhood in the Forest of Dean in the 1920s that in the rare event of a village girl coming home from service 'in trouble', she was forgiven and taken back: '[o]ne more younger child had to sleep at the bottom of the bed to make room for her return, and the family food was shared out a little thinner'.⁸⁰ In the 1930s Mary Hewins' working-class family happily absorbed her illegitimate child, despite the fact that the vicar 'threatened the whole family with eviction from the schoolhouse if Mary and the baby did not leave'; luckily 'the doctor ordered that she remain'.⁸¹ Even those who initially insisted on their illegitimate grandchild being adopted might change their mind after the birth. Gallwey gives the example of Doris, 'whose father, although resolved about adoption when Doris was pregnant, became emotionally attached to his grandchild after the birth and allowed them to live in the family home'.⁸²

A survey involving 7500 illegitimate births carried out in the first six months of 1945 found that 81 per cent of the babies remained with their mothers; of these 59 per cent were taken to grandparents or near relatives. The survey does need to be treated with some caution, given that the figures were based on informal inquiry of Medical Officers of Health across the country and that it was explicitly acknowledged that the figures had been 'roughly calculated' for the meeting at which they were presented.⁸³ The wartime context might also have made a difference. A later survey of the background of 3444 mothers helped by the National Council for the Unmarried Mother and her Child in 1953 found a smaller percentage of such women living at home with parents or other relations, but at 40.8 per cent it was still a substantial figure.⁸⁴

The extent of support by kin on the one hand and the resort to adoption on the other tells us a considerable amount about the choices available to unmarried mothers. Neither option is entirely incompatible with cohabitation – there were, after all, mothers who gave up their children for adoption *because* they were living in a cohabiting relationship,⁸⁵ as well as those who cohabited with the child's father in the family home. Nonetheless, what we know about the context of non-marital child-bearing is not suggestive of an environment in which cohabitation was widely tolerated.

Cohabitation

It is against this background that we should review some of the contemporary studies of urban areas that might seem to suggest far higher levels of cohabitation. One early estimate came from the Medical Officer of Health in Manchester, who wrote in his annual report for 1938 that '35 per cent of the parents who bore illegitimate children in 1933 were cohabiting stably', usually because one or both were still married to someone else.⁸⁶ In the wake of the Second World War, studies examining the social conditions of those born outside marriage began to be carried out in a number of locations. Spence's study of families in Newcastle found that just under 6 per cent of a sample of 1142 infants born in Newcastle in 1947 were illegitimate; of these 67 children, only 27 were living with both parents 'as members of unofficial families.'⁸⁷ A follow-up study carried out five years later was only able to trace 35 of the 67 and revealed a fluid and complex picture, with 11 of those who had been living in unofficial families having left the city altogether, but a further five cases where the father was living in the same house as the mother and grandparent(s).⁸⁸ Twelve of the 19 single mothers had

married – eight to the father of their child, four to someone else – while six of the 13 married mothers had divorced and remarried, while the other seven ‘continued to live in an unofficial family’.⁸⁹

Another study, this time carried out in Leicester in 1949, focused solely on illegitimate children and found that around half of the mothers were living with the father at the time that the child was conceived.⁹⁰ Cohabitation was more common if the couple were unable to marry: 32 per cent of the single mothers, but 75 per cent of the once-married (i.e. those who were still married to a third party, separated, or divorced), were living with the father.⁹¹ Class differences were also evident, with rates of cohabitation being almost exactly twice as high among unskilled workers as among professional and salaried workers.⁹² When the sample was followed up five years later, the Medical Officer of Health summarized the position as being that ‘[v]ery broadly... for every 100 illegitimate children whose records are available, approximately 30 of the mothers are at the end of five years married, and 40 are cohabiting’.⁹³ The remainder were split equally between those who had parted with their child and those who were raising the child without the support of a father.

A further study, from Birmingham in 1955, found even higher levels of cohabitation among unmarried mothers: of the 650 illegitimate births in that year that were known to the Maternity and Child Welfare Department, 54 per cent ‘were living with the putative father as a complete family unit’.⁹⁴

So how do these studies fit with the other evidence about the position of unmarried mothers in this period? One point that should be noted is that all of these studies focused on urban areas, where it was more feasible to set up home together without the neighbours knowing one’s marital status. Other studies that covered a broader range of areas found lower levels of cohabitation, although these pose their own methodological problems on account of the way in which the data was collected. The 1945 survey of illegitimate births that relied on information from Medical Officers of Health across the country has already been mentioned; of the 81 per cent of babies who remained with their mothers, 24 per cent ‘went with the mother to the putative father, or to her own home... or were taken out of the district by the mother’.⁹⁵ It would have been helpful had these three groups been disaggregated, but then contemporary commentators do not seem to have been particularly interested in unmarried *fatherhood*.⁹⁶ All one can say is that it seems to suggest a lower level of cohabitation than the urban studies – but then it was carried out in wartime, when men who might otherwise have been cohabiting could well have been away.

Greenland's careful analysis of those mothers who contacted the National Council for the Unmarried Mother and Her Child in the early 1950s is not subject to these objections; however, it too poses challenges of interpretation. When looking at the status of the mother, he categorized them as single (82.9 per cent), engaged (0.9 per cent), separated and divorced (5.8 per cent), widowed (1.8 per cent), cohabiting (2 per cent) and not stated (4.2 per cent); scaling up the other statistics to take account of those who gave no information gave the proportion cohabiting as 2.2 per cent.⁹⁷ Unhelpfully, when he went on to look at the mothers' places of residence, he omitted the category of cohabiting altogether.⁹⁸ It is likely that at least some of those in the category of 'other' (7.3 per cent) or 'not stated' (16.5 per cent) were indeed living with a partner, but it would be rash to assume that all of them were doing so. Yet again we need to take into account the base sample from which these figures are drawn: while they may tell us that only a tiny proportion of those who contacted the National Council were cohabiting, these mothers were not necessarily representative of *all* unmarried mothers. For one thing, they tended to be younger than the average; for another, if a woman had the support of a cohabitant, would she contact the Council at all?

Not until the end of the 1950s do we have a national-level study that is not bedevilled by methodological problems of this kind. In 1958 the Perinatal Mortality Survey (later referred to as the National Child Development Study) was carried out. Out of a sample of 668 mothers of illegitimate children, 17 per cent were known to be cohabiting, whether on account of disclosure to the interviewers or because they had given the same address as the father when they registered the birth,⁹⁹ 64 per cent were known not to be cohabiting, and for 19 per cent the position was unknown. As with the earlier studies, however, the proportion of mothers cohabiting was significantly higher among the once-married (44 per cent) than among the unmarried.

Three years later, in 1961, a survey of illegitimate birth registrations carried out by the Registrar-General found that around 27 per cent of mothers in the sample as a whole, or 33 per cent of those traced, could be shown to be living with the father.¹⁰⁰ This was, it should be noted, lower than the percentage of such births that were registered by both parents in that year, and later studies have confirmed that not all of those who register a birth jointly are living together.

When combined with evidence from other sources,¹⁰¹ this suggests that the urban areas examined in the earlier studies had higher rates of cohabitation among the parents of illegitimate children than was the

case elsewhere. Yet when examined as a whole – and particularly when compared to the rarity of cohabitation in earlier decades and centuries – it is clear that there had been an increase in the number of parents of illegitimate children who were sharing a home.

Conclusion

So, while all the evidence suggests that the estimates of cohabitation from the various urban studies are too high, it would also seem that the period between the 1920s and the 1960s was the key period in which the relationship between births outside marriage and cohabitation began to shift: although even at the end of the period it was still the case that only a minority of births outside marriage could be attributed to a cohabiting relationship, it was a more substantial minority than ever before, and paved the way for the more dramatic changes that were to occur in the decades that followed.

9

Cohabitation and births outside marriage after 1970: A rapidly evolving phenomenon

John Haskey

Introduction

This chapter provides a new review of the trends in the prevalence of cohabitation and the incidence of births outside marriage, briefly tracing their historical development – and appraising the accuracy and completeness of the available early statistical information – as background to the momentous changes which accelerated from relatively low levels from the late 1960s and early 1970s. Not only was there a rapid increase at that point in both cohabitation and childbearing outside marriage, but also in other demographic series reflecting sexual behaviour and alternative living arrangements, such as lone parenthood, divorce, premarital cohabitation, and so on, which, collectively, has been termed ‘The Second Demographic Transition’ by demographers, hypothesizing that the explosion in each of these different measures has each formed part of an overall phenomenon which has shared common causes.

This chapter traces the changing proportions of women who were married or cohabiting, and shows how these developments have led to a substantial change in the profile of families over the past quarter of a century – relatively more cohabiting couples, and lone parent families, and relatively fewer married couple families. The chapter then reviews recent research on the circumstances of children born outside marriage (especially to unpartnered women) and of cohabiting couples, to illustrate the variety of circumstances of such children and adults, which the basic registration statistics are unable to reveal. Some findings on attitudes are also derived, giving an extra insight into observed demographic behaviour. The chapter concludes with an overview, and an evaluation of the significance of these major demographic changes, and discusses their possible future development.

Early national statistical data on illegitimacy

Civil registration of births started in England and Wales on 1 July 1837. In those early days, registration was incomplete, partly owing to the fact that it was the responsibility of registrars, rather than the parents, to register the birth, and it was difficult to ensure that parents, or a person present at the birth, informed the registrar. In addition, stillbirths did not have to be certified, and some illegitimate births (as they were then termed) were undoubtedly the victims of infanticide, and in such cases, neither the birth nor the death would have been recorded.

Illegitimacy was only detected if the name and surname of the father was not given at birth registration, or the father's name was different from the mother's. The mother was not asked if she was married. The only safeguard to the mother giving a false name – either for herself or that of a putative father – was that it constituted perjury. But in populated areas, a woman might suppose she could assume a name, or give the name of a father. Consequently, the statistics of illegitimate births must be considered as under-recorded from 1837 up to 1874; overall the understatement of all births has been estimated initially at 9 per cent, falling to 1 per cent. Others have estimated the understatement to be larger.

In 1875, a new Act transferred the onus for registering a birth from the registrar to the parents, or persons having charge of the child. It also ensured that, for illegitimate births, the putative father's name was only entered where the father attended the registrar with the mother and gave information jointly with her. From about 1876, therefore, the statistics are considered more reliable.

Also starting in 1875, stillbirths had to be certified, but many were certified by persons with no medical qualifications. Registration proper began in 1926, and the proportion of all stillbirths which were illegitimate stillbirths is thought to be reasonably reliable from that year.

Figure 9.1 shows, from 1876, the series of the proportion of all live births which were illegitimate births, and also the number of illegitimate births for every thousand unmarried women of childbearing age. Both series, especially the latter, show increases in illegitimacy during both world wars, but by the early 1950s, the levels were only slightly higher than 50 years previously.

It should be mentioned that both these measures of illegitimacy have some disadvantages: the proportion of all live births which were illegitimate births is affected by changes in the timing and extent of *legitimate* births; and the number of illegitimate births for every thousand

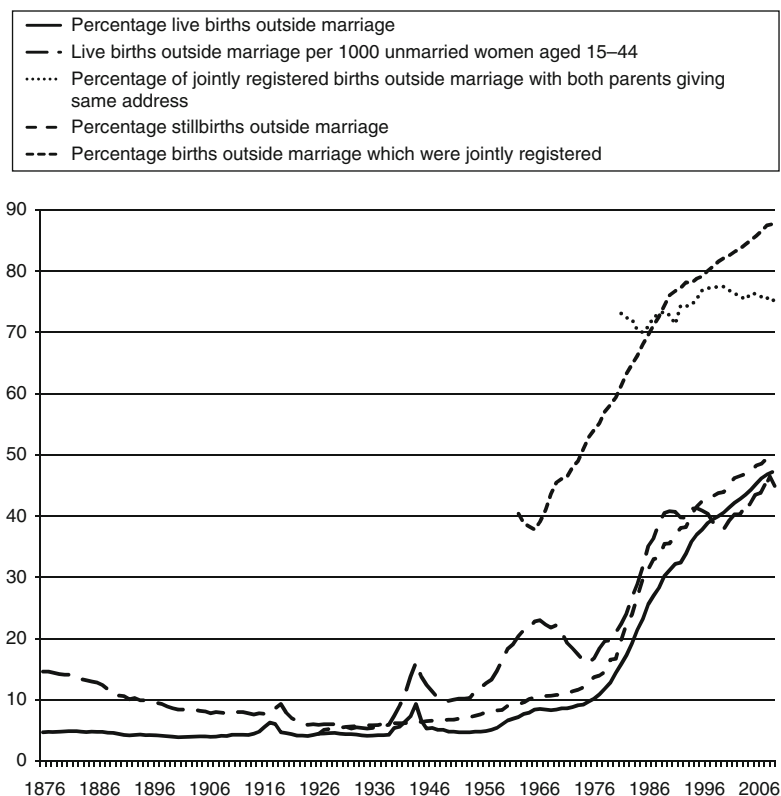


Figure 9.1 Trends in illegitimacy series, 1876–2011, England and Wales

unmarried women of childbearing age depends upon the availability of accurate estimates of the population of women by marital status. (Of course, the ideal measure is the proportion of all *conceptions* which are outside marriage, with all possible outcomes quantified – but, with considerable data difficulties, over a century would have to elapse before such estimates could even be entertained.)

The fact that both measures of illegitimacy can be problematic is exemplified in the very different trends in the two series between about 1960 and 1976; the rate per thousand unmarried women shows quite a pronounced ‘hump’ in Figure 9.1, whereas the proportion of all live births which were illegitimate births scarcely shows any such trace. A more detailed examination of the numbers of illegitimate births in the period, including estimating rates of illegitimate births per thousand

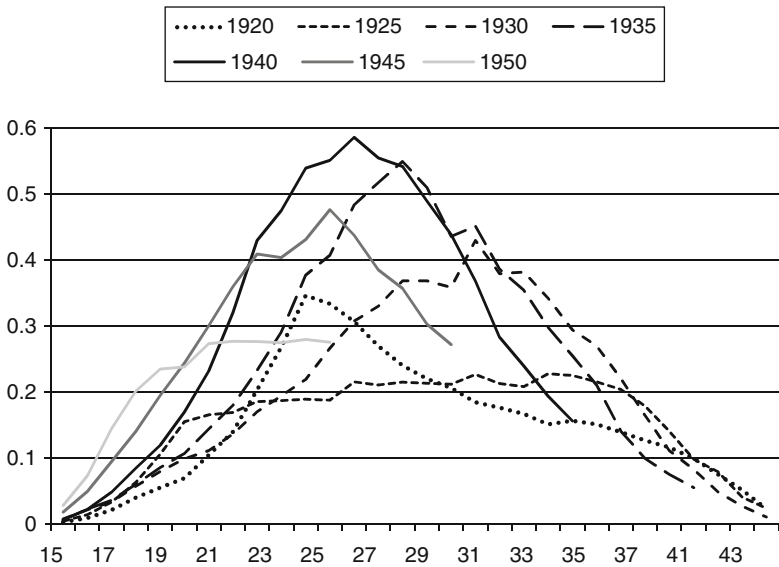


Figure 9.2 Age profiles of illegitimacy rates by age and birth year of mother, England and Wales

unmarried women, by both their single years of age and birth year, provides some clues. Figure 9.2 shows some age profiles of those rates (which are based on the estimated number of unmarried women at each age from each birth year) for selected birth years of women from 1920 to 1950. It may be seen that for groups of women born in successive birth years of 1920, 1925, 1930, etc. up to 1950, the peak age for the largest illegitimacy rate first rises then falls. More specifically, the peak ages for women from these birth years are: 25, 35, 32, 29, 27, 26, 25, respectively. (In addition, of course, a proportion, maybe around one-half, would have been *older* than the peak age.) Women born in 1925 would have been 35 in 1960; women born in 1930 would have been 32 in 1962, and women born in 1935 would have been 29 in 1964. Women in their late twenties, early thirties, and older are not generally thought of as having illegitimate births, and it is likely that a sizeable proportion of them were either separated (divorce was more difficult to obtain before the 1969 Divorce Reform Act) or possibly divorced, rather than single. At the same time as these older women were having illegitimate births during the 1960s, there was an overall 'births boom' which 'diluted' the overall number of illegitimate births and prevented the illegitimacy ratio from rising.

The proportion of stillbirths which were illegitimate is also shown in Figure 9.1, and has consistently followed the trend in the corresponding proportion for live births, albeit at a higher level. Another series which has been included in Figure 9.1 charts the substantial increase in the proportion of all births outside marriage which were jointly registered by both the mother and the father – which suggests a growth in such births to cohabiting couples, rather than to lone mothers. Whilst this measure certainly does not tell the whole story of the circumstances of the mother and father at the birth, or the stability of their partnership – as will be seen later – it does show that an increasing proportion of fathers have been present at their child's birth registration. A related series is also added to Figure 9.1: the proportion of jointly registered births outside marriage in which both parents gave the same residential address at the time of birth registration. This series has increased modestly, albeit starting at quite a high level, and suggests, tentatively, that the majority – around three-quarters – of jointly registered births outside marriage are to stable cohabiting couples.

The most striking feature of Figure 9.1 is the unprecedented increase in virtually all the series from the late 1960s and early 1970s. However, not only was there a rapid increase at that point in both cohabitation and childbearing outside marriage, but also in other demographic series reflecting sexual behaviour and alternative living arrangements, such as lone parenthood, divorce, pre-marital cohabitation, abortion, etc. As an illustration, Figure 9.3, repeats Figure 9.1 with four additional series: the proportions of first and second marriages which had been preceded by pre-marital cohabitation; the annual number of divorces from 1876, using an appropriate factor ($\times 3/8000$) to fit on the graph, and the annual number of abortions (scaled, using the same factor, for the same reason) and the annual number of abortions (scaled, using the same factor). It may be seen that these latter series also bear the same hallmark of substantial increases from the late 1960s and early 1970s.

Following a review of factors associated with these dramatic and widespread demographic changes, and assisted by a detailed statistical analysis of a variety of individuals' values and their alternative living arrangements and household types, this common – and historically unprecedented – phenomenon was termed 'The Second Demographic Transition'.¹ Whilst not universally acknowledged by demographers as a neat and precise theory, let alone a universal law which might be expected to unfold in regions other than Europe,² nevertheless, on a practical level, the Second Demographic Transition conveniently recognises the advance of child-bearing outside marriage, lone parenthood, and cohabitation essentially

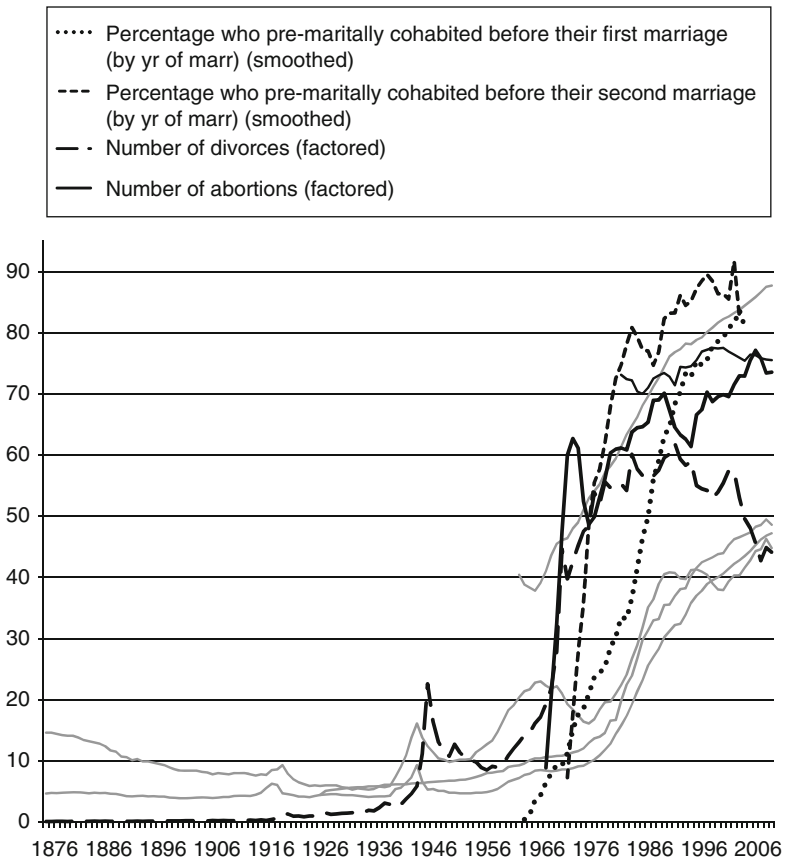


Figure 9.3 Trends in other* series connected with sexual behaviour: pre-marital cohabitation (GB), divorces (E&W) and abortions (E&W)
 *superimposed on the illegitimacy series shown in Figure 9.1

as a package, sharing common causes of the (then) new freedoms of sexual behaviour and diversity of sexual partnership.

Cohabitation

The earliest availability of national statistical information on cohabitation is much more recent than that on births outside marriage. Official statistics on cohabitation date from the mid 1970s, and have, for most of the period since then, been derived from the General Household Survey, GHS, a government survey. It was only in the mid 1970s that it

was recognized that basic information was needed to supplement the existing registration and census data on family formation and childbearing. The extra information had to come from interview surveys, and the Family Formation Survey of 1976 attempted to see whether it was feasible and acceptable to collect the necessary additional background.

In the 1976 Family Formation Survey, single and married women were asked about cohabitation both before marriage, and as an alternative to it, treating marriage as only one event in the family-formation process. This was quite revolutionary at the time; cohabiting women were asked whether they regarded themselves as being married or not – the phrase then was ‘living as married’. It was through the pioneering work of the Family Formation Survey that showed that a question *could* be asked on cohabitation, and the GHS decided to include one – and a direct one at that.

In the Family Formation Survey, and in all the subsequent annual surveys of the GHS (and the census), the word ‘cohabitation’ has never been used, and a definition has never been offered to the respondent. Instead, a straightforward question has been posed, directed only at those whose response – particularly that of their legal marital status – indicated they could be cohabiting. Usually, an explanatory, introductory sentence provided the context, and paved the way to asking the key question. The wording of the question in the GHS has evolved over the years, to take into account changes in prevailing attitudes and norms:

‘Are you just living as man and wife?’

‘Are you simply living together as husband and wife?’

‘Are you living together as husband and wife?’

‘Are you yourself currently living with someone as a couple?’

‘Are you living together as a couple?’

If the respondent answered ‘Yes’ to the question from the above set that was addressed to them, they were taken to be cohabiting. Despite the question wording changing over the years, there have been no significant discontinuities in the series of the proportion cohabiting, signifying, it is hoped, that the question wording used was the most appropriate for the period in which it was asked. Details of the questions asked over the years in the GHS, about current cohabitation and pre-marital cohabitation, and the contextual introductory remarks, have been fully documented.³ The questions were asked within a special section of the survey called the ‘Family Information Section’, in which the interviewer built up a detailed picture of the respondent’s relationship history.

Trends in cohabitation

Although there is little systematic evidence, it is thought that the prevalence of cohabitation was quite low, like illegitimacy, until the late 1960s and early 1970s. During that era, there was a widespread belief, fallacy rather, that living together 'as if married' meant that it was a 'common law marriage', and so equivalent to marriage; it even persists to the present day. As may be seen from the wording of the early questions on cohabitation, the approach was to recognise the possibility of the pretence of being married, no matter how genuinely believed, and so to establish the true situation. As the stigma of cohabitation diminished throughout the 1970s and 1980s, a more direct question was both possible and appropriate.

