

Happy families?

HISTORY AND FAMILY POLICY



POLICY
CENTRE

by Pat Thane

HAPPY FAMILIES? HISTORY AND FAMILY POLICY

A REPORT PREPARED FOR
THE BRITISH ACADEMY

by Professor Pat Thane FBA



POLICY
CENTRE

THE BRITISH ACADEMY
10-11 Carlton House Terrace
London SW1Y 5AH
Web site: www.britac.ac.uk

Registered Charity: Number 233176
©The British Academy 2010

Published October 2010
Revised September 2011

ISBN 978-0-85672-590-6

Typeset by Soapbox
www.soapbox.co.uk
Printed by Reppoint

CONTENTS

Preface	5
Key messages	7
Executive summary	9
1. Introduction	17
<i>Why history?</i>	17
<i>Time and place</i>	17
2. Facets of family life	23
<i>Marriage</i>	23
<i>Cohabitation and divorce</i>	25
<i>Marriage break-up: domestic violence</i>	38
<i>Widowhood</i>	45
<i>Births</i>	48
i) Birth rate	48
ii) Family size	51
<i>Illegitimacy</i>	54
<i>Household and family structures</i>	57
<i>Relationships between generations</i>	60
<i>Moral panics about the family</i>	62
3. Conclusion	67
Endnotes	71
About the author	79
British Academy policy publications	80

PREFACE

Those who make public policy must decide in the present and anticipate the consequences of their decisions. However, they will gain perspective if they also understand the historical context and the long-term trends that have shaped the issues with which they deal.

In this research overview report, Professor Pat Thane provides an historical perspective on patterns of family formation and dissolution as well as insight into the policy debates that surrounded those trends; as policymakers and opinion formers of earlier generations thought about problems that are still with us today, especially family stability, the welfare of children, domestic violence and poverty. In writing that is as lucid as it is informed, she details the extent to which the period of the 1950s and the 1960s – the experience of which still shapes opinion today – was unusual historically in terms of rates of marriage, age of marriage and longevity of marriage. Earlier periods show greater similarity in terms of cohabitation and illegitimacy with recent decades. What does appear to have altered is the stigma that once surrounded cohabitation.

This is the first report from the British Academy that brings to bear the skills of the humanities on questions of public policy. We are grateful to Pat Thane for showing just how valuable an historical perspective can be. Dr Johnson once said of a second marriage that it was a triumph of hope over experience. Pat Thane has shown that policies made in hope that neglect experience will not be a triumph at all.

Professor Albert Weale FBA, Vice-President
(Public Policy), British Academy

KEY MESSAGES

- Higher rates of non-married men and women brought up children together in past centuries than is always recognised; the period 1945-70 is unusual in this respect, not “the norm”.
- Similarly, there were higher rates of marriage break-up, marital unhappiness and violence towards women and children than is realised, partly because divorce was financially and legally inaccessible to all but middle and upper class men.
- Not until 1978 were men legally fully restrained from beating their wives.
- Due to lower life expectancy and war casualties, before the 1950s there were always large numbers of impoverished families headed by lone mothers and boys lacking male “role-models”.
- Premarital sex appears to have been a normal part of the courtship process for many people throughout the past 250 years. There is clear official evidence of this from the late 1930s. It was not an innovation of the 1960s.
- The poorest families have always found it hardest to achieve stability and harmony, suggesting that socio-economic inequality may be a more important challenge than features of the family itself.

EXECUTIVE SUMMARY

There are many contemporary claims about the changing nature of “the family”. These changes are sometimes said to be symptoms and sometimes causes of problems in the wider society. History can be an aid to understanding current social issues: what is new and distinctive about them, and how they have come about.

This report focuses mainly upon the period since industrialisation in Britain in the early nineteenth century, when reliable national statistics became available. It examines the history of the family in England and Wales (significant legislative and cultural differences exist within the UK) and outlines important changes and continuities.

Marriage: Prior to World War Two, a significant number of people in England and Wales never married, partly because women were a majority of the population. From the end of World War Two until the early 1970s, people married earlier, marriage rates increased and marriage became almost universal. The exact reasons for this are uncertain, but are likely to include the increasing evenness of the sex ratio and improved living standards, which enabled more people to marry and at earlier ages. From the early 1970s, the mean age of marriage rose and marriage rates have now fallen to historically low levels.

Cohabitation and divorce: A major reason for unmarried cohabitation in the twentieth century and before was the problematic state of the divorce law. Grounds for divorce were biased against women. It was not until 1937 that legislation equalised the grounds for divorce between the sexes. Partly as a result, unmarried cohabitation was more common than is often claimed. Furthermore, provided that they did not flaunt their deviance, this was widely accepted, including by law and clergy.

However, concern about the presumed extent of what were called “stable illicit unions” fuelled demands for change. In the 1960s, the Law Commission expressed the hope that a reformed divorce law would “buttress rather than undermine the stability of marriage”. The 1969 Divorce Reform Act established irretrievable breakdown as the sole ground for divorce. It was part of a cluster of legal changes at this time, including the reform of laws relating to abortion and homosexuality acts.

Despite the Law Commission’s hopes, from the early 1970s cohabitation increased and was openly acknowledged as never before, including in official statistics. The history of cohabitation in England and Wales, like much else about sexual relationships, is shrouded in secrecy and until the 1970s there are no reliable statistics. But cohabitation was not a late twentieth century innovation and the meaning of the increase remains uncertain.

In the nineteenth century and before, an important barrier to a wife leaving her abusive husband was that she had no right to custody of her children when they were over the age of seven years. In 1925, legally-married women were enabled to apply for custody over their children of all ages. From 1926, married and single women could hold and dispose of their property on the same terms as men. These changes removed some of the obstacles to women leaving unhappy marriages.

