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# Husbands' Violence against Wives in England and Wales, 1914-1939: A Review of Contemporary Understandings of and Responses to Men's Marital Violence

By

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## Abstract

The period 1914-1939 ushered in a variety of social, cultural, economic and political changes, and it is possible to see the influences of these within the intimate relationships of the family. To date the historiography of the family in interwar Britain has largely neglected the issue of violence against wives, and so this thesis aims to contribute to this discourse. It will consider the cultures and social structures that both enabled and challenged husbands' intimate violence in the shadow of the First World War.

This thesis will survey the everyday experiences of people within abusive relationships, and explore the understandings of and responses to this issue among the judiciary and magistracy, news media, medical professions, and those groups who sought to reform marriage. Exploring the liminality of violence within the home, this study will show how contemporary evaluations of marital violence were influenced by the common prioritization of marriage and patriarchal authority above the safety of wives and the criminalization of husbands. It will go on to argue that, even as increasing numbers of couples separated and divorced, the legacy of war exacerbated many of the issues that enabled husbands' violence against wives. It bolstered the link between social stability and traditional gender roles, encouraged the conditions within relationships that contributed to the expression of domestic abuse, and fostered a disinclination to question the morality of violent veteran husbands. It will conclude that without the discursive capacity nor widespread inclination to challenge the social and cultural circumstances that enabled violence against wives, wife battery remained an insufficiently problematized issue throughout the period examined.

## Introduction

In March 1923, Alice Leonard stood before Chesterfield magistrates to request a separation order, claiming that her husband, James, had been persistently cruel and violent to her. She blamed his war service: 'I think it the fault of the Army... His nerves are out of order and he goes mad at times. When he is in the fits he is neither fit nor safe to live with.' They had married only three months previously, and her distress must have been great to drive her to reveal their intimate life in such a public arena as the police court. The magistrates had little sympathy, however. Having established that she had known James had shell shock before the wedding, the chairman berated her, 'Well, you cannot go and "chuck him up" like this.' The Bench issued the order since James had indicated his agreement to a separation, but even so the Chairman persevered: 'You have got to go and live with him.'<sup>1</sup> How was it that a magistrate would be so furious that a woman no longer wanted to live with the man who repeatedly assaulted her? To answer this question requires a sustained investigation into at the role of gender hierarchies, social order, and criminality in the administration and surveillance of marriage.

This thesis will explore the history of husbands' violence against wives between 1914 and 1939, exploring a continuum of abuse from assault to murder. It will consider its performance, and experience, as well as its conceptualization and treatment, with a particular view to considering the impact of the First World War. This difficult subject appears relatively neglected in the historiography of marriage, gender and crime, and even within the historical record sources its imprint can be slight. Yet, this thesis will outline the ways in which violence was performed and the ways that it was supported and opposed by British society. Examining the responses of couples themselves, of the police, the judiciary, the media, the medical profession, and of the temperance and feminist movements, the socio-cultural and political foundations of this act will be investigated.

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<sup>1</sup> *Derbyshire Courier*, 6 March 1920 p. 5.

For the purpose of this thesis, violence against wives refers to physical manifestations of a male intimate partner's aggression. Within this work, the terms domestic violence, Intimate Partner Violence (IPV), wife battery, marital violence and wife beating denote male perpetrated violence against a female intimate partner (usually his wife), except where stated. Emotional, financial, psychological, and social forms of Intimate Partner Abuse (IPA) are considered, but due to its legal recognition and clearer presence in the historical record, physical violence is the form of abuse this thesis examines. Physical violence is thus used to identify cases of male perpetrated partner violence and to determine the social responses it elicited. Due to the continuity of violence against married and unmarried intimate partners, male violence against girlfriends, fiancées, and common-law wives are all considered here as well. In addition, though in modern discussions of domestic abuse, the word "survivor" is preferred to "victim", this study uses the latter. This is simply because neither the safety nor the survival of most of the women studied here is documented.

### Historiography

Violence against intimate partners has, sadly, been a consistent feature of domestic life across times and places. Historians have explored its manifestation and treatment in a variety of time periods and locations, ranging from medieval England to post-colonial Africa.<sup>2</sup> Its conceptualization differs between contexts, however, as its contemporary interpretation is couched within the social and cultural values and anxieties of each time and place. Thus the way that IPV is understood and responded to is particular to each society's and community's own ideas of appropriate behaviour for men and women, their anxieties about marriage and gender norms, ideas of social stability and order, and constructions of violence and

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<sup>2</sup> For example: Eve Salisbury, Georgiana Donavin, and Merrall Llewelyn Price, (eds.), *Domestic Violence in Medieval Texts*, (Gainesville, FL, 2002); Emily Burrill, Richard Roberts, and Elizabeth Thornberry, (eds.), *Domestic Violence and the Law in Colonial and Postcolonial Africa*, (Athens, OH, 2010); Susan Dwyer Amussen, "'Being stirred to much unquietness': Violence and Domestic Violence in Early Modern England", *Journal of Women's History*, 6:2 (1994) pp. 70-89; Susan Hamilton, 'Making History with Frances Power Cobbe: Victorian Feminism, Domestic Violence, and the Language of Imperialism', *Victorian Studies*, 43 (2001), pp. 437-460; Julie Hardwick, 'Early Modern Perspectives on the Long History of Domestic Violence: The Case of Seventeenth-Century France', *The Journal of Modern History*, 78 (2006), pp. 1-36.

aggression. Consequently, the responses to IPV are manifestations of an individual society's cultural schema and offer an idea of its priorities and preoccupations.

This makes IPV in the period 1914-1939 a fascinating object to study. This was a time of immense social upheaval, politically, economically, socially, and culturally,<sup>3</sup> and family life was susceptible to disruption and development in the wake of war. Gender norms, domesticity, and marital hierarchies were all impacted by shifting social hierarchies, long marital separations, and economic turbulence. The war had encouraged the endowment of men with intensified moral and social authority, reinforcing older notions of patriarchal authority within the home,<sup>4</sup> and yet there were so many developments that challenged this strengthened onus on domestic patriarchy, both in practical and cultural terms.

Unemployment and underemployment, male mental illness, companionable marriage, female infidelity, questions of female labour and political rights, rocketing rates of divorce and separation, the emergence of youth culture and youth gangs all disrupted the ideal of benevolent patriarchal domestic authority.<sup>5</sup> It is in this context of extreme anxiety regarding the fragility of social order within the family that cases of violence against wives were considered. This nourished a deep ambivalence, wherein violence could be excused,

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<sup>3</sup> Richard Overy, *The Morbid Age: Britain Between the Wars*, (London, 2009); Susan Kingsley Kent, *Aftershocks: Politics And Trauma In Britain, 1918-1931*, (Basingstoke, 2009); Richard Wall and Jay Winter, *The Upheaval Of War: Family, Work And Welfare In Europe, 1914-1918*, (Cambridge, 1998); Trevor Wilson, *The Myriad Faces of War: Britain and the Great War, 1914-1918*, (Cambridge, 1988) pp. 752-767; Jon Lawrence, 'Forging a Peaceable Kingdom: War, Violence, and Fear of Brutalization in Post-First World War Britain', *The Journal of Modern History*, 75:3 (2003), pp. 557-589; David Englander, 'The National Union of Ex-Servicemen and the Labour Movement, 1918-1920', *History*, 76 (1991), pp. 24-42; Glenda Sluga, 'Masculinities, Nations, And The New World Order: Peacemaking And Nationality In Britain, France And The United States After The First World War', in Stefan Dudink, Karen Hagemann, John Tosh (eds.), *Masculinities in Politics and War: Gendering Modern History*, (Manchester, 2004) pp. 238-254; Susan Pederson, *Family, Dependence, and the Origins of the Welfare State: Britain and France, 1914-1945*, (Cambridge, 1993); Selina Todd, 'Flappers and Factory Lads: Youth and Youth Culture in Interwar Britain', *History Compass*, 4:4 (2006) pp. 715-730; Marjorie Levine-Clark, 'The Politics of Preference: Masculinity, Marital Status and Unemployment Relief in Post-First World War Britain', *Cultural and Social History*, 7:2 (2010), pp. 233-252.

<sup>4</sup> John Horne, 'Masculinity in Politics and War in an Age of Nation-State and World Wars, 1850-1950', in S. Dudink, K. Hagemann and John Tosh (eds.), *Masculinities in Politics and War: Gendering Modern History*, (Manchester, 2004), p. 34.

<sup>5</sup> Adrian Bingham, 'An Era of Domesticity'? Histories of Women and Gender in Interwar Britain', *Cultural and Social History*, 1 (2004) pp. 225-233; Susan Grayzel, *Women's Identities at War: Gender, Motherhood, and Politics in Britain and France during the First World War*, (Chapel Hill, NC, 1999), pp. 122-129; Edgar Jones and Simon Wessely, *Shell Shock to PTSD : Military Psychiatry From 1900 to the Gulf War*, (Hove, 2005), p. xiii; Levine-Clark, 'The Politics of Preference', pp. 233-252; Simon Szreter and Kate Fisher, *Sex Before the Sexual Revolution: Intimate Life in England 1918-1963*, (Cambridge, 2010); Richard Wall and Jay Winter, *The Upheaval Of War*, Selina Todd, 'Flappers and Factory Lads', pp. 715-730.



condemned or ignored depending upon its significance and meaning within the cultural schema.

The historiography of violence against wives in the United Kingdom in this period is not particularly extensive. While its expression and treatment in the Victorian period has been subject to intense scrutiny,<sup>6</sup> the interwar period has not received so much attention. Carl Chinn's chapter on marital violence among Birmingham's poor offers an excellent insight into the intimate politics of violence, as well as the role of local culture and stress in encouraging IPV.<sup>7</sup> Elizabeth Roberts' commanding oral history of Lancashire's working-class women 1890-1940 spotlighted wives' risk of violence, identifying two categories of risk that were founded upon certain husbands' 'keen sense of what was 'manly': one involved husbands' heavy drinking, total familial obedience, and extensive financial and material self-indulgence; the other was respectable and 'patriarchal', and demanded and enforced familial obedience.<sup>8</sup> Melanie Tebbutt has also touched on working-class domestic violence, drawing attention to working-class husbands' 'ultimate recourse ... to physical strength' to resolve conflict, and indicated how neighbours' 'attitudes towards male violence could be both ambivalent and disturbingly accepting' due to the fine line between help and interference.<sup>9</sup> Pat Ayres and Jan

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<sup>6</sup> Lisa Surridge, 'Unspeakable Histories: Hester Dethridge and the Narration of Domestic Violence in *Man And Wife*', *Victorian Review*, 11 (1996), pp. 102-126; Martin Wiener, *Men of Blood: Violence, Manliness, and Criminal Justice in Victorian England*, (Cambridge, 2004); Lisa Surridge, *Bleak Houses: Marital Violence in Victorian Fiction*, (Ohio, 2005); James Hammerton, 'The Targets of 'Rough Music': Respectability and Domestic Violence in Victorian England', *Gender and History*, 3 (1991), pp. 23-44; Susan Hamilton, 'Making History with Frances Power Cobbe: Victorian Feminism, Domestic Violence, and the Language of Imperialism', *Victorian Studies*, 43 (2001), pp. 437-460; Ellen Ross, "'Fierce Questions and Taunts": Married Life in Working Class London, 1870-1914', *Feminist Studies*, 8 (1982), pp. 575-602; Marlene Tromp, *The Private Rod: Marital Violence, Sensation, and the Law in Victorian Britain*, (London, 2000); James Hammerton, *Cruelty and Companionship: Conflict in Nineteenth-Century Married Life*, (London, 1995); Jo Aitken, "'The Horrors of Matrimony among the Masses": Feminist Representations of Wife Beating in England and Australia, 1870-1914', *Journal of Women's History*, 19 (2007), pp. 107-131; Nancy Tomes, "'A Torrent of Abuse': Crimes of Violence Between Working-Class Men and Women in London, 1840-1875.' *Journal of Social History*, 11 (1978), pp. 328-345; Mary Lyndon Shanley, *Feminism, Marriage, and the Law in Victorian England, 1850-1895*, (Princeton, 1989); Maeve Doggett, *Marriage, Wife Beating and the Law in Victorian England*, (Columbia, SC, 1993); Anna Clark, 'Domesticity and the Problem of Wife Beating in Nineteenth Century Britain: Working-Class Culture, Law, and Politics', in Shani D'Cruze (ed.), *Everyday Violence in Britain, 1850-1950: Gender and Class*, (London, 2000), pp. 27-40.

<sup>7</sup> Carl Chinn, *They Worked All Their Lives: Women of the Urban Poor, 1880-1939*, (Lancaster, 2006), pp.140-149.

<sup>8</sup> Elizabeth Roberts, *A Woman's Place: An Oral History of Working-Class Women, 1890-1940*, (Oxford, 1995), pp. 118-119.

<sup>9</sup> Melanie Tebbutt, *Women's Talk? A Social History of Gossip in Working-class Neighbourhoods, 1880-1960*, (Aldershot, 1995), pp. 38, 118.

Lambertz forcefully demonstrated that IPV in interwar Liverpool could manifest a form of boundary reinforcement by husbands struggling with their own shortcomings as breadwinners.<sup>10</sup> Clive Emsley has echoed this suggestion of masculine gender role stress, further highlighting the class stereotypes that pervaded its construction. Moreover, he highlighted the incomplete problematization or criminalization of wife beating by the police and judiciary, and its impact upon wives.<sup>11</sup> Annmarie Hughes' articles on wife beating in Scotland offer an excellent insight into the failure to criminalize IPV, and the judicial and popular support of men's right to physically chastise and control their wives.<sup>12</sup> On the theme of magisterial authority, George Behlmer has touched on the significance of the 1895 Summary Jurisdiction Act and the importance of reforming magistrates like Claude Mullins to the functionality of the magistrates' courts in cases of IPV.<sup>13</sup> Shani D'Cruze, meanwhile, has considered the news media construction of violence against wives when cases were brought to court, describing a circus catering to an audience hungry for tales of marital subversion.<sup>14</sup> Regarding the war's impact on IPV, in his work on ex/servicemen's criminality, Clive Emsley again has examined violence against wives during and after the First and Second World Wars, drawing attention to the role of war service in augmenting unfaithful wives' provocation, and thus lessening the criminal and moral responsibility of violent husbands.<sup>15</sup> On a differing note, Jan Lambertz has specifically targeted the feminist retreat from the issue of wife battery as a campaign platform, reflecting their tentative negotiation of a post-war society that was decidedly prickly about demonizing war heroes.<sup>16</sup> While the current historiography offers

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<sup>10</sup> Pat Ayres and Jan Lambertz, 'Marriage Relations, Money, and Domestic Violence in Working-Class Liverpool, 1919-1939', in Jane Lewis (ed.), *Labour and Love: Women's Experiences of Home and Family, 1850-1940*, (Oxford, 1986) pp. 195-219.

<sup>11</sup> Clive Emsley, *Hard Men: Violence in England since 1750*, (London, 2005), pp. 58-70.

<sup>12</sup> Annmarie Hughes, 'The 'Non-Criminal' Class: Wife Beating in Scotland (c. 1800-1949)', *Crime, History and Societies*, 14 (2010) pp. 31-53; Annmarie Hughes, 'Representations and counter-representations of Domestic violence on Clydeside between the two World Wars', *Labour History Review*, 69 (2004), pp. 169-184.

<sup>13</sup> George Behlmer, 'Summary Justice and Working-Class Marriage in England, 1870-1914', *Law History Review*, 12 (1994), pp. 229-275.

<sup>14</sup> Shani D'Cruze, 'The damned place was haunted': The Gothic, Middlebrow Culture and Inter-War 'Notable Trials', *Literature and History*, 15:1 (2006), pp. 37-59; Shani D'Cruze, 'Intimacy, Professionalism and Domestic Homicide in Interwar Britain: the case of Buck Ruxton', *Women's History Review*, 16:5 (2007), pp. 701-722.

<sup>15</sup> Clive Emsley, *Soldier, Sailor, Beggarman, Thief: Crime and the British Armed Services since 1914*, (Oxford, 2013), pp. 137-141.

<sup>16</sup> Jan Lambertz, 'Feminists and the politics of wife-beating', in H.L. Smith (ed), *British Feminism in the Twentieth Century*, (London, 1990), pp. 25-46.

powerful insights into the way that violence against women occurred and was dealt with by a variety of communities and institutions, coverage has tended to approach individual aspects of violence against wives rather than taking a more holistic approach. This thesis therefore aims to contribute to this promising field of research, and provide a fuller analysis of violence against wives across the period.

Elizabeth Nelson has conducted a comparable study regarding domestic violence in Australia, concluding that war trauma gave a simple but non-disruptive explanation for men's aberrant or extreme patriarchal violence. She has described how although war trauma could create circumstances conducive to IPV, such as male gender disparity, and the readiness of perpetrators, wives, doctors, and the judiciary to accept trauma as an explanation for violence 'offered many men a new weapon with which to defend their acts of intimate violence.'<sup>17</sup> In many respects this thesis will find a great deal of consonance in the histories of violence against wives between Australia and Britain. However, where Nelson seems to identify the lenience with which abusive veterans were treated as the result of a 'climate of official sympathy', <sup>18</sup> this study will argue that that sympathy coincided with a pervasive fear of marital breakdown, distrust and devaluation of women, and a desire to maintain gendered hierarchies within the family.

This thesis will also challenge a tendency within some academic discourses to view the First World War as logical agent of brutalization. Such histories suggest that many aspects of life among the combatant nations underwent a brutalization marked by 'a heightened indifference to human life' and a valorisation of violent male potential as a direct consequence of warfare.<sup>19</sup> For example, George Mosse described the political brutalisation to be a legacy of war, attributing its acute expression in German politics to the nation's rocky transition from war to peace.<sup>20</sup> Omer Bartov has built upon this idea in his cultural history of

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<sup>17</sup> Elizabeth Nelson, 'Victims of War: The First World War, Returned Soldiers, and Understandings of Domestic Violence in Australia', *Journal of Women's History*, 19 (2007), p. 100.

<sup>18</sup> *Ibid.*, 97.

<sup>19</sup> George Mosse, *Fallen Soldiers of the Great War: Reshaping the Memory of the World Wars*, (Oxford, 1991), p. 159.

<sup>20</sup> *Ibid.*, p. 159.

the Holocaust, identifying a similar 'aestheticized and cherished' construction of violence derived from 'the trench experience' that was co-opted for political ends in interwar Germany.<sup>21</sup> It may be countered that these are works concerned with explaining the rise of Nazism in Germany. In Britain, although there was a small rise in prosecution rates of minor and serious violence immediately after the war,<sup>22</sup> in the longer term criminal violence continued on the downward trend that had already started in the Victorian period.<sup>23</sup> Moreover, such claims of brutalization underestimate how 'a revulsion against war had plainly increased among Englishmen':<sup>24</sup> experience of violence did not necessarily mean it was enjoyed or engrained. This suggests that George Mosse's call to 'determine the impact of the process of brutalization upon the whole tenor of life after the War' has its limitations.<sup>25</sup>

However, war has remained an attractive explanation for an apparent increase in domestic violence in Britain after the war. Hsu-Ming Teo, while acknowledging that statistics for indictable offenses do not appear to reflect brutalized manhood, has pointed to a likely 'correlation between war trauma and increased rates of wife abuse' resulting from brutalization.<sup>26</sup> Yet, the use of divorce and separation statistics to support the suggested increase in marital cruelty is risky. Rates of separation orders for cruelty certainly did increase as did applications on all other grounds,<sup>27</sup> but there are manifold explanations: some wives hoped that their already-abusive husbands might return from war altered, and delayed their applications until they were proven wrong; other wives had enjoyed freedom from abuse in their husbands' absence and wanted this to continue on their return; young war brides may have interpreted IPV as the result of trauma rather than ordinary abuse and believed that this illness could be neither appeased nor cured; the Guardianship of Infants Act 1925 also made it easier for women to retain custody of their children upon a separation, making it more

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<sup>21</sup> Omer Bartov, *Mirrors of Destruction: War, Genocide, and Modern Identity*, (Oxford, 2000), pp. 11, 13.

<sup>22</sup> Emsley, *Soldier, Sailor, Beggarman*, p. 162.

<sup>23</sup> Wiener, *Men of Blood*, pp. 289-291.

<sup>24</sup> Wilson, *The Myriad Faces of War*, p. 757.

<sup>25</sup> Mosse, *Fallen Soldiers of the Great War*, p. 181.

<sup>26</sup> Hsu-Ming Teo, 'Historicizing *The Sheikh*: Comparisons of the British Novel and the American Film', *Journal of Popular Romance Studies*, 1 (2010), p. 14.

<sup>27</sup> Roderick Phillips, *Putting Asunder: a History of Divorce in Western Society*, (Cambridge, 1988), pp. 235-236.

attractive; and, of course, as more and more people successfully obtained separation orders, the stigma was lessened sufficiently for increased numbers of battered women to confidently exploit this help-seeking practice.

Of course there is strong foundation for considering the war as an agent of marital violence and breakdown, as it created circumstances that were conducive to violence. As shall be discussed in the first chapter, unemployment and mental illness both fostered the risk masculine gender role stress that fuelled IPV. Long separations and quickly contracted marriages created plenty of conflict that could encourage what is known now as Situational Couple Violence (SCV, see below for more information). Mental health issues resulting from war trauma also did not help where IPV was a co-occurring risk factor. Hyper-masculine cultures of military services could also seep into civilian society as men demobilised, and this short-lived spill-over effect is explored in the first chapter.

However, the readiness today to see war as a direct agent of veterans' violence against wives is interesting. For instance, one popular history portrayed Henry Gaskin, who tortured his wife for hours before dismembering her, as 'yet another 'victim' of the Great War'. It identified a horrifying murder as an 'insidious side effect... [of] the carnage of the trenches'.<sup>28</sup> Similarly, *The Times* titled an article 'Horrors of war drove my father to violence, says Patrick Stewart',<sup>29</sup> since the actor had explored his father's combat stress sustained in the Second World War on a television show. There was no direct connection between war trauma and the weekly drunken assaults inflicted specifically upon Stewart's mother, which far more closely resembled Intimate Terrorism (IT), and yet the story leapt on traumatised and brutalised manhood to explain abuse. This inclination to mark violent men as victims of trauma has strong echoes of the period examined. Indeed, in her study of Australia, Elizabeth Nelson pointed out that the contemporary concentration on men's traumatic war experiences indicated that 'the injuries of veterans, whether actual or fictional, had far greater cultural

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<sup>28</sup> N. Billingham, *More Foul Deeds and Suspicious Deaths in Birmingham*, (Barnsley, 2007), pp.115, 129.

<sup>29</sup> Valentine Low, 'Horrors of war drove my father to violence, says Patrick Stewart', *The Times*, 12 May 2014, available online at <http://www.thetimes.co.uk/tto/news/uk/defence/article4087103.ece> (16 September 2016).

value than the injuries these men inflicted upon their wives.’<sup>30</sup> This long-established convention of prioritising the male abuser’s experience over that of his victim is still alive and well. This thesis therefore aims to challenge this viewpoint by demonstrating the deeper cultural underpinnings of IPV, even while recognizing the role of trauma.

### Methodology

As will be seen, this study takes a strongly feminist approach to interpretation. For such a highly gendered act as a husband’s violence against a wife, this is entirely apposite. As R. Emerson Dobash and Russel Dobash have made clear, male intimate abusers’ perceptions of desirable or appropriate behaviour for their partner is couched in terms of gender hierarchies and prejudices: ‘these offenders often see themselves as norm enforcers upholding “high values,” such as the sanctity of marriage, the family, and motherhood. ... violence is viewed as acceptable when women are defined as “out of line” with the man’s notions of the appropriate [female] behaviour’.<sup>31</sup> Indeed, Michael Johnson has described one form of IPA as Patriarchal Terrorism, ‘a product of patriarchal ideas of men’s right to control “their” women’, stating that ‘this pattern of violence is rooted in basically patriarchal ideas of male ownership of ... female partners.’<sup>32</sup> This feminist approach is particularly relevant for the period 1914-1939. At this time women had to manage their violent marriages in a patriarchal society in which they were not able to divorce their husbands even for attempted murder until 1937, where success in pursuing a separation order for cruelty was dependent upon the opinions of (usually male) magistrates, and where even police did not uniformly contest husbands’ authority within the home. Most strikingly, the law regarding provocation mitigated against a murder charge if a husband killed an unfaithful wife. A feminist interpretation is thus essential to understanding a form of male-on-female IPV occurring within a patriarchal

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<sup>30</sup> Nelson, ‘Victims of War’, p. 97.

<sup>31</sup> R. Emerson Dobash and Russell P. Dobash, ‘What Were They Thinking? Men Who Murder an Intimate Partner’, *Violence Against Women*, 17 (2011), p. 114.

<sup>32</sup> Michael Johnson, *Typology of Domestic Violence: Intimate Terrorism, Violent Resistance, and Situational Couple Violence*, (Hanover, NH: Northeastern University Press, USA, 2008), p. 284.

society. It illuminates how perpetrators' constructed their motivations, and how violence against wives existed in a twilight between social order and criminality.

Furthermore, this dissertation takes an interdisciplinary approach by drawing on modern research to explore both the performance of violence against wives and the impact of cultural schemas upon it. However, anachronism is a constant risk. Modern research into IPV is very much the product of its own historical context, since the problematization of intimate violence is informed by contemporary cultures, education, and social structures. Consequently, feminist and family violence theories of IPV are not 'tenseless',<sup>33</sup> and careless projection onto the interwar period may reveal more about our present than about our past. However, though what Clifford Geertz calls 'webs of significance' about violence against wives may have changed between 1914 and the present day,<sup>34</sup> the act itself is fairly consistent and social scientific approaches help us articulate the historical problem it raises. As subsequent chapters will show, husbands and wives offered remarkably similar excuses, explanations, and reasonings as their modern counterparts, and behaved in similar ways, too, such as husbands using violence to control behaviour, victim-blaming, and wives returning to their abusers on their promises to change despite prior disappointments. Modern research is therefore useful in illuminating the processes behind IPV, and helping to understand the social underpinnings of the psychology of violence against wives in this period. This study does not seek to transpose these theories onto its historical subjects, but to use them as an interpretative lens. This interdisciplinary approach helps to clarify the ways in which psychological and interpersonal processes could be influenced by social discourses.

Moreover, this strategy illuminates the ways in which interwar culture and society was conducive to, and even enabled, the performance of violence against wives. Modern theories

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<sup>33</sup> Nick Tosh, 'Anachronism and retrospective explanation: in defence of a present-centred history of science', *Studies In History and Philosophy of Science*, 34:3 (2003), p. 658.

<sup>34</sup> Clifford Geertz, 'Thick Description: Toward an Interpretative Theory of Culture', in Michael Martin, Lee McIntyre (eds.), *Readings in the Philosophy of Social Science*, (Hong Kong, 1994), p. 214.

of IPV commonly identify the need for control as the motor of abuse.<sup>35</sup> Two distinct but inter-related forms have been identified, Situational Couple Violence (SCV, also termed Common Couple Violence), and Intimate Terrorism (IT).<sup>36</sup> Both forms see the individual using violence to ensure their own wellbeing or security by controlling the partner's behaviour, words, and thoughts. SCV constitutes the use of physical or verbal violence to resolve immediate conflict within a relationship, that is, to regain control of a situation that is felt to be intolerable or upsetting.<sup>37</sup> It is often described as a situation getting out of hand as tempers flared, or as a problem of anger management, but this does not diminish the extremity of the violence that can be inflicted, nor its damage. Intimate Terrorism is described as 'a form of terroristic control ... that involves the systematic use of not only violence, but economic subordination, threats, isolation, and other control tactics.'<sup>38</sup> This form of abuse enjoys strong social underpinnings that normalise men's proprietorial attitudes toward female partners.<sup>39</sup> This 'continuum of both violence and control' offers a useful interpretative framework to explore interwar violence against wives.<sup>40</sup>

Indeed, feminist sociologists and psychologists have identified IPA as a manifestation of patriarchal control, but the practices they problematize were quite common in this period. Though functionally working-class wives were in charge of family finances,<sup>41</sup> husbands had total authority over their own wages and thus the practice of financial abuse was legitimate so long as it did not constitute neglect. This level of sanctioned control gave husbands immense power, and made any effort to pursue legal action or to escape abuse incredibly difficult. Compounding this, until the passage of the Guardianship of Infants Act 1925, husbands retained custody rights over children above the age of seven, and this again made leaving a

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<sup>35</sup> Christina Nicolaidis and Anuradha Paranjape, 'Defining Intimate Partner Violence: Controversies and Implications', in Connie Mitchel and Deirdre Anglin (eds.), *Intimate Partner Violence: A Health-Based Perspective*, (Oxford, 2009), p. 23.

<sup>36</sup> Matthew Johnson, *Great Myths of Intimate Relationships: Dating, Sex, and Marriage*, (Oxford, 2016), p. 152.

<sup>37</sup> Kristen Anderson, 'Is Partner Violence Worse in the Context of Control?', *Journal of Marriage and Family*, 70 (2008), p. 1159.

<sup>38</sup> Michael P. Johnson, 'Patriarchal Terrorism and Common Couple Violence: Two Forms of Violence Against Women', *Journal of Marriage and Family*, 57:2 (1995), p. 284.

<sup>39</sup> Adam Edward Jukes, *Men Who Batter Women*, (London, 1999), p. 82.

<sup>40</sup> Kristen Anderson, 'Is Partner Violence Worse in the Context of Control?', p. 1158.

<sup>41</sup> Elizabeth Roberts, *A Woman's Place*, p. 125.



violent husband challenging. What is more, in some (but not all) working class communities, wives were expected to incorporate themselves into their husbands' families at the expense of their own, diminishing their social network,<sup>42</sup> and this exacerbated intimate terrorists' tactic of socially isolating their target. And, of course, since husbands were expected to lead and manage their family, abusers' own ideas of their right to enforce obedience were socially appropriate. Consequently, differentiating between SCV and IT is very difficult because many practices of IT were socially mandated (for example, it was socially acceptable for husbands to violently chastise their wives for failing to meet their expectations of proper feminine behaviour).<sup>43</sup> Combined with the increased likelihood of those suffering IT to seek official help than SCV sufferers (who tend to seek help from family and friends),<sup>44</sup> IT is likely to be somewhat over-represented in official records and news reports. Due to this potential over-representation, and the overlap between IT tactics and social norms regarding marital expectations, this thesis often focusses slightly more on the way that this type of abuse occurred and was dealt with. Indeed, since SCV and IT constitute a continuum of abuse and control, the social underpinnings of IT make it all the more possible for the line between the two to blur.

This study will take a qualitative approach to husbands' violence against wives, and this is primarily because the nature of this offence makes a quantitative analysis deeply problematic. Wife battery was often unrecognized or misconstrued as an expression of normative patriarchal and masculine behaviour. Newton Garver has suggested that the requirement to consider physical aggression as violence 'is that a person is violated'. He has argued that 'a person has ... a right ... to determine what one's body does and what is done to one's body ... Apart from a body, what is essential to one's being a person is dignity. The

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<sup>42</sup> Melanie Tebbutt, *Women's Talk? A Social History of Gossip in Working-class Neighbourhoods, 1880-1960*, (Aldershot, 1995), pp. 102-104.

<sup>43</sup> For example, in 1922 J.M. Brennan wrote that: 'A medical man when drunk struck his wife - conviction for assault. Another medical man struck his wife who was drunk - conviction for assault. It would require a super Sherlock Holmes to spot which was the cad and which the martyr from simple police reports of these two cases.' (J.M. Brennan, 'Correspondence: the medical profession and the police', *The Lancet*, 1 July 1922 p. 43.)

<sup>44</sup> Janel Leone, Michael Johnson and Catherine Cohan, 'Victim Help Seeking: Differences between Intimate Terrorism and Situational Couple Violence', *Family Relations*, 56 (2007), p. 429.

real dignity of a person ... [consists of] the ability to make decisions.'<sup>45</sup> Wife battery and even murder thus occupied a liminal space: husbands did have authority over their wives bodies and behaviour – their aggression was not always, therefore, a violation. Consequently, the same violent act could be an acceptable corrective against victims' deviance or a deep subversion of masculine identity. This was entirely dependent upon the husband's motivation, the severity of its violence, and its wider social context. This means that violence against wives could be dismissed as chastisement, or as having been provoked or justified: the social norms under which an assault was committed could negate its violation of the target. Thus, IPV is vastly under-represented in official records, as wives themselves, police and the judiciary did not always understand husbands' violence to be transgressive. Without a criminally or civilly disruptive element, it did not cross into the official gaze.

As a result, marital violence was a hugely under-reported. Due to the combination of patchy criminalization and problematization, shame, and the intense privacy that shrouded intimate violence,<sup>46</sup> countless wives coped in silence, or used unofficial support networks of family and friends, to manage their risk or to escape. This means official records do not adequately reflect the true extent of domestic violence. This was not helped by the magisterial and judicial practices that hid IPV even within their records. Cases of extreme, persistent violence that came before justices as a separation order diverted criminal behaviours into civil law, excluding IPV from criminal statistics. What is more, there was no guarantee that it would even be recognised in a civil arena. In 1918, at Aston Police Court, for example, the magisterial habit of adjourning cases to effect a reconciliation meant that of twenty six complaints of assaults by wives against their husbands, seven never turned up again after having their cases delayed.<sup>47</sup> Indeed, Colin Gobson has pointed out that between 1934 and 1935, only 15% of all women who approached for a separation in the police courts were successful due to a combination of non-appearance and magisterial efforts at

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<sup>45</sup> Newton Garver, 'What Violence Is', *Nation*, (1968) pp. 817-822.

<sup>46</sup> Behlmer, 'Summary Justice and Working-Class Marriage', pp. 262-263.

<sup>47</sup> Library of Birmingham and Archives, PS/B 2/2/2/1 – PS/B 2/2/2/9, Court Registers for Aston Petty Sessions, 1911-1931.

conciliation.<sup>48</sup> Moreover, magisterial incomprehension of the true extent of IPV meant that requests for separations made with sturdy evidence of cruelty could be dismissed precisely because husbands' violence was not deemed sufficient violation to warrant intervention. For instance, one magistrates' court adjourned a case that clearly showed persistent cruelty by claiming that the husband's alcohol was to blame, which was easily solved, and that 'the parties had been married only nine years.'<sup>49</sup> The judicial process also hid the severity of violence as murder was downgraded to manslaughter, as female infidelity was considered sufficient provocation to mitigate homicidal husbands' criminal responsibility. Though the killing itself was still criminalised, the intimate marital relationship changed the flavour of violence, as female deviance could make violence less of a violation of the social order. Compounding this, judicial statistics do not always reflect the actualities of violence experienced. Wives' complaints of multiple instances of assault were commonly reduced down to a single charge of assault, hiding the true rate of IPV. What is more, the practices of courts could oblige prosecutors to follow lesser charges in order to guarantee a conviction, or to adhere to the very particular definitions of violent offences. For example, in 1923 a judge told John Whalley of his frustration that 'no punishment I can inflict upon you is adequate': when John's wife had left him due to his physical violence, he had taken revenge by abducting her daughter and cutting off both her hands. Had the little girl not pressed her stumps into the ground 'she would have bled to death'.<sup>50</sup> Because she had done this, the charge became wounding with intent to do grievous bodily harm, rather than murder or manslaughter. Such peculiarities of the legal and judicial system thus mean that a quantitative approach can only ever give a murky image of wife battery and murder in this period.

Consequently, statistical analyses of court records don't reveal a great deal about the frequency and flavour of violence against wives. Though court records hint at the attitudes of

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<sup>48</sup> Colin Gibson, *Dissolving Wedlock*, (London, 1994), p. 94.

<sup>49</sup> *Derbyshire Times*, 29 September 1923 p. 13.

<sup>50</sup> *Manchester Guardian*, 10 December 1923.

the judiciary, they do not adequately represent the reality of marital violence since it only recorded husbands' aggression in so far as it was deemed to have transgressed. By taking a qualitative approach, one can see the minute decisions and judgements that determined whether or not IPV was a problem.

This means that this dissertation makes extensive use of news reports of separation suits, divorces, assaults, woundings and killings. This carries its own risks, such as the over-representation of lurid cases, the reporters' careful selection of information to form narratives, and the linguistic colouring of events. However, it has significant benefits, too. Adrian Bingham has argued that 'although popular newspapers may not provide the first draft of history, ... their centrality to British society and culture ... is such that historians cannot afford to ignore them.'<sup>51</sup> In the case of IPV, reports of wife battery and wife murder offered a visible public forum in which to discuss issues of marriage and aggression. The popular press provides a view into the emotional responses to IPV, and demonstrates the persistent popular interest in marital deviance and violence. But more than this, news reports spotlight how male and female behaviour was interrogated when intimate relationships came under the public gaze. Responsibility was commonly determined by which partner subverted marital gender norms first, making violence against wives an unknown quantity until its motivations and context were established. News reports thus offer an unrivalled insight into the way that violence did not always mean violation. In turn, this helps to identify the popular cultural schemas regarding violence against wives, and thus to illustrate the course of IPA in marriages.

### Restrictions

Due to the limitations of the sources available, this thesis examines husbands' physical assaults upon their wives. In this period, the legal and judicial avenues open to those suffering abuse recognised usually only physical assault or cruelty. Although there was space

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<sup>51</sup> Adrian Bingham, 'Ignoring the first draft of history? Searching for the popular press in studies of twentieth-century Britain', *Media History*, 18 (2012), p. 320.

to problematize mental abuse that resulted in damage to a wife's health, functionally police, magistrates and judges mostly only recognised physical violence as a problem. Though some women certainly suffered severe abuse without violence, the courts were not commonly open to their complaints, nor was there much that the police could do since it was not recognised as an offence. Consequently, this thesis examines cases where physical violence took place, since these leave a mark in the official record, and are more commonly recognised in oral history. Moreover, though it was widely accepted and even condoned in some circles, physical violence against wives was still acknowledged as distasteful. As Elizabeth Roberts points out, 'a man not beating his wife appears to have been an important criterion for a 'good husband' in [interwar] Liverpool', indicating the prevalence of uncontested violent husbands.<sup>52</sup> Since it was physical abuse that was problematized and thus left more of an imprint, this thesis explores wife battery and wife murder.

Although the abuse of children is deeply intertwined with the abuse of the intimate partner, this study will not explicitly pursue this avenue. This thesis pursues wife battery and wife murder as an expression of culturally constructed gender dynamics within the intimate sexual and marital relationship. The history of children's experiences of IPV, terrorization, and even their weaponization by abusers is worthy of research in its own right. The constraints of this study make the kind of examination that children's historical place in IPV and family violence deserves impossible here. Indeed, the history of violence against children is a field of study that is picking up momentum,<sup>53</sup> and there is certainly room for a history of children living in

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<sup>52</sup> Pat Ayres and Jan Lambertz, 'Marriage Relations, Money, and Domestic Violence in Working-Class Liverpool, 1919-1939' in Jane Lewis (ed.) *Labour and Love: Women's Experiences of Home and Family, 1850-1940*, (Oxford, 1986), p. 208.

<sup>53</sup> Harry Hendrick, 'The Child as a Social Actor in Historical Sources: Problems of Identification and Interpretation', in Pia Christenson and Allison James (eds.), *Research with Children: Perspectives and Practices*, (Abingdon, 2008) pp. 40-63; Dorothy Scott and Shurlee Swain, *Confronting Cruelty: Historical Perspectives on Child Protection in Australia*, (Victoria, 2002); George Behlmer, *Child Abuse and Moral Reform in England, 1870-1908*, (Stanford, 1982); Laurence Brockliss and Heather Montgomery (eds.), *Childhood and Violence in the Western Tradition*, (Oxford, 2010); Carol Smart, 'A History of Ambivalence and Conflict in the Discursive Construction of the 'Child Victim' of Sexual Abuse', *Social Legal Studies* 8 (1999), pp. 391-409; Ginger Frost, '"The Black Lamb of the Black Sheep": Illegitimacy in the English Working Class, 1850-1939', *Journal of Social History*, 37:2 (2003), pp. 293-322.

households with IPV and family violence. For the purposes of this thesis, however, the experiences of children have been given a backseat.

Likewise, this study regrettably does not explore women's abuse of their husbands due to its concentration on the influence of masculine identities upon the performance and reception of male intimate violence. Yet female marital violence was most certainly a feature of marital life in the period. Some wives violently resisted abuse, of course, but some women engaged in serious IT,<sup>54</sup> and female perpetrated SCV was also a perennial feature of poor working-class married life.<sup>55</sup> However, the visibility of women's IPV is sparse due to cultural and legal factors. Cruelty to husbands was not recognised under neither the 1895 or 1925 Summary Jurisdiction Acts, and so where men sought separations, they phrased the abuse as complaints of cruelty to children, or female habitual drunkenness.<sup>56</sup> Also, the presence of men as complainants of their wives' assaults in court were very rare. Men were expected to control their wives, and so their appeals to the law indicated their own failure to be a man. This helps to explain why men complained of alcohol's influence over their wife, rather than their own victimization. That said, news reports tended to be somewhat sympathetic and focussed on the wife's deviance and her husband's exasperation.<sup>57</sup> Even so, finding sufficient evidence to make firm conclusions on men's lived experiences of female IPV in this period from the sparse material available is extremely difficult.

Likewise, only heterosexual relationships are considered in this research: since homosexual relationships were illegal, their presence in the historical record regarding IPV is unfortunately minimal. Relevant legislation regarding separation or divorce was absolutely useless to such individuals. Significantly, to complain of a partner's abuse as common assault carried significant risk of exposure, and even imprisonment for both parties.

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<sup>54</sup> For examples, see *Manchester Courier*, 8 July 1914 p. 10; *Dundee Evening Telegraph*, 25 March 1925 p. 4; *Yorkshire Evening Post*, 5 September 1936 p. 7.

<sup>55</sup> Carl Chinn, *They Worked All Their Lives*, pp. 141-142.

<sup>56</sup> For examples, see *Exeter and Plymouth Gazette*, 8 April 1914; *Portsmouth Evening News*, 4 May 1915; *Coventry Standard*, 11 February 1916 p. 12.

<sup>57</sup> Ibid.

Another restriction is the decision not to systematically investigate sexual violence against wives. Rape within marriage was not recognised as a crime until 1991 in England and Wales, so its use in marital suits even before the war was 'limited by social norms that generally enjoined the sexual submission of wives to husbands and stigmatized those wives who tried to challenge their husbands or bring their grievances to court'.<sup>58</sup> Gail Savage has shown that the devolution of divorce from High Courts to Assizes resulted the breakdown of a 'remarkable consensus about restraining the uncontrolled husband'.<sup>59</sup> Therefore in the interwar period, the appearance of sexual abuse is often only hinted at to support broader accusations of cruelty, and even then usually when sexual behaviour was deemed deviant. Wives therefore sometimes make reference to having been used in a way they did not wish to repeat in court, or to having been made to have sex with other men, but sexual violence was most often used to underscore other kinds of physical violence.

Moreover, this thesis neglects to offer a thorough investigation of the police's record on this subject. This is because, contrary to expectation, archival material on officers' responses to IPV is sparse. Pertinent points of their engagement with battered wives and violent husbands have been included in this thesis, but drawing proper conclusions was awkward since police engagement tended to be discreet when they chose to intervene or non-existent when they did not. Indeed, reflecting the importance of individual personalities in the exercise of justice that will be explored later, when the police record is explicit it often vacillated between extremes. On the one hand, police officers could close ranks to protect an abusive colleague. In 1937, police officer Arthur Young's horribly battered wife Evelyn went to Barkingside police station to seek help but 'they said they could not interfere with a man in his own house'.<sup>60</sup> On the other hand, in 1920 P.C. 8801 was pushed to resign from Birmingham Police when he was 'complained of by his wife for assaulting her by striking her

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<sup>58</sup> Gail Savage, '...the instrument of an animal function: Marital Rape and Sexual Cruelty in the Divorce Court, 1858-1908', in L. Delap, B. Griffin, and A. Wills (eds.), *The Politics of Domestic Authority in Britain since 1800*, (Basingstoke, 2009), p. 58.

<sup>59</sup> Ibid., p. 53.

<sup>60</sup> *Chelmsford Chronicle*, 29 September 1922, p. 8.

on the nose and about the body with his fist, whilst in their own home'.<sup>61</sup> There was thus a distinct lack of uniformity in police attitudes to IPV, but mostly their record only shows in the documents like so: 'PC 6 ... called to family quarrel ... Action Taken – PC left all quiet at 4.35pm ... Family warned as to their future conduct.'<sup>62</sup> With such vague information that is so scant that it seems officers did not always formally record their encounters with IPV, this thesis offers a very limited study of the police's record on this subject.

Furthermore, because of its increased visibility in the historical record, this thesis concentrates on IPV in working class relationships. This is because the use of police courts to resolve marital disputes was largely the preserve of working class couples, and so they left a clearer imprint of their relationships in the sources available. The visibility of the courts, and the high probability of having every detail of one's marriage published in the local newspaper the next day, made magisterial intervention an unattractive option for middle class women conscious of the shame and stigma of their abuse. Indeed, the strong associations between marital abuse and working class violence means middle class women may not have wanted to cast aspersions on their husbands' public image. Most importantly, middle class women were more likely to have independent wealth or a professional wage sufficient to support them if they decided to leave their husbands, or family wealthy enough to take them in. By contrast working class women, particularly mothers who would struggle to earn a sufficient wage while caring for children, needed a separation order to qualify for a maintenance order if they wanted to live separately from their violent husbands. Consequently this thesis focusses heavily on the history of working class violence against wives.

In addition, this study is limited to England and Wales, since Scotland and Northern Ireland's histories and legal arrangements were significantly different. Scots law dealt with homicide differently, for instance, recognising offenses like culpable homicide that were not valid in England and Wales. Scottish definitions of assault differed too, as did the standard for

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<sup>61</sup> West Midlands Police Museum, Birmingham Police Personal Record Sheets Book S, officer 8801.

<sup>62</sup> West Midlands Police Museum, General Occurrence Book, Halesowen and Oldbury Division 1939, 16 September 1939 p. 125.



evidence which required evidence from two sources to prosecute, which made it far more difficult for Scottish wives to utilize the judicial system.<sup>63</sup> Furthermore, Scottish divorce law was equalised from 1830 as both men and women were able to divorce each other on grounds of cruelty, something which would England and Wales would wait for until 1923, and it was much cheaper to pursue. Northern Ireland's history, and the friction caused by the War of Independence means that marital life in this country was occurring in a very different context to that in England and Wales, with a differing motivation for social conformity. Consequently, in the interest of uniformity, this study examines the Welsh and English experience of IPV, but still makes use of Scottish and Northern Irish newspapers where they report English or Welsh stories.

### Chapter outline

The first chapter explores the experiences of violent husbands and battered wives, and the ways that they understood, performed and managed violence and victimization. It surveys the social and cultural context that both enabled and contested wife abuse, and then applies modern theories of IPV to understand the relationships dynamics of these violent marriages, before exploring the war's influence. The second chapter considers the history of the judiciary and magistracy's engagement with violence against wives. It spotlights common themes in their interpretation of IPV, and looks at the liminality of husbands' violence as both a problem and a crime. It goes on to examine on the ways that judges' and magistrates' operated within the restrictions of the law to protect battered women or to uphold the sanctity of marriage, while reflecting on the ways that the war developed judicial opinion. The third chapter investigates the portrayal of violence against wives in the popular press, considering how news reportage of cruelty, assault and murder cases challenged and reiterated the acceptability of IPV. To do so, it explored differing representations of wife battery and wife murder as loving, disciplinary, expressive and brutal, incorporating the influence of the war

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<sup>63</sup> Annmarie Hughes, 'The 'Non-Criminal' Class: Wife-beating in Scotland (c. 1800-1949)', *Crime, History & Societies*, 14:2 (2010), p. 35.

upon these interpretations throughout. The fourth chapter spotlights the engagement of the medical and psychological professions with IPV. It will survey how the popularity of heredity and determinism among criminologists and psychologists deflect attention from violent individuals' culpability. It then ponders on the surprising lack of association between war trauma (or even war experience) within professional research, which contrasts with the sometimes ready link made by doctors acting as court witnesses. The final chapter explores the engagement of three groups who sought to influence policy on wife battery and the influence of the war upon their ideas: members of parliament, feminists and the temperance movement. It explores how, although each had very different opinions and motivations, there was a common habit of emotively instrumentalizing violence against wives as support for broader policies, which in turn meant that violence against wives was sympathised with but not problematized as a specific problem. The overarching theme between these chapters is the way that violence against wives was consistently viewed within its specific context: ideas on what it meant, on how to handle it, and on the risk that intervention or non-intervention posed to the national fabric coloured the conclusions each examined group reached.

This study will conclude that although the war contributed to circumstances conducive to the manifestation of IPV, women were more successful in making use of official channels to leave violent marriages due to a combination of social momentum, legal reforms, and increasing judico-magisterial openness to intervention. However, this was in spite of the many obstacles exacerbated by war. Though Adrian Bingham has criticized the idea of a post-war enforcement of domesticity and drawn attention to women's increased political activity, financial freedom, and leisure pursuits,<sup>64</sup> this positive interpretation is problematic when it is applied to IPV. Violence against wives had the ability to deeply disrupt the status quo in a time of anxiety regarding marital breakdown, and so rather than having a positive effect, the war served to strengthen both ordinary people's and institutions' commitment to traditional gender roles. Dealing with IPV meant inferring with marriage, and in a period that

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<sup>64</sup> Bingham, "An Era of Domesticity'?", pp. 225-226.

in many ways lionized traditional gender roles as a social anchor, this meant that men's position as a husband and father could trump proper consideration of his abusiveness, criminality, and future risk to his wife. Although a constant feature of English and Welsh communities, throughout this period IPV remained a misunderstood and underestimated problem.

## Experiencing violence against wives: the cultural construction and commission of Intimate Partner Violence, 1914-1939

As the war drew to a close, some rejoiced at the home coming of their fathers, husbands, sons and brothers. In Derby, a crowd assembled at the train station ('notwithstanding the lateness of the hour – it was practically 10 p.m.') to give returning 'warriors' a 'splendid welcome',<sup>1</sup> while Hazlewood's 'returned heroes' were treated to a 'most sumptuous repast' at a dinner and smoking concert held in their honour.<sup>2</sup> However, this happiness was tarnished by undercurrent of marital misery. There were diverse reasons why intimate partner violence could manifest in the wartime and post-war period: violence could follow hot on the heels of recent nuptials, it could develop as a new feature of pre-existing marriages, and for yet others, husbands returned from war just as violent as they had left. But is it right to think of the war as a brutalising moment, or was the marital violence expressed during and after the war merely a continuation of pre-existing cultures? To understand the processes at work, this chapter will explore the commission of intimate partner violence (IPV) during the period 1914-1939 in a bid to understand the far reaching impact of the war.

There has been some limited but very valuable historical exploration of IPV in Britain during the interwar period. Historians like Annemarie Hughes, Pat Ayres, Jan Lambertz, Gail Braybon and Timothy Willem<sup>3</sup> have all made significant contributions to this field. However, particular attention has not been so closely paid to the specific relationship between the First World War and IPV. Clive Emsley has dedicated a detailed and compelling chapter of his book *Soldier, Sailor, Beggarman, Thief* to this issue, but this has focussed upon

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<sup>1</sup> *Derby Daily Telegraph*, 23 May 1919 p. 2.

<sup>2</sup> *Ibid.*, 31 December 1919 p. 3.

<sup>3</sup> Annmarie Hughes, 'The 'Non-Criminal' Class: Wife-beating in Scotland (c. 1800-1949)', *Crime, History & Societies*, 14:2 (2010), pp. 31-53; Pat Ayres and Jan Lambertz, 'Marriage Relations, Money, and Domestic Violence in Working-Class Liverpool, 1919-1939', in Jane Lewis (ed.), *Labour and Love: Women's Experiences of Home and Family, 1850-1940*, (Oxford, 1986), pp. 195-222; Gail Braybon, *Out of the Cage: Women's Experiences in Two World Wars*, (London, 1987), pp. 116-146; Timothy Jones, 'Love, Honour and Obey? Romance, Subordination and Marital Subjectivity in Interwar Britain', in Timothy Jones and Alana Harris (eds.), *Love and Romance in Britain, 1918 – 1970*, (Basingstoke, 2014), pp. 124-143.

ex/servicemen's, rather than civilians', IPV primarily as a criminal act.<sup>4</sup> Likewise his article on post-war anxieties and press narratives regarding ex/servicemen's violence foregrounds the way that depictions of violence were used to negotiate difficult social concerns.<sup>5</sup> Elizabeth Nelson has examined the impact of the war upon IPV in Australia but a similarly in-depth study has not been carried out for England.<sup>6</sup> This chapter, then, hopes to build on Nelson's Australian example, and contribute to the interwar historiography of English IPV.

This chapter will explore the experiences of violent husbands and battered wives to understand how they comprehended, performed and negotiated both violence and victimhood in the shadow of war. This will pursue three pathways. Firstly, it will examine community, print and legal culture in order to survey the place of violence against wives in society and culture exploring how attitudes both enabled and opposed IPV, as well as examining how victims' behaviour was shaped by the cultural schema and limitations of the legal system. Secondly, the chapter will draw on modern sociological research on IPV to illuminate the experiences of violent husbands and battered wives, highlighting key features of both violent perpetration and victim negotiation. This will include looking at the purpose and performance of violence, thoughts on its causes and what that meant for responsibility, and how battered wives managed their risk. Thirdly, the chapter will turn to the impact of the war upon the perpetration of IPV. Again, with reflections of interdisciplinary research regarding war trauma and the ecology of violence, this thesis will shed light on the ways in which the war may have amplified both men's risk of perpetration and the pressure on women to endure it. Overall, this chapter will argue that, although there are no unproblematic statistics on the rate of perpetration, by exploring the historical records available in the light of modern sociological theory, it is likely that the war exacerbated the psychological, cultural

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<sup>4</sup> Clive Emsley, *Soldier, Sailor, Beggarman, Thief: Crime and the British Armed Services since 1914*, (Oxford, 2013), pp. 136-147.

<sup>5</sup> Clive Emsley, 'Violent crime in England in 1919: post-war anxieties and press narratives', *Continuity and Change*, 23:1 (2008), pp. 173-195.

<sup>6</sup> Elizabeth Nelson, 'Victims of War: The First World War, Returned Soldiers, and Understandings of Domestic Violence in Australia', *Journal of Women's History*, 19 (2007), pp. 83-106.

and practical foundations of IPV which in turn may have contributed to a worsening of wife battery in England.

### Social and cultural backdrop of violence against wives

The ways that IPV can be buttressed by socio-cultural features, such as the normalisation of male violence and the consistent undercurrent of victim blaming, have been under intense psychological and sociological scrutiny to understand how they foster both the performance and toleration of IPV.<sup>7</sup> Likewise, significant attention has been paid to the practical snares and barriers that make leaving abusive relationships difficult, such as economic hardship and problematic family law.<sup>8</sup> Valuable studies have also explored the way that society and culture opposes IPV and bolsters individuals against abusive practices, for instance through stigmatisation, and more balanced gender norms.<sup>9</sup> These sociological reflections help to inform the examination of historical wife battery as we assess the socio-cultural backdrop of both violent husbands' and their victims' experiences. By understanding the cultural landscape, it is possible to grasp how the contemporary cultural schema enabled or opposed husbands' violence, and encouraged wives' endurance or resistance.

A significant field of sociological and psychological research has highlighted the importance of constructions of masculinities in enabling IPV. Exploring the factor of male gender role stress, Moore and Stuart have posited that, 'masculinity does have a role in predicting domestic violence but this is... about how men think men ought to behave, the

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<sup>7</sup> See, Matthew Jakupcak, David Lisak, and Lizabeth Roemer, 'The role of masculine ideology and masculine gender role stress in men's perpetration of relationship violence', *Psychology of Men & Masculinity*, 3:2 (2002), pp. 97-106; Claire G. Lisco, Ruschelle M. Leone, Kathryn E. Gallagher, Dominic J. Parrott, "Demonstrating Masculinity" Via Intimate Partner Aggression: The Moderating Effect of Heavy Episodic Drinking', *Sex Roles*, 73 (2015), pp. 58-69; Dennis E. Reidy, Danielle S. Berke, Brittany Gentile, and Amos Zeichner, 'Man enough? Masculine discrepancy stress and intimate partner violence', *Personality and Individual Differences*, 68 (2014), pp. 160-164.

<sup>8</sup> Annmarie Hughes, 'The 'Non-Criminal' Class', pp. 31-54; Lauren A. Shurman and Christina M. Rodriguez, 'Cognitive-Affective Predictors of Women's Readiness to End Domestic Violence Relationships' *Journal of Interpersonal Violence*, 21:11 2006, pp. 1417-1439; Christine Shearer-Creamean, 'The Epistemology of Police Science and the Silencing of Battered Women' in Christine Shearer-Creamean and Carol Winkelmann (eds.), *Survivor Rhetoric: Negotiations and Narrativity in Abused Women's Language* (London, 2004).

<sup>9</sup> David Katerndahl, Sandra Burge, Robert Ferrer, Johanna Becho, Robert Wood, 'Differences in Social Network Structure and Support Among Women in Violent Relationships', *Journal of Interpersonal Violence*, 28:9 (2013), pp. 1948-1964; Reshma Sathiparsad, 'Developing alternative masculinities as a strategy to address gender-based violence', *International Social Work*, 51:3 (2008), pp. 348-359.

stress men feel when faced with conflict situations that challenge these beliefs, and male beliefs about appropriate power sharing within a relationship.<sup>10</sup> Culture informs what men expect is expected of them, and this can reinforce their propensity toward violence, whether that be situational (wherein, violence is 'a means of controlling a specific situation or context and is often a disagreement that escalates into violence.'<sup>11</sup>) or intimate terrorism (wherein violence is 'associated with the pattern of control that defines IT [which] effectively entraps victims in the relationship by creating an overwhelming sense of fear and by diminishing victims'...resources').<sup>12</sup> Moreover, it informs the standards and behaviours of men struggling with masculine discrepancy stress (wherein men experience distress at perceiving themselves as insufficiently masculine, or fearing that others may doubt their masculinity).<sup>13</sup>

If we then examine the ways that wartime and interwar British culture defined acceptable patterns of behaviour for husbands and wives, we see how violent husbands' behaviour could be informed. Indeed, the marriage ceremony itself formally inscribed women's obedience: to love, honour and obey.<sup>14</sup> Efforts to remove this were met by conservative opposition. In 1919, for instance, a *Cheltenham Chronicle* article stated that, 'In the mutual ministry of marriage... true liberty is always dependent on the proper exercise of authority and a ready compliance with its demands'.<sup>15</sup> This was a manifestation of a broader cultural commitment to familial gender hierarchies based on male authority. English and Welsh law enshrined male authority within the family: until 1925 husbands had parental control over all children over seven; marital rape was legal; husbands' marital offences, including attempted

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<sup>10</sup> Elizabeth Gilchrist, 'The Cognition of Domestic Abusers: Explanations, Evidence and Treatment' in T.A. Gannon, T. Ward, A.R. Beech and D. Fisher (eds.), *Aggressive Offenders' Cognition: Theory, Research and Practice*, (Oxford, 2007), p. 252. See also, Claire G. Lisco, Ruschelle M. Leone, Kathryn E. Gallagher, Dominic J. Parrott, "Demonstrating Masculinity" Via Intimate Partner Aggression', pp. 58-69; Dennis E. Reidy, Danielle S. Berke, Brittany Gentile, and Amos Zeichner, 'Man enough?', pp. 160-164; Matthew Jakupcak, David Lisak, and Lizabeth Roemer, 'The role of masculine ideology and masculine gender role stress', pp. 97-106; Reshma Sathiparsad, 'Developing alternative masculinities', pp. 348-359.

<sup>11</sup> Janel Leone, Michael Johnson and Catherine Cohan, 'Victim Help Seeking: Differences between Intimate Terrorism and Situational Couple Violence', *Family Relations*, 56:5 (2007), p. 427.

<sup>12</sup> *Ibid.*, p. 427.

<sup>13</sup> Reidy *et al*, 'Man enough?', p. 160.

<sup>14</sup> For a valuable discussion of the connection between this vow and marital violence, see Timothy Jones, 'Love, Honour and Obey?', pp. 124-143.

<sup>15</sup> *Cheltenham Chronicle*, 30 August 1919 p. 8.

spouse murder, had no bearing on the validity of marriage (cruelty and violence were only made grounds for divorce in 1937, and even then a couple needed to wait for three years after marriage to qualify).<sup>16</sup> The cultural schema therefore encouraged men to regard female obedience as a normal expectation, and, in a conflict of wills with their wives, to regard the imposition of their own will as a normal masculine behaviour.