Figure 9.4 shows the trends in cohabitation and related series for women aged under 50. As a proportion of all women aged under 50, only 2 per cent were cohabiting in 1976, but this proportion rose to reach 18 per cent in 2011 (lowest line in Figure 9.4). Measuring the same numbers cohabiting as a proportion of all unmarried women aged under 50, the corresponding proportion increased from 7 per cent in 1976 to 34 per cent in 2011 (penultimate lowest line in Figure 9.4) – one-third of all women who could be cohabiting.

In contrast to the rising trend for cohabitation, the proportion of women aged under 50 who were married has slipped consistently downwards; from 75 per cent in 1976 to 47 per cent in 2011 – that is, married women are strictly in a minority in an age group in which one might expect to be the prime ages of marriage. However, although the fall in the proportion married was steep during the period up to 2002, the subsequent decline was far gentler. And, in the same two periods, in a virtual mirror image trend, cohabitation increased steeply, and then rose far more gently.

To some extent, these 'mirror trends', the combination of a rising proportion cohabiting and a falling proportion married might be expected, since if the proportion of women who live in *couples* – whether married or cohabiting – remains roughly *constant*, an increase in the proportion cohabiting would be accompanied by a decline in the proportion married. Such a possibility is investigated in Figure 9.4 in the form of the trend in the proportion of women who were either married or cohabiting (top line); it indicates a moderately declining trend from 78 per cent in 1976 to 65 per cent in 2011. Part of the reason could be the result of marriage at older ages, falling marriage rates, more women being between partnerships, and also possibly greater numbers 'living apart together' (and therefore appearing as unpartnered in official statistics).⁴ One final result from Figure 9.4 is that the proportion of women who have never married has increased spectacularly over the past 35 years,

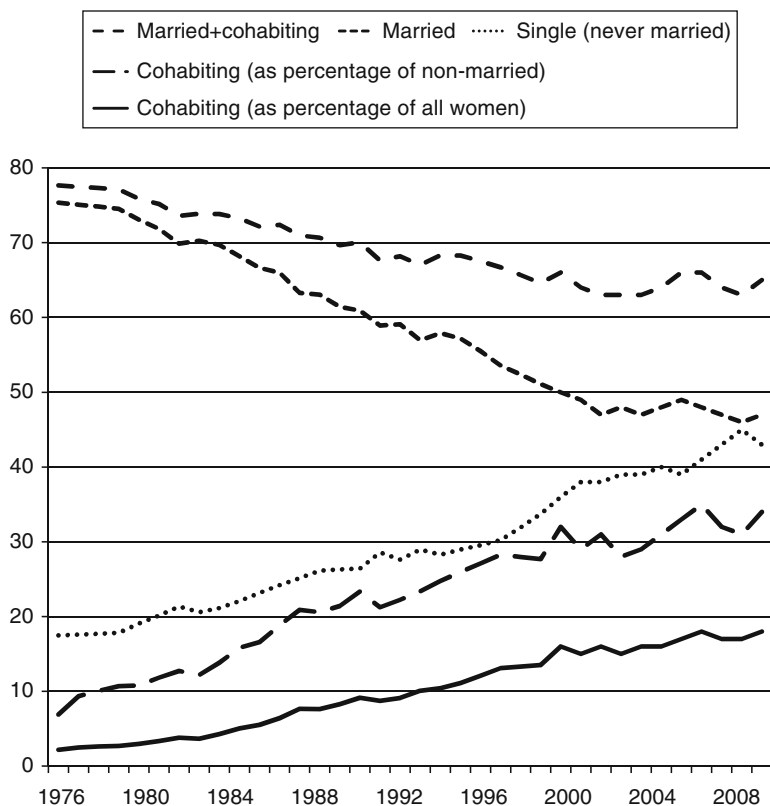


Figure 9.4 Percentage of women aged 18–49 who were: cohabiting, married, single, 1976–2011, Great Britain

from 17 per cent in 1976 to 43 per cent in 2011. Of course, some of these single women were cohabiting, some delaying marriage, others were forsaking it, and yet others living alone.

Pre-marital cohabitation

The results so far presented have been on cohabitation which was current at the time of each annual survey. Often, those cohabiting are unsure whether their partnership will be translated into a marriage. For those who are, or have been, married, it is possible to discover, retrospectively, by asking appropriate questions, whether the respondent – and his or her partner – cohabited pre-maritally. The proportions who pre-maritally cohabited before their first and second marriages, by the

year of those marriages, are plotted in Figure 9.3 (suitably smoothed). Of particular note at the outset is that the prevalence of pre-marital cohabitation was apparently relatively low before the mid 1960s. Figure 9.3 demonstrates that those remarrying have been much more likely to cohabit pre-maritally than those who married for the first time, at least for the early period when the various illegitimacy series had just started their steep climb. It may be seen that the growth in pre-marital cohabitation before second marriages closely followed the same upward path as that of divorces, albeit with a time lag of several years. In recent years the proportion pre-maritally cohabiting before first marriages has caught up with that for second marriages, with pre-marital cohabitation occurring for the vast majority in both cases. Many aspects of cohabitation, pre-marital cohabitation, and marriage, together with details of their demographic characteristics, have recently been analysed using a consistent set of retrospective histories from the GHS.⁵

The effect of the growth of cohabitation upon families

Not surprisingly, the trends in the proportions cohabiting and the increase in extra-marital births have been reflected in the changing composition of families, and Table 9.1 summarizes the changing profile of

Table 9.1 Trends in family composition, 1986–2012, Great Britain

Type of family with head aged under 60	1986	1994	2002	2010	2012
Cohabiting couple families					
with no children	3	6	9	9	9
with dependent children	2	4	6	8	9
with non-dependent children only	0.3	0.2	0.4	0.7	0.8
All cohabiting couple families	5	11	15	18	19
Married couple families					
with no children	22	21	22	17	16
with dependent children	49	42	37	36	36
with non-dependent children only	11	8	8	7	7
All married couple families	83	71	67	61	59
Lone parent families					
with dependent children	9	15	15	17	17
with non-dependent children only	3	3	3	4	4
All lone parent families	12	18	18	21	21
All families with or without children (%)	100	100	100	100	100

families over the last quarter century. (Here, families are taken to include not only those with children living with them, but also those with no children living with them, though in some cases, the couple may have children who are living elsewhere.) Overall, amongst all families where the head was aged under 60, the proportion which were cohabiting couple families more than trebled, from 5 per cent to 19 per cent.

Cohabiting couples with dependent children increased in relative numbers even more, more than quadrupling from 2 per cent of all families to 9 per cent. A similar story applies to lone-parent families; overall they have almost doubled in relative number between 1986 and 2012, and those with dependent children almost doubled, too. These increasing trends in both cohabiting couples and lone-parent families have been at the expense of married couple families, whose relative numbers have contracted considerably; overall, married couple families reduced from 83 per cent of all families to 59 per cent between 1986 and 2012, whilst the proportion of married couple families with dependent children fell from around one-half of all families to just over one-third.

Timing and influence of factors behind these demographic developments

The national statistics presented above have been assembled to give the trends in a number of series, stretching back as far as possible, on illegitimacy and cohabitation, and their effects on the changing profile of the different kinds of families. An impression easily gained from Figures 9.1 and 9.3 is that illegitimacy, cohabitation, pre-marital cohabitation, divorce, and abortions, and other related series, all simultaneously began their inexorable climb around the late 1960s and early 1970s. However, rather than a set of concerted increases each resulting from a single cause, several background factors and influences were operating; some which had a gradually increasing and cumulative effect, whilst others had a more immediate impact. The prevailing mood and norms of the times initiated many of these developments, which in turn gave rise to their own momentum in further influencing attitudes and values.

During the 1960s, catalysed by the 'permissive society', pre-marital and extra-marital sex increased considerably, particularly amongst the young. As a result, the number of births conceived outside marriage rose, but most women married, often in 'shotgun' marriages. Just over one-half of all pre-maritally conceived births were legitimized by the parents' marriage before the birth. Marriage was virtually universal, and at historically young ages; fertility was high and births at record numbers, fuelled by the 'baby boom' generation becoming young adults. Importantly, and in contrast to the subsequent period, marriage was

the predominant vehicle for parenthood, even though extra-marital sex had risen in incidence.

The contraceptive pill became available to married women in the UK in 1961, and in 1967 to all women. Its use grew spectacularly, so that, by 1969, one million British women were using the pill. For the first time, the 1967 Abortion Act legalized abortions by registered practitioners, and came into effect the following year. The 1969 Divorce Reform Act allowed couples to divorce after they had been separated for two years, or five years if only one of the parties wanted a divorce. With this introduction of 'no fault' divorce, and one possible 'fact' of 'unreasonable behaviour' (amongst several) being able to establish the irretrievable breakdown of marriage, the reform virtually made divorce available 'on demand'.

The rise in illegitimacy was slowed temporarily towards the end of the 1960s and early 1970s as a result of an increase in the use both of contraception and abortion. Family planning was introduced into the NHS in 1974, and advice and prescriptions became available, free on the NHS, to all women. Birth control allowed sex to be decoupled from child-bearing, and also from marriage. Increasingly, mothers whose child was extra-maritally conceived resorted either to abortion or having an illegitimate child, and fewer married than formerly. In addition, from the late 1960s, the number of pre-maritally conceived births declined. Marriage rates started to fall in the early 1970s, and began to be undertaken at older ages.

Divorce reform led to a sudden surge of divorces in the first few years of the 1970s (see Figure 9.3), fuelled largely by a 'backlog' effect whereby those who, under previous legislation, had been unable to divorce and wanted to, now could, and did. Even once this backlog had passed, divorce rates continued to rocket. During the 1970s, too, pre-marital cohabitation began to take place, and particularly pre-marital cohabitation before second marriages. The increase in divorce, despite the good intentions of legislators that divorce reform should strengthen marriage rather than weaken it, was accompanied by a rise in cohabitation of the divorced. Indeed, the proportion cohabiting amongst the divorced became much the highest of all the marital statuses of the non-married (single, separated, divorced and widowed). Even those whose first marriages had ended in divorce and who subsequently remarried, increasingly pre-maritally cohabited beforehand. Remarriage rates plummeted during the 1970s, with the divorced either cohabiting or else, for women, becoming lone mothers. Hence, the 1970s saw the beginning of the eclipse of marriage for having, and raising, children.

The 1980s saw a steep rise in illegitimacy, and a continued increase in the prevalence of cohabitation. It also marked the beginning of children being born and brought up in cohabiting couple families, and also, increasingly, in lone mother families. The status of illegitimacy was finally abolished in 1987 – by the 1987 Family Reform Act – which was introduced to remove discrimination, and also partly in the hope that it would encourage unmarried fathers to be more responsible for their children. There was growing concern at the growing prevalence of lone parenthood – and especially of lone motherhood – and the fragility of cohabiting couples' partnerships. Both the much larger breakdown rate for cohabitations than for marriages, and the absence of natural fathers in lone mother families, were seen as a threat to the well-being of children in those families. The ability of children to grow up without family upheaval and change was seen as of paramount importance to their welfare and development, and emphasis was increasingly placed on responsible parenthood. The number of one-parent families increased by about 50 per cent during the 1980s, as did the number of dependent children living in them. The late 1980s witnessed the number of marriages preceded by pre-marital cohabitation overtaking the number without pre-marital cohabitation, and the proportion of cohabitations which were translated into marriages continuing to decline. More generally, the hopes and optimism expressed during the 1960s concerning the benefits of more liberal ways of living seemed, in the light of developments, both jaded and misguided.

At the beginning of the 1990s, single lone mothers had overtaken divorced lone mothers in numbers, but the prevalence of cohabitation amongst the divorced still exceeded that amongst the single – and would continue to do so until the early 2000s. Around 1990, one in every ten couples was a cohabiting couple, but by 2000, this proportion had risen to about one in six. During the second half of the 1990s, the number of single lone mothers rose much more steeply than that of divorced lone mothers, although, overall, the rate of increase in the number of one-parent families had moderated, albeit with around one in four families with dependent children being one-parent families by 2000.

Returning to the main series depicted in Figures 9.1 and 9.3, and the results in Table 9.1, despite the various upward trends over several decades, the pace of increase in some series has slowed or paused. In particular, cohabitation has increased only slightly over the past few years. Whether future rises in most of the series is in store is uncertain, although it is likely that the complexity of relationships, family types,

living arrangements – and transitions between them – is set to increase, both for adults and their children.

The family circumstances of mothers and fathers who have a birth outside marriage

Statistical information from birth registrations has proved inadequate in giving a picture of the situation of the mother and her child at the time of the birth, let alone several months later, although, of course, this was never the purpose of birth registration. New surveys have composed questions which can illuminate such family circumstances, and especially the Millennium Cohort Study, started in 2000, which has followed babies born in the UK during 2000/01. It included questions which have allowed the characteristics of children born outside marriage to be examined – both those born within a cohabiting partnership and those born outside a co-residential partnership. For the latter group, questions tried to measure the strength of the relationship, for example, asking whether the mother was, for example, ‘closely involved’, or ‘not in a relationship’, with the father (see Table 9.2 for the other categories).

The study contains information on 19 thousand births in the UK, collected from the parents in 2001/02 when the babies were 9–11 months old. Amongst others, Kiernan and Smith, and Holmes and Kiernan, have analysed and published results using this data source; the following analyses have been derived and summarized from their published findings.⁶ Other researchers have published important findings from this source.⁷

The majority, 60 per cent, of parents were married at the time of the birth, and a further one-quarter, 25 per cent, were cohabiting (top line of Table 9.2). Just under one in six, 15 per cent, of mothers did not have a co-residential partner at the time of the birth, though half of those mothers, 7 per cent of all mothers, reported they were ‘closely involved’ with the father. One in 25 of all mothers were without a co-residential partner and reported that they were ‘not in a relationship’ with the father, an almost certain scenario for a future lone parent family.

Almost all fathers, 97 per cent, who were cohabiting with the mother had their name on the child’s birth certificate, but the corresponding proportion was only about one-quarter for situations where the mother reported that she was ‘not in a relationship’ with the father (second line in Table 9.2). Where the relationship was somewhat stronger between the mother and the non-co-residential father, the proportion was larger.

The variation in the proportions of the biological fathers who were present at the delivery of the child (line 3) is as might be expected; almost

all for those married and cohabiting, and larger for those with a stronger relationship with the mother. In contrast, for non-co-residential fathers not in a relationship with the mother, only one in ten was present at the birth of their child.

A somewhat similar picture emerges for the proportions of fathers who were present in the household some 9 to 11 months after the birth (line 4), with almost all being present amongst those who were married and cohabiting at the time of the birth, and relatively few, 23 per cent, amongst those who, at the time of the birth, were not living together (non-partnered). Again, the size of the proportion of fathers who were living in the household follows the strength of the relationship fairly predictably; with a relatively strong relationship, 'closely involved' 39 per cent of fathers were present, but where the mother was 'not in a relationship' with the father, only 6 per cent were.

Where the father was not living with the mother at the time of the interview, 9–11 months after the birth, the proportions of mothers in contact with the father varied from 87 per cent for those who had been cohabiting at the time of the birth to 29 per cent of those who reported that they were not in a relationship with the father when their baby was born (line 5).

It is clear that there are similarities between these different sets of results, and some common differentials. Whilst it is not entirely appropriate to display the above results in such a way (for example, the categories are not continuous), it is illuminating to graph the results of Table 9.2 as in Figure 9.5, reflecting the chronological order of the events contained in the questions. (It should be noted that each of the percentages in the final column of Figure 9.5 is on a different base from that of the corresponding percentages in the other columns – see note to Table 9.2.)

It may be seen that fathers who were cohabiting with the mother at the time of birth consistently showed a high degree of involvement, especially compared with all those who were not co-residing with the mother at the time of birth – the 'non-partnered' (dotted line in Figure 9.5). Following those who were cohabiting, fathers who were not co-resident but whose relationship with the mother at the time of the birth was described by her as 'closely involved' were the next most involved, followed by those where the relationship was described as 'just friends'. The measure of 'involvement' was consistently low for non-co-residential fathers who were 'not in a relationship' with the mother at the time of the birth. Overall, the pattern of involvement of fathers for women who were not partnered at the time of the birth is closest for those for whom the mother described their relationship as 'just friends'.

Table 9.2 Mother's partnership situation at birth, and father's characteristics, 2001/02, United Kingdom (percentages)

Characteristic	Partnership situation at the time of birth						
	Married	Cohabiting	Non-partnered	Separated/ divorced	Closely involved	Just friends	Not in a relationship
	Total non-partnered						
Profile of partnership situations at time of birth	60	25	15	1	7	2	4
Per cent of fathers whose name was on birth certificate	97	92	63	81	81	64	27
Per cent of biological fathers who attended the delivery	93	92	45	32	69	45	10
Per cent of fathers living in household [†]	99	93	23	14	39	11	6
Per cent of fathers in contact [†] with the mother*	80	87	59	58	82	72	29

* calculated only for cases where the father was not living in the household.

[†] at interview, 9–11 months after the birth.

Source: Kiernan and Smith, 2003.

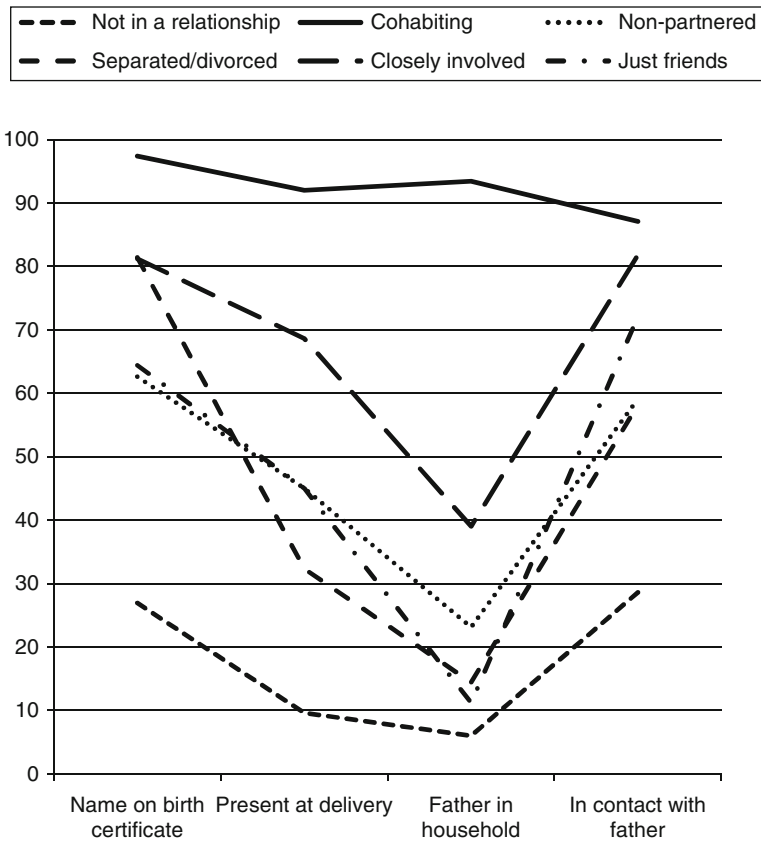


Figure 9.5 'Involvement' of fathers at successive stages, 2001/02 (as percentages), United Kingdom

Partnership situation of the mother five years after the birth

We also know, from the same Millennium Cohort Study, the partnership type of each of the mothers five years after the birth. The following analysis has been derived from a paper by Holmes and Kiernan;⁸ the tabular statistical results they published have been represented diagrammatically. The diagram in Figure 9.6 shows the changes in the family and relationship situations of the mothers both at the time of the birth and five years afterwards. It is presented in a matrix-like form; the initial situation at birth is given in the three main rows: married; cohabiting; and unpartnered, whilst the columns give the different possible situations five years on. So, of those mothers who were married at the time

of the birth, 89 per cent were still married after five years; 2 per cent had repartnered; 7 per cent had become lone mothers and 2 per cent had experienced periods of separation, albeit they were still married. These percentages, between them, account for all, 100 per cent, of the different situations, five years on, of the originally married mothers. Figure 9.6 similarly shows the different changes in the partnership types for the mothers who were cohabiting at the time of their birth, and the changes for mothers who were unpartnered when they had their child.

Perhaps the most interesting feature of the results in Figure 9.6 is the comparison of the proportions of mothers who were in the same situation, five years on, as at the time they had their baby. For married mothers, almost nine in every ten were still married; just under half of cohabiting mothers were still cohabiting, and slightly fewer, two in every five, of mothers who were originally unpartnered were still unpartnered. These proportions may be interpreted as an indication of the relative stability of the original partnership situations of the mothers. The proportion of mothers who were lone parents after five years may be similarly interpreted: of mothers who were originally married, it was 7 per cent; of cohabiting mothers, 19 per cent; and of mothers who were originally unpartnered (who were effectively lone parents from the start), it was 40 per cent. Yet another indication of the stability of the relationships of the three different groups of mothers during the five-year period may be gained by considering the proportions who had experienced periods of separation – or, in the case of mothers who were originally unpartnered – periods of partnership. Of married, cohabiting and unpartnered mothers, these were 2 per cent, 6 per cent and 20 per cent, respectively.

It will be recalled that the proportions of all mothers who were: married; cohabiting; and unpartnered at the time of the birth of their child were 60 per cent, 25 per cent and 15 per cent, respectively. If these proportions are multiplied by the appropriate proportions shown in Figure 9.6, the relative numbers of mothers in the different partnership situations *both* originally *and* five years after the birth – that is, the profile of the different pairs of partnership situations *in combination* – can be estimated. So, for example, since originally 60 per cent of mothers were married, and from Figure 9.6, of those originally married, 89 per cent were still married after five years, 60 per cent of 89 per cent (53.4 per cent) gives the relative number of mothers who were married both at the time of the birth, and also (still) married five years afterwards. In fact, the relative numbers of all such combinations can be calculated by multiplying the appropriate percentages together, down to the last pair

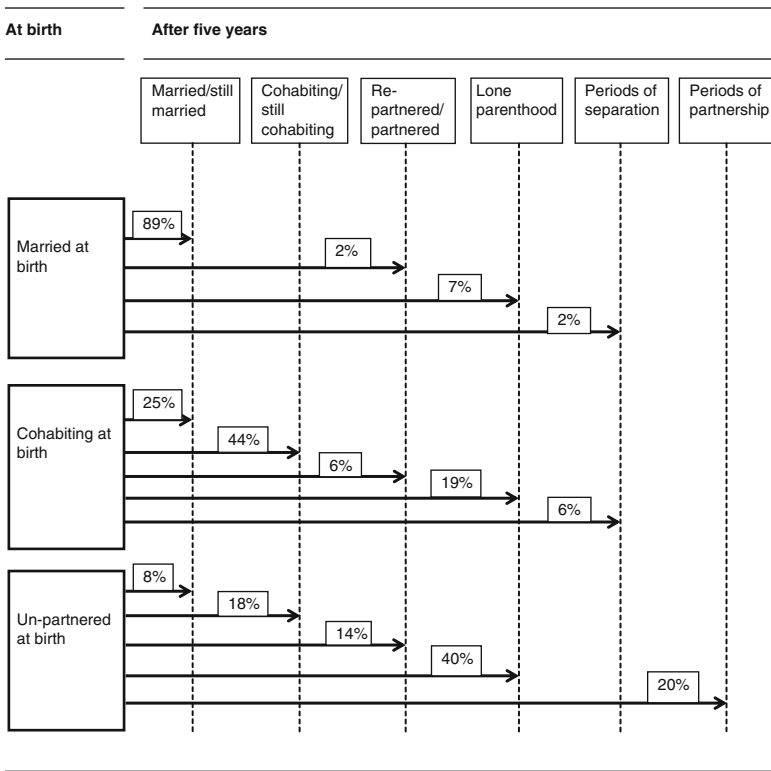


Figure 9.6 Partnership situation of mother at birth of child in 2001/2 and five years afterwards, in 2006/7, United Kingdom

in which the proportion of mothers originally unpartnered, 15 per cent, is applied to the proportion of those originally unpartnered who had experienced periods of partnership, 20 per cent, giving the proportion, 3 per cent of all mothers who had both originally been unpartnered, and had also had at least one partnership during the subsequent five years.