Domestic violence: A persistent cause of marriage break-up was domestic violence. The first known sustained campaign against this in Britain started in the 1850s, when John Stuart Mill and others spoke out against it, but it was not until the post-1968 women’s movement that domestic and sexual violence against women were brought prominently into the public arena. In 1976 the Domestic Violence and Matrimonial Proceedings Act empowered county courts to grant orders forbidding molestation of a spouse or child. The Act was extended in 1978. Women had

greater redress against domestic violence than ever before, but, like child abuse, it continues.

Widowhood: Almost certainly, throughout history, more marriages were broken by death than by marital conflict. At least until the early twentieth century, due to the early deaths of parents as well as other causes of family break-up, many children grew up in struggling families; these were often female-headed (as widowers were less likely to bring up children alone), with many boys lacking “male role models”. There were also many complex households.

For single parents without sufficient means, if no family support was available, the only resort before 1925 was the Poor Law. This might provide sufficient cash “relief” to enable the family just to survive, or insist that they all enter the workhouse, or take just the children into the workhouse.

Birth rate and family size: Between the 1770s and the mid-nineteenth century the average number of children born per woman was around six. From the 1870s the number fell gradually to an average of two by the 1930s. Over the twentieth century, people in England and Wales also became more likely to be parents of at least one child who survived to their old age than at any other time.

Birth rates were low by European standards in eighteenth century England. They rose between the 1750s and 1820s before stabilising. From the 1870s there was steady decline reaching a low point in 1933. This decline was common to much of western Europe, causing widespread concern. The panic subsided in the 1950s when it became evident that the birth rate was rising again, only for concerns to recur from the 1980s.

From 1968 onwards the decline was probably due to the availability of the pill, combined with real improvements in women’s educational and employment opportunities which led

many women, especially in the middle class, to delay childbirth. However, the rapid decline in the mid 1970s through to the 1980s may also have been driven by unemployment and the growing cost-of-living, especially with regards to housing.

Births outside of marriage: In the early nineteenth century an estimated 20 percent of first births were “illegitimate” and over half of all first births were probably conceived outside marriage. This suggests that premarital sex was a normal part of the courtship process, from at least the mid-eighteenth century. Illegitimacy rose during World War Two, leading to a moral panic. From the early 1960s the number of illegitimate births rose rapidly, becoming steeper still in the 1980s. By 1993 more than one-third of all births in England and Wales occurred outside marriage.

Household and family structures: Mean household size remained more or less constant at around 4.75 from the sixteenth century until the end of the nineteenth century, and households generally consisted of just two generations. Evidence also suggests that in many European countries, from the medieval period onwards, older people preferred to maintain their own household for as long as they were able.

In some regions of England and Wales, by the mid-nineteenth century, households consisting of adults of two generations became rather more common. This was partly due to increasing longevity and partly to economic change, as grandmothers joined their migrant children in cotton manufacturing districts to care for children.

Families and households have become more complex over the past century, as more people survived to later ages. By the later twentieth century three-generation families were normal and four-generation ones increasingly common, but since the 1950s, there has been an even stronger trend towards smaller households and generations living apart.

Relationships between generations: Nonetheless, relationships between close relatives have never ceased when they no longer shared a household. The demands of younger upon older generations are likely to increase given high housing prices, the risks of partnership breakdown, the costs of higher education, and later entrance to the workforce. Childcare is often provided by grandparents. Evidence suggests that the long continuity of reciprocal support among close relatives who do not co-reside has been supplemented with, rather than replaced by, public welfare. Technology also keeps even distant relatives in close touch and brings them together when needed.

Moral panics: The belief that the family is disintegrating has a long history. Benjamin Disraeli wrote in 1845: “There are great bodies of the working classes of this country nearer the condition of brutes than they have been at any time since the Conquest”, whilst the Assistant Bishop to the Archbishop of Canterbury published a pamphlet, *The Breakdown of the Family*, in 1949.

In 1962 the sociologist Ronald Fletcher presented evidence that the family had never been stronger. Fletcher made a powerful case that the family has not declined and that where families had difficulties, they were due above all to socio-economic disadvantage. He acknowledged, convincingly, that families had problems but fewer, not more, than in the past. Historical examples of moral panic might suggest scepticism when they recur.

Conclusions: Families have always been diverse; there has never been such a thing as the ideal British family unit. Poor families have had greater difficulty sustaining stability and harmony, which may suggest that socio-economic inequality is a more important challenge than change in the family itself.

There is also no systematic historical evidence of a relationship between family patterns and practices, and wider social problems. Those who call on a nostalgic vision of a family and blame today's "new" diversity for societal problems may have to look elsewhere for their explanations.

INTRODUCTION

- History is often invoked in contemporary discussion of the “break-up” of the British family.
- History can aid understanding of change in the family and other issues, but only if it is accurate.
- We will survey the history of the family mainly since industrialisation.
- We will look specifically at England and Wales, due to important legal and cultural variations in Scotland and Ireland.

WHY HISTORY?

What can history contribute to contemporary debate about family policies? Interpretations of history are regularly invoked in discussion of families today¹ and, as we will see, long have been. Changes in the family are said to be sometimes symptoms, sometimes causes, of problems in the wider society. History can be an aid to understanding current social issues, how they have come about and what is new and distinctive about them – but only if that history is as accurate as possible in the current state of knowledge. Since history is so often invoked in this context, what do we know about key features of the history of the British family and about the association between change in the family and wider social change?