This emphasis of male familial authority coincided with a normalisation of male violence. The violent defence of one's honour, family, or way of life was a long-standing feature of idealised British masculinity. Whether defending women from savages in the colonies,<sup>17</sup> defending British womanhood from the Hun,<sup>18</sup> sorting out lurking criminals,<sup>19</sup> or resolving neighbourhood conflicts,<sup>20</sup> violence was an accepted part of being a 'real' man. Similarly, violence against wives could be perceived as normal. That female adultery was legally considered as provocation that mitigated or justified male violence is testament to this.<sup>21</sup> Moreover, evidence of the common acceptance of wife battery can be found in the most surprising places. F.H. Burnett's beloved children's novel *The Secret Garden*, first published in 1911 and remaining popular throughout the first half of the twentieth century, excused husbands' violence where wives challenged them:

"I've heard Jem Fettleworth's wife ... callin' Jem a drunken brute," said Ben Weatherstaff dryly. "Summat allus come o' that, sure enough. He gave her a good hidin' an' went to th' Blue Lion an' got as drunk as a lord." ...

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<sup>16</sup> Lawrence Stone, *The Road to Divorce: England 1530-1987*, (Oxford, 1990), pp. 397-401; Roderick, *Putting Asunder: A History of Divorce in Western Society*, (Cambridge, 1988), p. 517.

<sup>17</sup> Martin Weiner, *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England*, (Cambridge, 2004), p. 32.

<sup>18</sup> Nicoletta Gullace, *"The Blood of Our Sons": Men, Women and the Renegotiation of British Citizenship During the Great War*, (Basingstoke, 2002), pp. 36-37.

<sup>19</sup> Michael Paris, *Warrior Nation: Images of War in British Popular Culture*, (Manchester, 2000), p. 152; Martin Weiner, *Reconstructing the Criminal: Culture, law, and policy in England, 1830-1914*, (Cambridge, 1990), p. 218.

<sup>20</sup> Joanna Klein, "'Moving on,' Men and the Changing Character of Interwar Working-Class Neighborhoods: From the Files of the Manchester and Liverpool City Police", *Journal of Social History*, 38:2 (2004), pp. 407-421.

<sup>21</sup> For example, see the comments of Justice Bailhache at the murder trial of Reginald Haslam, about the reduction of murder to manslaughter: 'The only excuse he knew of was the case where a wife confessed to her husband that she had been unfaithful, and he then and there, maddened by such confession, did some violence to her from which she died.' (*Burnley News*, 19 February 1916 p. 12.)



"Well," [Colin] said, "... She used the wrong Magic until she made him beat her. If she'd used the right Magic and had said something nice perhaps he wouldn't have got as drunk as a lord and perhaps--perhaps he might have bought her a new bonnet."

Ben Weatherstaff chuckled and there was shrewd admiration in his little old eyes...

"Next time I see Bess Fettleworth I'll give her a bit of a hint o' what Magic will do for her."<sup>22</sup>

Punitive or corrective violence against wayward or underperforming wives was normalised, too. For instance, Ayres and Lambertz have highlighted the way that some working-class men in interwar Liverpool violently punished their wives' failure to manage homes on insufficient wages.<sup>23</sup> As will be seen in subsequent chapters, local newspapers are also peppered with men successfully defending themselves against charges of cruelty or assault by terming their abuses as corrective. Men therefore absorbed a culture that told them that violence was manly, and wife battery could be an acceptable means for men to resolve marital conflict.

However, though violence against wives could be made acceptable through wives' misbehaviour, it was essentially considered a bad, distasteful thing and the violent outcast was only redeemed by the circumstances of his offence. An opposition to wife battery was a prominent feature of British culture throughout the period 1914-39. Though the cultural schema certainly enabled IPV, this tended to be through caveats, excuses and qualifications. Enabling and diminishing discourses were exceptions to a baseline rejection of violence against wives. Therefore, we ought not to underestimate the power of the oppositional cultural schema's role in priming men against IPV, and priming women to resistance.

News and print media is especially useful for this area. The abhorrence expressed for cruelty and wife battery is striking. As will be seen in the subsequent chapter, the stereotype of working-class male savagery is the base line of a marital disaster genre. Far from reflecting the move to determinism that developed excusatory narratives, this stereotypical

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<sup>22</sup> F.H. Burnett, *The Secret Garden*, (New York, 1911), p. 302.

<sup>23</sup> Pat Ayres and Jan Lambertz, 'Marriage Relations, Money, and Domestic Violence', p. 198.

format represents a strict adherence to a moralist (and conveniently classist) approach that portrayed sinful men and wronged victims. This is clear from undisguisedly leading titles used for court reports: “‘LIE THERE AND DIE.’ WIFE’S REMARKABLE ALLEGATIONS OF CRUELTY’,<sup>24</sup> ‘TERRORISED HIS WIFE’,<sup>25</sup> ‘NOTTINGHAM WIFE’S ORDEAL. THRASHED WITH POKER & SCALDED WITH KETTLE’,<sup>26</sup> ‘A BRUTE’S COAL HAMMER’,<sup>27</sup> and ‘DISGRACEFUL CONDUCT’.<sup>28</sup> Though these kinds of articles really focussed on quite severe cases and largely ignored low level violence, they still writ large the outcast status of the wife batterer and disseminated this to broad audiences. In fiction, too, wife battery was anathematised. Lisa Surridge has highlighted that in Sherlock Holmes stories it becomes ‘crucial to what we might term the “criminalization” of key characters’.<sup>29</sup> This shorthand villainy could not only speedily mark a bad character, but it could justify other characters’ crimes. In John Galsworthy’s 1910 play *Justice*, a junior clerk’s embezzlement of money is mitigated because he planned to use it to free his married lover from her violent husband.<sup>30</sup> The use of wife battery as a device in plot progression and character development was therefore rooted in its social unacceptability. Like newspapers, these were omnipresent motifs that defined what was and was not acceptable behaviour for husbands. However, it is clear from the above that this condemnation came with caveats centred on female victims’ behaviour. Where female behaviour infringed upon husbands’ integrity or will, it could be acceptable. Violence against wives was thus an ambiguous and contested act. It could reveal deviant masculinity or be presented as legitimate means of male domestic control.

The law itself was problematic in terms of its construction and implementation, and this only served to enact this ambivalence. Firstly, assault within marriage had to be dealt with within the same policing and legal frameworks as any other kind of violence. With no shelters

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<sup>24</sup> *Luton Times and Advertiser*, 6 March 1914 p. 7. See also, *Western Mail*, 14 May 1914 p. 13; *Western Morning News*, 4 Sep 1925 p. 8; *Lincolnshire Echo*, 15 July 1938 p. 5.

<sup>25</sup> *Daily Gazette for Middlesbrough*, 31 October 1916 p. 6.

<sup>26</sup> *Nottingham Evening Post*, 19 January 1922 p. 5.

<sup>27</sup> *Aberdeen Journal*, 17 August 1925 p. 8.

<sup>28</sup> *Gloucester Citizen*, 4 October 1929 p. 9.

<sup>29</sup> Lisa Surridge, *Bleak Houses: Marital Violence in Victorian Fictio*, (Athens, Ohio, 2005), p. 228.

<sup>30</sup> John Galsworthy, *Justice: A Tragedy in Four Acts* (New York, 1919).

to take battered women to, the only (legal) options available to police were to either defuse aggressive situations within the home, or caution or arrest violent husbands. However, the involvement of the courts could sometimes worsen battered wives situations by making husbands angrier, and, because the only punishments available were fines or imprisonment, achieving punitive justice could seriously hurt the household income. Moreover, even if a separation order was granted, its practical implications for a wife could be disastrous. Although 'social and legislative action [were] moving away from physical protection of the wife to providing her with financial security',<sup>31</sup> maintenance orders were difficult to enforce, which could leave women destitute. After all, a husband who refused to pay could wipe out his debt through a short prison sentence, forcing his wife to choose between returning to him, finding work if she could balance it with childcare, or the workhouse.<sup>32</sup> Indeed, there was no guarantee that a poorly paid husband could fund two separate households. None of these official pathways were ideal, and could dissuade women from seeking help from official institutions. However, the effectiveness of official routes was highly dependent upon the attitudes of officers, magistrates and judges themselves, as will be seen in the following chapter. This meant that there was a diversity in the level of official help that was available, and so where some battered women were blamed or neglected, others were given strong support. As a result, whether violent husbands or battered wives were given preferential treatment by the authorities was dependent upon the institutional cultures and personalities of their region. Couples in violent relationships therefore received mixed messages from the legal system as it struggled to balance ideas of marriage and crime.

Thus through a combination of legislative shortcomings and cultural expectations, the police, judiciary and magistracy's responses to wife battery consistently failed to provide adequate disincentive.<sup>33</sup> For instance, the police and magistrates did not consistently criminalise or punish wife battery, and failed also to intervene in marital violence. One

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<sup>31</sup> Colin Gibson, *Dissolving Wedlock*, (London, 1994), p. 91.

<sup>32</sup> *Ibid.*, p. 92

<sup>33</sup> Annmarie Hughes, 'The 'Non-Criminal' Class', p. 48. See subsequent chapters.

respondent for Elizabeth Roberts' oral history of the working class highlighted how police could refuse to intervene in 'domestic quarrels': describing her violent father, she said that 'in those days a policeman couldn't go in and take him out, my brothers had to put him out on the pavement, then the policeman would take him.'<sup>34</sup> This reluctance to intervene is apparent in the 1924 Police Code told officers that 'The Police should not interfere in domestic quarrels, unless there is reason to fear that violence is the likely result'.<sup>35</sup> Quite how it would be determined whether violence was likely was not stated. Indeed, the police failed to adequately punish marital violence performed by its own men. In 1918, a Birmingham police officer (badge number) 7310 was investigated after fifteen years of service for marital violence: He was 'reported by Supt George Monk he having been complained of by his wife for assaulting her in their own house...on the 17<sup>th</sup> March 1918 by striking her on the face and about the body with his fists'<sup>36</sup> The case was dismissed. Without further information about this instance than his record's sparse detail provides it is difficult to say why the police authorities did not pursue the case, but is possible to make some tentative assumptions. There is a chance that the case was dismissed because the authorities did not believe the officer's wife even though Supt. Monk saw fit to pursue the complaint, or perhaps they thought a sharp word from his superiors would do the trick and warn him off any further violence. Alternatively, the authorities may have thought that the officer's wife deserved her physical chastisement and that she had over-reacted to a justified reprimand. Given the calls in the Police Codes for officers to exercise discretion in cases of married couples 'quarrelling', this is quite possible.

Magistrates could also decline intervention not only because of the limitations of the law, but because of their own ideas of proper behaviour for husbands and wives. Since separation and divorce proceedings were intended to establish one party's fault that harmed the sanctity - but not necessarily the quality - of marriage, where magistrates and judges did not

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<sup>34</sup> See Elizabeth Roberts, *A Woman's Place: An Oral History of Working-Class Women, 1890-1940*, (Oxford, 1995), p. 120.

<sup>35</sup> Clive Emsley, *Hard Men: The English and Violence in England since 1750*, (London, 2005) p. 66.

<sup>36</sup> West Midlands Police Museum, Personnel Records Book 3, officer 7310.

problematize violence they felt no need to intervene. In 1914, Chairman Markham at Chesterfield Police Court dismissed Mrs Davies claims of persistent cruelty because he interpreted her heavy drinking and closeness to her parents as provoking her husband to corrective, frustrated violence. Markham chose not to credit these violent incidences even when they were witnessed by Mrs Davies' mother, although she had played a significant role in trying to protect her daughter. Like many other magistrates, Markham doubted the words of victims were they contested his views on the sanctity of marriage and the authority of husbands. Just so, in 1930 Blackpool magistrates heard Mary Murray's application for a separation on grounds of persistent cruelty. She told how 'he had caused many scenes', repeatedly locked her out, and that he 'tried to get hold of my throat, and on one occasion my daughter and her young man had to hold him down.' Her complaints were balanced by allegations that she was unfaithful and that she stayed out all night. As a result, what Mary claimed was cruelty was transformed into corrective violence, and so 'the Chairman announced the case would be dismissed as there was no evidence.'<sup>37</sup> Doubt of victims' entitlement to complain and their ability to truthfully describe the severity of abuse is again apparent in 1933, when Violet Adams complained of her husbands' persistent cruelty in support of an application for a judicial separation. However, Justice Branson questioned her authority in describing her own experiences when he told her, 'the real question he had to decide was whether the occurrences which had taken place had been such as to show the impossibility of the duties of married life. ... Although he thought the substance of the case was the true case, he did not think it sufficient to bring her within the definition of what was necessary.'<sup>38</sup> Though she was physically abused on a regular basis, Justice Branson was unconvinced of Violet's qualification to complain and her right to escape her husband. The justice system was open about requiring women to be both morally innocent and abused

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<sup>37</sup> *Lancashire Evening Post*, 10 January 1930 p. 9.

<sup>38</sup> *Chelmsford Chronicle*, 21 July 1933 p. 4.

“enough” to warrant intervention, which could hardly have filled battered wives considering official legal action with much confidence.

The police and the judiciary could thus decline to contest men’s violence to their wives when it disrupted their notions of appropriate marital behaviour. This gave out the message that violence against wives was qualitatively different from other forms of assault, and that it could be neglected, diminished or justified according to its circumstances. This meant that the systems intended to protect battered wives could in fact condone husbands’ motivations as being an acceptable and normal part of marital relations. However, this was not universal, as police and magisterial attitudes varied from place to place, and between individuals. This lack of uniformity meant that there were still plenty of police officers, magistrates and judges who strongly opposed violence in marriage and acted accordingly.

Police could do their best to ensure the safety of wives outside of the functions of the court. For example, some engaged in the preventative practices by monitoring at-risk women to prevent further assaults. For example in 1924, when Maud Whalley threw out her violent husband John (who would later abduct and mutilate her daughter), police watched him for three days in a bid to protect her. She had not yet obtained a separation order or conviction against him,<sup>39</sup> meaning that police were ready to recognise risk based on wives’ own words, and were willing to take preventive action to ensure their safety. Indeed, the police were also prepared to contest husbands’ authority over their wives: in 1939, Mr F. reported to Oldbury police that his wife was missing. They circulated her description in the *Police Gazette*, and located her in Sheffield. However, the note attached to the case in the General Occurrence book states, ‘Address not to be disclosed to husband.’<sup>40</sup> Her risk was recognised and acted upon by refusing her husband information. Furthermore, the some police officers played a significant role in persuading women to seek help through the courts. For example, in 1938 Oldbury police intervened in a ‘family disturbance’, and took the victim Mrs J to the station for

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<sup>39</sup> Stephen Greenhalgh, *Foul Deeds and Suspicious Deaths in Blackburn*, (Barnsley 2002), pp. 4-6.

<sup>40</sup> West Midlands Police Museum, General Occurrence Book, Halesowen and Oldbury Division, p. 61.

first aid treat, and advised her to 'seek Court Protection.'<sup>41</sup> Police actively advised battered women, and recommended courses of action to them. This means that battered women were made aware of official support, and this was undoubtedly important to steeling their resolve when they chose to take cases to court. Indeed, in examinations of petty sessions records, between 1911 and 1920, police officers are listed in the records as complainants for wife assault cases.<sup>42</sup> It was not necessary that they do so, but given the high proportion of wives who did not show up to assault and cruelty hearings, this may have been a way for police to encourage wives to go through with summary justice and to properly support them in a frightening, male dominated, and inquisitorial process. Consequently, although some aspects of police culture discouraged officers from intervening, there is significant evidence that police took an active role in securing the safety of battered wives.

Magistrates, however, only had the time in which a defending husband was before them to offer wives any support. This was commonly done verbally in an effort to make husbands recognise the abhorrence of their actions, or even to steel wives against forgiveness. For example, in 1915 Bodmin magistrates granted Mrs Carhart a separation order for cruelty, and when her husband asked her to forgive him, one of the magistrates snapped, 'You have been a bad lot to your wife... what is the good of forgiving you?'<sup>43</sup> Similarly, in 1915 a Marylebone magistrate imposed a sentence of fourteen days on William Harmett for assaulting his wife in spite of her plea not to imprison him, stating, 'This is a case in which I think it is my duty to protect your wife against herself.'<sup>44</sup> Such an intervention made a statement both to William himself and to the wider public that his offence was unacceptable. Later, in 1936 Justice Du Parcq also acted to ensure a wife's safety when he exercised discretion in the judgement of William Melling Warrington's application for a divorce on grounds of his wife's infidelity. Strictly speaking, because marital offences were understood as an eye for an eye, William's

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<sup>41</sup> Ibid., p. 43.

<sup>42</sup> Library of Birmingham and Archives, PS/B 2/2/2/1 – PS/B 2/2/2/9, Court Registers for Aston Petty Sessions, 1911-1931.

<sup>43</sup> *West Briton and Cornwall Advertiser*, 7 January 1915 p. 8.

<sup>44</sup> *Sunday Mirror*, 28 March 1915 p. 4.

cruelty to her ought to have balanced her unfaithfulness and voided his application. However, the judge stated that 'If I thought the wife was desirous of returning to her husband and did not wish to be divorced ... I am not at all sure I should be prepared to exercise my discretion but ... it seems to be now as much in her interest and in the public interest as in the husband's that there should be a divorce.'<sup>45</sup> It was, therefore, never guaranteed that husbands' would have their authority and dominance respected within the courts.

Some magistrates wanted their own authority to extend beyond mere punishment, and as a result they exploited the increasingly common police court missionaries and probation officers. While they could be used to promote reconciliation, they also offered magistrates a way of monitoring the day to day lives of violent husbands. In 1935, as a separation order for cruelty was issued, a magistrate of Long Eaton Police Court told John Clarke that 'You are not going to be a brute to your wife while the law can protect her'. Previously, the court had adjourned the case to allow a probation officer to observe the couple and to help them reconcile. This meant that a desire to maintain marriage was balanced against a recognition that surveillance and support was central to wives' safety. Consequently, when the officer stated that 'she had tried to use her influence, but ... a reconciliation was not advisable',<sup>46</sup> magistrates acted on her intelligence to safeguard the wife.

Husbands and wives therefore operated in local contexts, aware of the level of support they could expect from official channels. While this may not have acted as much disincentive for husbands, who knew that magistrates were wary of inflicting punishments that would hurt the family as a whole, it certainly meant that wives knew that they had a good chance of support and recognition if they were to appeal to police or magistrates. As a result, it is important to consider the impact of the local law and order environment when exploring the messages wives received about the acceptability or unacceptability of violence in marriage.

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<sup>45</sup> *Yorkshire Post and Leeds Intelligencer*, 3 December 1936 p. 3.

<sup>46</sup> *Derby Daily Telegraph*, 9 October 1935 p. 7.



However, it is striking to consider the way that the particular position of wife battery in the criminal landscape differentiated it from other kinds of violent crime. This is particularly apparent in the legal loophole of condonation. If wives condoned an assault (a problematic thing to say a victim of abuse can ever freely do) they would be unable to cite it in their application for separation or divorce. For instance, in 1922 Kathleen Miller's suit for a separation was dismissed because she had condoned past cruelty.<sup>47</sup> In the same year, the police court's Clerk told Laura Hughes that 'by going back to her husband for a week after taking out the summons, it amounted to condonation.'<sup>48</sup> Though it was intended to encourage couples to forgive and forget, the legal attitude to condonation completely failed to recognise the real life pressures battered women faced. It meant that if a battered woman left her husband but forgave him and returned, she would in the eyes of the law need to consider the first assault on her return as separate from previous abuses. This functionally discouraged wives from considering violence as pattern of abuse, and if wives decided to return, condonation could be a means to force them to endure until they could again prove that cruelty was persistent. Condonation could pose a massive hurdle to battered wives, precisely because it failed to consider the implications of giving forgiveness legal ramifications.

Indeed, the fact that IPV took place within the context of marital relationships reduced serious or continuous assaults to lovers' quarrels.<sup>49</sup> This diminished serious violence to an emotional outburst. Since wife battery was understood as an expressive rather than instrumental form of violence, it was commonly constructed as a loss of temper in response to provocation or drink. As a result, violent men lived in a society that underestimated the danger they posed to their wives, trivialised their violence, and consequently failed to disincentivize their acts. For instance, in 1919 magistrates told Mary Maeers that, in spite of being seriously assaulted and terrorised by her husband, she 'could go back to her husband at any time if both parties were agreeable.'<sup>50</sup> Similarly in 1916, the Chairman of Cambridge

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<sup>47</sup> *Aberdeen Journal*, 3 May 1922 p. 6.

<sup>48</sup> *Wells Journal*, 2 June 1922 p. 3. See also, *The Manchester Courier*, 30 April 1914 p. 10

<sup>49</sup> Roberts, *A Woman's Place*, p. 120; Emsley, *Hard Men*, p. 66; Hughes, 'The 'Non-Criminal' Class', p. 48.

<sup>50</sup> *Western Times*, 9 July 1919 p. 2.

Borough police court asked Nellie Huckle and her consistently violent husband whether they 'could not make it up and try to live together happily.'<sup>51</sup> Again, in 1922 magistrates dismissed Laura Hughes's application for separation on grounds of cruelty with the hope that she and her violent husband would 'pull themselves together.'<sup>52</sup> The abuse that these women suffered was commonly diminished and trivialised as magistrates urged them to reconcile with their husbands. Imagining that the violence they suffered was not quite so bad, so routine, or so damaging as the victims claimed, their dismissal of cases encouraged wives to endure, and reminded husbands that there was little their victims could do to contest their authority. Moreover, the visibility of magistrates' diminishment of violence against wives in local newspapers likely provided wives with an insight into whether pursuing official help was worth it.

The encouragement to persevere was promoted by the assumption that marriage was a sacred institution. In the divorce debate, reformers' appeals to the promotion of women and children's safety were countered by conservatives' concerns about the infringement of the sanctity of marriage. Even the Mother's Union, which had immense social influence over women's lives was committed throughout the 1920s to opposing divorce law reform, encouraging its members to uphold the sanctity of marriage and embrace the 'lifelong and indissoluble union of one man with one woman'.<sup>53</sup> This prioritisation of marital permanence was underpinned by the popular notion that it was for better or worse, to the extent that Carl Chinn's oral history samples showed that 'fighting between man and wife was regarded by the poor as normal behaviour; it was part of life and was no excuse for a marriage to break up.'<sup>54</sup> In her well-regarded 1939 book *Working Class Wives: Their Health and Conditions* welfare advocate Margery Spring Rice lamented that 'throughout their lives [working class women] have been faced with the tradition that the crown of a woman's life is to be a wife

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<sup>51</sup> *Cambridge Independent Press*, 20 October 1916 p. 8.

<sup>52</sup> *Wells Journal*, 2 June 1922 p. 3.

<sup>53</sup> Archbishop Temple Papers (9 October 1930), cited in Catriona Beaumont, 'Moral Dilemmas and Women's Rights: the attitude of the Mothers' Union and Catholic Women's League to divorce, birth control and abortion in England, 1928–1939', *Women's History Review*, 16:4 (2007), pp. 472.

<sup>54</sup> Carl Chinn, *They Worked All Their Lives: Women of the Urban Poor, 1880-1939*, (Lancaster, 2006) p. 143.

and mother. ...If for the woman herself the crown turns out to be one of thorns, that again must be Nature's inexorable way.'<sup>55</sup>

This was amplified by the intensely private approach to family and marriage which was common at this time. Though newspapers gave voyeuristic and thrilling accounts of cruelty and violence emerging in the courts, relatively few were happy to have their lives on public display. Indeed, even among neighbours, privacy was so fiercely guarded that 'you never interfered with a husband and wife, no matter how bloody the battle might sound.': 'woe betide anyone' who openly recognised a neighbour's abuse.<sup>56</sup> Gail Savage has pointed out that divorce proceedings throughout this period subjected individual's private lives to 'public scrutiny and calumny. The prospect almost certainly deterred those who shrank from so exposing their private life from seeking a public imprimatur for their personal marital failure.'<sup>57</sup> Efforts were certainly made in some quarters to counter this: in a bid to persuade more abused women to make use of magistrates to solve marital disputes, the famous Clerkenwell magistrate Claud Mullins called for family cases to be heard *in camera*, in part because he recognised that women were not using the magistrates' courts due to a desire for discretion.<sup>58</sup> Lack of privacy and shame were therefore a vitally important part of women's decisions or obligations to endure their abuse without making use of the courts.

This was intensified by the contemporary stigma of marital breakdown. At this time, marriage was the life goal for many women and their own self-esteem was rooted in their success as a wife.<sup>59</sup> Indeed, judges and magistrates openly criticised battered separation applicants for their lack of sticking power, especially in the wake of the war's legacy of marital disruption. In 1919, a Norfolk magistrate informed a demobilised soldier seeking a separation from his wife that, 'you are too young for an order. People nowadays think you can be

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<sup>55</sup> Margery Spring-Rice, *Working-Class Wives: Their Health and Conditions* (London, 1981) p. 95.

<sup>56</sup> Chinn, *They Worked All Their Lives*, p. 144.

<sup>57</sup> Gail Savage, 'Erotic Stories and Public Decency: Newspaper Reporting of Divorce Proceedings in England', *The Historical Journal*, 41:2 (1998), p. 516.

<sup>58</sup> George Behlmer, 'Summary Justice and Working-Class Marriage in England, 1870-1914' *Law History Review*, 12:2 (1994), pp. 262-267.

<sup>59</sup> Ayres and Lambertz, 'Marriage Relations, Money, and Domestic Violence', p. 198.

married to-day and get separated tomorrow.’<sup>60</sup> Echoing this disparagement of marital strife in 1920, Hergensis of Harrogate wrote to *The Yorkshire Post*, declaiming that while men who made bad investments without proper research were considered to blame for their own misfortune, the same was not true of marriage: ‘If...people are criminally reckless in the disposal of their lives’ happiness, it seems that their mischievous folly is to be palliated by law. ...The remedy for the future is common-sense and self-restraint.’<sup>61</sup> Consequently, battered women were encouraged to put up with abuse, since to fail to do so was lack fortitude. Indeed, many women who did come before the courts whether for assault or separation hearings emphasised both their victimhood and their patience<sup>62</sup> – this not only improved their chances of legal success but may have justified to themselves that they had not given in so easily. They could remain committed to marriage without carrying the blame for the marriage’s failure.

Indeed, the commitment to marriage and subsequent expectation of wifely endurance was ensconced in law: under the 1879 Matrimonial Causes Act a battered wife could only apply for divorce if she could prove her husband had not only committed aggravated assault or persistent cruelty, but had also been unfaithful. Battered women would wait until 1937 to be allowed to divorce on grounds of cruelty and assault alone. Until then, not even a husband’s attempted murder or the killing of her children would enable a wife to divorce him. Indeed, Maud Whalley was obliged to remain married to her husband after he cut off both her daughter’s hands in revenge for her leaving him in 1923.<sup>63</sup> Though this restrictive approach caused some consternation in the press and among social campaigners,<sup>64</sup> the danger posed by abusive husbands remained legally insufficient to break the marital bond. Indeed, the only legal option available to battered women was commonly described by magistrates as not fit

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<sup>60</sup> *Yorkshire Evening Post*, 14 August 1919 p. 5

<sup>61</sup> *Yorkshire Post and Leeds Intelligencer*, 6 April 1920 p. 4.

<sup>62</sup> *Burton Daily Mail*, 1 October 1915 p. 3; *Cambridge Daily News*, 10 September 1917 p. 4; *Exeter and Plymouth Gazette*, 23 January 1929 p. 3.

<sup>63</sup> Greenhalgh, *Foul Deeds and Suspicious Deaths*, pp. 4-6.

<sup>64</sup> For example, see the controversy surrounding Mrs Rutherford’s efforts to obtain a divorce from her mad, murderous husband, Colonel Rutherford: *Aberdeen Journal*, 14 February 1922 p. 8; *Dundee Evening Telegraph*, 13 February 1922 p. 1.

for purpose.<sup>65</sup> Summary separation orders were introduced in 1895, and use of this popular process increased significantly after the war and steadily climbed through the interwar years.<sup>66</sup> Yet they were inherently problematic and this was especially so for battered wives. Until 1925, an applicant needed to live separately from their spouse for two weeks in order to qualify, which many were unwilling to do as it often entailed leaving children with the husband. Moreover, as a result of a gendered economy, battered wives often remained dependent upon their abuser even after legal separation through maintenance orders. These were problematic. For poor men, there was little chance their wages would stretch to maintaining two households, and if men just refused to pay, their debt would disappear if they served a jail term. This presented women with a choice between returning or living and raising children in poverty. At the exact time when women needed to break from their abusers, legal and economic realities facilitated their dependence and endurance.

A lack of practical, as well as emotional, support likely shaped women's decisions to leave or stay. At this time there was no women's refuge; the closest to this were Homes for Fallen Girls and Women, which usually refused to take any married women.<sup>67</sup> Unfortunately, modern research highlights how a victim's social network is often an abuser's first target, which they work carefully to undermine.<sup>68</sup> Compounding this, families were not always open to a wife's leaving: one Birmingham woman stated that if a wife tried to return to her parents 'they would have been told to go back where they belonged.'<sup>69</sup> Then again, where family and friends did not have the funds to help, there was little practical support they could offer.<sup>70</sup> Emotional support was certainly in evidence, but to access this women had to overcome the

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<sup>65</sup> *The Times*, 5 May 1919 p. 8; Lord Buckmaster, HL Deb 26 June 1923 vol 54 c 578.

<sup>66</sup> Stone, *Road to Divorce*, p. 394.

<sup>67</sup> Lincolnshire Archives, MISC DON 908/3, Minute Books of Lincoln City and County Refuge, 14th January 1936. The minutes recorded that: 'Sister...reported that she had been asked by Dr Wallace to take in to the Refuge a married woman and her baby. She had had to refuse to do this, as no married woman can be admitted. Home Office strongly objects to letting young girls come into contact with cases of married women'.

<sup>68</sup> David Katerndahl, Sandra Burge, Robert Ferrer, Johanna Becho, Robert Wood, 'Differences in Social Network Structure and Support', pp. 1948-1964.

<sup>69</sup> Chinn, *They Worked All Their Lives*, p. 143.

<sup>70</sup> Carl Chinn has highlighted that where houses were already overcrowded, there was little prospect of moving back in with parents (*Ibid.*, p. 22.).

social pressure to maintain privacy.<sup>71</sup> What is more, women's social support networks were immersed in the same culture that promoted marital permanence, victim blaming and risk diminution. As a result, women were sometimes encouraged to endure by those they turned to for help. When told her temporary return to her husband amounted to a condonation of his violence, Laura Moss protested that 'even the Vicar persuaded her to go back.'<sup>72</sup> Eva Mills' mother persuaded her daughter to return to her husband three times, despite black eyes, pulled hair, and strangulation.<sup>73</sup> A respondent to Carl Chinn's oral history stated that, 'when two people married, they became committed...if either had returned to their parents, they would have been told to go back where they belonged.'<sup>74</sup> Social norms could, therefore, even weaken battered women's access to social support.

However, this was not a universal response by either families or communities. Though the powerful enabling schema maintained hierarchical family structures, this counter stream opposed the improper or abnormal expression of that hierarchy within the family. Support by family, friends and neighbours was very common, expressed as individuated, usually informal strategies. These included emotional and financial support, a place to stay, support in the courts, and explicit correctional violence acted upon the abuser. This means two things: battered women were able to see their community's opposition to their treatment; and violent husbands risked their social capital if their behaviour was discovered and deemed abnormal.

For instance, violent husbands commonly complained about their wives' meddlesome family and used their interference to justify their abuse. This interference was often a defensive action by parents, siblings and children. In 1921, Gertrude Easton's husband complained that his violence was caused by his mother-in-law living in his home for fourteen years.<sup>75</sup> This may well have been exceedingly irritating, but the mother-in-law may have been resident to protect and support her daughter. In 1925, Florence Tunnicliffe's mother weighed

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<sup>71</sup> Melanie Tebbutt, *Women's Talk? A Social History of 'Gossip' in Working-Class Neighbourhoods, 1880-1960*, (Bournemouth, 1995), p. 118.

<sup>72</sup> *Wells Journal*, 2 June 1922 p. 3.

<sup>73</sup> *Nottingham Evening Post*, 3 May 1919 p. 2.

<sup>74</sup> Chinn, *They Worked All Their Lives*, p. 143.

<sup>75</sup> *Western Morning News*, 16 March 1921 p. 14.

in at her daughter's separation hearing that 'the Bench should see the doctor's certificates, proving how her daughter had been abused.' She was also criticised for her defensiveness of her grandchildren: 'when the defendant approached his own little girl to kiss her, the mother-in-law had been reluctant to allow it.'<sup>76</sup> If this mother knew the dangers of her son-in-law, it is hardly surprising that she might "interfere." Moreover, even where families were not directly interfering to protect a battered wife, they offered important support in giving them somewhere to run to. Time and again, battered women state in court that they were living with their parents.<sup>77</sup> In providing a safe space to flee, they provided concrete opposition to the old maxim that wives should make their bed and lie in it.

Children, too, played a significant role. Though they were all too often abused themselves, time and again children defied conventional narratives of chastisement and of passive suffering as they tried to defend themselves and their mothers. For instance, in 1915 George Williams stabbed his daughter in the wrist when she tried to defend her mother.<sup>78</sup> In 1916, Private George Greensmith stated in court that 'he had several times to step into the breach to prevent [his father] from assaulting his mother.'<sup>79</sup> Later in 1928, when Peter Spence tried to forcibly reclaim his fifteen year old daughter from his separated wife, his son (22) 'remonstrated, and the defendant struck him... as soon as her father entered the house her mother got hold of a poker and her brother picked up a chair.'<sup>80</sup> Family members were vital to countering and opposing justifying or mitigating narratives. They may have been regularly thwarted by the cautious and excusatory popular and judicial cultural schemas, but they often offered where possible emotional, practical, and even violent support on the front line of these relationships.

Neighbours too were important in protecting wives, albeit ambivalent. Carl Chinn has highlighted the way that poor working-class neighbourhood communities could normalise

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<sup>76</sup> *Yorkshire Post and Leeds Intelligencer*, 8 June 1925 p. 13.

<sup>77</sup> For example, *Burton Daily Mail*, 1 October 1915 p. 3; *Lancashire Evening Post*, 21 October 1919 p. 3; *Burnley Express*, 11 June 1927 p. 14; *Western Gazette*, 14 September 1934 p. 11.

<sup>78</sup> *Manchester Evening News*, 15 October 1915 p. 7.

<sup>79</sup> *Liverpool Echo*, 20 November 1916 p. 3. See also, *Dover Express*, 6 September 1918 p. 2.

<sup>80</sup> *Burnley Express*, 2 November 1928 p. 9.

marital violence: 'in some circumstances, a black eye became almost a status symbol... worn like a medal, with a sense of pride; wives compared totals of the number they had received'.<sup>81</sup> Indeed, local communities could be marked by a tacit acceptance that violent abuse should be ignored. For example, at David Caplan's trial for murdering his wife, Freda, and two sons, a neighbour gave evidence that she 'heard Freda scream loudly through the wall, then heard a child scream twice, and a low groan. She paid it little attention because she thought it was just another quarrel'.<sup>82</sup> However, this normalisation could be rooted in a solidarity borne of discontent and a recognition of the boundaries of privacy. Neighbours could provide vital emotional support, evident in the testimony of neighbours who comforted battered women. For instance, in 1925 Mrs Gardner gave evidence that her neighbour Mrs Hobson on several occasions had stayed overnight with her and had gone to her 'crying and showed her bruises'.<sup>83</sup> In 1918, when Margaret Park fled her husband's assault, she reached the house of her neighbour 'who prevented [him] from following her'.<sup>84</sup> Later in 1926, even though Laura Hearn had tried to keep the abuse secret from them, she saw her neighbours intervene when they witnessed her being assaulted through a window. One neighbour then 'took the complainant into the shelter of her own home owing to her terrified state'.<sup>85</sup> Comforting and harbouring battered wives like this offered a challenge to pervasive cultures of victim-blaming, and gave practical support to resist or recover rather than endure.

Moreover, in giving evidence, neighbours lent credulity to wives' cases. At the trial of Alfred Mason for wife assault in 1921, all the residents of Wellington Street in Bristol read out a petition 'protesting against [his] conduct and language'.<sup>86</sup> In giving evidence, they grounded wives' testimony, allaying accusations of exaggeration or spitefulness. Neighbours (usually

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<sup>81</sup> Chinn, *They Worked All Their Lives*, p. 144.

<sup>82</sup> The National Archives (TNA), ASSI 52/285 Assizes: Northern Circuit Criminal Depositions and Case Papers, Murder: Caplan, David, Deposition of Lucy Dunston, 1919.

<sup>83</sup> *Buckingham Advertiser and Free Press*, 16 May 1925 p. 6. See also, *Northampton Mercury*, 4 August 1933 p. 7.

<sup>84</sup> *Derby Daily Telegraph*, 5 December 1918 p. 3.

<sup>85</sup> *Hull Daily Mail*, 2 September 1926 p. 8. See also, *Daily Gazette for Middlesbrough*, 31 October 1916 p. 6; *Chelmsford Chronicle*, 29 September 1922 p. 8; *Buckingham Advertiser and Free Press*, 16 May 1925, p. 6; *Western Daily Press*, 5 September 1925 p. 13.

<sup>86</sup> *Gloucester Citizen*, 6 October 1921 p. 3. For further examples, see: *Bury Free Press*, 9 May 1925 p. 5.



male) were also prepared to make a stand against violent husbands, violently intervening or imposing normative masculinity upon the abuser. In Elizabeth Robert's oral history project, Mrs C.1.P. described father's intervention: 'This man had come home from the pub, turned out his wife and kids in their nightclothes and when my father reprimanded him for doing it, he struck my father and the result was this fight and my father had him by the throat on the floor.'<sup>87</sup> In 1930, villagers responded to an unsatisfactory police court ruling on a separation order with three nights of "rough music",<sup>88</sup> a traditional, noisy harassment by a local community of those who were considered to have transgressed in their personal lives. Similarly, in 1925, Ernest Stock was summoned by his neighbour George Berry after he and his two brothers cornered George in his shed, threatened him for fifteen minutes, and said they would 'beat his – brains out'. This was a kind of rough justice against his abuse of his wife, who he had hit with a lead pipe.<sup>89</sup> These were very public displays of normative male behaviour, violently correcting the wayward husband. Though sometimes neighbours reinforced notions of endurance, they could also offer both an alternative cultural schema and practical support that opposed the assumed entitlement of men to beat their wives.

Wartime and interwar society therefore operated a cultural schema that enabled men's violence in a variety of ways. Men were commonly considered to have the right to control their wives and to expect obedience, which informed men at risk of abusing that their violence was normal, that it could be an acceptable part of resolving marital conflict, and that their victim could be responsible. What is more, they were aware that there was little that would or could be done to stop or punish them, and that sometimes the judiciary and society agreed with what they did. This laid fertile ground for IPV to develop, since men saw their behaviour as normal, natural and permissible. However, there was plenty of opposition, too. Family, friends and neighbours could take a stand against wife battery, and the demonised

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<sup>87</sup> Elizabeth Roberts' Working Class Oral History Archive (Lancaster University), Social and family life in Preston, 1890-1940, Mrs. C.1.P. See also, *Gloucestershire Chronicle*, 29 July 1922 p. 2; *Nottingham Evening Post*, 29 August 1924 p. 1.

<sup>88</sup> *Hartlepool Northern Daily Mail*, 3 October 1930 p. 8.

<sup>89</sup> *Dover Express*, 17 July 1925 p. 7.

wife batterer was a consistent feature of both press reportage and popular fiction. Moreover, as the period progressed, more and more women were taking advantage of the summary separation process. How then did men and women experience violence within this ambivalent cultural framework?

### Inflicting violence and experiencing abuse

When we look at the behaviours and motivations of wife batterers in this period, the similarities with the behaviours of abusive men today are striking. Violence was commonly used as part of a broader scheme of control and coercion by abusers over their victims. As Dobash and Dobash have advised, "research shows that men's violence is best seen as intentional, purposeful behaviour to achieve specific ends."<sup>90</sup> Whether coercive or situational, violence was a strategic operation by the aggressor to stymie the victim's undesirable behaviour or to obtain compliance or desirable behaviours. It blended both expressive and instrumental violence, and therefore cannot be fully understood if it is separated from the emotional abuse. Indeed, it has been suggested by some researchers that coercive IPV ought to be termed intimate terrorism to truly capture the use of fear to dominate and control the victim.<sup>91</sup>

Current sociological and psychological research has stressed the importance of abusers' coercive efforts to control their victims' behaviour. A particularly significant abusive practice is the use of fear and violence to restrict or stop their victims' access to their friends and family in order to prevent them from being influenced by other people.<sup>92</sup> Furthermore, this practice hints at the possessiveness of violent men who resent their partners' uncontrolled association with other people. This is certainly apparent in the interwar period. In 1924, in a common

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<sup>90</sup> R.E. Dobash and R.P. Dobash, 'Violence in Intimate Relationships', in W. Heitmeyer and J. Hagan (eds.), *International Handbook of Violence Studies*, (New York, 2003), p. 742.

<sup>91</sup> Laura Sjoberg and Caron Gentry, 'Introduction: gender and everyday/intimate terrorism' *Critical Studies on Terrorism*, 8:3 (2015), pp. 358-361; Michael Johnson, *Typology of Domestic Violence: Intimate Terrorism, Violent Resistance, and Situational Couple Violence*, (Hanover, NH, USA, 2008).

<sup>92</sup> Janel Leone, *et al*, 'Victim Help Seeking', pp. 429, 431; Shelley D. Golden, Krista M. Perreira, and Christine Piette Durrance, 'Troubled Times, Troubled Relationships: How Economic Resources, Gender Beliefs, and Neighborhood Disadvantage Influence Intimate Partner Violence', *Journal of Interpersonal Violence*, 28:10 (2013), p. 2138.

tactic by abusers to guilt their victims into self-isolation, when his wife and children had enjoyed afternoon tea at a neighbour's, James Stuart asked 'Isn't my company good enough?' before hitting her underneath the chin and breaking one of her teeth.<sup>93</sup> In 1934, Emily Harvey complained that her violent husband locked her out overnight when she went to her neighbour's to listen to a midnight service, when she had been to visit her parents, and when she had been to the police station to file a complaint against him.<sup>94</sup> Violence and guilt were techniques used to maintain and further control over victims. Since abusers are often highly dependent upon their victim to feel secure,<sup>95</sup> they use any means necessary to prevent their victim from exhibiting displeasing, frustrating or seemingly threatening behaviour or thoughts.

Unfortunately, violent coercion is often effective and some battered women managed this threat with absolute obedience. This is exactly what abusers want, but for victims it means survival or the desirable avoidance of conflict, and can be seen in Elizabeth Roberts' oral histories of contemporary women. Mrs. H.3.L recalled her mother's coerced compliance: as she and her sister rifled through their drunken sleeping father's pockets for treats, 'she used to say, "Don't do that," because she wouldn't do it. She was scared of him was m' mother'.<sup>96</sup> Another interviewee described their mother's careful compliance. Mrs D.3.P remembered 'He took her out once or twice but not often. When he did take her out, she got a good hiding when she come back. That would be if she looked one way or another. He was the jealous type.'<sup>97</sup> Mrs H.1.P was advised by her battered mother that, to avoid marital violence, she should 'give over gallivanting' (i.e. visiting friends and family, and frequenting the pub).<sup>98</sup> In her experience, it was obedience and singular devotion that ensured safety, even if that

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<sup>93</sup> *Hull Daily Mail*, 2 October 1924 p. 5.

<sup>94</sup> *Taunton Courier*, 3 October 1934 p. 2.

<sup>95</sup> Kris Henning and Jennifer Connor-Smith, 'Why Doesn't He Leave? Relationship Continuity and Satisfaction Among Male Domestic Violence Offenders', *Journal of Interpersonal Violence*, 26:7 (2011), p. 1379.

<sup>96</sup> Roberts, *A Woman's Place*, p. 75.

<sup>97</sup> Lancaster University, Regional Heritage Centre, Elizabeth Roberts' Working Class Oral History Archive, Oral History Interview Transcript, D.3.P (T.5.P).

<sup>98</sup> Lancaster University, Regional Heritage Centre, Elizabeth Roberts' Working Class Oral History Archive, Oral History Interview Transcript, H.1.P.

meant giving up the very social networks that offered support. The women described here tried to avoid abuse and violence through compliance. Though this may have reduced their immediate risk, it demonstrates the power of coercion through fear. Previous assaults had done what the abuser intended and garnered the victim's obedience.

Indeed, it is possible to see quite plainly how effective fear could be. In October 1918, Henry Budding had tried to cut his wife Frances's throat during a disagreement about his infidelity but she got away and called for help. When neighbours responded, Henry told them that 'she did it herself' and after he whispered to her, she confirmed that she had. She later told the police and the attending doctor that she had been coerced to lie and in court, she stated that she lied about events 'to save him being locked up.' However, she also claimed that she was not afraid of him and that 'the prisoner had always been a good husband and father' until his head was turned. She then confirmed that she was willing to take her husband back. Remarkably, the judge took her word for granted, and only bound Henry over for twelve months, advising him to keep away from the other woman.<sup>99</sup> Frances's lies and apparent forgiveness signpost her abuse. Abusers are adept at using emotional and physical abuse to manipulate their victims, coaxing them to recant through emotional appeals, promises to change, and threats of future violence. Moreover, victims are often disillusioned by judicial inadequacy.<sup>100</sup> By protecting Henry, Frances felt that she was protecting herself. This demonstrates the strength of abusers' control over victims.

Abusers' own mental constructions and understandings of conflict tend toward simplistic and binary formats of good and bad. In her review of recent research on domestic abusers' cognition, Elizabeth Gilchrist highlighted Reitz's theory that 'men framed their abuse within oppositional interactions or identities' with themes of 'winning and losing, being good or bad... controlled or controlling and getting or giving.'<sup>101</sup> This lends a righteousness to their

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<sup>99</sup> *Gloucester Journal*, 1 February 1919, p. 3.

<sup>100</sup> Amy Bonomi, Rashmi Gangamma, Chris Locke, Heather Katafiasz, David Marton, "'Meet me at the hill where we used to park": Interpersonal processes associated with victim recantation', *Social Science and Medicine*, 73:7 (2011), pp. 1054-1061.

<sup>101</sup> Gilchrist, 'The Cognition of Domestic Abusers', p. 254.

violence. Adam Jukes has described this fallacy as part of men's 'bubble thinking', wherein they struggle to comprehend that they do not have the right to define what is right, fair, or correct behaviour, and regard female disagreement as being unreasonable or cruel.<sup>102</sup> For instance, in 1920, William Hall justified the murder of his common-law wife, who had left him and was working: 'If there was nothing gained in what I did, I can stand under God and say there was nothing lost, for she was a dead wrong woman.'<sup>103</sup> In 1925 Joseph Stenner trapped and severely beat his wife with a washing stick because he blamed her for his son staying out late. Yet in court, he claimed his violence was chastisement for his wife's intolerable insubordination.<sup>104</sup> Reuben Stanley mirrored this thinking in 1928 when he countered his wife's claims that he had drunkenly assaulted her and thrown her out of the house by claiming that she had abandoned the family home when he could not earn.<sup>105</sup> He portrayed himself as the injured party, denying any cruelty or bad behaviour on his part. Later in 1937, John Newton battered his wife in front of two witness (including a policeman), yet he pleaded not guilty because 'she deserved what she got.'<sup>106</sup> Men like these interpreted conflict within relationships as good vs bad, and badness invariably constituted victims' resistance and non-compliance. This mulish refusal of responsibility reflects this binary way of thinking that left no room to question the abuser's righteousness, and this enabled abusers to explain and justify violence to themselves. In cases like these men own their violence but not their guilt, but this is not a universal practice.

Dobash and Dobash, Jukes, and Gilchrist have found that some men deflect responsibility for violence by dissociating themselves from it.<sup>107</sup> Whether expressive or instrumental, coercive or situational, violence is intended to forcibly dictate victims' behaviour. Distancing, however, allows violent men to disown their violence and deny responsibility. This is a

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<sup>102</sup> Jukes, *Men Who Batter Women*, (London, 1999), p. 8.

<sup>103</sup> *Hull Daily Mail*, 5 March 1920 p. 7.

<sup>104</sup> *Western Morning News*, 4 September 1925 p. 8.

<sup>105</sup> *Kent and Sussex Courier*, 7 December 1928 p. 4.

<sup>106</sup> *Portsmouth Evening News*, 15 June 1937 p. 11.

<sup>107</sup> Jukes, *Men Who Batter Women*, p. 15; Dobash and Dobash, 'Violence in Intimate Relationships', p. 743; Gilchrist, 'The Cognition of Domestic Abusers', pp. 253-254.

practice common among the men examined here, and sometimes it is expressed alongside binary thinking. For instance, in 1917 Reginald Jones claimed to have been provoked into attacking his wife and her friend because ‘the two women aggravated him by laughing at him.’<sup>108</sup> They did not show him respect, and were responsible for unleashing his anger. In 1922, Alexander Kyle defended himself against his wife’s accusations of persistent cruelty with a litany of excuses common among abusers.<sup>109</sup> He blamed shell shock, his wife kissing him without meaning it, his wife’s family for interfering, and his wife’s unkindness.<sup>110</sup> Alexander was distancing himself from his violence by constructing a dozen other things as the “cause.” Other violent men dissociated themselves in more overt but baffling ways. When initially questioned by police for the murder of his long-abused wife in 1924, Arthur Canham initially blamed the phases of the moon,<sup>111</sup> but by his trial he claimed that his unemployment and his wife’s disrespect were mitigation.<sup>112</sup> Such identifications of external “causes” deflected any responsibility for violence, and differentiated the perpetrator from his perpetrations.

This distinction between the man and his actions is reflected in some victims’ understandings of their abuse. Sociologists and psychologists have identified a trend among battered women to distinguish between the abuser’s “real” identity and their abusive behaviour.<sup>113</sup> Some interpret their partner as a Jekyll and Hyde character, while others identify an external element as the source of violence. This psychological coping strategy allows abused women to maintain their belief that they are loved, justifying their investment in the relationship. For example, in 1925 Mary Armstrong blamed drink for her husband’s mistreatment. She told magistrates that he abused her, ‘but only when in drink, and then he was not answerable for what he did. He was in drink nearly every day.’ Her plea was not for

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<sup>108</sup> *Manchester Evening News*, 17 December 1917 p. 2.

<sup>109</sup> Adam Edward Jukes, *Men Who Batter Women*, p. 51

<sup>110</sup> *Wells Journal*, 13 January 1922 p. 6.

<sup>111</sup> *Exeter and Plymouth Gazette*, 18 December 1924 p. 6.

<sup>112</sup> TNA, HO 144/20627, Criminal Cases: Canham, Arthur Robert, 1924-1937, Copy of Shorthand Notes, p. 16.

<sup>113</sup> Viveka Enander, ‘Leaving Jekyll and Hyde: Emotion work in the context of intimate partner violence’ *Feminism & Psychology*, 21:1 (2011), p. 30; Lisa Ann Haedler, ‘Themes of Coping in the Spectrum of Domestic Violence Abuse: A Review of the Literature’, *Journal of Evidence Based Social Work*, 10:1 (2013), p. 34.

separation or imprisonment but for her husband to be bound over and to be kept from drinking.<sup>114</sup> Later in 1938, prosecutors conducting the case against John Connolly for causing grievous bodily harm to wife wondered, 'When sober he seems a quite inoffensive fellow fond of his wife, and she in turn slavishly devoted to him.'<sup>115</sup> These women separated out their husbands from their actions, giving them hope for change. Sadly, this thinking could underestimate the seriousness of the threat posed.

Deflection often accompanied diminishment of violence, as both violent men and their wives downgraded or euphemised their assaults, or dismissed violence as inconsequential. This reflected abusers' insistence of their right to define reasonable and unreasonable behaviour.<sup>116</sup> Under public scrutiny, this tactic relies on the victim being disbelieved, a real possibility where violence left no marks, or happened too long ago to show wounds.<sup>117</sup> The diminution of violence is a regular feature of cases both at magistrates and judicial courts. In 1921, James Lee dismissed kicking and striking his wife for visiting her mother, claiming that 'he did "get his wind up" because his tea was not ready when he got home.'<sup>118</sup> This euphemistic assessment reimagined assault as a minor quarrel or chastisement. Similarly, in 1928 Benjamin Trenchard's wrote off his wife's complaints of violence (which magistrates described as 'disgusting and disgraceful) as minor, claiming 'there had been quarrels, but "every small house or home had words at times." As regarded persistent cruelty he strongly objected to this allegation.'<sup>119</sup> In these men's eyes, their wives' were completely over-reacting.

Indeed, some men even completely re-imagined events. In 1923, Frances England told magistrates how when she intervened in her husband Thomas's assault on their eleven year-old daughter, he 'made a brutal assault on her, using left and right fists as though, one might say, he were in for a prize fight', a version corroborated by a neighbour witness. Thomas,

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<sup>114</sup> *Bury Free Press*, 20 June 1925 p. 10.

<sup>115</sup> *Dundee Evening Telegraph*, 11 May 1938 p. 4.

<sup>116</sup> Jukes, *Men Who Batter Women*, p. 50.

<sup>117</sup> Shearer-Creame, 'The Epistemology of Police Science', pp. 178-180.

<sup>118</sup> *Chelmsford Chronicle*, 29 April 1921 p. 3.

<sup>119</sup> *Exeter and Plymouth Gazette*, 18 January 1928 p. 6.

however, claimed that Frances had made their daughter cry, and when he complained she flew into a temper: 'She made a lunge at me. Talk about a human panther it was nothing compared to it.' He claimed that Frances' horrible bruises (even her gums were blackened) were nothing to do with him: 'the only way he could account for the bruises was that she must have come into contact with his head when she came at him.'<sup>120</sup> This reimagining is consistent with the trend among violent husbands to diminish, conceal and re-tell events to deflect responsibility.<sup>121</sup> In each case examined here, violent husbands have imagined themselves the victims of their wives' rebelliousness or poor wifely performance. Abusers could therefore maintain their identity as the hard-done-by husband to a wicked wife, while also protecting themselves from public censure.

Even victims were drawn in to such victim-blaming processes that diminished and trivialised their abuse. In 1915 Thomas Lane's wife declared at her husband's trial for unlawful wounding, 'she asked for what she got, for nagging her husband, and for having taken some money from his pocket for beer.'<sup>122</sup> Later that year, Mary Ann Davies secured the reduction of her husband's charge of grievous bodily harm to common assault when she told the court, 'she had brought it largely upon herself, and really deserved the punishment she had.'<sup>123</sup> In 1939 Walter Chopping attempted to murder his wife twice, but at his trial she said that 'they had never had any serious quarrels, only tiffs'.<sup>124</sup> It is difficult to tell whether or not these women truly believed what they said – after all, they had pursued their complaints to the courts. Their assumption of blame and their diminution of violence can be understood as a symptom of their abuse and the constraints of the judicial system.<sup>125</sup> Such women may have believed their husbands' claims of innocence or provocation, or they may have been

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<sup>120</sup> *Western Times*, 18 May 1923 p. 8.

<sup>121</sup> Jukes, *Men Who Batter Women*, p. 49; Bonomi, *et al*, "Meet me at the hill where we used to park", pp. 1054-1061.

<sup>122</sup> *Birmingham Daily Gazette*, 10 August 1915 p. 7.

<sup>123</sup> *Western Mail*, 9 December 1915 p. 7.

<sup>124</sup> *Sheffield Evening Telegraph*, 8 August 1939 p. 7.

<sup>125</sup> For an exploration of abuse victims' common tendency to try to help their abusers escape police and judicial action, see Amy Bonomi, Rashmi Gangamma, Chris Locke, Heather Katafiasz, David Marton, "Meet me at the hill where we used to park": Interpersonal processes associated with victim recantation', *Social Science and Medicine*, 73:7 (2011), pp. 1054-1061.



eager to appease their husbands, knowing that they would only return to their marriage on their release from prison.

Where these women managed their risk by accepting blame, others did so by avoiding their husbands during times of high risk. For instance, in 1925, Mrs Stenner sought to manage her husband's explosive anger by leaving the room 'in the hope that he would cool down.'<sup>126</sup> In 1936, Rebecca Gavin, knowing her husband would return home drunkenly violent, took the precaution of barricading her bedroom door.<sup>127</sup> Mrs Hesketh related her mother's avoidance of her father: 'he has come home in a real bad state of drunkenness... and he has looked for her but she had run out of his way by fright... many a time my mother sat on her lavatory out of the way as she was so frightened of him'.<sup>128</sup> Avoidance was part of a strategy for survival, but sometimes it had to be twinned with obedience. Leaving could risk worse violence, and be too difficult psychologically and financially.<sup>129</sup> This meant that these women's only perceivable options were to survive within the parameters permitted by their abuser. Though compliance was central to their behaviours, avoidance indicates a discreet effort to resist through controlling the incidence of violence.

Other women resisted in more obvious and even violent or fatal ways. Though there was an expectation of passive, submissive victimhood both popularly and within the courts,<sup>130</sup> there were other forms of femininity that encouraged women to resist. Emphasising the combative streak in poor working-class women's culture, Carl Chinn has stated that 'it would be wrong to see these women as weak and defenceless. They fought back against their husbands and could be equally strong and aggressive.'<sup>131</sup> Indeed, Chinn goes on to describe how women could violently and abusively enforce their will over their husbands, contest their

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<sup>126</sup> *Western Morning News*, 4 September 1925, p. 8.

<sup>127</sup> *Sunderland Daily Echo and Shipping Gazette*, 28 March 1936 p. 1.

<sup>128</sup> Roberts, *A Woman's Place*, p. 120

<sup>129</sup> Randy Magen, 'In the Best Interests of Battered Women: Reconceptualizing Allegations of Failure to Protect', *Child Maltreatment*, 4:2 (1999), pp. 131-133.

<sup>130</sup> For example, see Lisa Surridge, *Bleak Houses*, pp. 26, 31; Shearer-Creman, 'The Epistemology of Police Science', p. 180.

<sup>131</sup> Chinn, *They Worked All Their Lives*, p. 145.

claims to authority, or gain revenge.<sup>132</sup> Mutually abusive relationships cannot by any means be underestimated, but we can also see how some women's recognition of their own strength and status could gear them to reject and oppose their husbands' violence. This self-confidence was in part fuelled by the matriarchal nature of many poor working-class communities: 'These women might recognise that they lived in what was – at least on the surface – 'a man's world', but they did not necessarily accept that they were subservient to the male.'<sup>133</sup> Aggression was, therefore, another means by which to cope. In 1936, Rebecca Gavin admitted in the police court that she had smashed a bottle on her husband's head in self-defence.<sup>134</sup> Similarly, in October 1919, when Mrs White retaliated against her violent husband by throwing dirty water at him.<sup>135</sup> Furthermore, Carl Chinn emphasises the intense violence that some wives meted out to their violent husbands, describing one woman who initially passively received beatings but in time 'began to retaliate',<sup>136</sup> and another who knocked her husband unconscious when he came home drunk claiming to be king of the castle.<sup>137</sup> But while fighting back helped some women manage, for others it increased the risk of violently enforced submission, and it could prove problematic when they appealed for judicial help. As the next chapter demonstrates, battered women could weaken their claim to victimhood where they did not meet gender norms, and violent femininity could affect their perceived innocence.<sup>138</sup> Therefore, though self-defence, retaliation and violent resistance could help women to protect or express themselves, it could also risk their health and undermine their credibility.

Some women resisted by leaving their abusive partner, but this was problematic. Not only was there substantial financial and emotional risk, but they had to contend with the possessiveness of their husbands. Modern studies have shown abusers commonly regard

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<sup>132</sup> Ibid., pp. 145-149.

<sup>133</sup> Ibid., p. 21. See also, Elizabeth Roberts, *A Woman's Place*, p. 110.

<sup>134</sup> *Sunderland Daily Echo and Shipping Gazette*, 28 March 1936 p. 1.

<sup>135</sup> *Bury Free Press*, 1 November 1919 p. 8.

<sup>136</sup> Chinn, *They Worked All Their Lives*, p. 141.

<sup>137</sup> Ibid, p. 147.

<sup>138</sup> See also, Shearer-Creman, 'The Epistemology of Police Science', p. 180.

any indication that their victim wants to leave as an intolerable threat.<sup>139</sup> This also means that when victims do take steps to leave, they are at high risk of violence, often fatal, as the abuser tries to reassert control,<sup>140</sup> and this was equally true of the period examined. In October 1919 David Caplan murdered his wife, Freda, and two sons. She had obtained a separation order but he had repeatedly assaulted her even after this. He told her sister “If I have to be parted from my children I will kill her... the children + myself”.<sup>141</sup> When Freda came to see their sons one day, David killed her and the children by fracturing their skulls. To the last he claimed that it was her fault for being “aggravating”.<sup>142</sup> His family annihilation was an effort to impose control. In the same year, Lewis Massey (alias Albert Hird) used similarly fatal tactics to oppose his wife Maggie’s attempt to leave. She had obtained a separation order within a year of marriage, but since their daughter was living with her, Lewis had opportunities to harass her.<sup>143</sup> One evening after she had refused to return to him, he struck her about the head with a hatchet and killed her.<sup>144</sup> Both Caplan and Massey took fatal action to nullify the threat their wives’ resistance posed to their internal world. Battered women’s experiences of their husband’s violence did not simply cease when they left or tried to leave, but could intensify with fatal results.