This latter set of percentages can be totalled to give overall estimates of the profile of partnerships situations five years on, a profile which should be representative of all mothers. So, for example, as mentioned above, 53.4 per cent of mothers who were married at the birth of their child were still married five years later. Similarly, of all mothers at the birth of their child, 25 per cent were cohabiting, and of such mothers, 25 per cent were married five years on. Hence 25 per cent of 25 per cent

gives an estimate of 6.25 per cent of cohabiting mothers who were married after five years, and similarly, of the percentage of all mothers who were originally unpartnered but were married five years on was 15 per cent of 8 per cent, or 1.2 per cent.

Totalling these three percentages ($53.4 + 6.25 + 1.2$) gives 60.85 per cent, that is, 60.85 per cent of all mothers five years on, were married – a proportion only slightly different from the 60 per cent of all mothers who were *originally* married. The corresponding pair of proportions for cohabiting mothers is 25 per cent of all original mothers, and 19 per cent of all mothers after five years. And for unpartnered mothers, 15 per cent of all original mothers were unpartnered, that is lone mothers, whereas 14.95 per cent of all mothers five years on were unpartnered, that is, lone mothers. There is a small remainder, just under 6 per cent of all mothers after five years, who are accounted by both periods of partnership (amongst those originally unpartnered) and periods of separation (amongst those originally cohabiting). These two groups may be considered together since they both evidently represent on-off partnership relationships. Probably these two groups could be added to the lone mother group, though at times the mothers might be cohabiting or resuming their marriage.

The main conclusion from these results is that, although the overall profile of partnership types did not change very much between the two snapshot points five years apart, there had been larger, and more dramatic changes *during* the period, and furthermore, many of these changes had the effect of some *offsetting* others; for example, some changes resulted in lone mother families coming into existence, whilst other changes involved lone mother families disappearing through marriage or cohabitation. In other words, although the overall net changes were comparatively small, they masked gains and losses of much larger absolute size within each category of mother. Indeed, of all the original mothers, almost one-quarter, 23 per cent, experienced a change in family type during the five year period, and some experienced several changes.

Overall, at 2006/07, one in 20 mothers was living with a new partner, so that the family had become a stepfamily. (An analysis is given below of respondents' answers to the question whether they agreed with the proposition that a mother and a new partner could bring up the children as well as the mother and the children's father.) Similarly, the overall proportion of mothers who had experienced periods of either separation or partnership during the five years – that is, a variable partnership history – was about one in 18, and represents possible

instability in the family life of the children concerned, during their formative years. Also, initially 15 per cent of mothers were effectively lone parents at the time of the birth, and an almost exactly equal proportion were five years later. However, in the intervening years, 9 per cent of previously married or cohabiting mothers had become lone parents (4.2 and 4.75 per cent, respectively); 6 per cent of mothers who were originally unpartnered (and so lone mothers), had either married, started cohabiting with the father, or were cohabiting with a new partner (1.2, 2.7, and 2.1 per cent, respectively); some 6 per cent of mothers became intermittent lone parents (1.2, 1.5 and 3.0 per cent); and 6 per cent of all mothers were lone parents both at the start and at the end of the five year period.

To summarize, therefore, there is a variety and complexity – and especially change – in parental relationships during the first five years of children’s lives, and in the types of family in which they start to grow up.

To gain some understanding of the reasons for the variations shown in the above findings, and the reasons for the observed partnership and parenting patterns, it is illuminating to consider various attitudes of men and women to these subjects. Fortuitously, the attitudes surveyed were during 2006, when most of the changes described above had just occurred.

Beliefs and attitudes

The British Social Attitudes Survey (BSA) 2006 contained a number of questions which are relevant to births outside marriage, what constitutes the ideal type of partnership for parenting, and the perceived difference between living together and marriage. Some past BSAs have included questions on these topics, too. A number of researchers have analysed BSA survey data from different standpoints and with varying degrees of methodological sophistication; the present analyses aim to give a fresh, straightforward, accessible, picture from a demographic perspective, referring to extra results by other authors where appropriate.

One question in the BSA was: ‘As far as you know, do unmarried couples, who live together for some time, have a “common law marriage” which gives them the same legal rights as married couples?’ It will be recalled from earlier in the chapter that a belief in ‘common law marriage’ has been particularly relevant to framing questions to discover whether respondents are cohabiting. In addition, the question is important, since if the respondent believes that their partnership is a common law marriage, then they not only probably think that their

Table 9.3 Beliefs about common law rights, 2006, Great Britain. Do unmarried couples have common law rights? (Percentages).

Response	Age of respondent					
	20–29	30–39	40–49	50–59	60–69	70–79
Men						
Do	45	58	59	51	50	49
Do not	40	33	35	38	37	36
Rest	15	9	6	11	13	15
All responses	100	100	100	100	100	100
Do not : Do [†]	0.91	0.58	0.61	0.74	0.73	0.73
Women						
Do	55	56	50	52	46	48
Do not	34	36	39	42	41	33
Rest	11	8	11	6	13	19
All responses	100	100	100	100	100	100
Do not : Do [†]	0.63	0.64	0.78	0.81	0.89	0.71

[†]Ratio of percentage saying 'Do not' to percentage saying 'Do'.

union is buttressed socially and legally, but also, possibly, that their children are growing up in a family whose stability is similar to that of a married couple family.

The answers are analysed by the age of the men and women respondents in Table 9.3.⁹ The correct answer to the question is, of course, that although cohabitants have *some* legal protection, they do not have as many rights as married couples, and there is no legal status for a supposed 'common law marriage'. Duncan et al.¹⁰ have offered an explanation for the extent of the erroneous belief by suggesting it chimes in some way with couples' everyday lived experience, which is partly regulated through informal social custom and practice. Certainly government sends mixed messages, in that, for some purposes, cohabiting and married couples are treated alike, and, for others, quite differently.

The 2000 and 2006 BSAs indicate that the overall proportion of respondents thinking that unmarried couples who have lived together for some time had common law rights fell slightly from 56 per cent in 2000, to 51 per cent in 2006. Consistent with this finding, Barlow et al.¹¹ have reported that the proportions saying *definitely do* and *probably do* both declined slightly between 2000 and 2006, whereas the proportions saying *probably do not* and *definitely do not* both remained constant.

Nevertheless, overall, decidedly more respondents, both men and women and in every age group, continue to say 'Do', rather than 'Do not', and sometimes by a large margin. The proportion of men who correctly thought that unmarried couples do not have common law rights varied between one in three and two in five, with the largest proportion being recorded for those in their twenties. The issue of such rights is perhaps particularly pertinent for men in their twenties, many of whom will be cohabiting, or about to embark on a cohabiting partnership.

In contrast, women in their twenties were the *least* likely of virtually every age group to respond correctly 'Do not'; only 34 per cent did so. That proportion tends to increase with older age, but the ratio of 'Do not's to 'Do's is smallest for women in their twenties and thirties, the very ages at which cohabitants are most liable to suffer partnership breakdown, and perhaps discover the limitations of the available legal protection.

It is also interesting to consider the 'Rest' category in Table 9.3, since it may be roughly interpreted as the extent of respondents' uncertainty over the issue. Men and women in their sixties and seventies appear to be the most uncertain, which is not surprising since the prevalence of cohabitation would have been much smaller when they were in their twenties. The uncertainty is also large amongst men in their twenties, despite this age group having the largest ratio of answering correctly to incorrectly. Similarly for women, apart from those in their sixties and seventies, those in their twenties (and forties) showed the next highest level of uncertainty.

In some ways, it is reassuring that those in the prime ages for cohabitation are amongst the most likely to express uncertainty; it may be considered to mitigate the slightly larger tendency – at least for women – to reply incorrectly. It might be expected that larger proportions expressing uncertainty might be associated with a larger chance of saying 'Do not' but there appears to be no simple relationship between the two. One possibility in interpreting the results is that respondents might have been tempted to reply according to what they thought the situation *should be*, rather than what it actually *is*. It is an easy fallacy to believe legal provisions are what one would expect, or like, them to be.

A further insight can be gained from analysing the responses by the respondent's marital status, as may be seen from Figure 9.7. Amongst women, the largest proportion correctly answering 'Do not' occurs for cohabiting women, and the largest proportion answering 'Do' occurs for single women. It is tempting to interpret these two results as some women learning about their rights, or, rather, lack of them, only after having started cohabiting. Amongst men there is very little difference in

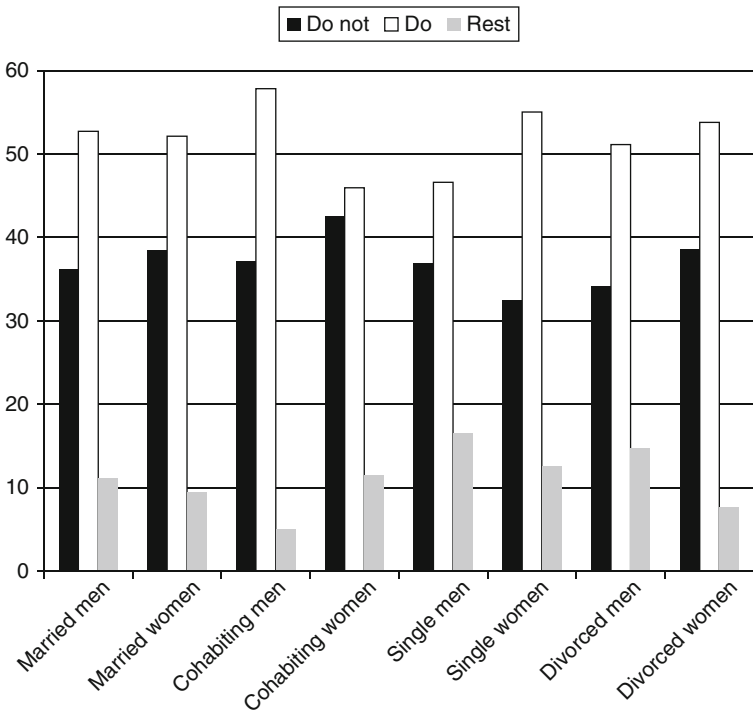


Figure 9.7 Unmarried couples have common law rights? Responses (percentages) by sex and marital status, 2006, Great Britain

the proportions saying 'Do not', but a larger proportion, 58 per cent, of cohabiting men incorrectly say 'Do' than men of other marital statuses.

Overall, the tendency for both men and women in every age group and each marital status to be more likely to respond that unmarried couples *do* have common law rights, rather than do not, perhaps explains the result given earlier in this chapter that only one-quarter of women who were cohabiting at the time of the birth of their child had married their partner by the time the child was aged 5.

Better parents?

A further question in the 2006 BSA survey was whether married couples made better parents than unmarried ones. This question forces the respondent to evaluate whether they consider there is a difference between the two forms of partnership in the outcomes for bringing up children. Also, the previous question on common law marriage – which

immediately precedes this one in the survey – can put this question into perspective; some respondents will consider themselves as equivalently married, which might influence their opinion on this subject for couples in general, rather than for themselves in particular.

Using a closely related question which appeared in earlier BSAs, albeit with a different wording, and a slightly different approach, Barlow et al.¹² reported that the proportion agreeing with the proposition that ‘people who want children ought to get married’ declined between 1989 and 2000 – from 70 per cent to 54 per cent (with the largest decline occurring for the age group 35–44, which, of course, is the prime age range of parenthood). Rearranging the data on a birth cohort basis, they concluded that about one-half of the overall decline was due to a generational, or cohort, effect. They also found, using the 2000 results from this and other questions on marriage and cohabitation, that age, then marital status, were the most important factors in explaining variation in attitudes to marriage, in terms of traditional and liberal stances. In addition, since demographic interest usually focuses on these characteristics as fundamental, the attitudes subsequently analysed will, accordingly, be by these factors. Other characteristics, such as religion and educational attainment, play a lesser part in explaining some small, additional, variation.

Returning to the question included in the 2006 BSA, overall, only 28 per cent agreed – and 40 per cent disagreed – with the proposition that married couples make better parents. The most notable finding – see Figure 9.8 – is the strong association between agreeing with the proposition and the age of the respondent, with the proportion agreeing increasing substantially and steeply with increasing age of the respondent, and equally for both men and women.¹³ Conversely, the proportion disagreeing falls precipitously with age. These steep gradients are the clearest demonstration of the link between older age and increasingly traditional attitudes. In every age group, men are more likely than women to agree that married couples make better parents, and the ‘cross-over’ age – at which more agree than disagree – is younger for men than women. There is a large difference in the proportions disagreeing between men and women in their twenties and thirties, with women being considerably more likely to disagree than men, though, with older age, this difference fades. Possibly men view the question more in abstract terms, whilst women approach the question more practically and flexibly, considering it more from the viewpoint of the desirable qualities of motherhood, as observed in some unmarried couples known to them. Men may also more inclined to consider

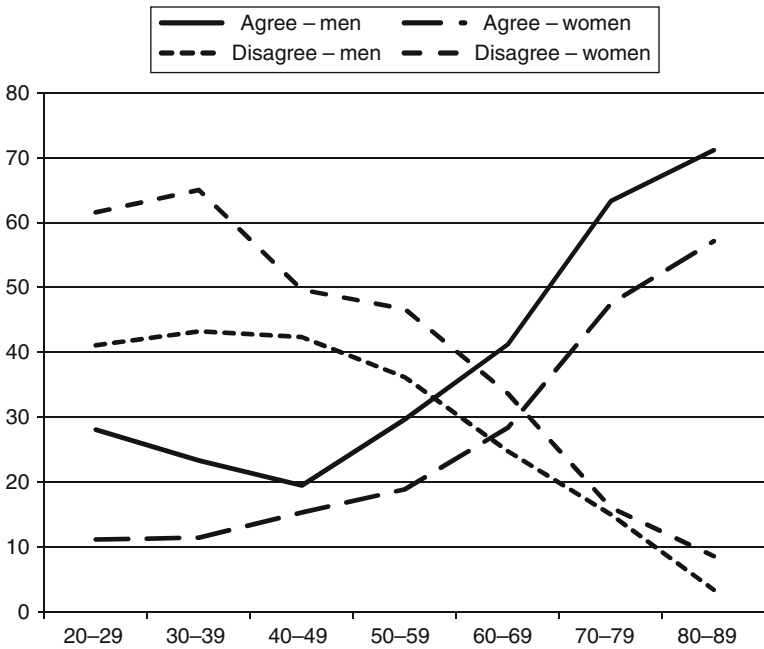


Figure 9.8 Married couples make better parents? Responses by age, 2006, Great Britain

status – in this case marital or non-marital status – than women. Around two-thirds of women in their thirties disagree that married couples make better parents, and it is undoubtedly this group who have the greatest experience of parenthood and raising children.

Interestingly, repeating the analysis including *only* those respondents who correctly stated that unmarried couples do not have common law marriage rights gives much the same picture – except that the proportions of men agreeing that married couples make better parents are even larger than those for all men respondents; furthermore the proportion is larger for these men in every age group. It might be the case that men who hold traditional attitudes are more likely to know that common law marriage is a fallacy; certainly those with higher educational attainment tend to be more traditional in their attitudes.¹⁴

Responses to the question also show some considerable variation by the respondent's marital status, as presented in Figure 9.9. Standing out amongst the results is the predictable, predominant, disagreement with the proposition by cohabiting women, followed closely by cohabiting men. For these two groups, only a very small proportion expressed their

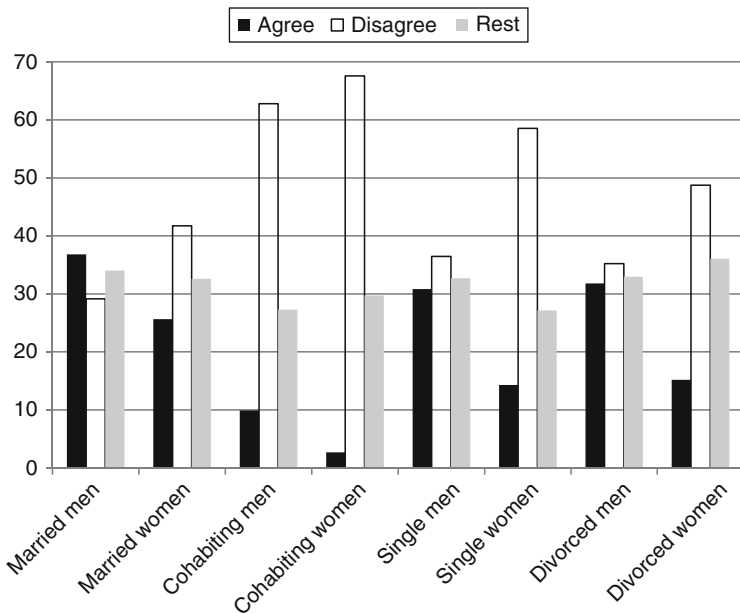


Figure 9.9 Married couples make better parents? Responses (percentages) by sex and marital status, 2006, Great Britain

agreement. Somewhat surprisingly, married men and married women did not show the opposite tendency of wholeheartedly agreeing; in fact more married women disagreed than agreed. In general, as before, men more than women seem to consider that married couples make better parents, and not only married men, but also divorced and single men, tend to agree with the proposition much more than their women counterparts, with the proportion agreeing amongst divorced men being twice that amongst divorced women, and similarly for single men and single women. The extent of uncertainty on the issue – as possibly indicated by the size of the ‘Rest’ proportion – is fairly constant between the sexes and marital statuses, and appreciable, at around one-third.

Married or cohabiting relationships: marriage best or no difference?

Three more questions posed in the 2006 British Social Attitudes Survey can usefully be considered together since they each concern married and cohabiting relationships and a form of comparison between them. They ask respondents to express their views on the following statements: first, ‘Even though it might not work out for some people,

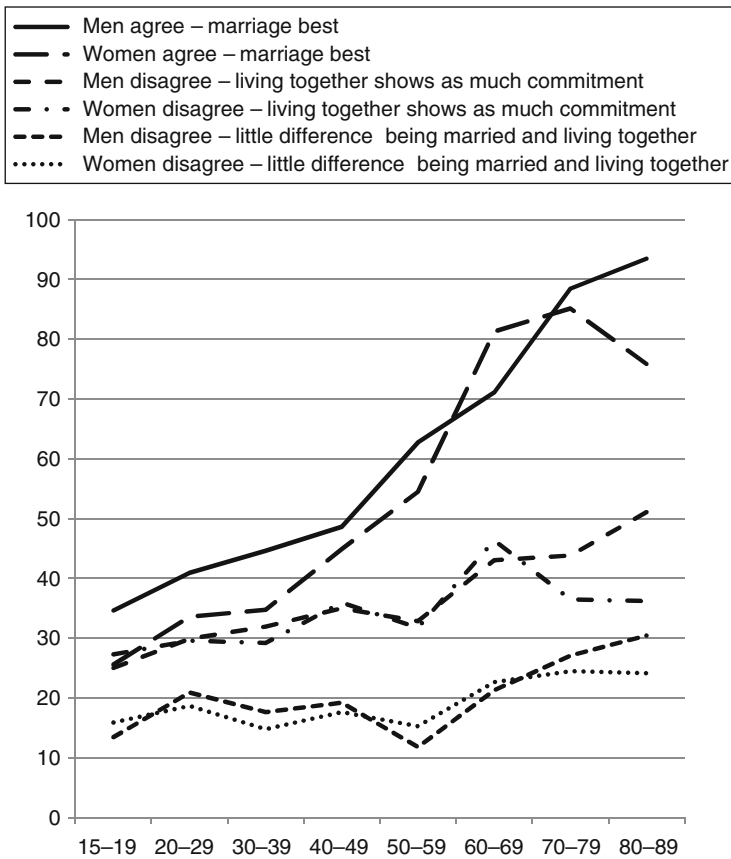


Figure 9.10 Attitudes whether: marriage is the best relationship; living together shows as much commitment; and little difference between being married and living together, 2006

marriage is still the best kind of relationship’; secondly, ‘Living with a partner shows just as much personal commitment as getting married to them’; and finally ‘These days, there is little difference socially between being married and living together as a couple’.

Plotted in Figure 9.10¹⁵ are the proportions *agreeing* with the statements that marriage is the best relationship; *disagreeing* with the statement that living together shows as much commitment as getting married; and *disagreeing* with the statement that there is little difference between being married and living together – in short, each measuring the extent of a pro-marriage stance. As before, each of the proportions

has been expressed as a percentage of *all* the men and women who were asked the question, that is, including those who couldn't choose or did not give an answer – the group which has been called the 'Rest'. Of course, apart from the 'Rest' category, the proportion, say, agreeing was the complement of those disagreeing, but remarks will be included on the size of the 'Rest' category.

The overwhelming impression on considering the results in Figure 9.10 as a whole is the generally very close agreement between the responses for men and women to each question. There is a pronounced gradient with age in the proportions of men and women who agreed that marriage is the best kind of relationship, with the majority, 50 per cent, being passed after the forties for men and slightly later for women. As part of that story, as one might expect, the uncertain responses, as represented by the 'Rest' category, were largest at the youngest ages – one in three for men, and two in five for women – but declined with increasing age. Again, it is understandable that those in their twenties and thirties, many of whom had never been married, should not be sure of such a definitive proposition. The pattern of responses disagreeing with the statement that 'living together shows just as much commitment as getting married' – the middle series in Figure 9.10 – also shows an increasing degree of disagreement with older age, albeit at not such a steep rate as for agreeing that marriage is best. That the proportion disagreeing increases is consistent with the increase in support for marriage at the older ages. The proportions disagreeing are smallest for the youngest ages where their sizes are very similar to those agreeing that marriage is best. Somewhat surprisingly, the proportion uncertain, as measured by the 'Rest' category, declines with increasing age for men – down from about one in three to one in five – but increases for women – from one in six to one in four. Possibly the two sexes draw different conclusions, drawn from experience, about the nature of relationship commitment, or become more or less sure about such issues, as they get older.

The last statement analysed in Figure 9.10 is 'there is little difference between being married and living together'. Unlike the other two statements analysed in Figure 9.10, this one never commands a majority for the traditionalist viewpoint. Overall, the level of disagreement is low throughout, and, contrary to what might be expected, no gradient is evident with increasing age, or at least not until the sixties. (However, the proportion *agreeing* does show a gradient – in the opposite, declining direction, of course – starting for those in their thirties.) From whichever angle the results are studied, though, it is clear that this issue does not divide the generations to anywhere near the same extent as the others.