TIME AND PLACE

This survey will focus mainly upon the period since industrialisation became established in Britain, the early nineteenth century, because only from that time do we

have reliable national statistics of essential features of family history. Registration of births, marriages and deaths became compulsory in England and Wales in 1837 (and in 1855 in Scotland and 1864 in Ireland, which was wholly part of the United Kingdom until 1922) and the first reliable national census was in 1841. But there have been excellent longer-run studies, notably by the Cambridge Group for the History of Population and Social Structure, using parish registers and other sources to reconstruct the population of England from 1541.² There are no comparable long-run studies of Wales, Scotland or Ireland. This longer time period will be considered where appropriate. The survey will examine the history of the family in England and Wales, not in the whole of the UK, because of significant legislative and cultural differences between England and Wales, Scotland and Northern Ireland - making historical generalizations across the nations problematic. For example, as the distinguished legal historian, Stephen Cretney, points out, "throughout the twentieth century the United Kingdom continued to enjoy the luxury [or, he added in a footnote, "the absurdity"] of three distinctive marriage codes",³ and, he might have added, had done so for much longer. Among other differences, "informal marriage", contracted by the mutual consent of the parties without intervention by Church or State, became illegal in England in 1753, while the Scots retained it until 1940.⁴

The English law of 1753 also laid down that minors under the age of 21 could marry only with the consent of their parents, which the Scots also resisted.⁵ Hence, for a long time, Gretna Green, the first village in Scotland on the coaching route from London to Edinburgh, was a popular marriage venue for runaway lovers from England and Wales. In his introduction to the report on the census of 1851, the first Registrar-General, William Farr, complained that:

Seduction and polygamy are greatly facilitated – concubinage is concealed by the appearance of marriage – under the law of Scotland; and in the North of England the bargain to live together, and to marry conditionally is very much encouraged by the facility of going into Scotland and being married.

The degree in which that takes place in the border counties is incredible. English minors are legally married, without the consent of their guardians, in Scotland; and at Gretna Green, one important object of the English Marriage Act of 1753 is defeated. English parents of property are still afraid ...to send their eldest sons to the University of Edinburgh, from the justifiable apprehension that they might succumb before the facilities of the law and the charms of the women of Scotland.⁶

Irish Marriage Law was different again and continued in Northern Ireland after 1922.

The UK still has three different divorce laws. From 1643, Scottish law allowed both women and men to obtain divorces on exactly the same grounds, and divorce was allowed for adultery or desertion. In England and Wales divorce was almost unobtainable, except by the expensive procedure of a private Act of Parliament, until, after long wrangling, a legal process was introduced in 1857. Thereafter, in English law, a man could divorce his wife for adultery alone; a woman had to prove the additional aggravation of desertion, cruelty, incest, rape, sodomy or bestiality. Neither could gain a divorce simply for desertion.⁷ Gender equality in divorce came about in England in 1923, as we will see. Scots and English law came more closely into line in 1940, though differences remain. It is still the case, for example, that in England, Wales and Northern Ireland a couple must have lived apart for at least two years and both must consent before a divorce can proceed, whereas in Scotland one year of separation suffices.

No divorce was allowed in Northern Ireland before 1939, as in the Republic of Ireland, other than by a private Act of

Parliament. A modified form of the English 1937 Act was introduced in 1939. The English law of 1969, allowing divorce on grounds of irretrievable breakdown, was introduced in Northern Ireland in 1978, with amendments which made it more costly and time-consuming.⁸ There have long been fewer divorces in Northern Ireland compared with mainland Britain. In 1981, after the law in Northern Ireland had been somewhat relaxed, the crude divorce rate was 1.2 per 1000 married people compared with 12 in England and Wales. The rate rose to 2 in Northern Ireland and 14 in England and Wales in 1991, and was 2.1 (an all-time high) and 11 respectively in 2007.⁹ Abortion remains illegal in Northern Ireland, having been legalised in England, Wales and Scotland in 1967.

Another difference was that civil marriage did not exist in Scotland until 1939, having been introduced in England and Wales in 1836. Many Scottish churches would not marry divorced people. Hence, though divorce was easier to obtain at an earlier date in Scotland, before 1939 remarriage was often impossible until the previous partner died. Consequently, a major reason for cohabitation in Scotland at this time was the difficulty of divorced people remarrying, while in England and Wales a major reason was the difficulty of obtaining a divorce (see below). In Scotland,¹⁰ irregular marriage could be officially registered and official statistics exist, though not all such relationships appear to have been registered. Between 1855 and 1939, irregular marriages notified to the Registrar accounted for 12 percent of all Scottish marriages.¹¹ In England and Wales, the equivalent relationship, cohabitation, was not officially registered and historians have to rely on estimates and inference until the 1970s.¹² Censuses, of course, exist, but people living in irregular circumstances did not necessarily tell the truth to census-takers.

Such legal differences owe much to cultural differences across the four nations, including the influence of religious institutions. There have long been other differences, for example in the

incidence of unmarried motherhood. This was particularly high in north east and south west Scotland, at least from the mid-nineteenth to the mid-twentieth centuries.¹³ The introduction of compulsory civil registration showed that in 1859-60, births out of wedlock were 9.1 percent of all births in Scotland compared with about 6.5 percent in England and Wales.¹⁴ The levels in Scotland remained high for the remainder of the century, then fell to under 7 percent in 1900-1950, while those in England and Wales fell to 4 percent in the same period.¹⁵ Unmarried motherhood seems to have been tolerated more readily in parts of Scotland than in most of England or Northern Ireland, where levels were lower still but have risen considerably since the 1970s.¹⁶

These very brief indications of cultural and legal differences within the UK suggest the difficulties of generalising about 'the family' across the UK. They also suggest the potential for comparative studies exploring whether, for example, stricter marriage and divorce laws have created a less "broken" society in Northern Ireland in the past 40 years compared with Scotland and England and Wales and, if so, by what measures.

FACETS OF FAMILY LIFE

MARRIAGE

- High rates of non-marriage among men and women existed until World War Two.
- From the end of the War to the early 1970s, there were higher marriage rates and lower marriage ages.
- Long-lasting marriages started earlier, people lived longer and there were few divorces.
- From the 1970s, England and Wales saw a rising age of marriage, more cohabitation and births outside marriage.