However, some women did successfully leave relationships. The source base used here is primarily new reports of court proceedings, or trial documents, thus reducing the visibility of those women who solely operated informally and never made use of the courts. It is clear, though, that leaving husbands was a viable and common route. As can be seen from the cases examined here, numerous women went to live with parents or friends, set up

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<sup>139</sup> Suellen Murray, “‘Why doesn’t she just leave?’: Belonging, disruption and domestic violence”, *Women’s Studies International Forum*, 31:1 (2008), p. 68; Anna Aizer and Pedro Dal Bo, ‘Love, hate and murder: Commitment devices in violent relationships’ *Journal of Public Economics*, 93:3 (2009), p. 413.

<sup>140</sup> Aizer and Dal Bo, ‘Love, hate and murder’, p. 413.

<sup>141</sup> TNA, ASSI 52/285 Assizes: Northern Circuit Criminal Depositions and Case Papers, Murder: Caplan, David, Deposition of Minnie Waterman, 1919.

<sup>142</sup> *Aberdeen Journal*, 3 December 1919 p. 6. See also, TNA, ASSI 52/285 Assizes: Northern Circuit Criminal Depositions and Case Papers, Murder: Caplan, David, Deposition of Minnie Waterman, 1919.

<sup>143</sup> The issue of shared parental responsibilities is one that plagues victims of domestic abuse even today. Since parental access to children can be prioritised over the risk posed by abusers, victims are placed in sometimes dangerous situations by the maintenance of contact.

<sup>144</sup> TNA, HO 144/1612/394274 Criminal Cases: Massey, Louis, 1919-1920.

independent or separate households with or without a separation allowance, others maintained jobs and businesses to survive.<sup>145</sup> Others who took informal measures sometimes made their mark in alternative sources. As mentioned above, in 1939 the Oldbury Police responded to Mr F's report that his wife was missing but on tracing her, they obeyed her instructions: 'traced to Sheffield. Address not to be disclosed to husband.'<sup>146</sup> Oral history provides another useful window into such women's lives: Elizabeth Roberts noted that none of the women she interviewed made use of the courts, and yet her cases show that some were prepared to leave.<sup>147</sup> It must be noted, too, that some women brought their husbands to court after they had been assaulted for attempting an informal separation themselves.<sup>148</sup> This blurring of the boundaries between informal and formal risk management demonstrates the way that battered women used a range of strategies to manage their risk. Their interest was in survival, though the means by which they wanted to or were able to secure this were liable to change and develop alongside their relationship.

### The impact of war on IPV

As can be seen, wife battery was a process that was susceptible to external influences. Ideas of gender, of marital hierarchies and expectations, of authority, of fortitude, of personal responsibility, of social stability, all helped to shape couples' experiences of violent relationships. The way that men and women performed and experienced violence was shaped by their culturally-informed psychology too, with significant parallels to modern experiences. With a range of ways to think about, experience and manage marital violence, violent husbands and victimised wives had diverse experiences. How, then, did an event as momentous as the First World War alter the ways that they experienced wife battery? If the writings of contemporary writers like Henry De Man are to be believed,<sup>149</sup> war would have

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<sup>145</sup> Roberts, *A Woman's Place*, p. 120.

<sup>146</sup> West Midlands Police Museum, General Occurrence Book for Halesowen and Oldbury Division, 1939.

<sup>147</sup> Roberts, *A Woman's Place*, p. 120.

<sup>148</sup> *Western Gazette*, 14 September 1934 p. 11;

<sup>149</sup> Jon Lawrence, 'Forging a Peaceable Kingdom: War, Violence, and Fear of Brutalization in Post-First World War Britain', *The Journal of Modern History*, 75:3 (2003), p. 563.

unleashed the inner brute. Yet the rate of interpersonal violence was not significantly higher after the war,<sup>150</sup> which does not seem to bear out such ideas of unchained savagery. Modern research can help to explore this issue. As shall be seen, some research suggests that military service can alter the risk of intimate violence, yet others studies have stressed the role of the practical and emotional factors that accompany service. To explore this question, we must take into account two intertwined streams: changes in the ways that such husbands and their wives understood violence; the ecological and cultural factors that created a climate conducive or deterrent to marital violence.

As discussed above, throughout period examined, men and women in violent relationships had looked for a “cause” for violence, whether that be provocation, stress, or alcohol. The war offered another “cause” to add to this repertoire. Tapping into disquiet about war-induced brutalisation and even shell shock, the war developed both perpetrators’ and victims’ understanding of why violence was happening. In 1919, William Cunningham’s wife spoke on his behalf at his trial for being drunk and disorderly, saying that he ‘was discharged from the Army suffering from shell shock. He became very violent at times.’<sup>151</sup> In 1920, at his wife’s application for a separation James Crummett ‘pleaded that he was a shell shock victim – without a pension – and...when he was in drink he did not know what he was doing.’<sup>152</sup> Again in 1925, Robert Hogg tried to excuse repeatedly assaulting his wife, cutting her wrist with a bayonet and trying to strangle her by appealing to his war service and shell shock.<sup>153</sup> Shell shock therefore entered into the vocabulary of mitigation, as a means by which to deflect responsibility for violence.

Moreover, the war offered another means by which to differentiate the man from his violence. Throughout the wartime and post-war period, some battered women pinpointed war service as the problem. In 1919 Marcella Hunt said her husband, ‘went through the war, was three times wounded and twice gassed, but since his return his conduct had changed, and it

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<sup>150</sup> Emsley, *Soldier, Sailor, Beggarman, Thief*, p. 162.

<sup>151</sup> *Burnley News*, 13 August 1919 p. 3.

<sup>152</sup> *Burnley News*, 20 November 1920 p. 12.

<sup>153</sup> *Yorkshire Post and Leeds Intelligencer*, 17 June 1925 p. 11.

was quite probable that the injuries he had received, including shell shock, might have affected his brain, and he was now subject to uncontrollable outbursts.’<sup>154</sup> In 1920, Alice Leonard said of her husband’s persistent cruelty, ‘I think it is the fault of the Army...his nerves are out of order and he is mad at times.’<sup>155</sup> In the same year, Mrs. Hine lamented as she applied for a separation, ‘He had been strange in his manner since returning from the Army, and when he had any drink he went “mad.”’<sup>156</sup> These women had all married shortly before their husbands went to war, meaning that abusive behaviours may not yet have become apparent (violence tends to be expressed or get worse after a commitment stage, such as getting married, becoming pregnant, or giving birth.).<sup>157</sup> For these women, the occurrence of service between the honeymoon period and the onset of violence was, to them, the obvious cause of their suffering. Warfare was therefore ascribed a transformative impact.

However, Tinney and Gerlock have stressed the importance of the operation of mental health issues in understanding the link between military service and IPV perpetration. Drawing attention to the role of Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), Substance Use Disorder (SUD) and depression, they outline some of the factors that can increase the risk of a violent episode (aggression, irritability/rage, anxiety, depression, recklessness, social withdrawal, heavy drinking, etc). Certainly, some violence can be pathological, a symptom of mental illness. However, they stress the need to differentiate between pathological violence and IPV which is coercive or situational, and to appreciate that mental ill health can be a co-occurring rather than causative factor. To do so, they recommend assessing patterns of behaviour to see whether acts are done to cause fear or injury. Though they make very clear that it is quite possible for IPV and war-related mental illness to overlap, they stress that it is not helpful to assume that service “causes” IPV: ‘The truth is that the risk factors for IPV identified in general research studies for the population

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<sup>154</sup> *Dover Express*, 13 June 1919 p. 3.

<sup>155</sup> *Derbyshire Courier*, 6 March 1920 p. 5.

<sup>156</sup> *Lancashire Evening Post*, 23 March 1920 p. 2.

<sup>157</sup> Charles Pajarita and Krista Perreira, ‘Intimate partner violence during pregnancy and 1-year post-partum’, *Journal of Family Violence*, 22:7 (2007), p. 613.

also apply to cases involving military and veteran offenders.<sup>158</sup> Indeed, Tinney and Gerlock are adamant that assuming that IPV behaviours can be explained by co-occurring conditions is a serious danger. The mental health issues that are often experienced by ex/servicemen as a result of their military experiences can be an important factor in the performance of violence within relationships, but not necessarily the development of it. Coercive or situational IPV has its roots in the earlier life of the perpetrator and in the culture that shapes them,<sup>159</sup> and can then be expressed or worsened by the ecological psychiatric circumstances of military service.

Indeed, pathological violence tends to have very different underpinnings from those of IPV: 'An impulsive/reactive aggression (unplanned response to a threat) is... consistent with the PTSD hyperarousal understanding of aggression while a premeditated/proactive (planned and purposeful) aggression is more consistent with an IPV understanding of aggression.'<sup>160</sup> Despite the overlap between these categories, it is worth considering what this means for the study of wife battery in the early twentieth century. If battered women did not understand themselves as being abused but as experiencing this pathological violence, would they have made use of the police and the courts? There is certainly evidence that these kinds of relationships existed. In Peter Barham's study of servicemen's and ex-servicemen's mental illness during and after the First World War, he describes how Mrs P. admitted her husband to the Mapperley Mental Hospital in 1936 as a result of his abusive behaviour, how James P.'s marriage after the war was fraught with violent quarrels, and how another man's mother felt she had no other option than to send her husband to an asylum for fear that he would harm their children.<sup>161</sup> Unfortunately, it is impossible to say how many potentially violent or risky relationships like these went undetected. As Barham sadly points out, 'whatever they

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<sup>158</sup> Glenna Tinney and April Gerlock, 'Intimate Partner Violence, Military Personnel, Veterans, And Their Families' *Family Court Review*, 53:4 2014, pp. 408-409.

<sup>159</sup> Jukes, *Men Who Batter Women*, p. 108; R.P. Dobash and R.E. Dobash, 'Community Response to Violence against Wives: Charivari, Abstract Justice and Patriarchy', *Social Problems* 1981 28(5) p. 568.

<sup>160</sup> Tinney and Gerlock, 'Intimate Partner Violence, Military Personnel, Veterans, And Their Families', p. 404. For instance, we might compare assaulting a partner during a flash back or a night terror to assaulting a partner for coming home drunk.

<sup>161</sup> Peter Barham, *Forgotten Lunatics of the Great War*, (Bury St. Edmunds, 2007), pp. 341 - 343.

may have felt, for the most part [wives who acted as carers] carried on their duties uncomplainingly, only giving up, and then sometimes only temporarily, if the situation had become intolerable and a woman felt that her own safety, or that of a child, was threatened.<sup>162</sup> A widespread stigma about mental illness and asylums also prevented families from seeking psychiatric care, and some men chose to self-medicate with alcohol.<sup>163</sup> Therefore, we cannot measure this section of society who flew beneath the radar. Instead, it is only when wives appealed to the authorities for help or intervention that their abuse is neatly recorded for the historian. As a result, it is abusive practices that tend to conform to IPV criteria that are most obvious and prevalent in the historical documents, since it is when women felt they were justified in or forced to seek intervention that they leave a trace. It is entirely to be expected, then, that those who understood their husbands' violence to be pathological would be underrepresented.

Several studies have explored the issue of cultural spillover, whereby 'the more a society tends to endorse the use of physical force to attain socially approved ends – such as...military dominance – the greater the likelihood that the legitimization of force will be generalized to other spheres of life, such as the family and relations between the sexes'.<sup>164</sup> Attention is paid to the possible role of combatants' learned behaviours, since 'military recruits learn to separate themselves from individual emotions, depersonalize acts of violence, and dehumanize *the other*, to successfully fight wars.'<sup>165</sup> Such studies highlight the spillover between the aggressive culture of the military and civilian life through legitimising discourses on violence. However, this analysis is made problematic due to the presence of

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<sup>162</sup> Ibid., p. 342.

<sup>163</sup> Elizabeth Nelson, 'Victims of War: The First World War, Returned Soldiers, and Understandings of Domestic Violence in Australia' *Journal of Women's History*, 19:4 (2007), p. 89.

<sup>164</sup> Larry Baron, 'Legitimate violence, violent attitudes, and rape: a test of the cultural spillover theory', *Annals of the New York Academy of Sciences*, 528 (1988), p. 80; Elena Klaw, Anne Demers and Nancy Da Silva, 'Predicting Risk Factors for Intimate Partner Violence Among Post-9/11 College Student Veterans', *Journal of Interpersonal Violence*, 31:4 (2016), p. 576; Alysha Jones, 'Intimate Partner Violence in Military Couples: A Review of the Literature', *Aggression and Violent Behaviour*, 17:2 (2012), pp. 153-154; Keith Klosterman, *et al*, 'Intimate Partner Violence in the Military: Treatment Considerations', *Aggression and Violent Behaviour*, 17:1 (2012), p. 54; Amy Marshall, Jillian Lanuzio, Casey Taft, 'Intimate Partner violence among military veterans and active duty servicemen' *Clinical Psychological Review*, 25:7 (2005), pp. 862-876.

<sup>165</sup> Klaw, *et al*, 'Predicting Risk Factors for Intimate Partner Violence', p. 576.



confounding factors. For instance, coercive civilian IPV is marked by a lack of empathy for the victim, and often sees a dehumanisation or deindividuation of the victim.<sup>166</sup> Moreover, in the early twentieth century, men already existed in a culture that was ambivalent toward violence against wives. This means that ideas of spillover theory must be balanced against the ordinary maturation of servicemen already disposed toward IPV.

This must be considered alongside the framing of IPV by the hypermasculine culture of military communities, since it provides ‘an extreme and rigid adherence to beliefs and characteristics associated with the masculine gender role ... associated with adherence to domestic violence myths, a set of attitudes and beliefs that serve to justify and excuse committing IPV’.<sup>167</sup> Male bonding promotes and enforces ‘stereotypically masculine characteristics such as dominance, aggression, risk taking’ which in turn ‘develop and maintain shared attitudes that support anger toward women and the abuse of female partners.’<sup>168</sup> Christopher Bradley has pointed to the importance of current culture since he found that upon returning to civilian life, veterans’ rates of IPV quickly fall into line with civilian rates.<sup>169</sup> In consequence, this approach recognises the services’ homosocial cultures rather than service itself as a risk factor for IPV. However, it must also be noted that in the First World War, hypermasculinity was matched by a blurring of gender roles within units as men fulfilled domestic and caring roles themselves.<sup>170</sup> Moreover, we must also question how far a massive, hastily formed civilian army in the early twentieth century would develop and express the same masculinities as those of much later volunteer armies. Indeed, Slep *et al* have asked whether it is appropriate to compare rates of IPV between military and civilian

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<sup>166</sup> R.E. Dobash and R.P. Dobash, ‘What Were They Thinking? Men Who Murder an Intimate Partner’, *Violence Against Women*, 1:1 (2011), p. 127.

<sup>167</sup> Klaw, *et al*, ‘Predicting Risk Factors for Intimate Partner Violence’, p. 576.

<sup>168</sup> *Ibid*.

<sup>169</sup> Christopher Bradley, ‘Veteran Status and Marital Aggression: Does Military Service Make a Difference?’, *Journal of Family Violence*, 22 (2007), p. 205.

<sup>170</sup> Michael Roper, *The Secret Battle. Emotional Survival in the Great War*, (Manchester, 2009), pp. 294-296.

couples when the range of cultures within civilian populations may mask the true impact of workplace ecology and hypermasculine cultures.<sup>171</sup>

However, it is possible to see how the war may have increased the risk of IPV developing by providing other conducive psychological factors. Mental ill health did not only result from trauma itself, but also from the means used to manage it, that is, alcohol and substance abuse. These are even today significant risk factors for IPV. In subsequent chapters, the types of medicines available are described, which contained everything from minerals and salts to fortified wine to coca, and even all three in the case of Hall's Wine. These were normalised means of treatment for nerves or mental instability, and alcohol was certainly a compounding factor that played a significant role as men self-medicated. In 1919, Mrs Cunningham associated shell shock, drink and violence: her husband was 'suffering from shell shock. He became very violent at times... [and] took drink.'<sup>172</sup> In 1927, Gertrude Esplin told the court that her husband, 'was invalided out of the Army suffering from shell shock, and most of the time since he had been out of the Army he had spent in hospitals or institutions.' She reported his 'bad temper', and that he was consistently drunk.<sup>173</sup> In 1934, William Riddell stood before magistrates for assaulting his wife, and told the court that 'when he got drink he had recurrences of shell shock fits, and he did not know...that he struck his wife.'<sup>174</sup> Drink was a major correlative and perceived causative factor for wife battery, and self-medication connects alcohol consumption to wartime service. However, at the same time, we must recognise that the war could diminish this ecological factor, too. As will be seen in subsequent chapters, the outbreak of war boosted the temperance agenda as the government increasingly controlled alcohol availability, and alcoholic drinks became weaker, outlets more restricted, and pubs saw shorter opening hours.<sup>175</sup> As a result, we can

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<sup>171</sup> Amy M. Smith Slep, Heather M. Foran, Richard E. Heyman, and Jeffery D. Snarr, 'Risk Factors for Clinically Significant Intimate Partner Violence Among Active-Duty Members', *Journal of Marriage and Family*, 73:2 (2011), p. 497.

<sup>172</sup> *Burnley News*, 13 August 1919 p. 3.

<sup>173</sup> *Cheltenham Chronicle*, 24 December 1927 p. 12.

<sup>174</sup> *Hawick News*, 19 October 1934 p. 3.

<sup>175</sup> James Nicholls, *The Politics of Alcohol: a History of the Drink Question in England*, (Manchester, 2009), pp. 176-185.

appreciate how the war both promoted and diminished the ecological factor of alcohol consumption.

Similarly, the economic impact of the war was a serious factor in men's risk of abusing. As Deborah Weissman has persuasively argued, it is not enough 'to speak of patriarchy as separate from the material conditions of daily life.'<sup>176</sup> Even while some unmarried women and a smaller portion of married mothers went out to work, the economic difficulties of this period encouraged most women's further economic dependence upon husbands,<sup>177</sup> and this in turn gave abusive husbands improved means to coerce and manipulate their partners. Moreover, high rates of unemployment immediately after the war were conducive to the expression of IPV. It introduced stress to marital relationships, which encouraged situational violence, and worsened susceptible male gender role anxieties as some husbands struggled as breadwinners. In 1924, after a long spell of unemployment Arthur Canham killed his wife after being told on an unsuccessful job hunt that he was 'fit only for the dust heap.'<sup>178</sup> In 1917, William Leyton explained that his severe assault of his wife was justified because 'many things had been pawned out of the house when he was away.'<sup>179</sup> In 1922, unemployed William Lockey murdered his wife when she left him and got a job. He told the court, 'he deeply loved his wife and committed the deed in desperation owing to poverty and the crying of his children.'<sup>180</sup> For these men, the war created circumstances in which their sense of self was threatened by their own inability to live up to their perceived masculine ideals. In consequence, their wives' efforts to either leave them or work around their poverty were understood as a cruel attack upon them. Though the war did not necessarily make these men more violent, it certainly exacerbated the conditions that enabled IPV.

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<sup>176</sup> Deborah Weissman, 'The Personal is Political – and Economic: Rethinking Domestic violence' *Brigham Young University Law Review*, 2 (2007), pp. 387-450.

<sup>177</sup> Martin Pugh, *Women and the Women's Movement in Britain, 1914-1959*, (Basingstoke, 1992), p. 28.

<sup>178</sup> *Times*, 16 December 1924

<sup>179</sup> *Aberdeen Evening Express*, 28 July 1917 p. 3. Note that pawning was a common strategy used by wives to keep households afloat when husbands were not bringing in enough money to make ends meet. Ayres and Lamberts have highlighted that husbands sometimes redirected their own shame at their poor performance as breadwinner onto their wives for their inability to manage.

<sup>180</sup> *Exeter and Plymouth Gazette*, 14 November 1922 p. 5.

Moreover, the cultural glorification of servicemen bolstered some men's sense of status, and thus what they should expect from their wives. Propaganda had made it quite clear that the war was being fought for women, and particularly for the safety of female family members.<sup>181</sup> Consequently, there was an anticipation of gratitude. For abusive men, this reinforced their expectations of wifely devotion, service and submission. In 1916, Mr Brand defended himself against his wife's accusations of persistent cruelty by drawing attention to her ungratefulness. He asked her 'Why did you write insulting letters about me while I was in a place of death, lying in the trenches, waiting for my last day? Why didn't you answer my letters?'<sup>182</sup> She wanted nothing to do with her violent husband, but he persisted in his outrage at her neglectfulness once he was soldiering. In 1919 Robert Akister defended himself against claims of persistent cruelty, telling the court that 'when he returned from the Army his wife gave him "no reception at all, not even a handshake."' <sup>183</sup> The immediate trigger was his wife's fury at his infidelity, but he identified her ingratitude as a significant factor. A spectacular manifestation of this sentiment is seen in William Dobie's furious letters to his unfaithful wife before he murdered her. He wrote, 'while I was risking my life for you as a minesweeper, you write false letters to me.'<sup>184</sup> Men like these felt that their service entitled them to female devotion and, feeling like spurned heroes, they exacted violent revenge and punishment.<sup>185</sup>

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<sup>181</sup> Nicoletta Gullace, *"The Blood of Our Sons"*, p. 37, 43; Susan Grayzel, *Women's Identities at War: Gender, Motherhood, and Politics in Britain and France During the First World War*, (Chapel Hill, NC, 1999), p. 129.

<sup>182</sup> *Middlesex Chronicle*, 14 October 1916 p. 8.

<sup>183</sup> *Lancashire Evening Post*, 15 May 1919 p. 3.

<sup>184</sup> *Hull Daily Mail*, 19 October 1917 p. 5.

<sup>185</sup> In the subsequent chapters it will be seen that violent servicemen and ex-servicemen thought that the moral and social credit they had earned in the war should mitigate or lessen the seriousness or criminality of their acts. The First World War made military service an accessible marker of respectability for every class. As a result, violent husbands commonly raised their service to demonstrate their decency when in court. In 1915, Daniel McMahon asked to be dealt leniently with at his trial for wife assault because 'he had not long come back from the trenches in Flanders, and was invalided home' (*Dundee Evening Telegraph*, 21 April 1915 p. 4.). In 1916, David Gregory pointedly stood trial for the grievous bodily harm of his wife wearing 'the King's uniform' (*Derbyshire Courier* 19 February 1916 p. 5.). In 1919, at his trial for assaulting his wife George Morse sought to court mercy by relaying his service: 'He had fought right through the war, and held a very good conduct record from the Army, and also the 1914-15 Star' (*Taunton Courier*, 14 May 1919 p. 5.). Just as some servicemen and ex-servicemen believed their wives owed them something for their service, so too did some expect to receive discretion in the courts. Service therefore entered the range of excuses, justifications and mitigations drawn upon when wife battery was brought under the official gaze.

This raises the significant emotional and cultural point of infidelity. Simply put, the war increased opportunities for married women to be unfaithful. Under the 'unwritten law' it was culturally accepted that violence was an understandable response to female infidelity,<sup>186</sup> we can see this as a case where culture combines with circumstances to enable IPV. In 1916, John Tomlinson justified his unlawful wounding of his wife by explaining that 'his wife admitted, when he returned home on furlough, that she had not been as she ought to have been. ...He told her, "Surely to God you can do your duty to the old man when his sons are away [fighting]."'<sup>187</sup> In 1921, Henry Francis told the court at his trial for murdering his wife, 'I would not have laid violent hands on her but for what occurred during my absence.'<sup>188</sup> At the extreme end of the violence scale, Henry Canham, Albert Cross, and Ernest Gorton all killed their wives for their wartime infidelity. Henry said, 'she had got a complaint which she thought she had received from an officer. This upset me. ...I got out of bed, got my revolver and shot her.'<sup>189</sup> Albert John Cross shot his adulterous wife at a train station, then 'stood stolidly and did not move to his wife's assistance, and... when an officer came up he said frankly that he had shot his wife and that she had been misconducting herself.'<sup>190</sup> Ernest Gorton simply explained to the police on his arrest for murdering his wife, 'she has been misconducting herself.'<sup>191</sup> Moreover, the cultural condonation of assaults of unfaithful partners highlights the way that violence in this context was both normalised and enabled: Henry was bound over in the sum of five pounds for twelve months; Albert was acquitted; Ernest's charge of murder was downgraded to manslaughter on dubious grounds, and he was sentenced to five years imprisonment. Wartime infidelity can therefore be seen as the exacerbation of pre-existing cultural schema by the circumstances of the war.

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<sup>186</sup> Martin Wiener, *Men of Blood: Violence, Manliness, and Criminal Justice*, (Cambridge, 2004), pp. 201-239.

<sup>187</sup> *Nottingham Evening Post*, 3 January 1916 p. 3.

<sup>188</sup> *Dundee Courier*, 7 November 1921, p. 5.

<sup>189</sup> *The Times*, 3 January 1918, p. 3.

<sup>190</sup> *The Times*, 22 November 1917 p. 3.

<sup>191</sup> *Manchester Evening News*, 23 October 1917 p. 3. See also, TNA, ASSI 52/268 Assizes: Northern Circuit Criminal Depositions and Case Papers, Murder: Gorton, Ernest, 1916.

However, though the war had fostered numerous circumstances that worsened or enabled IPV, there was a silver lining. As abusive men went to war, their battered wives had a period of comparative freedom. In consequence, some women grew in confidence, taking jobs, meeting new people, and experiencing some independence. Battered wives also had control over their finances (the military's separation allowance) while their husbands were away, enabling them to spend as they pleased or even save a nest egg as future protection. Other wives hoped that the war would "cure" their husbands' violence, and put off applying for a separation until they came back utterly unchanged. Moreover, in the upheaval after the war, the rocketing numbers of couples obtaining separation orders and divorces for a variety of reasons, such as desertion, drunkenness, infidelity or cruelty, may well have lent a little courage to battered wives to pursue this increasingly normalised procedure,<sup>192</sup> steeling them to overcome cultural censure for broken marriages. Women were better able to exploit the Poor Person's Procedure which was made more accessible in 1914, meaning poor women were better placed to obtain a divorce on grounds of adultery and cruelty.<sup>193</sup> Therefore, though it is easy to see how the war created circumstances favourable to violence and endurance, it is important to appreciate its potentially positive and empowering effect on battered wives.

Furthermore, from a cultural perspective, it seems quite possible that in spite of the factors promoting IPV, men may have turned toward companionship rather than control in their married lives.<sup>194</sup> Martin Francis has suggested that 'in the aftermath of... mechanised slaughter ... the romantic language of heroic masculinity suffered a fatal blow, and there was a reaction, a reassertion of the domesticated and private categories of masculinity.' Citing Alison Light, he goes on, 'this newly domesticated male, who preferred dominoes and home improvement... became a paradigm, not merely of normative masculinity but of interwar

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<sup>192</sup> Gibson, *Dissolving Wedlock*, p. 85.

<sup>193</sup> *Ibid.*, pp. 86-90.

<sup>194</sup> Adrian Bingham, "An Era of Domesticity? Histories of Women and Gender in Interwar Britain", *Cultural and Social History*, 1:2 (2004), p. 231.

national identity.<sup>195</sup> Indeed, Joanna Bourke has noted that ‘the removal of the intimate aspects of masculinity [during war service] had encouraged...nostalgia for the domestic’, and that as ‘men back from the war breathed more freely once they returned home... Women were replacing male comrades.’<sup>196</sup> As Simon Szreter and Kate Fisher have highlighted, though marriage in the interwar period was commonly polarised in terms of gender roles, companionship, teamwork, respect and deep affection were common traits that were marked across classes.<sup>197</sup> The war’s cultural encouragement of familial gender hierarchies was therefore contested by the new centrality of the companionate marriage, and indeed by men’s enjoyment of it. The question here of course is whether this change affected men who were already predisposed to domestic violence.

Though pathological violence cannot be neglected, war service and the war’s socio-cultural impact certainly created conducive ecological, economic and cultural conditions for the expression of violence. However, the creation of this ideal landscape competed with the cultural centrality of companionate marriage. Unfortunately for the historian, it is nigh impossible to say whether the situation got better or worse: though the number of prosecutions for interpersonal violence returned to ordinary levels, silences around marital violence and the civilian rather than criminal tack of the summary justice procedure for separation masks the true levels of IPV.

### Conclusion

To conclude, the evidence shows how husbands and wives negotiated a deeply ambivalent sociocultural context in the period 1914-1939. The often contradictory messages they received from popular culture, the judiciary, and their communities maintained IPV in a twilight space between legitimacy and illegitimacy. A cultural condemnation of wife batterers

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<sup>195</sup> Martin Francis, ‘The Domestication of the Male? Recent Research on Nineteenth- and Twentieth-century British Masculinity’, *The Historical Journal*, 45:3 (2002), pp. 640-641.

<sup>196</sup> Joanna Bourke, *Dismembering the Male: Men’s Bodies, Britain and the Great War*, (London, 1996), pp. 167-168.

<sup>197</sup> Simon Szreter and Kate Fisher, *Sex Before the Sexual Revolution: Intimate Life in England, 1918-1963*, (Cambridge, 2010), pp. 196-226.

did not always translate well into real life as conflicting priorities and cultural schemas introduced legitimising narratives. Likewise, cultural sympathy for battered wives was not matched by consistent efforts to punish perpetrators, intervene or help victims. Wife battery therefore had two distinct faces, acceptable and unacceptable. This ambivalence created a space in which wife batterers could justify their violence to themselves and others by appealing to validating schema. Battered wives, meanwhile, tried to navigate a culture that, even while it pitied them, often blamed them and encouraged them to persevere.

These contexts reinforced the psychological underpinnings of violent behaviour and victim endurance. Modern research has proved helpful, if somewhat problematic, in explaining some contemporary expressions of IPV. In emphasising the importance of a highly gendered cultural discourse, modern approaches help to identify controlling or coercive motivations behind IPV. In spotlighting issues such as masculine gender role stress, the role of violent husbands' own anxieties of self-image can be seen more clearly. Likewise, modern explorations of victims' feelings, experiences and activities help to clarify the difficult position in which battered wives were placed. Primed by their culture to endure, they were trapped by it too. This exemplifies the influence of an ambivalent society upon the performance and experience of IPV.

The impact of the war further highlights the importance of culture as an enabling and priming factor. Though pathological violence could occur from war-induced mental illnesses such as PTSD, TBI and depression, the preference to adopt this explanation over evidenced coercive, instrumental violence stresses the difficulty in reconciling the harsh realities of IPV to a patriarchal society that colluded in the deflection of responsibility from abusers and maintained the sanctity of marriage over the safety of families. Though companionate marriage was increasingly constructed as the norm, the unfortunate reality is that wartime and post-war society created some favourable conditions for IPV that undoubtedly influenced those men and women who were psychologically and culturally predisposed.



As will be seen in the subsequent chapters, ambivalence toward IPV reigned in nearly all quarters of English life. The news media, judiciary, medical profession, and even policy makers within the temperance and feminist movements, engaged in such indecisive and even contradictory approaches to the problem of wife battery. It is important to remember that each group examined had an influence, whether immediate or indirect, upon IPV through the ways that they shaped the sociocultural landscape upon which violence was performed.

## Marriage on trial: judicial and magisterial engagement with violence against wives, 1914-1939

Despite the joy felt at Armistice, the wartime and immediate post-war periods were overshadowed by fears of social breakdown. Strikingly, concerns about the health of the family featured prominently in discussions about national strength and integrity. With a rocketing divorce rate,<sup>198</sup> concerns about children raised without father figures,<sup>199</sup> and anxieties of flappers' sexual deviance,<sup>200</sup> it certainly seemed that Britons' domestic life was undergoing momentous but not necessarily positive changes. Therefore, the negotiation of problematic and even criminal behaviours within intimate relationships can offer an unrivalled perspective on the fraught wartime and post-war discussion of family life and marriage.

In this respect, the record of the judiciary and magistracy is particularly helpful. These arbiters of the law were often the first, and sometimes only, representative of the state to survey, judge and intervene in marriage and specifically wife battery. Indeed, the moment that cases of wife battery came under the official gaze was often the only time they left behind a trace in the historical record. Consequently it is vital to examine trials and hearings for assaults, murders, divorce and separations to trace cultural and professional attitudes to and treatment of wife battery. This illuminates the effect of the cultural schema of marriage, morality, and violence upon the professional exercise of law and justice.

The historiography of judicial and magisterial engagement with violence against wives offers valuable insights into the difficulties these professionals faced in exercising justice, but also highlights how the marital tie could cause wife beating and murder to be treated as less serious than other forms of violence. Gail Savage had forcefully demonstrated that laws regarding summary justice did not 'seek to eliminate all violence in the home. Rather the new

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<sup>198</sup> Roderick Phillips, *Putting Asunder: A History of Divorce in Western Society*, (Cambridge, 1988), pp. 516-519.

<sup>199</sup> Charles Edward Bellyse Russell, *The Problem of Juvenile Crime*, (Oxford, 1917), p. 4.

<sup>200</sup> Billie Melman, *Women and the Popular Imagination in the Twenties: Flappers and Nymphs*, (Basingstoke, 1988), pp. 18-19; Adrian Bingham, "'Stop the Flapper Vote Folly': Lord Rothermere, the *Daily Mail* and the Equalization of the Franchise, 1927-28", *Twentieth Century British History*, 13:1 (2002) pp. 17-37.

statutes sought to curb wife abuse – to protect wives from husbands who took undue advantage of their authority as husbands.<sup>201</sup> She argues that this neglect to condemn all marital violence stemmed from the desire to define ‘a boundary between properly accorded privacy and discord which poses a threat sufficient to justify official intervention’ in their dealings with working class marital discord that was structured through ‘widely-shared assumptions about gender and class’.<sup>202</sup> Similarly, George Behlmer’s study of summary jurisdiction over working class marriages highlights that magistrates’ move toward conciliation throughout the interwar period demonstrated middle class anxieties of working class marital breakdown, expressing a certainty that ‘the police court magistrate ... might be in a better position to determine a couple’s best interest than the couple itself’.<sup>203</sup> Exploring summary justice and domestic violence in the Scottish context 1800-1949, Annmarie Hughes has powerfully established the magisterial ambivalence toward, and even outright dismissal of, the criminality of wife batterers that was informed by gender and class assumptions, questioning how far Wiener’s theory of a judicial civilising offensive can be applied to violence against wives.<sup>204</sup> Carol Smart has identified the role of marital law as the perpetuation of patriarchal family relations in her study of divorce law since 1945, stressing how fears of the erosion of family life exacerbated the public control of women,<sup>205</sup> while Ginger Frost has explored how, in the categorical confusion in judging domestic violence within common-law marriages, judges and magistrates found that men’s neglect to marry exacerbated their offenses.<sup>206</sup> Frost has also demonstrated the highly gendered judicial approach to partner violence in her examination of Edwardian judges’ comparative leniency to women who

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<sup>201</sup> Gail Savage, “‘The Magistrates are Men’: Working-Class Marital Conflict and Appeals from the Magistrates’ Court to the Divorce Court after 1895”, in George Robb and Nancy Erber (eds.), *Disorder in the Court: Trials and Sexual Conflict at the Turn of the Century*, (Basingstoke, 1999), p. 240.

<sup>202</sup> *Ibid.*, p. 231.

<sup>203</sup> George Behlmer, ‘Summary Justice and Working-Class Marriage in England, 1870-1914’ *Law History Review*, 12:2 (1994), pp. 259, 267.

<sup>204</sup> Annmarie Hughes, ‘The ‘Non-Criminal’ Class: Wife-beating in Scotland (c. 1800-1949)’, *Crime, History & Societies*, 14:2 (2010), pp. 31-53.

<sup>205</sup> Carol Smart, *The Ties that Bind: Law, Marriage and the Reproduction of Patriarchal Relations*, (London, 1984).

<sup>206</sup> Ginger Frost, “‘He could not hold his passions’: Domestic violence and cohabitation in England (1850-1905)’, *Crime, History & Society*, 12:1 (2008), pp. 45-63.

assaulted or murdered men under provocation.<sup>207</sup> Investigating the relationship between the judiciary and medical professions, Tony Ward has highlighted the judiciary's suspicion of the insanity defence in important cases of family violence in the wake of the First World War.<sup>208</sup> A consistent feature emerges in these studies, as they all point to the importance of individual personalities and local cultures in the judicial exercise of law, rather than overt professional policies. This chapter aims to contribute to this historiography by building on these analyses of the tension between marital privacy and men's patriarchal privileges, and the desire to enact justice and enforce social norms through the adjudication and judgment of marriage.

The judiciary and magistracy dispensed not only law, but justice. Through their rulings, they decided what was normal and deviant, moral and pathological, warranted and indefensible. Indeed, the ways that these cases were dealt with in court signpost the pervasive liminality of wife battery. Though assault was essentially a criminal act, the judiciary could use moral rather than legal standards to dispense justice. Likewise, concerns of social stability filtered into the decision making process as each case was judged against a backdrop of anxiety about marital breakdown.<sup>209</sup> This ambivalence toward wife battery and wife murder is reflected in the use of tropes, stereotypes, and narrative patterns by judges and magistrates as they sought to understand and judge such cases fairly. However, the progressive record of judges and magistrates on the point of wife battery must not be underestimated, as justices could take a decidedly forward-thinking approach. Favouring intervention, magistrates particularly sought to conciliate and resolve marital problems rather than dispense impotent punishments. This was because they were acutely aware of the practical hurdles that made the usual mechanisms of punishment unworkable for wife battery.

This chapter, then, will explore how the judiciary and magistracy approached wife battery, and the extent to which their understandings of this act and their responses to it were shaped

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<sup>207</sup> Ginger Frost, '“She is but a woman”: Kitty Byron and the English Edwardian Criminal Justice System', *Gender and History*, 16:3 (2004), pp. 538-560.

<sup>208</sup> Tony Ward, 'A terrible responsibility: Murder and the insanity defence in England, 1908-1939', *International Journal of Law and Psychiatry*, 25 (2002), pp. 361-377.

<sup>209</sup> Behlmer, 'Summary Justice and Working-Class Marriage', pp. 258-159.

both by their socio-cultural contexts and the constraints of the law. This study will firstly explore common judicial interpretations of violence against wives - brutal husbands, provoking wives, and unchained violence - to identify how blame and responsibility were allocated for IPV, revealing ideas of cultural norms regarding the interrelationship of masculinity, femininity, and marriage. Secondly, the liminality of IPV in judicial and magisterial discourses and practices will be reviewed, drawing attention to the influence of marriage as a decriminalising institution. Thirdly, the efforts of magistrates and judges to work within the restrictions of the legal system and the practicalities of punishing IPV will be considered. Throughout each of these sections the influence of the war will be considered, exploring how the new status of servicemen and retrenched gender roles impacted the consideration of violence against wives in an anxious post-war climate. This will demonstrate how, in a cultural context that prioritised the institution of marriage over the criminalization of IPV, some judges and magistrates did their best to protect wives.

### Judges' and magistrates' interpretations of violence against wives

In her study of the relationship between the unwritten law and trial processes in early twentieth century New York, Martha Merrill Umphrey has argued that trials and judicial decision making should be understood as a narrative process. She highlights that 'the trial process not only marks the space in which ... competing claims were narrated; its procedural rules also helped to constitute them by directing the ways in which stories could be told.'<sup>210</sup> Trials took the form of stories being told in an effort to relate and discern the truth, but this had the effect of entrenching story-telling within the judicial process. Merrill Umphrey persuasively argued that this did not belie a 'clash between script and consciousness', but instead, it constituted 'the materialization of a general process of legal meaning making',

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<sup>210</sup> Martha Merrill Umphrey, 'The dialogics of legal meaning: Spectacular trials, the unwritten law, and narratives of criminal responsibility', *Law & Society Review*, 33:2 (1999) p. 396.

revealing the organic place of the judiciary within the cultural schema and social imaginary.<sup>211</sup> It is useful, therefore, to examine the kinds of narratives and tropes that judges and magistrates encountered and used to understand the cases before them.

This section examines three kinds of narrative interpretations: (usually working class) male brutality, female provocation, and unchained male violence. Similarly to the news media's characterization of intimate violence explored in the next chapter, these were highly stereotyped ways of understanding and negotiating husbands' violence to wives. Each identified a "cause" for violence that needed to be tackled. The trope of male savagery located abnormal masculinity as the intractable problem. Provocation legitimised victim blaming by marking deviant femininity as the cause. Unchained male violence blamed external factors for breaking men's self-control, thus diminishing their responsibility. Of the three, the trope of male savagery posed the least danger to battered women, since it at least recognised that abusers were responsible and encouraged punishment and intervention. The tropes of provocation and unchained male violence were more problematic. The former legitimised abusers' ways of thinking by justifying their violent punishments and coercion. The latter mirrored abusers' own estrangement from their violent acts, validating their refusal to take responsibility. Both questioned the need or desirability of punishment, intervention, or even condemnation of husbands' violence. As a result, the ways that the judiciary and magistracy interpreted violence against wives is vital to understanding the institutional and social underpinnings of wife battery.

These tropes were not impervious to the effects of the war. There was a good deal of continuity between the pre-war and post-war periods, but it is evident that the war gave ample motivation to strengthen them. Their narrative appeal and simplistic assessments resonated all the more in the uncertain circumstances of wartime and post-war Britain, and their development exhibited the judiciary and magistracy's adaptation to the social exigencies and anxieties of their time. Concerns of gendered social breakdown, of plagues of male

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<sup>211</sup> Ibid., p. 396.

violence, of female sexual deviance strengthened the applicability of these tropes.<sup>212</sup> Through them, the judiciary outlined the developing social hierarchy as servicemen and ex-servicemen enjoyed a new centrality in British society, and women's bodies and behaviours came under intensified scrutiny. As ever, judges and magistrates were the arbiters of acceptable and unacceptable behaviour, and their judgments performed as the enactment and enforcement of social norms upon wayward bodies.

One of the most prominent narratives used by the judiciary to understand wife battery and wife murder was that of savage, usually working-class, manhood. This interpretation identified a villain, the brutal working class husband and a victim, an innocent and socially normative victim. While Annmarie Hughes has criticized this trope for demanding that victims adhere to submissive and passive feminine norms for sympathy,<sup>213</sup> it at least established the perpetrator rather than the victim as the responsible party. From a moral perspective, it made room for the element of choice and so indulged older judicial notions of wilful criminality.<sup>214</sup> At the same time, ideas of the savage proletarian male resonated with the new, scientific notions of determinism that found some popularity within the judiciary.<sup>215</sup>

This imagery firmly blamed the abusive husband for his violent act: it was his indulgence of abnormally violent masculinity that was held responsible, rather than any external factor. But this abnormality was dependent upon the transgression of the cultural rules of violence: as Newton Garver has made clear, violence must constitute a violation to be considered violence.<sup>216</sup> A certain level of violence against wives was commonly accepted where it was corrective or provoked by the victim, and so where judges railed against violent husbands, it was because that aggression was considered to be so extreme or meaningless that it was

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<sup>212</sup> Susan Kingsley Kent, *Making Peace: the Reconstruction of Gender in Interwar Britain*, (Princeton, NJ, 1993); Jon Lawrence, 'Forging a Peaceable Kingdom: War, Violence, and Fear of Brutalization in Post-First World War Britain', *The Journal of Modern History*, 75:3 (2003), pp. 557-589; Billie Melman, *Women and the Popular Imagination*, pp. 18-19.

<sup>213</sup> Annmarie Hughes, 'Representations and counter-representations of domestic violence on Clydeside between the two world wars', *Labour History Review*, 69:2 (2004), p. 181.

<sup>214</sup> Martin Wiener, *Reconstructing the Criminal: Culture, Law, and Policy in England, 1830-1914*, (Cambridge, 1990), pp. 5-12.

<sup>215</sup> Wiener, *Reconstructing the Criminal*, pp. 10-12.

<sup>216</sup> Newton Garver, 'How to think about violence', *Humanist*, 32:1 (1972), p. 39.

transgressive. It went beyond the “normal” or “acceptable” use of male violence. The brutal wife beater was thus described as disproportionate, needless, or even senseless in his behaviour. However, when judges and magistrates denounced brutal husbands’ violence as socially transgressive, deviant and criminal, they in turn imposed a middle class patriarchal order upon the wayward working class male (that nevertheless refused to completely rejected violence against wives).<sup>217</sup> The judiciary were, in their condemnation of IPV in terms of perpetrators’ savagery, disseminating and enforcing normative middle class values regarding masculinity, marriage, and violence.

However, this caveat should not be thought to completely undermine the importance of public official rejection of abnormal violence against wives, since it still served to define some types as transgressive. For instance, in June 1914, Alderman Feldman listened incredulously to a husband’s explanation that he had beaten his wife because of her drunkenness. He asked, ‘Do you think it is humane to strike a woman?’<sup>218</sup> This disgust at marital violence was echoed by Lord Merrivale in 1927 as he granted a decree of judicial separation to Elsie Blakeborough on grounds of cruelty, as he railed, ‘the husband had used force which no husband should use’.<sup>219</sup> He made it clear that this kind of violence was not a part of the repertoire of problem resolution that he felt was appropriate within marriage. Lincoln magistrates reiterated this sentiment in 1938. Henry Jackson was accused of inflicting grievous bodily harm on his wife, and Mr Laird, prosecuting, stated that ‘What happened between a husband and wife was a private matter, but not when it became so bad that the police had to intervene.’ His violence was uncalled for: his excuse that he was punishing his wife for her drunkenness was nixed by his own inebriation, and his claim that he was defending himself was invalidated because he kicked his wife as his daughter tried to protect her. As he sentenced him to a month’s hard labour, the chairman remarked that ‘he had used

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<sup>217</sup> Wiener, *Reconstructing the Criminal*, p. 53; Martin Francis, ‘The Domestication of the Male? Recent Research on Nineteenth- and Twentieth-century British Masculinity’, *The Historical Journal*, 45:3 (2002), p. 638.

<sup>218</sup> *Hull Daily Mail*, 3 June 1914 p. 5.

<sup>219</sup> *Yorkshire Post and Leeds Intelligencer*, 25 February 1927 p. 6.



considerable brutality towards his wife.’<sup>220</sup> In 1925, Nottingham magistrate Sir Thomas Shipstone sent George Broughton to prison for six months for the aggravated assault of his wife. Hearing that George slept with a coal hammer in the bedroom to ‘terrorise’ his wife, he said, ‘You are one of the worst brutes that has ever stood in the dock since I have been a magistrate.’<sup>221</sup> His violence was purposeless and sadistic, marking him as a savage. The magistrates at Chesterfield police court had a similar opinion of Albert Yates, whose wife was so frightened the assistant clerk gave evidence for her in 1923. The Chairman Mr Markham told him, ‘You have been a regular brute to this woman... You have hammered her... and are not fit to have a decent woman to live with you.’<sup>222</sup> These men exhibited disproportionate violence to their wives that established them as patriarchal deviants. Where violence was unnecessary or excessive, magistrates and judges constructed wife batterers and murderers as an outgroup. Alienated from the core of respectable masculinity, such men found it difficult to persuade the judiciary that their violence was normal or justified.

Interestingly, this trope changed little in response to the war, having little reason to develop much further. Cultural fears of male brutalisation were not used by judges and magistrates to further this trope, although service could lead the judiciary to reconsider the extent of a violent husband’s transgression, whether because of altered judgments of female behaviour or ideas of war trauma (see below). Instead, some magistrates saw war service as amplifying the abhorrence of wife battery. Though Eric Dean has argued that notions of trauma could create violent ex-servicemen as frightening, it seems that in the case of wife batterers, it gave magistrates and judges another standard by which to alienate them from normative masculinity.<sup>223</sup> In 1915, fining Thomas Gregson five shillings for assault, the chairman of the Burnley Bench told him that ‘it was a disgraceful thing to hit a woman, much more so a man in uniform.’<sup>224</sup> The same year, Mr Clancy, magistrate at a Liverpool police

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<sup>220</sup> *Lincolnshire Echo*, 15 July 1938 p. 5.

<sup>221</sup> *Aberdeen Journal*, 17 August 1925 p. 8.

<sup>222</sup> *Derbyshire Times and Chesterfield Herald*, 29 September 1923 p. 13.

<sup>223</sup> Eric Dean, Jr., ‘War and psychiatry: examining the diffusion theory in light of the insanity defence in post-World War I Britain’, *History of Psychiatry*, 4 (1993), p. 68.

<sup>224</sup> *Burnley News*, 8 May 1915 p. 5.

court expressed his disgust at Thomas Jackson's behaviour. Thomas had struck his baby while trying to strike his wife. He said, 'I wish I had the power to order you to be flogged. You are a disgrace to your manhood and a disgrace to the uniform you wear.'<sup>225</sup> Indeed, the second magistrate inveighed, 'You are worse than the beasts of the field.'<sup>226</sup> Far from proving Thomas' good character, military service only threw his dishonourable violence into sharp relief. While some portions of the judiciary participated in offsetting violence against soldier's social and moral credit, others refused entirely. In 1918, sentencing Robert Smith for assault, Sheriff Graigies said that 'he entirely agrees with the opinion of the English judges that meritorious military service should not be a factor in excusing crime.'<sup>227</sup> Such magistrates saw that defendants' service gave them every advantage to overcome and control their violent nature, and so refused to consider it as evidence of good character. Thus, service may have been a marker of social credit, but it was overwhelmed by the brutality of their crimes. Regardless of their circumstances, wife batterers who were identified as savage brutes were socially alienated by magistrates and judges, and their normativity in other fields could do little to mitigate against that.

This meant that their behaviour became an actionable transgression as it was enacted without social consent, as they were understood to have chosen their behaviour and could not claim provocation. The violence of these men went beyond chastisement or correction, and so could not be deemed a real expression of patriarchal authority. Garver states that aggression must be deemed a violation in order for it to be properly termed violence.<sup>228</sup> This stopped well short of promoting 'the adoption of a reasonable non-violent masculine identity':<sup>229</sup> these men's behaviour was condemned, certainly, but that was because their violence went against normative social values. However, judges and magistrates decided how to assign blame depending on whose deviance (the perpetrator's or the victim's) was the

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<sup>225</sup> *Liverpool Echo*, 12 June 1915 p. 4.

<sup>226</sup> *Liverpool Echo*, 12 June 1915 p. 4.

<sup>227</sup> *Daily Record*, 12 March 1918 p. 4.

<sup>228</sup> Garver, 'How to think about violence', p. 39

<sup>229</sup> Hughes, 'The 'Non-Criminal' Class', p. 41.

greater and thus who was responsible for the husband's violence. As shall be seen below, there were plenty of circumstances that justified and sanitized violence against wives. Thus, by marking savage husbands as outcasts, the social structures and cultural schema that underpinned violence went uncontested.

As Shani D'Cruze *et al* have argued regarding both modern and historical murder, the condemnation of violent individuals is founded on 'the presumption of the murderer as "the other"', that betrays a 'readiness to label them as monsters or madmen ... nevertheless capable of intending their behaviour.'<sup>230</sup> The contexts of patriarchal power structures, expectations of intimate gender roles, and the potential for socially destabilising aspects of victim deviance all create a peculiar circumstance where even a murderous husband can be imagined as being "reasonable" and so "like us" because provocation is defined by ideas of how a reasonable man might act.<sup>231</sup> However, 'for a court to accept provocation ... means some level of acceptance of male proprietoriness and of the subordination of (particularly female) intimates to patriarchally defined ideas of domestic obligation.'<sup>232</sup> This represents a judicial complicity in and enactment of a social schema that vilified female insubordination rather than male control, and which prioritised this over problematizing the infliction of bodily harm within the marital union. This is evident in the judicial habit of decriminalising, minimising and trivialising intimate partner violence (IPV) which ensured the liminalization of this act between crime and order.

Men who could claim to be provoked by a bad woman were well placed to "justify" their violence. Whereas the interpretation of husbands' brutality saw the aggressor as an abnormal element, narratives of provocation made the victim the responsible offender. Provocation was commonly phrased through female gender deviance (such as slatternliness, disrespect for family hierarchies, or more commonly sexual unfaithfulness). As Ann-Marie Hughes has demonstrated for Scottish judges, 'the definition of what constituted a 'violent

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<sup>230</sup> Shani D'Cruze, Sandra Walklate, and Samantha Pegg, *Murder: Social and Historical Approaches to Understanding Murder and Murderers*, (London, 2006), p. 42.

<sup>231</sup> D'Cruze *et al*, *Murder: Social and Historical Approaches*, p. 44, 110.

<sup>232</sup> *Ibid.*, p. 110.

man' and the relationship between violence and masculinity were problematic, flexible and mutable.'<sup>233</sup> Provocation allowed violence to be interpreted as an adequately motivated or even baited act, and deflected responsibility on to the victim. This made space for sympathetic judicial understanding for aggressors. Inclining toward sequential understandings of husbands' violence, with a clear trajectory from female misbehaviour to male violent response, such abuse was not understood as a controlling behaviour but as an easily foreseen result of female misbehaviour. As a result, magistrates and judges tended toward mercy where the victim was considered responsible.

For instance, in 1921 Clerkenwell magistrate Mr Symmons, hearing an application for a separation order on the grounds of cruelty against an allegedly unfaithful wife, lamented that 'he had invariably found that where a man knocked his wife about it was the wife's fault.'<sup>234</sup> He went on to identify female subversion of the domestic patriarchal structure as the problem: 'A man...is no longer the master in his house. A woman promised to love, honour and obey, but obedience could not be enforced.'<sup>235</sup> Though an extreme example, his comments highlight a trend within the judiciary and magistracy to diminish an attacker's responsibility if the victim could be imagined as socially deviant. Again in 1921, Mrs Wingfield complained of her husband Sidney's assault on her, describing how he 'came home, knocked her on the floor, knelt on her, and beat her with his fist' so viciously that their landlord implored her to leave him. Sidney deflected blame, and described his wife's extensive shortcomings to magistrates, which ranged from nagging to ingratitude, to neglectful motherhood, to an over-devotion to her interfering mother. The magistrates had no sympathy for the victim, and they treated this summons for assault like an application for a separation order. Rather than prosecuting or binding him over, they adjourned for eight weeks and 'arranged for the Court Missionary to interview the parties with the view of getting them together again.'<sup>236</sup> For these magistrates, Mrs Wingfield's own behaviour was the trigger of

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<sup>233</sup> Hughes, 'The 'Non-Criminal' Class', p. 38.

<sup>234</sup> *Observer*, 13 February 1921 p. 15.

<sup>235</sup> *Ibid.*

<sup>236</sup> *Handsworth Herald*, 10 September 1921 p. 5.

Sidney's violence, and this decriminalised his act from assault to a marital quarrel. Indeed, in 1923 a Thames magistrate interrupted a hearing of wife assault to remark, 'A woman's tongue is worse than a man's fist. After being here for four years, I am satisfied almost all the trouble arises through a woman's tongue. As soon as they open their throttles they go for all they are worth'.<sup>237</sup> In such cases, magistrates blamed victims, as they were made responsible for ensuring their own safety by behaving as good and submissive wives. This completely misinterpreted IPV as an automatic action of male frustration, or as a necessary form of chastisement. Without understanding violent husbands' sense of entitlement over their wives' behaviour and bodies as a problem, such magistrates only condoned their motivations, and their judgments acted as warnings to other women 'of the forms of retribution they might expect for transgression.'<sup>238</sup>

Consequently, some magistrates and judges were ready to take female misconduct as mitigation for incredibly serious assaults. In 1922, Levi Smith stood trial for the attempted murder of his wife. She had had an affair with his brother, and so he 'struck his wife with a sheath knife, chased her when she ran away... and saying they would die together inflicted a wound four inches long in her throat' before trying to commit suicide. At trial, Mrs Smith claimed 'it was all her fault, and she was heart-broken'. Justice Lush commended her candour and summed up that 'the case [w]as a terrible one, revealing terrible provocation.' The jury were swayed by her admission of provocation and responsibility, and found Levi guilty of the lesser crime of unlawful wounding and recommended him to mercy 'on account of the provocation'. Justice Lush enforced this sympathy with a low sentence: 'In these special circumstances, and in view of the fact that the man had already been in custody for four months, his Lordship passed a sentence of three months' imprisonment.'<sup>239</sup> He had enacted as justice the very excuses abusive husbands used to control and punish their victims.

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<sup>237</sup> *Dundee Evening Telegraph*, 5 September 1923 p. 6.

<sup>238</sup> Marie Meyers, *News Coverage of Violence Against Women: Engendering Blame*, (London, 1996), p. 112.

<sup>239</sup> *Derby Daily Telegraph*, 14 November 1922 p. 3.

The importance of this trope was magnified by the circumstances of war. Female infidelity became a very real concern as women were left unattended by their husbands and enjoyed a limited entry into previously male-dominated work places. This fear of female infidelity is evident in the government's efforts to police soldiers' wives sexuality, and to deny soldier's separation allowance to unfaithful wives.<sup>240</sup> Wives played a vital role in the emotional welfare of their serviceman husbands, their love and fidelity offering comfort for them at the front.<sup>241</sup> Infidelity represented a betrayal of the husband, and the cause he served.<sup>242</sup> The judiciary and magistracy enforced these sentiments in the courts, issuing separation orders and divorces to cuckolded men, while taking the opportunity to lambast unfaithful wives. During a 1918 divorce case with grounds of female infidelity, Justice Horridge commented that 'it was perfectly shocking that as soon as a man went away to serve his country, the wife should go away with another man.'<sup>243</sup> With a seeming epidemic of infidelity, the cultural schema was very receptive than ever to female provocation as an explanation for IPV. Though supposedly concentrating on the case at hand, judges and magistrates were informed by the social anxieties of their time, and so judgements on wife battery and wife murder can offer a window into the judiciary's attitude to contemporary developments.

This is no clearer than in Justice Aitkin's treatment of Henry Stephen Canham who stood trial for killing his wife Gladys in 1918. While he was serving abroad, Gladys was unfaithful, going out at night with other men, and allegedly leaving their baby with 'anyone who would look after him'. In France, Henry received letters from concerned neighbours describing Gladys' 'immoral' behaviour and inconstancy. When he was on leave, she revealed to him in bed that she may have contracted venereal disease. He calmly picked up his gun and fatally shot her twice in the heart. He told the police, 'I shot her with my service revolver. I only

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<sup>240</sup> Susan Grayzel, *Women's Identities at War: Gender, Motherhood, and Politics in Britain and France during the First World War*, (Chapel Hill, NC, 1999), p. 129.

<sup>241</sup> Michael Roper, 'Nostalgia as an emotional experience in the Great War', *The Historical Journal*, 54:2 (2011), p. 434

<sup>242</sup> Grayzel, *Women's Identities at War*, p. 156.

<sup>243</sup> *Yorkshire Post and Leeds Intelligencer*, 6 March 1918 p. 7.

consider I did my duty as I did in France.'<sup>244</sup> Gladys' infidelity and her lax motherhood tapped into prevalent anxieties about unattended womanhood,<sup>245</sup> and her alleged venereal disease chimed with disquiet regarding the infected female.<sup>246</sup> While her behaviour was transgressive, Henry's war service established him as a hero. Lieutenant Cuffley provided evidence of his good character, describing him as 'everything that could be expected of a soldier.'<sup>247</sup> He was a hero serving his country, and Gladys was constructed as disgusting and dangerous. This moralisation bolstered his claim of provocation.

However, he was not entitled to this claim. English and Welsh case law recognised a wife's (but not a husband's) infidelity as a provocation that could lessen a charge from murder to manslaughter, but this was time-limited. To qualify, the fatal violence had to occur in the exact moment that a man either found his wife physically engaging in infidelity or the exact moment she orally revealed her unfaithfulness. Henry did not qualify because he already knew about Gladys' rumoured infidelity, and the transmission of venereal disease was not an eligible cause.<sup>248</sup> Yet Justice Atkin, likely informed by contemporary cultural circumstances, considered Henry to qualify, and the defence of provocation was implemented despite of the legal shortcomings.

At his trial, Justice Atkin directed the jury to find Henry not guilty of murder. When sentencing for manslaughter, he stated that 'It does not surprise me that, in the bitterness of your disappointment at the departed hopes of a happy life, and in the impulse of the moment, you took this woman's life. These circumstances are such that it is my duty to regard them as

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<sup>244</sup> *The Times*, 3 January 1918 p. 3.

<sup>245</sup> Susan Pedersen, 'Gender, Welfare, and Citizenship in Britain during the Great War', *American Historical Review*, 95:4, (1990), p. 986.

<sup>246</sup> P. Levine, *Prostitution, Race and Politics: Policing Venereal Disease in the British Empire*, (London, 2003) pp. 163-165. The British government had waged vast campaigns against the spread of venereal disease among its troops, introducing increasingly severe measures against women in particular. Regulation 40D, for instance, made it an offence for a woman with VD to solicit or have sex with servicemen, a crime punishable by imprisonment with or without hard labour.

<sup>247</sup> *The Times*, 1 February 1918 p. 3.

<sup>248</sup> Justice Avory told the jury judging George Harman for murder that, 'as a matter of law the fact of the deceased woman having communicated a venereal disease was not a provocation that would reduce the killing of her from murder to manslaughter, even though it was followed by some aggravating or insulting words.' (*The Times*, 6 March 1918 p. 3.)

circumstances of mitigation'.<sup>249</sup> Atkin was implementing the 'domestic discount', whereby the criminality of men's violence to their intimate partners was minimised, trivialised and decriminalised.<sup>250</sup> His tremendously lenient sentence is an extreme manifestation of this. He said, '...I have to inflict punishment such as a reasoned and instructed public opinion will believe is fitting to the case, and I believe that no body of instructed men would believe that punishment in a sense of imprisonment is fitting to this case. I shall order you to be bound over to come up for judgment if called upon.'