The question in Figure 9.10 which *does* generate very different responses by age is, of course, the one on whether marriage is the best relationship. It is interesting to compare the patterns of agreeing with this proposition with those agreeing that 'married couples make better parents', analysed in Figure 9.8. Both questions are forthright and unequivocal, and may be considered as equivalent to each other, with one asking about the effect of marriage on *couples*, and the other on *children*. In fact, the proportions agreeing with both propositions rise steeply with age, and for both men and women. However, there is a considerable gap in the proportion agreeing between the two propositions, with the proportion agreeing with 'married couples make better parents' being some 20 or 30 per cent smaller than for 'marriage is the best relationship'. Furthermore, this gap occurs in every age group, and for both sexes.

Another contrast is that the proportions of men and women agreeing that 'marriage is the best relationship' are virtually identical in every age group. With 'married couples make better parents' however, the proportion of men agreeing tends to be larger than the corresponding proportion of women. Two tentative conclusions may be drawn. Firstly, since respondents tend to be more certain that 'marriage is the best relationship' than they are that 'married couples make better parents', both men and women are more equivocal about it being best for children to be brought up in a marriage. Second, men, who tend to be more traditional in their views than women,¹⁶ show their 'traditionality' more when it comes to their views on the best partnership environment for bringing up children.

Is the natural father really necessary?

A final set of questions posed in the BSA Survey can also usefully be considered together since they each concern the bringing up of children in non-traditional families, each in a different way, without the biological father being present. Respondents were asked to express a view on the statements that: 'One parent can bring up a child as well as two parents together' and 'There's nothing wrong with a single woman who lives alone having a child if she wants one'. The final question was introduced by inviting respondents to envisage a family with children under 12 living with their mother and her new partner, the parents having separated some time ago, and asking them: 'Do you think that these children could be brought up just as well by their mother and her partner as they could be by their mother and father?'

In the analysis of the answers to these questions, shown in Figure 9.11, the proportions *agreeing* with each proposition are plotted, since agreeing with each is equivalent to saying that each type of non-traditional

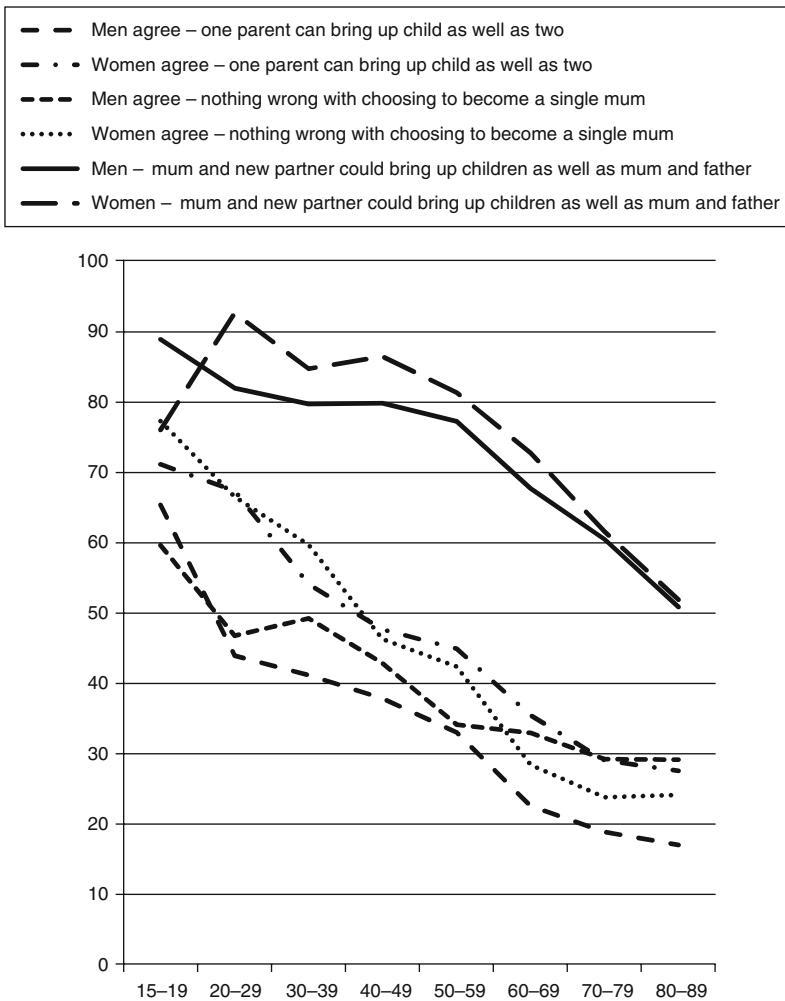


Figure 9.11 Attitudes to whether: one parent can bring up a child as well as two; choosing to become a single mother; and a mother with children under 12 could bring them up with a new partner just as well as with the father, 2006, Great Britain

family works just as well as its traditional equivalent with the natural father being present. It should be noted that by choosing *agreement* with the statements, the direction is the *opposite* of that measured in Figure 9.10, where agreement was with traditional, rather than non-traditional, forms of relationships and family types. As a result, the

proportions generally decline with age in Figure 9.11, whereas they rose with age in Figure 9.10, but the two sets of results are nevertheless consistent with each other.

It is remarkable how large the majority is at the youngest ages – between eight and nine out of ten – agreeing that a mother and a new partner could bring up her children just as well as her with the children's natural father. Furthermore, although that proportion declines for successively older age groups, it does so only slowly, and really only for ages older than 50. In general, slightly more women than men in every age group evidently agree that the children could be brought up just as well. Possibly women, especially those in their twenties, could well imagine themselves being in that situation – or already be in that situation – and be confident enough about their own determination to 'make it work' in such circumstances. In addition, women would perhaps consider that the mother would always try to do the best for her children, whatever the circumstances, and so be optimistic about the outcome.

In contrast to the close correspondence of men and women agreeing about bringing up children just as well with a new partner, there is a much wider gap between the proportions of men and women who agree that 'one parent can bring up a child as well as two', with the proportions of women agreeing consistently exceeding those of men. Undoubtedly, women are more likely to find themselves as solo parents than men – and may thereby feel more able and confident about doing so, while men may feel the role as more challenging or unconventional. Also, men probably interpret the proposition as 'a mother can bring up a child quite adequately by herself' which they may find irritating, to say the least. The pattern of the proportions of men and women agreeing that 'there's nothing wrong with choosing to become a single mother' is very similar to that for the proposition 'one parent can bring up a child as well as two'. Given that the two statements are very close in their meaning and implication, this correspondence is not surprising. Indeed, the two sets of proportions for women agreeing with these two assertions are closer to each other than they are to the corresponding proportions of men agreeing. Women can perhaps imagine themselves choosing or becoming a single mother, and so identify with the state and be more sympathetic to it. Also, men, particularly older men, might take a dim view of a woman having a baby with a man and then discarding him afterwards.

Overall, there is a contrast between the results portrayed in Figures 9.10 and 9.11. Essentially the propositions posed in Figure 9.11 all centre upon a woman's, or a mother's, rights or capabilities, and, seen in this light it is not surprising that women tend to agree more wholeheartedly

than men. Alternatively viewed, men could read into all the questions in Figure 9.11 that, as long-term fathers, or potential long-term fathers, they are either redundant, replaceable, or, indeed, not needed in the first place. In contrast, all the propositions in Figure 9.10 are about forms of relationship and commitment, and so are neutral as far as sex-specificity, or roles of the two sexes, are concerned.

More generally, respondents to surveys and in-depth interviews tend to emphasize the importance of commitment in relationships, which does not necessarily involve them marrying.¹⁷ Whilst individuals express commitment, they also wish to maintain their own individuality; in a thorough historical appraisal with much evidence, Lewis has questioned the prevailing idea by some that such individualism is necessarily selfish and has undermined marriage.¹⁸

In terms of the attitudes expressed to the statements about relationships and commitment given above, perhaps what is most important is the set of responses of those in their teenage years, twenties and thirties, since these groups will inevitably be the parents of children to be born during the next decade or so. The fact that attitudes tend to mature favouring more traditional family structures and relationships is somewhat academic, since if the respondents are going to have relationships and children within those relationships, they will have done so before reaching the middle years of life. The attitudes and beliefs of those in their twenties and thirties are entirely consistent with the recent pattern of births outside marriage, and of changing parental situations during the first five years of children's lives, as documented by results from the Millennium Cohort Study.

Conclusion

Without doubt, since the late 1960s and early 1970s, there has been a veritable 'tsunami' in the change in demographic behaviour – not just in extra-marital births and cohabitation, but in a whole range of series related to sexual relationships and alternative living arrangements. At the time of writing, the proportion of births outside marriage in England and Wales has just been published at 47.5 per cent, with the proportion being projected to exceed one-half by 2016. Whilst the minority turning into the majority is not necessarily significant, it does raise the question of whether a 'tipping point' exists for certain phenomena, by which a previously stigmatized status gradually becomes de-stigmatized through it ceasing to be a small minority, and perhaps becoming the large majority, and, indeed, the new 'norm'. Pre-marital

cohabitation might be a good example of such a process. Attitudes undoubtedly play a key role in observed behaviour, and are the matrix by which society changes its values and legal provisions on marriage, divorce, cohabitation and parental responsibility.

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10

Cohabitation and marriage in Britain since the 1970s

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Introduction

We present in this chapter a statistical overview of levels and trends in marriage and cohabitation in Britain in recent decades. Family change is one of the most prominent social trends of recent times in Britain as in other developed countries, including both Eastern and Southern Europe.² Among the most striking developments is the growth in prevalence of unmarried cohabitation. In the early 1960s in Britain fewer than one in a hundred adults under 50 are estimated to have been cohabiting at any one time,³ compared with one in six currently. Cohabitation has become a normal part of the life course, though not yet, according to General Household Survey (GHS) figures, a majority experience for all adults. In 2004–7, 61 per cent of men aged 25–44 and 64 per cent of women of this age had cohabited at some point in their lives; of those aged 45–59, 38 per cent of men and 35 per cent of women, had done so. Attitudes appear to have adapted to this change in behaviour. Cohabitation is no longer seen as socially deviant: for example, two-thirds of respondents to the 2006 British Social Attitudes survey thought that there was ‘little difference socially between being married and living together as a couple’. On the other hand, the vast majority of the same sample clearly saw a distinction between them, as fewer than one in ten agreed that there was ‘no point in getting married’, that it was ‘only a piece of paper’.⁴

The distinction between cohabitation and marriage is of importance to policy makers too, as well as to social and political commentators.⁵ Issues of policy interest include legal rights and responsibilities of cohabiting partners, the welfare of children of unmarried parents, concern about the stability of new family forms, housing demand, estimating

the numbers of lone-parent families, and population estimates and projections by marital status.⁶ In addition, the links between policy environments and family behaviour are an active area of research.⁷

For all these reasons, good information on family trends of all kinds is of much practical interest. But trends in cohabitation are, precisely because of its informal character, harder to document than changing patterns of marriage, as sources of information on cohabitation are much less complete. Developments in the level and timing of marriage can be identified in reasonable detail from vital registration statistics, whose particular strength is the long-range historical perspective they can provide. Since cohabitation is, by definition, not a formally registered state, a statistical portrait of the subject cannot be drawn, except indirectly, from vital registration data.⁸ Sample surveys are the primary alternative source but have two main drawbacks: long runs of consistent information are not usually available, and estimates of the frequency of cohabitation vary from one survey to another.⁹ The GHS has long been a key source on the subject.¹⁰ Others include the Labour Force Survey (LFS) and Annual Population Surveys,¹¹ and several longitudinal studies.¹²

The present chapter uses a consistent set of data from a time-series of the GHS from 1979 to 2007 to document changes in co-residential partnerships – marriage and cohabitation – in Britain over several decades. We use this data resource to document time-trends in the frequency of different types of partnership by age and sex, the duration and outcome of cohabiting and marital relationships, the timing of relationships, and the time spent in different types of relationship.

Data

Centre for Population Change GHS time series dataset

As data sources are varied, and not always consistent with each other, it is particularly advantageous to have available a long time series of GHS rounds, in which retrospective histories of marriage and cohabitation have been collected. Our information on some features of people's partnership experience covers a longer time period than others, and questions asked in the GHS on marriage and cohabitation have varied over time. From 1979 onwards, a full marriage history was collected, including, for some years, up to seven marriages, together with information on whether respondents had cohabited prior to the marriage current at interview, and how long respondents cohabiting at interview had been doing so; from 1981 onwards the duration of pre-marital cohabitation before current or

most recent marriage was collected, and before all marriages from 1989 onwards. In addition, from 2000, details were collected of up to three spells of cohabitation that did not result in marriage to that partner.¹³ It is, therefore, only from the GHS round of 2000 onwards that a near-complete partnership history has been collected in the GHS. Depending on the topic, some analyses of time trends in the present chapter are based on the entire GHS series from 1979 to 2007 and others are confined to the GHS rounds 2000–2007. Because a longitudinal design was introduced into the GHS in 2005, three-quarters of interviews in 2006 and 2007 are repeat interviews and are excluded from the present analyses.

Internal checks on the marriage and partnership histories in the Centre for Population Change (CPC) time series data set have found relatively little missing or incoherent data and only light editing was required. The retrospective cohabitation histories collected from 2000 onwards give a somewhat higher prevalence of cohabitation than the cross-sectional figures on cohabitation at survey in GHS rounds five and ten years previously, both overall and in specific age groups.¹⁴ An evaluation of the marriage histories against cohort figures from vital registration gives good agreement in most cases. However, the data on marital separation in men's marital histories are inaccurate, giving a frequency that is too low and inconsistent with vital registration data on divorce. Figures presented below on marital separation are, therefore, confined to women.

The GHS as a source on cohabitation

An earlier analysis of GHS rounds 1993–95 found, as with the present more recent and more complete histories, slightly higher levels of cohabitation in retrospective cohabitation histories compared with cross-sectional reports of partnership status at preceding surveys back to 1960, even though the 1993–95 information did not include spells of cohabitation that ended in separation.¹⁵ Cross-sectional GHS cohabitation figures for recent years agree well with those from the LFS, specific by marital status,¹⁶ but in earlier years the prevalence of cohabitation was higher in the GHS than in the LFS, possibly due to the greater attention to recording family status in the GHS than in the LFS.¹⁷ Estimates of pre-marital cohabitation from the GHS are somewhat above those obtained indirectly from marriage registration at younger ages, but otherwise in broad agreement with this source.¹⁸ Nevertheless, estimates of the frequency of cohabitation based on the GHS are lower than in the Omnibus Survey and the British Household Panel Survey. The origin of these differences is hard to identify. Biases including differential non-response may well be involved, as well as definitional differences.¹⁹

Time span

From 1979 to 1985, demographic histories were collected from all women aged 18–49 and ever-married women aged 16–17; from 1986, the information was obtained from all women aged 16 to 59, and male marriage histories were also collected. In the years (1986 to 2007) when the Family Information section was administered to respondents aged up to 59, the retrospective histories allow us to document exposure and events at ages under 45 for the 15 years preceding the survey, experience at ages under 40 for the 20 years preceding the survey, and so on. In earlier rounds of the GHS (1979 to 1986), where the upper age limit for the Family Information section was lower, coverage of periods preceding the survey is correspondingly more restricted. Because both the information collected and the applicable age limits vary across GHS rounds, the time span over which the analyses are presented differs according to the topic under discussion.

Weighting

ONS survey weights are available for GHS rounds from 1996 onwards only. In view of sizeable non-response before then and of known biases in unweighted estimates of fertility parameters, we have computed two new sets of weights on a consistent basis for the entire series of GHS rounds 1979–2007. These are designed to adjust for household and individual non-response to the Family Information section and to calibrate to population distributions by age, sex and region.²⁰ One set is specific to households and the other to respondents to the Family Information section of the GHS questionnaire. As marriage and cohabitation histories are asked in the Family Information section of the GHS, all analyses in the present chapter are weighted using this second, individual, set of weights, in normalized form. Strictly, weighting will increase the variance of our estimates but, on the other hand, calibration to population totals would be expected to offset this to a large degree. The combined effect of these factors will, in any case, be less than that due to survey design, but as information on sample clustering is not present in the publicly available GHS data files, we are not in a position to adjust the estimated confidence intervals for this effect. We therefore estimate standard errors on the assumption of simple random sampling, and calculate confidence intervals as twice the standard error.

Definitions

Clarification of some terms may be useful. A direct marriage is one in which the bride and groom did not live together immediately before marriage. By pre-marital cohabitation, we mean a spell of cohabitation

that ended with marriage to that partner; the marriage could be a first or a second or later marriage. The term cohabitation, unqualified, includes pre-marital cohabitation and spells of cohabitation that either ended in separation or were still current at interview. The terms partnership or relationship include both marriage and cohabitation. We present no data in this chapter on so-called 'living apart together' relationships in which the partners do not live together.

Experience of partnership

Changes in partnership over several decades are portrayed in Figure 10.1, which plots time trends by age and sex in the cumulative incidence of each type of partnership.²¹ In the first panel, we graph the proportions of those aged 25–29 in each time period who had, by their 25th birthday, experienced each type of union; subsequent panels are constructed similarly (for example, experience of union types by the 30th birthday among those aged 30–34 in each period, and so on).

Several aspects of recent trends in partnership emerge clearly in Figure 10.1. The result of several decades of decline in marriage rates is evident in the proportions ever having married by any specified age: at ages up to the late 30s, progressively fewer have been married more recently than in the past. Nevertheless, while also true by age 40 the drop is less steep at older ages. This demonstrates that much of the downward trend at younger ages is due to delayed marriage, as we will see below. By contrast with marriage trends, the cumulative incidence of cohabitation to each age has been rising over time (though, as noted elsewhere,²² the upward trend has been levelling off at younger ages, while continuing at older ages). These countervailing trends do not offset each other in younger age groups – the rise in cohabitation does not make up for the decline in marriage at younger ages. For example while 59 per cent of men aged 25–29 in 1980–84 had experienced at least one partnership by the age of 25, this was true of just 43 per cent of the age group in 2004–7; among women of this age we see a decline from 78 per cent to 60 per cent over the same period. Nevertheless, at older ages, the drop in the experience of partnership is small, and so the rise in cohabitation largely compensates for the decline in marriage at these ages. Between 1985–89 and 2004–7 the proportion of 35–39-year-old men having experienced at least one partnership by their 35th birthday fell just three percentage points, from 89 per cent to 86 per cent, and a relatively small decline occurred also among women, from 95 per cent to 91 per cent. The change from 1990–94 to 2004–7 in the experience of

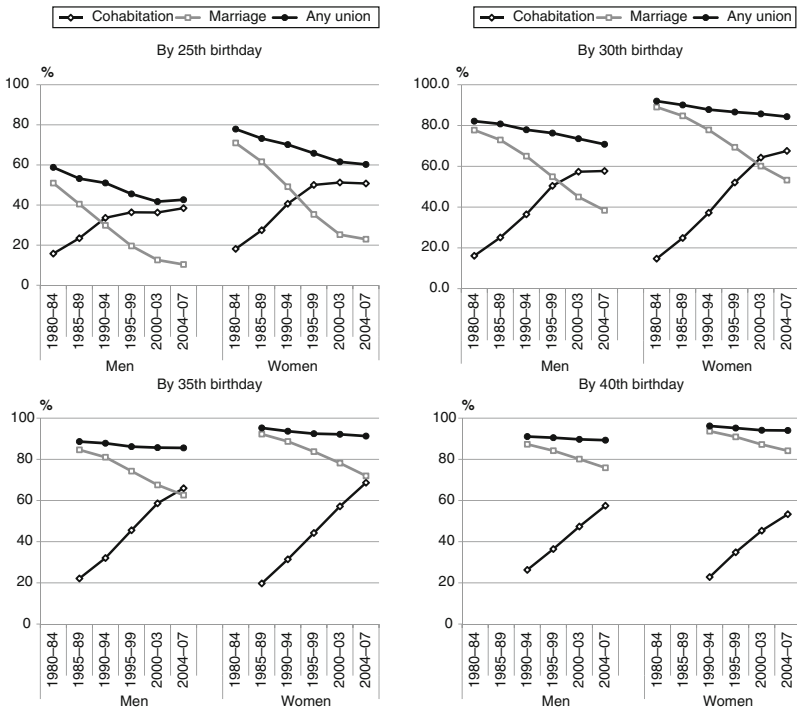


Figure 10.1 Percentage ever cohabiting, marrying, or entering any union by specified exact ages, and by sex; Great Britain, GHS 2000-2007.

Source: GPC GHS time series data file.

partnership by age 40 is narrower still: from 91 per cent to 89 per cent (men) and from 96 per cent to 94 per cent (women).²³ While figures at older ages are available for shorter time periods, there is less change over comparable periods at older than at younger ages.

Putting the data from Figure 10.1 into historical perspective brings to the fore some aspects of recent partnership trends that can easily be overlooked. Although marriage rates have been in decline for decades, this is, from one perspective, statistically unremarkable, since marriage rates in the 1960s and early 1970s were at an all-time high.²⁴ So, although the 84 per cent of women ever married by their 40th birthday in 2004-7 represents a decline over recent decades, it is higher at this age than at any time in the first half of the 20th century, in England and Wales.²⁵ The proportion of men ever married by age 40 in the most recent period is, however, the lowest it has been in the last century and a half. Nevertheless, there has been no flight from partnership per se. We saw

that around 89–91 per cent of men and 94–96 per cent of women reaching 40 in the last 20 years have been in at least one partnership, whether cohabitation or marriage. These figures are, for both sexes, around the maximum proportions who ever experienced a marriage among the record-setting generations of the twentieth century: men born in the 1930s–40s, 91 per cent of whom ultimately married, and women born in the 1940s, of whom 95 per cent ultimately married. In other words, the cumulative incidence of some form of partnership among men and women reaching their 40s recently is about the same as the cumulative incidence of marriage among the most married generations of the twentieth century: men reaching their 40s in the 1970s and women reaching their 40s in the 1980s. There has, thus, been no retreat from partnership in principle, though, as can be inferred from Figure 10.1, life in a couple now starts at later ages than in the recent past, and relationships do not last as long as formerly, as we will see below.

There can be no doubt, however, that the decline in marriage at younger ages has been dramatic. For example, the proportions of men and women in recent years ever married by age 25 are the lowest on record over the last 100 years. But, again, if we count either cohabitation or marriage by 25 we find a cumulative experience of partnership by the 25th birthday in 2004–7 that is comparable to the proportions ever married by that age obtaining between the 1920s and the early 1940s in England and Wales.

The link between cohabitation and marriage

Much is written on whether cohabitation is a marriage-like relationship, a substitute for marriage or an alternative to the single state.²⁶ Regardless of how we view the two types of relationship, the statistical links between them are, on the one hand, close, and, on the other, changing through time.