Marriages in England and Wales, 1845-2007

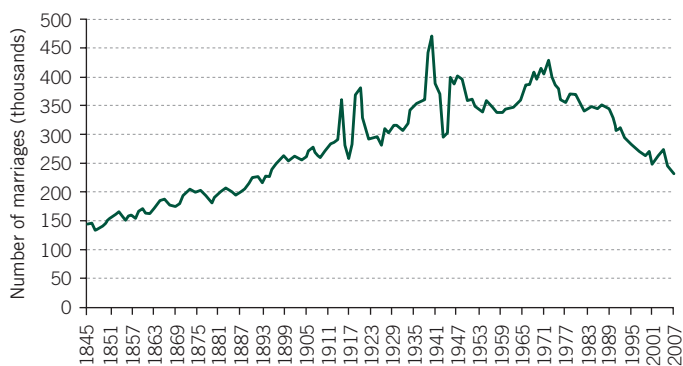


Figure 1. Source: ONS, *Social Trends 40*, p. 20.

Before World War Two a significant number of people in England and Wales never married. The proportion of never-married women fluctuated between 9 and 12 percent in the eighteenth and early nineteenth centuries, reached over 10 percent in the mid-nineteenth century and more than 14

percent in the first third of the twentieth century. This was partly because women were a majority of the population over many centuries, due to lower male life expectancy and, in the nineteenth and early twentieth centuries, higher male emigration rates.¹⁷ That cannot be the whole explanation however, because at all times significant numbers of men never married: 9 percent in the 1931 census, compared with 15 percent of women.

From the end of World War Two until the early 1970s marriage rates increased and marriage became almost universal. This period was also historically unusual in that the average age at first marriage fell from a norm over the previous 300 years of around 27 for men and 25 for women, to a mean in 1971 of 22.6 for women and 24.6 for men, and most marriages lasted longer than ever before or since. They started at earlier ages, were less likely to be broken by death in young adulthood or middle age as life expectancy grew, and divorce was still hard to obtain. Never in history have so many marriages been so lengthy as between the late 1940s and the early 1970s. Whether they were contented is another issue.

The reasons for the earlier marriage ages and higher marriage rates at this time are uncertain. The sex ratio became more even, and improved living standards may have enabled more people to marry and at earlier ages. From the early 1970s, the mean age of marriage rose again, reaching older historical norms in the mid/late twenties again by the mid 1980s and, by 2007, the exceptionally high level of 31.9 years for men and 29.8 for women. Marriage rates also fell to historically low levels.¹⁸ These trends were closely associated with the parallel trends towards more extensive and open cohabitation, lower birth rates, more openly acknowledged births outside marriage, a higher average age of mothers at first birth, and improved educational and employment opportunities for women. All of these changes are discussed below.

COHABITATION AND DIVORCE

- Increase in open cohabitation from 1970s.
- Cohabitation not new in England and Wales: long previous history, acknowledged, if not necessarily approved of, by clergy and the law, but no statistics before 1970s.
- Main reason: the difficulty and costs of divorce. Ending “illicit unions” was the reason for demanding divorce reform from late nineteenth century.
- Gradual reform 1937- 1969.
- From 1969 increased divorce and cohabitation.

Divorces in England and Wales, 1920-2007

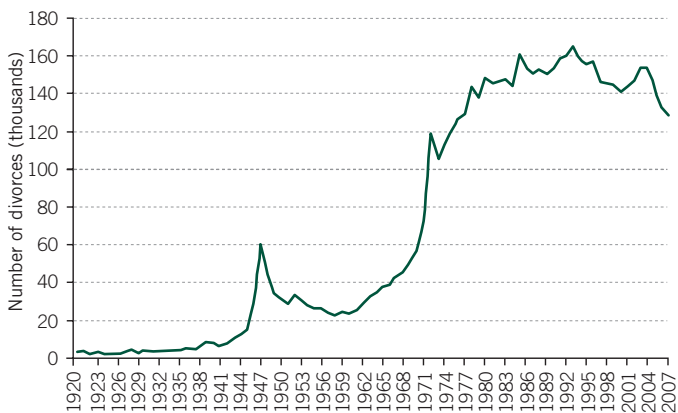


Figure 2. Source: ONS, *Social Trends 40*, p. 22.

Falling marriage rates from the 1970s did not mean that couples no longer lived, raised children and formed families together. As marriage rates fell from the early 1970s, cohabitation increased from 3 percent of all adult women in 1979 to 13 percent in 1998, and became open whereas previously it had generally been secret.¹⁹ In 2006, in 14 percent of all families (parents plus

at least one child) the parents were unmarried. This is generally seen as historically new and, in its sheer extent, it probably was. The history of cohabitation in England and Wales, like much else about sexual relationships, is shrouded in secrecy and until the 1970s there are no reliable statistics. But cohabitation was not a late twentieth century innovation and the meaning of the increase remains uncertain.

The National Council for the Unmarried Mother and her Child (later One Parent Families, and now called Gingerbread), the foremost voluntary agency in this field from its foundation in 1918, found that most births out of wedlock between the wars (around 4 percent of all births, an historically low level as we see below) were to unmarried mothers living in a stable relationship with the father.²⁰ A major reason for unmarried cohabitation in the twentieth century and before was the problematic state of the divorce law. In the 1950s, perhaps one-third of illegitimate births were to women who were divorced or living apart from their husbands, unable to obtain a divorce after a failed marriage or anxious to avoid the public stigma of divorce.²¹

None of this was new between the wars. Charles Booth commented in his survey of the London poor in the 1890s:

Legal marriage is the general rule, even among the roughest class, at any rate at the outset of life; but later, among those who come together in maturer years, non legalised cohabitation [is] far from uncommon, and this irregular relationship is commented upon not always to its disadvantage. ... The difficulty (said one of the clergy) "is that these people manage to live together fairly peaceably as long as they are not married, but if they marry it always seems to lead to blows and rows".... A missionary mentioned the case of an old couple who had lived together unmarried for forty years, whose real relationship transpired when the man was ill. "He would have married me again and again" (said the woman) "but I never could see the good of it."²²

...It is noted by the clergy who marry them, how often both the addresses given are from the same house.... More licence is granted by public opinion to the evasion of the bonds of marriage by those who have found it a failure, than is allowed to those whose relations to each other have not yet assumed a permanent form. This peculiar code of morality is independent of recognised law, and an embarrassment to religion, but... those teachers of religion who come in closest contact with the people are the most forward in recognising that the word "vice" is inapplicable to the irregular relations that result, whether it be before or after the legal marriage; though they would probably cling (in religious desperation) to the appellation of "sin".²³

The striking thing about this observation is not only that unmarried people lived together, but that those who might have been expected to be their sternest critics – the clergy – could accept such relationships. There are also suggestions by contemporary commentators that, especially in the cities, for much of the nineteenth century, unknown numbers of younger people lived together before marriage.²⁴ Ross concludes that in poor districts of East London between 1870 and 1918, "a great many marrying couples were actually cohabiting when they set out for the church."²⁵

Nineteenth and early twentieth century legislators knew that cohabitation was a reality, not necessarily welcome or widespread, but common enough for the law to take notice. The Prevention of Cruelty (Amendment) Act, 1894, provided that rules designed to protect children from parental abuse should apply also to step-parents and "to any person cohabiting with the parent of the child."²⁶ The Workman's Compensation Act, 1906, recognised unmarried couples and their families as units for the purpose of compensation: an illegitimate child and the parent of an illegitimate child

who was dependent on his or her earnings could receive compensation (e.g., in a case of death in an industrial accident) although an unmarried partner could not.²⁷

In early twentieth century law courts, varying attitudes were expressed towards cohabitation, but the rights of cohabittees in wills, trusts and contracts could be upheld if this was judged to be the intention of the person responsible for the will, deed or contract.²⁸ Frost's comment on legal attitudes to nineteenth century cohabitation, that "The Victorian courts' reaction to these relationships combined official disapproval with pragmatic acceptance", also seems applicable for much of the twentieth century.²⁹ Both civil and criminal courts dealt with such relationships, without formally recognising them. There was no legal penalty for cohabitation as, in the past, there had been in the Church courts.³⁰ Throughout the nineteenth century, the courts upheld contracts between cohabiting couples - for example, where the man agreed to support the woman financially - provided that the contract could not be interpreted as a deliberate inducement to immorality.³¹ Cretney has commented that, "At the beginning of the twentieth century there were certainly unmarried couples - no doubt a significant number - who lived together in a factual relationship impossible to distinguish from matrimony."³² The actual number in England and Wales is impossible to assess.³³

The couples involved were not necessarily opposed to marriage and might willingly have married, had it been legally possible. Often they presented themselves to the world as married people.³⁴ A minority of intellectuals opposed formal marriage in principle, arguing that real mutual commitment did not require the sanction of church or state,³⁵ but a more frequent reason seems to have been the restrictive divorce laws and the costs of obtaining a divorce. From at least the late nineteenth century, critics argued that the divorce system discriminated against the poor, because proceedings were costly,

and against women for whom it was harder than for a man to obtain a divorce (see above). Lawyers were expensive and, until 1920, divorces in England and Wales could only be heard by the High Court in London, a further cause of expense for non-Londoners. After 1920 “poor persons” and undefended petitions could be heard at local assizes, and this was extended to all cases in 1943. Lawyers’ costs remained a problem. Only from 1950 was Legal Aid available for divorce cases.³⁶ Divorce quickly came to make the largest demands on the Legal Aid fund.³⁷ But the legal procedures continued to be “daunting” especially in contested cases.³⁸

The Matrimonial Causes Act, 1878, enabled women to obtain separation orders from magistrates’ courts, with maintenance, on grounds of cruelty by their husbands, but this did not amount to divorce. Between 1897 and 1906, 87,000 separation and maintenance orders were issued, mainly to poorer people. During the first decade of the twentieth century, an annual average of 7,500 petitioners obtained separation orders; only 800 gained divorces.³⁹ Not all who separated then cohabited, but a repeated argument for reform of the divorce laws was to enable cohabittees to regularise their partnerships, and hence to uphold the institution of marriage.⁴⁰ The Divorce Law Reform Union (DLRU), founded in 1906, described the situation of all too many people as:

A Nation’s Tragedy. Separated, but bound irretrievably by a lengthened chain; unable to fulfil their rightful functions in the interests of national happiness and prosperity. Forced, many of them, into illicit and irregular unions, and, as a result, bringing into the world children who are branded almost as Cain was branded.⁴¹

Criticism of this kind led to the appointment of the Royal Commission on Divorce and Matrimonial Causes in 1909,

chaired by Lord Gorell, former president of the Divorce Court. This experience convinced him that the law needed radical change, in particular because it discriminated against poorer people.⁴² The majority report of the Commission, published in 1912, based on extensive evidence, concluded that “beyond all doubt” divorce was “beyond the reach of the poor”. It referred to the extent of cohabitation, *de facto* marriages and “irregular and illicit unions” that resulted. The Royal Commission recommended equality of the sexes in the divorce law and extending the grounds for divorce to include desertion, cruelty, incurable insanity, habitual drunkenness and penal servitude for life.