This incredibly lenient sentence is visibly demonstrates how IPV was judged by its motivation rather than its results. As D'Cruze *et al* have argued, 'different murders have different meanings',<sup>251</sup> and Gladys' deviance fundamentally altered the meaning of this killing in Justice Atkin's eyes. The war had heightened the standards by which the voiceless victim was tried for her involvement in her own killing, and Atkin thus enforced the cultural schema accepted female deviance as an acceptable motivation for violence.

A similar expression of judicial corroboration of abuser's behaviours can be seen in the case of Private Ernest Gorton, who killed his wife Blanche in 1917. Ernest was violent from the outset of their marriage in 1909. When he joined the army and was sent abroad, Blanche engaged in several affairs. In his deposition, one of her lovers, James Warburton, stated that she had told him that Ernest was so violent that one of his beatings caused her to miscarry.<sup>252</sup> In her letters to her husband, she wrote, 'If you should come home I will not put up with your cruelty any more. I have had more than my share... Don't come home angry. I simply dread you ever coming home.'<sup>253</sup> On the day of her murder, Ernest intercepted a letter from James to Blanche. He angrily stewed for hours, and he told Blanche's aunt that 'I know now why she wants me away... I will either make or break her.' When the aunt told him to

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<sup>249</sup> *The Times*, 1 February 1918 p. 3.

<sup>250</sup> D'Cruze *et al*, *Murder*, p. 107.

<sup>251</sup> *Murder*, p. 126.

<sup>252</sup> The National Archives (TNA), ASSI 52/268 Assizes: Northern Circuit: Criminal Depositions and Case Papers, Murder: Gorton, Ernest, 1917, Exhibit 18 Deposition of James Jarvis Warburton, 20 October 1917.

<sup>253</sup> TNA, ASSI 52/268 Assizes: Northern Circuit: Criminal Depositions and Case Papers, Murder: Gorton, Ernest, 1917, Exhibit No.14, Letter from Blanche Gorton to Ernest Gorton, 5 June 1916.



think of his children, he ominously replied that 'somebody will be good to them', foreshadowing his arrest.<sup>254</sup> When Blanche returned from work, Gorton followed her into the house where he had slashed her throat with his razor, almost decapitating her.

The prosecution took pains to show that Ernest was disbarred from claiming provocation. For the prosecution, Mr Langdon said, 'There can be no doubt...that the prisoner had coldly reflected on his purpose. ... The prisoner may have been intensely and reasonably jealous, but jealousy is no answer and no defence to the crime of murder.'<sup>255</sup> The prosecution pushed for a murder conviction, adamant that Ernest had full control of his faculties, and had malice aforethought. For the defence, Mr Brocklehurst emphasised Blanche's responsibility for Ernest's violence: 'This man...found his honour besmirched, his household wrecked, his children forgotten. ...The whole foundation of the household was tumbling about his head – a desecrated home.'<sup>256</sup> Just like Gladys Canham, Blanche's lasciviousness de-victimised her and recreated the killing as a provoked, mitigated act.

The jury returned a verdict of manslaughter with a strong recommendation to mercy. The law on provocation did not entitle him to this, and yet it was made possible by the contemporary cultural resonance of his story with fears of soldiers' wives' infidelity. Juries were and are constituted with lay men, reliant upon the guidance of a judge. This makes Justice Shearman's sentencing so revealing as it pointed to his commitment to the domestic discount. He had the option to issue a sentence up to life imprisonment. Instead, he awarded Ernest just five years, saying 'I quite approve of the verdict.'<sup>257</sup> The finding of manslaughter instead of murder was questionable, and yet Shearman approved of the jury's indulgent finding. His lenient sentence evidences his agreement with abusers' belief in their right to control and punish bad wives. Undoubtedly, this case resonated with the cultural priorities

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<sup>254</sup> TNA, ASS1 52/268 Assizes: Northern Circuit: Criminal Depositions and Case Papers, Murder: Gorton, Ernest, 1917, Deposition of May Ellam.

<sup>255</sup> *Manchester Evening News*, 22 November 1917 p. 2.

<sup>256</sup> *Manchester Evening News*, 22 November 1917 p. 2.

<sup>257</sup> *Manchester Evening News*, 22 November 1917 p. 2.

and anxieties of wartime society, and reinforced the power of female transgression to mitigate or even decriminalize violence against wives.

In interpreting provocation as an explanation for male violence, the judiciary and magistracy reflected abusers' own black and white moral standards. In identifying a "bad" victim, they condoned the thought processes of the very men they judged. By accepting violent husbands' motivations as justification or mitigation, judges and magistrates were making public statements about what was and what was not acceptable behaviour for married women. The circumstances of war magnified the impetus to condemn female infidelity, leading to an even stronger alignment between abusers' rationalisations and the professional exercise of justice. Consequently, victims were made responsible for their husbands' violent conduct.

In contrast to the tropes of savagery and provocation, there was no easily identified villain at all in narratives of unchained male violence. This interpretation did not interrogate the motivations of perpetrators or victims, but looked for external causes. Problems like unemployment, family strife, drink and mental illness were all used to help explain breakdowns in self-control. Violence was imagined to erupt with little to no conscious intent, diminishing defendants' agency. Indeed, judges and magistrates often referred to the defendant's normal or exemplary behaviour in other areas of his life to demonstrate how atypical his violence was. However, this again mirrored abusers' own rationalisations. They often described a loss of temper or losing their head, thus distancing themselves from responsibility for violent behaviour and masking its purposeful nature. Adam Edward Jukes's work on modern abusers has pointed out that violent men dissociate themselves from their abusiveness by imagining it as the behaviour of a Hyde character, 'whether this is subjectivised as a 'bad temper' or uncontrollable impulses or rage, or as brought on by drink or drugs or stress.'<sup>258</sup> Judges' and magistrates' participation in this thinking thus expressed a complicity in a cultural schema that distanced the perpetrator from the violent act.

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<sup>258</sup> Adam Edward Jukes, *Men Who Batter Women*, (London, 1999), p. 56.

This is especially clear in cases apparently fuelled by alcohol. Drink was commonly accepted in courts as a brutalizing agent, and Hughes has demonstrated that ‘drunkenness and the effects of alcohol permeated domestic assault cases ... into the twentieth century’ in Scotland,<sup>259</sup> and English courts were affected by this, too. In 1925, Willie Armstrong was summoned for threatening his wife who had left him due to his alcoholism. She alleged he had drunkenly hit her and threatened to ‘make a box of cold meat out of her’. She blamed drink herself, and the magistrates agreed. ‘The Chairman explained to defendant the harm he was doing himself, his home and his family by drinking to excess, and got from him a promise to leave it alone.’<sup>260</sup> The case was dismissed, writing off Willie’s violence as the outcome of drink. In 1931, John Leach was summoned before magistrates for assaulting and threatening to kill his wife Mabel. The assaults had been intense: he threatened to stab her when drunk, and when she tried to run away he chased her, pulled her back and punched her in the face. The Bench found the case proved but decided against imprisonment, and instead gave him a suspended sentence with a requirement not to enter a public house. They did not recognise this as a cycle of abuse that correlated to John’s drinking, but as evidence of the ruin of drink. Believing that the removal of this agent would ensure Mabel’s safety, they dissociated John from his actions when they told him, ‘Drink was his enemy.’<sup>261</sup> This way of thinking was evident later in 1934, when magistrates of Yeovil petty sessions granted Mrs Boucher a separation order against her violent drunken husband for persistent cruelty. Sentencing him for assault also, the Chairman shaped his punishment to encourage sobriety: he was to enter the Bristol Church Army Home, was banned from entering pubs, and told to abstain from alcohol. They hoped that by distancing him from alcohol, he might ‘make good again, and that your wife will be able to take you back.’<sup>262</sup> These magistrates were convinced that alcohol was a brutalising, and that abstinence could save or revive a violent marriage. For

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<sup>259</sup> Hughes, ‘The ‘Non-Criminal’ Class’, p. 39.

<sup>260</sup> *Bury Free Press*, 20 June 1925 p. 10.

<sup>261</sup> *Western Morning News*, 17 March 1931 p. 4.

<sup>262</sup> *Western Gazette*, 3 August 1934 p. 3.

these magistrates, alcohol weakened men's self-control over their violent potential, and the problem, therefore, was not a man's conscious decision to assault, but the effect of drink.

The narrative of unexplained male violence was embellished by the circumstances of war as well. Shell shock entered into the common frame of reference, as 'the return of disturbed veterans will create widespread awareness of mental health issues.'<sup>263</sup> Consequently, judges and magistrates started to consider war experiences when assessing criminal responsibility. This was part of a broader trend across different types of crimes whereby the role of trauma was considered, and it was a logical progression of the judiciary's consideration of mental illness. However, in the case of wife battery and wife murder, war trauma could dissociate a perpetrator from his actions where a motive was difficult to discern, or where violent anger seemed to have erupted without cause. The spectre of shell shock loomed large, and the connection between trauma and subsequent violence was a fairly simple association to make when motivation was difficult to identify. Although Dean has suggested that where ex-servicemen were not provoked they were subject to an 'alarmist attitude' regarding insanity,<sup>264</sup> it is apparent that insanity could provide an explanation that did not disrupt husbands' authority. Like alcohol, war trauma was given a transformative element capable of diminishing a man's self-control and creating him almost as a violent automaton, bolstering this decriminalising narrative.

This is no clearer than in Justice Shearman's treatment of Arthur Robert Canham in 1924 when he stood trial for murdering his wife Selina. They had been married almost twenty years but not happily. Arthur had been a career soldier, having joined in the Second Boer War and serving intermittently until the end of the First World War. A major source of contention was Arthur's lacklustre performance as a breadwinner. By 1924, he had been out of work for two years. He was in receipt of a pension, but it was rare that Selina or their four children ever benefitted from this. Instead, Selina worked to support herself and the children.

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<sup>263</sup> Dean, 'War and Psychiatry', p. 63.

<sup>264</sup> *Ibid.*, p. 68.

In court, Arthur's son described being hit by his father as he intervened when his father was trying to strangle his mother, and he described how he threw the children's toys on the fire when they were making too much noise.<sup>265</sup> About a week before the killing, Selina had gone to the police court about Arthur's behaviour, and had been referred to a Police Court Missionary. On the morning of the killing, Arthur had returned from his unsuccessful search for work, and Selina refused to prepare him breakfast. Arthur described what happened next: 'When I came home there was no breakfast and my wife told me to clear out. I lost my temper and struck her [nine times] with a hammer which was lying on the dresser. I had no intention of killing her.'<sup>266</sup> He then took her body upstairs, stuffed it into a cupboard and tried to gas himself before his daughter and the police discovered him.

At his trial, things did not look so favourable for Arthur. His wife was a paragon of longsuffering wifely virtue, while he was a failed breadwinner and a selfish brute to boot. The prison doctor had found him to be sane, contrary to his claims that 'my head has been very funny'.<sup>267</sup> During the First World War he had only served in training camps and never seen action, which meant he could not really claim recent shell shock.<sup>268</sup> Selina had sought the protection of the courts as well, indicating that his violence and non-maintenance was a long-standing problem and his son spoke in court against him.

As in Ernest Gorton's trial, Justice Shearman expressed remarkable ambivalence. On the one hand, in summing up to the jury, he made it clear that they should consider that a man should expect the reasonable consequences of his actions. On the other hand, he reminded them of Arthur's exemplary war service and the hard times on which he had fallen. He called on the jury to assess whether Arthur was guilty or not, and then whether he was

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<sup>265</sup> TNA, HO 144/20627, Criminal Cases: Canham, Arthur Robert, Deposition of Arthur James Charles Canham, 7 November 1924.

<sup>266</sup> *The Times*, 16 December 1924 p. 11

<sup>267</sup> TNA, HO 144/20627, Criminal Cases: Canham, Arthur Robert, statement of Arthur Robert Canham,

<sup>268</sup> TNA, HO 144/20627, Criminal Cases: Canham, Arthur Robert, Home Office notes, 18 December 1924.

guilty of murder or manslaughter.<sup>269</sup> The jury – all male – found Arthur guilty with no recommendation to mercy.

Justice Shearman, however, was intent on showing mercy. When sentencing, he unusually recommended Arthur to mercy himself, stating that, 'In my view this man's moral self-control has been broken down by his War service and misfortunes. I agree with the verdict but I bear in mind and I shall so report my own view to His Majesty's Secretary of State.'<sup>270271</sup> This offers an insight into the way that the domestic discount could be bolstered by the externalisation of causes of violence. It is not just a question of whether the action was wrong or criminal, but the motivation that is assessed to see if a reasonable man would have behaved the same way in that situation. Arthur's massive over-reaction was unreasonable, but instead of holding him responsible, Shearman identified the war as the external trigger. He did not consider the attack as the culmination of Arthur's increasingly violent, controlling behaviour, nor as the fatal expression of control as Selina finally tried to break from him. Instead, he identified the war and economic misfortunes as the factors that unleashed his violent potential. Echoing attitudes to alcoholic wife battery, this recreated violence as an emotional, expressive act stemming from a fault of self-control. The war thus provided an easily identifiable moment of change to account for husbands' lack of self-discipline, reinforcing the false assumptions that supported the domestic discount. It created the man as the victim of his war experiences, diminishing his transgression by appealing to his transformative suffering.

Like the trope of provocation, the judiciary's and magistracy's use of the trope of unchained male violence was problematic. It separated violent men from their actions, effacing their intentions and the purposefulness of their behaviour. This legitimised violent

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<sup>269</sup> TNA, HO 144/20627, Criminal Cases: Canham, Arthur Robert, Home Office notes, transcript of trial, pp. 23-29.

<sup>270</sup> TNA, HO 144/20627, Criminal Cases: Canham, Arthur Robert, Home Office notes, transcript of trial, pp. 29-30

<sup>271</sup> For a judge, this term hints at moral insanity, a precursor of what we might psychopathy today and this was certainly a term with which Shearman would have been familiar. Yet, the prison doctor made it quite clear that Arthur's mental state was perfectly normal.

men's own excuses for their behaviour, and lessened their criminal responsibility. This affected the administration of justice, leading to violent men receiving diminished or indeed no punishment. Moreover, by identifying external factors as the agents of violence, the magistracy particularly underestimated the risk posed by abusive men to their wives and families, thus leading them to promote reconciliation in the hope that the official gaze would persuade an improvement in behaviour. The emergence of shell shock as a "cause" of marital violence was a significant development because it painted a wife batterer as an injured hero, and in this respect, the war helped to develop this trope in a more sympathetic, but problematic, direction.

The developments of these tropes during and after the war indicate the adaptation of the judiciary and magistracy to the socio-cultural exigencies of their time. Their judgments reflected contemporary anxieties, but at the same time they were enacting a culture that all too often condoned the motivations, reasoning and excuses of abusers. In this respect, judges and magistrates could legitimate abuse and reinforce its place in the social order. Judges and magistrates held enormous power over battered wives and their abusers, and all too often, they judged IPV in terms of what it meant for the health of the marriage, which partner was really responsible, and whether men really intended to commit their violent act. Indeed, for each of the interpretative narratives surveyed, the leading factor is how and why violence disrupted the institution of marriage, giving ample room for discretion as IPV was imagined and treated very differently from other forms of assault, as will be explored below. With the capacity to define the transgressiveness of husbands' violence, judges and magistrates judged the behaviour of both husbands and wives against their own particular standards, leaving room for condemnation, condonation, and sympathetic discretion. It is this power over the issue of marriage and violence within marriage that belies the problematic status of wife battery and wife murder in the judicial culture.

### The liminality of violence against wives as a transgression

The liminality of IPV as both a problem and a crime rested on the cultural centrality of marriage as an institution. This is best illustrated when considering the role of police courts and petty sessions in managing violent marriages. The Summary Jurisdiction Act of 1895 gave magistrates the power to summarily issue separation and maintenance orders to men and women on various grounds which included desertion, habitual drunkenness, aggravated assault, and persistent cruelty. Marriage had long been a matter for the courts through the judicial direction of divorce, but this was the first time that legal intervention in marriage became so easily accessible to ordinary people. As a result, the rates of applications for separation and maintenance orders climbed steadily over the years, and especially after the war.<sup>272</sup> The system was not perfect, since it maintained the marital tie, which obliged husbands to continue to financially support their wives and required female chastity, preventing both parties from remarrying. All the same, the legislation was quite popular with magistrates who finally had some ability to intervene and proved very popular with working class people who finally had some sort of redress, however imperfect, that was both affordable and accessible.<sup>273</sup>

However, magistrates worked in a bizarre situation where in order for a wife to qualify for a separation order, she would have to prove that violent offences had occurred and that her husband's behaviour was such that it was unsafe for her to cohabit with him further. Magistrates therefore acted on information that established violent offences, and yet the question of criminality and punishment with prosecution did not necessarily arise. Of course, if wives only wanted a separation order and not to press charges, magistrates could do nothing more, but even so, they were recognising violent offences without functionally criminalising it. Therefore the process of summary separation encouraged wife battery to be thought about as different from other kinds of violence, by implementing the domestic discount. Indeed, as will be seen, the judicial and magisterial unease at interfering in violent

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<sup>272</sup> Colin Gibson, *Dissolving Wedlock*, (London, 1994), p. 90-96.

<sup>273</sup> *Ibid.*



marriages, or even contesting husbands' right to use violence against their wives, indicates that Martin Wiener's identification of the Victorian judiciary's 'civilizing' mission was disrupted by the institution of marriage.<sup>274</sup> This meant that magisterial engagement with wife battery through separation applications was centred on the continuation of the marriage rather than the violent crime.

Throughout the period, magistrates were more and more inclined to issue orders, to the extent that some portions of the magistracy were nervous about the damage this might do to the institution of marriage. As George Behlmer has demonstrated, 'magistrates and missionary probation officers showed a growing preference for reconciling rather than separating couples during the 1920s, partly because the law itself was making it easier for poor spouses to leave one another.'<sup>275</sup> At the same time, however, it remained a constant feature of the courts that some women came before magistrates with plenty of evidence to prove that they were assaulted, but found their applications refused or delayed. The integrity of marriage and its importance to the social fabric could not be overlooked, especially in the aftermath of the war when a terror of social breakdown overshadowed the court's operations. Well into the 1930s, the Home Office congratulated London police courts for their high rates of reconciliation for marital disputes. This pointed to the power and authority of magistrates who 'it seemed, might be in a better position to determine a couple's best interest than the couple itself.'<sup>276</sup> However, because magistrates lacked the knowledge to fully comprehend abusers' future risks of violence, nor the will to fully reject violence against wives, IPV remained in a twilight between social order and crime. Consequently, time and again magistrates minimised, trivialised and discounted the assault of wives by their husbands precisely because of the cultural meaning of this sexual relationship.

For instance, in January 1918 Coventry magistrates only bound over Arthur Kirk for six months for his repeated assaults on his wife. She had summoned him for one particular

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<sup>274</sup> Martin Wiener, *Reconstructing the Criminal*, p. 49.

<sup>275</sup> Behlmer, 'Summary Justice and Working-Class Marriage', p. 259.

<sup>276</sup> *Ibid.*, p. 267.

assault, 'when under the influence of drink, he abused her, and getting her near the door tried to strangle her.'<sup>277</sup> This was serious aggression, and yet magistrates were content to settle without imprisonment or a fine. In 1919, Robert Edward Bamber's wife applied for a separation on grounds of persistent cruelty, claiming that she had suffered by his hand throughout their twenty-two years of marriage. 'He had assaulted and threatened her, and had turned her out of the house. He always hit her on the head. ...A neighbour said the language the defendant used to his wife was "not fit for a dog to hear".' Robert claimed that 'he had not done anything to his wife except under provocation', and cited her nagging as provocation. He admitted his violence, yet in spite of the danger that Robert posed to his wife, the magistrates perhaps naively believed his submission to their authority would protect his wife in future: 'Upon defendant promising to treat his wife differently, the case was dismissed.'<sup>278</sup> In 1923, Marcus Gwillam was prosecuted for assaulting his wife so badly that a police officer had to intervene. In court, Police Sergeant Hamblin confirmed that 'Mrs Gwillam had a black eye and her face was terribly cut about; also her body was black and blue.' Although the Bench considered it a 'very bad case', their sentence was not particularly strident at only 14 days' hard labour.<sup>279</sup> In 1925, Dorothy Hogg summoned her husband Robert for persistent cruelty. Having married in 1920, by 1923, Robert had become increasingly violent: 'he had repeatedly assaulted her, striking her, cutting her wrist with a bayonet, with which he threatened to pin her to a door, and threatening to kill the whole household. ...he tried to strangle her', and neighbours confirmed that they had heard these threats, too. Once again, magistrates accepted the reality of these violent acts without functionally recognising their criminality: rather than pursuing a charge of assault, magistrates were satisfied with a separation order.<sup>280</sup> Magistrates were convinced enough to intervene in marriage or to dispense some sort of sentence. But by circumventing assault cases into separation applications, or by issuing only mild punishments, magistrates were

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<sup>277</sup> *Coventry Evening Telegraph*, 24 January 1918 p. 3.

<sup>278</sup> *Lancashire Evening Post*, 31 January 1919 p. 6.

<sup>279</sup> *Gloucester Journal*, 21 July 1923 p. 11.

<sup>280</sup> *Yorkshire Post and Leeds Intelligencer*, 17 June 1925 p. 11.

minimising and trivialising the seriousness of these situations, and the criminality of these men.

The domestic discount was rooted in the ideas of the sanctity of marriage and the permissibility of proprietary aggression, and this is highlighted in cases where the judiciary made the marriage and not violence the centre of their examination. For instance, fashionable actress and good time girl Madeleine Reid Kellet's high profile suit for a judicial separation against her husband Major Reid Kellet on the grounds of cruelty was dismissed by Justice Horridge. Madeleine claimed that he 'took off his Sam Browne belt and lashed me about the waist with it several times.' The Major's defence was that this was 'only once' and that 'he was in a rotten state of nerves.' Justice Horridge was unmoved, judging that Madeleine had failed to keep up her end of the marriage since she refused to spend time with her husband, and had a very close male friend: 'in dismissing the petition, [he] said a woman should realise that when she married a soldier, and took three guineas of his pay, he had the right to speak to her when he came home. ...Of course, he had no right to strike her, but he was undergoing mental excitement and it was an isolated act. Petitioner would be wise if she went back to her husband.'<sup>281</sup> The Major's violence was not acceptable, but his assault neither undermined the marriage, nor posed a serious enough transgression to persuade Justice Horridge to recommend that Madeleine press charges. His violence was assessed not as a criminal event, but as just one flaw that paled in comparison to Madeleine's flippant disrespect for her marriage.

This interrogation of the marriage as a whole when violence was alleged was apparent in the magistrates' courts, too, when in 1920 Derby borough magistrates heard how Sam White had engaged in a series of serious assaults against his wife Matilda. Repeatedly accusing her of having had an affair, one night Sam 'struck her in the eye, blacking it, and also broke a tooth, knocking his wife to the ground.'<sup>282</sup> Matilda's case was damaged,

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<sup>281</sup> *Aberdeen Evening Express*, 21 December 1918 p. 3.

<sup>282</sup> *Derby Daily Telegraph*, 5 August 1920 p. 3.

however, by her unwifely conduct: outrageously, she spent time with other men in the evenings; she humiliated Sam by telling him he was not smart enough for her; she had been in correspondence with her fancy men. The magistrates, far from pursuing the very real bodily harm done to Dorothy, claimed there to have been 'faults on both sides' and dismissed the case.<sup>283</sup> The marriage itself was on trial here, and while Matilda refused to play the part of the devoted wife the marriage could not be considered to be completely broken by Sam's violence. In both these cases, it was the viability of the marriage that was on trial, and though an offence - assault - was considered, it is not the object of the judicial gaze. As Ann-Marie Hughes has demonstrated for Scotland, 'the promotion of marriage could moderate condemnation of wife beating.'<sup>284</sup> In order to respect the sanctity of marriage, battered wives were expected to forgive and forget and even take responsibility for their own assault. The judiciary and magistracy played an active role in enforcing order and conformity within marriage in separation and divorce cases. While often this did mean parting the violent man from his wife, at other times it constituted a minimisation of the very real threat these men posed to the wellbeing of these women. Therefore competing concerns of marital integrity, patriarchal authority, and wives' welfare contributed to the judicial collusion in its decriminalisation, are indicative of the importance of the marriage to social fabric, and the role of the judiciary in supporting gender role conformity.

This decriminalising differentiation of violence against wives from other forms of violence could extend to extreme cases. In a 1933 with strong class overtones, Leo Riordan, a retired fight-lieutenant was summoned by his wife for persistent cruelty and neglect to maintain her. The cruelty itself was hardly minor: 'It was alleged that he had beaten his wife with a dog whip and fastened her up with a dog chain. Mrs Riordan also alleged that her husband sprinkled her with petrol, and tried to ignite it, but she managed to extinguish the match.' Remarkably, Leo admitted this and then theatrically begged to be committed to trial.

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<sup>283</sup> *Derby Daily Telegraph*, 5 August 1920 p. 3.

<sup>284</sup> Hughes, 'The 'Non-Criminal' Class', p. 49; see also, Gail Savage, 'Modern Marriage: Managing Conflict and Enforcing Compatibility', *Journal of Women's History*, 27:2 (2015), p. 178.

However, one of the magistrates, Mr Hollis Walker, K.C., 'advised him to do nothing in a hurry, but to be sensible and think it over.'<sup>285</sup> In spite of the severity of the violence, even a King's Counsel preferred to settle marital cruelty in a non-criminal context. For him, the important thing was to separate the couple to prevent further offences, not to punish the offender. Marriage transformed these violent offences into something quite distinct, requiring special treatment. In consequence, we see that the judiciary would accept the illegality of these offences by issuing fines, binding over, or issuing separation orders, but they stopped short of bringing to bear the full weight of the law.

This liminality dominated the judicial approach to fatal violence against wives, too. The question became whether the defendant ought to be considered guilty, and whether the victim ought to be considered responsible. This left decisions about criminal responsibility open to cultural influences regarding gender, morality and propriety. This promoted the domestic discount and encouraged the use of questionable standards to assess violence within marriage. Intimate relationships encouraged a flexible construction of criminal responsibility and guilt in trials and hearings. For instance, in 1922 war-blinded Arthur Meader battered, tore the hair from, then strangled to death his openly unfaithful estranged wife before trying to commit suicide. Even though Arthur could not claim provocation because he was aware of her infidelity, the coroner stated that 'In the ordinary, every-day meaning of the word I think he had about as much provocation as any man ever had. The wife had been carrying on more or less openly with other men, and had contracted venereal disease.'<sup>286</sup> At the trial, two medical experts confirmed that they believed that Mabel Meader's death was the result of her husband's violence. Justice Branson instructed the jury to find Alfred not guilty of murder and to consider manslaughter only. It took only fifteen minutes for them to find him not guilty. In passing sentence for Alfred's suicide charge, the judge stated that 'from what Meader had gone through, he thought he had been punished

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<sup>285</sup> *Western Gazette*, 4 August 1933 p. 13.

<sup>286</sup> TNA, CRIM 1/205/5, Central Criminal Court: Depositions, Coroner's Report, 12 July 1922.

enough, and bound him over'.<sup>287</sup> His violence was extreme but deemed to be his wife's fault, and so this lenience was a restatement of the social order.

It was not just a commitment to social order that shaped some magistrates' and judges' approaches to this issue. At times, a naivety about marital violence encouraged the judiciary to take a less stern view than they might otherwise. Serious assaults were dealt with more leniently as a result of battered wives' appeals that their husbands be shown mercy. Bonomi *et al* have demonstrated how modern IPV victims are susceptible to abusers' manipulation and can be persuaded to drop charges. By invoking frightening images of life without each other, bonding over happy times, and promising change, abusers can effectively jockey their victims into dropping serious charges, or re-remembering events to reduce abuser culpability.<sup>288</sup> However, because the discourses of wife battery in this period were not nearly developed enough to recognise this, magistrates could take wives' appeals for mercy or withdrawals at face value. For instance, in 1915, Isaac Massey was indicted for feloniously wounding his wife with a knife. His wife appealed for mercy, claiming that 'the trouble and his subsequent assault on her were caused by her own bad temper.' The judge took this into account: he 'pointed out to the prisoner by how little he had escaped being tried for murder and... taking into account what his wife had stated, he would take the merciful course of binding him over'.<sup>289</sup> This was an astonishingly violent crime that could have killed the victim, and yet the judge was informed by her apparent forgiveness and assumption of responsibility. Again in 1915, police became exasperated at both Elizabeth Hawkins for wanting to withdraw a summons for persistent cruelty, and the magistrates for letting her do so. Magistrates accepted her claims that it happened 'only once, and he promised me it shall not occur again', the Chairman replying 'he was glad that the couple had decided to make it up, but the man must be told the Bench only granted the withdrawal ... on the

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<sup>287</sup> *Aberdeen Journal*, 8 September 1922 p. 7.

<sup>288</sup> Amy Bonomi, Rashmi Gangamma, Chris Locke, Heather Katafiasz, David Marton, "'Meet me at the hill where we used to park": Interpersonal processes associated with victim recantation', *Social Science and Medicine*, 73:7 (2011), p. 1058.

<sup>289</sup> *Manchester Guardian*, 14 July 1915

understanding that he would lead a better life.’ Inspector Bird retorted that ‘the man was very violent and knocked the woman about a lot. The police were often called to him.’<sup>290</sup> Wives’ public declarations of forgiveness or public claims of responsibility for their own assault were and are a sign of the depth of psychological and emotional control that abusers exercise. However, some magistrates and judges were culturally unprepared to see such expressions of mercy and wifely forgiveness as a manifestation of abuse rather than the victim’s devotion. Without an adequate framework to understand the processes or seriousness of abuse, the judiciary was as prone to typecasting “forgiving” victims as paragons of wifely virtue as it to advising deviant women to forgive their husbands’ violent transgressions to save their marriage.

Wife battery and wife murder were therefore prone to being re-interpreted and decriminalised and this trend was accelerated by the war. Even though the judiciary were generally fairly eager to protect women from abusive husbands, there was also a trend to hold women to much higher standards than previously. Of course, the law had long required a “guilty” party in separation and divorce cases, even going so far as to expect husbands and wives who had injured each other to reconcile.<sup>291</sup> However, the war introduced a newly accessible factor: war service. In consequence, even wives who had remained sexually faithful and maintained the home properly had to pitch their claims of ill treatment against their husbands’ newly acquired social status and access to trauma as a mitigating factor. The moral credit earned by war service placed abused wives at risk of being labelled unappreciative rather than as victims.

For example, in 1920 Alice Leonard applied for a separation on the grounds of persistent cruelty against her husband of three months, James. He was an ex-soldier, and Alice stated that ‘I think it the fault of the Army... His nerves are out of order and he goes mad at times. When he is in the fits he is neither fit nor safe to live with.’ Alderman Markham, however, did

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<sup>290</sup> *Derbyshire Courier*, 25 September 1915, p. 6.

<sup>291</sup> Gibson, *Dissolving Wedlock*, p. 96.

not have much sympathy. Having established that she had known James had shell shock before the wedding, Markham opined, 'Well, you cannot go and "chuck him up" like this.'<sup>292</sup> The magisterial focus was on a wounded hero abandoned by the woman he loved when he needed her most, not on the naïve, frightened young woman. This was a time of great anxiety about hasty, ill-conceived war marriages that young men and women tried to escape as soon as the going got tough. Newspaper columns were filled with horror at the rising rates for separation and divorces,<sup>293</sup> the Houses of Parliament heard grumblings on fickleness of post-war youth,<sup>294</sup> and more conservative organisations like the Mothers' Union expressed their staunch opposition to measures that would make divorce easier.<sup>295</sup> Alderman Markham's terse assessment of Alice's desire to separate must be considered in this context of extreme anxiety. She was one of many flighty wives abandoning their hero husbands when they found that marriage was more difficult than they thought. Her situation was coloured by these concerns and consequently the abuse she suffered was diminished in Markham's eyes. The danger posed by James and the fear that drove her to seek a separation was minimised as it was judged as an expression of this seeming slide in marital stability. This case was not symptomatic of the terrible trend of violence against wives, but of wives' failure to perform as wives, to endure, face their marital duties. Alice was awarded a separation order, but Alderman Markham fired a parting shot: 'You have got to go and live with him.'<sup>296</sup> For him, the danger and distress posed by shell-shocked James' behaviour was lesser than Alice's forsaking of him.

Similar ideas that war service entitled men to their wives' forgiveness are clear in the 1927 hearing of George Tanner for making threats against his wife, Nellie. They had unofficially

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<sup>292</sup> *Derbyshire Courier*, 6 March 1920 p. 5.

<sup>293</sup> *The Times*, 22 April 1915 p. 11; *The Times*, 25 July 1919 p. 13; *Liverpool Daily Post*, 6 September 1915, p. 8.

<sup>294</sup> The Lord Chancellor echoed this sentiment in June 1920, saying that 'hundreds, if not thousands, of inconsiderate marriages. ...the stupendous...number of divorce actions which to-day are clogging and embarrassing the Probate, Divorce and Admiralty Division is principally explicable for this reason,' (Parliamentary Debate, House of Lords, 16 June 1920, vol. 40 col. 650).

<sup>295</sup> Catriona Beaumont, 'Moral Dilemmas and Women's Rights: the attitude of the Mothers' Union and Catholic Women's League to divorce, birth control and abortion in England, 1928–1939' *Women's History Review*, 16:4 (2007), pp. 463-485.

<sup>296</sup> *Derbyshire Courier*, 6 March 1920 p. 5.



separated a year previously due to his violence and drunkenness. Then, late at night on 12<sup>th</sup> November, he was found peering through Nellie's kitchen window, and he tried to force his way into her house making threats against her all the while. He declared that 'she was a "bad, wicked woman", that he would shoot her, that she would leave the world before him, or that she would go when he went.' Nellie was afraid that George would do her or the children serious injury, and modern research bears out her fears. Even after a woman has left her abusive partner, she is still at huge risk of violence, and fatal violence becomes a particular concern as the thwarted abuser tries to establish final control.<sup>297</sup> Nellie wanted George to be bound over in a bid to suppress his harassment, and the magistrates complied, but even so they spoke up about Nellie's own marital shortcomings. The defence had outlined James' war service: he had joined in 1916, been blown up in France, and suffered from both shell shock and neurasthenia, and it was claimed that he was driven to his behaviour by his wife's ungratefulness. Even while separated, he sent money for his wife and children but she 'would not recognise him in the street'. George saw himself as a man hard done by, and the magistrates took a similar view. The Chairman, Mr Holt Evans, told her 'This husband of yours has suffered for England and has suffered for you; he is suffering now, and it is up to you to make his life as easy as you can, and to encourage your children to be kind to their father.'<sup>298</sup> Even while the magistrates criminalised George's behaviour, they believed that his war service entitled him to Nellie's gratitude and sympathy. War service could place men in a privileged position: since the war had been fought to defend wives, mothers and daughters, women's refusal to reciprocate by performing traditional gender roles could garner serious criticism.<sup>299</sup> With female devotion phrased as the female counterpart to male military sacrifice, women's efforts to access justice, protection or intervention could therefore be construed by magistrates and judges as a failure to perform as a good wife.

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<sup>297</sup> Claire G. Lisco, Ruschelle M. Leone, Kathryn E. Gallagher, Dominic J. Parrott, "Demonstrating Masculinity" Via Intimate Partner Aggression: The Moderating Effect of Heavy Episodic Drinking', *Sex Roles*, 73 (2015), p. 438.

<sup>298</sup> *Gloucester Journal*, 26 November 1927 p. 14.

<sup>299</sup> Kingsley Kent, *Making Peace*, pp. 113-115.

Magistrates like those described above always saw a man's primary identity as that of a husband. His identity as an abuser, or a violent tormentor, or a perpetrator of assault came second. The marital relationship, with its powerful themes of devotion, forgiveness and duty, overshadowed the identities of abuser or criminal and victim. As a result, abusive husbands could receive a great deal of lenience, and battered women could be sent back to live with their abuser. Magistrates like these expected battered and abused wives to see their husbands in the same way. As has been shown, some magistrates positively encouraged victims to reframe their priorities to "getting along" or "coming together", neglecting the pursuit of justice or separation. Women who brought their husbands to court were thus negotiating the criminal, abnormal aspect of their husbands' identities but this was something magistrates could refuse to recognise.

#### Judicial and magisterial condemnation of violence against wives and its obstacles

It would be wrong to suppose that the judiciary and magistracy were universally and heartlessly engaged in the complete decriminalisation of wife battery and murder. The dispensation of justice was very much dependent on the individual personalities and local cultures of judges and magistrates, and there were plenty who took a hard stance on IPV. They were sometimes the only official external authority to intervene or even be aware of abuse within marital relationships. They were the only institution that could legally free a battered woman from her abuser, and many did not quail from this task. As the period progressed, magistrates made increasing resort to separation orders, wishing to extract women as far as possible from relationships that were dangerous or degrading. Judges, meanwhile, oversaw a period of astronomical increase in rates of divorce applications. This period saw the steady and relentless increase in their willingness to legally free battered women from the obligation to reside with their abusive husbands.

Just as court judgments could be used to enforce order over socially deviant behaviours, so could they be used to rail against this aberrant behaviour. For instance, in 1916, sentencing soldier David Gregory to twelve months' hard labour for the grievous bodily harm of his wife Sarah, Justice Horridge told him that 'you have abused your wife in a most shameful way and you must have known that you were causing her very serious injury. I cannot pass a less serious sentence upon you'.<sup>300</sup> In 1921, London's Old Street Court magistrate Mr Clarke Hall remarked on sentencing Thomas Farrell to two months' hard labour for assaulting his wife 'that he must stop men from knocking their wives about.'<sup>301</sup> In 1926, Mr Bonser, chairman of Mansfield Petty Sessions told wife batterer Michael Neylan that 'You are a perfect brute, and it is a pity we can't order you to be thrashed. It is a shame that we have not the power of the 'cat.' We don't know how to express our indignation.'<sup>302</sup> These magistrates were horrified by these men's violence, and they interpreted them as savage wife beaters. However, magistrates' desire to protect wives and punish husbands was hamstrung by the mechanisms of the legal system. Eager to punish Michael for his violence, the magistrates were unable to dispense punitive justice since Mrs Neylan had only applied for a separation order, keeping them off the track of criminal law. It was not always an active decision that encouraged decriminalisation and liminalization of the issue of violence against wives. It could be as much the result of the legal and economic limitations under which the judiciary and its subjects operated as any real desire that dictated the decisions of the magistracy.

Indeed, the limitations of the legal system encouraged the domestic discount. Marriage bound women economically to their husbands, and the potentially precarious position of the unsupported wife was one that some magistrates and judges wanted to save women. Fines and prison sentences could act as punishments for the victim and any children of the marriage, not just the man. Therefore, the lack of options to intervene functionally

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<sup>300</sup> *Derbyshire Courier*, 19 February 1916 p. 5.

<sup>301</sup> *Aberdeen Journal*, 6 April 1921 p. 6.

<sup>302</sup> *Nottingham Evening Post*, 4 February 1926 p. 6.

decriminalised wife assault. As Hughes has stated, 'an awareness of women's economic dependency on male breadwinners ... mediated the legal repercussions male abusers faced'.<sup>303</sup> Furthermore, though some magistrates' recourse to probation officers was part of an effort to 'shore up the institution of marriage',<sup>304</sup> it also represented an acknowledgement that prison terms would do little to deal with the underlying problems behind wife assault. Probation, however, would keep the dysfunctional marriage under the official gaze and open to intervention long after a prison sentence would have concluded.<sup>305</sup> Moreover, magistrates were acutely aware that maintenance orders were difficult to enforce, especially where men did not earn enough to support two households, meaning that a reconciliation could serve a practical economic as well as moral purpose. Magistrates and judges were, therefore, obliged to treat wife assault in a discrete way suited to the peculiarities and requirements particular to the marital relationship. This meant sometimes reaching decisions that apparently neglected the criminal aspect of wife assault in favour of what they thought would establish the welfare of the battered wife.

For instance, in 1920, Frederick William Jones was summoned by his wife for punching her about her face and body. Once in court, the charge was dropped: 'As both now desired a separation the charge was altered to one of desertion, and the magistrates granted a separation...with maintenance.'<sup>306</sup> Such a pragmatic approach certainly enabled men in Frederick's position to circumvent justice. However, his family's economic position was secure while he remained able to work, and a separation would help prevent further assaults happening. In 1922, after twenty-three years of marriage William Bennett was summoned by his wife both for aggravated assault and a separation on grounds of cruelty. The magistrates passed the separation order and sentenced him to six months hard labour for the assault. However, they also asked Mrs Bennett about her financial position and the likelihood that

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<sup>303</sup> Hughes, 'Representations and counter-representations of domestic violence', pp. 179, 181.

<sup>304</sup> *Ibid.*, 180

<sup>305</sup> Raymond Gard, *Rehabilitation and Probation in England and Wales, 1876-1962*, (London, 2014), p. 15.

<sup>306</sup> *Handsworth Herald*, 17 January 1920 p. 2.

she could run her husband's shoe shop until he was released from prison.<sup>307</sup> These magistrates were acutely aware that the punitive measures at their disposal were ill suited to the task. They therefore needed to be sure that Mrs Bennett would be financially secure and able to keep her husband's business afloat until his release. This process is evident again in the 1921 trial of Edward Ballinger for the brutal and protracted assault of his wife Elizabeth. His solicitor did his best to secure leniency by appealing to this established magisterial strategy. He 'reminded the Bench that if they sent the defendant to prison it would indirectly harm the wife, and on this ground he asked them to bind him over.' After discussing her financial position, Elizabeth too stated that she wished to be lenient. No such luck, since Edward had a terrible record. Seven of his eight children were alleged by Elizabeth's solicitor to have died from his violent and neglectful behaviour. He was known to the police both for publicly and savagely assaulting Elizabeth, his brothers and his neighbours. The magistrates issued a separation order with no argument – given the statements of the complainant, the police, and even the defending solicitor, it was clear that remaining with her husband would be far too dangerous. However, a 'source of trouble to the neighbourhood', Edward's violence was too overt for the magistrates to give him anything less than six months with hard labour.<sup>308</sup> Punitive action and the victim's welfare were part of a balancing act, and in this case Elizabeth's economic welfare had to come second to justice. The practicalities of punishing violence against wives placed the judicial management of such offences in a liminal space, as the realities of intervention demanded that magistrates sometimes sacrifice ideas of justice in favour of practical help. Indeed, it is this pragmatism that can disguise real sympathy for victims as a callousness.

Indeed, the inadequacies of the system produced considerable frustration for some magistrates. Well aware that they were often the only source of help for battered wives, a common frustration was the requirement of two weeks' separation in order to issue an order.

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<sup>307</sup> *North Devon Journal*, 13 July 1922 p. 3.

<sup>308</sup> *Gloucester Journal*, 17 September 1921 p. 2.

This was intended to make sure only “genuine” cases received separation orders, exhibiting the cultural dedication to the maintenance of marriage. Some magistrates decried the ease with which irresponsible young people were able to obtain separation orders.<sup>309</sup> Others, however, were horrified at the difficulties these restrictions placed before women who wanted to leave their abusive husbands. As will be seen in the next chapter, magistrates who held seats in the Houses of Commons and Lords decried the impact of this restriction, claiming it to be wholly unsuited to the realities of marital cruelty and that rendered them impotent to protect these women.<sup>310</sup> Complaints focussed on the penalty this placed on battered women who fulfilled the stereotype of good mothers, who would be unprepared to leave their children unattended for two weeks. In 1922, for instance, magistrate Mr Clarke Hall stated that ‘It is easy enough for the bad woman who does not care what conditions she goes to or what happens to the children... but is the careful mother of half a dozen children to do?’<sup>311</sup> Other magistrates did their best to work around the restrictions of the 1895 Act before it was altered in 1925 to drop the requirement of two weeks’ separation. George Behlmer has highlighted the case of one magistrate who instructed a battered wife to meet the criteria by moving into the room she rented to lodgers for two weeks.<sup>312</sup> This is hardly what legislators had in mind, but like many of his colleagues this magistrate was prepared to take an elastic approach where it helped him meet the real life needs of battered women. In 1917, the Clerk of Kings’ Heath police court expressed his concerns about Alice Goodreid’s application for a separation from her husband William. Unable to find another property, Alice was still living with William but, as she put it, ‘she had kept apart from him.’ The Clerk’s concerns turned on the point of non-cohabitation: ‘If the Bench made a separation order she must live apart from her husband. It was impossible to have a separation order without, for it meant separation.’ Alice made it clear that she was making arrangements to live elsewhere,

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<sup>309</sup> *Yorkshire Post and Leeds Intelligencer*, 6 June 1921 p. 5; *Derby Daily Telegraph*, 6 July 1929 p. 5.

<sup>310</sup> *Yorkshire Evening Post*, 26 May 1922 p. 9.

<sup>311</sup> *Yorkshire Evening Post*, 26 May 1922 p. 9.

<sup>312</sup> Behlmer, ‘Summary Justice and Working-Class Marriage’, p. 249.

and also that 'she claimed the greater part of the home.'<sup>313</sup> In this case the magistrates chose to be flexible, and they issued the order in spite of the suit's shortcomings. This reflects the trend among magistrates to bridge the gap between the law and reality, since they were keenly aware that married women were constrained by their financial dependence and their protectiveness of their children. Consequently, even while some magistrates followed a strict adherence to the letter of the Act, others were more than willing to work around its shortcomings.

More than this, however, there was a mood within portions of the judicial community that pushed against the cultural constraints that diminished wife assault and wife murder. This was exemplified in their railing against the unwritten law, the non-legal cultural notion that a man was entitled to violently and even fatally punish sexual subversion from his wife or her lover.<sup>314</sup> Though some, as seen above, implemented this as provocation, others vociferously condemned it. They were frustrated by the validation it gave to violent criminal acts, horrified by the implication that a man may behave criminally under certain circumstances, and they refused to let it bleed into their official exercise of justice. For instance, the Recorder at the Old Bailey frequently denounced the unwritten law. In May 1928, he stated that 'we do not recognise the unwritten law or the *crime passionelle* in this country... The remedy for infidelity is the divorce court, not the razor.'<sup>315</sup> Later that year he decried, 'Jealousy, even justifiable jealousy, is no excuse for crime. If people were allowed to take the law into their own hands it would be a return to the age of savagery.'<sup>316</sup> This showcases the determination of some portions of the judiciary to reject the consideration of social norms in the dispensation of justice. Such judges and magistrates were loudly critical of differentiating criminality depending upon the sexual relationship between a violent man and his victim.

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<sup>313</sup> *Evening Despatch*, 25 September 1917 p. 3.

<sup>314</sup> Clive Emsley, *Soldier, Sailor, Beggarman, Thief: Crime and the British Armed Services since 1914*, (Oxford, 2013), p. 139.

<sup>315</sup> *Derby Daily Telegraph*, 17 July 1928 p. 10.

<sup>316</sup> *Western Daily Times*, 16 May 1928 p. 5.

This represented a backlash against judicial enforcement of the unwritten law, and the violent act itself was brought back to the centre of a trial.

The unwritten law had been a point of contention within the judicial profession for a long time, but the war had amplified its seductive power. With a greatly increased opportunity for women to be unfaithful, and increased opportunity for their soldier husbands to be suspicious, the issue of provocation became a prominent consideration in cases of wife assault, separation/divorce and wife murder. As can be seen above, some, like Justice Atkin who presided over Henry Canham's trial, applied the unwritten law through their lenience. Others adamantly dismissed the war's augmentation of the unwritten law. In March 1918, Justice Avory presided over the case of George Harman who had killed his married adulterous girlfriend when he found he had been infected with venereal disease. Avory would not let his jury be swayed by the emotional resonance of this wartime killing. In summing up, he criticised the direction of some judges and juries during wartime, stating that 'there had been some trifling with the law and in cases recently... serious encroachments had been made upon the established law relating to crime.' He was, perhaps, thinking of Justice Atkin's outrageously lenient sentence only three months' prior. He told the jury that 'it was not open to [them] to apply a law of their own to the facts of a particular case.' He dismissed the defence's claims of provocation by drawing attention to the fact that the victim was not even married to her assailant, nor had venereal disease ever been established as grounds for provocation. Instead, 'the provocation must be such as the law recognised.' He then rounded on the emotional appeals of George's barrister: 'the jury had been invited to extend the sympathy to the prisoner, but that was an indirect way of inviting them not to do their duty, which was to return a verdict according to the facts, not according to their sympathies.'<sup>317</sup> Justice Avory was keenly aware of the seductive power of the unwritten law, and knew that Harman was a prime candidate for its application: he was a veteran soldier, and he killed the woman he loved her in the heat of the moment on finding

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<sup>317</sup> *Western Daily Press*, 6 March 1918 p. 3.



himself the biological victim of her adulterous behaviour. However, Avory managed to extract a finding of guilty for murder from his jury, but they still recommended him to mercy on the grounds of provocation. Avory was more hard-nosed, and Harman was sentenced to death. The idea that the law might be stretched to mitigate fatal violence was, for this judge, unthinkable.

Justice Roche made similar appeals to his jury in the trial of Henry Gaskin, dubbed the Hednesford Ripper in local newspapers. Henry had lured his estranged, adulterous wife to a secluded bit of woodland, ostensibly to persuade her to return to him. She refused him and asked for a divorce so that she could marry her lover. He alleged that in a blind fury he cut off her head with his razor and tried unsuccessfully to sever her legs, before trying to hide the body in a pond. However, his prisoner statement showed that the attack had actually been a prolonged act of torture.<sup>318</sup> The defence focused on the victim's sexual deviance, and painted Henry's violence as the uncontrollable emotional outburst of the grievously injured. Justice Roche was unimpressed. He 'asked the jury not to be influenced by what was known as the unwritten law', which he famously called the 'unwritten folly'. He told the jury, 'the State had not thought fit to make infidelity a crime punishable by law, and it could not... be conceived that a private individual was to be allowed to take the responsibility of punishing by wounding. It was a nonsensical as well as horrible suggestion.'<sup>319</sup> Certainly, Henry's violence was extreme and difficult to imagine being diminished. Yet Roche's vociferousness indicates that this was a real concern for him. The war had created ideal conditions for the effacement of violence against adulterous wives and he was keen that such a serious case would not benefit from this amplified scope for mercy. Roche was satisfied with the verdict of guilty and sentenced Henry to death.

Portions of the judiciary were concerned also by the impact of the war on culprits' rationalisations of their violence. Though some magistrates and judges were ready to take

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<sup>318</sup> *Lichfield Mercury*, 7 March 1919 p. 3 (N.B. this report is incredibly distressing).

<sup>319</sup> *The Times*, 5 July 1919 p. 9.

war service into account, others were determined to exclude such mitigations and reasonings. With an eye cast to the encroachments of the medical and psychiatric community into the allocation of criminal responsibility,<sup>320</sup> they were ready to question claims that combat-induced insanity or mental ill-health could mitigate against marital violence. In 1926, Justice Darling sentenced Alfred Gutteridge to three years' imprisonment for the wounding of his girlfriend Grace Gamble. In passing sentence, he said that 'people could not be allowed to come back from the war and indulge in drinking and violent crimes, then plead, because they have been here and there gassed or shelled, to be let off.'<sup>321</sup> Indeed, in 1920, Dr Hamblin-Smith, a respected and regular advisor to Birmingham's police court and medical officer to Birmingham Prison, showed signs of a frayed temper. In the Report of the Commissioners of Prisons, he stated that "'shell shock" has taken the place of the "drink" excuse of my earlier years in the service.' He fretted that 'The estimation of the precise value of this excuse is a matter of great difficulty.'<sup>322</sup> Anxieties about shamming among malingering soldiers was extended to shamming among defendants and criminals.<sup>323</sup> For wife battery and wife murder in particular, magistrates and judges were used to hearing a flurry of excuses from violent men - some of which they believed. However, the scepticism that settled over the judiciary meant that shell shock could only ever manifest as a limited development in the pre-existing tropes of unexplained male violence, or as a bolster to more ordinary claims of provocation. The suspicion of mitigating pleas of insanity extended beyond servicemen to non-servicemen, too. This reflected a growing sense of unease within the judiciary that juries, who had always been plagued by reluctance to condemn a man to death, were easily seduced by medical glamour.<sup>324</sup> For instance, in 1921 while dismissing Ernest Rainford's appeal against the death sentence for murdering his girlfriend, the Lord Chief Justice and Justices Sankey and Branson stated that 'juries were only too willing to

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<sup>320</sup> Ward, 'A terrible responsibility', pp. 361-377.

<sup>321</sup> *Birmingham Mail* 19 January 1920 p. 5.

<sup>322</sup> *Lancashire Evening Post*, 15 October 1920 p. 4.

<sup>323</sup> Ward, 'A terrible responsibility', p. 372.

<sup>324</sup> *Ibid.*

find a verdict of insanity.<sup>325</sup> Judges were wary of juries' authority over dispensing guilt, and this was exacerbated in convoluted cases of insanity. The war had made shell shock and insanity a talking point, and made the defence of insanity all the more resonant. Consequently, some members of the judiciary were critical of juries' perceived susceptibility to medical fads.

Magistrates and judges who refused to decriminalise or condone wife battery or wife murder therefore negotiated this problem in varying ways. These ranged from their enforcement of order over deviant husbands, to their efforts to help battered wives within the constraints of the system, to their noisy condemnation of the unwritten law, and their suspicion of insanity pleas. They may have perceived that the war had given opportunities to diminish violence against wives, but their judgments and comments indicate their efforts to stymie any backsliding. Where some enforced the logic of abusers in their practices, these magistrates and judges refused to allow the cultural schema to trivialise or decriminalise wife battery and wife murder.

### Conclusion

To conclude, the tropes used by judges and magistrates to understand and negotiate wife battery or wife murder marked both their opposition to and collusion with violent men's own rationalisations, beliefs, and practices. Indeed, the tension between these two approaches is a constant feature of the judicial and magisterial record of this period. Without an adequate discursive framework with which to approach the problem of husband's violence to wives, it is not surprising that justice was dispensed with such elasticity. Each judgment was an expression of the individual judge or magistrate's ideas on normality and deviance. These were dependent on whether they constructed husbands' and wives' identities through the lens of criminality or marriage, and whether they prioritised the rule of law, traditional gender roles, or the pragmatic welfare of wives. However, their choice to

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<sup>325</sup> *Handsworth Herald*, 30 July 1921 p.3.

focus on the behaviour of the perpetrator or the victim highlights the differing ways that they thought social order should be enforced. The socio-cultural developments that accompanied the war may have served to promote a culture that supported violence against wives, yet the lack of uniformity within the judiciary and magistracy demonstrates the diversity of their attitudes to what justice and order meant. The governmentality of judges and magistrates therefore functioned to officially implement, temper and oppose the cultural schema of wife beating through their treatment of individual cases.

## Reporting marital violence: representations of violence against wives in the news media, 1914-1939

The previous chapters have stressed how important it is to appreciate the influence of cultural values upon the commission and experience of wife battery. As a ubiquitous source of information about marital violence, the press offers an unrivalled window into its cultural foundations and practical realities. News reports of marital violence played a role in shaping the expectations people had of their spouses, and their attitudes to violence within marriage. It framed how violent husbands and their wives thought about what was acceptable or normal; how witnesses, neighbours and observers judged situations; and how juries understood guilt and responsibility. Indeed, so certain were the Home Office that the press reflected public opinion that the articles of local and national papers were considered as evidence of popular sentiments where cases were appealed.<sup>1</sup> Given the deep interest of newspapers in issues of crime, morality and social order, and the penchant for almost voyeuristic portrayals of private lives, they shed light upon the ways that wife battery was shaped and controlled.

Various historians have demonstrated the British appetite for real life stories of violent crime. Judith Flanders has tracked the almost perverse fascination with murder during the nineteenth century,<sup>2</sup> Shani D'Cruze has explored the voyeuristic violence portrayed in the "respectable" pages of *Notable Trials* in the interwar period,<sup>3</sup> and Ginger Frost has scrutinised the influence of the press in the public response to a significant female-perpetrated intimate partner murder trial at the turn of the century.<sup>4</sup> Martin Wiener has examined the emotional way that the Victorian press participated in discourses of justice and

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<sup>1</sup> Martin Wiener, 'Convicted murderers and the Victorian Press: Condemnation vs. sympathy', *Crimes and Misdemeanours*, 1:2 (2007), pp. 110-112.

<sup>2</sup> Judith Flanders, *The Invention of Murder: How the Victorians Revelled in Death and Detection and Created Modern Crime*, (London, 2011).

<sup>3</sup> Shani D'Cruze, 'The damned place was haunted': The Gothic, Middlebrow Culture and Inter-War 'Notable Trials', *Literature and History*, 15:1 (2006), pp. 37-59.

<sup>4</sup> Ginger Frost, 'She is but a woman': Kitty Byron and the English Edwardian Criminal Justice System', *Gender and History*, 16:3 (2004), pp. 538-560.

mercy for condemned murderers,<sup>5</sup> and John Tulloch has provided an excellent account of mid-Victorian Lincoln press's sensational reporting of executions.<sup>6</sup> These studies on press reportage of murder have commonly identified trends toward sensationalism and drama, highlighting the blurring of the line between narrative and fact as the press fed the public interest in the details of serious violent crime. Although concentrated on murder, these studies are valuable in framing the record of the voyeurism and emotionality of the interwar news media's attitudes to assault against wives.

To date, the historiography of press engagement with wife battery for this period has been somewhat limited. Clive Emsley has given some attention to marital violence in his article about anxious press reports about brutalization in 1919;<sup>7</sup> Shani D'Cruze has examined the media portrayal of two wife murderers in semi-respectable sensationalist trial reports;<sup>8</sup> and Annemarie Hughes has engaged with Scottish press constructions of wife battery as part of a broader discussion of cultural responses to this act.<sup>9</sup> This chapter seeks to contribute to this discourse by pursuing the role of the press in framing public opinion or enforcing social norms regarding violence against wives specifically. This chapter therefore hopes to contribute to this field by scrutinising the ways that the press enforced and demonstrated socio-cultural norms through their reporting practices. To do so, it will reflect on modern literary and sociological research to more fully appreciate the influence and intricacies of the press, paying particular attention to Jane Monkton-Smith's valuable exploration of modern media representations of male-on-female intimate murder. She has forcefully demonstrated the tendency in the modern British media – and judiciary – to determine guilt by using

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<sup>5</sup> Wiener, 'Convicted murderers and the Victorian Press', pp. 110-125.

<sup>6</sup> John Tulloch, 'The privatising of pain: Lincoln newspapers, "mediated publicness" and the end of public execution', *Journalism Studies*, 7:3 2006, pp. 437-451.

<sup>7</sup> Clive Emsley, 'Violent crime in England in 1919: post-war anxieties and press narratives', *Continuity and Change*, 23:1 (2008), pp. 191.

<sup>8</sup> D'Cruze, "The damned place was haunted", pp. 37-59.

<sup>9</sup> Annmarie Hughes, 'Representations and counter-representations of domestic violence on Clydeside between the two world wars', *Labour History Review*, 69:2 (2004), pp. 169-184.

standards of transgression informed by an acceptance of proprietorial sexual relationships, as shall be seen below.<sup>10</sup>

It would be wrong to say that the readership were entirely passive recipients of press indoctrination. After all, newspapers need to reflect the interests and opinions of their readership to retain their custom. There is a complexity to this relationship, however. Though readers play an active role in interpreting information, 'texts are not limitlessly interpretable' because 'interpretation occurs within a discursive system that provides an "ideological constraint" upon the making of meaning'.<sup>11</sup> Maxwell McCombs and Amy Reynolds have pointed out that 'through their day-to-day selection and display of news, journalists, editors and news directors focused [readers'] attention and influenced [their] perceptions.'<sup>12</sup> Events and facts therefore are not indifferently and impartially related to the audience. Instead, news media creates a 'pseudoenvironment' for its readership constructed from the ways that journalists choose what should be reported and how they choose to present it.<sup>13</sup> Since journalists select 'objects for attention and... attributes for picturing those objects' they are able both to influence the issues and objects the readership think are important, and, significantly, what they are likely to think about them.<sup>14</sup> It is therefore important to recognise the ways that the press framed public opinion through their presentation and dissemination of select information, and to consider the cultural and social foundations of such 'pseduoenvironments.'

As will be seen, the representation of violence against wives in the contemporary press usually reflected the social and cultural norms of the period. As Dillman has argued regarding the modern press record on violence against women, events are related to the audience 'via a contradictory logic' where journalists challenge patriarchal abuse but 'ultimately serve the

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<sup>10</sup> Jane Monckton Smith, *Murder, Gender and the Media: Narratives of Dangerous Love*, (Basingstoke, 2012).

<sup>11</sup> John Wood, "Those who have had trouble can sympathise with you": Press writing, reader responses and a murder trial in interwar Britain', *Journal of Social History*, 43:2 (2009) pp. 340-341.

<sup>12</sup> Maxwell McCombs and Amy Reynolds, 'News Influence of Our Pictures of the World', in Jennings Bryant and Dolf Zillmann (eds.), *Media Effects: Advances in Theory and Research*, (Mahwah, NJ, 2002), p. 1.