Table 10.1 shows the trend in the proportions cohabiting pre-maritally from 1960–64 to the present. In the 1960s, living with a prospective marital partner before marriage was relatively rare, with just 3e per cent of those marrying at ages below 30 doing so. By the 1970s a quarter of men and women marrying at ages under 50 cohabited with their partner prior to marriage. According to GHS figures, it is since the late 1980s that more than half of all couples marrying have lived together beforehand, and so pre-marital cohabitation has been a majority practice for a quarter of a century. In recent years, the vast majority of people marrying at ages under 50 – close to four in five – have

Table 10.1 Percentage of marriages preceded by premarital cohabitation, by age at and year of marriage, and sex. GHS 1979–2007

Year of marriage	Age at marriage				
	16–24	25–29	30–39	40–49	All ages
Men					
1960–64	2.2 (0.5)	4.6 (1.2)			
1965–69	4.0 (0.5)	6.1 (1.1)			
1970–74	10.5 (0.8)	15.2 (1.4)	27.8 (3.1)		
1975–79	17.2 (1.1)	26.6 (1.7)	43.2 (2.6)		
1980–84	27.8 (1.4)	39.1 (1.8)	57.7 (2.2)	59.7 (5.0)	38.8 (1.0)
1985–89	43.6 (1.7)	51.3 (1.7)	63.0 (2.0)	67.2 (3.5)	52.5 (1.0)
1990–94	53.7 (2.6)	66.3 (1.9)	74.1 (2.0)	75.2 (3.2)	66.6 (1.2)
1995–99	53.4 (4.6)	73.2 (2.5)	78.7 (2.0)	78.6 (3.7)	73.7 (1.4)
2000–03	53.8 (7.2)	70.7 (3.9)	80.2 (2.8)	82.5 (4.5)	74.9 (2.0)
2004–07	65.8 (19.4)	72.7 (9.6)	81.6 (6.4)	81.9 (10.7)	78.0 (4.7)
Women					
1960–64	2.4 (0.4)	7.7 (2.0)			
1965–69	3.7 (0.4)	10.6 (2.0)			
1970–74	9.0 (0.6)	22.4 (1.9)	34.6 (3.9)		
1975–79	17.2 (0.9)	36.8 (2.1)	47.9 (2.9)		
1980–84	28.2 (1.1)	50.5 (2.1)	63.2 (2.4)	59.8 (5.2)	38.4 (0.9)
1985–89	43.4 (1.3)	59.9 (1.8)	67.0 (2.1)	67.0 (3.8)	52.9 (0.9)
1990–94	55.8 (1.8)	71.3 (1.8)	76.2 (2.0)	72.9 (3.5)	66.6 (1.1)
1995–99	58.2 (3.0)	77.1 (2.1)	80.4 (2.1)	77.9 (4.0)	73.5 (1.3)
2000–03	53.6 (4.8)	76.9 (3.3)	85.2 (2.6)	77.8 (5.4)	74.8 (1.9)
2004–07	68.4 (12.4)	78.0 (8.5)	86.7 (5.8)	86.3 (10.1)	80.7 (4.3)

Note: 2 x standard error is given in parentheses.

Source: CPC GHS time series data file.

lived together prior to marriage. Indeed, marriage without first living together is now as unusual as pre-marital cohabitation was in the 1970s.

Pre-marital cohabitation is more common among those who marry at older ages. But although marriage has been increasingly delayed in recent decades, later marriage age does not explain the rise in pre-marital cohabitation: we see in Table 10.1 that the frequency of pre-marital cohabitation has been rising at all marriage ages.

The data in Table 10.1 are for all marriages, whether first or later. Table 10.2 presents some information relating to the time before first marriage, and there we see that the upward trend in pre-marital cohabitation applies to first marriages also. Around eight in ten of those marrying for the first time in 2004–7 lived together beforehand, up from three in ten in 1980–84. Living with a partner before first marriage has been

Table 10.2 Cohabitation before first marriage 1980-84 to 2004/7. Men and women aged <60. GB, GHS 2000-2007

	Men				Women			
	Year of marriage				Year of marriage			
	1980-84	1990-94	2000-03	2004/7	1980-84	1990-94	2000-03	2004/7
Percentage ever cohabiting prior to first marriage	31.7 (1.8)	62.7 (1.9)	73.8 (2.3)	78.7 (4.2)	30.0 (1.6)	63.0 (1.7)	74.5 (2.1)	80.1 (4.1)
Percentage cohabiting with spouse prior to first marriage	30.5 (1.8)	61.1 (1.9)	71.7 (2.3)	77.6 (4.3)	29.2 (1.6)	61.3 (1.7)	72.5 (2.2)	78.7 (4.2)
Mean duration of all cohabitation spells prior to first marriage (years)	1.8 (0.1)	2.8 (0.1)	4.3 (0.1)	4.8 (0.2)	1.9 (0.1)	3.1 (0.1)	4.6 (0.1)	4.6 (0.2)
Mean duration of premarital cohabitation (years)	1.7 (0.1)	2.5 (0.1)	3.7 (0.1)	4.1 (0.2)	1.8 (0.1)	2.7 (0.1)	3.7 (0.1)	3.8 (0.2)
Median duration of all cohabitation spells prior to first marriage (years)	1.3	2.1	3.2	3.6	1.3	2.3	3.3	3.8
Median duration of premarital cohabitation (years)	1.1	1.9	2.7	3.0	1.2	2.0	2.6	3.0
Percent distribution of premarital cohabitation	%	%	%	%	%	%	%	%
< 1 year	38.8	23.6	15.6	15.0	37.9	22.6	15.6	14.3
1 to <2 years	28.8	27.7	20.2	15.4	30.2	26.1	21.2	18.3
2 to <3 years	16.5	20.4	19.8	18.0	15.7	19.9	19.6	15.9
3 to <4 years	7.0	10.8	13.9	13.5	5.9	11.8	12.0	17.1
4+ years	8.9	17.5	30.6	38.0	10.4	19.7	31.6	34.4
Number of first marriages with premarital cohabitation (=100%)	844	1623	1128	303	1004	2000	1260	316
Number of all first marriages	2657	2609	1505	376	3355	3207	1662	386

Note: 2 x standard error is given in parentheses.

Source: as Table 10.1.

a majority practice since the early 1990s. Couples have, furthermore, been living together for longer. Pre-marital cohabiters who married for the first time in 2004–7 had lived together for four years on average (men: 4.1; women: 3.8), over twice as long as their counterparts in the early 1980s (men: 1.7; women: 1.8). While most married couples who lived together in the early 1980s did so for less than two years, in 2004–7 over half had lived together for three years or more. The frequency of pre-marital unions of 4+ years rose particularly sharply to reach 34–38 per cent of all such spells. Counting all partnerships, whether with their future spouse or with another partner, the total time cohabiters live together before first marriage now averages nearly five years (men: 4.8; women: 4.6). Multiple partnerships before first marriage, though not that common, have been growing in frequency. Of men and women marrying for the first time, 97 per cent (men) and 98 per cent (women) in 1980–84 had never lived with any other partner, against 81 per cent (men) and 84 per cent (women) in 2004–7.

Timing

We saw earlier a much sharper decline in the experience of marriage and partnership by age 25 than by age 40. The lesser change at older ages is because much of what has been happening is that marriage and partnership have been increasingly delayed rather than foregone altogether. We can infer from Figure 10.1 that men and women reaching their 40s in recent years had to a large extent caught up with previous generations. Explicit evidence of delay is shown in Figure 10.2, which plots the mean age at first union that is a cohabitation, at first partnership, at first marriage, and at first birth (women), for the periods 1980–84 to 2004–7. The estimates are for events occurring by the 40th birthday and the mean ages are standardized for age structure.²⁷

We see in Figure 10.2 the move over several decades to a later timetable of life course events, among both men and women. The trends shown here have some noteworthy features. Several of these events – first partnership if a cohabitation, any first partnership, first birth – are in 2004–7 delayed by comparison with 1980–84 to approximately the same extent. In the most recent period, men are 1.5–1.8 years older, on average, and women are 1.9–2.2 years older at each of these transitions than in the early 1980s. Major life-course transitions have, thus, moved about two years up the age range in the last quarter of a century. Marriage, however, has been subject to much more substantial delay, with both men and women marrying for the first time an average of five years later in

recent years than in the early 1980s. The reason for this additional delay is twofold. It arises both because the proportion of men and women who cohabit before their first marriage, either with their future spouse or with another partner, rose substantially over the past several decades, as we saw earlier, and because the time spent cohabiting lengthened. From Table 10.2 and Figure 10.2 we can say that the five-year delay in first marriage in 2004–7 by comparison to 1980–84 can be broken down approximately as follows: two years is due to a later start to the first partnership and three to the longer time spent cohabiting before first marriage.

Finally, we see that first marriage is now later on average than first birth – by about a year, in the most recent period. The reason is, of course, the growth in births outside marriage, with the proportion of all births that are non-marital, at over 40 per cent since 2000, being two-and-a-half times the proportion (16 per cent) in the early 1980s (England and Wales figures).²⁸ Most of that growth is due to births to cohabiting couples. Just under three in ten women having their first birth in 2000–7 were cohabiting, nearly five times the figure of 6 per cent in 1980–84 (GHS estimates). The upward trend in this respect in

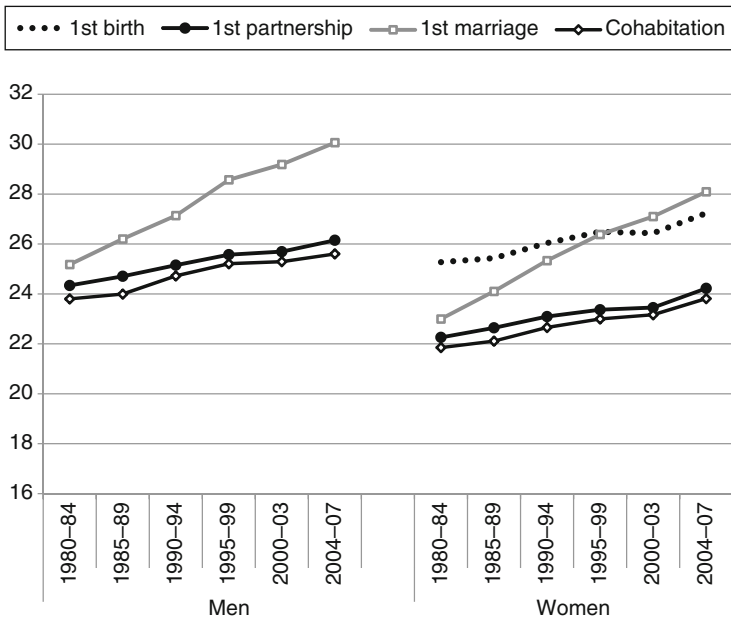


Figure 10.2 Period estimates of mean age at several life course events: first cohabitation, first marriage, first partnership and first birth, by age 40. GB, GHS 2000–2007. Source: as Figure 10.1.

Britain is shared with much of the rest of the developed world, though the frequency varies cross-nationally.²⁹

What becomes of cohabiting unions?

We saw in an earlier section that, looking backwards from marriage, the large majority of couples marrying live together beforehand, and have been cohabiting for much longer than in the past. However, this does not mean that cohabitation inevitably leads to marriage. In Figure 10.3 and Table 10.3 we look forward from the start of cohabiting unions, and show what has been happening to these in the short and medium run, and how the outcomes have been changing.

We saw in Figure 10.1 above that the proportion who cohabited by a given age has been rising. But over time, progressively fewer of those who live together ultimately marry, and a larger proportion separate. Just under three-fifths of men and women under 45 who started cohabiting in 1980–84 had married within five years, and the figure had fallen to just under two-fifths in the most recent period (Figure 10.3a).³⁰ By the tenth anniversary, two-thirds of couples who moved in together in 1980–84 had married, against about a half in recent years. The propensity to marry has fallen because, in a purely numerical sense, the frequency of separation among cohabiters has been rising (Figure 10.3b and Table 10.3). Among couples who began cohabiting in 1980–84, one in six had separated (without marrying) within five years, a figure that

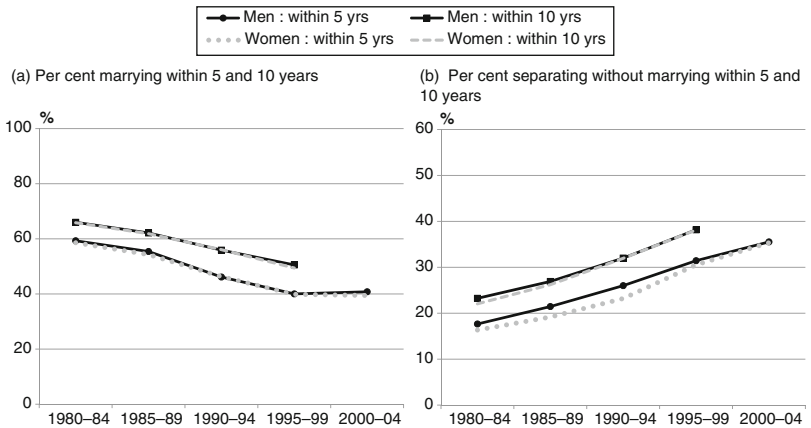


Figure 10.3 Percentage of cohabiting partnerships that end in (a) marriage and (b) separation, by year the cohabitation started. Men and women aged <45 at the start of cohabiting union. GB, GHS 2000–2007

Source: as Table 1; see also note to Table 3.

Table 10.3 Outcome of cohabiting relationships after five and ten years, by sex and year the couple started cohabiting. Men and women aged under 45 at the start of the cohabiting union. Great Britain, GHS 2000–2007

	Men					Women				
	1980–84	1985–89	1990–94	1995–99	2000–04	1980–84	1985–89	1990–94	1995–99	2000–04
5 years										
Marriage	59.3	55.4	46.2	40.0	40.8	58.6	54.3	46.3	39.9	39.5
Separation	17.7	21.5	26.0	31.4	35.5	16.3	19.2	23.2	30.5	35.4
Continuing cohabitation	23.0	23.1	27.8	28.5	23.7	25.1	26.5	30.5	29.6	25.2
10 years										
Marriage	66.0	62.2	55.9	50.5	65.9	61.9	61.9	56.1	49.4	
Separation	23.2	26.9	32.0	38.2	22.1	22.1	26.2	32.0	38.1	
Continuing cohabitation	10.7	10.9	12.1	11.3	12.1	12.1	11.9	12.0	12.4	
Sample numbers	2106	3249	3958	4399	2669	2511	4113	4830	5271	3098

Note: the estimates are from a competing risks life table and refer to how the cohabiting relationship ended, rather than to couples' situation 5 and 10 years later; thus cohabiters who married and subsequently separated are classified among marriages and not among separations.
Source: as Table 10.1.

had doubled, reaching one in three, by 2000–2004. These trends have offset each other to a large extent, with the net result that the proportion of cohabiters who are still living together unmarried five or ten years later has been fairly stable: in the range 23–30 per cent at the fifth anniversary and between 10 and 12 per cent at the tenth anniversary. Thus, relatively few cohabiting couples are still living together unmarried after ten years.³¹ In this sense, cohabitation is not a long-term arrangement for many couples in Britain. Nevertheless, overall, the majority of those starting a cohabitation, as in the past, are either still cohabiting or have married five or ten years later. But the size of that majority has been in decline: at the fifth anniversary from 82–84 per cent among those who started cohabiting in 1980–84 to 64–65 per cent in 2000–2004, and at the tenth anniversary from 77–78 per cent (1980–84) to 62 per cent (1995–99). At the same time, the duration of cohabiting spells has lengthened over time, from a median of just over two years in the early 1980s to nearly three years in the most recent period.

Marital disruption

Although cohabiting unions have become more unstable over time, this has not been true of marriages in the last two decades, at least at relatively early durations. Previous authors have noted, on the basis of vital registration statistics, that divorce rates have stabilized since the late 1980s.³² Table 10.4 shows that both separation and divorce by the fifth anniversary of marriage have declined somewhat since the early 1990s. The separation figures are based on the retrospective GHS partnership histories, and the proportions divorcing on vital registration statistics for England and Wales.³³ We make no attempt here to investigate the reasons for the stabilization and apparent decline in separation and divorce rates at shorter durations of marriage; that would require more detailed analysis than is possible in the present survey of trends. Several possibilities can, however, be mentioned. One potential reason is the long-run trend to later marriage – we saw in Figure 10.2 above that in recent years men and women have been marrying on average five years later than a quarter of a century ago. It has long been known that those marrying at older ages have a lower risk of marital breakdown³⁴ and so later age may be part of the explanation for the cessation of the rise and the decline in marital disruption that is emerging at short durations. However, this is not the only explanation, in that vital registration statistics show that compared with people marrying in 1996, fewer of those marrying in 2000 had divorced by the fifth anniversary, at nearly all ages at marriage under 50; in some cases, the decline dates from 1991 marriages.³⁵

Table 10.4 Percent of women marrying at ages under 45 who (a) separated and (b) divorced within five years, by year of marriage.

	Year of marriage				
	1980–84 %	1985–89 %	1990–94 %	1995–99 %	2000–04 %
Outcome at:					
5th anniversary					
Separation (GHS)	13.8	15.1	15.3	14.4	12.1
Divorce (vital registration)	9.3	10.7	11.1	10.4	9.6
10th anniversary					
Separation (GHS)	25.6	26.1	27.0		
Divorce (vital registration)	21.5	23.5	24.1	23.9	
Sample women (GHS)	10,764	10,924	7,485	4,102	2,165

(a) Separation: Great Britain, GHS 1979–2005/7.

(b) Divorces: Vital registration statistics, England and Wales.

Source: as Table 10.1.

The advent of widespread cohabitation may be a further, and related, contributory factor. We have seen that over time pre-marital cohabitation has become more common (Table 10.1), that couples live together for longer periods before first marriage (Table 10.2), and that proportionately fewer cohabiters marry, and more separate without marrying, by any given time after they start living together than in the past (Figure 10.3 and Table 10.3). As a result, relationships may be subject to greater testing before marriage than in the recent past, with cohabitation screening out weaker partnerships.³⁶ If this is indeed what is happening, those marrying may be increasingly select as to the likely future stability of their relationship. In that sense, the spread of cohabitation may be a contributory cause of the recent stabilization of marriage, and of the incipient decline in rates of marital disruption.

Time spent in partnerships

One way of encapsulating the consequences of recent changes in the level and timing of partnership in Britain is to look at changes in the total time spent in specific statuses. This is done in Table 10.5, which shows the mean number of years spent, by the 40th birthday, in any

Table 10.5 Mean time spent in any partnership or in marriage by age 40. Men and women aged 40–44, 1990–2007. Great Britain, GHS 2000–2007

	Mean no. of years in partnership		Mean no. of years married	
	All	Among those ever in a union	All	Among those ever married
Men				
1990–94	13.4	14.7	13.1	15.0
1995–99	13.1	14.4	12.2	14.4
2000–03	12.3	13.7	10.7	13.4
2004–07	11.9	13.3	9.4	12.4
change 1990–94 to 2004–7	-1.51	-1.41	-3.7	-2.53
Women				
1990–94	15.9	16.6	15.8	16.9
1995–99	15.5	16.3	14.9	16.3
2000–03	14.7	15.6	13.3	15.3
2004–07	14.3	15.1	12.3	14.6
change 1990–94 to 2004–7	-1.69	-1.43	-3.57	-2.31

Source: as Table 10.1.

kind of partnership, or in a marriage, by men and women aged 40–44 in 1990–94 to 2004–7. Overall, both men and women in their early 40s in recent years have spent 1.5–1.7 fewer years in a partnership than their counterparts in the early 1990s. This relatively small change is the product of a later age at entry into partnership, and a slight decline in the proportions ever having been in a relationship by age 40 over that period, and also to higher levels of separation. Time spent married, however, has declined by a larger margin: 3.6–3.7 fewer years married, on average, than 15–20 years ago. Most of this is due to later marriage age, and to time between marriages: a decline of 2.5 for men and 2.3 for women; the remainder – men 1.2, and women 1.3 – is attributable to lower levels of marriage.

Partnership status and history in 2004–7

A further summary of the net outcome of recent trends is given by figures on the cumulative partnership experience of men and women by

Table 10.6 Percentage ever experiencing cohabitation, marriage, and any union, and current union status at survey by age group and sex. Men and women aged 18–59. Great Britain, GHS 2004–2007

	Age at survey				
	18–24 %	25–34 %	35–44 %	45–59 %	All ages %
Men					
	17.2 (1.9)	58.7 (1.9)	62.8 (1.6)	38.1 (1.4)	46.5 (0.9)
Ever married	2.6 (0.8)	36.1 (1.8)	73.0 (1.5)	87.3 (0.9)	58.4 (0.9)
Ever in union	18.2 (2.0)	70.5 (1.7)	89.4 (1.1)	92.3 (0.8)	74.8 (0.8)
Ever separated	6.3 (1.2)	21.6 (1.6)	34.4 (1.6)	31.9 (1.6)	26.2 (0.9)
Of ever separated, % ever repartnered	26.0 (8.5)	61.5 (3.9)	74.0 (2.5)	75.2 (4.2)	70.3 (2.8)
Cohabiting at survey	10.7 (1.6)	25.0 (1.6)	14.2 (1.4)	6.6 (1.0)	13.6 (0.6)
Married at survey	2.4 (0.8)	33.3 (1.8)	61.1 (1.6)	72.8 (1.4)	49.5 (0.9)
In union at survey	13.1 (1.7)	58.3 (1.8)	75.2 (1.6)	79.3 (1.2)	63.2 (0.8)
In second or later union at survey	1.1 (0.5)	9.8 (1.1)	20.8 (1.4)	19.5 (1.3)	14.7 (0.7)
Women					
Ever cohabited	32.3 (2.1)	65.4 (1.6)	62.8 (1.5)	34.7 (1.3)	49.1 (0.8)
Ever married	8.2 (1.3)	50.5 (1.7)	80.0 (1.2)	92.7 (0.7)	66.2 (0.8)
Ever in union	36.1 (2.2)	82.1 (1.3)	93.6 (0.8)	96.3 (0.5)	82.7 (0.6)
Ever separated	11.5 (1.5)	29.4 (1.6)	39.5 (1.5)	37.6 (1.6)	32.1 (0.9)
Of ever separated, % ever repartnered	30.2 (5.6)	59.4 (3.0)	68.0 (2.2)	65.2 (3.4)	62.9 (2.2)
Cohabiting at survey	19.8 (1.8)	22.7 (1.4)	12.3 (1.3)	5.7 (0.9)	13.6 (0.5)
Married at survey	7.4 (1.2)	44.5 (1.7)	62.8 (1.5)	71.8 (1.3)	52.9 (0.8)
In union at survey	27.2 (2.0)	67.2 (1.6)	75.1 (1.4)	77.4 (1.2)	66.6 (0.7)
In second or later union at survey	2.4 (0.7)	14.4 (1.2)	21.4 (1.3)	19.1 (1.2)	16.0 (0.6)

Note: 2 x standard error is given in parentheses.

Source: as Table 10.1.

age in the most recent period. The proportion of men and women who had ever married, ever cohabited, and ever experienced one or other of these kinds of partnership, is shown by age group in Table 10.6, for 2004–7. Consistent with the delay in life-course transitions, we see that only a minority of those aged under 25 had ever been in a union. The absence of a large-scale rejection of partnership on the other hand is evident from the large majority of those aged 25 and above who had

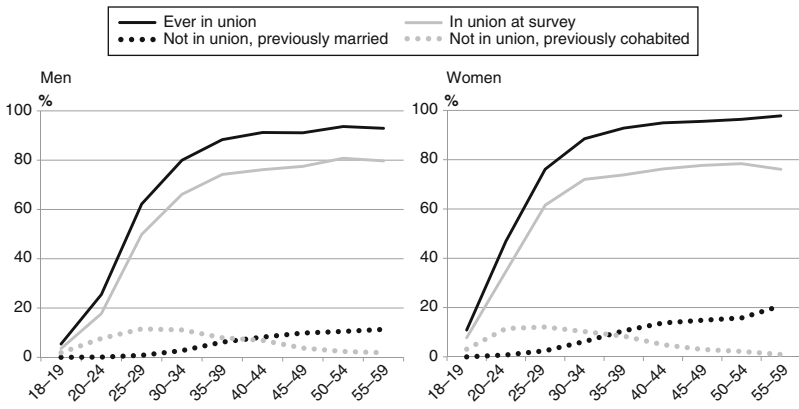


Figure 10.4 Percentage who had ever been in a partnership, and who were in a partnership, by age and sex. Men and women aged 18–59. GB, GHS 2004–2007. Source: as Figure 10.1.

been in some type of union – cohabitation or marriage – at some time in their lives. Most men and women aged 25–44 had cohabited at some point in the past. The oldest age group considered here – those 45–59 in 2004–7 – had less experience of cohabitation than did 25–44-year-olds; nevertheless, over a third had lived in an unmarried relationship at some point.