The 1912 report met much hostility and led to no significant change in the divorce law also due partly to the onset of World War One.⁴³ After the war, following pressure from the DLRU and women’s organisations, the Matrimonial Causes Act 1923 at last enabled women to divorce men for adultery alone. Between 1901 and 1915 there were 2654 petitions, an average of 51 percent per year brought by women; in 1926–35, there were 8856, on average 57 percent brought by women. Further legislation in 1937 allowed divorce after three years’ desertion. Husband or wife could then obtain a divorce on grounds of adultery, desertion for at least three years, cruelty, or being of “unsound mind and continuously under care and treatment” for at least five years; a wife could, additionally, divorce a husband guilty of rape, sodomy or bestiality. Separation by mutual consent could not yet be defined as “desertion”. The 1937 Act explicitly aimed to amend the law “for the true support of marriage, the protection of children, the removal of hardship, the reduction of illicit unions and unseemly litigation, the relief of conscience among the clergy, and the restoration of due respect for the law.” A P Herbert, who led the campaign for the 1937 Act insisted that the previous law was a “definite incitement to immorality.”⁴⁴

Such comments again suggest the high number of “irregular” partnerships in early twentieth century England, some of which produced children, and that they were not universally disapproved of because the reasons were understood. Early in World War One, the government agreed that tax-funded allowances should, for the first time, be paid to all “dependents” of servicemen, including “unmarried wives”, “where there was evidence that a real home had been maintained”.⁴⁵ These had to satisfy more stringent standards than other family members, such as parents, who had only to prove that the serviceman had “helped to keep them”. An unmarried partner had to prove that the serviceman was her sole support and that she “would otherwise be destitute” and the relationship had to have preceded the man’s enlistment by at least six months.⁴⁶ The allowance would be paid even if the soldier had a legal wife, if the conditions were satisfied.⁴⁷ Unfortunately, it appears impossible to establish how many such allowances were paid because the official statistics do not distinguish unmarried partners from “widows and other dependents”, other than wives and children. From 1916, “unmarried wives” were also permitted to receive pensions if their partner died or was injured. Their pensions were lower than those paid to other women and, again, the conditions were more stringent.⁴⁸

Official recognition of cohabitation continued in post-war unemployment relief legislation, which was intended to support servicemen and their families in their transition to peacetime unemployment. The Unemployed Workers’ Dependants’ (Temporary Provision) Act in 1921, allowed five shillings per week for a wife, or “where a female person is residing with an unemployed worker who is a widower or unmarried, for the purpose of having care of his dependent children and is being maintained by him, or has been and is living as his wife.”⁴⁹ Thereafter, unemployment

insurance continued to provide, as it had not previously, for the dependents of insured workers. The Unemployment Insurance Act of 1927, in response to scandalised comments by backbench MPs, removed the reference to any woman who “has been or is living as his wife”. In practice it allowed payments to cohabitants with men living apart from their wives, provided that they had children, but removed allowances from cohabitants without children.⁵⁰ Labour MP John Wheatley commented that, “Now we are out of the War days we are back again into the state of hypocrisy in which we usually live except in periods of national necessity.”⁵¹ Allowances for the “unmarried wives” of servicemen were reintroduced in World War Two.

Joanne Klein’s study of “irregular marriages” among that most respectable section of the working class, policemen, in three major British cities between 1900 and 1939, concludes that “flexible notions of marriage persisted within the working class...into the interwar era...while only a small minority of policemen lived in unusual situations, their more conventional colleagues had few problems with their choices. Senior officers showed remarkable tolerance for domestic irregularities” and “their choices did not necessarily meet with disapproval from their respectable neighbours.”⁵² Klein comments that by no means all irregular partnerships involving policemen came to official notice.

A study by Manchester Health Department in 1938 of all traceable illegitimate children born in the city in 1933 (427) found that 35 percent of the parents were cohabiting stably at the time of the birth. In his annual report for 1938, the Medical Officer of Health wrote:

This largest group were born into households in which there was an irregular union, and therefore a fairly permanent home in which the children had two parents. In some cases the illegitimacy was not known outside the home. A number of

parents had postponed their marriage, others were indifferent to the marriage ceremony, but the largest number were living together in an irregular union because one partner had a husband or wife, and was living apart.

By 1938 some of the parents could not be traced, but 32 percent were still cohabiting and lived with their children in an apparently stable family relationship. A very few had married each other.⁵³

We have no idea how many such partnerships existed, but reports of their existence before World War Two are too many and too diverse to ignore. It seems to have been widely realised that the divorce laws led many decent people into cohabitation and, provided that they behaved respectably and did not flaunt their deviance, this was accepted. The number of divorces rose during and after World War Two, but complaints about the divorce law continued. In 1945, AP Herbert, still an MP, received “innumerable sad letters from citizens separated but still unable to divorce” as did other MPs, including from old age pensioners wishing no longer to “live in sin” but to be able to be “respectably married”.⁵⁴ A major problem was that a divorce petition could be brought only by the “innocent” party. “Innocent” partners might refuse to petition, on grounds of religious conviction, or vindictiveness, thus preventing their partner from remarrying, while still enforcing alimony payments through the process of judicial separation. Another problem was the need to provide firm evidence of fault beyond probability in contested cases. This led, notoriously, to the construction of bogus “evidence”, such as staged adulterous liaisons in seaside hotels.