<sup>13</sup> *Ibid.*, p. 2.

<sup>14</sup> *Ibid.*, p. 10.

status-quo, androcentric dominant culture.’<sup>15</sup> Although wife battery was widely presented as a transgressive act, its presentation in the press was prone to diminution and mitigation, which enabled it to be criticised without questioning the uncomfortable social inequalities that made it possible. This chapter will discuss the ways that the press presented wife battery and how this helped reiterate and re-inscribe dominant social norms upon its readership. It will survey the way that violence against wives was diminished by presenting it as exceptional or loving, the ways that victims could be branded as culprits, and how violent husbands were problematically made outcasts. As each of these issues is examined, the impact of the war upon the representation of wife battery will be examined, outlining the sensitivity of the press to changing socio-cultural priorities.

### Constructions of loving violence in news reports

Violence and gender have an ambiguous relationship, which is highly dependent upon context for mitigation. Sociologist Jane Monckton Smith has identified this trend within modern press reports which present an emotional interpretation of male abusers’ behaviour. IPV is not exhibited as criminal assault, but as a “couple’ problem, where love in a relationship has broken down creating the dynamics for male sexual jealousy, depression and anger.’<sup>16</sup> She has described how modern IPV is commonly imagined as “crimes of passion’ ...characterized as outbursts of extreme violence, directed at a loved one, and in response to provocations which threaten the perceived stability of a loving or romantic relationship’.<sup>17</sup> Since male proprietoriness over female partners is so normalized, even fatal violence ‘can be considered a demonstration of depth of love for the victim.’<sup>18</sup> This is dependent upon a cultural consensus that males may express their love through their privileged task of controlling and disciplining their female partners.<sup>19</sup> The interpretation of IPV

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<sup>15</sup> Joanne Dillman, *Women and Death in Film, Television, and News: Dead but not Gone*, (Basingstoke, 2014), pp. 2-3.

<sup>16</sup> Monckton Smith, *Murder, Gender and the Media*, p. 63.

<sup>17</sup> Ibid., p. 86.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid., p. 87



as a crime of passion foregrounds the male-abuser experience in the press narrative, even as the victim – whether through death or blame – is silenced. Therefore, although wife battery and wife murder can be condemned, it is also possible for it to be understood as an expression of normal male behaviour.

This revealing modern theme identified by Monckton Smith applies well to the news media of the wartime and interwar periods. The lines between love and proprietoriness were blurred, meaning that abusers were able to present their actions as an expression of devotion. It might seem contradictory that violence could be considered an expression of love, yet time and again newspapers reported IPV as crimes of passion, as abuse against intimate partners might be phrased as a ‘lovers’ quarrel’,<sup>20</sup> or a ‘love tragedy’.<sup>21</sup> Indeed, it is particularly clear in cases of spurned love, whether that be through wives wanting to separate or having extra marital relationships, or even women refusing a potential suitor’s attentions. This is apparent in *The Chelmsford Chronicle*’s relation of Frederick Southgate’s murder of his wife Elizabeth in 1924. The report lingered on his desperation after she had separated due to his cruelty: ‘he wrote... promising that if she would come back to him he would always be on friendly terms in future, adding “For God’s sake write back to me.” Apparently the letter was not answered.’ He killed her by stabbing her in the back with a sticking knife as she tried to flee, but the article wonderingly related that he was distraught: ‘When told that he had killed his wife, he exclaimed, “No, never. ... I did not do it with the intention to kill, but only to frighten her.”’<sup>22</sup> Frederick’s passion leads the report and frames his subsequent violence as an expression of thwarted love rather than revenge. Elizabeth is thus given a share of responsibility for causing him the pain that drove him to kill, and his love, rather than malice, is constructed as the motor of the crime. This in turn questioned the seriousness of his crime, since love did not match well with malice aforethought (the requirement for murder) in the

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<sup>20</sup> *Portsmouth Evening News*, 13 July 1932 p. 14; *Nottingham Evening Post*, 28 November 1919 p. 4; *Exeter and Plymouth Gazette*, 15 January 1929 p. 8.

<sup>21</sup> *Dundee Courier*, 27 March 1919 p. 3; *Western Morning News*, 25 September 1934 p. 7; *Hartlepool Northern Daily Mail*, 14 April 1920 p. 5; *Lancashire Evening Post*, 22 January 1926 p. 5.

<sup>22</sup> *Chelmsford Chronicle*, 5 November 1924 p. 8

layman's mind. The press therefore reflected the contemporary culture in neglecting to question the feelings of ownership that enabled abusive men like Frederick to justify using fatal violence to enforce their will over partners' whose own wishes threatened their relationship.

Similarly, the press blurred the line between love and ownership where men killed adulterous wives. In 1939, *The Birmingham Daily Post* related Edward Butterworth's killing of his (potentially) unfaithful wife Phyllis as an expression of love, rather than as a fatal expression of his right to dictate her behaviour. She had loved another man before him, and when the interloper returned from abroad after her marriage to Edward, she planned to leave him. *The Daily Post* reported that the moment she revealed her plan from Edward's point of view: 'I drew the gun... I seemed to lose myself pointing the gun at her. I was going to ask her about what happened and the gun went off. I seemed to lose myself completely and hit her'.<sup>23</sup> Again, the audience was led through events using Edward's voice as he diminished his violence to an automatic, distraught reaction to Elizabeth's betrayal. Thus his distress rather than the urge to control is put forward as the essence of the killing.

This applied to pre-marital killings too. In 1920, *The Western Times* concentrated on the feelings of L-Cpl Cyril Saunders who had murdered his 'sweetheart' Dorothy when she had broken off their relationship. Entitled 'Tragedy of Love. A Plymouth Soldier's Desperate Deed', the report neglected to immediately identify the killing as murder in favour of building the story around Cyril's 'desperate' feelings. Dorothy was displayed as fickle and cruel as she bluntly 'wrote that she had had enough of him'. By contrast, Cyril however was afforded sympathy as his violence was painted as the result of her actions: the letter 'brought him to Plymouth the following day', where 'he stabbed the girl to the heart'.<sup>24</sup> This theatrical infliction of a broken heart marks out Cyril as a tragic character, brought low by his own fervent but cruelly rejected love. His experience and his downfall is the meat of this story, rather than the

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<sup>23</sup> *Birmingham Daily Post*, 28 April 1939 p. 4.

<sup>24</sup> *Western Times*, 6 October 1920 p. 4.

fact that Dorothy's short life had been snatched from her. This signifies a consistent theme wherein the male perpetrator's love and urge to control became intertwined in the press narrative to the detriment of the victim's voice and representation.

Indeed, this confusion of love and control extended beyond threats to the relationship. The press also presented abusers' decision to determine their victims' life course as an act of love. In Swindon, May 1914, Walter White murdered his girlfriend Frances Hunter. 'He shot the girl on learning of an incident in her past life. ...he thought a great deal of her, and would have married her but for this fact.' Reflecting the cultural consensus of the time, *The Dundee Evening Telegraph* did not report this as an expression of Walter's belief that he was entitled to enact his angry justice upon Frances' body, but as a 'love tragedy'.<sup>25</sup> Again, in 1919 *The Western Times* reported that Allan Bushill murdered his wife Audrey in the 'Sandhills Love Tragedy' in what was supposed to be a murder/suicide. He had decided to commit suicide and take her with him, so he led her into the sand dunes to enjoy the sunset and shot her and himself. Although she tried to crawl away to seek help, she died and he survived. The paper focussed on his emotions, however, as it reported his statement that 'Your father said I was selfish to shoot Audrey, but I would have been selfish to leave her behind. ...If I went myself she could not have faced the world alone.'<sup>26</sup> Far from reflecting an altruistic assessment of his wife's devotion to him, this points to an acceptance of his poetic but deadly assumption that she was reliant on him for purpose and happiness. These two cases exemplify the trend within the news media to portray violence stemming from often insidious proprietorial beliefs as acts of love.

This segues into the habit of foregrounding the male experience of wife battery and wife murder in the press. Above, it is easy to see how reports silenced victims, giving them no room to contest their husband's phrasing of violence. However, the press's practice of using abusers' words to define events raised significant problems. As discussed in the previous

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<sup>25</sup> *Dundee Evening Telegraph*, 7 May 1914 p. 3.

<sup>26</sup> *Western Times*, 27 March 1919 p. 3.

chapter, modern experts often point to the tendency of abusers to reimagine events, downplay them, and to portray themselves as a victim.<sup>27</sup> When their internal world is accepted by institutions such as the press, it results in the dissemination of understandings of IPV that are defined by abusers themselves. Consequently, it is possible to see the interwar press commonly reinforcing the underpinning cultures and expectations that underpinned abuse when male abusers' words and feelings were used to portray their violence.

This is prominent in the reporting of cases where men were remorseful, an expression which Monckton Smith has pointed out can garner considerable sympathy from both the press and the judiciary.<sup>28</sup> Of course, this has serious issues: abusers often express how sorry they are and promise to reform in order to coax their victims to return.<sup>29</sup> And yet, remorse was (and is still today) perceived to indicate that a man genuinely punished himself because he loved his victim. He is not a monster because he is horrified by his own behaviour and wracked with guilt. This uses male perpetrators' emotions to gauge whether or not their violence is representative of their "real" personality, and thus whether it should be treated as a crime. For instance, in 1921 *The Lancashire Evening Post* reported the hearing of one 'REMORSEFUL HUSBAND' in the magistrates' court through his words alone: "She's been a good, true and solemn wife to me ... and I've been just the opposite to her. I've been a thorough scoundrel."<sup>30</sup> With no information about his specific actions, the feelings of the victim, or the magistrates' decision, the only purpose of this report is to showcase an abusers' apparent contrition. This evaluation of perpetrators' feelings to determine guilt is especially common in cases of murder. In 1924, *The Lincolnshire Echo* reported Thomas Blakesley's trial for wife murder, describing the killing as a 'tragedy' and focussing on Thomas's words of remorse: 'Oh, God, what did I do it for?'<sup>31</sup> This report focussed on the

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<sup>27</sup> Adam Edward Jukes, *Men Who Batter Women*, (London, 1999), p. 111.

<sup>28</sup> Monckton Smith, *Murder, Gender and the Media*, p. 42

<sup>29</sup> Amy Bonomi, Rashmi Gangamma, Chris Locke, Heather Katafiasz, David Marton, "Meet me at the hill where we used to park": Interpersonal processes associated with victim recantation', *Social Science and Medicine*, 73:7 (2011), pp. 1057-1058.

<sup>30</sup> *Lancashire Evening Post*, 14 July 1921 p. 6.

<sup>31</sup> *Lincolnshire Echo*, 21 March 1924 p. 3.

presentation of appropriate remorse to determine villainhood, judging the maintenance of love to lessen the transgression of violence. In 1932, *The Gloucestershire Echo* reported George Rafferty's manslaughter of his wife Mary in sympathetic terms. The title was 'The Man "Torn With Remorse"', and the article described him as 'dejected', repeating his claim that he acted under 'an irresistible impulse... There was no murderous intent.' Having constructed Rafferty almost as the passive victim of his own impulses, the article concluded that he was 'grieved beyond expression at the death of his faithful partner for twenty-five years.'<sup>32</sup> Presenting him as the distraught unwilling victim of bereavement rather than the man who cut her throat, the article frames Rafferty as the suffering party. Indeed, sometimes the press constructed perpetrator's emotional suffering as making the justice system redundant. In 1938, reporting Albert Harrison's trial for murdering his adulterous wife *The Northampton Mercury* drew heavily on the defence's assertion that 'no punishment his lordship could inflict could be heavier than the punishment which Harrison now bore and must bear – remorse and contrition would remain with him for all time.'<sup>33</sup> Significantly, the press carefully constructed articles that implied that love, expressed through guilt, diminished the seriousness of the offence. This meant that the press were presenting its readership with a construction of marital violence as a warped expression of love that was proved by the exhibition of remorse.

As can be seen, the news media was prone to conflating love and ownership in its discussion of IPV. This had a strong dramatic angle, as it used abusers' own intense emotions to portray their violence. It is hardly surprising then, that the war contributed to the emotional appeal of this representation. With prevalent anxieties regarding female infidelity and the idea that men who had served their country deserved a contented domestic life as reward,<sup>34</sup> men's marital disappointment resonated strongly. Husbands' prior suffering in war underwrote the tragedy of their violence in marriage. In 1917, *The Hull Daily Mail's* report of

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<sup>32</sup> *Gloucestershire Echo*, 22 February 1932 p. 6.

<sup>33</sup> *Northampton Mercury*, 28 October 1938 p. 4.

<sup>34</sup> Susan Grayzel, *Women's Identities at War: Gender, Motherhood, and Politics in Britain and France during the First World War*, (Chapel Hill, NC, 1999), p. 129.

soldier William Dobie's murder of his wife Helen was entitled 'JEALOUS SOLDIER'S LETTER', prioritising William's feelings over his killing. 242 of the report's 304 words were dedicated to his letter to her, as he berated her for alleged infidelity 'while I was risking my life for you', expressed his anger that 'you found time to write to him and no time to write to me', and concluded that he was 'sickened and broken-hearted.'<sup>35</sup> During the war, letter writing was vitally important to the maintenance of serving men's emotional welfare,<sup>36</sup> making William's distress all the more palpable. *The Mail* thus showcased violence as the tortured outcome of romantic betrayal through the lens of William's virtuous service. This consequently reinforced a culture that blamed victims when they sexually betrayed their husbands.

Again in 1917, *The Hull Daily Mail* reported and popularised the petition to reprieve the death sentence passed on Private Oswald Dry for murdering his allegedly unfaithful wife Madge. It reprinted its verbiage, describing 'the various trials he had gone through', and 'the advantage taken hold of by the seducer while [he] was fighting for his country abroad.' It went on to present his violence as proof of his depth of feeling and his sense of betrayal: 'the murder was attended with great violence, 17 bayonet wounds being inflicted... showing that the murderer acted as one who had completely... lost his power of control'.<sup>37</sup> Oswald's violence was constructed as the extreme expression of a hero's anger at betrayal. Madge is quite absent and beyond her infidelity nothing of her related. Even her forename is only word 675 of 806. Throughout, Oswald's feelings, actions and military career dominate and his voice is presented as true.

The war's impact upon the primacy of the male experience of IPV and its confusion with love is especially clear in *The Yorkshire Evening Post's* portrayal of L-Cpl Richard Cunningham's trial in 1916 for the murder of his unfaithful wife, Sarah. The report was entitled 'The Tragedy of a Soldier's Unfaithful Wife.' It repeated Richard's complaint that he

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<sup>35</sup> *Hull Daily Mail*, 19 October 1917 p. 5.

<sup>36</sup> Michael Roper, 'Nostalgia as an emotional experience in the Great War', *The Historical Journal*, 54:2 (2011), p. 426.

<sup>37</sup> *Hull Daily Mail*, 1 December 1917 p. 1.

was 'a man who had "answered his country's call", and that 'I think it such a shame that such men should be left at home and us out here all the time.' He then lamented the loss of his domestic haven: 'He has ruined my home... What have I to look forward to at the end of the war? Nothing only sorrow; that is if I live to ever come home.' Richard's violence was phrased as anger at stolen love. Indeed, he is not presented as targeting Sarah at all. The report unquestioningly repeated his claims that she was the accidental victim of his jealous love: "I have done something I never intended, and I wish I could get to the man who wronged her... I have made a mistake. ... I loved her; she was a pal."<sup>38</sup> Richard was able to define his violence in the report and his war service bolstered the validity of his loving violence, and in his extreme conditions, his despair was all the more poignant. The pressure upon men to enlist also meant that it was easier to present the seducer as the deviant party, provoking Richard into jealous violence. Thus, it is Richard's loss of his wife at the very moment that he needed her most that recreates this killing as a tragic act of love in the stresses of war.

Where reports couched violence in a framework of love, war intensified the narrative power of men's proprietary love for their wives. In each case, the provocation of betrayal is deepened by the perpetrator's military service. As wifely affection became the privilege of servicemen, it contributed to the justification of jealous violence. However, in portraying loving violence as somehow less serious or less malicious, the news media condoned the violent, even fatal exercise of male proprietoriness over female intimate partners. Love normalized the use of violence to neutralise or destroy threats to relationships, and the war created a climate which heightened the emotional narrative impact of such threats. This gave further mitigation to servicemen's violence where it could be presented as an act of love.

As can be seen, the news media commonly diminished loving violence because it was accepted as an extreme manifestation of ordinary proprietary relationships. News reports tended to present male abusers' experience as "true", disseminating their standards for female deviance to the readership. This minimised the seriousness of male abusers'

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<sup>38</sup> *Yorkshire Evening Post*, 27 November 1916 p. 5.

decisions to dictate female victims' bodily integrity and even survival to a tragic expression of love. Female victims' voices, personhood and experiences were rarely presented, leaving abusers' narratives uncontested. Remorse further excused violence as it simultaneously invested the abuser or killer with normative values, and introduced the prospect of self-punishment. This concentrated upon men's emotional strife, rather than the suffering inflicted upon victims. War introduced an enhanced sense of entitlement to female intimate partners' fidelity and obedience, and this was reinforced by the tendency to focus on perpetrators' service to heighten their subsequent distress.

Proprietary love excused violence through the belief that men were justified in protecting and controlling their relationships with female intimate partners. However, this trend becomes especially clear in the portrayal of disciplinary violence within the news media. This constituted an overt condonation of men's right to enforce their will upon their wives and families, using violence if necessary. Indeed, both loving and disciplinary violence were rooted in a cultural schema that made room for men to express love through control. The discussion below will demonstrate just how far the news media could go in presenting extreme violence as normative manly behaviour.

### Representing violence against wives as disciplinary

The prioritisation of male experience and authority is particularly clear in the representation of disciplinary violence. Violence and masculinity have an ambiguous relationship that is highly dependent upon context for mitigation. Jane Monckton Smith has pointed out that the modern press's acceptance of male proprietoriness as evidence of love is dependent upon the cultural consensus that males may express love through controlling and disciplining their female partners.<sup>39</sup> Where victims are imagined as provocative or deviant, and thus in need of correction by their exasperated husbands, violence is interpreted as an enforcement of normative gender values. When the press engage in this practice, they

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<sup>39</sup> Monckton Smith, *Murder, Gender and the Media*, p. 87



effectively mirror abusers' 'bubble thinking', whereby a 'man can abuse and believe that he is helping the victim' by violently correcting her.<sup>40</sup> Monckton Smith has also shown that in reporting cases of IPV and murder, modern news narratives often become 'distracted by arguments of what constitutes bad or provocative behaviour by a woman in a marriage or intimate relationship, when the argument should be focused on questioning the assumption that males should take on the paternal role and correct women's behaviour at all.'<sup>41</sup> Articles therefore often interrogate victims rather than perpetrators. This means that news reports do not only convey information about an assault or marriage to the audience but hold up battered and killed subversive wives as 'a warning to other women', as a 'form of social control that outlines the boundaries of acceptable behaviour and the forms of retribution they can expect for transgression.'<sup>42</sup> In diminishing, mitigating or justifying violence against deviant wives, the press legitimised extreme use of violence by husbands where it supported the status quo. Drawing on this modern research, this section will survey the interwar press's participation and dissemination of attitudes that accepted disciplinary violence against women. It will examine press constructions of perpetrators and victims firstly where husbands were enforcing good wifely behaviour and when they responded to infidelity. It will then explore the role of the war in intensifying such approaches.

Where wives were believed to be contesting the authority of husbands, the press were inclined to construct wife battery as one-off, isolated events.<sup>43</sup> By failing to identify long term patterns of abuse, each reported incident was imagined to be discrete from previous episodes. So, where wives were delinquent, the violence inflicted upon them became a series of individual disciplinary events, rather than a campaign of abuse. Such reports commonly used the perpetrator's own words and justifications to describe events. For instance, in 1919 *The Derbyshire Courier* quoted John Clayton as he defended himself

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<sup>40</sup> Jukes, *Men Who Batter Women*, p. 111.

<sup>41</sup> Monckton Smith, *Murder, Gender and the Media*, p. 88.

<sup>42</sup> Marie Meyers, *News Coverage of Violence Against Women: Engendering Blame*, (London, 1996), p. 112.

<sup>43</sup> Lane Kirkland Gillespie, Tara N. Rochards, Eugena M. Givens, and M. Dwayne Smith, 'Framing deadly domestic violence: why the media's spin matters in newspaper coverage of femicide', *Violence Against Women*, 19:2 (2013), p. 227.

against his wife Mildred's allegations of persistent cruelty: 'She has a good home, and I never go home drunk, and yet she is always grouching. I am not going to be under a petticoat government. ... She is like a big kid – if she can't have her own way she won't play.'<sup>44</sup> John's words were depicted as the "real" account as Mildred's complaints diminished to a shrill over-reaction. Nagging like this was considered an unacceptable challenge to a husband's authority, and so John's violence is imagined to be corrective. In 1929 *The Taunton Courier* reported Thomas Edward's exasperation with his wife Laura that drove him to violence. The report prioritised Thomas's account which portrayed his violence as a series of reactive, disciplinary events: he claimed that she punched him when he tried to wash in water she thought was too hot, and that 'his wife had been continually "neg-nagging," and when he had been poorly she had not come near him for more than half-an-hour in three days. If he wanted a clean shirt or pair of socks he could not have them. ... his wife was always running into debt without saying anything to him about it.'<sup>45</sup> Thomas's words dominate the text, meaning that his violence is depicted as a reaction to Laura's insubordination and lacklustre performance as a wife. Indeed, Annmarie Hughes has recognised the important tradition of recognising nagging as a 'causal factor in wife-beating', that made wives responsible for bringing on 'the wrath of their spouses'.<sup>46</sup> Just so, in 1932 *The Yorkshire Evening Post* focussed on Sarah Read's abnormal wifeness at her husband's trial for her murder: 'There was no suggestion of cruelty. He had a nagging and drunken wife, and he slapped her on the face, she fell, hit her head on something, and died.'<sup>47</sup> The report is not about Sarah's death but the fact that George was held on remand for five months when her death was her own fault: she was drunk and she challenged George's authority. Violence could thus be portrayed in news reports as the enforcement of order upon wayward wives who disrupted the status quo. These assaults were not entirely illegitimate because they were reimagined as the normal

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<sup>44</sup> *Derbyshire Courier*, 28 June 1919 p. 3.

<sup>45</sup> *Taunton Courier*, 17 April 1929 p. 2.

<sup>46</sup> Annmarie Hughes, 'The "Non-Criminal" Class: Wife-beating in Scotland (c. 1800-1949)', *Crime, History & Societies*, 14:2 (2010), pp. 42, 44.

<sup>47</sup> *Yorkshire Evening Post*, 30 November 1932 p. 9.

disciplinary practice of a husband. Thus, this kind of reporting style both upheld and disseminated gender hierarchies through the promotion of violent husbands' own voices.

It was not just challenges to male authority that excused violence as correction. Substandard performance of wifely tasks could provide ample justification, too, and the consumption of alcohol was a particularly visible transgression. Where alcohol could diminish the responsibility of husbands, it could increase the blameworthiness of their wives. Haeseler has demonstrated how modern abused women use alcohol to help them to cope through "‘maintaining:’ surviving day-to-day",<sup>48</sup> but in this period female alcohol abuse was constructed as a serious personal failing.<sup>49</sup> As a result, the press commonly depicted it as evidence of female vice that required punishment. In 1921, *The Sheffield Independent* reported 'faults on both sides' when Rose Spens applied for a separation order. The article quickly listed her suffering (a fractured rib and being kicked and hit), then turned to her admission: 'she admitted, however, that her husband had complained of her drinking habits, and that one day he found her lying on the rug drunk.'<sup>50</sup> In 1923, *The Whitstable Times* entitled its article 'Alleged Persistent Cruelty. Canterbury Wife Told That She Had Herself To Blame.' After briefly outlining the abuses Mrs Dance had suffered, the paper turned to her own culpability: 'Acting Chief Constable Smith said he was afraid drink had something to do with the matter in the case of the complainant', and 'Detective-Sergeant Richardson... said that ... in his opinion she had been drinking. ... she was inclined to quarrel with the neighbours when in drink.' The magistrates refused her application saying 'they felt that a lot of the trouble was Mrs Dance's own fault through taking too much to drink.' In contrast, Mr Dance was told only that 'some of the injuries received by his wife were not altogether accidental, and he must be careful.'<sup>51</sup> This report echoed police and magisterial opinion by presenting Mrs Dance as a fraud and transforms her husband's quite severe assaults and

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<sup>48</sup> Lisa Ann Haeseler, 'Women's coping experiences in the spectrum of domestic violence abuse', *Journal of Evidence-Based Social Work*, 10:1 (2013), p. 36.

<sup>49</sup> James Nicholls, *The Politics of Alcohol: a History of the Drink Question in England*, (Manchester, 2009), p. 165

<sup>50</sup> *Sheffield Independent*, 6 May 1921 p. 5.

<sup>51</sup> *Whitstable Times and Herne Bay Herald*, 28 July 1923 p. 2.

abuses into provoked corrective acts. Later, in 1930 *The Western Daily Press* focussed its 'story of domestic unhappiness' as Charles Patten's outburst of exasperation at his wife's drinking. The report begins with his allegation that 'I pay her £2 a week, and that hardly pays for her drink. She's supposed to be a teetotaler, too!' His violence is portrayed as excessive: his wife claimed that he verbally abused her, and when she retorted, 'he catches me under the jaw, I had to defend myself so I scratched his face, and when he felt the blood he blacked my eye.'<sup>52</sup> However, the motivation – discipline – mitigates the assault since Charles was trying to enforce proper wifely behaviour. The press were therefore presenting wife battery not as an illegal act, but as an understandable, if extreme, manifestation of husbands' exasperation with misbehaving wives. This left no real room for wives to claim victimhood, since the press was upholding the cultural schema that identified their own responsibility.

The acceptance and portrayal of male disciplinary violence against women is particularly pronounced in cases of assault upon unfaithful women. Under these circumstances, wife battery and even murder were perceived in a dual way. On the one hand, it was constructed as a further example of discipline for female deviance. On the other hand, it was not just husbands choosing to be violent, but being provoked, even forced, into violence by the emotional impact of their partners' transgressions. In her study of modern news reportage of IPV, Monckton Smith has described how the murder of female intimates is commonly imagined as "crimes of passion" ...characterized as outbursts of extreme violence, directed at a loved one, and in response to provocations which threaten the perceived stability of a loving or romantic relationship',<sup>53</sup> and this assessment resonates well with the news media's engagement with female infidelity in this period. Since unfaithful wives were considered to be responsible for rousing the inner nature of their cuckolded husbands, violence was disjointed from the perpetrator's true identity. This firmly located the promiscuous wife as the cause of violence, and the husband as its passive agent. This debarred her claims to victimhood as

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<sup>52</sup> *Western Daily Press*, 19 August 1930 p. 7.

<sup>53</sup> Monckton Smith, *Murder, Gender and the Media*, p. 86.

her husband became the casualty of her behaviour. For example, in 1917 *The Sheffield Evening Telegraph* reported Elsie Rose's charge of persistent cruelty against her husband. However, the article did not offer any insight into her victimisation and exclusively related her alleged infidelity: 'He had frequently complained of her conduct with a married man called George King. She admitted that on April 24 she made an appointment to meet that man...and her husband found them on the grass. Mr Baddiley [magistrate]: Did you think that was a proper thing? – Complainant: No. Why did you make an appointment to meet him? – No answer.'<sup>54</sup> This portrays a woman who brought on the cruelty herself, and who could hardly have expected her husband to have behaved otherwise. In 1922, *The Exeter and Plymouth Gazette* presented William Lockey in a sympathetic light, too. The report of his murder trial related that he went to see his estranged wife and 'she confessed there was another man in the case. He knifed her and she died almost immediately. Accused pleaded that he deeply loved his wife and had committed the deed in desperation owing to poverty and the crying of his children.'<sup>55</sup> Later in 1930, *The Lancashire Evening Post* focussed on Mary Murray's promiscuity. Though it reported her complaints against her husband, it quickly surveyed the evidence against her: 'Mrs Murray admitted having visited a number of public-houses... but stoutly denied having been in the company of men.' It went on to marvel at the daughter's evidence: 'she alleged she... found her mother in the house in company with a man. One night... her mother did not come home, but returned at seven o'clock the following morning, and told [her] she would put on her pink dress so that her husband would think she had been home all night.' The article title neatly conveys the attitude of the news writer toward unfaithful women who complained of cruelty: 'No Evidence of Cruelty.'<sup>56</sup> The meaning of husbands' violence was thus transformed by unfaithfulness into a reactive imposition of social norms. Again, the ubiquity of reports that blamed unfaithful victims fed the social discourses that supported retributive, disciplinary violence.

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<sup>54</sup> *Sheffield Evening Telegraph*, 7 July 1917 p. 3.

<sup>55</sup> *Exeter and Plymouth Gazette*, 14 November 1922 p. 5.

<sup>56</sup> *Lancashire Evening Post*, 10 January 1930 p. 9.

The narratives described above presented the readership with what Maria Meyers has termed warnings against unacceptable female behaviour, while outlining the grounds on which violence would be acceptable.<sup>57</sup> They reinforced the cultural schemas that told women that it was their responsibility to avoid assault by behaving well, and told men that disciplinary or reactive violence was normal. How, then, did the war influence the media portrayal of violence against subversive women? As might be expected, stories like these became all the more pertinent as intense anxieties about gender chaos and infidelity took hold in wartime and post-war society.<sup>58</sup> As concerns grew about the health of the family, the integrity of womanhood, and the moral desserts of the soldier-hero, the victimhood and respectability of perpetrators were reinforced as wayward women were more firmly established as subversive. Their insubordination was not just a rejection of their husband, nor even of patriarchy, but was considered to undermine the integrity of society.<sup>59</sup> Therefore, the influence of the anxiety of the wartime and post-war periods upon the media presentation of violence against deviant wives is very clear.

War service introduced a new accessibility to this schema for ordinary men during and after the war. Part of the privilege that accompanied service was the expectation of wifely chastity and obedience.<sup>60</sup> Consequently, the staunch endurance of the faithful soldier's wife underpinned expected female behaviour. Her loyal devotion to her husband and children was often portrayed as doing her bit for the war effort, sustaining the morale of her husband in the field and maintaining social standards at home.<sup>61</sup> But the heightened expectations of female conformity were plagued by a nervous undertone that the conditions of a wartime society had encouraged deviance and moral decline as concerns were widely expressed the increased potential for female misbehaviour. As increased numbers of women entered employment and

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<sup>57</sup> Meyers, *News Coverage of Violence against Women*, p. 112.

<sup>58</sup> Martin Pugh, *Women and the Women's Movement in Britain, 1914-1959*, (Basingstoke, 1992), pp. 78-80; Grayzel, *Women's Identities at War*, p. 129.

<sup>59</sup> Grayzel, *Women's Identities at War*, p. 156.

<sup>60</sup> Susan Kingsley Kent, *Making Peace: the Reconstruction of Gender in Interwar Britain*, (Princeton, NJ, 1993) p. 113, 115; Pugh, *Women and the Women's Movement in Britain*, p. 88.

<sup>61</sup> Grayzel, *Women's Identities at War*, p. 129.

wives were left to spend their soldier husbands' separation allowances unsupervised, suspicions were rampant that women were taking advantage of the extraordinary circumstances to misbehave.<sup>62</sup> The greatly increased opportunities for wives to be unfaithful to their soldier husbands garnered a hysteria that verged on a moral panic. The worry was so great that the War Office made an abortive, unpopular effort to use the police to supervise the sexual conduct of servicemen's wives and widows.<sup>63</sup> It is in this anxious context that news reports of battery and murder of wayward wives must be considered.

Such apprehensions meant that 'for many people the war seems to have had the effect of reawakening conventional notions about the separate spheres',<sup>64</sup> and in a climate that valued conformity there was heavy backlash in the press against those women who flagrantly undermined their husbands' authority. This was reflected in the press's reporting of servicemen's misbehaving wives, who were rarely portrayed sympathetically. As such, reports stressed unfaithful and wayward women's own transgressions, and the lack of real criticism of the punitive violence exacted upon them expresses a commitment to the status quo. Their battered bodies were, therefore, held up as a lesson to others. In 1919 *The Lincolnshire Echo* entitled its article on John Taylor's charge of assault against his wife 'MAGISTRATE'S SOUND ADVICE TO DANCING WIFE. PROPER PLACE AT HOME WITH CHILDREN.' His offences might have been extreme ('it was alleged that he chased her out of the house with a knife, cut her hand, and tried to strangle her.') but it is clear that the wife was considered culpable. John's defence 'elicited' her admission that she 'had two young children and attended dances.' *The Echo* went on to convey the Chairman's admonishment even as he bound over John: 'If there were less dances like those you have attended, the world, the reconstruction of which is so much talked about nowadays, would be a better

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<sup>62</sup> Ibid., pp. 22-23.

<sup>63</sup> The War Office were reluctant to pay a separation allowance to wives and widows who were sexually promiscuous. Just like their marriages, the War Office wanted the allowances to be dependent upon women's sexual exclusivity, but this was hotly contested and eventually dropped. (*The Manchester Guardian* 26 January 1915 p. 8.)

<sup>64</sup> Pugh, *Women and the Women's Movement in Britain*, p. 38.

place.’<sup>65</sup> This individual case of battery was symptomatic of the perceived decadent malaise among post-war womanhood that valued fun over duty.<sup>66</sup> Similarly, in 1925 *The Western Daily Press* portrayed the indignity to which Captain Frederick Booth was subjected by his wife Dolores and her relations: ‘One who came to the house said “All men were filth,” and another called the babies “Dirty little brats.”’ Such hostile opinions to normative femininity resonated well with hostility to the feminist movement, which at this time was battling accusations of ingratitude for men’s wartime sacrifices.<sup>67</sup> Dolores herself was depicted as a malicious and manipulative woman, as the report unquestioningly repeated Frederick’s account of an assault he claimed she initiated upon him, although she certainly came off worse. He stated that as she got up after falling (or maybe being thrown) at a wall, she said ‘that was just what she wanted, and left the room.’<sup>68</sup> Such an assertion tapped into worries that wives were exploiting the justice system by fabricating cruelty in order to escape their wifely duties. The prominence of Frederick’s war service – the continued referrals to him as Captain, and the inclusion of his medal in the title – paint him as a hero hard done by a new ungrateful brand of womanhood. Female insurrection was highlighted again in 1936 when *The Sunderland Echo* reported Frederick Blay’s own assessment of his cruelty to his wife: ‘Since the War I have become a pacifist and unwisely surrendered my position as head of the house to my wife. I am now seeking to get back to my rightful position’. The article focused on the wife’s challenges to his authority (it is entitled ““Queen Who Had Fits of Rebellion”). By contrast, even though magistrates were persuaded to issue an order the only evidence of cruelty presented is an allegation that he left coats on the stairs.<sup>69</sup> In cases such as this, the purpose of the articles was not to convey the actual events or to express condemnation of husbands’ abuses. Instead, they were used to speak of contemporary worries of upheaval

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<sup>65</sup> *Lincolnshire Echo*, 23 May 1919 p. 4.

<sup>66</sup> Billie Melman, *Women and the Popular Imagination in the Twenties: Flappers and Nymphs*, (Basingstoke, 1988), pp. 18-19.

<sup>67</sup> Kingsley Kent, *Making Peace*, p. 114.

<sup>68</sup> *Western Daily Press*, 14 July 1925 p. 5.

<sup>69</sup> *Sunderland Daily Echo and Shipping Gazette*, 29 August 1936



within the family and the challenges made to traditional patriarchal forms by women who were seen to be expressing non-normative femininities.

This is especially clear in the case of female infidelity, since this represented the ultimate betrayal of both husbands and the social order, which was exacerbated by the construction of happy domesticity as the reward for service. Infidelity was therefore constructed as the failure to uphold the sex contract of war. Battered or murdered wives were constructed as risky rather than at risk,<sup>70</sup> their total culpability established by their social deviance. Reports commonly drew attention to the time at which the alleged marital offences took place. Unfaithfulness was always a mark of female villainy, but when it was performed while husbands were serving their country, their wickedness was exacerbated. The implication is, therefore, that such brave men ought not to have been brought so low by such bad women.

This message is very clear in the reports of Ernest Gorton's murder of his adulterous wife Blanche in 1917. Though it emerged in the trial that he had subjected her to violence since their marriage,<sup>71</sup> no newspapers surveyed mentioned this. Instead, his service and her infidelity dominate in equal measure. *The Liverpool Echo* titled a report on Blanche and one other unfaithful woman's murder as 'ERRING WIVES. TRAGEDIES IN SOLDIERS' HOMES.'<sup>72</sup> *The Hull Daily Mail* ran with 'UNFAITHFUL WHILE IN FRANCE.'<sup>73</sup> Following suit, *The Taunton Courier* immediately assigned responsibility for the crime by titling its article 'Faithless Wife', making female infidelity, not a killing, the crux of the story.<sup>74</sup> *The Manchester Guardian* described in detail the war wounds Ernest suffered in Gallipoli, and then drew attention to the moment of his discovery: 'he came home on leave... and continued on good terms with his wife until... he found some letters in an upstairs room. ... Letters read at the inquest showed that the dead woman had been meeting and carrying on correspondence

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<sup>70</sup> For an exploration of the way that modern targets of domestic abuse can be constructed as both at risk and risky, see Annette Houlihan and Sharon D. Raynor, 'Victim, risqué, provocateur: popular cultural narratives of Rihanna's experience of intimate partner violence', *Australian Feminist Studies*, 29:81 (2014), pp. 325-341.

<sup>71</sup> The National Archives (TNA), ASSI 52/268 Assizes: Northern Circuit Criminal Depositions and Case Papers, Exhibit No. 18, Deposition of James Jarvis Warburton, 1916.

<sup>72</sup> *Liverpool Echo*, 24 October 1917 p. 5.

<sup>73</sup> *Hull Daily Mail*, 23 November 1917 p. 3.

<sup>74</sup> *Taunton Courier, and Western Advertiser*, 28 November 1917 p. 3.

with several men, some of whom had...visited the house.<sup>75</sup> The fact that Blanche had been misconducting herself while her husband was away marked her behaviour as a betrayal of her husband and her country's cause. This story was therefore a means of conveying revulsion against unfaithful wives.

The news media tended to emphasise the nobility of the killer and contrasted it to the perfidy of his victim. This made him an avatar for conformity and her an element of social ruin. For instance, in 1922 *The News of the World* phrased Alfred Meader's murder of his estranged wife Mabel primarily through her provocation and his vulnerability. Attention was paid to how he was blinded during the war, and his determination to retain custody of his beloved daughter. Though Mabel had left him because of his long term abuse, this was ignored. Instead the story was about her wickedness. Each of the subheadings recounted her 'sordid life': 'WON'T COME BACK ANY MORE', 'CARRYING ON WITH A MAN', and 'DEAD WOMAN'S PAST. DRINK AND DEGRADATION IN THE UNDERWORLD.' The story was summed up as the effort of a noble, injured ex-serviceman trying to reclaim a bad woman: 'He was always trying to win her back from her evil ways...but...the woman had sunk too low in the mire.'<sup>76</sup> Sympathy for Mabel was non-existent, since she was failing as a wife and as a post-war woman. In effect, the news report becomes a tale of the regrettable execution of order upon dangerous chaos.

Indeed, the extremity of such vilification of unfaithful victims is apparent in reports of Henry Canham's trial for the murder of his wife Gladys. She had been unfaithful to him, somewhat neglectful of their child, and had sold up their house without his permission. When they reunited while Henry was on leave, she admitted her infidelity and possible venereal disease, and Henry calmly shot her through the heart. The news media showed no sympathy for her at all, whereas he was presented as a tragic victim. *The Liverpool Echo* titled its report, 'WIFE WENT WRONG. SAD NEWS FOR A SOLDIER IN FRANCE.'<sup>77</sup> *The Diss*

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<sup>75</sup> *Manchester Guardian*, 23 November 1917 p. 8.

<sup>76</sup> *News of the World*, 10 September 1922.

<sup>77</sup> *Liverpool Echo*, 31 January 1918 p. 4.

*Express* ran with 'DRIVEN TO KILL. SOLDIER BOUND OVER FOR SHOOTING WIFE.'<sup>78</sup>

*The Hull Daily Mail* chose 'A Wife Who "Went Wrong." YOUNG SOLDIER'S LIFE RUINED.'<sup>79</sup>

Across the country, the press consistently framed Gladys as a bad woman who knowingly provoked her heroic husband to kill. Even in national broadsheets, Henry's voice dominates such reports as he presented himself as the victim of her behaviour. *The Times* initially dedicated more than half of its report to his police statement, in which he presented Gladys as the sole responsible agent of his violence: 'If she had kept away another day it would not have happened, because I was going back to France to-morrow.'<sup>80</sup> The paper subsequently reported his trial, including extensive descriptions of his military career, good character, and the painful moment when he received letters in France describing her behaviour. It then quoted Justice Atkin in sentencing Henry to being bound over in the sum of five pounds: 'He thought he was maintaining the principle which it was important to maintain, and that was to see that punishment did not go beyond what would receive the assent of a reasoned and instructed public opinion.'<sup>81</sup> Both the judge and the newspapers acknowledged that what Henry did was wrong, but the circumstances created by Gladys in the tense climate of war made it ever so excusable. She was both a moral and an infectious threat to both her husband and the nation, and her loss was not to be missed, but accepted.

The acceptance of proprietary violence was predicated upon cultural fears of women's potential deviance. Reports of disciplinary violence implied that husbands were justified in enforcing social order and gender normativity upon wayward wives. In this climate, news reports functioned as cautionary tales as they disseminated a 'pseudo-environment' in which disciplinary violence was a permissible act. Like loving and expressive violence, this diminished IPV as a one off event provoked by the victim's bad behaviour. Reinforcing prevalent gender hierarchies, substandard wifely performance was constructed as ample justification for husbands' violent frustration. This is particularly apparent in cases of infidelity,

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<sup>78</sup> *Diss Express*, 8 February 1918 p. 6.

<sup>79</sup> *Hull Daily Mail*, 1 February 1918 p. 5.

<sup>80</sup> *The Times*, 3 January 1918 p.3.

<sup>81</sup> *The Times*, 1 February 1918 p. 3.

which were phrased as crimes of passion. Husbands' violence therefore became an automatic, emotional response to their partners' extreme provocation. This combined men's emotions and disciplinary authority to interpret violence as a naturalistic enforcement of order upon women's bodies. With the advent of war, women's good behaviour came to be constructed as the counterpart to male service. With obedience and chastity understood to be men's reward for war service, deviant female behaviour was all the more disruptive of the status quo. This in turn created an ideal context to diminish IPV, as victims were maintained to bare sole responsibility for even savage murders. Yet, sometimes men were assigned responsibility but were still treated sympathetically by the press. This is apparent in the case of expressive violence, which framed men's violence as a reaction to or manifestation of alternative, non-malicious problems.

### Describing violence against wives as expressive violence

Loving and disciplinary violence both promoted the perpetrator's experience of IPV above the victim's. Though it could be condemned, violence could be imagined to be the result of male suffering, rage, or temporary incapacitation/insanity. In this respect, the press representation of expressive violence differs little. This diminished the severity of violence by exploring mitigating factors that related solely to the perpetrator's internal emotional world. Therefore, issues such as drunkenness and stress, rather than malice, could be considered the true motors of IPV. This in turn imagined men to be the passive subjects of their vices, circumstances and emotions, rather than active agents in their assaults. Thus, the press once again assessed a husband's responsibility by considering how he was thinking and feeling when he abused his wife, rather than fully criticising the results. The press thus indulged the common abuser fallacy that the significance of his violence is lessened by his

lack of cold, calculating intent.<sup>82</sup> Consequently, the media disseminated abusers' self-assessment that their violence was sudden, excusable and uncharacteristic, rather than an unacceptable or even consistent feature of their efforts to control their partner.

Indeed, the acceptance of such self-assessments was enabled by the differentiation of IPV from other forms of violence. Severe assaults against female intimates were commonly diverted into civil law as separation cases rather than as criminal hearings for assault; victims could lose their right to pursue separations or divorce if they condoned a partner's violence; and the judiciary often consciously erred toward lenience in their dealings with IPV. Marriage therefore transformed often savage assaults into a marriage problem. In her study of representations of IPV in the contemporary Spanish press, political anthropologist Dolors Comas-d'Argemir has observed that 'violence has cultural and social components, with specific meanings for the perpetrators and victims that depend on the social context.'<sup>83</sup> The presence of specific meanings for and ways of thinking about violence is very clear in the inclination to see it as non-malevolent or unintended. This gave such assaults meanings that diverged from narratives of criminality or transgression.

Thus, by giving wife assault an expressive, emotional, or animalistic meaning within the confines of the marital relationship, it was reduced to a problem regarding marriage or perpetrator welfare rather than as a real risk to victim safety. This created an androcentric pseudoenvironment as readers were presented with reports inviting them to judge husbands' violence differently, because marriage could guard against accusations of calculated malice. Husbands could consequently be excused from responsibility or villainhood because their violence was not deemed to be truly representative of their personalities. This section explores how this manifested in two particular scenarios: where alcohol was blamed; and where husbands were perceived to be struggling with stress. These were deemed to indicate

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<sup>82</sup> Amy Bonomi, Rashmi Gangamma, Chris Locke, Heather Katafiasz, David Marton, "Meet me at the hill where we used to park", p. 1058.

<sup>83</sup> Dolors Comas-d'Argemir, 'News of partner femicides: The shift from private issue to public problem', *European Journal of Communication*, 30:2 (2015), p. 122.

that violence was neither a consistent feature of the relationship, nor that it had a proper motivation to mark it as criminal.

Drunkenness as a motor of violence loomed large in press narratives. As discussed in later chapters, drunkenness could be seen as a sign of moral turpitude, but it was also described as a chemical agent that disrupted normative masculine behaviour.<sup>84</sup> This allowed wife battery to be condemned without questioning the problematic power structures that enabled it. It also offered the prospect of reconciliation, since the issue was not a lack of love but of self-control. For example, in 1914 *The Luton Times and Advertiser* indulgently promoted Arthur Adnum's voice in his hearing for drunkenly assaulting his wife: 'He admitted the offence, and said he was very sorry it happened. It was all through drink. ... [he] expressed his sorrow, and said that with regard to the drink he had put his foot on it absolutely, and he would give it up entirely.'<sup>85</sup> The paper thus repeated the comfortable idea that teetotalism was enough to protect wives. Later in 1921, *The Gloucestershire Chronicle* titled a report 'MAN AND WIFE RE-UNITED, HAPPY ENDING TO SEPARATION CASE.' It described how Richard Trenchfield repeatedly assaulted, intimidated and threatened to kill his wife Jessie but again, alcohol was to blame. NSPCC Inspector Hemsley was quoted, saying Richard was 'quite all right when not in drink. When he was drunk, however, it was not safe for his wife and child to be near him'. His own commitment to marriage was then presented: 'he did not want a separation from his wife. He had signed the pledge, and if his wife would return home he would be good to her.'<sup>86</sup> A man's promise could be considered sufficient security, it seemed, and in 1938, *The Lancashire Evening Post* gave a similarly simplistic assessment of Fred Travis's assaults when it rejoiced 'SIGNED THE PLEDGE. St. Annes Man Adopts Alderman's Advice', closing on the scene of reconciliation: 'Urged to do so by the Bench... Travis signed the pledge of total abstinence in court and he and his wife left the building together.'<sup>87</sup> Reports like this presented the triumph of love, self-control and

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<sup>84</sup> Hughes, 'The 'Non-Criminal' Class', p. 46.

<sup>85</sup> *Luton Times and Advertiser*, 19 June 1914 p. 6.

<sup>86</sup> *Gloucestershire Chronicle*, 3 September 1921 p. 6.

<sup>87</sup> *Lancashire Evening Post*, 8 August 1938 p. 4.

forgiveness over alcohol's pernicious influence. Men's capacity and apparent willingness to love and to reform was prioritized over the actual suffering of and real risk to their wives. However, this simplicity vastly misconstrued the operation of abuse, and disseminated dangerous understandings of IPV to the readership.

Husbands were also presented sympathetically where violence was considered a natural frustrated response to stress or impingements upon their masculinity. Indeed, when reporting in this way, the press normalized one of the foundations of IPV, masculine gender role stress.<sup>88</sup> This reinforced cultural assumptions of men's entitlement to authority rather than questioned them. In 1926, *The Exeter and Plymouth Gazette* euphemistically reported Jane Milton's complaints of cruelty, which included tearing out hair and blackened eyes, as 'marital trouble'. The violence was not portrayed as intentional but as symptomatic of her husband's frustrated efforts to be the man of the house: 'He made with his father what proved to be a rather unsatisfactory agreement, whereby the father and mother lived on in the same house, and their interference in domestic matters caused trouble between applicant and respondent.'<sup>89</sup> This displaced responsibility to the domestic circumstances that stymied his performance as a patriarch. The same sympathy was shown when the home failed to constitute a private retreat. In 1918, *The Coventry Evening Telegraph* titled its report of Arthur Kirk's hearing for wife assault 'A LODGER OBJECTED TO.' It did not describe the violence but its cause: he 'objected to a lodger and not being master in his own house. ... he asked the wife if she would let the lodger leave to preserve the peace.'<sup>90</sup> Even though she stated the violence predated the lodger's arrival, Arthur's assaults were presented as the logical consequence of an invasion of the home.<sup>91</sup> Inability or incapacity to find work was also

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<sup>88</sup> To explore modern research on male gender role stress ('the experience of distress in the context of situations that an individual appraises as a threat to his masculine identity') as a predictor of IPV, see Amy R. Baugher, Julie A. Gazmararian, 'Masculine gender role stress and violence: A literature review and future directions', *Aggression and Violent Behaviour*, 24 (2015), pp. 107-112.

<sup>89</sup> *Exeter and Plymouth Gazette*, 9 April 1926 p. 6.

<sup>90</sup> *Coventry Evening Telegraph*, 24 January 1918 p. 3.

<sup>91</sup> Taking in lodgers meant that husbands had competition for their wives' services, and had a competing male presence in the home. Having lodgers also challenged husbands' financial dominance over wives, since their rent constituted a common means of female generated wealth (Chinn, *They Worked All Their Lives*, p. 99-100).

considered explanatory. In 1923, though *The Western Times* detailed Thomas England's assaults on his wife, it sympathetically noted the magistrates' belief that, 'the whole bother in the case was that the man could not work. He had to sit at home. If he had work the wife would be more glad to see him.'<sup>92</sup> This article pinpointed the problem as the friction caused by a confined man's frustration when denied the ability to perform as a breadwinner. In all three instances described, wife battery was constructed as the understandable result of male distress when husbands' patriarchal position was challenged. This disseminated excusatory narratives that deproblematized and diminished violence when it resulted from the distress of male gender role stress.

Perceptions about the internal world of wife batterers and murderers thus played a significant role in the news media's approach to IPV. This was the operation of an androcentric culture that prioritised male perpetrators' internal world as a signifier of deviance in the allocation of blame and responsibility. As a process that manifested cultural norms, the influence of the war upon discourse of violence and marriage can be observed as well. The war's social and economic upheaval impacted on men's efforts to perform normative masculinity, and alcohol consumption was increasingly understood as a form of self-medication for war trauma. This meant that the cultural mood was receptive to differentiating men from their acts of intimate violence.

Post-war financial turmoil intensified the recognition of men's stress as un/under-employment became a serious concern. Such was this anxiety that a perennial feature of the press was the figure of the ex-soldier driven by poverty to organ grinding.<sup>93</sup> It is within this context of anxiety about hard-done-by soldiers that the press extended compassion to some wife batterers. For instance, in 1921 *The Folkestone Chronicle* reported that economic frustration precipitated Frank Iverson's cruelty to his wife Mary. The report surveyed his service in the Navy and, noting that Mary had stymied his planned move to New Zealand

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<sup>92</sup> *Western Times*, 18 May 1923 p. 8.

<sup>93</sup> For examples see: *Yorkshire Evening Post*, 29 July 1922 p. 7; *Western Times*, 28 October 1920 p. 4; *Nottingham Evening Post*, 25 October 1918 p. 2.



early that year, it told how 'he was now entirely out of employment owing to the lack of work at the Acton factory. Hands were being sent away.'<sup>94</sup> His spoiled chances of succeeding as a breadwinner thus informs the readership's assessment of his emotional state. A similar narrative can be seen in *The Times*' 1924 report of Arthur Robert Canham's trial for murdering his wife. It set the scene of the morning of the murder with his distress at being unemployed: 'On the morning of November 6 he went out to try to get work and was told that he was too old and "only fit for the dust heap." "That," said the prisoner, "is what a soldier gets for serving his country."' <sup>95</sup> The consensus that ex-servicemen were entitled to work amplified the pre-existing recognition of unemployment as a potential mitigating factor in IPV. Another commonly recognised problem was the housing shortage, which obliged some couples to live with family. In 1921, *The Biggleswade Chronicle* noted the role played by improper living arrangements in John Day's cruelty to his wife, Mary: 'they had lived since their marriage at her mother's house.' He was depicted in competition with his in-laws, whose threat to his authority is conveyed by the title 'Turned Out by Mother-in-Law.'<sup>96</sup> Wife batterers' inability or incapacity to earn or to set up an independent household was therefore all the more resonant after the war as heroes returned to sub-standard wages and housing. Male emotion in accounts of marital violence was thus made increasingly meaningful by heightened expectations of domestic entitlement for ex-servicemen. The press depicted their violence as symptomatic of wider injustices to ex-servicemen as they demobilised.

As trauma came to be recognised as a serious issue for ex/servicemen, connections were made between service and alcohol to understand IPV. Indeed, alcohol was accepted as a form of self-medication for a variety of physical and mental ailments, as will be seen in subsequent chapters. Therefore, excessive alcohol consumption could be imagined as managing war trauma, giving it a more "respectable" origin. In 1919 *The Burnley Express* concentrated on John May's service record when he stood before magistrates for persistent

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<sup>94</sup> *Folkestone, Hythe, Sandgate and Cheriton Herald*, 22 October 1921 p. 3.

<sup>95</sup> *The Times*, 16 December 1924 p. 3.

<sup>96</sup> *Biggleswade Chronicle*, 16 December 1921 p. 7.

cruelty, titling the report 'RENDERED DEAF AND DUMB. SENSATIONAL STORY ABOUT LOCAL SOLDIER.' The report neglected his cruelty, focussing on his former officer's evidence describing wartime injuries, including head injuries, a coma and temporary deafness. The report rounded off that, 'the trouble had been in regard to May's drinking habits.' Like the magistrate, the association between war wounds and drink led the paper to 'have every sympathy with him.'<sup>97</sup> Similarly, in 1920 when *The Lancashire Evening Post* reported Haworth Hill's summons for cruelty, his war trauma excused his drunken violence: 'He had been in France ... if he got a drop of drink it went to his head, and he did not know what he was doing. ... she had no need to be afraid, as he had promised to sign the pledge.'<sup>98</sup> In the same year, *The Lancashire Evening Post* again framed the war as the violently transformative moment for Thomas Hine: 'He had been strange in his manner since returning from the Army, and when he had any drink he went "mad."'<sup>99</sup> Alcohol was imagined to have an increased capacity to trigger brutal behaviour because of the mental damage husbands were perceived to have had sustained during the war. While this means that the seriousness of their assaults could be acknowledged, it also served to obviate questions of personal responsibility or guilt. The war had thus reinforced the narrative potency of alcohol, providing a 'respectable' reason for its consumption.

The war also served to explain IPV as an expression of ex/servicemen's disordered, but not guilty, minds. In this scenario, war heroes returned altered and brutal. Again, a perpetrator's internal world and history effaced any malevolence from their violence's meaning. In 1919 *The Dover Express* described William Hunt's persistent cruelty to his wife Marcella as the manifestation of his wartime experiences. The report gave the medical evidence centre stage: 'the husband went through the war... since his return his conduct had changed ... the injuries he had received... might have affected his brain, and he was now subject to uncontrollable outbursts.'<sup>100</sup> *The Express* thus portrayed William as another victim

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<sup>97</sup> *Burnley Express*, 25 October 1919 p. 5.

<sup>98</sup> *Lancashire Evening Post*, 4 November 1920 p. 3.

<sup>99</sup> *Lancashire Evening Post*, 23 March 1920 p. 2.

<sup>100</sup> *Dover Express*, 13 June 1919 p. 3.

of the war, who had lost not only his health but his marriage. Similarly in 1917, *The Derby Daily Telegraph* reported a Coroner's Court's verdict on Robert Storey's killing of his wife Jane in sympathetic terms. Titled 'SOLDIER'S SUDDEN INSANITY', the report wondered at the abruptness of the homicide: 'they were having tea in a friend's house, and ... screams were heard, and it was found the husband had cut his wife's throat with a razor, and afterwards committed suicide.' It went on: 'The husband had been to the front, and had been wounded. The parties had apparently living on good terms.'<sup>101</sup> IPV is often a surprise even to the couple's friends and family, and yet military brutalization offered a more easily recognizable source for violence than a husband's own behaviours. Again in 1917, *The Daily Gazette for Middlesbrough*'s report of Joseph Wilmot's trial for murdering his wife and two children was entitled 'INSANE SOLDIER'S CRIME' and noted his plea that he 'had once been in the Army, [and] had developed melancholia through inability to work owing to locomotor ataxy.'<sup>102</sup> Though it is not made clear whether Joseph was currently serving, his description as an 'insane soldier' denotes to the readership a causal relationship between his service, his illness, and his killing. Though there can be causal relationships between illness and violence, it must be noted that the press seized on war-induced insanity as an explanatory narrative. War could give perpetrators' appeals to their mental health a greater purchase and believability within the press, since the prospect of brutalization was both pitiable and terrifying, amplifying the tragedy of a violent husband.

Husbands' violence might have been deplorable, but their internal world could neutralise deviance in the press, and external "reasons" for violence (alcohol, stress, ill health) dissociated men from their actions. These stories carried almost a moralistic tone, promoting self-control and redemption, or even understanding for perpetrators' suffering. This reflects the press's mirroring of abusers' common practice of using 'language that diminishes their responsibility through making excuses and justifications.'<sup>103</sup> Without the apparent intent that

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<sup>101</sup> *Derby Daily Telegraph*, 16 January 1917 p. 2.

<sup>102</sup> *Daily Gazette for Middlesbrough*, 7 August 1917 p. 2.

<sup>103</sup> Alexandra Frazer and Michelle Miller, 'Doubles Standards in Sentence Structure: Passive Voices in Narratives Describing Domestic Violence', *Journal of Language and Social Psychology*, 28:1 (2009), p. 68.

would create such men as bad husbands, violence was not deemed to represent their true nature, illustrating the androcentricity of the media. The willingness to create and disseminate such assessments of wife battery was only strengthened by the simultaneous emergence of the ex/servicemen's social privilege and the economic and mental barriers to their full performance of it. Peripatetic employment prospects, insufficient and inadequate housing, and perceived and real mental illness all contributed to this trend. With the perpetrator so carefully interrogated by a news media that accepted emotional and mental stress as a modifier for guilt and criminality, the domestic discount remained a constant feature of IPV reportage.

Loving, disciplinary, and expressive violence all diminished violence by foregrounding the perpetrator's own feelings and thoughts to discern guilt. Whether it was to express love, enforce discipline, or manifest internal struggles, IPV was a delicate issue that the press afforded discretion. Violence was mitigated where perpetrators performed manfully or at least not un-manfully. It was only where IPV was understood to transgress social or gender norms that husbands were portrayed as deviant and criminal, as shall be seen below.

### The transgressive violence of bad husbands

Certainly, there were plenty of cases where violence against wives was accepted as "normal", where male proprietoriness was considered ordinary, and female obedience expected. However, this was balanced by a trend that described wife batterers as bad husbands and outcast men. Significantly, this trend identified excessive or unprovoked violence as a serious problem that anathematized and even criminalized IPV. As Monckton Smith has shown in the modern media's reporting styles, violence became unsavoury when men did not perform it as an expression of married love.<sup>104</sup> Unable to phrase abuse as devotion, the press depicted their violence as unjustified, unmitigated and driven by hatred.

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<sup>104</sup> Monckton Smith, *Murder, Gender and the Media*, p. 119.

Malice precluded sympathy in the press, and such violence was imagined as the expression of unmanly brutishness.

This construction condemned wife battery, but it remained deeply problematic: its underpinning values were informed by and reinforced the contemporary gender norms that supported IPV. Shani D'Cruze *et al* have forcefully demonstrated that the presentation of murderers as monstrous, evil or inhuman insulates against the acknowledgement that they are ordinary people.<sup>105</sup> Similarly, Lane Kirkland Gillespie *et al* have identified that the modern press has a penchant for 'indicating the victim and/or perpetrator are somehow different from the norm; and ... asserting that domestic violence perpetrators are "disordered"'.<sup>106</sup> Indeed, in examining the moralized backlash against extremely violent pornography, Stephen Maddison invites us to consider Roland Barthes' theory that myths – such as that of evil murderers - 'immunizes by means of a small inoculation of acknowledged evil; [and] thus protects it against the risk of generalised subversion.'<sup>107</sup> By otherising violent husbands, the problem became a moralist rather than a determinist one, and society was 'inoculated' against the need to question the culture that fostered that violence. Defined as the "other", bad husbands' actions were not viewed as an extreme manifestation of a culture that accepted limited male violence within relationships, but as outcast, abnormal monsters. This section will thus review the operation of the bad husband trope within the press, exploring the performance of otherisation, the circumstances under which it was avoided, and how the war developed the presentation of transgressive IPV.