There is a sizeable gap in all but the youngest age groups between the proportions ever in a partnership and those in a partnership at the time of the survey, as seen in Figure 10.4. The disparity is due at these ages primarily to relationship breakdown, though at older ages widow(er)hood is also a contributory factor. From Table 10.6 we see that over three in ten men, and nearly four in ten women aged 35–59 had been separated from at least one cohabiting or married partner. Over seven in ten separated men and two-thirds of separated women of these ages had found a further partner. A fifth of men and women aged 35–59 were living with a second or later partner at the time of the survey.

In all age groups many fewer are cohabiting at the time of the survey than have ever cohabited. This is a further reflection of the relatively short duration of cohabiting relationships, as we saw above. At ages 35 and above, more people have been married than have ever cohabited, but the opposite is true of those under 35. Differences between age groups in Table 10.6 reflect in part the effect of age itself, with those at older ages having had more cumulative experience of partnership in

general. However, they also reflect the substantial changes in partnership that have been taking place since the 1970s.

Discussion

Partnership behaviour has been in continuous change in Britain for over three decades. Cohabitation is continuing to grow, and the large majority of people aged 25–44 currently have cohabited at some time in their lives. The vast majority of marriages – 80 per cent in recent years – are now preceded by a spell of cohabitation. The growth in cohabitation does not compensate for the decline in marriage at younger ages, but among those in their early 40s, in recent years, it comes close. Putting recent trends in historical context, if we consider both cohabitation and marriage together, the frequency of entering a partnership among people reaching their 40s currently is on a par with the frequency of marriage in the most married generations of the twentieth century. That is, both men and women have been entering some form of co-residential relationship, marriage or cohabitation, at about the maximum level reached by its traditional form, marriage, during the twentieth century in Britain (the vital registration comparison is with England and Wales). In that sense, there has been no retreat from partnership *per se*. Partnership trends in recent decades are certainly distinctive, but are not entirely discontinuous with the past. As one family historian has commented, most apparently modern developments in relation to marriage and family have their counterparts in the past, whether more or less distant in time. The same author notes, however, that the sheer diversity of current family arrangements is historically unique.³⁷

Insofar as marriage and overall partnership have declined, it has to be remembered that comparison with the levels of the 1960s and early 1970s is with the peak level of marriage in twentieth-century Britain. For example, the period mean age at marriage reached an all-time low in 1970 in England and Wales. It is, therefore, unsurprising in a statistical sense that marriage rates should decline and marriage age should rise in the 1970s. Nevertheless, the additional delay in marriage has been very substantial indeed since the early 1980s, and marriage is now later than at any time in the last century. The growth in the frequency of cohabitation and the longer durations spent cohabiting prior to first marriage are part of the explanation for marriage delay. However, partnership itself has also been delayed, as we have seen. And so, transitions to adult statuses in general now follow a later timetable. Contributory factors include, among others, greater educational participation rates, the

labour market incentives stemming from the acquisition of higher-level qualifications, the difficulty of coordinating two partners' economic interests when both expect to participate in the labour market over the long term, economic uncertainty, and deteriorating labour markets.³⁸

The proportion who at any point in time are living with a partner has been declining at all ages, due both to the later timing of marriage and partnership and because relationships are more frequently dissolved than in past decades. In the period since the 1970s, marriage breakdown initially rose but more recently appears to have stabilized and begun to decline, at least at short durations of marriage. In the most recent period 30–40 per cent of people aged 35–59 have experienced the breakdown of at least one partnership. Separation is, thus, not the majority experience, but is that of a very substantial minority at these ages. And while the majority of those separating find a new partner the net result of these trends is that the cross-sectional proportions who have previously been in a partnership, but no longer are so, have been rising.

Policy interest in cohabitation has been based to some extent on its link with marital breakdown. An extensive body of past research has reported that couples who live together before marriage are more likely to separate, once married, than those who marry directly.³⁹ However, the finding is far from universal, with dissolution risks in some countries being higher among those who marry directly without first living together.⁴⁰ Several recent studies suggest, furthermore, that when the pre-existing characteristics of those who cohabit are taken into account, the risk of marriage breakdown is no different from and may be lower among those cohabiting before marriage than among those who marry directly;⁴¹ similar findings have been reported in relation to cohabitation itself compared with marriage.⁴² There is some evidence also that the role of pre-marital cohabitation is context-dependent, being associated with higher divorce risk when either uncommon or very common, in both cases because those engaging in a minority behaviour are usually select in important respects. When the practice is uncommon, those cohabiting pre-maritally may be less traditional, less concerned with social norms, and less risk-averse than those who marry directly; conversely, when pre-marital cohabitation is common, those marrying directly may have the opposite characteristics.⁴³ In line with this expectation, several studies have reported that the difference in divorce risk between marriages that are and are not preceded by a cohabitation spell has been diminishing over time.⁴⁴

In this overview chapter, we have not sought to assess causal hypotheses regarding relationship breakdown – much more detailed analysis

would be required for the purpose. We note, however, that the growth of cohabitation, together with the upward trend in the separation risk in cohabiting unions, could be seen, perhaps paradoxically, as promoting rather than competing with marriage. A first reason is that marriage rates are higher among cohabiters than among the unpartnered.⁴⁵ A second point, alluded to earlier, is that the growth in cohabitation together with the rise in the proportion of cohabiters who do not marry could be linked with the stabilization and emerging decline in marital breakdown at short durations. This could be so if cohabitation acted as a kind of marital firewall, keeping out of the married population couples whose relationship is more fragile. The hypothesis needs further investigation in a British context.⁴⁶

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The General Household Survey is conducted by ONS. Access to the data is provided by the UK Data Archive.

The CPC GHS time series data file on which this chapter is based was constructed in collaboration with Dr Ann Berrington and with the assistance of Mark Lyons Amos. We thank the Demographic Analysis Branch and the General Lifestyle Survey Branch of ONS for their help in clarifying various data issues and for providing the 2001 Census-GHS link adjustment factors used in constructing new GHS weights.

Appendix Table A1 Percentage ever having experienced each type of partnership by specified exact ages, by sex. GB, 1980–84 to 2004–07; GHS 2000–2007

		By age 30							
		Cohabitation		Marriage	Any union				
							Cohabitation	Marriage	Any union
Men	1980–84	15.8	51.0	58.8	Men	1980–84	16.1	77.8	82.2
	1985–89	23.5	40.5	53.2		1985–89	25.1	73.0	80.8
	1990–94	33.6	29.9	51.0		1990–94	36.5	65.0	77.9
	1995–99	36.4	19.6	45.6		1995–99	50.4	54.9	76.3
	2000–03	36.3	12.6	41.7		2000–03	57.4	45.0	73.5
	2004–07	38.5	10.4	42.7		2004–07	57.7	38.4	70.8
Women	1980–84	18.1	71.0	77.9	Women	1980–84	14.7	89.1	92.0
	1985–89	27.5	61.6	73.2		1985–89	24.9	84.8	90.1
	1990–94	40.6	49.2	70.1		1990–94	37.2	77.9	87.8
	1995–99	50.0	35.3	65.8		1995–99	52.1	69.4	86.6
	2000–03	51.3	25.2	61.6		2000–03	64.3	60.1	85.7
	2004–07	50.8	23.0	60.3		2004–07	67.6	53.2	84.4
		By age 40							
		Cohabitation		Marriage	Any union				
							Cohabitation	Marriage	Any union
Men	1980–84	22.1	84.6	88.6	Men	1980–84			
	1985–89	32.1	81.0	87.8		1985–89	26.3	87.3	91.1
	1990–94	45.6	74.3	86.2		1990–94	36.4	84.2	90.5
	1995–99	58.6	67.6	85.7		1995–99	47.4	80.1	89.7
	2000–03	66.0	62.6	85.6		2000–03	57.5	75.9	89.3
	2004–07	66.0	62.6	85.6		2004–07	57.5	75.9	89.3
Women	1980–84	19.7	92.3	95.3	Women	1980–84			
	1985–89	31.4	88.7	93.7		1985–89	22.8	93.7	96.2
	1990–94	44.2	83.8	92.5		1990–94	34.9	90.9	95.2
	1995–99	57.2	78.2	92.2		1995–99	45.4	87.2	94.1
	2000–03	68.6	72.0	91.3		2000–03	53.4	84.2	94.0
	2004–07	68.6	72.0	91.3		2004–07	53.4	84.2	94.0

Samples: by age 25: experience of union by 25th birthday among those aged 25–29 in each period; by age 30: experience of union by 30th birthday among those aged 30–34 in period; etc.
Source: as Table 1.

Notes

Introduction

1. Office for National Statistics (2013).
2. The historiography on non-marital child-bearing is reviewed in Chapter 1 by Fox and Ingram.
3. See, e.g., Laslett, Oosterveen and Smith (1980); Wrigley, Davies, Oeppen and Schofield (1997).
4. See, e.g., Registrar-General (1919), p. xxiii.
5. Gowing (1997).
6. See Chapter 5 by Shaffer and Chapter 7 by Frost.
7. See Chapter 1 by Fox and Ingram.
8. Adair (1996). See also Laslett (1977).
9. Haskey (2001), p. 15.
10. Wrightson and Levine (1979).
11. Levine and Wrightson (1991), p. 303.
12. Adair (1996), p. 76.
13. Gillis (1985), p. 219.
14. See Probert (2009).
15. Gandy (1978), p. 21.
16. *Ibid.*, Table XIV. Even these low figures may be overestimates: see Probert (2005).
17. Probert (2005).
18. Probert (2009), p. 253; (2012), p. 69.
19. Frost (2008a).
20. *Ibid.*, p. 3.
21. Probert (2012).
22. Probert (2012).
23. Carlisle Record Office (CRO), DRC/5/7.
24. Probert (2012), p. 35.
25. Probert (2012), p. 71.
26. (1822) 1 Sim & St 61; 57 ER 24.
27. *Hale v Meadowcroft*, *The Times*, 23 April 1823, p. 4.
28. Prevention of Cruelty to Children (Amendment) Act 1894, s. 17.
29. Rubenhold (2006), p. 146.
30. *Meecham v Gould*, *The Times*, 30 October 1802, p. 3.
31. For examples of its usage in this context see, e.g., *The Times*, 17 November 1821, p. 3, reporting that in *Thurlow v Thurlow* the husband and wife 'lived and cohabited together'.
32. St Mary-le-Strand, bastardy examinations 1780–89. Reference G1015-077 fol 479.
33. Thomas (1978); Roberts (1982).
34. Durkheim (1897).
35. Griffiths, Ladva, Brock and Baker (2008).

1 Bridewell, bawdy courts and bastardy

1. Unless otherwise stated, the manuscript sources used in this chapter are housed in London Metropolitan Archives, Clerkenwell (LMA). Some of them can only be consulted on microfilm. London parish registers can be viewed as digitized images at LMA or by subscription via ancestry.co.uk. LMA holds microfilms of the court books of Bridewell Hospital (BCB), and digitized images are available via the website of the Archives and Museum Service of Bethlem Royal Hospital, Beckenham, Kent, where the originals are kept. Thanks are due not only to the various archivists who have assisted this work, but also to Brasenose College, University of Oxford, which generously funded some of the preliminary research on which this chapter is based, and to the History Faculty, Oxford University, which provided some supplementary funding.
2. Finlay and Shearer (1986); some of their estimates are revised by Harding (1990).
3. The key work, which reviews and appraises earlier research, is Adair (1996).
4. A few registers record births as well as baptisms. Calculation of the illegitimacy ratio is usually adjusted to take account of children who were buried before they could be baptized.
5. Laslett, Oosterveen and Smith (1980), chs. 1–6, 8.
6. Adair (1996), pp. 171–87; McNabb (2006). For another angle, see Carlton and Thornton (2011).
7. Adair (1996), pp. 27, 61–4, 194–201 and *passim*.
8. Laslett (1980a), pp. 48–9.
9. Adair (1996), ch. 3 and *passim*.
10. Quaife (1979), pp. 179, 181 and *passim*.
11. Gowing (2003), ch.3.
12. E.g. Laslett (1983), p. 178; Macfarlane (1980), p. 82.
13. Ingram (1987), pp. 159–67, 272–3 and ch. 8 *passim*.
14. Dougall (2011), chs. 4–6.
15. Wrightson (1982), pp. 84–6.
16. Levine and Wrightson (1980), pp. 158–75.
17. King (1978).
18. Ingram (1987).
19. Beier (1985), p. 53 n. 13; Finlay (1981), pp. 18, 37, 148–9; Adair (1996), pp. 204–9.
20. Finlay (1981), p. 149; Gowing (2008).
21. Adair (1996), pp. 202–3, 209–13.
22. *Ibid.*, pp. 216–17. The memoranda books are preserved as P69/BOT2/A/003/MS09223, fols 187r–269v; P69/BOT2/A/019/MS09234/1–8. Extracts are printed in Forbes (1971).
23. P69/BOT2/A/019/MS09234/8, fols 206v, 207r.
24. DL/C/230, fols 59 left–right, 62 right–63 left; P93/MRY1/001, fol. 102v.
25. P69/BOT2/A/019/MS09234/8, fol. 246v, cf. fols 104v, 191v, 193v, 201v, 239r.
26. Analysis of the entries for 1618 indicates that nearly two-thirds of legitimate children were baptized within a week of birth, whereas this was true of only one in three of the illegitimates for which the relevant information

- was recorded in the years 1616–20: based on search of P93/DUN/256, fols 43v–110v; cf. Adair (1996), p. 207.
27. P69/BOT2/A/019/MS09234/8, fol. 157v, cf. fols 190v, 191r.
 28. P82/AND/A/001/MS06667/001, *passim* (unfoliated), P82/AND/A/001/MS06673/001, fols 230v, 231v, 238r, 247v, 286v and *passim*.
 29. P92/SAV/1422 (1619), 1423 (1622). The quotation refers to case no. 8, 1622. Other cases are quoted in Boulton (1987), pp. 272–3; Gowing (2008), pp. 140–41, 146.
 30. DL/C/620, fol. 218r/p. 447.
 31. Ingram (1987), p. 159; Gowing (1996), pp. 88, 198 and (2003), pp. 47, 120, 142; Hubbard (2012), pp. 102–3.
 32. For an overview of the evidence for, and historiography of, infanticide in England between about 1400 and 1750, see Ingram (2010), pp. 67–75, to be supplemented by Butler (2007).
 33. WJ/SR (NS) 4, nos. 111, 120, 121.
 34. WJ/SR (NS) 18, no. 20, cf. no. 133.
 35. P69/BOT2/A/003/MS09223, fol. 219r, quoted in Forbes (1971), pp. 150–51. Forbes cites one other possible infanticide in 1591, the woman concerned apparently being married and of no fixed abode: *ibid.*, p. 151. See also Hubbard (2012), p. 104.
 36. Shepard (2003), pp. 186–95; cf. Shepard (2013).
 37. See also Hubbard (2012), pp. 9–85.
 38. Gowing (2008), pp. 137–8.
 39. Capp (1999).
 40. DL/C/222, fols 46r–47r; DL/C/223, fols 182r–186r; P71/OLA/009, fol. 202r. For another account of the case, see Hubbard (2012), pp. 90–91.
 41. Surviving act books for the archdeaconry of London cover only the years 1635–6 and 1639–40.
 42. This court drew much business from Stepney and Whitechapel, some from certain city parishes, and the rest from parishes outside the metropolitan area.
 43. DL/C/620, fol. 215v/p. 442.
 44. BCB 5, fol. 366v.
 45. DL/C/314, fol. 26v/p. 64.
 46. DL/C/620, fol. 194(3v)/p. 399(3v). On churching, see Cressy (1997), ch. 9.
 47. E.g. DL/C/B/043/MS09064/15, fol. 4v.
 48. P69/BOT2/A/019/MS09234/8, fols 93r, 98r, 115v.
 49. Westminster Archives Centre, WCB 1–2 (1610–13, 1613–16), *passim*; on this court see Manchée (1924); Merritt (2005), ch. 7, esp. pp. 244–5.
 50. Jeaffreson (1886–92) provides an introduction to the Middlesex sessions files records and prints extracts; Le Hardy (1935–41) is a complete abstract covering the years 1612–18. The following original files have been searched: CLA/047/LJ/01 (City of London sessions), files 2–12 (1603–8), 25–8 (1609), 53–61 (1613), 75–94 (1617–20), 98–103 (1622); MJ/SR (Middlesex sessions), files 374–85 (1600), 467–79 (1609); MJ/SR (NS) (Westminster sessions), files 1–29 (1620–30), 41–4 (1635).
 51. Le Hardy (1935–41), I, p. 8.
 52. Jeaffreson (1886–92), II, pp. 116 (whipping), 117–18 (new house of correction, 1615).

53. WJ/SR (NS) 2B, no.9. See also WJ/SR (NS) 1, no.129; 2, no.180; 3, no.118; 4, no.111; 6, no.119; 7, no.16; 8, n. 164; 19, no. 161; 20, no. 229; 22, no. 49.
54. Capp (1999); Hubbard (2012), pp. 79–80.
55. WJ/SR (NS) 12, no.135.
56. WJ/SR (NS), 2B, no.50 (undated); for other examples, see *ibid.*, no.43; WJ/SR (NS) 1, no.107, 12, no.135 (the last alleging the use of force). Cf. Walker (2003), pp. 230–33.
57. WJ/SR (NS), 2, no.145; Jeaffreson (1886–92), II, pp. 91–2.
58. The extensive literature on Bridewell includes O’Donoghue (1923); Archer (1991), ch. 6 *passim*; Griffiths (2008).
59. Based on analysis of BCB 4, fols 133r–207v.
60. E.g. BCB 5, fols 326v, 330r, 332r, 399r; P69/BOT2/A/003/MS09223, fol. 236r.
61. Griffiths (2008), pp. 201–2, 232.
62. 39 Elizabeth I c. 4.
63. BCB 4, fol. 185r.
64. Gowing (2008), 148; P92/SAV/1422, fol. [1r].
65. P69/BOT2/A/019/MS09234/8, fols 161v (quoted in Forbes (1971), p. 69), 178v.
66. P69/BOT2/A/019/MS09234/8, fol. 136v; for another case, see P69/BOT2/A/003/MS09223, fol. 238v.
67. There was also a schoolmaster, who may or may not have been of gentle status.
68. Based on search of WJ/SR (NS) 1–29; P69/BOT2/A/003/MS09223; P69/BOT2/A/019/MS09234/8.
69. P69/BOT2/A/003/MS 09223, fols 220v, 227r, cf. 199r, 201v; P69/BOT2/A/019/MS09234/8, fol. 58v.
70. Adair (1996), p. 218; and cf. Merritt (2005), p. 245.
71. DL/C/620, fol. 157r/p. 325 and *passim*; cf. P93/DUN/275, fol. 104v.
72. DL/C/193, fols 217r; P93/DUN/256, fol. 105v (letters hidden by binding have been supplied). See also Hubbard (2012), p. 172.
73. E.g. BCB 4, fols 191v, 192r, 194v, 200r, 200v, Gowing (2008), pp. 137–8.
74. BCB 4, fol. 196r–v, 197v, 198r.
75. Beier and Finlay (1986), p. 22.
76. Karras (1996), p. 82.
77. Adair (1996), p. 214.
78. Based on comparison between DL/C/620 and P82/AND/A/001/MS06667/001; P82/AND/A/001/MS06673/001; P93/DUN/256, 275–6; P76/JS1/001, 004.

2 Cohabitation in context

1. For acknowledgements and details of manuscript sources see Chapter 1, n. 1. For this chapter thanks are also due to Eleanor Fox, who abstracted some of the church court and Bridewell material.
2. Probert (2012), pp. 35, 49 and ch. 2 *passim*.
3. Ingram (1987), pp. 224–5, 265–6, 273–4, 278. But cf. Crawford (2010), pp. 3, 10, 11 and *passim*, though it should be noted that the long time period covered by this book makes some of its assertions hard to evaluate.
4. DL/C/B/043/MS09064/016, fol.67r.

5. TNA, SP 12/276, fol. 104r.
6. Barnum (1976), p. 328.
7. Bullinger's work also appeared as *The golden boke of christen matrimonye* (1543), ascribed to Thomas Becon.
8. Recent contributions include Davies (1977); Todd (1987), ch. 4; Collinson (1988), ch. 3; Fletcher (1994), ch. 5; Peters (2003), ch. 13.
9. Seaver (1985), p. 79.
10. Archer (1991), pp. 64, 215–18.
11. Osborn (1962), p. 17.
12. Barahona (2003), ch. 4; Behrend-Martínez (2007), pp. 42–3, 159.
13. MJ/SR 482, no. 9; Le Hardy (1935–41), IV, p. 342.
14. DL/C/315, p. 189; DL/C/303, p. 98.
15. Boulton (1984); Ingram (1995), esp. pp. 108–18.
16. E.g. DL/C/314, fol. 8r; DL/C/620, fol. 96r/p. 197, cf. *ibid.*, fol. 204v/p. 420.
17. E.g. DL/C/620, fol. 125r/p. 253.
18. DL/C/B/043/MS09064/18, fols 35v–36r.
19. Tomlinson (1907), pp. 229–31; Outhwaite (1995), p. 27 and *passim*.
20. DL/C/314, *passim*.
21. The extensive literature on Bridewell includes O'Donoghue (1923); Archer (1991), ch. 6 *passim*; Griffiths (2008).
22. Griffiths (2008), pp. 201–2, 232. Sex cases in Bridewell seem to have risen in numbers again in the later seventeenth century.
23. DL/C/230, opening 58 right.
24. DL/C/314, fols. 148r–50r/pp. 301–5.
25. P93/DUN/256, fol. 89r; P93/DUN/276, fol.9r. A roughly similar level of vigilance is reflected in the registers of St Andrew Holborn – a different kind of suburban parish, located between the city of London and Westminster, noted for the presence of some of the Inns of Court and a number of aristocratic mansions: see P82/AND/A/001/MS06667/001.
26. The memoranda books are preserved as P69/BOT2/A/003/MS09223, fos 187r–269v; P69/BOT2/A/019/MS09234/1–8. Extracts are printed in Atkinson (1898), pp. 106–22; Forbes (1971).
27. E.g. P69/BOT2/A/019/MS09234/8 (1616–25), fols 75r, 109r.
28. *Ibid.*, fols 18v, 98r.
29. DL/C/314, fols 117v, 118r, 21(2)r–v, 122r/pp. 239, 141(1), 249(2)–(3).
30. Cressy (1997), ch. 11.
31. Probert (2009), ch. 2.
32. Fleming (2001), pp. 48–9.
33. Helmholz (1974), pp. 29–30; Houlbrooke (1978), pp. 56–7, 66.
34. Ingram (1987), pp. 132–3.
35. For irregular marriage practices in a Durham coalmining parish, see Levine and Wrightson (1991), pp. 303–5.
36. Concomitants were that illegitimacy levels were relatively high and 'child marriage' in the sense of the espousal of infants was much more common than elsewhere; see Adair (1996), pp. 171–87; McNabb (2006), (2005–6) and (2010) (the latter of which provides references to a wide range of works on courtship, marriage and matrimonial litigation in other parts of early modern England).
37. P82/AND/A/001/MS06667/001 (unfoliated), 10 March 1618/19; cf. Adair (1996), p. 183.