The debate about divorce law reform resumed after World War Two, polarised as ever. Again, concern about the presumed extent of what were now called “stable illicit unions” fuelled demands for change. This led to the establishment in 1956

of another Royal Commission, chaired by a Lord of Appeal, Fergus Morton. This divided those who supported divorce only for a proven matrimonial offence and those willing to permit it after long separation. The Commission rejected divorce simply on grounds of breakdown of the relationship, for which the House of Commons had voted by a large majority in 1951. In response, the Conservative government changed details of the administration of the law but initiated no fundamental change. Pressure for reform continued, including by the still active DLRU and the more recently formed Marriage Law Reform Society, and from people directly affected by the divorce law, especially those who could not remarry. In 1962 the Labour MP and solicitor Leo Abse introduced a Private Members' Bill adding seven years separation as grounds for divorce. He focussed his argument on the hardship caused to children born illegitimately because their parents could not marry, claiming that the bill was not "about divorce but about the family", particularly about family stability. There was still strong opposition to the principle and much modified legislation emerged in the Matrimonial Causes Act 1963. Its unsatisfactory character reinforced pressure for further change. "It became increasingly accepted that no public interest was served by keeping legally in existence a marriage which had in fact broken down."⁵⁵

Surprisingly powerful support for change came from a report in 1966, *Putting Asunder*, by a committee established by the Archbishop of Canterbury, when the Church of England had previously opposed reform. It accepted breakdown of the relationship as the main reason for divorce, incorporating adultery and other causes of breakdown, provided that proof of breakdown was rigorously established. The Labour government was committed to law reform, especially of family law and established the Law Commission for that purpose. It pointed out shortly after its establishment that,

due to the unsatisfactory nature of the divorce law, there were a “large number of illicit unions that cannot be regularised and a still larger number of bastard children who cannot be legitimised.”⁵⁶ It worked closely with the Archbishop’s group and recommended a less complex and, it believed, more feasible, procedure: a period of separation of at least six months as evidence of breakdown in addition to the existing grounds for divorce. Consensus rapidly emerged around a compromise: “irretrievable breakdown” would replace the list of matrimonial offences, demonstrated by the parties living apart for two years, if both consented to divorce, five years if one did not.

The Archbishop continued to have reservations and there was opposition from women’s organisations to what Baroness Summerskill called a “Casanova’s Charter” because, among other things, it did not include adequate financial safeguards for “innocent” wives. But opinion polls suggested general support for change. The Divorce Reform Act 1969 followed, originating in another Private Member’s Bill, after skilful lobbying by Abse and others, with government support. The new law established irretrievable breakdown as the sole grounds for divorce. This could be proven by the petitioner satisfying the court that the respondent had committed adultery, or was guilty of “unreasonable behaviour”, and that the petitioner found it intolerable to live with him/her as a result; or by separation for at least two years if both parties consented; for five years if one partner did not.

The Law Commission had expressed the hope that a reformed divorce law would “buttress rather than undermine the stability of marriage”. This had been an argument for reform for almost 100 years, as had the belief that easier divorce would render cohabitation unnecessary. The change in the law certainly enabled long-time cohabitantes to marry. Cretney witnessed in the Divorce Court in 1972:

A succession of elderly persons of eminently respectable appearance....give the oral testimony then required in support of divorce petitions. All had lived apart from their lawful spouse for more, usually much more, than the stipulated five years. In almost every case the story was essentially the same: the youthful wartime marriage, the long separation in service of "King and Country", the drift apart, the formation of a new relationship, the birth of children, the woman taking the man's name, the passionate desire to legitimise those children and so on. In each case the decree was granted: in each case the elderly couple's faces reflected happiness and quiet domestic content.⁵⁷

But rather than disappearing, from the early 1970s cohabitation increased, as we have seen. Equally strikingly, it was now openly acknowledged as never before, including in official statistics. The characteristics of cohabiting couples probably changed (although we cannot be sure because we have systematic data from the 1970s but not before), becoming more diverse.⁵⁸ Cohabitation was more likely to be a matter of choice rather than enforced by restrictive divorce laws, to be a conscious "trial marriage" and to include more younger people, indeed "Generally cohabiting couple families are much younger than married couple families";⁵⁹ and cohabitees still tend to be poorer and less educated than married couples. For all of these reasons cohabiting couples may be more likely to break up than married couples, though many are highly committed to the relationship. The divorce rate also grew rapidly after the change in the law, from an average of 57,089 petitions per year in 1966-70 to 121,772 in 1971-5, then rose to a peak of 165,000 in 1993 before declining, unevenly, to 128,500 in 2007 (11.0 divorcing people per 1000 married population).⁶⁰ Even more than before, wives were more likely to petition for divorce than husbands, though women were

more likely to suffer financially due to divorce. Divorce, like cohabitation, largely lost its stigma.

Divorce Law reform in 1969 was just one of an unusual cluster of legal changes at this time, including, in 1967 the legalisation of abortion and of homosexual acts in private between consenting adults over the age of 21; in the same year local authorities were empowered to provide family planning advice and contraceptives free of charge; in 1968 the Race Relations Act advanced attempts to diminish racial intolerance, and official censorship of the theatre was abolished; in 1970 came the Equal Pay Act.

Divorce reform should not be interpreted in isolation from these other changes. They were both symptoms and promoters of major international, cultural changes whose origins and effects are hard to interpret. They may be seen as ushering in a more “permissive” society of selfish, uncommitted individualists, or as promoting a culture of greater tolerance and respect, rejecting discrimination on grounds of race, gender or sexual preference, opposed to blackmailing and driving homosexuals underground and preventing women dying from backstreet abortions. As we have seen, illegitimacy, cohabitation, pre-marital pregnancy and marriage break-up had long histories in England and Wales. Their existence was acknowledged and accepted, to varying degrees, by many people and even by the law, but strongly opposed by others, as they still are. There was a taboo against open disclosure of such personal circumstances which were often closely guarded family secrets. Such secrecy was not confined to sexual matters but to other highly personal aspects of life. The death, even of close relatives, was regularly hidden from children, though it was, normally, hardly shameful. Mental illness was widely treated as a secret family shame, not publicly revealed. For whatever reason, what occurred from the 1960s was the disappearance of much of the secrecy and shame that had for so long surrounded many aspects of personal behaviour.