The portrayal of bad husbands was not without qualification, since it demanded that wives were entirely innocent. In stark contrast to "justified" violence against unfaithful women, wives were commonly awarded a voice where husbands were brutish but this was dependent upon their exemplary behaviour. As Shearer-Creman commented regarding modern IPV victims,

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<sup>105</sup> Shani D'Cruze, Sandra Walklate, and Samantha Pegg, *Murder: Social and Historical Approaches to Understanding Murder and Murderers* (London, 2006), pp. 23-29.

<sup>106</sup> Kirkland Gillespie, *et al*, 'Framing Deadly Domestic Violence', p. 27.

<sup>107</sup> Stephen Maddison, "It's gonna hurt a little bit. But that's okay – it makes my cock feel good": Max Hardcore and the Myth of Pleasure' in Feona Attwood, Vincent Campbell, I.Q. Hunter and Sharon Lockyer (eds.), *Controversial Images: Media Representations on the Edge*, (Basingstoke, 2013), p. 171.

‘women’s words are more likely to be “heard” when they “mouth” an “appropriate” abuse narrative’.<sup>108</sup> Therefore, wives’ voices were all the more prominent when they adhered to contemporary feminine norms. For instance, in 1915, in reporting her husband’s hearing for assault, *The Luton Times* used Ada Oxborrow’s testimony to describe her marriage and the assaults she had suffered when he made a prolonged attack on her in front of their children. She had proved her own feminine long suffering: told her husband in court, ‘I have suffered torture through you. I have a temper, thank God, - if I hadn’t I should have been dead years ago – but I never showed it.’<sup>109</sup> Ada typified appropriate victimhood, having passively endured excessive violence. Likewise, in 1922 *The Wells Journal* portrayed Laura Hughes as an undeserving victim, who showed both patience and forgiveness: ‘She gave him no cause for this behaviour as she was never out of the house when he returned. ...he assaulted her in cold blood. ...She had forgiven him time after time, but it was of no avail.’<sup>110</sup> *The Nottingham Evening Post* in 1924, gave Elsie Flemmer a strong voice when she proved her endurance of her husband’s violence: ‘for the last two years she had practically kept the home going by her work as a milliner, although her husband... could earn money when he chose to work.’ Elsie’s familial dedication starkly contrasted her husband’s: he spent twenty three pounds on a booze-fuelled trip to Manchester, but attacked his wife’s ‘cuckoo’-like household management.<sup>111</sup> In cases like these, wives had acted “properly” and husbands “unproperly”, allowing victims to take narrative prominence in reports.

Husbands whose violence was unfounded were constructed as savage and malicious, as their violence was claimed to be purposeless, lacking proper motivation. This is apparent in cases where husbands allegedly over-reacted to minor/non-existent provocations. In 1923, *The Derbyshire Times* portrayed Henry Walker as a brute, listing his wife’s allegations: he ‘frequently threatened to murder her, and continually knocked her about. ...after she had

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<sup>108</sup> Christine Shearer-Creame, ‘The Epistemology of Police Science and the Silencing of Battered Women’ in Christine Shearer-Creame and Carol Winkelman (eds.), *Survivor Rhetoric: Negotiations and Narrativity in Abused Women’s Language*, (London, 2004), pp. 178-180.

<sup>109</sup> *Luton Times and Advertiser*, 7 May 1915 p. 4.

<sup>110</sup> *Wells Journal*, 2 June 1922 p. 3.

<sup>111</sup> *Nottingham Evening Post*, 29 August 1924 p. 1.

twice called him for his dinner [he] struck her several times about the face and body.’<sup>112</sup> Henry’s brutality was utterly uncalled for and completely disproportionate. Similarly, in 1934, *The Taunton Courier* reported that William Harvey ‘seized [his wife] by the arm and swung her around the kitchen until he moved all the furniture and injured her side’ when she had advised him to eat dinner before going out. Later, he ‘took her by the throat... broke her necklace, and scratched her throat badly’ when they argued about their dog.<sup>113</sup> Moreover, in *The Lancashire Evening Post*’s 1919 report on May Sidney George Everitt’s suit for adultery focussed only his outrageous abuse: ‘Mrs Everitt was walking with her husband in Bond Street when he became so abusive ... that she ran away and sought the protection of Lady MacMahon. ... Later at a dance ... he made an awful scene about his wife sitting a dance out. When he arrived home he broke up the furniture in his rage’.<sup>114</sup> The report then stressed the disruptive potential of his villainy by describing how his young children were acting out their father’s rages as a game. George’s abuse was totally disproportionate, lacked mitigation or justification, and undermined the family. These men’s brutality was therefore defined by their lack of proper motivation, and so their violence was portrayed as neither disciplinary nor impassioned. Consequently, they were publicly marked in the press as bad husbands, outcasts, who operated without social license.

This is particularly clear in very extreme cases. In 1923 when John Whalley’s wife separated from him, he took revenge by abducting his five year old step-daughter and cutting off her hands. The frantic national reportage of this case completely dehumanised John: headlines blared ‘Inhuman Father’,<sup>115</sup> ‘Life Sentence Passed on Fiendish Stepfather Who To Be Avenged On Wife Cut Off Little Daughter’s Hands’,<sup>116</sup> ‘Life Sentence for Fiend’,<sup>117</sup> and ‘DIABOLICAL ACT’.<sup>118</sup> Papers reported his admission that ‘I wanted to get at the mother

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<sup>112</sup> *Derbyshire Times and Chesterfield Herald*, 29 September 1923 p. 13.

<sup>113</sup> *Taunton Courier*, 3 October 1934 p. 2.

<sup>114</sup> *Lancashire Evening Post*, 21 October 1919 p. 3.

<sup>115</sup> *Portsmouth Evening News*, 9 November 1923 p. 8.

<sup>116</sup> *Sunday Post*, 9 December 1923 p. 3.

<sup>117</sup> *Hull Daily Mail*, 10 December 1923 p. 7.

<sup>118</sup> *Fife Free Press*, & *Kirkcaldy Guardian*, 15 December 1923 p. 10.

through the child' alongside Justice Branson's conclusion that he was 'cold, calculated and fiendish.'<sup>119</sup> John's actions were rightly condemned, but rather than recognising this as an extreme manifestation of quite ordinary patriarchal control (indeed, one can see above how newspapers responded sympathetically to distraught men who killed), he was constructed as a fundamentally evil person. Henry Gaskin was treated much the same when he murdered his estranged wife in 1919. He had lured her to a secluded area before brutally torturing, mutilating and dismembering her. *The Lichfield Mercury's* avid reportage stressed his monstrosity: it warned 'Only a broad outline can be given if the canons of decency are not to be infringed.'<sup>120</sup> It told how the 'Coroner apologised to the jury' for having to consider "the most horrible and diabolical thing he had ever read." With no apparent sense of irony, and with no attempt to clothe events in gothic terminology to lessen its horror as D'Cruze has shown was an option,<sup>121</sup> just over a week later then published the horrendous prisoner statement, closing with the Coroner's reflection: 'he did not think anything more horrible or ghastly had ever been put together. It was not the document of a human being, but almost a fiend.'<sup>122</sup> Henry was not constructed as a man but a deviant so far removed from ordinary people that he himself was the danger, not as an extreme manifestation of otherwise commonplace patriarchal control. In both cases, the social or cultural underpinnings were not considered at all. Their evilness becomes, as Barthes suggests, an inoculation against self-examination.

In addition, a lack of remorse played a significant part in the construction of bad husbands. Monckton Smith has pointed out how this often debars modern men who have killed their partners from claiming sympathy, diminished responsibility or provocation,<sup>123</sup> and this trend is certainly in evidence in interwar representations of wife battery. For instance, in 1914 John Cantrill punched his wife as they ate dinner and asked his daughter 'Shall I finish

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<sup>119</sup> *Hull Daily Mail*, 10 December 1923 p. 7.

<sup>120</sup> *Lichfield Mercury*, 28 February 1919 p. 3.

<sup>121</sup> D'Cruze, "The damned place was haunted", p. 37.

<sup>122</sup> *Lichfield Mercury*, 7 March 1919 p. 3 (N.B. this report is incredibly distressing).

<sup>123</sup> Monckton Smith, *Murder, Gender and the Media*, p. 121.



the - ?' leaving 'pools of blood about the place.' *The Birmingham Mail* described with horror how he claimed, 'it was not his fault. ...She hit me with a sad-iron' as he defended himself. The denial of such extreme, witnessed violence confirmed his abnormality, further conveyed by the title 'BRUTAL ASSAULT ON A WIFE.'<sup>124</sup> Similarly, in 1916 *The Cambridge Independent Press* marvelled at John Huckle's lack of remorse when his wife claimed he had repeatedly assaulted her while she was holding their baby; he 'on oath, said he was quite willing to forgive and forget but he "hoped she would not take the liberty of thinking he was at fault."' The article then countered his claim that his assault 'was in a fit of temper, and he only hit her on the coat sleeve and broke two buttons' with the Deputy Clerk's observation, 'It was a serious blow if it broke two buttons.'<sup>125</sup> William neither recognised the extremity of violence nor his guilt, thus ensuring that he was portrayed as a bad husband. Later in 1937, *The Portsmouth Evening News* incredulously reported that John Newton pleaded not guilty to wife assault, stating in court only that 'She deserved all she got', when there were two witnesses to his unprovoked attack, including an off-duty police officer.<sup>126</sup> Such men were distanced from ordinary society because they failed to reintegrate themselves into normative patriarchal society by remorsefully recognising transgression.

Like the other trends examined, the image of the bad husband was impacted by the war's reinscription of new masculine and gender hierarchies, as service became increasingly central to male status. This trope could subvert and contradict the respectability and nobility of ex/servicemen, and non-service, too, became a significant marker of male deviance. Yet the introduction of this heroism could also disrupt this norm, as unloving husbands' service acquired new centrality in such stories.

The social status of servicemen introduced a delicious juxtaposition of heroism and brutality, as news articles depicted the soldier inverting his defensive duty by assaulting

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<sup>124</sup> *Birmingham Mail*, 10 June 1914 p. 6.

<sup>125</sup> *Cambridge Independent Press*, 20 October 1916 p. 8.

<sup>126</sup> *Portsmouth Evening News*, 15 June 1937 p. 11.

intimates.<sup>127</sup> This is very clear in the reports of John McCartney's murder of his so-called wife Charlotte Kent in December 1915. *The Evening Telegraph* told how he married her bigamously, then repeatedly assaulted her because of his unfounded, hypocritical jealousy. He then killed her by slashing her throat so forcefully that 'she was nearly decapitated.' His bigamy, violence and paranoid jealousy all taint him as deviant, but his service is significant. The story is entitled 'Soldier pays the penalty for taking life of woman. Jealous of comrades.'

<sup>128</sup> The interest of this story is his betrayal of martial chivalry for failing to trust his comrades. The report thus holds McCartney doubly abominable: he failed as husband and as a Tommy, and his pariah status redrew the lines of acceptable behaviour both for husbands and soldiers. Again in 1917, *The Hull Daily Mail* drew attention to George Barkwood Young's soldiery to amplify his otherness. Titled 'HULL SOLDIER SUMMONED BY WIFE. THREATENED TO BAYONET THE CHILDREN.', it told how, when his wife Florence refused to give him drinking money, he threatened to bayonet her and their children and chased them until they ran into the street. On another occasion, he said 'he would bring a bomb from camp and would drop it in the middle of the house, before striking her.'<sup>129</sup> Notably, George had been violent before he joined the army – the problem was thus presented not as brutalization but the military's unwitting provision to a vile husband of yet more ways to torment his wife. The news media's portrayal of these men's violence maintained a moralist rather than causalist approach. Service added a rhetorical flair and gave further opportunities to define batterers' deviance.

However, where service could augment husbands' monstrosity, non-service could be used to reinforce social hierarchies among men. Civilian and non-combatant status could emphasise brutality by implying cowardice or shirking. In 1915 *The Liverpool Echo* gave Mrs Barton centre stage when it reported her application for separation due to cruelty, as she told

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<sup>127</sup> As Alexander Watson has demonstrated, 'most joined the army with the simple motive of defending their homes and loved ones from an enemy they were old and ruthless.' (Alexander Watson, *Enduring the Great War: Combat, Morale and Collapse in the German and British Armies, 1914-1918*, (Cambridge, 2014), pp. 83-84).

<sup>128</sup> *Evening Telegraph*, 29 December 1915 p. 3.

<sup>129</sup> *Hull Daily Mail*, 24 September 1917 p. 4.

magistrates that her husband ‘had joined the army four times since war broke out... he drew money every time he enlisted, and spent it in drink.’<sup>130</sup> This exploitation of the army by a violent drunkard reinforced his transgression. Likewise, in 1916 *The Birmingham Gazette* noted that William Fellows, standing trial for child cruelty, had ‘brutally ill-treated his wife’ and that he had ‘joined the Royal Warwicks, but was discharged as being unlikely to become an efficient soldier’.<sup>131</sup> His unsuitability for the army was utterly irrelevant, yet its mention stresses his aberrant masculinity. Similarly, in the same year *The Western Times* reported that magistrates told Lewis Pring whose wife ‘lived in terror of him’ that ‘If you joined the Army your wife and family would be better off.’<sup>132</sup> Non-service was thus a marker of unmanliness which intensified wife batterers’ deviance, and “inadequate” service could further augment this disparagement. In 1920 *The Western Times* reported Lily Cross’s complaint of cruelty against her husband Frederick and quoted her exchange with his defence solicitor verbatim:

Mr Hutchings: Your husband has been wounded by a shell? – I don’t think he has.

Do you doubt it? – I don’t think he has ever been across the sea.

Do you say that he has never been wounded? – Yes, sir.<sup>133</sup>

Lily became a means of social correction, stopping her husband from claiming undue respectability and sympathy. Failure to perform as a serviceman further excluded deviant wife batterers from hegemonic masculinity. Ostracised from normative manhood, these men were portrayed in news reports as utterly reprehensible.

However, service could also disrupt or even derail the usual portrayal of bad husbands. As war introduced new hierarchies of respectability, service, not violence, could dominate news reports of wife battery, and sometimes articles related only the perpetrator’s service history in detail. In 1916 *The Evening Telegraph* reported the hearing of William Murphy who had hit his wife and struck another woman with a cradle. However, the article quickly progressed to a thorough account of his extraordinary service: enlisting in the Dragoon

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<sup>130</sup> *Liverpool Echo*, 28 June 1915 p. 7.

<sup>131</sup> *Birmingham Daily Gazette*, 26 September 1916 p. 5.

<sup>132</sup> *Western Times*, 20 October 1916 p. 8.

<sup>133</sup> *Western Times*, 28 July 1920 p. 3.

Guards at just fifteen, he served in Gallipoli for a year and was discharged aged seventeen, marrying six months later. But 'his married life had been far from happy, and as a result he had taken to drink'.<sup>134</sup> The article does not even describe the extent of his violence; the focus is his patriotism, counteracting any vilification. Again, in 1925 Captain Frederick Booth's voice completely dominated *The Western Daily Press's* report of his wife Dolores's complaint of cruelty. The article's title 'V.C.'s Wife. Imaginative Black Eye' sets a tone of regard for Frederick and distrust for Dolores, who was denied any voice in the report. He claimed that Dolores's 'vivid imagination' made her untrustworthy, and that he acted purely in self-defence when she 'lost her temper and seized him by the throat, ... [and] threw at him a library book...injuring his chin and eye', even though his response ('on the impulse he got hold of a side-table and a bottle on it, and threw the whole bag of tricks in her direction.') seems more like revenge than defence.<sup>135</sup> His domination of the article speaks to the perceived honour and trustworthy of ex/servicemen (particularly officers). Similarly, in 1933 *The Western Gazette* was incredibly sympathetic to Leo James Riordan, 'a retired flight-lieutenant of the R.A.F.', when his wife sought a separation order for cruelty. The title explicitly conveys his savagery ('Beat His Wife And Fastened Her With A Dog Chain. Officer Asks To Go To Jail.') but the article instead showcases his service. Just as above, the article relates only his words: 'I am now 40 years of age. ... I have spent the whole of my life in His Majesty's service, and have fought in seven campaigns, I have never done any dishonourable thing before [this] ... and I am thoroughly ashamed.' Despite the severity of his violence, which included dousing his wife in petrol, the news article is sympathetic and pays explicit attention to his service. Even his admission of guilt couched in chivalric terminology: 'I plead guilty to conduct unbecoming an officer and a gentleman.'<sup>136</sup> Leo's service made the extremity of his violence fascinating but, importantly, the report ratified his self-representation: his service was the "real him", not his extreme abuse. The newspaper's sympathy is likely to have been

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<sup>134</sup> *Evening Telegraph*, 2 October 1916 p. 2.

<sup>135</sup> *Western Daily Press*, 14 July 1925 p. 5.

<sup>136</sup> *Western Gazette*, 4 August 1933 p. 13.

influenced by Riordan's class, since, as Clive Emsley has demonstrated, shell shock provided a 'way of explaining violence among men from the respectable classes'.<sup>137</sup> Media practices like this demonstrate the development of new priorities and values in wartime and interwar society, as ex/servicemen husbands' voices were prioritised. In essence, war service could garner such moral credit that it could counteract wives' accusations of cruelty.

The war could alter the course of vilification in another way, too. As Clive Emsley and Jon Lawrence have noted, post-war British society suffered from the nagging anxiety that war may have brutalized its citizens.<sup>138</sup> Lawrence draws attention to the strong class undertones in the rhetoric of brutalization, which emerged as a result of the anxiety that for working-class men "civilization" had always been held to run only skin deep.<sup>139</sup> This resonated well with depictions of wife batterers who had long been portrayed as a primarily working class problem.<sup>140</sup> But while anxieties of brutalization were commonly focussed on public acts of citizen rebellion,<sup>141</sup> wife battery was very much an individuated problem in the press. Nevertheless, it entered into the media repertoire of representation of violent husbands. This relied heavily on the spectre of shell shock which introduced a hint of melodrama, as men were unwittingly transformed by the horrors they had witnessed. This disrupted the image of violent husbands as bad men, since war trauma could introduce a determinist rather than moralist element, thus diminishing the agency and responsibility of violent men. For instance, in 1919 *The Hull Daily Mail* entitled an article 'SOLDIER AND WIFE FOUND DEAD.' However, there was no engagement at all with the potential issues of abuse or malicious intent because the text only relates the violent instance and the man's service: 'Arthur Needham and his wife were found dead with their throats cut. A razor was found near the dead man's hand... The man was a demobilised soldier, and suffered from neurasthenia,

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<sup>137</sup> Emsley, 'Violent crime in England in 1919', p. 188.

<sup>138</sup> Jon Lawrence, 'Forging a Peaceable Kingdom: War, Violence, and Fear of Brutalization in Post-First World War Britain', *Journal of Modern History*, 75:3 (2003), pp. 557-589.

<sup>139</sup> Jon Lawrence, 'Forging a Peaceable Kingdom', p. 559; Clive Emsley, 'Violent crime in England in 1919', p. 174.

<sup>140</sup> Clive Emsley, *Hard Men: The English and Violence in England since 1750*, (London, 2005), p. 60.

<sup>141</sup> Emsley, 'Violent crime in England in 1919', p. 176.

resulting from shell shock sustained on active service.’<sup>142</sup> This article diagnoses the cause of violence and offers no information for an alternative explanation: war was to blame. Similarly, in 1920, *The Derbyshire Courier* entitled its article on Alice Leonard’s complaints of persistent cruelty as ‘FITS OF MADNESS. Shuttlewood Wife Afraid of Husband’s “Shell-shock.”’

Without describing the abuse, the article instead focusses on James Leonard’s mental state, outlining that ‘When he is in the fits he is neither fit nor safe to live with’, and the magistrate’s fury at her unwillingness to endure: ‘you cannot go and chuck him up like this. ... You have got to go and live with him.’<sup>143</sup> There is no consideration by either *The Courier* or the magistrate that this violence was anything but the result of shell shock. As shell shock diminished James’ responsibility, it increased the expectation that she should endure his presumably symptomatic violence. War service and anxieties of brutalization could therefore shift the portrayal of violent husbands from being bad to being victims of circumstance who required sympathy.

Significantly, the “bad husbands” discussed here were often considered savage and disgusting, and yet their behaviour was not so very different from that expressed by others who were treated sympathetically. The issue here was that they failed to phrase their abuse as an expression of love, discipline or involuntary behaviour. As Monckton Smith has demonstrated regarding modern murder cases: ‘The characteristics of the violence, the antecedent history or the relationship state are of less import than the presence, or not, of male love.’<sup>144</sup> Because their violence came from a well of “unjustified” anger, the media regularly engaged in portraying some wife batterers as deviants and monsters. This practice condemned violence, but in insisting upon the alterity of “bad” husbands, news writers failed to question the underpinning social supports of IPV. This meant that “badness” was essentially just performing violence against a wife without properly recognised justification, motivation or remorse. War did introduce new circumstances which included further

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<sup>142</sup> *Hull Daily Mail*, 1 September 1919 p. 3.

<sup>143</sup> *Derbyshire Courier*, 6 March 1920 p. 5.

<sup>144</sup> Monckton Smith, *Murder, Gender and the Media*, p. 122.

opportunities to identify deviance in men, through poor military performance, or a failure to fight at all. However, the respectability attached to servicemen could also disrupt the media portrayal of “badness”, whether promoting husbands’ good character over wives’ victimhood, or by pathologizing violence. This meant that where battered wives had long been expected to endure when abuse was considered to be ‘on-off’, or provoked, or an expression of love, the war introduced new circumstances that encouraged the news media to review how it judged and defined unacceptable husbandly behaviour.

### Conclusion

Throughout the period 1914-1939, the news media did not immediately or universally recognise violence against wives as unacceptable. Instead, each case was assessed to determine who was to blame for marital upset, and whether the husband’s behaviour was really serious, transgressive or undeserved. The different approaches described here highlight how it was not just violence that was considered, but the minutiae of individual relationships, and their significance in the light of contemporary social anxieties and values. The interrogative nature of new reports of marital violence thus started from a position that doubted victims’ innocence, words and assessments of events. Moreover, news reporters’ common practice of using husbands’ own words and interpretations to describe events meant that abusers’ were in a privileged position to diminish or justify their behaviour.

By accepting proprietary violence as an expression of love, reports used abusers’ own standards and beliefs to determine their transgression. Likewise, disciplinary violence was portrayed as an extreme manifestation of husbands’ normal regard for their partners, as they enacted order upon misbehaving women. In addition, the press presentation of expressive violence dissociated some men from their actions by portraying it as out of character. These representations of marital violence all diminished the seriousness of the offences, and disseminated into homes both locally and nationally the idea that husband’s violence against wives could be justified or dismissed. Even when news reports condemned perpetrators of IPV as bad husbands, there was an underlying problem. In constructing them as

transgressive monsters, the press defined bad husbands as outcasts who were “not like us”. Because husbands could reintegrate themselves into the ingroup with an acceptable excuse or justification, violence against wives was never thoroughly rejected as a damaging social problem. What is more, by making bad husbands outcast and suggesting that they were bad apples, the need to reflect on the social foundations of abuse was circumvented. The war impacted on each of these interpretations, but in a post-war climate that was committed to traditional gender roles, wary of condemning servicemen, and ready to blame transgressive women, the immediate legacy of war on the news media was reinforcement of the trends that favoured husbands’ own definitions of their behaviour.

The excusatory and justificatory interpretations of loving, disciplinary and transgressive violence all served to trivialise the real physical and mental impact of abuse on wives. Reports focussed on husbands’ internal world, feelings, and motivations, and in so doing wives’ pain, risk and own thoughts were belittled or neglected. The process of diminishing or excusing husbands’ aggression was one that was predicated on a devaluation of female victims of violence. As a result, newspapers commonly exhibited androcentric reporting that supported and disseminated the qualified acceptability of wife battery and wife murder. Given that the press practically had a monopoly on publicly discussing marital violence (challenged only by music hall), the influence of such reporting styles should not be underestimated, as the first chapter makes clear. Reports of strangers offered a distance from which marital violence could be comfortably discussed in a public way, yet by offering a pseudoenvironment commonly based on abusers’ opinions, they could inform husbands at risk of abusing that they were right or not at fault, and warn wives against doing anything that might inflame their husbands’ anger. It was not just at-risk couples that absorbed these ideas. It influenced local communities and institutions, such as the police and probation officers, who could offer or deny help to battered wives. Moreover, the news media influenced the exercise of justice, by helping to frame the cultural schema in which magistrates, judges, juries, and Home Office officials considered violent husbands’ guilt and culpability.



Consequently, the press can be a vital resource in historians' efforts properly appreciate the contemporary cultural schemas about violence against wives.

## Pathologizing violence and healing wounds: the engagement of the medical and psychological professions with wife battery and wife murder, 1914-1939

Exploring attitudes within the medical and psychiatric professions toward IPV in this period is extremely difficult, simply because it was not approached as a distinct problem. This is not surprising, since culturally wife battery was not universally condemned or problematized in British society, it remaining an issue that only became pertinent in discussions of marriage reform and judicial purview. Even feminists in this period did not consistently single out wife battery as a particular problem, but discussed it as a symptom of women's political inequality, as shall be seen in the subsequent chapter. Thus, the medical community were not in a discursive position to single out Intimate Partner Violence (IPV) as a problem, and without identifying it as a specific dysfunction worthy of research, psychologists did not pathologize violent husbands outside of their broader discussions of violence.

Historiographically, exploration of the medical profession's negotiation of this form of violence has been within broader discussions of the role of medical opinion within the administration of justice, or within explorations of the cultural connections between insanity and crime.<sup>1</sup> Martin Wiener has examined the Victorian judicial and penological professions' engagement with criminology, psychology, and medicine and the development of 'civilizing', governmental approaches to law and order.<sup>2</sup> He has also touched on the role of medicalised ideas of insanity in his study of the judicial treatment of violent men, drawing attention to the confluence between the defence of insanity and the new Victorian standards of the "reasonable man".<sup>3</sup> In addition, Peter Becker and Richard Wetzell's edited collection *Criminals and Their Scientists* offers a superb overview of criminologists' efforts across the West to understand and solve the criminal problem, highlighting the domination of

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<sup>1</sup> Harry Oosterhuis, and Arlie Loughnan, 'Madness and crime: Historical perspectives on forensic psychiatry', *International Journal of Law and Psychiatry*, 37:1 (2014), pp. 1-16.

<sup>2</sup> Martin Wiener, *Reconstructing the Criminal: Culture, Law, and Policy in England, 1830-1914*, (Cambridge, 1990).

<sup>3</sup> Martin Wiener, *Men of Blood: Violence, Manliness, and Criminal Justice*, (Cambridge, 2004), pp. 276-287.

physiological, eugenic and determinist interpretations of crime throughout the nineteenth and into the twentieth century, and noting the nascent presence of psychological diagnosis.<sup>4</sup> Tony Ward has explored the highly ambivalent relationship between the judiciary and medical professions as they vied for authority over the question of insane criminals in the wake of the First World War.<sup>5</sup> Eric Dean has also explored the influence of war, drawing on diffusion theory to examine the dissemination of wartime psychiatric lessons to the civilian, and particularly judicial, environment.<sup>6</sup>

As can be seen, there is a strong record on the examination of the implications of medical learning for the justice system, but attention has not been so readily paid to the history of medical understandings of violence generally or IPV in the period examined, probably due to contemporary criminologists' conflation of violence and crime. Similarly, the history of ordinary doctors' involvement with violent individuals has been somewhat neglected. In the context of IPV, given the professional commitment to patient privacy, the sensitive nature of this kind of violence, and the secrecy with which wives themselves negotiated their own health, it is not entirely surprising that this particular area has been a somewhat neglected. This chapter therefore aims to review the medical communities' relationship with IPV by: examining criminologists' approaches to violence generally; exploring why psychologists did not uniformly pinpoint shell shock or brutalisation as a factor in violence; the contexts in which doctors and psychiatrists/psychologists came into contact with IPV; and the ways that medicine and IPV may have interacted in ordinary people's lives.

### Understanding violence as pathological

Academic experts and medical men have long sought to explain and solve social problems, and these efforts were particularly pronounced around the issue of crime, and law

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<sup>4</sup> Peter Becker and Richard F. Wetzell, *Criminals and their Scientists: The History of Criminology in International Perspective*, (Cambridge, 2006).

<sup>5</sup> Tony Ward, 'A terrible responsibility: Murder and the insanity defence in England, 1908-1939', *International Journal of Law and Psychiatry*, 25 (2002), pp. 361-377.

<sup>6</sup> Eric Dean, Jr., 'War and psychiatry: examining the diffusion theory in light of the insanity defence in post-World War I Britain', *History of Psychiatry*, 4 (1993), pp. 61-82.

and order.<sup>7</sup> In the late nineteenth and early twentieth century, a host of scientific disciplines, ranging from anthropology and clinical medicine to psychology and criminology, tried to understand human behaviour with a view to taming it to suit the requirements of civilised society.<sup>8</sup> As these efforts progressed, criminologists increasingly drew upon social Darwinist theories of hereditary, biological and (to a lesser extent) social determinism to explain criminal behaviours, including violence.<sup>9</sup> Such approaches, however, were in steady competition with moralist attitudes to crime, which stressed personal choice and responsibility as the motor of crime and immorality.<sup>10</sup> In exploring the influence of medical opinion upon judicial and penal policy, Martin Wiener has described the growing influence of determinist scientific understandings of crime as shaping a transition from ‘from wilfulness to wreckage’.<sup>11</sup> By the outbreak of war, such determinist ideas gave rise to ‘an image of the debilitated offender’ within criminological discourses,<sup>12</sup> a trend that continued throughout the interwar period.

As determinism pathologized offenders, violent offences came to be considered truly abnormal. Self-control had become the normative ideal in Victorian and Edwardian society, but violence disrupted this. Indeed, ‘resorting to violence was considered no longer a self-evident and more or less condoned response to provocation, but evidence of incapacity to control one’s impulses and passions.’<sup>13</sup> This schematic shift in violence, as it morphed in a piecemeal way from a manly expression of honour to a deviant act, meant that the perpetrator came to be understood as a defective individual.<sup>14</sup> Combined with the Victorian

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<sup>7</sup> Oosterhuis, and Loughnan, ‘Madness and crime’, pp. 1-16.

<sup>8</sup> See: Paul Rock (ed.), *History of Criminology*, (Aldershot, 1994), pp. 201-216; Caesar Lombroso and William Ferrero, *The Female Offender*, (London, 1895), pp. viii-xx; Mary S. Gibson, ‘Cesare Lombroso and Italian Criminology’ in Peter Becker and Richard F. Wetzell (eds.) *Criminals and their Scientists: The History of Criminology in an International Perspective*, (Cambridge, 2006), pp. 137-158; Charles Goring, *The English Convict: A Statistical Study*, (London, 1913), pp. 10-14; Charles Goring, ‘The Aetiology of Crime’ *Journal of Mental Science (JoMS)*, April 1918, p. 130.

<sup>9</sup> Oosterhuis, and Loughnan, ‘Madness and crime’, p. 2.

<sup>10</sup> Wiener, *Reconstructing the Criminal*, p. 16

<sup>11</sup> *Ibid.*, pp. 10-13.

<sup>12</sup> *Ibid.*, p. 13.

<sup>13</sup> Oosterhuis, and Loughnan, ‘Madness and crime’, p. 3.

<sup>14</sup> Olive Liang has pointed out that the move to determinism was far from uniform, noting that criminologists in interwar Bavaria understood that male violence could be exempt for pathologization where it could be comprehended as ‘male prerogative’. (Olive Liang, ‘The Biology of Morality: Criminal Biology in Bavaria, 1924-

and Edwardian eagerness for scientific explanations of human behaviour, the violent individual was investigated and evaluated by scientists.<sup>15</sup> Since violence was aberrant and increasingly criminalized, therefore, its pathologization was well established at the outbreak of the First World War.

In their efforts to explain criminality and criminal violence, experts explored a variety of factors, ranging from the effects of alcohol, to hereditary barbarism, to automatism. These all concentrated upon the influence of the body upon the performance of violence. For example, in 1918 Major Sir Robert Armstrong-Jones, Lecturer on Mental Diseases to St. Bartholomew's Hospital, reflected this approach. Writing on the effects of alcohol, he claimed, 'A ... form of mental affection through drink is one ... accompanied with sudden frenzy and fury ... In these attacks the person may commit acts of serious violence, even suicide or homicide, and there is an imagined hostility from his environment which calls for resistance or retaliation. ... this condition ceases entirely with abstention'.<sup>16</sup> This neat cause/effect relationship between alcohol and aggression was common, but others blamed genetics rather than chemistry. In 1915, Theophilus Hyslop, the former Resident Physician and Medical Superintendent of Bethlam Hospital, observed in his discussion of anger that 'loss of control is but a relic, not merely of barbarism, but also even of atavistic reversion to the primitive stage of evolution, before brute force and violence were replaced by self-control and reason.'<sup>17</sup> He summed up that, 'Anger, occurring in mankind is (phylogenetically) an expression of an atavistic reversion or retrogression, and (ontogenetically) also an indication of familial or individual devolution.'<sup>18</sup> A little earlier in 1910, W.C. Sullivan promoted this interpretation when he looked to automatism to explain violence, when he reviewed Marro's work on automatism and crime which strongly linked heredity and violence. He wrote that

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1933', in Peter Becker and Richard F. Wetzell, *Criminals and their Scientists: The History of Criminology in International Perspective*, (Cambridge, 2006), p. 443).

<sup>15</sup> Oosterhuis, and Loughnan, 'Madness and crime', p. 5.

<sup>16</sup> Robert Armstrong-Jones, 'The Relation of Alcohol to Mental States, particularly in regard to the War', *British Journal of Psychology (BJP)*, 64 (1918), p. 155.

<sup>17</sup> Theophilus Hyslop, 'Anger', *BJP*, 61 (1915), p. 371.

<sup>18</sup> *Ibid.*, p. 371.

although Marro 'emphasises the importance of emotional stimuli in initiating the activity of the aggressive mechanism', he qualified the vulnerability of the mind to 'this atavistic mechanism of aggression' as 'more pronounced in individuals of defective brain and also in the uneducated'. With a strong class bias, he 'has found ... the proportion of illiterates is nearly twice as large as compared with other classes of offenders. ... the influences which place the mental organism in a state of inferiority ... favour the development of criminal automatism.'<sup>19</sup> The identification of innate weakness in the exercise of self-control had strong classist and eugenicist overtones, but rested responsibility for violent crime upon constitution rather than conscience.<sup>20</sup> All three approaches described here imagined violence to be the result of determinism, diminishing the role of personal choice. However, it might be noted that in pinpointing alcohol, heredity and mentally manifested physical illness as sources of violence, criminologists echoed the very excusatory narratives espoused by violent husbands. As seen in previous chapters, husbands regularly blamed aggression on alcohol consumption, or described themselves losing their temper or losing their head. Such determinist ideas gave a little support to the idea that they were not entirely responsible for their actions.

Of course, Freud and his school of thinking explored the notion of innate violence stemming from the Id that was not necessarily pathological. This constructed the aggressive, sadistic impulse as a constant feature of an individual's psychology that was controlled or restrained by the Super Ego. In his 1930 work *Civilization and its Discontents*, Freud wrote that "men are not gentle, friendly creatures wishing for love", but rather animals who have "a powerful measure of desire for aggression [that] has to be reckoned as part of their instinctual endowment."<sup>21</sup> Paying detailed attention to the genesis of violence, however, the operation and purpose of aggression within specific contexts, such as violence against spouses, was somewhat neglected. All the same, such psychological progress did introduce ideas of violence originating from the self and the failure to regulate the self. Thus at the

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<sup>19</sup> W.C. Sullivan, 'Automatism in crime. Marro.', *BJP*, 56 (1910), p. 737.

<sup>20</sup> Piers Beirne, *Inventing Criminology: Essays on the Rise of Homo Criminalis*, (Albany, NY, 1993), pp. 206-207.

<sup>21</sup> Stephen Bartlett, *The Pathology of Man: A Study of Human Evil*, (Springfield, IL, 2005), p. 76.

same time that violence was given psychological foundation, space was made for personal responsibility, too. Yet this development must not be over stressed. More generally, this school of thought tended to use ideas on aggression to explore issues of politics and governance. Given the bloodletting of the First World War and the political instability across Europe that followed, it is hardly surprising that efforts were made to understand societies through the psychology of individuals.<sup>22</sup> All the same, it left IPV a neglected and undifferentiated form of aggression. It is perhaps telling that in none of the cases of murder, assault or cruelty surveyed in this thesis did the defence make any appeal to Freudian ideas.

Scientific work on the genesis, performance and meaning of violence was therefore limited. Causation and correlation were often confused, and often gave scientific qualification to cultural ideas. But more than this, the exploration of mental abnormality and violence was made problematic by the very artificiality of the subject. There was no clear line between what was normal and abnormal violent behaviour. Doctors worked diligently to understand the mechanisms of abnormal violence, but sometimes the importance of violence to normal male behaviour clouded the issue. W.C. Sullivan, for example, stated in 1911 that 'Puberty in the male involves the simultaneous development of two mechanisms of the specifically sexual mechanism on the one hand, and on the other hand of those excito-motor mechanisms which subserve the aggressive impulse'.<sup>23</sup> In 1921, W. Rees-Thomas claimed in a discussion of sadism and masochism that 'cruelty impulses, active and passive, are not necessarily abnormal. They find their normal counterpart in the masterly attitude of the male and the passive attitude of the female.'<sup>24</sup> In 1931 Dr. Graham Howe, the "Druid of Harley Street", stated in a lecture for post-graduates that men all had 'aggressive and rational elements in their nature' befitting their role as 'the fighters and fenders for the family'. He went on to claim that 'in sadism we have a typically masculine reaction, which tends to associate sexual feeling with super-domination and a certain pleasure in the infliction of

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<sup>22</sup> Ibid., p. 118

<sup>23</sup> W.C. Sullivan, 'Review: L'Automatisme Impulsivo', *BJP*, 57 (1911), p. 721.

<sup>24</sup> W. Rees-Thomas, 'Sadism and Masochism', *BJP*, 67 (1921), p. 13.

pain.<sup>25</sup> It was commonplace, then, to identify aggression and a potential for violence as a natural masculine trait, and what is more the desire to dominate and control women was given scientific foundation.

Moreover, when the medico-psychiatric community did turn its attention to the foundations of violence in particular, it tended toward discussions of the judicial implications of extremely transgressive violence, such as murder or rape rather than ordinary wife battery. For instance, in 1909 the furore between the medical and judicial professions over Thomas Meade's death sentence for the drunken murder of his common law wife, Clara Howell, was not about whether mental illness could cause violence. Instead it was about whether drunkenness could be considered insanity when it made a person unable to know what they were doing or unable to understand that what they were doing was wrong.<sup>26</sup> This debate was about criminal responsibility rather than the relationship between insanity and violence, and certainly was not about the specific nature of violence against wives. Undifferentiated, it was lumped in with more general explorations aggression, violence, and insanity.

It is thus possible to see how, although the medical community was very interested in issues of criminality and violence, it did not consider IPV as a stand alone issue, but rather incorporated it into general discussions of violence. The debate surrounding determinism and moralism introduced difficult questions regarding criminal responsibility, but given the liminality of wife battery/murder as a transgressive subject, it was not guaranteed to be either studied or pathologized. Moreover, the normalisation of male violence meant that aggression to women was not uniformly pathologized or problematized. Thus, it is possible to see how professional opinion's apathy was shaped by a contemporary culture that failed to define IPV as a transgressive or abnormal act.

### The influence of shell shock upon the medical interpretation of violence

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<sup>25</sup> E. Graham Howe, 'Motives and mechanisms of the mind: VIII. Sexual Contrasts', *The Lancet*, 217 (1931), p. 425, 428

<sup>26</sup> Phil Handler, 'Intoxication and Criminal Responsibility in England, 1819–1920', *Oxford Journal of Legal Studies*, 33:2 2013, pp. 259-260.



As has been demonstrated in previous chapters, perpetrators, victims, judges, and the press were all quite willing to pin shell shock or war trauma as the cause of husbands' violence. However, it is interesting to note that, outside of fairly broad and vague assertions, the medical profession steered clear of blaming it for either general violence or IPV. Indeed, when one considers the circumstances under which doctors initially encountered war trauma, it is hardly surprising. Military doctors encountered it as a problem that impeded men's fighting potential, rather than firing it up. The connection was, therefore, not entirely obvious.

In the early twentieth century, where violence was culturally accepted, it was constructed in the medical discourse as natural and normal. Warfare is perhaps the most pertinent example of a professional medical expectation of a natural masculine violent performance. Underpinned by a popular understanding of a natural aggression,<sup>27</sup> medical discourses enjoyed a well-established tradition of scientific normalisation of battle. For instance, in 1910 C.T. Ewart warned against the eugenic defectiveness of 'the man who is too tame to become a soldier',<sup>28</sup> foreshadowing the dismissal of shell shocked men. Joanna Bourke has drawn attention to the military medical practice of tracing the cause of shell shock to personal shortcomings of violent masculinity, describing how medical officers believed that to cure war-induced mental illness, soldier patients 'had to rediscover their "natural", masculine bellicosity'.<sup>29</sup> Mental breakdown or illness as a result of combat was thus commonly constructed as the pre-determined failure of a defective system in response to ordinary, albeit stressful, demands.<sup>30</sup> For instance, in 1922, the *BMJ* related the findings of the Report of the War Office Committee of Inquiry into Shell Shock, describing how 'the particular kind of emotional disturbance principally to blame [for shell shock] is naturally that of fear. The evidence of all observers...is unanimous on this point',<sup>31</sup> locating the cause of mental illness

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<sup>27</sup> J. Bourke, 'Effeminacy, Ethnicity and the End of Trauma: The Sufferings of 'Shell-Shocked' Men in Great Britain and Ireland, 1914-39' *Journal of Contemporary History*, 35:1 (2000), p. 59.

<sup>28</sup> C.T. Ewart, 'Eugenics and Degeneracy', *BJP*, 56 (1910), pp. 668-670.

<sup>29</sup> J. Bourke, 'Effeminacy, Ethnicity and the End of Trauma: The Sufferings of 'Shell-Shocked' Men in Great Britain and Ireland, 1914-39', *Journal of Contemporary History*, 35:1 (2000), p. 59.

<sup>30</sup> Peter Barham, *Forgotten Lunatics of the Great War* (London, 2007) pp. 52-53, 76-77.

<sup>31</sup> Anon., 'Shell Shock', *BMJ*, 2:3217 (1922), p. 392.

to be unmanly terror. The article went on to describe how the War Office Committee of Inquiry into Shell Shock did 'little to enlighten or guide us on this matter' (the differentiation of cowardice and shell shock), noting that 'we gather that in actual practice it often became impossible to rebut a defence of shell shock'.<sup>32</sup>

Shell shock was, therefore, a dysfunction in normal male aggression that rendered a man useless as a fighter. This thesis therefore puts forward that its association with femininity, passivity and combat ineffectiveness stymied its serious medical consideration as an agent of crime. Eric Dean's exploration of diffusion theory suggests that frontline doctors' observations would have likely filtered down through the profession.<sup>33</sup> For example, Jean Lepine was quite satisfied with pre-existing mechanisms of violence. In *Mental Disorders of the Great War*, he dedicated a scant page of the work to 'Acts of Violence'. He made use of the comfortable forms with which he was accustomed: drunkenness, epilepsy, poor heredity, and insanity were all listed, but brutalisation was not even considered.<sup>34</sup> Charles Bird, meanwhile, felt that British soldiers was characterised by a lack of barbarism: 'One of the strange phenomena of the war is the great lack of hatred of the enemy, at least this is true of the British. ... when enraged by unnecessary violence or brutality, temporary states of intense hate may prevail ... The soldiers do not revel in killing; they seldom think of the enemy in person.'<sup>35</sup> For these doctors and psychologists, the connection between war and deviant violence was not clear.

Other doctors, however, deplored the effects of warfare on men's psychology, but interestingly, rather than conducting careful research, such opinions were expressed as vague statements of faith in the brutalising influence of war. These ideas were put forward on the shaky assumption of a shared consensus on war's inevitable brutalising impact, when really this was only ever half-hearted. This was likely to have been part of a wider social trend

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<sup>32</sup> Ibid.,

<sup>33</sup> Dean, 'War and psychiatry', pp. 61-82.

<sup>34</sup> Jean Lepine, *Mental Disorders of the Great War*, (Charles Mercier, ed.), (London, 1919), p. 173.

<sup>35</sup> Charles Bird, 'From Home to the Charge: A Psychological Study of the Soldier' *The American Journal of Psychology*, 28:13 (1917), p. 339.

that enjoyed identifying natural barbarism. Dr. James Putnam, for instance, in his 1918 review of MacCurdy's well received *The Psychology of War*, informed readers that 'the fact that in war men fall back upon their primitive instincts is obvious and well known.' He went on: 'less familiar is the further fact that every child brings into the world a greater or lesser amount of instinct for violence which in war is bound to show itself as veritable bloodlust... the powerful inhibitions which society has come, gradually, to impose on this instinct for violence, on the part of the individual, are removed in case of war.'<sup>36</sup> Professor Roux was equally alarmed at the potential impact of the war upon crime in France: 'Personal morality ... has deteriorated during the years of war with the breaking-up of homes and the perpetual vision of death, and has brought about a state of moral vertigo... The men will come back from these years of war with a new outlook, and he fears the habit they have formed of violent solutions and of acts of force.'<sup>37</sup> Even before the war this notion existed as, W.C. Sullivan made vague reference in 1910 to the idea that 'military training ... renders this atavistic mechanism of aggression particularly prone to activity'.<sup>38</sup> These ideas did not go much further than dire warnings, and did not even incorporate shell shock. Such baleful notions of a base and dangerous nature being unleashed in man certainly resonated with the common cultural anxieties about dangerous servicemen, which Clive Emsley has pointed out avoided the status of folk devil through the lack of cultural appetite to fear sons, brothers and husbands.<sup>39</sup>

One important result of the war identified by Dean, is the medical and psychiatric professions' seizure of the opportunity to push for reform of the law regarding the insanity defence. Since war trauma made mental illness so visible, the medical community felt there

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<sup>36</sup> James Putnam, 'Review of *The psychology of war.*', *The Journal of Abnormal Psychology*, 13:2 (1918), p. 129.

He went on to state that 'unless it is present, the actual business of war, at least for the common soldier, is certain to become soon too loathsome for endurance.' Although this would suggest that the great number of men suffering from shell shock lacked that essential and normal element of aggression and bloodlust, it demonstrates how violent potential was considered a natural part of (male) psychology.

<sup>37</sup> Cited in Edith Abbott, 'Crime and the War', *Journal of the American Institute of Criminal Law and Criminology*, 9:1 (1918), p. 40.

<sup>38</sup> W.C. Sullivan, 'Automatism in crime [*L'automatisme dans la criminalité*]. Marro.', *BJP*, 10:4 (1910), p. 737.

<sup>39</sup> Clive Emsley, 'Violent crime in England in 1919: post-war anxieties and press narratives', *Continuity and Change*, 23:1 (2008), p. 191.

was sufficient momentum to push for 'irresistible impulse' to be recognised in the plea Guilty but Insane, something they had recommended long before the war. However this was not intrinsically tied to a consideration of shell shock, but rather the visibility of mentally ill ex-servicemen provided pressure for the pursuit of legal change.<sup>40</sup> In the popular mind, there may have been a vague connection between war trauma and violent crime, but this had more to do with ideas of the contagion of war than genuine concerns about mental illness.

It can be seen that the connection between war trauma and wife battery/murder was not obvious as far as medical, psychological and criminological professions were concerned. Though some dire warnings of the war's impact upon morality and barbarity were spouted, they were rarely more than a generalized statement. Instead, because shell shock, neurasthenia and war trauma were phrased as expressions of personal, masculine shortcomings, their association with subsequent criminal violence such as IPV, a problem of excessive, barbarous masculinity, was not very clear.

#### Doctors' contact with violence against wives

It is clear from the above that IPV received little specific attention within the medical, psychological and criminological professional discourse of the period. It is vital, therefore, to consider how it was dealt with by doctors in their ordinary careers. As might be expected, research indicates that attitudes and responses to wife battery and wife murder were highly ambivalent. It is vital to remember that doctors usually only encountered IPV when they were invited to do so by either the victim, perpetrator, police or court. Doctors witnessed violence, were called upon to treat battered wives' wounds, and gave evidence on their behalf in magistrates' courts and Assizes. They were also engaged to give evidence of violent husbands' mental state as well. And, their professional status did not protect medical men from engaging in IPV themselves. It is thus important to survey this variety of opinions to grasp the complexity of their engagement in this delicate issue.

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<sup>40</sup> Dean, 'War and psychiatry', pp. 72-79.

Significantly, it must be remembered that doctors did not necessarily consider IPV to be a problem. In 1922, J.M. Brennan wrote to *The Lancet* complaining of the lack of discretion in the criminal records of doctors, and he gave 'two practical cases': 'A medical man when drunk struck his wife - conviction for assault. Another medical man struck his wife who was drunk - conviction for assault. It would require a super Sherlock Holmes to spot which was the cad and which the martyr from simple police reports of these two cases.'<sup>41</sup> This confident commitment to corrective violence can be seen again in another doctor's interaction with a battered woman. In 1931, Letitia Fairfield, a well-respected doctor who boasted professional expertise in both medicine, law and public health,<sup>42</sup> seemed to accept a degree of wife beating to be quite ordinary. She cited medical case notes of a twenty-two year old 'defective' canal girl, with the mental age of a seven year old, who had severely neglected her children and kept a squalid home. Her husband 'found life intolerable and knocked her about.' Fairfield used the case as an example of the 'social disaster brought about by sheer mental incompetence',<sup>43</sup> rather than as evidence of the vulnerability of the mentally disabled wife. Simply, to her, IPV was not a discrete problem but an inevitable consequence of marital friction. That such an opinion is found in the writings of a professional medical woman who had fought assiduously for women's rights points to the stability and pervasiveness of this cultural schema in British life. Thus doctors and medical experts did not consistently problematize, criminalize or pathologize an act which they considered to be normal or even acceptable.

Individual doctors, however, did try to intervene whether by providing protection. Halesowen police records from 1931 show an Oldbury doctor complaining to police 'of the manner in which Mr [W.] ... is ill treating his wife. Mrs [W.] ... is expecting in the next month and Dr is concerned for her health.' Mr W. was subsequently cautioned.<sup>44</sup> This shows that

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<sup>41</sup> J.M. Brennan, 'Correspondence: the medical profession and the police', *The Lancet*, 1 July 1922 p. 43.

<sup>42</sup> M. A. Elston, 'Fairfield, (Josephine) Letitia Denny (1885–1978)', 2004 [accessed 17 June 2014: <http://www.oxforddnb.com/index/54/101054196/>]

<sup>43</sup> Letitia Fairfield, 'Women Mental Defectives and Crime: A Practical Study', *The Lancet*, 10 January 1931, p. 112.

<sup>44</sup> West Midlands Police Museum, Halesowen and Oldbury Division, General Occurrence Book, 27 April 1939.

doctors were not just content to heal wounds, but felt they had to try to help battered wives, in this case by appealing to the police for law and order. In 1931, Dr. Semple gave evidence in court to support of his resident cook Mrs Hebbett's application for a separation on grounds of cruelty from her husband Alfred, the resident butler. He told how he intervened to protect her when her husband assaulted her and Semple claimed that 'had I not my revolver, he would have half murdered us.' More than this, however, he gave a detailed assessment of Alfred's mental state. He tartly wrote off his defence solicitor's suggestion that he was suffering from shell shock, stating that Alfred's behaviour was '95 per cent alcohol and 5 per cent shell shock. He was practically a homicidal maniac when in drink.'<sup>45</sup> Such a professional opinion, especially of one who had witnessed Alfred's abuse first hand, was invaluable. Not only did it give magistrates a freely available medical opinion, but it gave professional verification to a wife's version of events.

Indeed, it was doctors' evidence that was particularly helpful to women's legal claims, and they were regularly called upon to give evidence and reinforce women's believability. Their evidence meant that women could refer to their injuries in court long after they had healed. Moreover, they could confirm the severity of wounds, diminishing violent husbands' tendency to downplay or dismiss their victims' injuries. In 1929 called upon a doctor to confirm that 'the woman's nose was fractured and there was a rupture of the veins' as she prosecuted her husband for unlawful wounding, preventing him from claiming he had slapped her.<sup>46</sup> In 1925, at Florence Tunnicliffe's application for a separation order on grounds of cruelty, her mother appealed for the magistrates to look at her medical certificates, 'proving how her daughter had been abused.'<sup>47</sup> Indeed, doctors could attest to wives' stress as well, helping to bolster their entitlement to a separation by providing evidence that their health was declining as a result of their treatment. For example, in 1921 Mrs Argo obtained Dr. Mitchell's evidence that as a result of her husband's continual persecution, 'her nerves were gone.' He countered

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<sup>45</sup> *Western Morning News*, 26 March 1931 p. 4.

<sup>46</sup> *Western Daily Press*, 6 December 1929 p. 11.

<sup>47</sup> *Yorkshire Post and Leeds Intelligencer*, 8 June 1925 p. 13.

accusations that her parents were trying to steal her away, stating he had to support them in their worries and he 'did not think they were simulated suspicions.'<sup>48</sup> In 1928, Dr. Gore gave similar confirmation of the mental toll of one wife's physical and mental torment at the hands of her husband: 'Her condition was such as would have been caused by treatment as alleged against defendant. ... Her health was affected seriously.'<sup>49</sup> By providing specific diagnoses, doctors provided wives with an important defence against husbands' efforts to diminish their violence. As in the case of police and probation officers' evidence, this helped fend off suspicions that women were exaggerating their complaints or were hysterical. A professional third party could provide proper evidence in court without significant fears of partisanship.

However, the usefulness of doctors' evidence in court to battered wives was limited. Whether due to insufficient funds or an abusive partners' control of finances, wives were not always able to afford medical treatment. In 1915, Lilian Guilford complained of her husband's 'brutal conduct' when he was summoned for assaulting her, stating that in spite of her injuries, 'he would not allow me to send for a doctor.' It was only the severity of her wounds that introduced her to the professional medical gaze, when a week after his attack she needed her leg to be put in plaster of paris.<sup>50</sup> Again in 1924, Julia Jones charged her husband with criminal assault after he struck her in the face and stomach when she was 'in a certain condition'. She explained to magistrates that 'she had not been to see a doctor, as she had not the means.' The Chairman on the Bench dismissed her claims of being struck in the stomach, with the remark 'she was a funny person.' Her claims that she was struck in the face were independently verified by a policeman,<sup>51</sup> however, indicating the importance of a medical or professional witness to qualify women's words. For women who needed to be careful with money, it was only when wounds became serious enough that a doctor would become involved. Likewise, those who were too ashamed to seek medical attention were not able to exploit this professional validation of their stories, but equally importantly, their injuries

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<sup>48</sup> *Aberdeen Journal*, 13 July 1921 p. 7.

<sup>49</sup> *Folkestone, Hythe, Sandgate and Cheriton Herald*, 27 October 1928 p. 12.

<sup>50</sup> *Diss Express*, 13 August 1915 p. 6.

<sup>51</sup> *Gloucester Citizen*, 5 February 1924 p. 5.

went untreated. Consequently, though medical evidence could bolster women's cases in court, it meant there was an element of doubt for those women who failed to obtain evidence.

Doctors also spoke on behalf of violent husbands. Where they gave evidence of the physical consequences of abuse for victims, for perpetrators they could identify a pathological root for violence that diminished their criminal responsibility. This meant that doctors who were not incredibly well versed in psychology were responsible for assessing the mental state of such men for the benefit of magistrates. For example, in 1915 George Cotton assaulting his wife when she told him to get up and go to work. Brixton Prison's doctor reported to magistrates that he 'is very illiterate and depressed. I do not think he is shamming. He is not presently insane, but he might be so eventually. While here he has been harmless.'<sup>52</sup> This doctor could not see him in his ordinary marital context, giving him no opportunity for him to see his violence first-hand. Unsurprisingly, then, George was portrayed as a borderline case, neither pathologized nor stated to be completely in control of his faculties. Similarly, in 1923 the medical officer of Armley Jail found that George Brown was 'suffering from some obsession about his wife, and was not of sane mind' after he assaulted his wife, leaving her with a bleeding face. His behaviour corresponded to the possessiveness of abusive partners, as he enlisted a friend to help him capture his estranged wife and make her sign a pledge to return to him.<sup>53</sup> The officer's medical assessment saved him from more serious sentencing by reducing his responsibility. In 1936, medical officers told magistrates that Arthur Morse, charged with grievous bodily harm, was 'neurotic and was easily swayed by his emotions, but there was no evidence of insanity.' Arthur had chased his wife down the street and struck her head with a fender, making the fairly usual complaints of abusers that he could not stand his wife's nagging, that he loved her too much to ever assault her, and that he had never touched her before.<sup>54</sup> The medical assessment may have fallen short of the description of insanity defined by the M'Naughton rules,<sup>55</sup> but it still portrayed Arthur as

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<sup>52</sup> *Middlesex Chronicle*, 20 February 1915 p. 2.

<sup>53</sup> *Derry Journal*, 22 June 1923 p. 5; see also, *The Yorkshire Evening Post*, 21 June 1923 p. 9.

<sup>54</sup> *Western Daily Press*, 13 July 1936 p. 5.

<sup>55</sup> Arlie Loughnan and Tony Ward, 'Emergent authority and expert knowledge: Psychiatry and Criminal



deterministically unable to properly control himself. In all three cases explored here, medical officers and doctors saw men's abusive behaviours as a departure from rationality, hinting at pathology although the law did not stretch so far. The M'Naughton rules stipulated that insanity as defence meant that a subject did not know what they were doing, or did not know that it was wrong. These men were not quite at that stage, but such assessments in "ordinary" wife battery cases indicate that a larger argument about criminality, insanity and responsibility was a pervasive theme within the profession.

Where these doctors looked to psychological explanations for violence, others remained staunchly physiological, betraying the diversity within the profession. For example, in 1925 Dr. Garle stated that Edward Manns had killed his married girlfriend in a Jacksonian epileptic episode. These partial seizures usually only cause mild automatic movements, yet can cause hallucinations. The doctor was certain that this was the cause of violence, claiming that Edward came to see him the morning after the killing to get more bromide to stop fits. Perhaps Edward did experience an episode, but it seems coincidental that in his contested police statement he said that she had threatened to tell his wife that she had borne him an illegitimate child, and then he suffered from a fit, coming round with his hands around her neck.<sup>56</sup> He was found guilty but insane,<sup>57</sup> demonstrating the receptiveness of juries to the pathologization of IPV. Similarly, in 1928, two specialists, Major Jarvis and Dr. Grant, gave evidence that Henry Bagguley was suffering from post-epileptic automatism when he killed his separated wife when she refused to return to him. Bagguley had been discharged from the army for epilepsy and memory loss, and the experts were certain that this explained the killing. Bagguley had told police hours after the killing that 'I have done the job with the intention I came for', yet epileptic automatism usually lasts only seconds or minutes. However, Jarvis and Dr. Grant reassured the court that they had heard of prolonged cases of automatism. In spite of this discrepancy, the weight of evidence from these medical experts

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Responsibility in the UK', *International Journal of Law and Psychiatry*, 37 (2014), pp. 30-31.

<sup>56</sup> *Western Gazette*, 7 August 1925 p. 14.

<sup>57</sup> *Hartlepool Northern Daily Mail*, 19 November 1925 p. 6.

convinced the judge and jury: Justice Humphreys stated that 'The public were very much indebted to the men who devoted their lives to the scientific investigation of such a difficult problem as disease of the brain.'<sup>58</sup> Such diagnoses demonstrated how medical professionals were ready to pathologize violence where it matched or coincided with mental illness, offering a determinist approach that diminished perpetrators' criminal responsibility.

Unsurprisingly, some doctors were ready to identify war trauma as weakening men's capacity for self-control. In 1920 Samuel Westwood stood trial for murdering his estranged wife when she refused to return to him. Dr Hamblin Smith of Birmingham Prison advised jurors that 'if the prisoner had suffered from shell shock he thought he would lose his temper more easily and under slight provocation.'<sup>59</sup> The assessment that shell shock put men at risk of uncontrolled violence was echoed in Dr. Ellis Pearson's evidence that retired Army officer Frederick Noonan was 'suffering from shell shock sustained in the war' as he fought against his a charge of assaulting his wife in 1921.<sup>60</sup> Indeed, similar opinions were expressed by the Surgeon-Lieutenant Charles Brendon Fox of the Plymouth Royal Naval Hospital regarding former marine Eric Millard's murder of his wife, Irene. Reviewing his medical records he said, 'although his general character was very good, his mental state had caused some trouble, and he had also suffered from malaria, alcoholism, and neurasthenia. ... One report stated: ..."he is likely to commit acts under slight provocation for which he will not be responsible."<sup>61</sup> This blurred line between trauma and insanity was again apparent in 1933, when Ernest Patch was found guilty but insane of the wilful murder of his wife after she left him. Dr. Jackson, speaking for the defence, stated that he had seen him before the crime and that he had been of unsound mind for some time. He appealed to Ernest's service in Mesopotamia, the Battle of Gaza, and his subsequent illness which all left him highly strung.<sup>62</sup> These doctors applied pre-existing ideas of social and biological determinism to the circumstances

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<sup>58</sup> *Western Morning News* 30 October 1928 p. 7; *Dundee Courier*, 30 October 1928 p. 5.