38. Gowing (1996), ch. 5; Giese (2006).
39. DL/C/216, p. 491.
40. Ingram (1987), ch. 7.
41. Churchwardens were required to submit annual transcripts of parish registers, and these provided a ready means by which registry officials could determine when a birth had occurred suspiciously soon after a wedding; see Ingram (1987), p. 231. But in London this kind of calculation was much more difficult, not only on account of population density and high levels of migration, but also because an increasing proportion of couples married by licence outside their own parish. On the latter phenomenon, see Boulton (1991).
42. Finlay (1981), pp. 149–50.
43. DL/C/616, p. 319.
44. This and other instances of the ‘unmarried wife’ formula are cited in Adair (1996), p. 220.
45. P69/BOT2/A/019/MS09234/2, fols 67r, 77r; for similar cases, see *ibid.*, fols 10v, 18r; P69/BOT2/A/019/MS09234/3, fols 9v, 18r.
46. DL/C/620, fols 64v/p. 134, 67r/p. 139.
47. BCB 5, fol. 341v.
48. DL/C/616, pp. 69–76, 171–3, 187–9 (quotations at pp. 73, 76, 173, 188).
49. BCB 4, fol. 137r.
50. Helmholz (1974), ch. 3; Stone (1990), pp. 301–8.
51. DL/C/315, p. 207; the couple does not appear in the parish registers.
52. BCB 4, fol. 193v, see also fols 194r, 195r.
53. BCB 4, fol. 159v.
54. BCB 6, fols 81r, 81v; cf. WJ/SR (NS) 29, nos. 52, 53.
55. Capp (2009).
56. BCB 4, fols 175r, 175v, 186r; for other bigamy cases in 1600 see fols 133v, 136v, 137r, 153r, 153v, 156v, 157r, 158r, 161v, 163r, 173v, 175r, 175v, 176r, 177r, 178v, 184r, 184v, 192v, 193v, 194r, 194v, 195r, 196r; some of these are discussed in Capp (2009), pp. 544–5.
57. E.g. Cowper (1874), pp. 91–2.
58. DL/C/615, pp. 36–7.
59. BCB 4, fol. 164v.
60. BCB 6, fol. 31r–v.
61. WJ/SR (NS) 20, nos. 14, 192.
62. Beier (1985).
63. Charles I, king of England (1631), sig. [G4v]; Younge (1654), ch. XIV, p. 11. More generally, see Beier (1985), ch. 4, esp. pp. 65–8; cf. Cockburn (1977), pp. 62–4, 101, 130–1, 133, 135.
64. BCB 6, fol. 200r.
65. BCB 5, fol. 357v; BCB 6, fol. 69r.

3 Broken marriages and cohabitation

1. Probert (2012), p. 5.
2. *Ibid.*, pp. 26–30.
3. *Ibid.*, pp. 36–7.

4. *Ibid.*, pp. 64–70.
5. *Ibid.*
6. This point is also made by Frost (2008a), p. 1.
7. Bailey (2003), ch. 8.
8. Frost (2008a), p. 3.
9. For a brief overview see Bailey (2010).
10. Bailey (2003), ch. 3.
11. *Ibid.*, pp. 178–187.
12. Frost (2008a), chs 8 and 9.
13. Borthwick Institute TRANS.CP.1688/1 and /2: Appeals (immorality/adultery): 3 Pieces; Has deposition; Has libel; No sentence: 1688–1688.
14. Information collected from the following websites: <http://www.thrumptonhall.com/the-hall>; <http://southwellchurches.nottingham.ac.uk/thrumpton/hhhistory.php>. Accessed 28 January 2014.
15. Durham Diocesan Records/EJ/PRC/2/1705/4 (William Cresswell, defendant); DDR/EJ/PRC/2/1724/2 (William Cresswell, defendant); DDR/EJ/PRC/2/1725/2 (Dorothy Stafford, defendant); and Borthwick Institute Trans. CP1702/3.
16. Hodgson (1832), pp. 200–204.
17. Borthwick Institute CPI.843, Consistory Court. Defamation (sexual slander) *Elizabeth Woodhead v Nicholas Bramhall* 7 Pieces; Has deposition; Has libel; No sentence: 1725.
18. Borthwick Institute CPI.793, Consistory Court: Immorality (adultery):13 Pieces; Has deposition; Has libel; No sentence: 1725.
19. <http://mprobb.wordpress.com/2012/03/22/samuel-mortimer/> <http://homepage.eircom.net/~lawedd/GEORGEHOTEL.htm>. Accessed 28 January 2014.
20. The account of the marriage up to and including the separation is derived from: DDR/EJ/CCD/3/1801/15, *Watson c. Watson*.
21. DDR/EJ/CCD/3/1801/15, *Watson c. Watson*.
22. DDR/EJ/CCD/3/1801/15, *Watson c. Watson*.
23. For example see Bailey (2003), chs 6 and 7.
24. DDR/EJ/CCD/3/1801/15, *Watson c. Watson*.
25. Reported in *The European Magazine & London Review*, vol 8, 1785.
26. The married woman is not named, and only referred to as ___ Stafford, wife of ___ Stafford Esquire.
27. Reported in *London Gazette*, 6 August 1798.
28. Borthwick Institute CPI.2568. Consistory Court. Appeals (matrimonial: separation from bed and board: adultery): 3 Pieces; No deposition; Has libel; No sentence: 1800–1801. Chanc.AB.
29. *London Gazette*, 12 May 1803.
30. Heron (1797).
31. <http://www.newsandstar.co.uk/saucy-mary-brought-shame-to-bavington-1.671649?referrerPath=2.2963> Accessed 28 January 2014.
32. Heron (1797), pp. 4–5.
33. *Ibid.*, passim.
34. Borthwick Institute TRANS.CP.1798/1. Dean and Chapter. Appeals (separation from bed and board: adultery and cruelty appellate): 10 Pieces; Has deposition; Has libel; No sentence: 1798.

35. Tadmor (1996).
36. Will, 8 March 1815 (DPRI/1/1822/W11/1).
37. I am very grateful to Marie Snaith Scott, of Idaho, USA, for discussion and communication about the Morgan/Watson/Ayton families. For some of the correspondence and other information see the discussion thread at: <http://boards.ancestry.co.uk/surnames.snaith/77.3.1.1.1/mb.ashx> Accessed 28 January 2014.
38. Battestin, (2004). Information about Mary Daniel's date of birth at <http://www.halhed.com/t4r/getperson.php?personID=I27&tree=tree1> Accessed 28 January 2014.
39. My sincere thanks to Daniel Reed for providing me with all the following information about Jaques Sterne. Daniel is undertaking a PhD at Oxford Brookes University, researching the links between church, society, patronage and family in eighteenth-century England.
40. A facsimile of the will is reproduced in Forrester (1992).
41. Cited in Cash (1975), p. 167.
42. Battestin (2004).

4 Plebeian cohabitation and illegitimacy

1. Hitchcock and Black (1999), n. 112.
2. *Ibid.*
3. *Ibid.*, n. 358.
4. Probert (2012), p. 25, and see ch. 2 *passim*; Dabhoiwala (2001), pp. 87–8, 91; Ingram (1987), pp. 224–5, 265–6, 273–4, 278; Gowing (1996), particularly ch. 5, and (2003), pp. 12–13; Meldrum (1997); Hubbard (2012), pp. 88–110. See, further, Chapters 1 and 2 in this volume.
5. London Metropolitan Archives [LMA], Foundling Hospital Petitions, 1801 A/ FH/A08/001/002/010/03.
6. Williams (2011), p. 196; Black (2003), p. 115; Evans (2005), pp. 32–5.
7. St Botolph Aldgate bastardy examinations, 1742–1799, 'City of London settlement examinations', vol. I, 'St Botolph Aldgate 1742–1868', CD, indexed by Webb (2007), n. 1077.
8. Probert (2012), pp. 6–7, 37–9, 55–7.
9. *Ibid.*, pp. 4–5.
10. Frost (2008a), p. 5.
11. Gillis (1985), pp. 111, 219.
12. Wrigley (2004), p. 70.
13. Clark (1989), pp. 232–3.
14. Clark (1995), pp. 48–9.
15. Frost (2008a), pp. 2, 6, 123–24.
16. For example, Andrew Mearns, Charles Booth, Henry Mayhew. See Probert (2012), pp. 59–60; Frost (2008a), pp. 124–5.
17. Probert (2012), p. 18; Probert (2009).
18. Probert (2009), pp. 250–54.
19. Clark (1980), pp. 233, 241; Clark (1995), p. 49; Reay (1996), p. 209; Frost (2008a), pp. 3, 124.
20. Probert (2012), pp. 27–8.

21. Nutt (2005); Nutt (2010).
22. Nutt (2010), 336–7.
23. Hubbard (2012), pp. 88–9.
24. Nutt (2010), pp. 336–7.
25. *Ibid.*, p. 337.
26. Black (2000), ch. 6.
27. Rogers (1989), at pp. 358, 361, 368.
28. Clark (1995) pp. 48–9.
29. Trumbach (1998), pp. 246, 261, 267; Evans (2005), pp. 37–8.
30. Trumbach (1998), pp. 245, 261, 267.
31. *Ibid.*, pp. 41–2.
32. Evans (2005) pp. 37–8; Trumbach, (1998), p. 265.
33. Evans (2005), p. 219, n. 176, and see Probert (2012), pp. 37–9, who estimates that Evans’s 17 per cent of women who gave birth to a bastard child and later sought assistance from the parish who were cohabiting (rather than 17 per cent of all couples) to represent around 1 per cent of births in this period.
34. St Botolph Aldgate bastardy examinations, 1742–1799, 221 bastardy cases.
35. Hitchcock and Black (1999); 1766–1782 gap in the records; 1782–1826 LMA, P74/LUK/123–134, Chelsea settlement and bastardy examinations. Trumbach (1998), pp. 235, 267, reports that there were only six (5 per cent) women who were ‘living in irregular unions with a man by whom they had had several bastard children’, all in the 1780s and 1790s.
36. Trumbach (1998), p. 235, argues that parish population growth, better policing by the parish authorities, and a small rise in illegitimacy account for the increased number of examinations after 1782.
37. LMA P74/LUK/126, Elizabeth Jones, 12 March 1801.
38. LMA P74/LUK/130, Ann Barnes, 17 January 1815.
39. LMA P74/LUK/134, Sarah Whitehorn, 16 November 1824.
40. LMA, P74/LUK/131, Hester Barns, 12 August 1817.
41. Connaughton (2013), p. 8. The sample was of all bastardy examinations for 1740, 1750, 1760, 1770, 1780, and 1790, from www.londonlives.org. I would like to thank Niamh Connaughton for the references to these two cohabitation cases.
42. londonlives.org, smdsset_112_58707 Accessed 28 January 2014.
43. londonlives.org, smdsset_112_58718 Accessed 28 January 2014.
44. Rogers (1989), p. 368.
45. Before 1795 paupers only had to be *likely* to become chargeable to be examined, whereas after 1795 they had to have become chargeable. However, the 1795 Act did not extend to unmarried mothers because they were ipso facto chargeable for all purposes regarding settlement: Snell (2006), pp. 114–15; personal communication with Keith Snell, 26 July 2013; Levene (2012), pp. 23–4.
46. Trumbach argues that the mothers decided when to make a declaration to the parish, rather than the parish seeking an examination and/or an affiliation order. The fact that policy regarding the timing of examinations varied from parish to parish does not seem to confirm this. Trumbach (1998), p. 266.
47. For the little that there is see Snell (1991), at pp. 384, 387.
48. LMA, St Luke’s, Chelsea, Workhouse Admission and Discharge Registers, P74/LUK/110–111.

49. Hitchcock and Black (1999) n. 400, n. 418, n. 459, pp. 127, 134, 149–50.
50. *Ibid.*, n. 459.
51. See also Meldrum (1997); Trumbach (1998), ch. 8.
52. *Ibid.*, n. 400.
53. *Ibid.*, n. 418.
54. Southwark Local Studies Library (SLSL), Newington Bastardy Adjudications, pp. 860–865 (transcript).
55. *Ibid.*
56. SLSL, St Saviour's, Bastardy Maintenance Book, 97 (transcript).
57. LMA, P92/MRY/357, St Mary Newington Register of Bastards.
58. Levene (2006a), pp. x–xi.
59. Petitions in Levene (2006a), pp. 171–365.
60. *Ibid.*, n. 249.
61. *Ibid.*, n. 354.
62. *Ibid.*, n. 417.
63. *Ibid.*, n. 425.
64. Williams (2005).
65. Frost (2008a), p. 7.
66. Williams (2011), pp. 205–6.
67. *Ibid.*, p. 205.
68. *Ibid.*, pp. 205–6.
69. *Ibid.*, pp. 198, 203, 205–6. It is not known where the remaining women were living.
70. *Ibid.*, p. 210.
71. www.oldbaileyonline.org Reference no. t17431207-57 Accessed 28 January 2014.
72. www.oldbaileyonline.org Reference no. t17440728-29 Accessed 28 January 2014.
73. www.oldbaileyonline.org sexual offences > bigamy, 1700–1799 Accessed 28 January 2013. There are also 17 cases of bigamy in the Justices Working Documents, Old Bailey Sessions Papers, 1700–1799 (www.londonlives.org – accessed 28 January 2014). Frost also used reports of bigamy cases in newspapers: Frost (2008a), pp. 6–7.
74. Jackson (1996).
75. 131 infanticide cases, 1700–1799, oldbaileyonline.org Reference nos. t17560714-24, t17170717-18, t17320419-15, t17541204-33, t17390906-8 Accessed 28 January 2014.
76. *Ibid.*, t17560714-24.
77. *Ibid.*, t17170717-18.
78. *Ibid.*, t17040308-35.
79. *Ibid.*, t17541204-33.
80. *Ibid.*, t17541204-33.
81. *Ibid.*, t17390906-8.

5 Bastardy and divorce trials

1. Boswell (1785), p. 250.
2. Stone (1990), p. 180.
3. On which see Stone (1990), pp. 273–8; Binhammer (1996); Andrew (1997).

4. Stone (1990), p. 242.
5. Wolfram (1985); Stone (1990), p. 260.
6. Foreman (1998), p. 130. She asserts, in fact, that '[i]t was unthinkable ... for a woman to take a lover before she had supplied her husband with a son' (p. 54), but almost all the adulterous wives she discusses in fact did so. Most of those she discusses seem to have been lucky, however, and did not produce their lovers' children before producing their husbands' legitimate heir.
7. Jeffares (2004).
8. *Ibid.*
9. Foreman (1998), pp. 345–46.
10. The daughter's name is spelled thus in the *ODNB* entry on her mother but 'Harriet' in the entry on Gower: Foreman (2004); Reynolds (2004a).
11. Mandler (2004).
12. Gross (2004).
13. Foreman (2004); Rowell (2004).
14. Reynolds (2004b).
15. Foreman (1998), p. 270.
16. Jeffares (2004).
17. Foreman (1998), p. 73.
18. *Ibid.*, p. 285.
19. *Ibid.*, p. 182.
20. *Ibid.*, p. 271.
21. As Foreman (2008), p. 397 points out, the Duke used Caroline and Harriet's marriage portions as an expression of which daughter he preferred.
22. *The Trial of John Belenden [sic] Gawler, Esq. for Adultery with Lady Valentia, Sister to Lord Courteney, and wife to Lord Valencia [sic], Before Lord Kenyon and a Special Jury, in the Court of King's Bench, on the 19th of May, 1796, Who found the Defendant Guilty, Two Thousand Pounds Damages. Taken in Short Hand by a Student of the Inner-Temple* (London: Lewis, 1796), pp. 14–15. Gawler's name is spelled slightly differently elsewhere, from Bellenger to Bellenden.
23. *Ibid.*, p. 14.
24. The *Journal of the House of Lords* (1799), vol. xl, p. 246, notes that '[s]ome of the Witnesses, which the Petitioner is advised it is material should be examined on the Second Reading of the said Bill, are now out of the Kingdom, and cannot be produced until after the end of, or at a very late Period in, the present Session of Parliament'.
25. He took her surname, Vassall, when her father died in August 1795, as 'a condition of inheriting his plantations' in the West Indies. He reverted to Webster on their divorce: Wright (2004).
26. Whittick (2004).
27. Wright (2004).
28. Foreman (1998), p. 262.
29. *Ibid.*, pp. 238–9.
30. *Ibid.*, p. 196.
31. *Ibid.*, p. 69.
32. *Ibid.*, p. 188.
33. *Ibid.*, p. 170.
34. *Ibid.*, p. 240n.
35. *Ibid.*

36. *Ibid.*, p. 270.
37. *Ibid.*, p. 336.
38. *Ibid.*, p. 236.
39. Stone (1990), p. 430, table 9.1.
40. The numbers of divorce bills brought to parliament are based on lists in the index of the *Journal of the House of Lords*, supplemented by those discovered upon further investigation. Given the focus in this essay on wives' adulterine offspring, the two petitions brought by women (Jane Addison Campbell in 1801 and Elizabeth Utterson Teush in 1805) will not be discussed.
41. Wolfram (1985), p. 163; for her rationale on such a grouping and a detailed breakdown of the rank and profession of men seeking divorces from 1750 to 1857, see pp. 162–66. Both she and Anderson (1984), pp. 417–21, acknowledge that identifying rank is extremely difficult given the fluidity of Britain's social system; marriage, for instance, could raise a man's rank.
42. Bright's Bill was given the royal assent on 30 December 1796 but it did not become an official Act until 1797.
43. Some of these men may have been quite wealthy, despite their rank. James Esten, for instance, claimed that he was so hard-pressed for money that he had had to leave his wife, unwillingly, and take a job as a purser, which required him to travel to the West Indies (see, for instance, 'The Remarkable Trial of his Grace the Duke of Hamilton for adultery with Mrs Esten' in R. Gill, Esq., and A Civilian (1799) *New Collection of Trials for Adultery* (London: J. Gill), II: pp. 66–88. Anderson (1984, p. 429) explains that when he returned, however, he was reputedly quite wealthy.
44. Anderson (1984), p. 422.
45. Wolfram (1985), p. 161.
46. Bill, p. 22; 9 May 1797; Parliamentary Archives, HL/PO/JO/10/7/1056.
47. Bill, pp. 25–6; Parliamentary Archives, HL/PO/JO/10/7/653 (20 February 1783).
48. I include in this number John Walford's 1791 Bill; newspaper articles covering the case in parliament suggest that the clause was retained, but material in the Parliamentary Archives suggests otherwise. See Parliamentary Archives, HL/PO/JO/10/7/782.
49. Bayntun's Bill states that he had a daughter and another child whose gender he did not specify. See his Bill, p. 1; Parliamentary Archives, HL/PO/JO/10/7/655.
50. I omit the cases of Campbell and Twiss as the children were not mentioned in their Bills.
51. *True Briton*, 26 February 1793:
52. *Sun*, 14 March 1799.
53. *Whitehall Evening Post*, 10–13 May 1783.
54. *Ibid.*
55. Parliamentary Archives HL/PO/JO/10/7/655 (16 April 1783).
56. Parliamentary Archives, HL/PO/JO/10/7/655 (12 May 1783).
57. *Morning Herald and Daily Advertiser*, 13 May 1783.
58. *Intelligencer*, 18 April 1783.
59. Woodfall (1794), vol. 3, p. 163.
60. *Journal of the House of Lords*, xlii (1799): p. 86. Newspapers report that he went to Cheltenham rather than Charlton. See *Sun*, 14 March 1799.

61. *Ibid.*
62. *Ibid.*
63. *Morning Chronicle*, 24 April 1782.
64. *Whitehall Evening Post*, 10–13 May 1783.
65. The divorce bill does not give their ages, and in newspaper reports the ages given vary.
66. Parliamentary Archives HL/PO/JO/10/7/634.
67. *Parker's General Advertiser and Morning Intelligencer*, 2 April 1783.
68. *Whitehall Evening Post*, 15–17 April 1783.
69. *London Chronicle*, 25–27 April 1782.
70. Parliamentary Archives, HL/PO/JO/10/7/651, 21 January 1783. The clause itself appears on p. 9 of his divorce bill.
71. Woodfall (1794), p. 162.
72. *Morning Herald and Daily Advertiser*, 16 April 1793.
73. *London Chronicle*, 25–27 April 1782.
74. *Parker's General Advertiser and Morning Intelligencer*, 28 March 1783.
75. *London Chronicle*, 23–25 April 1782; Newton case.
76. *Parker's General Advertiser and Morning Intelligencer*, 28 March 1783.
77. *Parker's General Advertiser and Morning Intelligencer*, 28 March 1783.
78. *Ibid.*
79. *True Briton*, 26 February 1793.
80. *Ibid.*
81. *General Evening Post*, 27–29 March 1783.
82. *Star*, 21 April 1798.
83. His title was limited.
84. *Oracle and Daily Advertiser*, 14 March 1799.
85. *Ibid.*
86. Anderson (1984) asserts that numbers depended on who was serving as Lord Chancellor, and Lord Eldon's taking that position in 1801 led to a sharp diminution in petitioners. Numbers remained high in the first two years of his tenure as Lord Chancellor, but most were rejected, and Anderson claims that as soon as the high failure rate became apparent, there was a sharp diminution in petitioners.

6 Cohabiting couples in the coronial records

1. For summative work, see Probert (2012), pp. 1–19.
2. Parker (1990), pp. 6–10.
3. Such failure is reported across family reconstitution studies but can be ameliorated by using observational sources over and above parish registers. See Sharpe (2002).
4. Bailey (2003); Frost (1995).
5. For the most authoritative recent survey, see Levene, Nutt and Williams (2005).
6. Frost does not directly support John Gillis's view that up to 20 per cent of people may have found themselves in an illicit relationship over the life-course. See Frost (2008a), pp. 2–3, 5, and 123–4; Gillis (1985), p. 219.
7. Probert (2012), pp. 15, 18–19, 35, 53 and 62. Quotes at pp. 35, 53 and 62.
8. Frost (2008a), p. 5.