<sup>59</sup> *Tamworth Herald*, 27 November 1920 p. 3.

<sup>60</sup> *Western Morning News*, 25 July 1921 p. 3.

<sup>61</sup> *Western Daily Press*, 16 November 1932 p. 11.

<sup>62</sup> *Western Gazette*, 8 December 1933 p. 12.

of the post-war period, identifying traumatic mental injuries as explanations for later IPV. Just as abusive husbands and their wives were prone to do, doctors could find IPV to be a baffling, confusing event that made more sense as the consequence of mental illness than of a man's own insecurities.

However, doctors' medical opinions and diagnoses were not always accepted by the judiciary. Throughout the 1920s, the medical and judicial professions engaged in a strident argument about criminal responsibility, and which profession ought to have the final say. Lord Atkin's 1923 Committee on Insanity and Crime, a 'purely legal and administrative body' consisting of jurists, judges, lawyers, and high ranking civil servants, coolly responded to the Medico-Psychological Society's claims to medical authority over determining criminal responsibility: 'It is not that the law has ignorantly invaded the realm of medicine; but that medicine, with perfectly correct motives, enters the realm of law.'<sup>63</sup> This firmly claimed the determination of criminality as a legal and legislative concern which, though it might be informed by medical expertise, remained a judicial mandate. The Committee rejected medical appeals to include irresistible impulses in the defence of insanity, and upheld the M'Naughton rule for criminal responsibility, 'that a person may be of unsound mind and yet be criminally responsible.'<sup>64</sup> However, some jurists were concerned that juries might too readily defer to professional medical opinion,<sup>65</sup> especially when psychological notions (like an 'irresistible impulse') could too easily be conflated with cultural ideas of provocation.

Furthermore, Tony Ward has made clear that some judges and magistrates were distrustful of medical professionals' reliance upon perpetrators' own stories.<sup>66</sup> Justice Avory, for example, was very sharp in 1924 when 'the doyen of prison-based psychiatry', Norwood East, tried to explain a defendant's violent attack on his lover in terms of his subconscious. 'Avory... accused East of 'accepting as Gospel truth everything the prisoner said' and he asked the jury whether it was not almost 'childish to rely on a man's statements in such

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<sup>63</sup> 'Criminal Responsibility: Report by Lord Justice Atkin's Committee', *BMJ*, 2:3283 (1923), p. 1060.

<sup>64</sup> *Ibid.*, p. 1061.

<sup>65</sup> Ward, 'A terrible responsibility', pp. 372-3.

<sup>66</sup> *Ibid.*, 370-4.

circumstances.”<sup>67</sup> Three years later in 1927, Avory dismissed an appeal against the death sentence by Horace Kirby, a Lincoln clerk convicted for his wife’s murder, having allegedly entered into a suicide pact with her from which he appeared to have financially benefitted. Butler, for the defence, pointed out that Kirby had not been able to engage a medical witness and that an expert had since confirmed that he could not have anticipated any financial benefit, and pointed out that he had a history of suicide attempts. Avory was unimpressed, believing that there ‘no such circumstances existed’ where a mental expert should be called.<sup>68</sup> This sceptical judge was clearly distrustful of medical witnesses being wheeled out for the defence, highlighting how the medical profession’s presence within the court room was never a guaranteed benefit to accused parties.

This element of suspicion that defendants may lie or exaggerate about their sanity to escape justice was long lived, but it was given a second wind by the apparent expansion of recourse to cite shell shock, nerve trouble, and neurasthenia by ex-servicemen following the war. Judges, magistrates and police alike railed against what they saw as false claims to lenience due to mental distress. In 1920 Justice Darling gave this seeming trend short shrift. Alfred Gutteridge, on a charge of wounding his lover with intent to do grievous bodily harm, made an appeal to his service, but Justice Darling was unimpressed: ‘people could not be allowed to come back from the war and indulge in drinking and violent crimes, and then plead, because they had been here and there and gassed or shelled, to be let off.’<sup>69</sup> Such concerns that the courts might be swamped with false claims of insanity reflects the stigma of malingering that was never far away. Just as this suspicion permeated the army’s response to shell shock, neurasthenia and hysteria, it was apparent in the judiciary’s negotiations with insanity. Scientific advances and the focus on mental illness contributed to the significant

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<sup>67</sup> Ibid., p. 367.

<sup>68</sup> *Nottingham Evening Post*, 12 December 1927 p. 5.

<sup>69</sup> *Birmingham Mail*, 19 January 1920 p. 5.

increase in the number of Guilty but Insane verdicts for murder,<sup>70</sup> but this increase stoked suspicions that mercy was for some ill-gotten.<sup>71</sup>

However, this is not to downplay the appetite of judges, juries and magistrates for medical evidence on criminal responsibility. The courts were eager for scientific information that could help them reach a decision, to the extent that throughout the interwar period, between a third and half of all murder trials resulted in the verdict Guilty but Insane.<sup>72</sup> As Ward and Loughnan have demonstrated, in the late Victorian and early Edwardian periods, lawyers, judges, juries and jurists alike were quite willing to consult and listen to medical expertise to help them reach decisions about responsibility and guilt.<sup>73</sup> The caveat was that while medical opinion was sought, it was to inform legal decisions, not to command them. So, the medical witness was certainly an authority but one whose evidence could be heeded or ignored depending on the receptiveness of his legal audience. Loughnan and Oosterhuis have shown how psychiatric experts were more and more frequently commissioned to testify by judges across the Western world in the late nineteenth century, but this 'would not have been possible without either the passive compliance of judges and lawyers or their active participation and growing receptiveness to psychopathological explanations of criminal behaviour.'<sup>74</sup> Indeed, Martin Wiener has shown how receptive the judiciary were to scientific ideas in the late Victorian and early Edwardian period in his work on criminality.<sup>75</sup> But while medical witnesses allowed difficult judgments regarding sanity and responsibility to be devolved away from

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<sup>70</sup> Ward, 'A terrible responsibility', p. 375.

<sup>71</sup> This was a long-lived concern. In 1923, *The Yorkshire Post* reported the findings of the Committee of Crime and Insanity and noted archly: 'The public attitude... may perhaps be summarised as demanding that no responsible criminal shall escape the consequences of his actions through the loophole of feigned insanity, or of an insanity which is "discovered" later if the accused has influence and funds enough to procure adequate medical authority' (*The Yorkshire Post and Leeds Intelligencer*, 29 November 1923 p. 8.). In 1924, a racially charged article about the execution of Jewish Abraham Goldberg for the wilful murder of a bank manager related how he vowed to use any means necessary to cheat the gallows. It noted that Goldberg, 'when he had exhausted all other efforts to save his neck, tried to feign insanity' (*Evening Telegraph*, 30 July 1924 p. 1.). In 1934, it was revealed that William Jones, ex-police superintendent and a former Deputy Chief Constable, had pretended insanity – convincing two medical witnesses - to avoid a trial for fraudulent conversion (*The Nottingham Evening Post*, 14 February 1934 p. 8).

<sup>72</sup> Ward, 'A terrible responsibility', p. 375.

<sup>73</sup> Loughnan and Ward, 'Emergent authority and expert knowledge', pp. 25-36.

<sup>74</sup> Loughnan and Oosterhuis, 'Madness and Crime', p. 7.

<sup>75</sup> Wiener, *Reconstructing the Criminal*, pp. 224-244, 269-270; Martin Wiener, 'Murderers and "Reasonable Men": The "Criminology" of the Victorian Judiciary' in Peter Becker and Richard F Wetzell (eds.), *Criminals and their Scientists: The History of Criminology in International Perspective*, (New York, 2009), p. 60.

judges, this was strictly at each individual judge's discretion. As Tony Ward has made abundantly clear in his work, judges did their very best to keep a tight rein on their authority, feeling quite at liberty to instruct juries to dismiss the evidence of medical witnesses and to publicly criticise the profession's integrity.<sup>76</sup> So, even while provision was made in England and Wales for psychological assessment by prison doctors the final word on criminal responsibility rested with judges and juries - not doctors.

Doctors and medical experts approached IPV peripatetically, often dealing with women's wounds. Their role in the courts however, gave them the power to empower wives' words or qualify, even mitigate husbands' responsibility. This was not a uniform process, especially considering the breadth of cultural opinions these professionals held about this liminal violence. Yet, certain trends such as the professional verification of women's words, the gentle contestation of the McNaughton laws, and the debate over the medical profession's role within the court were all highlighted in their engagement with IPV.

### The relationship between the body and violence in quack medicine

Despite the advances made in psychiatry through the course of the early twentieth century and especially during the First World War, the reality of mental health was very different for those who could not afford or who were distrustful of this new kind of medical treatment. Continuing a long tradition from the Victorian period, for those who were more trusting, convinced, ill-informed or desperate, there was available a plethora of quack cures for "nervous trouble". Promising immediate and complete recovery from a range of illnesses from neurasthenia and hysteria to blood disorders and brain fag,<sup>77</sup> advertisements for pills, potions and tonics abounded in local and regional newspapers. The ingredients used in these 'medicines' varied from coca to beef extract to iron to alcohol but generally the effects could only assuage the symptoms of the affliction or provide a placebo effect.<sup>78</sup> However, the

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<sup>76</sup> Ward, 'A terrible responsibility', pp. 361–377.

<sup>77</sup> *Hull Daily Mail*, 11 April 1927 p. 7.

<sup>78</sup> L. Loeb, 'George Fulford and Victorian patent medicine men: Quack mercenaries or Smilesian entrepreneurs?', *Canadian Bulletin of Medical History*, 16:1 (1999), pp. 127, 129, 130.

phrasing of the alleged benefits of these medicines reveals their appeal. Psychiatrists and doctors aimed to fix the mind; though some believed that mental illness was a physiological problem, its emotional factors were rarely completely disentangled. Not so with quacks, who claimed to fix the body, and that by addressing vague imbalances within the body's machinery the mind would function normally again. Put simply, quack medicine would repair a man, where doctors might expect him to recover. It is this differentiation – and the fact that by catering to it quacks were able to fill a lucrative gap in the market– that underscores a discrepancy between professional and popular understandings of mental illness.

Advertisements reflected this in their emphasis on the physiological causes of mental issues (described variously as nerve strain, neurasthenia or hysteria, or even sublimated into associated ailments like chronic headaches), and they commonly ascribed a physical problem. Dysfunctions in digestion were favoured, as can be seen in Beecham's 1915 advert which claimed that irritability was the result of 'a nervous state induced by some form of digestive disturbance' which required Beecham's pills to 'exercise a purifying and bracing effect'.<sup>79</sup> Ideas of a "broken" body and nervous system dominated quack advertisements. For example, a testimonial (probably fabricated) for Dr. Cassell's Tablets in 1924 combined "ordinary" physical ailments with mental ones ('Lassitude, Fatigue, Loss of Appetite, Indigestion, Insomnia, Nerve Pains, Headache, Depression'),<sup>80</sup> thereby creating a deficiency that the product could supplement. This is made especially clear by Dr Cassell's customary inclusion of the declamation that it was 'specially valuable for nursing mothers and during the critical periods of life.'<sup>81</sup> Electrotherapy, a field that had experienced some popularity in the pre-war period, enjoyed a boost after the war and was advertised as recharging the 'nerve force' (a term that was never adequately explained).<sup>82</sup> Whatever the method, these cures

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<sup>79</sup> *Bath Chronicle*, 16 January 1915

<sup>80</sup> *Hastings and St Leonards Observer*, 1 November 1924 p. 8.

<sup>81</sup> *Burnley Express*, 25 March 1922 p. 12

<sup>82</sup> *Western Daily Press*, 7 May 1918 p. 2; *Western Daily Press*, 17 April 1918 p. 2; *Birmingham Gazette*, 9 December 1918 p. 3.

claimed to balance a deficiency or excess in the body, whether it be by providing the nourishment and energy to regrow nerves or by eliminating kidney trouble.

Even before the war, some quack medicines were marketed as a method to control temper. This was because of biologized understandings of nervous disorders: bad temper arose from a bad body, and could be fixed by bringing the body back to good condition. Therefore solutions focussed on nourishment and the provision of energy for the nerves, be it chemical or electrical. Dr. William's Pink Pills ran an advertisement promising 'Domestic Harmony': 'When husband and wife disagree, as a rule, neither is to blame. Perhaps the husband, over-worked at business, is depressed, nervous and irritable; the wife, on her side, is excitable and bodily weak. This weakness proceeds either from a disordered digestion or a general state of low health resulting from the numerous ailments of the weaker sex.'<sup>83</sup> Mutual annoyance was thus explained by malnourishment. Quacks were ready to provide a cure for bad temper. In 1908 Doan's Backache Kidney Pills used a huge picture of a mother scolding two innocent little girls emblazoned with the title 'NOT THE CHILDREN'S FAULT'. The subheading read 'Don't Blame THEM. Perhaps YOU are Nervous and Irritable, Weak, Tired, Restless and Nervous, for Kidney Trouble affects the Whole System.'<sup>84</sup> This theme continued through the interwar period unabated: in 1930, Phosferine placed an enormous banner above a surly looking shop girl proclaiming 'Your nerves can't stand it! ...when every customer seems to irritate you, you must take Phosferine'.<sup>85</sup> Quacks continued to display crossness and anger not as a justified emotion but as evidence of a physical deficiency in the nervous system that could be remedied, and that these campaigns were successful for such a long time indicates a popular biological view of bad moods and behaviour.

Quacks were ready to seize upon the opportunities thrown up by the war to expand their market, and they began to target servicemen suffering with mental problems. The connection between mental health and bodily malnourishment was assiduously maintained but adapted

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<sup>83</sup> *Taunton Courier*, 15 November 1905 p. 3.

<sup>84</sup> *North Devon Journal*, 28 May 1908 p. 6.

<sup>85</sup> *Nottingham Evening Post*, 20 August 1930 p. 1.



to the developing needs of this market. For example, a testimonial for Dr. Cassell's Tablets in 1919 proudly displayed the testimonial of Mr Sweeney, who said that 'I was three years in the Army, and at last got a bad wound...When I can home I was...neurasthenic'. He went on to give a catalogue of mental and emotional symptoms (social withdrawal, hyper sensitivity, dread) but these are plainly suggested to be the result of that 'bad wound' rather than mental trauma and were easily cured with the tablets.<sup>86</sup> This physiological approach to mental illness provided an easily understood problem and a seemingly simple and hopeful solution, which may help explain the success of these products. This may especially be the case for those for whom psychiatric treatments were inaccessible or had proved ineffective, something Phosferine explicitly raised. It claimed that Private Amatt said that 'After a long spell in hospital I was finally discharged, still feeling the effects of nerve shock. A friend advised me to try Phosferine, and I can assure you it has done me a great amount of good in bracing me up and restoring my nerves.'<sup>87</sup> Indeed, such a statement was likely true for a great number of servicemen and ex-servicemen. Since some doctors were encountering mental ailments they had little experience of, the symptoms of which matched other physiological illnesses, misdiagnosis was far from uncommon.<sup>88</sup> Furthermore, treatment programmes were still in their infancy, especially on the scale demanded by the circumstances of the war. Therefore, treatment could not be guaranteed to be successful, and quack cures met the demands of the desperate. By focussing upon nutrition, purging, and regeneration, they neglected the advances in the talking cures that were gaining increasing traction within the professional medical throughout the war and into the interwar period.

Indeed, it is perhaps the emergence of this new male market that occasioned a partial "masculinisation" of nervous trouble after 1914, as quack cures targeted men with gusto and soldiers and ex-soldiers were used to advertise cures for mental ailments. The inclusion of their testimonials served to legitimate both male mental illness and the purchase of 'cures'.

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<sup>86</sup> *Burnley Express*, 25 March 1922 p. 12.

<sup>87</sup> *Grantham Journal*, 26 April 1919 p. 7.

<sup>88</sup> Edgar Jones, and Simon Wessely, *Shell Shock to PTSD : Military Psychiatry From 1900 to the Gulf War*, (New York, 2005) pp. 19, 23, 34-35.

Dr Cassell's was particularly merciless as they requisitioned the mentally ill soldier, one 1915 advert claiming a customer suffering a 'nervous breakdown' was 'made fit to fight', 'now a gunner in the R.F.A.', and had become 'the model of a soldier – cured by Dr. Cassell's Tablets.'<sup>89</sup> The less brash Bristol Institute of Electrotherapy reassured its male clients: 'Neurasthenia attacks men with quite as great severity and frequency as women. The vast numbers of soldiers suffering from neurasthenia, neuritis, shell shock, functional disorders...has once and for all dispelled the common idea that those suffering from these complaints are just faddists or hypochondriacs, or victims of their own imagination.'<sup>90</sup> The highly visible and relatively common mental injuries of the war encouraged the development of a 'respectable' face for male mental illness that quack peddlers were eager to exploit. Men's mental health could be discussed more openly, but within set parameters that would not destabilise the masculine emphasis upon mental self-control: it was the flesh that was weak, not the mind. While the prominent exploitation of the soldier allowed these cures to target a specific market (soldiers with 'nerve strain'), they also legitimated the use of 'cures' by men more broadly, and the trend of the prominent male testimonial was maintained well into the interwar period.

What, then, did this mean for violent husbands and their wives? It must first be made clear that the connection between these quack medicines and their use by abusive and abused people is an educated speculation. As seen above, there was an appetite for physiological cures for behavioural and mood problems. Moreover, both violent husbands and their victims commonly identified mental suffering or physical wounds as the cause of violence. For example, in 1919, discharged soldier John Thompson claimed that his violence to his wife was 'quite out of the common and may have been due to his having been wounded in the head',<sup>91</sup> while in 1934 William Riddell blamed malarial fits and shell shock fits for his persistent cruelty towards his wife,<sup>92</sup> and in 1936 Mrs Nixon concluded that her husband's

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<sup>89</sup> *Hull Daily Mail*, 10 December 1915 p. 6.

<sup>90</sup> *Western Daily Press*, 28 August 1918 p. 2.

<sup>91</sup> *Burnley News*, 31 May 1919 p. 2.

<sup>92</sup> *Hawick News*, 19 October 1934 p. 3.

'cruelty to her was the result of illness.'<sup>93</sup> Indeed, Adam Edward Jukes has pointed out that some abusive men are frightened by their own violent outbursts, articulating them as explosions of physical, raw emotion that overcome them.<sup>94</sup> Given this strong association between physical illness, psychological disorder, and violent conduct, it is likely that abusers and victims would have made recourse to quack cures to treat the physical problems that they understood to be causing violent bad tempers.

Advertisements for quack and patent medicines made promises to improve tempers and marital relations, hinting at preventing marital conflict altogether. Dr. Williams Pink Pills addressed a 1928 message 'TO YOU AND YOUR WIFE'. It asked 'ARE YOU IRRITABLE?', and advised that 'When a person becomes irritable, short-tempered, and is constantly grumbling ... he is more to be pitied than blamed. No one is irritable from preference, and this state is often only the outward sign of a great deal of suffering which friends do not realise.'<sup>95</sup> This certainly appears to be addressing marital discord, and later in 1935 Hall's Wine blamed marital conflict on women's retaliation to their husbands' unpleasantness. A little cartoon beneath a massive banner adorned with a stressed looking woman that read 'My nerves nearly spoilt our marriage', showed a wife kindly smiling as her husband berated her. The next scene showed her husband apologetically asking how she tolerates his outbursts, and she explains that, 'no woman gets nervy unless she's run-down – and I'm so fit these days since I've been taking Hall's Wine'.<sup>96</sup> In 1938 Sanatogen showed a similar tack when it marketed its nerve tonic: 'To have calm and healthy nerves is a husband's duty to his wife, a wife's duty to her husband, parents' duty to their children.'<sup>97</sup> By portraying frayed tempers and conflict as arising from something other than their customers' "real" selves, there was plenty of scope to create abusive behaviours as the result of a disordered body or mind. Just so, violent husbands who were confused by their own behaviour may well have rationalised it as

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<sup>93</sup> *Nottingham Evening Post*, 29 February 1936 p. 5.

<sup>94</sup> Adam Edward Jukes, *Men Who Batter Women* (London, 1999), p. 56.

<sup>95</sup> *Nottingham Evening Post*, 27 November 1928 p. 4.

<sup>96</sup> *Nottingham Evening Post*, 28 March 1935, p. 5.

<sup>97</sup> *Western Daily Press*, 12 July 1938, p. 7.

irritability or nerve trouble and sought to remedy it themselves. Indeed, there are hints of this dissociation in the practice of blaming alcohol for IPV, and husbands' common promises of peaceful sobriety.<sup>98</sup> There is good reason to believe, therefore, that some people may have tried to manage IPV using quack cures. Holding a strongly physiological approach to male violence, the use of such medicines would have enabled perpetrators to understand aggressive behaviour without considering themselves to be "bad" husbands. Like blaming alcohol, such physiological approaches allowed action to be taken without upsetting the marital status quo, and gave a little hope for change.

### Conclusion

Perhaps the most striking feature of the medical and psychological professions' engagement with wife battery/murder is the absence of consensus regarding its problematization, pathologization and condemnation. Opinion on the genesis of violence, and by extension IPV, varied according to the individual's school of thought, resulting in sometimes disparate approaches. Indeed, it might be noted that while medical witnesses were willing to associate IPV and mental war trauma, research does not appear to have pursued this connection. The nascency of psychology as an exciting new discipline means that this ought hardly to be censured, yet the divergence of lay medicine, typified by quack cures, from professional opinion indicates the gulf between cutting edge thought and everyday reality for those in violent marriages. What is clear, however, is that without good reason to link unmanly war trauma to violent masculinity to justify research, doctors and medical experts continued to rely on their own surmises once they entered the surgery and the courtroom.

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<sup>98</sup> For examples, see *Luton Times and Advertiser*, 19 June 1914 p. 6; *Western Times*, 10 March 1920 p. 4; *Liverpool Echo*, 19 April 1915 p. 3; *Western Daily Press*, 8 June 1929 p. 5; *Lancashire Evening Post*, 4 November 1920 p. 3.

## Influencing policy: marital reform in Parliament, the feminist movement and the temperance movement, and their engagements with wife battery, 1914-1939

With a few notable exceptions,<sup>1</sup> historians of the interwar period have tended to overlook the record of MPs, feminists and the temperance movement, their histories becoming satellites to those of judicial procedure or the media.<sup>2</sup> The purpose of this chapter is, therefore, to illuminate the ways that each group was influenced by contemporary pressures in their understandings of and responses to violence against wives. In the interwar period, parliamentary reformers, feminists, and temperance advocates were all strongly committed to altering the policies that governed intimate family relations in Britain. With shared interests in the condition of married life, their approaches to wife battery give valuable insights into how its causes, operation and possible solutions were perceived outside of the judico-penal professional community. With discussions of intimate partner violence against wives (IPV) set within the parameters of broader negotiations about gender, marriage, and society, it is important to assess how these groups' policies and approaches were shaped by their individual ethos and by the socio-cultural climate of post-war Britain. In so doing, it is possible to comprehend these groups' attitudes to wife battery.

This chapter will explore how, because wife battery was rarely the subject of interrogation in its own right, each group approached wife battery by proxy through related overarching issues. This will allow an overview of the common trend between these groups to instrumentalize wife battery to further their broader policy agendas, and the effect of that

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<sup>1</sup> Jan Lambertz, 'Feminists and the politics of wife-beating', in H.L. Smith (ed.), *British Feminism in the Twentieth Century*, (London, 1990), pp. 25-46; Jo Aitken, '"The Horrors of Matrimony among the Masses": Feminist Representations of Wife Beating in England and Australia, 1870-1914', *Journal of Women's History* 19:4 (2007), pp. 107-131.

<sup>2</sup> George Behlmer, 'Summary Justice and Working-Class Marriage in England, 1870-1914', *Law History Review*, 12:2 (1994), pp. 229-275; A. Clark, 'Domesticity and the Problem of Wife-Beating in Nineteenth-Century Britain: Working-Class Culture, Law and Politics', in Shani D'Cruze, (ed.), *Everyday Violence in Britain, 1850-1950*, (Harlow, 2000), pp. 27-40; Ginger Frost, '"He Could Not Hold His Passions": Domestic Violence and Cohabitation in England (1850-1905)', *Crime, History and Societies*, 12:1 (2008), pp. 45-63; Annmarie Hughes, 'The 'Non-Criminal' Class: Wife-beating in Scotland (c. 1800-1949)', *Crime, History & Societies*, 14:2 (2010), pp. 31-53; Martin Weiner, *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England* (Cambridge, 2004).

rhetorical employment upon their understanding of wife battery. This chapter will first approach the record of pro- marriage reform MPs, surveying their use of wife battery as supporting evidence for their policy of divorce and separation reform, constructing a legal escape route for wives. It will then explore the feminist movement's use of wife battery to illustrate the need for structural changes to family life that would diminish wives' dependence on their husbands. Lastly, this chapter will survey the policy of the temperance movement and their use of wife battery as evidence of the social and moral damage wrought by alcohol. Throughout each section, the importance of the social and cultural legacy of war upon each group's activities will be considered. In so doing, it is possible to appreciate the ways that the values of each group informed the way that they understood wife battery and sought to solve it, demonstrating how an invariant act's construction was dependent upon the variance of the cultural climate.

### Discussions of wife battery in the Houses of Parliament

In the historiography of divorce and separation reform within the parliamentary context, violence against wives as a specific focus of research has been somewhat overlooked, as attention is more usually paid to the extreme anxieties that made reform so painful and protracted. The momentum of the divorce reform movement in Parliament, which in 1913 was riding fairly high after the release of the reports of the 1912 Royal Commission on Divorce, slowed at the outbreak of war, as government attention turned to the pursuit and organisation of war. However, peace brought about a resurgence of pressure from both within and without Parliament to reconsider the marriage question. This discussion took place in a context of rocketing rates of divorce which climbed year and year, doubling from about 701 in 1913 to 1,407 in 1918, to 2,610 in 1919, to a staggering 3,956 in 1921.<sup>3</sup> The news media speculated on the death of marriage in an immoral post-war world: *The Daily Mail* fretted at 'Lightning divorces ... the rate of...one every 12 minutes',<sup>4</sup> while *The Times* acknowledged female

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<sup>3</sup> Roderick Phillips, *Putting Asunder: a History of Divorce in Western Society*, (Cambridge, 1988), p. 517.

<sup>4</sup> *Daily Mail*, 3 March 1921 p. 7.

infidelity, reporting 'More Divorce Cases, Fewer Petitions By Wives.'<sup>5</sup> However, those in favour of reform did not see high rates of divorce as a problem, and instead saw the intense pressure on the courts as an opportunity to rationalise an out-dated system.<sup>6</sup> As pro-reform members of the House of Commons and the House of Lords turned their efforts again to the reform of both divorce and separation law, the bodies and lives of battered wives became a part of the landscape upon which wider arguments about the identity and integrity of British society were fought. This section will examine the ways that the issue of wife battery was comprehended by reforming MPs, how it was instrumentalized by both pro- and anti-reformers, and what the solutions and criticisms put forward indicated about their negotiation of the contemporary cultural schema.

Throughout the period, discussions of wife battery in the Houses of Parliament tended toward simplification and stereotyping. In the portrayal of cruel husbands, pro-reformers erred toward monolithic portrayals. Even though such men ought to have been central to any discussion, they instead were presented as shadowy yet unchangeable threats. Reference was regularly made to these men's violence through phrases like 'inhuman cruelty' and 'cruelty of an inhuman kind',<sup>7</sup> but any explicit attachment of such behaviours to husbands was not so forthcoming. Instead, pro-reformers focussed upon the suffering of battered wives. In 1923, Lord Buckmaster begged the House of Lords to consider how 'At this moment cruelty, however gross, however prolonged, however degrading and insulting, gives a woman no right to liberty at all.'<sup>8</sup> The following year he said, 'It is cruelty that places in hazard the health, or the life or the safety of a woman, and that is the cruelty which we say should entitle the woman to be free of the marriage tie.'<sup>9</sup> He went on, decrying the 'cold charity of a world

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<sup>5</sup> *The Times*, 28 August 1919 p. 4.

<sup>6</sup> Mrs Seaton Tiedeman of the DLRU stated on the subject of divorce at the Conference of the British Dominions Suffrage Union that 'the system of permanent separation without the power to remarry was a ghastly evil, and should in her opinion, be broken up. Since the war she had become even more convinced of its evils.' (*The Times*, 6 June 1918 p. 3.) A County Court judge wrote to *The Times* stating that the surge in the divorce rate and the consequent 'congestion in the Divorce Court' only underscored the need to transfer the process from London to the provincial courts (*The Times*, 5 May 1919, p. 8.)

<sup>7</sup> Hansard's Parliamentary Debates, House of Commons Debate (HC Deb), 14 April 1920, vol. 127, cols. 1763.

<sup>8</sup> House of Lords Debate (HL Deb), 26 June 1923, vol. 54, col. 578.

<sup>9</sup> HL Deb, 11 March 1924, vol. 56, col. 642.

that ...condemns her to a life which this Report tells you is full of misery and danger for her day by day'.<sup>10</sup> These appeals constructed the wife as the victim of restrictive law, rather than paying much attention to husbands whose monstrosity is accepted as a given. After all, there was little need to wax on the tyranny of violent husbands: the news media was already saturated with the brutality of husbands toward their wives. What these reformers were establishing, therefore, was not wife battery was a problem, but that it was permitted to continue by the narrow scope of divorce and separation legislation.

Therefore, when the violence of husbands was specifically described, it was not to heap opprobrium on the man *per se*, but to criticise a system that kept his wife bound to him. For instance, commenting on the famous case of the abusive and homicidally insane Colonel Rutherford's marriage, Lord Birkenhead lamented 'the harsh and even inhuman...law of England' that demanded that his wife should 'thus be tied for life to a dangerous and homicidal lunatic, after having for many years suffered both in body and spirit from his unfaithfulness and cruelty.'<sup>11</sup> In 1922 Sir Robert Newman concentrated upon legal shortcomings of the Summary Jurisdiction Act 1895 which demanded that wives did not cohabit with their husbands for two weeks to qualify for a separation. Since 'the good mother is naturally disinclined to leave her children and to break up her home',<sup>12</sup> it was impossible to expect her to live elsewhere for two weeks even if she could afford to, and he described a horrifying example of the over-particular demands of the law. A wife who had left the marital home to obtain a separation order against her violent husband returned to care for a sick child, barring her from obtaining the order. Shortly afterwards, her husband cut her throat and killed her.<sup>13</sup> Lord Buckmaster echoed this condemnation of legal entrapment in the second reading of the Matrimonial Causes Bill 1924, when he posed the question, 'If marriage, to-day, is licensed prostitution, I shall be glad to know what is the adequate language to

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<sup>10</sup> HL Deb, 22 June 1920, vol. 40, col. 724.

<sup>11</sup> *Spectator*, 11 November 1922, p. 33.

<sup>12</sup> HC Deb, 26 May 1922, vol. 154, col. 1574.

<sup>13</sup> *Ibid.*, col. 1575. After the passage of the Summary Jurisdiction Act 1925, women no longer needed to live apart from their husband's for two weeks before they qualified for an order,



describe a union in which a woman is compelled to live for ever with a man insane, unfaithful, unclean, whose very touch makes her shudder and whose very sight she hates. What is the language with which to describe a condition like that?’<sup>14</sup> These pro-reform MPs accepted the violent husband as an intractable constant; their aim, then, was to make the law take them into account. They contested the tyranny of the law over battered wives, not the existence of these men’s brutality.

Unsurprisingly, stereotypes and simplifications abounded in reformers’ constructions of wife battery: wives were portrayed as long-suffering, good mothers doing their best to protect themselves and their children from their husbands’ ceaseless cruelty. This rhetorical simplification did not take into account female deviation, such as infidelity or slatternliness. Moreover, the ambiguous behaviour of violent men, and their vacillations between loving affection and serious violence, are absent from these discussions. To maintain rhetorical power, the complex realities of wife battery were passed over in favour of the constructions that maintained the battered wife’s dependence on legal reform for safety. These streamlined, emotive constructions of women held prisoner in dangerous marriages highlight the way that the beaten wife was not just the beneficiary of reform, but was instrumentalized in obtaining it. As a result, the pro-reform platform neglected to engage with the complexities and peculiarities of wife battery, since to do so would undermine their purpose. It was not in their policy’s interests to suggest that the abusive husband could be redeemed in anyway, since it was abusers’ intractability that made divorce and separation reform the only reasonable option to protect women. In this respect, the simplistic portrayal of cruelty as an invariant element contrasted the position taken by the temperance movement, who were committed to reformation, and some feminist policies which described the prevention of wife battery as a benefit of social reforms.

However, while the constancy of the violent husband’s brutality was used by pro-reformers, critics also instrumentalized the battered wife. Reflecting anxieties that gender and

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<sup>14</sup> HL Deb, 11 March 1924, vol. 56, col. 646.

marriage were at risk of anarchy, critics used the battered wife to exemplify the risks posed by marital reform to husbands' authority and the stability of marriage. Rather than engaging with the battered wife's suffering, critics concentrated upon her potential for deceit. Overlooking women's difficulty in obtaining legal justice against violent husbands, this vision saw the wife manipulating a court of law – powerless to disprove her allegations – to control her husband. For example, in 1920 Ronald McNeill exploited fears of perjury in divorce cases, warning that the recognition of cruelty in divorce law could be abused: 'Imagine an undefended case in which a woman ... says that she has suffered physical violence at the hands of her husband. No Court in the world can test that evidence. It has to be accepted at its face value.'<sup>15</sup> Lord Philimore also worried that courts could neither test nor contest a claim of cruelty: 'cruelty is so much a question of degree. It will be very easy in cases of cruelty, where both parties are desirous of having divorce, for one to allege some cruelty and the other not to defend, and so the divorce would go through.'<sup>16</sup> These ideas went beyond simple scare-mongering – they utilised ideas of lying battered wives to portray divorce and separation reform as the unwitting collusion of the state in disruptive social instability. Though that reform might have helped some, critics feared that the cost – gender chaos, but more specifically undue female power – was simply too high a price to pay.

In fact, battered wives were used to contest the growth of magisterial power, too. This worry centred upon the provision in the 1921 divorce bill to convert a separation order into a decree nisi after two years, since this constituted a *de facto* transferral of power to lay magistracy. When placed in the context of a discussion that had been rumbling on since the Summary Jurisdiction Act 1895 about the power of lay magistracy over marriage, these criticisms make sense as part of an anxiety about lay magistracy in general.<sup>17</sup> These criticisms tended to focus on the gullibility and inconsistency of magistrates. For example, in 1920 Lord Charnwood claimed his experiences as a magistrate made him wary: 'as I

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<sup>15</sup> HC Deb, 14 April 1920, vol. 127, cols. 1758-1805.

<sup>16</sup> HL Deb, 8 June 1920, vol. 40, col. 489-515.

<sup>17</sup> Colin Gibson, *Dissolving Wedlock*, (London, 1994), p. 78.

understand, the clause in effect puts upon justices of the peace and stipendiary magistrates a responsibility which I am sure we should very much object to having put upon us, and which I cannot think was really intended.’<sup>18</sup> Charnwood was deeply uncomfortable with the idea that magistrates would function as an accessible gateway toward divorce. Using cruelty as his specialised example, he worried that judges would only ratify magistrates’ findings: ‘no matter can be before the High Court beyond what was already before the justices. The parties will have been separated for two years and the original cruelty can have been neither aggravated nor diminished.’ This placed too much control in the hands of magistrates, but also discouraged marital reconciliation: ‘I imagine that in this class of case evidence does not at all improve with keeping. The complainant will have been cooking his or her recollections during those two years, and the neighbours will have forgotten all about the circumstances.’<sup>19</sup> Charnwood claimed that this clause would mean judges could only act on a ‘penny-in-the-slot principle’, demoting them to the concluding part of a legislative conveyor belt that made magistrates into functional Divorce Judges. Viscount Cave echoed these concerns, grumbling that ‘to make an order of a Court of petty sessions the foundation for a decree of divorce would, I think, be very unfortunate indeed.’<sup>20</sup> The lack of uniformity within police courts and petty sessions threw up the spectre of inappropriate divorces, and Charnwood reminded the House of the practice of some magistrates to repeatedly adjourn applications for separation orders to weed out those who were not “serious”.<sup>21</sup> Such criticism combined both the lying battered wife and the professional weaknesses of the magistracy, mobilising them to make a stand against marital reform.

While critics appealed to the fear of social disintegration and rampant immorality, pro-reformers used the battered wife as an emotive marker that bolstered their condemnation of

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<sup>18</sup> HL Deb, 4 May 1920, vol 40, col. 65.

<sup>19</sup> Ibid., col. 66.

<sup>20</sup> Ibid.

<sup>21</sup> HL Deb, 4 May 1920, vol. 40, col. 67. George Behlmer has highlighted how this method did not only put off those who were not “committed”, but also those who lacked the patience, time, money, or confidence to work through official channels, choosing instead to put up with abuses or find an informal solution (Behlmer, ‘Summary Justice and Working-Class Marriage in England, pp. 259, 263).

a rotten English marital law. But this was bolstered by a victimisation of the very magistrates who were powerless to help her. Indeed, discussions in Parliament reflected the frustration of magistrates (including some MPs) at their legal impotence to protect battered women. As mentioned above, Sir Robert Newman told the story of the woman who was murdered after she was denied a separation, and his worry that the requirements of the Act ran contrary to the nature of good, protective mothers was echoed by Captain Bowyer. Referring to the difficulties imposed by the restrictive qualifying word "persistent", he said, 'hon. Members will notice that the word "cruelty" is used without any qualifying adjective. At present the words are persistent cruelty. The object of the Bill is to give a wider discretion to the court and not to limit the powers of the magistrate by qualifying adjectives before such words as "cruelty" and "assault."' <sup>22</sup> Mr Wignall agreed, and drawing from his own experience as a magistrate he lamented: 'I have ... many times asked the woman: "Did you leave your home?" She has replied, "No." Then we have asked her: "Why did not you leave the home?" She would reply, "Where could I go?" ... The case would be proved up to the hilt, but the fact was there that the woman was still at home, and she had no claim.' <sup>23</sup> This was an intense frustration for magistrates who could see that a separation order was required, but the applicant was unable to qualify. Thus the suffering of the battered wife was twinned with that of a powerless judiciary. On the one hand, this gives a demonstration of the first-hand knowledge transferring from the judiciary to the legislature. On the other, this is a strange situation where the success of the legislative reforms that could help seriously abused wives to leave their husbands needed to be qualified by the vicarious suffering of the administrators of that law. This highlights a theme in the relationship between wife battery and marital reform: the suffering of these women and their families was not evidence enough of the need to help them. Instead, the reformers felt they had to show how the damage caused by marital offences spread beyond the family to harm society.

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<sup>22</sup> HC Deb 26 May 1922 vol 154 c. 1586.

<sup>23</sup> HC Deb 26 May 1922 vol 154 c. 1596.

Reformers went on to match critics' dire prophecies of national ruin in the event of reform. But whereas critics warned of future damage caused by liberalisation in a time of crisis, reformers claimed that crisis was already upon them. They looked to the impact of marital offences upon the national fabric through two lenses: the effect upon children witnessing abuse, and the quality of the marriages that the current system sustained. On the issue of children, reformers were questioning the impact of strict divorce and separation legislation upon reproduction. Tapping into anxieties of racial strength and natalism,<sup>24</sup> reformers used the effect of wife battery on children to portray marital cruelty as a national problem. For instance, in 1920, the Liberal Athelstan Rendall recommended that 'Children should not be brought up in a home where constant cruelty of an inhuman kind with danger to life and limb is going on. They cannot be brought up as decent members of society in such conditions.'<sup>25</sup> In 1922 debates on separation reform pushed to include both cruelty to a wife and cruelty to children as a legal grounds, and Mrs Wintringham MP criticised the requirement for two weeks separation which demanded that wives 'leave the children to, it may be, a brutal father'.<sup>26</sup> She then turned to the sexual double standard that required female chastity to qualify for a maintenance order: 'The Court can revoke this order for maintenance if the woman does commit one act of adultery, so that the children have to suffer because their mother has committed this one offence. This is very unfair on the children.'<sup>27</sup> Wintringham phrased her criticism around the wellbeing of children, highlighting the risk the current laws placed them in. This located wife battery within a wider familial context to demonstrate its pervasive and insidious effects upon children. Battered female bodies and children's distress were thus both used to counter critics' appeals to the sanctity of marriage, signifying a perversion of the very institution they sought to protect.

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<sup>24</sup> Richard A. Soloway, *Demography and Degeneration: Eugenics and the Declining Birthrate in Twentieth-Century Britain*, (London, 1990), pp. 146-156.

<sup>25</sup> HC Deb, 14 April 1920 vol 127 cc1758-1805

<sup>26</sup> HC Deb 26 May 1922 vol 154 cc1580.

<sup>27</sup> HC Deb, 26 May 1922, vol. 154, col. 1580.

Critics of reform, however, felt that far from highlighting a desecration of marriage that required reform, any moves to enable battered wives to separate or divorce would constitute an intolerable assault on the sanctity of marriage. For example, in the 1920 parliamentary debate on divorce, McNeill suggested a facetious rewording of Rendall's motion to accept the 1912 Majority Report (which had argued that 'there was no logical reason why adultery should remain the only recognized offence for divorce'),<sup>28</sup> changing it from legislating its recommendations to recognising that 'any change in the law that would impair the permanence of the marriage contract would be harmful to the best interests of the community.'<sup>29</sup> This note of embattled morality was echoed by the Bishop of Exeter who warned that divorce reform was part of a 'great movement against marriage' that 'began step by step to descend the abyss', pandering to 'that part which put pleasure before duty.'<sup>30</sup> Mr Evelyn Cecil was less poetic, telling the House of Commons that 'I say ... that I am quite certain that I speak for the parties concerned in stating that they would rather not see these alterations made than shake the whole foundations of the marriage laws of this country.'<sup>31</sup>

While critics claimed the moral threat posed by reform was too high a price to pay to aid abused women, reformers used that same battered woman to claim that the version of marriage they defended was a bastardised thing. In 1923, Lord Buckmaster stated that 'At this moment cruelty, however gross, however prolonged, however degrading and insulting, gives a woman no right to liberty at all',<sup>32</sup> demonstrating that the unreformed law served only to 'debase and degrade a thing which may be made the most beautiful and high communion'.<sup>33</sup> Earlier in 1920, Rendall questioned the moral facility in equating permanence with sanctity: 'a man and woman take one another for better or worse. I would ask ... whether in the marriage of man and woman there is really any intention by either party to take the risk that the other party to the marriage will be a person who will be guilty of such inhuman cruelty

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<sup>28</sup> Gibson, *Dissolving Wedlock*, p. 82.

<sup>29</sup> HC Deb, 14 April 1920, vol. 127, cols. 1769-1770.

<sup>30</sup> *Western Times*, 12 November 1920 p. 12.

<sup>31</sup> HC Deb, 14 April 1920, vol. 127, col. 1780.

<sup>32</sup> HL Deb, 26 June 1923, vol. 54, col. 578

<sup>33</sup> HL Deb, 26 June 1923, vol. 54, cols. 578-579.

as to make life unsafe for the wife or husband?’<sup>34</sup> He rounded off by arguing that far from having a detrimental effect upon the national fabric by desanctifying or devaluing marriage, extending divorce legislation would have a positive social impact: ‘If we can only make marriage a real thing to all people, if we can destroy all the elements which the present law allows to exist in it, though they are bad, then I am sure we will make marriage stronger and a more real thing.’<sup>35</sup> On the point of separation reform, Mrs Wintringham stated that the bill ‘relieves a real hardship which is not, perhaps, obvious to those citizens who are happily married. There is a real need to protect the husband from a negligent wife, and it also protects the wife who hesitates to leave home’.<sup>36</sup> Her sentiments were warmly seconded by Captain Bowyer, who stated that ‘this Bill is going to do more to bring happiness into the homes of these men and women than any Bill which this House has considered for a very long time.’<sup>37</sup> He argued that far from protecting marriage, current law was ‘all in favour of the woman of ill-repute and all against the woman who loves her home and children and who in these circumstances refuses and must refuse in most cases to apply for a maintenance or separation order.’<sup>38</sup> Where critics saw only an infringement on social integrity, reformers argued that by denying the legal immunity offered to violent husbands (as well as deserters, drunkards, criminals, and neglectful men), the state of marriage and national stability overall would benefit.

To conclude, the issue of wife battery can illuminate the world view that framed its construction in debates on official policy. Reflecting the instability of the immediate post-war period, critics of reform were adamant that any alteration of the “traditional” marriage model was too great a threat to the national moral fabric, even if the price was to keep some women in dangerous situations. This was underpinned by a suspicion that reforms might be exploited to the detriment of judicial authority and the nation, echoing anxieties of female power. Pro-

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<sup>34</sup> HC Deb, 14 April 1920, vol. 127, col.1763

<sup>35</sup> HC Deb, 14 April 1920, vol. 127, cols. 1758-1805

<sup>36</sup> HC Deb, 26 May 1922, vol. 154, col. 1584

<sup>37</sup> HC Deb, 26 May 1922, vol. 154, col. 1584

<sup>38</sup> HC Deb, 26 May 1922, vol. 154, col. 1585.

reformers on the other hand extended a real sympathy to battered wives, but unlike feminists never really developed a very complex idea of the processes of wife battery. Instead they preferred the more useful but simplistic notion of violent husbands as intractable tyrants whose brutality could only be managed with divorce and separation reform. Using wife battery as evidence to support their policy aims, pro-reformers constructed the battered wife as the recipient of middle class patriarchal protection via magisterial and judicial beneficence. However, this hinted toward a more modern idea of victim self-determination, since these reforms all demanded female agency to succeed. This was of course within the confines of patriarchal authority embodied by the judiciary, but by couching demands in the familiar language of discretionary mercy, they fought on their behalf for battered women's liberation from their marital traps. Unfortunately, pro-reformers failed in their battle to have cruelty recognized as grounds for divorce until 1937. Even then, newly married couples had to wait three years to qualify, obliging battered women to bide their time. Moreover, the cost of divorce meant that throughout this period, 'the majority of broken marriages were still being directed by costs, law, and custom to the 'second-best' jurisdiction' of the police courts.<sup>39</sup> Even the 1937 act, then, was only a partial legislative victory, as the post-war climate saw a wariness of infringements upon the integrity of marriage, even where it was necessary or deserved, as social stability trumped wives' welfare.

### Feminists' proposed solutions to wife battery

Perhaps reflecting interwar feminists' own quietness on the subject, the historiography regarding their engagement with wife battery as a specific subject has been somewhat limited. Jan Lambertz's study provides a powerful view on the motivations behind their quiet withdrawal from the issue, describing their impact of universal male suffrage and changing priorities within the feminist movement,<sup>40</sup> while for the pre-war period Jo Aitkin has forcefully

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<sup>39</sup> Gibson, *Dissolving Wedlock*, p. 94.

<sup>40</sup> Jan Lambertz, 'Feminists and the politics of wife-beating', in H.L. Smith (ed.), *British Feminism in the Twentieth Century*, (London, 1990), pp. 26, 34-35.



described the strong class biases that restricted British and Australian feminists' engagement with wife battery up to 1914.<sup>41</sup> This section aims to add to this field by exploring feminists' limited explicit discussions of wife battery and considering what the solutions put forward indicated about the understandings of the problem.

As historians like Barbara Caine, Martin Pugh and Susan Kingsley Kent have persuasively argued, the wartime and post-war periods were moments of considerable tension and difficulty for the feminist movement in Britain.<sup>42</sup> The newly prominent connection between war service and citizenship added a new obstacle to feminist claims for equal suffrage as the pressure for conformity to traditional gender roles demanded that feminists steer carefully to avoid accusations of sex war.<sup>43</sup> Moreover, the wartime experience of gender differentiation bolstered notions of innate difference of purpose and ability between men and women that permeated even feminist circles.<sup>44</sup> As a result, feminist negotiations of thorny issues like wife beating were qualified by this newly wary self-consciousness, and the battered wife never coalesced as a rallying cry in these years as she had been in the Victorian period.<sup>45</sup> Even so, though it was not the core focus of feminist concerns, wife beating started to be constructed as a beneficiary of structural change. Where parliamentary reformers and temperance workers took somewhat simplified approaches to the issue (one seeking legal separation, the other chemical and spiritual relief for violent husbands alongside reconciliation), feminists at

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<sup>41</sup> Jo Aitken, "'The Horrors of Matrimony among the Masses': Feminist Representations of Wife Beating in England and Australia, 1870-1914', *Journal of Women's History*, 19:4 (2007), pp. 107-131.

<sup>42</sup> Barbara Caine, *English Feminism, 1780-1980*, (Oxford, 1997), pp. 173-174; Susan Kingsley Kent, *Making Peace: The Reconstruction of Gender in Interwar Britain*, (Princeton, NJ, 1993), pp. 114-117; Martin Pugh, *Women and the Women's Movement in Britain, 1914-1959*, (Basingstoke, 1992), pp.72-100; Erika Kuhlman, 'The 'Women's International League for Peace and Freedom' and Reconciliation after the Great War', in Alison Fell and Ingrid Sharp (eds.), *The Women's Movement in Wartime: International Perspectives, 1914-1919*, (Basingstoke, 2007) pp. 227; June Purvis, 'The Pankhursts and the Great War', in Alison Fell and Ingrid Sharp (eds.), *The Women's Movement in Wartime: International Perspectives, 1914-1919*, (Basingstoke, 2007) pp. 141-157. (See also, Ingrid Sharp, 'Blaming the Women: Women's 'Responsibility' for the First World War', in Alison Fell and Ingrid Sharp (eds.), *The Women's Movement in Wartime: International Perspectives, 1914-1919*, (Basingstoke, 2007), pp. 67-87.)

<sup>43</sup> Kingsley Kent, *Making Peace*, p. 15; Purvis, 'The Pankhursts and the Great War', p. 141-157; Alison Fell and Ingrid Sharp, 'Introduction: The Women's Movement and the First World War I', in Alison Fell and Ingrid Sharp (eds.), *The Women's Movement in Wartime: International Perspectives, 1914-1919*, (Basingstoke, 2007), p. 14.

<sup>44</sup> Kingsley Kent, *Making Peace*, p. 116; Kuhlman, 'The 'Women's International League for Peace and Freedom', p. 227.

<sup>45</sup> Jo Aitken, "'The Horrors of Matrimony among the Masses': Feminist Representations of Wife Beating in England and Australia, 1870-1914', *Journal of Women's History* 19:4 (2007) pp. 108, 117.

this point were starting to think about it as the result of the economic and socio-political power balance between husbands and wives. This meant that wife battery was numbered as one among many ills that could be solved by structural change. This was, of course, far from a uniform process, and older, problematic stereotypes continued to influence feminist engagement with the subject. However, it is important to note that feminist approaches to the problem of wife battery were informed by their wider developments in feminist thought. Reflecting the broader themes of British feminism for promoting public political awareness and power among women and for making the private public (whether through the politicisation of formally private affairs or the professionalization of the domestic),<sup>46</sup> the battered woman was to be given the tools to act herself rather than just receive the protection of others.

As Jan Lambertz and Jo Aitken have demonstrated in the late Victorian and Edwardian periods, feminist groups had engaged with wife battery, but within limited frames. Participating in the class and gender stereotypes of wife battery, their approaches utilized 'a stereotype of the culprit of 'wife-torture' as a 'lower' type of working class man, an insensitive, drink-crazed brute, a primitive', and 'his counterpart as a one-dimensional image of a cowering and passive wife, deserving of sympathy to the extent that she conformed to middle-class ideas of femininity and domesticity.'<sup>47</sup> This supported the claims of some feminists that the enfranchisement of middle class women might protect abused working class women.<sup>48</sup> Even so, the battered wife remained a simplistic image in feminist discourses and never became 'a staple of the visual iconography of the suffrage movement'.<sup>49</sup> Therefore, at the outbreak of war she was instrumentalized as a rhetorical commodity predicated upon her helpless passivity.

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<sup>46</sup> Helen Jones, *Women in British Public Life, 1914 - 50: Gender, Power and Social Policy*, (Harlow, 2000), pp. 73-75.

<sup>47</sup> Jan Lambertz, 'Feminists and the politics of wife-beating', pp. 27-28.

<sup>48</sup> Aitken, "'The Horrors of Matrimony among the Masses'", p. 108.

<sup>49</sup> Lambertz, 'Feminists and the politics of wife-beating', p. 30.

Lambertz and Aitken have criticised the interwar feminist movement for dropping the working class battered wife from their repertoire to avoid offending newly enfranchised working class men.<sup>50</sup> However, changing attitudes to working class women's agency were a factor too: the image of the passive beaten wife gave way as 'one of the consequences of seeing working-class women as capable and resourceful was that they could then be cast as responsible and, indeed, capable adults.'<sup>51</sup> Indeed, feminists' limited engagement post-war with the subject perhaps suggested more useful potential solutions to wives than the heavily stereotyped and narrativised constructions of the pre-war period. Though their approach was still 'episodic and fragmentary',<sup>52</sup> their attention was focussed on challenging the structural ills that enabled wife battery among countless other marital abuses.

In large part, feminist engagement with wife battery was bound to that of other policy making groups, like Divorce Law Reform Union (DLRU), National Council for the Unmarried Mother and her Child (NCUMC) and the Association for Moral and Social Hygiene (AMSH).<sup>53</sup> Consequently, open discussion about wife battery as a discrete issue rather than as a facet of other problems was disjointed but illuminating. Solutions put forward were remarkably practical. Outside the DLRU, ideas were less dependent upon the intervention of powers and sympathies external to the marriage as in the pre-war period (that is, the judiciary, female voters, and the legislature) but instead looked to reform the marital relationship that put wives at risk of manifold abuses.

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<sup>50</sup> Ibid.; Jo Aitken, "'The Horrors of Matrimony among the Masses'", p. 116.

<sup>51</sup> Lambertz, 'Feminists and the politics of wife-beating', p. 34.

<sup>52</sup> Ibid.

<sup>53</sup> There had long been heavy feminist involvement with the DLRU for which such prominent feminists as Dr. Alice Drysdale Vickery, Rosalind Howard and Dr Elizabeth Sloan Chesser had served as vice presidents. This common political action was quite ordinary for interwar feminists, who were happy to achieve their ends by working as members of other groups such as NCUMC or AMSH. Feminists were therefore able to approach wife battery through associated groups, but it is clear that the inclusion of cruelty as a grounds for divorce was broadly considered by feminists to be the logical solution to wife battery. For instance, in 1934 the National Council for Equal Citizenship (NUSEC) appealed to Helena Normanton to make a proposal at the National Council for Women (NCW) to propose a resolution (passed with great opposition from the conservative Mother's Union) in favour of the implementation of the 1912 Majority Report which included cruelty as one of the proposed grounds for divorce (The Women's Library (TWL), 7.HLN.B.01, Papers of Helena Normanton, Helena Normanton from Marjorie Green (Secretary to NUSEC), 27 July 1934; TWL, 7.HLN.B.01, Papers of Helena Normanton, Mrs Hubback (President of NUSEC) from Helena Normanton, 5 October 1934).

Like parliamentary reformers and temperance workers, feminists continued to consider beaten wives as the beneficiaries of panacea policies. However, developments in their treatment of wife battery, albeit partial and patchy, were an expression of the wider shifts in some feminist groups toward welfare or “new” feminism. Rather than concentrating on judicial reform, welfare feminism sought to make the private, specifically domestic, a public – and legislative – concern. This could be limiting: welfare feminists spearheaded by Eleanor Rathbone and NUSEC built their demands upon sex difference, seeking to influence policy to protect and enable the agency of women according to their specific gendered situation.<sup>54</sup> These efforts tended to centralise the primacy of motherhood, and although this risked marginalising unmarried or working women/mothers, it meant that quite practical solutions were considered to protect women within marriage. Although many of these policies were never translated into reality, they actually targeted some serious structural issues that contributed to the development and enablement of IPV. Equality and welfare feminists supported female economic independence, whether through the promotion of female professionalism and employment rights,<sup>55</sup> or through plans for wages for married female domestic labour through family endowment.<sup>56</sup> Such policies looked to an improved economic power balance within marriage to protect against husbands’ abuse as well as a means of liberation.

Eleanor Rathbone’s *The Disinherited Family* demonstrates this well. President of National Council for Equal Citizenship (NUSEC), Rathbone was a welfare feminist who was committed to making policy match the sex-specific needs of women and the idea of family endowment was a prime example of this. This policy was formed from her own observations of the working class home, and as Carol Dyhouse has pointed out, her social investigations in Liverpool before and during the war ‘imbued her with a profound sympathy for the economic

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<sup>54</sup> Susan Kinglsey Kent, *Making Peace*, p. 117.

<sup>55</sup> The Open Door Council were particularly vociferous on this point: TWL, 5ODC/A/01-11, Records of the Open Door Council, Annual Reports of the Open Door Council, 1926-1938. See also Ray Strachey’s strident argument for equal employment in *The Spectator*, 1939 (Ray Strachey, ‘What Women Still Want’, *Spectator* 19 July 1939 pp. 9-10.

<sup>56</sup> Carol Dyhouse, *Feminism and the Family in England 1880-1939*, (Oxford, 1989), p. 98-101.

plight of working-class mothers.<sup>57</sup> Family endowment was a policy that would meet the 'specific needs and predicaments of mothers' by issuing either a government administered wage for married women or legally entitling wives to be paid a share of their husband's wage. This overhaul of the national economy recognised that 'women were afforded little real protection by [the present] system', and looked back to the success of wartime separation allowances for inspiration.<sup>58</sup> This policy was not particularly popular, however, and received wide criticism including from other feminists. Equality feminist Helena Normanton, noted that this would pressure married women out of the labour market: 'family endowment can be honestly and warmly commended to all those moss-grown monuments who believe that home is the only place for a woman.'<sup>59</sup> She added, 'a married man's life ought not to be made an economic martyrdom.'<sup>60</sup> Despite the criticisms levelled at family endowment and its ultimate failure, it remained a constant feature of interwar feminism, with discussions regularly appearing in feminist magazines and popular newspapers, sparking sometimes fierce discussions in letters columns (one contributor to *Time and Tide* believed 'it is quite clear that the State will very soon have to reward women adequately for their production and care.')<sup>61</sup> A hotly contested but prominent policy, family endowment presents a case where the arguments used to support it highlight notions of structurally enabled wife battery.

Like many of her feminist and non-feminist contemporaries, Rathbone understood IPV as part of a catalogue of female injuries inflicted by the patriarchal system within the home. It was used to evidence how protections against abuse were precluded by wives' economic dependence upon husbands. She was certain that male domestic terrorism could be stymied by female economic independence: 'the unhappiness of the home where there is a bad husband is due to his character ... but character is influenced by circumstances and nothing so fosters a disposition to tyranny and self-indulgence as the power of exercising it

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<sup>57</sup> Ibid., p. 98.

<sup>58</sup> Ibid., pp. 99-100.

<sup>59</sup> Helena Normanton, 'Family Endowment', *Good Housekeeping*, July 1927 p. 48.

<sup>60</sup> Helena Normanton, 'Wages for Wives', *Good Housekeeping*, November 1928.

<sup>61</sup> H.S. Hatfield, Letter to the editor, *Time and Tide*, 18 November 1921, p. 1118.

unchecked over ... those who cannot break away from him'.<sup>62</sup> Endowment, then, would help to diminish the financial circumstances that allowed such tyrannical characters to develop. Rathbone was explicit in her belief that female financial power would prevent husbands from developing the "Turk Complex" (whereby 'male enjoyment of power...lurked under the mask of paternal protectiveness'),<sup>63</sup> and would enable women to part from the intractably violent. This argument put forward that traditional gender roles were not essentially bad, but they did little to prevent "bad" men from exploiting their wives' dependency. Indeed, this showcases the dual relationship that feminists had with wife battery: their solutions were helpful to abused women, but at the same time they built on the emotive capital of their suffering for rhetorical effect.

While endowment was supposed to cure a multitude of husbandly faults, it is notable that Rathbone made cruelty and battery prominent in her argument. She imagined that female economic independence would allow battered wives to make use of the legal provisions already available. She pointed out that 'the only effective remedy for a working-class battered wife tied to a cruel or neglectful husband is for her first to leave him and then apply to a Court of Summary Jurisdiction for a separation order with maintenance and custody of the children.'<sup>64</sup> She believed that a husband's knowledge of this possibility would be enough to stay his hand.<sup>65</sup> She also recognised the shortcomings of current legislation: by requiring women to leave their violent husbands for two weeks before applying for a separation, those who could not afford separate lodgings were debarred. Similarly, battered women would not necessarily be willing to leave their children with father, who was still their sole legal guardian: 'the worse the husband, the less likely that she will be willing to leave the children alone with him.'<sup>66</sup> Moreover, even if a separation was successful, Rathbone was acutely aware of the difficulty in enforcing the maintenance orders necessary to allow a battered wife

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<sup>62</sup> Eleanor Rathbone, *The Disinherited Family: A Plea for the Endowment of the Family*, (London, 1924), p. 89.

<sup>63</sup> Carol Dyhouse, *Feminism and the Family*, p. 101.

<sup>64</sup> Rathbone, *The Disinherited Family*, p. 94.

<sup>65</sup> Ibid.

<sup>66</sup> Rathbone, *The Disinherited Family*, p. 95.

to keep a household apart from her abuser.<sup>67</sup> Rathbone's endowment policy went far beyond professionalising and financially rewarding motherhood: she recognised that legal protection meant little without the practical ability to carry it out. Her argument for family endowment did not engage with the origins of wife battery in detail, but it did reflect the empowering, enabling theme that feminism brought to the issue. Solutions were about giving women the tools needed to independently escape or mend a violent marriage rather than making them the passive recipients of all too often lacklustre judicial, police, or missionary intervention. This was a discourse that trusted women to help themselves, but as a result, this neglected so many other factors that supported IPV: shame and social convention, emotional investment, love, terror, despair. Even if this oversight was intended in order to support the argument for endowment, this point of neglect demonstrates a wider commitment to female agency within feminism that overlooked the debilitating aspects of intimate partner abuse. *The Disinherited Family* therefore presents an insight into the way that the move toward structurally enabled female agency filtered down to the non-central, marginal issue of wife battery.

This solution was very practical and considered abuses and inequalities to be the symptoms and side effects of these structural financial and legal barriers. This attention to thwarted self-determination and enforced passivity is apparent in Margaret Westrup's short story on homicide, published by the feminist review magazine *Time and Tide* in 1921. The protagonist, 'a drab little wisp of a woman', stood trial for shooting her violent husband dead: 'Queer now to think the cat was alive and Tom was dead, and him always threatening to kill her, only he'd never threatened to kill the cat before – it was that made her rush in to get the revolver from him, and then it had gone off'.<sup>68</sup> The story described how her husband had stymied every facet of her agency: standing in court she thought how 'it would be nice to live there with the cat, and without Tom to come in drink and knock her about. She could have a pair of lace curtains now Tom was gone ... All the money she earned would be her own

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<sup>67</sup> Ibid., pp. 94-95.

<sup>68</sup> Margaret Westrup, 'In Court', *Time and Tide*, 7 October 1921, p. 963.

now.<sup>69</sup> Just as her husband had denied her self-determination, the story quietly criticises the society that ignored her suffering until she fatally took control: 'now these gentlemen might try till they were black in the face to make her tell ...How they kept on! One of them was that artful you'd have thought he was sorry for you, and trying to help you!'<sup>70</sup> This story condemns a system that disregarded battered wives until they tried to take control, whether that be violently as in the story, or legally when they were obliged to seek magisterial or judicial permission to protect themselves by separating. Indeed, this story seems to make a veiled criticism of magistrates' proclivity for reconciliation, as, just like the prosecutor, they believed that their efforts at marital mediation really were 'help' in spite of the dangers posed to wives. In this respect, Westrup's story resonates with the overarching trend within interwar British feminism toward the empowerment and independence of women. Within both equality and welfare feminism, the conversation was very much turned toward removing those legal and economic barriers that constrained women into a position of dependence and subjugation.

However, in spite of the consideration of the battered wife as a beneficiary of structural change and empowerment, ultimately wife battery remained a peripheral concern for interwar feminists. Indeed, it is often its absence from related subjects that marks it out. For example, in *Time and Tide*, discussions of important pieces of legislation like the Guardianship of Infants Act 1925 overlooked violence in marriage altogether. Instead of engaging with unequal custody laws as a circumstance that prevented battered women from leaving their violent husbands, the journal instead concentrated upon matters of equality and financial maintenance.<sup>71</sup> Even the 1921 discussion of women police did not suggest that they might play a role in marital disputes, but instead portrayed them as policing wayward women and protecting children.<sup>72</sup> Similarly, acclaimed barrister Helena Normanton's articles for *Good Housekeeping* only briefly mentioned cruelty in an article on separation and maintenance

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<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> *Time and Tide*, 13 May 1921 p. 443; 24 June 1921 p. 649; 13 November 1925 p. 1122-1123.

<sup>72</sup> *Time and Tide*, 20 May 1921 pp. 479-480.



orders in 1926 despite her heavy involvement with the DLRU.<sup>73</sup> Explicit discussion among feminists of wife battery was not common, even when it could have acted as supporting evidence. Lambertz has gone some way in explaining this through highlighting the diplomatic decision to drop 'old-style labels and slights about working-class 'brutes''.<sup>74</sup> But feminist silences about wife battery may indicate that the cultural climate of post-war Britain had a deeper impact than that described by Lambertz, and the work of historians like Susan Kingsley Kent and Martin Pugh help to illuminate the possible reasons.

Kingsley Kent and Pugh have highlighted an anti-feminist sentiment within wartime and post-war British society,<sup>75</sup> and it is in this context that we might regard the quietness of both equality and welfare feminists on the subject of wife battery. As oratorical assaults upon men were made unpalatable by the experience of war, it is possible that, having been a 'fragmentary' part of feminist rhetoric, wife battery as a political issue lacked the momentum to persuade feminists to risk accusations of anti-man sentiment. This might help to explain why it was neglected as supporting evidence when it might have been useful. This carefulness is reflected in the qualifications in Rathbone's constructions of wife beaters in *The Disinherited Family*. Her discussion of wife battery, desertion, habitual drunkenness and neglect was entitled 'In the Bad Home' with the sub heading 'The Wife of the Bad Husband', targeting the 'shirker' and 'bully', whose behaviour would outrage 'the sense of justice of the ordinary man.'<sup>76</sup> These qualifications enabled her to tackle the issue of wife battery insofar as it related to family endowment without risking alienation. This delicacy is an example of the tension that accompanied feminist criticism of the marital status quo and sets into context feminist quietness on the subject of wife battery.

To conclude, feminist negotiations of wife battery were marked by the development from the pre-war focus on male brutality and female passivity to an understanding of socially

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<sup>73</sup> WL, 2.HLN.C.03, Clipping from *Good Housekeeping*, April 1926.

<sup>74</sup> Lambertz, 'Feminists and the politics of wife-beating', p. 34.

<sup>75</sup> Caine, *English Feminism*, pp. 173-4; Kingsley Kent, *Making Peace*, pp. 133-114; Pugh, *Women and the Women's Movement*, p. 72

<sup>76</sup> Rathbone, *The Disinherited Family*, p. 91.

enabled male cruelty and a call for the enablement of female self-determination. Feminist discourses accommodated the issue through their campaigns for a raft of social, political, economic and welfare legislation that would improve women's and married women's overall position. It was not a core focus of the feminist movement, but instead one of many beneficiaries of such policies. The post-war conditions that promoted this development may also have dampened down the already patchy feminist engagement with IPV, but this was less an abdication of interest, and more the influence of wider empowering policies on their understanding of wife battery. In total, then, overt feminist engagement was indeed sparse, but their broader policy aims of female economic independence and improved marital and child custody laws, often promoted through other organizations, planned to tackle the fundamental supports of IPV. In this respect, the "hands-off" legislative and welfarist approach of interwar feminism might be compared with that taken by parliamentary reformers, since both sought to change the playing field on which marital abuses took place. On the other hand, both feminist and parliamentary reformers' policies can be contrasted with the activities of the temperance movement, whose interventionist strategies gave them the greatest everyday influence of the three groups considered.

#### The temperance movement's understandings of wife beating and their interventionist policies.

Just as for feminists' and M.P.s' engagement in IPV, the historiography of the temperance movement in the interwar period has largely overlooked the issue of wife beating. Raymond Gard and Maurice Vanstone have demonstrated the influence of temperance in defining the activities of court missionaries and probation officers who played a significant role in intervening in marriage through the police courts,<sup>77</sup> and Annmarie Hughes has highlighted the role played by the temperance movement in promoting the popular association of drink and

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<sup>77</sup> Raymond Gard, 'The creation of a 'fully public service': Probation in England and Wales between the wars', *Probation Journal*, 59:4 (2012), pp. 330-334; Maurice Vanstone, *Supervising Offenders In The Community: A History Of Probation, Theory And Practice*, (Aldershot, 2007), pp. 19-46.

marital violence in Scotland.<sup>78</sup> However, the few detailed examinations of the movements' explicit constructions of alcohol and wife battery are limited to nineteenth century United States.<sup>79</sup> This section will therefore contribute to this discourse by exploring how the interwar temperance movement thought about and responded to IPV. It will also consider how far its approaches were influenced by the legacy of the war.

In contrast to the delayed successes, half-successes and failures of parliamentary reformers' and feminists' policies on wife beating, the temperance movement enjoyed considerable success in actively pursuing its own policies through the interwar period. Whereas some feminists and MPs sought to reform the institution of marriage, the temperance movement supported its maintenance by offering reconciliatory solutions. Thus, as a conservative body associated with Christianity and conventional social norms, the temperance movement was not so threatening to the status quo as the former groups. Though commonly mocked as the preserve of righteous do-gooders,<sup>80</sup> their message and policies resonated extraordinarily well at all levels of British society, especially so in the judicial and medical professions and within the structures of government.<sup>81</sup> With alcohol culturally implicated as both a cause and an effect of countless social and political problems, the policies of the temperance movement complemented the workings of government policy on subjects as diverse as crime, health, and welfare, while also resonating with common popular ideas about respectable self-restraint. Indeed, the arguments and rhetoric of the temperance cause were espoused by diverse social and political groups, overlapping with the interests of feminists, eugenicists, and philanthropists, and the appeal of the temperance

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<sup>78</sup> Annmarie Hughes, 'Representations and counter-representations of domestic violence on Clydeside between the two world wars', *Labour History Review*, 69:2 (2004), p. 174.

<sup>79</sup> Erin M. Masson, 'The Woman's Christian Temperance Union, 1874-1898: Combatting domestic violence', *William and Mary Journal of Women and Law*, 3:163 (1997), pp. 163-188.

<sup>80</sup> Jessica Warner, Janine Riviere, and Jenny Carson, 'On wit, irony, and living with imperfection: how Britain said no to abstinence', *American Journal of Public Health*, 98 (2008), pp. 814-822.

<sup>81</sup> John Greenaway, 'The "improved" public house, 1870-1950: the key to civilized drinking or the primrose path to drunkenness?', *Addiction*, 93 (1998), pp. 173-181; Phil Handler, 'Intoxication and Criminal Responsibility in England, 1819-1920', *Oxford Journal of Legal Studies*, 33 (2013), pp. 243-262; Vanessa Heggie, 'Lies, Damn Lies, and Manchester's Recruiting Statistics: Degeneration as an "Urban Legend" in Victorian and Edwardian Britain', *Journal of the History of Medicine and Allied Sciences*, 63 (2008), pp. 178-216; Gerald Wayne Olsen, "'Physician heal thyself": drink, temperance and the medical question in the Victorian and Edwardian Church of England, 1830-1914', *Addiction*, 89 (1994), pp. 1167-1176.

cause is often a rare point of agreement between otherwise disparate groups. Able to build upon this broad consensus that alcohol was an agent of social problems, the temperance programme had a broad audience receptive to their message and desirably simple solutions (if not their zealotry), leaving them well placed to both influence public perceptions of and government policy toward alcohol, and, to a limited extent, directly administer their own strategies upon the population.

The role of the temperance movement in shaping policy is clearly visible in the treatment of wife beating. This act stood in the liminal space between criminality and morality, within the sensitive orbit of the home and family, and as a result of the dependence of the victim on her attacker it remained a particularly difficult case for the judiciary to effectively deal with.<sup>82</sup> Due to the willingness of temperance court missionaries to intervene in (but not undermine) marriage, wife battery was an offence over which temperance ideology could hold extraordinary influence. At the same time that temperance shaped official policy, it can be seen that the movement's own discursive schema on wife battery was quite robust and hardly changed over the period examined in spite of the upheaval of war. In line with so many other criminal and moral offences, violence against wives was constructed as the effect of alcoholic degradation, but it was also instrumentalized to showcase the dangers of alcohol to support the temperance cause. While the war introduced some circumstances that altered their success and engagement with wife battery, and though the period was marked by a slow rivalry for authority with newly specialised government branches over policy-making,<sup>83</sup> these core features that dictated the temperance response to wife battery remained stable. In consequence, judico-social policy to wife battery was influenced in this period by the temperance focus on abstinence and redemption.

By 1914, like the medical profession, the British government understood alcohol to be an agent of social problems ranging from unemployment, to poor health, to violence. Under the

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<sup>82</sup> Behlmer, 'Summary Justice and Working-Class Marriage', p. 257.

<sup>83</sup> Gard, 'The creation of a 'fully public service'', pp. 334-337.

spectre of national degeneration,<sup>84</sup> it took direct legislative action and introduced such measures as the Habitual Inebriates Act (1898).<sup>85</sup> Official policy thus consisted of social control, of 'policing public order and morality rather than ... treating victims of a disease.'<sup>86</sup> The demands of war intensified efforts to control drinking, and as it progressed, the sale, consumption and strength of alcohol in Britain was increasingly restricted. The creation of the Central Control Board, the use of the Defence of the Realm Act to control the supply of drink, and explicit propaganda messages from government and army officials saw alcohol firmly established as a risky and dangerous social agent that required regulation.<sup>87</sup> These government measures were certainly contributing to a trend against heavy drinking, and by 1918 average alcohol consumption had more than halved from the levels of the early twentieth century, and this decline continued after the war.<sup>88</sup>

However, the national and government mood, while firmly against drunkenness, was certainly not against drinking. For the temperance movement, then, the wartime and post-war periods were a mixed bag. Alcohol consumption was certainly decreasing, but prohibition was firmly off the table.<sup>89</sup> Yet the significant decrease in violent crime during and after the war did lend itself well to the temperance argument that alcohol and barbarity were linked. Indeed, in the specific arena of marital breakdown, the inclusion of habitual drunkenness as a grounds for separation kept a core premise of the temperance movement enshrined in family law.

Although the popularity of the temperance cause was gently waning throughout the interwar period, the movement remained lively and vocal.<sup>90</sup> While feminist groups were

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<sup>84</sup> Heggie, 'Lies, Damn Lies, and Manchester's Recruiting Statistics', pp. 178-216; Stella Moss, "'Wartime Hysterics'?: Alcohol, Women and the Politics of Wartime Social Purity in England', in Jessica Meyer (ed.), *British Popular Culture and the First World War*, (Boston, 2008), pp. 147-172.

<sup>85</sup> James Nicholls, *The Politics Of Alcohol: A History Of The Drink Question In England* (Manchester 2009), pp. 158, 162. The Habitual Inebriates Act (1898) enabled magistrates to forcibly commit alcoholic individuals, usually unmarried or neglectful mothers, to reformatories.

<sup>86</sup> *Ibid.*, p. 165

<sup>87</sup> *Ibid.*, p. 155.

<sup>88</sup> *Ibid.*, p. 180.

<sup>89</sup> *Ibid.*, pp. 175, 180-181.

<sup>90</sup> Annemarie McAllister, 'Picturing the Demon Drink: How Children were Shown Temperance Principles in the Band of Hope', *Visual Resources: An International Journal of Documentation*, 28 (2012), pp. 309-323.

struggling to maintain membership, the temperance movement had an easier time. Their platform had been reinforced by wartime culture, and their cause did not alienate them from wider society as the feminists' had. This was aided by the confluence of their own arguments with popular ideas of drunkenness, deviance and crime.<sup>91</sup> The temperance movement also had a visible presence in communities, and articles about their activities, letters and meeting reports continued to be regular features of local newspapers across the country. Indeed, temperance organisations created a whole way of life for members, with day trips, children's clubs, sports clubs, parades and may queen celebrations. Moreover, temperance advocates remained largely in control of probation training through the Church of England Temperance Society (CETS). The survival of its social and cultural integrity helped to maintain its influence over policy toward wife battery. As a result, the ways that the temperance movement discussed and portrayed the link between alcohol and family strife, violence, and (particularly for this study) wife beating, was incredibly important and influential throughout the period.

The temperance movement's constructions of the relationship between alcohol and wife battery followed a fairly simplistic sequence, whereby husbands drank their way to brutality. Similarly to pro-reform M.P.s' and feminists' ideas, the temperance movement saw wife beating as just one in a series of marital faults. Ranged alongside neglect, desertion, non-maintenance, slatternliness and child abuse, it was one of a parade of familial tragedies claimed to result from drink.<sup>92</sup> As a result, it was not considered as an individual problem with its own structures and patterns of behaviour, but instead was used as evidence of the demon drink. This association was reinforced by the omnipresence of the temperance message in

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<sup>91</sup> Moss, "'Wartime Hysterics'?", pp. 147-172; Sara Haslam, 'A literary intervention: writing alcohol in British literature 1915-1930', *First World War Studies*, 4:2 (2013), pp. 219-239; Henry Yeomans, *Alcohol and Moral Regulation: Public Attitudes, Spirited Measures and Victorian Hangovers*, (Bristol, 2014), pp. 130-145. For specific wartime worries concerns about the perceived dangers of the rum ration, see *Dundee Courier*, 7 April 1916 p. 3; *Portsmouth Evening News*, 8 August 1935 p. 5; *Hastings and St Leonards Observer*, 22 May 1937 p. 16; *Rochdale Observer*, 23 January 1918 p. 4; For anxieties about drunken soldiers' wives frittering their separation allowance on drink, see *Derbyshire Courier*, 25 September 1915 p. 5; *Western Times*, 19 May 1916 p. 10; *Edinburgh Evening News*, 1 February 1916 p. 4; *Birmingham Daily Post*, 14 October 1914 p. 2; *Daily Gazette for Middlesbrough*, 20 May 1915 p. 2.

<sup>92</sup> In 1931, the authors of *The Alliance Yearbook* painstakingly compiled a list of murders, manslaughters, cases of neglect, child abuse, suicide, assaults, woundings, thefts, and matrimonial unhappiness in the Lancashire press in 1930 (*Alliance Yearbook and Temperance Reformers' Handbook*, (Manchester: United Kingdom Alliance, 1931)).

local papers. For example, in 1923, *The Western Daily Press* reported that at a demonstration by the Temperance Council of the Christian Churches, Sir John Simon (K.C., M.P.) had railed against alcohol's pernicious effects on family life: 'It is said that man built the house, but that woman built the home. ...If woman was the home-maker what was the chief of the home-breakers? Surely, it was that great evil, the drink traffic'.<sup>93</sup> In 1925 *The Bath Chronicle and Weekly Gazette* reported that at a British Medical Association Temperance Breakfast, Sir Maurice Craig had stated that the alcoholic 'became indifferent to responsibilities, was content to see his house and home ruined, and children reduced to poverty and misery... All were agreed that the use of alcohol was ... responsible for a large proportion of crimes of violence.'<sup>94</sup> In 1932, *The Whitstable Times* reported a temperance lecture (with coloured slides) and quoted Wilfred Grenfell's baleful warning: 'alcohol has wrecked more lives; starved more children; and murdered more women than any other single factor.'<sup>95</sup> The temperance message about the link between alcohol and domestic misery was ubiquitous in the local press and remained ideologically constant. However, similarly to pro-reform M.P.s' and feminist policies, wife battery was rarely a subject that was teased apart from other marital and social evils, and as a result it rarely enjoyed nuanced discursive engagement.

Of course, this position received active reinforcement from beaten wives themselves, since in hearings for assault or separation orders, it was common for beaten wives to explicitly identify drink as the motor of their husband's violence. In 1921, for instance, Mabel Gough said her violent husband 'gets drunk and I think goes off his head.'<sup>96</sup> In 1922, Carrie Butt claimed drunkenness caused her husband's abuse: 'her husband...had not been sober for the past year. ...Whilst inebriated he had treated [her] with brutality.'<sup>97</sup> In 1938, Mrs Henley-Ward told magistrates, 'when in drink her husband was most brutal to her. He had

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<sup>93</sup> *Western Daily Press*, 23 July 1923 p. 8.

<sup>94</sup> *Bath Chronicle and Weekly Gazette*, 25 July 1925 p. 23.

<sup>95</sup> *Whitstable Times and Herne Bay Herald*, 23 January 1932 p. 8.

<sup>96</sup> *Derbyshire Courier*, 9 April 1921 p.10.

<sup>97</sup> *Western Daily Press*, 6 December 1922 p. 5.

struck and kicked her many times during the past 12 months.’<sup>98</sup> Husbands, too, ranked intoxication among their favoured explanations for violence. In 1924, William Cooper was charged with causing grievous bodily harm to his wife and reasoned that he had ‘some drink’: “‘I cannot remember anything.” He maintained that he had not been a bad husband.’<sup>99</sup> In 1928, John Herbert explained wounding his wife with a poker: ‘He hadn’t had any beer for a long time before that evening, and the amount he had then must have overcome him.’ Magistrates agreed leniency ‘on the condition that he promised to sign the pledge.’<sup>100</sup> In 1938, Michael Laing qualified his repeated assaults on his wife by claiming that ‘he was friendly with his wife until he got drunk.’<sup>101</sup> With such a strong trend among perpetrators and victims to identify a relationship between violence and drink, it is hardly surprising that CETS trained missionaries and probation officers placed a heavy emphasis upon alcohol. This cyclical feedback meant that the temperance movement operated within a stable and self-perpetuating discourse that created alcohol as the external agent of violence.

Just as in every other institution examined, the temperance-trained probation service did not comprehend domestic violence as a culturally informed pattern of behaviour. Given the strong link between male violence generally and alcohol consumption,<sup>102</sup> temperance campaigners understandably identified alcohol to be an agent of violent behaviour. Logic thus dictated to them that men needed to abstain to control their violent impulses. Indeed, sobriety was something of a silver bullet for probation workers dealing with marital strife.<sup>103</sup> The movement’s approach was certainly reductive, since ideas on wife battery focussed on alcohol consumption rather abusers’ personal responsibility. Writing in *The National Temperance Quarterly* in 1921, Reverend Matheson claimed that ‘Doctors had shown that alcohol affected that part of the brain that was the machinery for self-control and self-

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<sup>98</sup> *Gloucestershire Echo*, 17 January 1938 p. 1.

<sup>99</sup> *Derbyshire Times and Chesterfield Herald*, 23 February 1924 p. 4.

<sup>100</sup> *Western Daily Press*, 1 February 1928 p. 4.

<sup>101</sup> *Dundee Evening Telegraph*, 7 December 1938 p. 7.

<sup>102</sup> Judith Rowbotham, ‘“Only when drunk”: the stereotyping of violence in England, c. 1850-1900’, in Shani D’Cruze (ed.), *Everyday Violence in Britain, 1850-1950*, (Eastbourne, 2000) pp. 155-169.

<sup>103</sup> *Alliance Yearbook and Temperance Reformers’ Handbook*, (Manchester, 1931) pp. 133-134.



judgment. A man was drunk when the first effect of alcohol appeared upon him, and he had lost the power of criticising himself which we called conscience.'<sup>104</sup> In a particularly sickly 1925 article in the *British Temperance Advocate (BTA)*, alcohol abuse was overtly identified as the cause of wife beating: a little girl, with a face 'radiant with joy', supposedly told the writer that since taking the pledge, her father 'never abuses mother any more; we always have plenty to eat, and he never takes my shoes to pawn them for drink now.'<sup>105</sup> Again in 1925, the *BTA* had a short article on 'Where the blame lies' for marital violence: 'A man is not drunk because he is wicked; but he acts wickedly because he is drunk or drugged. ...cruelty associated with insobriety are directly and naturally due to the action of alcohol on the brain.'<sup>106</sup> Through the identification of alcohol as the cause of violence, temperance discourses reduced a complex criminal, moral, and behavioural issue to a determinist one that all but discharged abusers of personal responsibility. By treating wife beating as a symptom of an alcoholic illness, temperance discourses made room for the abuser to be rehabilitated before his marriage was broken by the state. However, temperance campaigners were not discussing wife beating itself. It was deplored, certainly, but it was instrumentalized as evidence of the horrible impact of drink. As a result, though voluble on the subject and sympathetic to abused women, the temperance movement did not develop a nuanced understanding of wife battery. This resulted in a problematic relationship with alcohol and wife beating within the ranks of the police court missionaries and probation workers who were predominantly trained by the CETS from the 1870s to 1936.

Probation was a constant feature in the relationship between temperance workers and the judiciary. From 1879, police court missionaries, commonly drawn from the middle class and from the Church of England's temperance branches, sought to redeem wrong-doers through guidance and friendship.<sup>107</sup> Whether due to commitment to reconciliation or realization of the

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<sup>104</sup> *National Temperance Quarterly*, September 1921 p. 300.

<sup>105</sup> *British Temperance Advocate (BTA)*, November 1925 p. 143.

<sup>106</sup> *BTA*, June 1925, p. 143.

<sup>107</sup> Maurice Vanstone, *Supervising Offenders In The Community: A History Of Probation, Theory And Practice*, (Aldershot, 2007), p. 57.

practical shortcomings of separation, magistrates often preferred to refer cases which involved delicate family matters, including assault and cruelty, to the missionaries and probation officers. As George Behlmer has indicated, from the magistrates' perspective, instituting surveillance and guidance within the home was much more preferable to the traditional punishments of jail time or fines, which only served to make the family's life more difficult.<sup>108</sup> This was a positive, if qualified, step in the treatment of wife battery, since it understood it to be an ongoing problem that needed more attention than a quick sentence or fine. Missionaries and probation officers could report back to magistrates, keeping husbands under official control, but more importantly, they sought to change abusers' habits.<sup>109</sup> Well acquainted with the communities in which they worked, missionaries targeted problem households with a combination of philanthropy, surveillance and rehabilitation.

The value of these workers is showcased in the Royal Commission on Probation of Offenders 1907 report which described their social function within their communities as comparable to that of doctors with their patients, and their recommendations that courts appoint them as probation officers marked the beginning of the professionalization of their role.<sup>110</sup> This was a task that would culminate in 1936 when the Home Office finally took authority over probation and solidified probation as a public service,<sup>111</sup> to the distress of the CETS.<sup>112</sup> Until this point, the CETS trained the majority of probation officers, and so their ideology remained a constant thread in their activities.

However, missionaries' and probation workers' valuable work could err toward tunnel vision as they promoted faith and abstinence to cure a host of ills. The combination of a general misunderstanding of the structures of domestic violence and a commitment to

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<sup>108</sup> Behlmer, 'Summary Justice and Working-Class Marriage', pp. 262-267.

<sup>109</sup> Vanstone, *Supervising Offenders*, p. 50.

<sup>110</sup> *Ibid.*, p. 62.

<sup>111</sup> Raymond Gard, 'The creation of a 'fully public service'', pp. 330-334. As the 1920s progressed there was an increasingly strong movement, spearheaded by probation officers like Elizabeth MacAdam, within the officers' ranks to establish a professional, university-taught training process. In the late 1920s and 1930s, the medical and psychiatric community started to express more interest in solving the problems of delinquency.

<sup>112</sup> 'While it is acknowledged that good education and specialised training are required, the most important qualification is a real sense of "vocation". Religious conviction must be the basis of effectual reconstruction of lives.' (Lambeth Palace Library, MS 2061, Church of England Temperance Society, Minutes of the Central Police Court Mission Committee, 8 January 1935).

notions of redemptive sobriety meant that the 'heavy emphasis on the pledge and evils of drink' limited their ability to fully engage with their subjects' needs.<sup>113</sup> Probation officers had a habit of confusing correlation and causation in the performance of wife battery, and their world view simply was not geared to comprehending wife battery as a very specific pattern of control. Vanstone describes such difficulties as coming from 'a value base founded on respect for people, and optimism about the capacity for change... The forswearing of alcohol and exhortations to faith were foci to attempts to influence.'<sup>114</sup> As a result, there was a tendency to take seriously wife batterers' apologies and promises to change, rather than seeing these behaviours as part of the cycle of abuse. For instance, in Harry Ayscough's (secretary to the CETS in the 1930s) 1923 history of probation and missionary work, he described a man, W.M., who had been charged with drunkenness and assault, throwing a coal-shovel at his wife and hitting his four-month old child over the eye. He told how 'The Missionary went to his house to persuade him to give up the drink. He threatened to strike the Missionary with a chair. Subsequently the Missionary had the joy of seeing him, with tears in his eyes, ask his wife to forgive him. W.M. gave up the drink, after which he became a different man.'<sup>115</sup> Certainly, alcohol abuse hardly helped marital relations, but Ayscough made no allowances for potential manipulation by W.M.: he does not recognise that the husband might have adapted his behaviour due to the missionary's surveillance, nor that the wife may have been manipulated into confirming success, nor that violent expressions of domestic abuse could lie dormant for months or even years before being expressed again. In Ayscough's optimistic story, it is possible to see that without the frame of reference for understanding wife battery as a controlling behaviour, the probationer and the missionary's success could only be limited.

Rehabilitation was the focus of probation officers and missionaries, and although the period saw a huge increase in magistrates' use of separation orders to deal with wife battery

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<sup>113</sup> Raymond Gard, *Rehabilitation and probation in England and Wales, 1876-1962*, (London, 2014), p. 25; Vanstone, *Supervising Offenders in the Community*, p. 53.

<sup>114</sup> Vanstone, *Supervising Offenders in the Community*, pp. 51-2.

<sup>115</sup> *Ibid.*, p. 53.

and cruelty,<sup>116</sup> probation officers were increasingly called upon to mend marriages as some magistrates reactively became more committed to reconciliation. For instance in 1916, at a garden meeting for the Staffordshire Police Court Mission (attended by Lord Charnwood, the divorce reform opponent discussed above), magistrate Mr Worthington praised the Mission as ‘most helpful to the Bench...in relation to...the settlement of matrimonial differences among young people. No Bench in the world could be more reluctant to separate a man and his wife than were the Lichfield Bench... 19 out of 20 cases of that kind that were referred...never came before the Bench again.’<sup>117</sup> Later in 1923, a woman named Gladys accused her husband of kicking her, throwing her down stairs, and hitting both her and her child, and her neighbour gave evidence that he had seen them chased out of the house at night. Her husband claimed the root of the problem was his mother-in-law’s interference. The Chairman of the Bench, Captain Kelso, said, ‘the Bench had come to the conclusion that defendant had treated his wife badly, but they adjourned the case for a month in the hope that through the good offices of the Probation Officer the parties would be brought together again.’<sup>118</sup> In 1930, magistrates in Hartlepool, hearing a separation case with grounds of persistent cruelty chose to ‘adjourn the case for a month to see what could be done by the probation officer...towards a reconciliation.’<sup>119</sup> No doubt informed by the wife’s brazenness (a fortune-teller told her that her husband would die and she boasted that she had taken out a life insurance policy on him), the magistrates preferred to try to maintain and reform an unhappy and unsafe marriage than to separate them. In cases like this, the desire of magistrates to effect a reconciliation dovetailed with the reformatory policies of missionaries and probation workers. Their faith in notions of redemption and sobriety resonated both with some magistrates’ commitment to familial integrity and their desire for a means of intervention more effective than prison or fines. Indeed, Howard Taylor has pointed out that

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<sup>116</sup> Roderick Phillips, *Putting Asunder: a History of Divorce in Western Society* (Cambridge, 1988), p. 517.

<sup>117</sup> *Lichfield Mercury*, 8 September 1916 p. 5.

<sup>118</sup> *Chelmsford Chronicle*, 31 August 1923 p. 2.

<sup>119</sup> *Hartlepool Mail*, 20 January 1930 p. 8.

the diversion of such cases from the police and the courts into the hands of agencies like probation officers masked the true extent of violence and crime within the home.<sup>120</sup>

Though the culture of temperance was in some ways limiting for probation work, it certainly did not prevent its capacity for positive action on the problem of wife beating. Even while probation officers were tasked with reconciling abusers and victims, they were also able to give battered wives more immediate aid within the home. Like doctors', their testimony could lend credibility to wives' allegations when they pursued legal action against their husbands. For instance, in 1916, both a probation officer and an NSPCC inspector refuted a husband's allegations that he had beaten his wife for her slatternliness, thieving and for neglecting their child.<sup>121</sup> Their official gaze was unrivalled, and they were in a position to prevent the common abusers' tactic of blaming their victims or minimizing their abuse. Moreover, probation officers could make wives' claims more concrete: in 1932 probation officer Miss Green gave evidence against Matthew Proctor in his hearing for assault against his wife, stating that she had viewed the injuries suffered and that Mrs Proctor had spoken to her about his behaviour.<sup>122</sup> Furthermore, where police officers' could only really intervene when they were suspicious of an offence, probation officers combined a level of official surveillance with a willingness to help in the day-to-day work of reconciliation, as can be seen in probation officer Albert Pearson's experience with Christopher Howell. When Pearson called round at Mrs. Howell's request when she complained about her husband's abuse, he suffered serious assault from Christopher, and chose to prosecute.<sup>123</sup> These demonstrate how missionaries and officers were not always an invasive surveilling presence, but a resource actively sought out by wives to control their abuse. Therefore, as can be seen, though probation officers and missionaries could negotiate problematic reconciliations based

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<sup>120</sup> Howard Taylor, 'Forging the job: A crisis of 'modernization' or redundancy for the police in England and Wales, 1900-1939', *British Journal of Criminology*, 39:1 (1999), p. 121.

<sup>121</sup> *Burnley Express*, 12 February 1916 p. 9.

<sup>122</sup> *Burnley Express*, 30 July 1932 p. 7.

<sup>123</sup> *Portsmouth Evening News*, 17 March 1936 p. 10.

on faith, sobriety and marital integrity, they could also act as agents of justice, protection, and marital separation.

While a (sometimes coercive) commitment to marital reconciliation is a strong theme in the record of the temperance movement's engagement with IPV, it is also important to recognize that its missionaries' and probation officers' words could swing the balance in favour of separation. Even while they worked to find 'sparks beneath the ashes',<sup>124</sup> officers had the benefit of seeing couples in their home environment which gave them a far better idea than magistrates could of the real risks that wives faced. This meant that missionaries and officers were able to use their expert opinion to contest magistrates' conciliatory efforts when they felt the risk was too great. For example, in 1929, the missionary overseeing Thomas Holwill and his wife rejected the idea of a reconciliation based on teetotalism. Though Mrs Holwill said that her husband was well behaved when not in drink, the missionary moved beyond simplistic ideas of alcoholic brutalization as he told magistrates, 'it was something more than drink which had created the trouble.' He then successfully advised them to issue a separation because 'If [the marriage] were allowed to continue he considered that something would happen.'<sup>125</sup> In 1933, court missionary Mr Bewick told magistrates that although he had tried over several months to effect a reconciliation between Mrs and Mrs Boshier, who had been referred to him on Mrs Boshier's application for a separation on grounds of persistent cruelty, 'there seemed very little prospect of them living happily together.'<sup>126</sup> In 1935, probation officer Mrs Dew told magistrates regarding a couple she had supervised that, 'she had tried to use her influence, but ... she said that a reconciliation was not advisable.'<sup>127</sup> Missionaries and probation officers played an important role in contesting the prioritization of marriage over wives' welfare.

To conclude, the temperance movement's relationship with wife beating differed from feminist and parliamentary campaigns in the terms of its focus. While the latter two

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<sup>124</sup> Behlmer, 'Summary Justice and Working-Class Marriage', p. 262.

<sup>125</sup> *Exeter and Plymouth Gazette*, 23 January 1929, p. 4.

<sup>126</sup> *Sunderland Daily Echo*, 29 June 1933, p. 4.

<sup>127</sup> *Derby Daily Telegraph*, 9 October 1935, p. 7.

concentrated on smoothing escape routes for beaten wives or solidifying their economic independence, the temperance movement had a curative, moralising and conciliatory approach. Through their campaigns publicising the evils of alcohol, temperance bodies explicitly highlighted wife battery and family misery as a contemporary problem, and provided (problematic but sometimes effective) solutions based around sobriety. Similarly, despite the problem associated with their focus on religion and sobriety, their methods were closely bound to active intervention and support within the home, something that was vital for women who were unable (whether psychologically or financially) to leave their abusers. It is the constancy of the temperance movement's position in spite of the war's destabilising social impact, their proactive approach, and their pervasiveness in British society across class and regional divides that really marks out their record on the subject of wife battery.

### Conclusion

These three groups, pro-reform M.P.s, feminists and temperance workers, exhibited differing ways of understanding, problematizing and solving the invariant event of wife battery. Their varying experiences of the social, cultural and political impact of war demonstrate the fluidity and sensitivity of the construction of this issue to historical context. Moreover, their differing records of success are indicative of the role played by their individual political strengths, weakness and needs upon their engagement with this issue. This has provided valuable insights into the social, political, and cultural continuities and changes in their development of policy toward wife battery as a result of the war. Pro-reform M.P.s and their critics maintained their pragmatic, emotive engagement with wife battery, but post-war social upheaval hardened the House of Commons against the reforms that could have helped in favour of social stability. Feminist groups altered their construction of the battered wife, and their response to the circumstances of a hostile post-war involved recreating wife battery as a structural problem demanding autonomy for wives. Meanwhile, the temperance movement experienced considerable stability in its understanding of wife battery, remaining firmly committed to ideas of chemical ruin and moral redemption and maintaining their

monopoly over probation. In spite of these differences, however, all three of the groups here surveyed were similar in that they approached the issue of wife battery tangentially through their respective policies. Their common propensity to consider wife battery as just one facet of wider problems encouraged a tendency across their policies to instrumentalize the battered wife in their efforts to help her. Their approaches and understanding of the problem were informed by the needs of their broader policies and so all three used wife battery to a greater or lesser degree as an emotive piece of evidence to support their programmes. The record of these three groups as they sought to influence social policy demonstrates the way that through the treatment of wife battery, cultural concerns and anxieties were acted out, ideologies were expressed, and social control was enacted. In this respect, the experience of these policy-shapers was not so very different from that of the professions examined by this thesis – wife battery was a commonly a lens through which to observe other problems.



## Conclusion

The course of violence within marriage in this period is a difficult thing to pin down, since it was ruled by an ambivalence within every group examined here. In some ways the situation improved. More and more separation orders were granted throughout the period,<sup>1</sup> which hopefully indicates that increasing numbers of battered women were both formally and informally contesting and escaping abuse. Companionate marriages, though not universal, were idealised,<sup>2</sup> suggesting that men and women were expecting marriage to be more equal, albeit with differentiated gender roles.<sup>3</sup> Szreter and Fisher have shown that 'a focus on mutual care, which had started in the Edwardian period, was characterised by companionship rather than domination',<sup>4</sup> and yet gender norms die hard. Husbands' patriarchal authority and dominance, and their right to control and chastise wives continued to be a strong feature of interwar marriage.<sup>5</sup>

Moreover, practical considerations during and after the war are likely to have fostered an ideal climate in which violence against wives could manifest. The dangerous scope for masculine disparity stress in promoting both Intimate Terrorism (IT) and Situational Couple Violence (SCV) ought not to be underestimated, especially in a time where post-war financial stress and disrupted relationships could encourage marital conflict. Indeed, the disruption of war in many ways fostered abusers' own anxieties and insecurities to the detriment of their partners' safety.

This situation was not helped by the fact that the social uncertainties of the period meant that, even as the judiciary, media and pro-reform M.P.s, and the feminist and temperance

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<sup>1</sup> Phillips, Roderick, *Putting Asunder: A History of Divorce in Western Society*, (Cambridge: Cambridge University Press, 1988).

<sup>2</sup> Simon Szreter and Kate Fisher, *Sex Before the Sexual Revolution: Intimate Life in England, 1918-1963*, (Cambridge, 2010), pp. 211-213,

<sup>3</sup> *Ibid.*, p. 225.

<sup>4</sup> Margaret Judith Giles, "Something That Bit Better": Working-Class Women, Domesticity and "Respectability", 1919-1939', DPhil thesis (University of York, 1989), p. 98.

<sup>5</sup> Pat Ayres and Jan Lambertz, 'Marriage Relations, Money, and Domestic Violence in Working-Class Liverpool, 1919-1939' in Jane Lewis (ed.) *Labour and Love: Women's Experiences of Home and Family, 1850-1940*, (Oxford, 1986), p. 198

movement were ready to engage with the problem of violence against wives, it was a qualified concern. It always had to be balanced against other priorities, and these groups were acutely aware that sympathy, intervention and reform could detract from other issues such as the sanctity of marriage, gender hierarchies and normative marital structures. Consequently, the potential disruption of fully recognising violence against wives was weighed against the value placed on marriage, the family, and male authority within the household. Jane Lewis has argued that there was an 'idea of the matrimonial relationship as a microcosm of the polis',<sup>6</sup> and it certainly seems that each of the groups examined only engaged with IPV insofar as it did not challenge their own views: the judiciary and magistracy remained open to husbands as enforcers of order; the news media regularly declined to challenge the male abusers' voice when he was perceived to be right or not culpable; doctors' court evidence of perpetrators' illness could serve to deflect responsibility, supporting the status quo; pro-reform M.P.s concentrated upon the suffering of wives, sidestepping the need to question husbands' authority by portraying them as brutes; feminists, meanwhile, wanted to financially empower women to limit husbands' exploitation of their role, rather than challenging their right to authority in a period of anti-feminist sentiment;<sup>7</sup> and the temperance movement, as a largely conservative movement, blamed drink rather than husbands, offering a solution based on sobriety rather than equality. Each groups' negotiation of IPV thus carefully limited conflict with their other political and cultural beliefs and priorities.

Violence against wives, at heart, was a liminal subject. In each of these chapters it can be seen that IPV was understood as an issue that was unpleasant, but was not necessarily a problem, nor something that required the intervention of the justice system. This, I think, sprouted from two issues: an uneasiness at intruding and undermining husbands' authority, and a disquiet at wife battery's disruption of comfortable ideas of benevolent paternalism,

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<sup>6</sup> Jane Lewis, 'Public Institution and Private Relationship: Marriage and Marriage Guidance, 1920-1968', *Twentieth Century British History*, 1 (1990), p. 240.

<sup>7</sup> Jan Lambertz, 'Feminists and the politics of wife-beating', in H.L. Smith (ed.) *British Feminism in the Twentieth Century*, (London, 1990), p. 28.

fulfilling marriage, and the sanctity of the home. Violence against wives was the “intrusion” of behaviours more suited to outcast criminality into the safe marital relationship. It then had to be considered whether a husband’s behaviours justified the invasion of external agencies upon his rightful domestic domain. This explains why, for instance, police might refuse to cross the threshold to make an arrest, why the judiciary engaged in the domestic discount, and why the temperance movement were driven to “cure” sobriety in order to reconcile violent marriages (even practical feminist solutions, like that of Eleanor Rathbone’s family endowment, operated by strengthening women’s ability to resist rather than offering interventionist help or stridently contesting husbands’ proprietorial right to authority).

The legacy of war only made any questioning of marriage all the more uncomfortable. A domestic haven was meant to be the reward of servicemen,<sup>8</sup> making interference distasteful. On top of that, the performance of military duty gave such husbands’ moral credit which they could use to mitigate their marital abuses. The retrenchment of traditional gender norms exacerbated this effect, and anxieties about social breakdown meant that the maintenance of marriages was perceived to be all the more vital to the welfare of wider society. Therefore, even as vastly increased numbers of couples enjoyed the effects of summary justice within their marriages, this may well have been more far reaching were it not for worries about allowing “undeserving” couples to separate or divorce.

In essence, there was a hesitation to deny husbands their primacy within the home, and a reluctance to properly contest their use of violence as a corrective. After all, men were responsible for their wives’ moral welfare and their fulfilment of their assigned roles, and if a degree of violence was necessary to bring a particularly recalcitrant wife in line, that was the fault of the wife. This made victims responsible for causing their own abuse, and if they had provoked abuse by being deviant themselves, they had only themselves to blame.

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<sup>8</sup> S. Grayzel, *Women’s Identities at War: Gender, Motherhood and Politics in Britain and France during the First World War*, (Chapel Hill, NC., 1999), p. 129.

Condemnation and interference were therefore not universally forthcoming, as it had to be established that a husband deserved to have his authority challenged.

Violence against wives was thus differentiated from other forms of violence and crime. At one and the same time, considerations of IPV (whether by couples themselves, the judiciary, or the media) were limited to pondering each violent act in isolation (preventing the recognition of patterns of violence) while also demanding that victims prove that its motivation was improper or lacking to prove it was a transgression. This resulted in a desire for discretion to take into account the peculiarities and delicacies of intervening in such a sensitive area. However, this meant that IPV was diminished, minimized and trivialised, effectively differentiating it from other form of violence and crime.

Indeed, this discretion allowed violence against wives to be deplored and problematized while excusing the lack of interventions and protections for victims. While police, judges, and magistrates, rightly considered the impact of punitive justice on families,<sup>9</sup> it is notable that this seemed only to be explicitly considered where complainants were battered wives. Indeed, discretion may have masked a tacit coercion to maintain cohabiting, normal marriages, or have concealed uneasiness in disrupting the status quo. Though carefully considering the impact of any form of punishment against familial welfare could be a thoughtful act, its reservation for marital cases infers a quiet suggestion that wives ought to consider the impact of pursuing criminal or civil action.

The differentiation and decriminalisation of violence against wives is no clearer than in the practice of condonation. By condoning or forgiving violence (which wives who were pressurised, coerced, or who just wanted to make their marriage work, were apt to do), wives were unable to use that particular instance as support for a subsequent application for separation.<sup>10</sup> The process of separation already converted criminal acts into civil offences, but condonation prevented wives who had forgiven violence previously from establishing

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<sup>9</sup> George Behlmer, 'Summary Justice and Working-Class Marriage in England, 1870-1914', *Law History Review*, 12 (1994), p. 254.

<sup>10</sup> *Aberdeen Journal*, 3 May 1922 p. 6.

patterns of behaviour before magistrates, and obliged cruelty to become “persistent” before they could take action. Indeed, that a single act of violence was not sufficient grounds indicates that wives were expected to forgive acts that, if inflicted on a non-family member, would be open to prosecution.

This expectation that wives ought to forgive and carry on their marriage until an external party (magistrates) was satisfied of their risk indicates that wives were not quite trusted to judge their husbands’ violence themselves. To believe a wife, and to then intervene, was to potentially support marital subversion and subordination. This in turn meant that there was intense uncertainty about whether a wife’s safety should be prioritised over the sanctity of marriage.

This liminality, then, came down to identities, and which identity people chose to prioritise. Men could have the dual identity of husband and violent fiend, and it was up to wives, probation officers, magistrates, and judges to decide which identity was more important. Where men’s violence was deemed to be excessive or transgressive, they became bad, and their identity as brutes dominated. This in turn justified intervention. However, where violence was deemed trivial, provoked or mitigated, men’s identity as husband became prominent. This betrays the common difficulty in reconciling the two, spotlighting the binary way in which most of the groups examined here made choices about which identity they thought was more important.

The reluctance to break up violent marriages was, then, a sign of the prioritization of the institution of marriage over the safety of battered women.<sup>11</sup> As Jane Lewis has shown, marriage was a private relationship that was also a public institution.<sup>12</sup> Wives needed social sanction to formally separate, meaning they had to prove that it was beneficial and necessary to do so. Even with proof of abuse, wives could be made to work on their marriages through the intervention of magistrates and probation officers. Unless they chose to run away (which

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<sup>11</sup> Behlmer, ‘Summary Justice and Working-Class Marriage’, p. 265.

<sup>12</sup> Jane Lewis, ‘Public Institution and Private Relationship’, pp. 223-263.

had no financial guarantees), escape was dependent on the permission and agreement of other people. Battered women were therefore legally trapped because their private, intimate life was believed to have serious public implications.

Unfortunately, this left battered women at the mercy of common misunderstandings of the processes of IPV. Abuse was commonly poeticized, especially within the press as a sign of the depth of love, and even within marriages and local communities, notions of IPV as expressions of frustration or jealousy proliferated. This normalized and deproblematized violence, and gave a positive, albeit twisted, spin on abusers' motivations. This served to confirm violent husbands' own motives by providing affirmation of proprietorial violence, and the permissibility of losing one's temper. This deflected abusers' culpability by making them victims of their own hearts, or even of their victims' heartlessness.

Even the common association between alcohol and IPV served to misidentify the genesis of abuse. The demon drink may have offered an explanation with a neat solution, but it did not deal with the underlying desire to control the intimate partner. Indeed, it could excuse non-action by official bodies such as magistrates and police, and it provided abusers with an excellent excuse to deny culpability and offer their victims a hope of change.<sup>13</sup> This chemical brutalization may have had a significant overlap with violent episodes, but to blame the bottle rather than the man resulted in continued cohabitation when separation may have been safer for the victim.

Excuses and mitigations that exploited the new visibility and recognition of mental illness in the wartime and post-war years paralleled the function of drink as mitigation. War trauma, of course, offered a degree of titillation and delicious anxiety as men were being demobilized, but it also created violent husbands as victims themselves. This could stymie a thorough condemnation of a man's actions, and even incite scorn for wives who failed to offer appropriate sympathy and care for the men who beat them. The success of men's claims of

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<sup>13</sup> Annmarie Hughes, 'The 'Non-Criminal' Class: Wife-beating in Scotland (c. 1800-1949)', *Crime, History & Societies*, 14 (2010), p. 45.

war trauma is all the more remarkable given that criminological and psychological experts themselves stopped short of properly associating violence with mental health trouble. Indeed, the British record shows great similarity to Elizabeth Nelson's analysis of Australian violent veterans exploiting an interwar 'climate of official sympathy'.<sup>14</sup> Husbands and wives were left to determine for themselves what the "cause" of violence truly was, but the legacy of war meant that their findings were even more heavily weighted in favour of violent husbands.

Indeed, the judiciary and magistracy's readiness to accept abusers' excuses, and even their claims of brutal chastisement, showcases how abusers' own perceptions of their violence was supported by the wider society. When the press, judges, magistrates and temperance writers excused, mitigated, or victim blamed, the idea was disseminated among abusers, would-be abusers, and even juries that sometimes violence was not quite a violation that needed punishment. The failure to fully understand the mechanisms of IPV meant that well-meaning policies could actually support husbands' own motivations and self-exculpation. Judges, magistrates, and news reporters could all affirm abusers' world view, by agreeing that wives needed to be controlled or punished, or that violence was a reasonable, ordinary response to wives' resistance or subversion.

The influence of limitations on wives' help-seeking practices is clear, too. With no hostels as today, women were dependent upon finding friends or relatives to give emotional support, or even financial aid and a place to stay if they decided to leave. The ambivalence of local neighbourhoods was also an issue, as often neighbours carefully ignored abuse even when they heard or saw attacks taking place, or when they saw bruises upon the victim. Without immediate policing of husbands' excessive abuse from the local community, there was little by way of social penalties to dissuade men from violence.

Although the magistracy and judiciary's practice of considering the effect of punishment upon the family as a whole suggested a hint of condescension, it highlights how the judicial

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<sup>14</sup> Elizabeth Nelson, 'Victims of War: The First World War, Returned Soldiers, and Understandings of Domestic Violence in Australia', *Journal of Women's History*, 19 (2007), p. 97.

system was simply not up to the task of enforcing justice and order upon an individual when his victim's immediate financial security depended upon lenience. With only fines, prison sentences, probation and separation orders at their disposal (and of course the death sentence for judges), there was little that could be done that actively prevented further abuse, or adequately punished abusers.<sup>15</sup> Even separation orders, which until 1925 required a difficult period of two weeks non-cohabitation, were made awkward by the shortcomings of maintenance orders since separated wives still depended on husbands' income, and arrears could be wiped out by a short prison sentence.<sup>16</sup> Moreover, summary justice needed to take place within six months of the complained offence, which failed to take into account the length of time it could take some women to build the courage to come to court.

Quite simply, neither the culture, the social and familial structures, nor the legal framework of this period was particularly well suited to dealing with the problem of wife battery. The war only exacerbated these problems by putting a temporary brake on Edwardian marital reform measures, prioritizing the maintenance of marriage and gender roles as necessary stabilizing social elements, and expanding the host of excuses and justifications available to batterers and killers. With neither the means, will nor cultural schema to completely reject violence as an acceptable or excusable behaviour within marriage, there was little further that could be done.

This study has hopefully shown the need for future research. Localised studies would be useful in highlighting and quantifying the behaviours of various institutions in differing regions, and fully understanding the influence of local cultures upon the performance of IPV. This would also offer a better insight into the role of individual magistrates' and judges' personalities and beliefs upon the exercise of summary justice over husbands and wives. Furthermore, the class dynamics of IPV would benefit from more detailed research, too, as data from summary courts has a strong working-class bias.

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<sup>15</sup> Hughes, 'The 'Non-Criminal' Class p. 38.

<sup>16</sup> Behlmer, 'Summary Justice and Working-Class Marriage', p. 267



Moreover, this thesis aims to contribute to the history of problematic domestic and familial life. One wonders what the processes described here meant for other silenced familial victims in this period, such as children. The impact of witnessing or experiencing abuse would be an excellent field for study. Throughout this period, intervention was tempered by a concern about breaking down the home and the potential impact upon the sanctity of marriage and children. Indeed, discussion of the long term impact of witnessing and experiencing family violence upon children was not very evident in the words of either magistrates nor law makers. There has been some magnificent research into historical child abuse, such as Linda Gordon's American study *Heroes of Their Own Lives*,<sup>17</sup> and George Behlmer's exploration of institutional responses to child abuse.<sup>18</sup> However, research into the effects of children's experiences of their parents' partner violence would be very welcome.

It would also be valuable to compare the performance of and responses to differing types of family violence, and even to compare it to friend and neighbour violence. This would highlight the influence of marriage, blood ties, and friendship upon the ways that violent individuals justified their behaviour, and the ways that police, probation officers and the judiciary chose to intervene. Joanna Klein has highlighted the highly political nature of working class neighbourly arguments that escalated to violence, and the police's serious consideration of their officers' respectability.<sup>19</sup> John Archer has meanwhile emphasised the role of masculinity and honour in men's public use of violence.<sup>20</sup> This would help to illustrate the domestic discount, and showcase any differentiation between assaults on unknown, known friendly, and known unfriendly victims.

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<sup>17</sup> Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence, Boston 1880-1960*, (New York, 2002).

<sup>18</sup> George Behlmer, *Child Abuse and Moral Reform in England, 1870-1908*, (Stanford, 1982). See also, Dorothy Scott and Shurlee Swain, *Confronting Cruelty: Historical Perspectives on Child Protection in Australia*, (Victoria, 2002); Laurence Brockliss and Heather Montgomery (eds.), *Childhood and Violence in the Western Tradition*, (Oxford, 2010); Carol Smart, 'A History of Ambivalence and Conflict in the Discursive Construction of the 'Child Victim' of Sexual Abuse', *Social Legal Studies*, 8 (1999), pp. 391-409; Phillip Davis, Jennifer Chandler, and Ralph LaRossa, "'I've tried the switch but he laughs through the tears.'" The use and conceptualization of corporal punishment during the Machine Age, 1924-1939', *Child Abuse and Neglect*, 28 (2004), pp. 1291-1310.

<sup>19</sup> Joanna Klein, "'Moving on,'" Men and the Changing Character of Interwar Working-Class Neighborhoods: From the Files of the Manchester and Liverpool City Police', *Journal of Social History*, 38 (2004), pp. 407-421.

<sup>20</sup> John Archer, "Men behaving badly?": masculinity and the uses of violence, 1850-1900', in Shani D'Cruz (ed.), *Everyday Violence in Britain, 1850-1950: Gender and Class*, (Abingdon, 2000) pp. 41-54.

In addition, it would be valuable to conduct a comparative study of the impact of the First and Second World Wars on domestic abuse in order to trace continuities and changes between conscripted wars with strong post-war emphases on traditional gender roles. Indeed, Jennifer Purcell has examined the post-war elevation of 'traditional femininity associated with wives and mothers',<sup>21</sup> while Gill Hague and Claudia Wilson have found similar issues such as the lack of adequate resources for battered wives, the shortcomings of the legal system, and the silence and shame of abuse.<sup>22</sup> Notions of brutalization from the Second World War seem to be limited to sociological rather than historical research, but this indicates scope for valuable inquiry. Dane Archer and Rosemary Gartner's 1976 review of the relationship between war and homicide in 110 nations since 1900 found that combatant nations experienced increases after wars. However, they suggest that this was because state sanctioned violence legitimised interpersonal violence:<sup>23</sup> 'these increases were pervasive, and occurred after large wars and smaller wars, ... in nations with both improved and worsened post-war economies, among both men and women offenders and among offenders of several age groups.'<sup>24</sup> Moreover, O'Donnell *et al*, have drawn attention to Second World War former American POWs' high rates of verbal and physical aggression to marital partners,<sup>25</sup> but in contrast in the German context, Weierstall *et al* have found that men who had appetites for aggression would experience very little trauma.<sup>26</sup> It would therefore be valuable to explore the impact of total war upon IPV perpetration, but moreso its influence over its perception and treatment.

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<sup>21</sup> Jennifer Purcell, 'The Domestic Soldier: British Housewives and the Nation in the Second World War', *History Compass*, 4 (2005), p. 153.

<sup>22</sup> Gill Hague and Claudia Wilson, 'The Silenced Pain: Domestic violence, 1945-1970', *Journal of Gender Studies*, 9 (2000), p. 157.

<sup>23</sup> Dane Archer and Rosemary Gartner, 'Violent Acts and Violent Times: A Comparative Approach to Postwar Homicide Rates', *American Sociological Review*, 41 (1976) p. 961.

<sup>24</sup> Dane Archer and Rosemary Gartner, 'Violent Acts and Violent Times: A Comparative Approach to Postwar Homicide Rates', *American Sociological Review*, 41 (1976) pp. 937-963.

<sup>25</sup> Casey O'Donnell, Joan Cook, Richard Thompson, Kevin Riley and Yuval Neria, 'Verbal and physical aggression in World War II former prisoners of war: Role of posttraumatic stress disorder and depression', *Journal of Traumatic Stress*, 19 (2006), pp. 859-866.

<sup>26</sup> Roland Weierstall, Sina Huth, Jasmin Knecht, Corina Nandi, and Thomas Elbert, 'Appetitive Aggression as a Resilience Factor against Trauma Disorders: Appetitive Aggression and PTSD in German World War II Veterans', *PLOS One*, 7 (2012), pp. 1-6.

One of the most interesting areas for future research would be the continuities in the treatment and reporting of male-on-female IPV over the past hundred years or so. Throughout this study, the relevance of modern theories of IPV, judicial interaction, and even media reportage has been striking. Even a cursory examination of modern reports of domestic violence showcases continuities. In June 2016, the Recorder of Exeter Crown Court told Daran Taylor, who had assaulted and threatened his ex-girlfriend as she tried to break up with him, that ‘You are a hard-working man with military service behind you. I hope you agree that you let yourself down very badly on this occasion.’<sup>27</sup> Moral credit and the neglect to consider that abusiveness is quite possible from an otherwise nice person is clearly still an issue for the judiciary today, and so is the domestic discount. David Hampson, who killed his wife Claire Oldfield-Hampson in 1997 and buried her in the garden due to her alleged nagging, was sentenced to only six years which was reduced to four on appeal. The judge said, ‘It is said that you ... were provoked into doing what you did. ... I have to bear in mind ... that such a killing cannot be tolerated, even accepting, as I do that your wife behaved to you in a way which was calculated to impact on your mind’.<sup>28</sup> Claire’s furious brother-in-law said ‘Claire’s character has been virtually destroyed by the way the case had been presented in court. It was as if it was Claire who was on trial.’<sup>29</sup> Indeed, the continuity in the practice of choosing which perpetrator and target identities to prioritize is still evident in modern British society. In 2015 Natalie Alman had to spend £10,000 overturning a contact order that demanded that she write three times a year to her ex-partner to update him on their children. Although he was serving a nine year sentence for a seven hour long assault that left her with a slashed throat, hyphema, and broken bones, the original order ranked his entitlements as a father above her needs as an at-risk survivor.<sup>30</sup> The parallels between current and historical cases of partner violence indicates that underlying issues have not been adequately dealt

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<sup>27</sup> *Exeter Express and Echo*, 10 June 2016.

<sup>28</sup> Jane Monckton Smith, *Murder, Gender and the Media: Narratives of Dangerous Love*, (Basingstoke, 2012), pp. 88-89.

<sup>29</sup> <http://news.bbc.co.uk/1/hi/uk/491083.stm>, October 28 1999 (accessed 26 September 2016)

<sup>30</sup> <http://www.mirror.co.uk/news/uk-news/mums-write-result-court-overturns-6050496> 12 July 2015 (accessed 26 September 2016).

with, in spite of the intense attention and condemnation intimate violence rightly receives today.

There is still so much to be done on the history of intimate partner and family violence and abuse. I hope that telling these people's stories, and relating both the successes and the problems in the social reactions to their conditions, will help to illuminate our current situation in Britain. So often in my research for this paper, I have been astonished by the mistreatment and neglect of battered women by the very institutions that were meant to protect them, only to be confronted with current stories that exhibit worryingly similar problems today. By examining the history of violent marriages in this period, we can reflect upon this legacy of mismanagement, misunderstanding, and indifference.

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