9. King (2011). Pauper letters provide no support for Frost's conclusion that cohabitation was concentrated amongst the very poorest segments of society. See Frost (2008a), p. 126.
10. This figure is drawn from King's ongoing AHRC project – 'Writing the lives of the Poor' – jointly conducted with Professor Andreas Gestrich, Director of the German Historical Institute, London.
11. See Bailey (2003); Davies (2006); Koven (2006); Hitchcock (2011).
12. Probert (2012), p. 4.
13. King, 'Writing the lives of the Poor'.
14. For contextual data on coroners see Hurren (2010). Ginger Frost used a small number of inquests for her analysis of cohabitation: Frost (2008a), pp. 6–8.
15. For competing chronologies, see Parker (1990); Gillis (1985) pp. 110–14; Frost (2008a), p. 5 and Probert (2012), p. 7.
16. See Hurren (2010) and Burney (2000).
17. Lincolnshire Record Office (hereafter LRO), LQS A/1/588/12/1-2.
18. *Lincoln, Rutland and Stamford Mercury* (hereafter *LRSM*), 10 October 1851. This is a classic case of two people cohabiting because they were not able to marry.
19. Frost (2008a), p. 129, suggests that cohabitation was more common among older couples or where there was a significant age difference between the two parties, but there is little evidence of this in the inquest material.
20. On such fleeting relationships, see Gillis (1997) and King (1999).
21. *LRSM*, 20 September 1844.
22. *Ibid.*, 23 October 1846.
23. *Ibid.*, 24 May 1850.
24. *Ibid.*, 7 May 1847.
25. *Northampton Mercury* (hereafter *NM*), 1 June 1862.
26. *LRSM*, 19 July 1844.
27. See Wrigley, Davies, Oeppen and Schofield (1997).
28. See, for instance, Blaikie (1994).
29. Contrast Frost (2008a), p. 123.
30. *LRSM*, 27 November 1840.
31. *Leicester Mercury* (hereafter *LM*), 3 March 1842.
32. *NM*, 18 November 1863.
33. Frost (2008a), p. 126.
34. *LM*, 18 August 1874 (our italics).
35. Probert (2012), p. 55.
36. *LRSM*, 12 January 1844.
37. *Ibid.*, 13 May 1825.
38. *Ibid.*, 10 July 1846.
39. *Ibid.*, 8 August 1851.
40. *Ibid.*, 25 August 1848.
41. *Ibid.*, 22 January 1841.
42. Northamptonshire Record Office (hereafter *NRO*), PCI 14 (1-9) and PCI 139/7.
43. *NRO* Misc Box ZB1478. See also *NM*, 26 December–30 December 1848.
44. On very early courtships among the labouring poor see O' Day (1994), p. 239.
45. See Frost (1995), p. 64 for discussion of the important relationships between potential brides and their putative female in-laws.
46. For violence among cohabittees, see Frost (2008b).

47. Frost (2009), deals with revenge-inspired violence.
48. For the sense that cohabitation might run in families see Frost (2008a), p. 130.
49. NRO, Misc Box ZB1478 and NM, 22 November 1851.
50. *LRSM*, 9 July 1813.
51. *Ibid.*, 3 October 1851.
52. *Ibid.*, 6 March 1846.
53. *Ibid.*, 5 April 1850.
54. *LM*, 13 April 1850.
55. NRO, Misc Box ZB1473.
56. LRO, LQS A/1/434/191.
57. *LRSM*, 12 December 1851.
58. *LM*, 23 July 1873.
59. Probert (2012), pp. 4–5.
60. LRO, LQS A/1/301/48 and 48b.
61. *LRSM*, 20 November 1846.
62. NRO, Misc Box1473.
63. *LM*, 15 July 1864.
64. *Ibid.*, 11 October 1869.
65. *LRSM*, 6 September 1850.
66. *Ibid.*, 24 January 1851.
67. *Ibid.*, 2 April 1820.
68. Contrast Probert (2012), p. 19, who sees ingrained societal disapproval of cohabitation.
69. *LRSM*, 8 February 1850.
70. *Ibid.*, 8 March 1850.
71. Davies (2006).
72. Gestrich (1986).

7 Fostering, adoption and illegitimacy

1. Milanich (2009), pp. 161–70.
2. Boswell (1988).
3. Murdoch (2006), pp. 67–119; Milanich (2009), pp. 168–70.
4. Behlmer (1998), pp. 285–299; Keating (2009), pp. 197–205.
5. Behlmer (1998), pp. 285–99; Cohen (2012), pp. 124–55.
6. Children's Society Record Centre, Bermondsey [hereafter CSRC], CS031, 1890–1912, Case of S. [Note: for reasons of privacy, all record numbers of the Children's Society have been changed. Key available upon request.]
7. CSRC, CS074, Case of F., 1896.
8. Jeal (2007), pp. 17–30; Bierman (1990), pp. 3–29.
9. Hatcher (1988), pp. 7–29.
10. *Ibid.*, p. 27.
11. Nalden (1989), pp. 31–71; 197–9; 215–221.
12. Grey (2009) p. 62; Homrighaus (2003).
13. Proceedings of the Old Bailey On-Line (hereafter POBO), 17 August 1868, Case 731; *Times*, 18 August 1868, 9.

14. *The Times*, 14 February 1884, 3; 21 February 1884, 10; 25 April 1884, 10; POBO, 21 April 1884, Case 483.
15. *Western Mail*, 22 June 1869, 2.
16. *The Times*, 15 March 1902, 5; POBO, 10 March 1902, Case 253.
17. *Manchester Guardian*, 20 July 1875, 8; *Liverpool Mercury*, 20 July 1875, 8; 28 August 1875, 8.
18. *The Times*, 13 September 1895, 9; 16 September 1895, 7; POBO, 9 September 1895, Case 672.
19. Behlmer (1982), pp. 150–57; Middleton (1971), pp. 224–40.
20. Cambridgeshire Record Office (hereafter CRO), Undertakings of Foster Parents, 1903, G/C/AW11.
21. Levene (2006b); Abrams (1999) and (2001).
22. CRO, Undertakings of Foster Parents, 1921, G/C/AW11; Boarding Out Reports, G/C/AW8, 1918; G/C/AW9, 1923, 1924, and 1926; Letterbooks, G/C/AC21, February 1925–January 1926, f. 437, 1 June 1926; G/C/AC25, April 1929–April 1930, f. 118, 14 May 1929; f. 152, 23 May 1929.
23. Frost (2013).
24. Derrick (1986), p. 19.
25. Behlmer (1998), pp. 288–9.
26. Church of England Waifs and Strays Society (hereafter CEWSS) Case Papers, www.hiddenlives.org.uk, Case 2258, 1889–1911. For more on custody disputes, see Keating (2009), pp. 126–8; Frost (2012).
27. Pugh (2007), pp. 119–21; Brown (1918), pp. 15–16.
28. Behlmer (1998), pp. 293–4.
29. Behlmer (1998), pp. 293–7.
30. Glamorganshire Record Office (hereafter GRO), Boarding Out Committee Minutes (hereafter BOCM), 1915–21, UC/4/2, 24 April 1918.
31. GRO, BOCM, 1926–1930, UC/4/4, 20 April 1927.
32. London Metropolitan Archives, (hereafter LMA), Foundling Hospital Letter Books (hereafter FHLB), A/FH/A/6/2/42, 1912–13, R. H. Nichols to Dr Milsome, 27 August 1913, p. 858; W. S. Wintle to Dr Lawrence, 10 September 1913, p. 887.
33. LMA, FHLB, A/FH/A/6/2/52, 1921–22, Nichols to Dr Milsome, 18 November 1921, p. 728; Nichols to Miss Sowerbutts, 24 November 1921, p. 750; Nichols to Miss Crackenthorpe, 28 November 1921, p. 778; Nichols to Sowerbutts, 30 November 1921, p. 789; Nichols to L., 30 November 1921, p. 790; Nichols to Mrs. T., 12 December 1921, p. 821; Nichols to Mr T., 6 January 1922, p. 932; Nichols to H., 6 January 1922, p. 933; A/FH/A/6/2/53, 1922, Nichols to Crackenthorpe, 3 February 1922, p. 50; Nichols to Mrs T, 6 February 1922, p. 56; Nichols to Mrs T., 24 April 1922, p. 399; Nichols to Mrs T., 2 August 1922, p. 872. In August, the Ts still owed over £24 on the passage.
34. Frost, (2012); Keating (2009), pp. 27–38; Cohen (2012), p. 137.
35. Keating (2009), pp. 67–71.
36. Cohen (2012), pp. 154–5.
37. CSRC, CS043, Case of E, 1894.
38. CSRC, CS053, Case of M, 1894–1952.
39. CRO, Letterbooks, G/C/AC 20, February 1924–February 1925, f. 621 (15 November 1924).

40. GRO, Minute Books, UC/2/43, April 1908–April 1909, Report of the Children’s Home Visiting Committee, ff. 419, 480 (10 October 1908, 31 October 1908).
41. GRO, Minute Books, UC/2/44, April 1909–April 1910, f. 771 (19 February 1910).
42. GRO, Minute Books, UC/2/55, April 1920–April 1921, Report of the Children’s Home Visiting Committee, f. 362 (30 October 1920).
43. CEWSS, Case Papers, www.hiddenlives.org.uk, Case 1265, 1888–1916.
44. *Berrow’s Worcester Journal*, 3 January 1885, 3.
45. *The Times*, 15 December 1892, 11; 19 December 1892, 12 (for quote); 28 December 1892, 11; 14 January 1893, 13; *Western Mail*, 16 December 1892, 7; 20 December 1892, 5; POBO, 9 January 1893, Case 207.
46. The National Archives, Kew (hereafter TNA), Metropolitan Police Files, MEPO 3/236A, Police Reports on case of Emily Stanton, October 1913; *Times*, 13 November 1913, 3.
47. TNA, Home Office Files, HO 144/924/A2946; *The Times*, 30 September 1879, 9; 1 October 1879, 5; 2 October 1879, 5; 16 October 1879, 10; 29 October 1879, 12 (for quote); 30 October 1879, 9–10; *Western Mail*, 1 October 1879, 3; 30 October 1879, 3; *Manchester Guardian*, 23 September 1879, 8.
48. TNA, HO 144/924/A2946; quotes from *The Times*, 29 October 1879, 12.
49. *The Times*, 30 September 1879, 9.
50. Homrighaus (2003), pp. 172–81; Grey (2009), 65–72.
51. *The Times*, 6 April 1891, 4 (for quote); 9 March 1891, 3; 8 May 1891, 12; 9 May 1891, 14; POBO, 4 May 1891, Case 423.
52. *Manchester Guardian*, 21 May 1907, 12; 23 May 1907, 6; 29 May 1907, 12; 16 July 1907, 9.
53. Hatcher (1988), p. 17; Smith (1956), pp. 210–15.
54. CEWSS, Case Papers, www.hiddenlives.org.uk, Case 2258, 1889–1911.
55. Hatcher (1988), p. 93.
56. CSRC, CS053, Case of M, 1894–1952.
57. Cohen (2012), pp. 154–5.
58. See, e.g., Walker (2006); M. Arnot (1994); Grey (2009); and Homrighaus (2003).
59. Cohen (2012), pp. 153–4.

8 The context of illegitimacy

1. This chapter builds on the data on social trends presented in Probert (2012), ch. 5, which also contains further detail about the legal context of the period. My thanks go to April Gallwey and Rose Bell for particularly useful discussions on the issues in this chapter, and to Liam d’Arcy-Brown for his comments on an earlier draft.
2. Hajnal (1947), table 1.
3. Leete (1976).
4. Quoted by Beauman (1983), p. 70.
5. See generally Holden (2007), p. 26.
6. Jephcott (1948), p. 21.
7. Leete (1976), p. 3.
8. Jephcott (1948), p. 22.

9. See e.g. Slater and Woodside (1951).
10. Joseph (1961).
11. Willmott (1968), pp. 46–7.
12. Schofield (1965), p. 123.
13. Leonard (1980), p. 72.
14. Marsden (1969), p. 133.
15. Leete (1979), p. 16.
16. Woodside (1946); Stanley (1995), p. 109.
17. Rosser and Harris (1965), p. 183.
18. Leonard (1980), pp. 61–2.
19. Sutton (2012), p. 53.
20. Hall (1991), p. 101; see also Fisher (2007).
21. Rose (1992), p. 265.
22. Jephcott (1948), p. 92. See also Roberts (1995), p. 67.
23. Ferris (1993), p. 147. See also Stanley (1995), pp. 134–5.
24. Woodside (1946).
25. Stanley (1995), p. 139.
26. See, e.g., Kiernan, Land and Lewis (1998), p. 31; Pugh (2009), p. 160; Sutton (2012), p. 108.
27. Stanley (1995), p. 133.
28. *Ibid.*, p. 134.
29. On the impact of the report, see e.g. Hopkins (1964), p. 194.
30. Elsewhere in Little Kinsey it was noted that that ‘66% of those earning over £15 a week have experienced sex relations before marriage, compared with 49% of those with a weekly income of less than £10’: Stanley (1995), p. 133.
31. Quoted by Kynaston (2008), p. 375. See also Szreter and Fisher (2010), p. 124.
32. Cook (2004), p. 139.
33. Whitehorn (2007), p. 36; Weldon (1971), p. 18.
34. Wilson (1980), p. 105; Marwick (1998), p. 76; Cook (2004), p. 265.
35. See, e.g., Hopkins (1964), p. 196.
36. Sandbrook (2006), p. 413.
37. Wellings, Field, Johnson and Wadsworth (1994), p. 38.
38. See, e.g., Woodruff (2003), p. 360; Hoggart (1989), p. 72; Dennis, Henriques and Slaughter (1956), p. 206.
39. *Registrar-General’s Statistical Review of England and Wales for the Year 1968* (London: HMSO, 1968).
40. Worth (2002), p. 3.
41. Bakewell (2003), p. 109.
42. Malcolmson and Malcolmson (2010), p. 110.
43. See, e.g., Kiernan (1971), p. 2; Cook (2004), p. 102.
44. Broad and Fleming (1981), pp. 81–2.
45. Ferguson and Fitzgerald (1954), p. 98; Summers (2009), p. 154.
46. Kiernan, Land and Lewis (1998), pp. 24–5.
47. *Registrar-General’s Statistical Review of England and Wales for the Year 1968* (London: HMSO, 1968).
48. I.e. the number of births outside marriage calculated as a proportion of single, widowed and divorced women of childbearing age: see Kiernan (1971), pp. 3–4; although see also p. 8 on the potential for this calculation to mislead.

49. Gallwey (2011), p. 87.
50. *Ibid.*
51. *Ibid.*
52. Segal (1983), p. 25.
53. Schofield (1965), p. 109.
54. *Ibid.*, p. 109.
55. *Registrar-General's Statistical Review of England and Wales for the Year 1968* (London: HMSO, 1968).
56. Langhamer (2013), p. 35.
57. See, e.g., Pochin (1969), p. 13.
58. Smith (2003), p. 267.
59. See, e.g., Thane and Evans (2013) on the foundation and role of the National Council for the Unmarried Mother and her Child.
60. See, e.g., Worth (2002), p. 192; Elliott (2005), ch. 8; Lewis (1985), p. 213. For contemporary reactions to unmarried mothers see, e.g., Bakewell (2003), p. 67; Worth (2009), p. 53.
61. Chesterton (1926), p. 22.
62. *Ibid.*, p. 31.
63. See e.g. Worth (2002), p. 192; Elliott (2005), ch. 8; Lewis (1985), p. 213.
64. Gallwey (2011), p. 115.
65. Elliott (2005), p. 4; Sutton (2012), p. 178.
66. Clancy (2003), p. 256.
67. See, e.g., Gallwey (2011), p. 92.
68. See, e.g., Bailey (1968), p. 1; Dewar (1968), p. 8; Pochin (1969), pp. 3–4.
69. Gallwey (2011), p. 145.
70. See, e.g., Reid Banks (1962); Drabble (1965); Forster (1965).
71. Adam (1975), p. 265.
72. Further legislation in 1949 developed the idea of adoption as a 'legal transplant': for the details see Cretney (2003), ch. 17.
73. See generally Leete (1978).
74. Ferguson and Fitzgerald (1954), p. 134. The purpose was to legitimate the child.
75. Quoted by Holman (1972), p. 4.
76. See, e.g., Worth (2002), p. 196; Elliott (2005), pp. 59, 139, 147.
77. Pochin (1969), p. 39.
78. Leete (1978), fig.1.
79. On the role of kin, see Frost (2003).
80. Foley (1974), p. 109.
81. Hewins (1985), p. 68.
82. Gallwey (2011), p. 90. See also Roberts (1995), p. 68 on the support provided by families, although cf. Sutton (2012), p. 174 for examples of less supportive attitudes.
83. *Homes and Hostels of the Future: A Report of a Conference Arranged by the NCUMC* (London, 1945), p. 5.
84. Greenland (1958), table VI.
85. See e.g. the evidence given in *Cooke v. Head* [1972] 2 All ER 38 and *In Re C (L) (An Infant)* [1965] 2 QB 449.

86. Quoted by Wimperis (1960), p. 69.
87. Spence *et al.* (1954), p. 144.
88. Miller, Court, Walton and Know (1960).
89. *Ibid.*, p. 54.
90. MacDonald (1956).
91. Crellin, Kellmer Pringle and West (1971), Table A2.1.
92. Wimperis (1960), p. 69.
93. *Ibid.*, p. 244.
94. *Ibid.*, p. 69.
95. *Homes and Hostels of the Future: A Report of a Conference Arranged by the NCUMC* (London, 1945), p. 6.
96. See e.g. Holden (2007), p. 135; Fink (2000).
97. Greenland (1958), table II.
98. Table VI stated that 40.8 per cent were at home, with parents or other relations, 23.3 per cent in lodgings; 5.9 per cent in a hostel or hotel; 5.1 per cent resident hospital staff; 1.1 per cent of no fixed abode; 7.3 per cent 'others' and 16.5 per cent not stated.
99. Crellin, Kellmer Pringle and West (1971), p. 24.
100. See *Registrar-General's Statistical Review of England and Wales for the Year 1964: Pt III* (London: HMSO, 1967), p. 65.
101. See e.g. Yelloly (1965); McGregor, Blom-Cooper and Gibson (1970), p. 185.

9 A rapidly evolving phenomenon

1. Lesthaeghe and van de Kaa (1986); van de Kaa (1987); Lesthaeghe (1995).
2. Coleman (2004).
3. Haskey (2001).
4. Haskey (2005).
5. Beaujouan and Ní Bhrolcháin (2011) (reproduced in this volume as Chapter 10).
6. Kiernan and Smith (2003); Holmes and Kiernan (2010).
7. Calderwood (2008); Panico *et al.* (2010).
8. Holmes and Kiernan (2010).
9. For simplicity, those answering 'definitely do' and 'probably do' have been combined, as have the corresponding equivalents of '...do not'. The residual category, called 'Rest', covers those who answered 'can't choose' or 'no answer'.
10. Barlow, Duncan, James, and Park (2001).
11. Barlow, Burgoyne, Clery and Smithson (2008).
12. Barlow *et al.* (2001).
13. Again, for simplicity the two 'agree' answers (agree strongly/agree) have been combined, as have the two 'disagree' answers, with the 'Rest' being those who answered can't choose/no answer.
14. Barlow *et al.* (2001).
15. As before, agree/agree strongly have been combined, as have the two 'disagree' answers, with 'Rest' accounting for 'can't choose/no answer'.
16. Duncan and Phillips (2001).
17. Lewis (2001a).
18. Lewis (2001a).

10 Cohabitation and Marriage since the 1970s

1. This chapter is reprinted, with minor revisions, from *Population Trends* no. 145, September 2011, published by the Office for National Statistics.
2. Toulemon (1997); Kiernan (2002); Philipov and Jasilioniene (2008); Sobotka and Toulemon (2008); Cherlin (2009); Prioux (2009); Gabrielli and Hoem (2010).
3. Murphy (2000a).
4. Figures obtained from tables online at www.britsocat.com/ (accessed 5 February 2014).
5. Lewis (2001b).
6. Murphy (2000a); Barlow and Probert (2004); Haskey (2002); Wilson (2009); Goodman and Greaves (2010a) and (2010b).
7. See the special issue of *Law and Policy*, 26(1), 2004; Perelli-Harris and Sanchez Gassen (2010).
8. Haskey (1990; 1997).
9. Murphy (2000a, b).
10. Brown and Kiernan (1981); Haskey (1995; 1999; 2001).
11. Wilson (2009); Berrington (1992).
12. Berrington and Diamond (1999); Berrington and Diamond (2000); Ermisch and Francesconi (2000); Murphy (2000a); Steele, Kallis and Joshi (2006).
13. Berrington, Beaujouan, Lyons-Amos and Ní Bhrolcháin (2011).
14. *Ibid.*
15. Murphy (2000a).
16. Wilson (2009).
17. Berrington and Diamond (2000).
18. Berrington *et al.* (2011); Haskey and Coleman (1986).
19. Murphy (2000a, b).
20. Beaujouan, Brown and Ní Bhrolcháin (2011).
21. Note: For graphical clarity, confidence intervals around these percentages are not plotted but they can be found in Beaujouan and Ní Bhrolcháin (2011), Appendix Table A1. Source: CPC GHS time series data file.
22. Wilson (2009).
23. See also Ermisch and Francesconi (2000).
24. Wilson and Smallwood (2007).
25. Grebenik and Rowntree (1963).
26. Heuveline and Timberlake (2004).
27. The period mean ages given here are standardized for age structure, that is, they are of the form $\sum x r_{x,t} / \sum r_{x,t} + 0.5$, where $r_{x,t}$ is the rate of the event at age x in year t . They can be interpreted as the mean of the age-specific event rate schedule in a particular year, or, alternatively, as the mean age at the event of a hypothetical cohort that experienced the age specific event rates observed in a particular year. The purpose of the calculation is to abstract from the distribution by age of the population at risk of a particular event in the year in question, and thus to allow year-on-year comparisons that are not influenced by differences in age structure.
28. Office for National Statistics. Births Summary and Historical Tables, England and Wales. www.ons.gov.uk (accessed 5 February 2014).
29. Perelli-Harris *et al.* (2009).

30. Note that while we would expect the figures for men and women to be close, they need not be identical. The figures in each case relate to people aged under 45 at the start of the union, and both men and women of this age may cohabit, though in differing proportions, with partners who were aged 45 and above.
31. Our estimate of 10–12 per cent of cohabiters still cohabiting at the tenth anniversary is comparable in magnitude to that of Murphy (note 8) and somewhat higher than Ermisch and Francesconi's (2000) estimates. But our figure is substantially below the 22 per cent of cohabiters at the 1991 Census who were found by Wilson and Stuchbury (2010) to be still cohabiting with the same partner at the 2001 Census. The LS estimate is not comparable with ours as it represents the proportion of couples cohabiting at a point in time who are still living together as cohabiters 10 years later. As short unions are less likely to be current at a cross-sectional time point such as a census, the proportion who are still cohabiting 10 years later is well above the proportion of all cohabiting unions that continue as cohabitation for at least 10 years – the figure we estimate at 10–12 per cent from the GHS. For comparison with the LS, we estimate from the GHS histories that of people who were cohabiting in mid 1991 23 per cent of men and 22 per cent of women were still cohabiting 10 years later, essentially the same as the LS estimate.
32. Wilson and Smallwood (2008).
33. We confine the GHS figures in Table 10.5 to women, as the GHS data on the frequency of separation in marriages reported by men appear to be inaccurate, being too low and inconsistent with vital registration data on divorce.
34. Wilson and Smallwood (2008).
35. Tables provided by Demographic Analysis Branch, Office of National Statistics: Cumulative percentage of marriages ending in divorce by year of marriage (1963–2008) and by anniversary, England and Wales.
36. Klijzing (1992); Liefbroer and Dourleijn (2006); Hewitt and De Vaus (2009); Kulu and Boyle (2010).
37. Coontz (2004).
38. Oppenheimer (1988); Billari, Liefbroer and Philipov (2006); Berrington, Stone and Falkingham (2009); Kalmijn (2011); Adsera (2011).
39. For references to recent and past sources on the subject see Liefbroer and Dourleijn (2006) and Kulu and Boyle (2010).
40. Klijzing (1992); Svarer (2004); Sobotka and Toulemon (2008); Kulu and Boyle (2010).
41. Steele, Kallis and Joshi (2006); Kulu and Boyle (2010).
42. Lillard, Brien and Waite (1995); Goodman and Greaves (2010b).
43. Liefbroer and Dourleijn (2006).
44. Schoen (1992); De Vaus, Qu and Weston (2005); Hewitt and De Vaus (2009); Reinhold (2010).
45. Murphy (2000b).
46. A study in the US found little evidence of such an aggregate effect. See Goldstein (1999).

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