MARRIAGE BREAK-UP: DOMESTIC VIOLENCE

- Domestic violence was a frequent reason for marriage break-up.
- Long history but first sustained campaigns against it 1850s and 60s, led by John Stuart Mill, then Frances Power Cobbe.
- Followed campaigns against cruelty to animals. Paralleled campaigns against cruelty to children. Both controlled by law in nineteenth century, long before domestic violence.
- Women, in all classes, were trapped in violent marriages because divorce was difficult; they were often financially dependent and lost custody of children if they left marriage.
- 1839 upper class abused wife, Caroline Norton, gained change in law, allowing mothers custody of children, but only up to age seven.
- Feminist campaigns in 1920s. In 1924 women gained equal guardianship rights.
- Feminist campaigns in 1960s and 1970s led to first law against domestic violence, in 1974.
- But, like child abuse, it continues.

One such area shrouded in silence was domestic violence. The reasons for marriage break-up before and after 1969 were, of course, many. A persistent cause was domestic violence. The first known sustained campaign against this in Britain started in the 1850s, when John Stuart Mill, among others, spoke out against it, though it was known to have a much longer history.⁶¹ At the time there were many press reports of brutality to wives.⁶² In the 1860s, the feminist Frances Power Cobbe, took up the issue she called “wife-torture.”⁶³ As she acknowledged, it was unlikely to be new. It was perhaps more visible as society became more urbanised, and more women campaigned for equal rights and the protection of women. At the same time, there was increased

public awareness of violence within the family, including against children, despite considerable resistance to “intrusion” by the state into the historic rights of husbands and fathers over their wives and children, including the right to beat them. Family violence was not necessarily increasing. It may even have come into focus because other forms of violence were declining or because society was becoming less tolerant of violence of all kinds.⁶⁴ “Cruel and improper treatment of cattle” was outlawed in 1822, and extended to other animals in 1835.

Cases of child abuse, at least as terrible as any in the early twenty-first century, reported in the 1850s and 60s led to campaigns for legal action and, in 1883, to the foundation of the Society of Prevention of Cruelty to Children (later the National Society, NSPCC), consciously modelled on the RSPCA, founded in 1824. SPCC investigated cases of cruelty and sought to protect children, emphasising how much abuse went on within the family but that it was an issue not only in working class families. Their campaigning contributed to the introduction of the Prevention of Cruelty and Protection of Children Act, 1889, which made proven cruelty to children illegal for the first time and allowed children to be removed from their families to a place of safety, usually a charitable institution such as Barnardo’s. They might also be legally adopted by Poor Law guardians. The Act was tightened in 1894 and again in the Children Act 1908. This for the first time imposed penalties for neglect as well as wilful cruelty.⁶⁵ There was growing evidence of the extent of poor parenting.

The law was slower to respond to evidence of violence against women. In 1868 Cobbe, as a lead writer for a London-based newspaper, the *Echo*, noticed a number of legal cases, including the indictment of Susanna Palmer, in 1869, for wounding her husband. Palmer had been married to James Palmer for twelve years, during which time she had supported them and their four children. James had contributed just five shillings over the twelve years. He had been in prison a number

of times for acting violently towards his wife and children, but his prison experiences made him more aggressive. Susanna applied to the magistrates for a Protection Order. She was refused because her husband had not deserted her. During yet another dispute, Susanna picked up a knife to defend herself; she injured James and he brought charges against her. She was sentenced to prison, where Cobbe visited her. Cobbe discovered that an assault by a husband against a wife was considered by the courts to be an inferior offence to a wife assaulting a husband. Acts “which would amount as assault if committed against a stranger, may be legally innocent when committed by a husband against a wife” as a nineteenth century legal text put it.⁶⁶

It might be asked why Palmer put up with this treatment for so long when she was capable of supporting the family. Many women were trapped in unhappy marriages because they could not get a divorce or, at this time, even a legal separation. But another important barrier to a wife leaving her abusive husband – apart from fear of his revenge – was that she had no right to custody of her children when they were over the age of seven, and Palmer could hardly leave her children with a father who did not work and had already abused them. Hers was not an isolated case. In London in the 1850s and 1860s, in any neighbourhood of two to four hundred houses, an estimated ten to twenty men were convicted of common assaults upon women in any one year.⁶⁷ And a London social worker estimated in the 1910s that 99 percent of “wife-beating” incidents were never reported to the police.⁶⁸

Serious domestic violence was almost certainly most prevalent in poorer urban districts where lives were most desperate, though Cobbe believed that this was not because middle and upper class husbands were necessarily less violent:

Wife-beating exists in the upper and middle classes rather more, I fear, than is generally recognised; but it rarely extends to anything beyond an occasional blow or two of a not dangerous

kind. In his apparently most ungovernable rage, the gentleman or tradesman somehow manages to bear in mind the disgrace he will incur if his outbreak is betrayed by his wife's black eye or broken arm, and he regulates his cuffs or kicks accordingly.⁶⁹

She believed they were culpable also because:

the same generous-hearted gentleman, who would themselves fly to render succour to a lady in distress, yet read of the beatings, burnings, kickings and "cloggings" of *poor* women well-nigh every morning in their newspapers without once setting their teeth and saying, "This must be stopped! We can stand it no longer."⁷⁰

Rather, Cobbe believed, they treated wife-beating with a "half-jocular sympathy."⁷¹ One upper class victim was Caroline Norton, born 1808, an English society beauty who at age 19 married the aristocratic George Norton. As she later described:

We had been married about two months, when, one evening...we were discussing some opinion Mr Norton had expressed: I said (very uncivilly) that "I thought I had never heard so silly or ridiculous a conclusion." This remark was punished by a sudden and violent kick...it caused great pain for many days, and being afraid to remain with him, I sat up the whole night in another apartment.⁷²

Caroline continued to endure this treatment for nine years, while she supported the family by her writing and her husband squandered his and her income. She left him several times but always returned because she could not legally gain custody of their three sons. When she left again after a quarrel in 1835, he sent the children away and refused to allow Caroline access, as was his legal right. They separated and a court order allowed her access to the children, though not custody, but he took them to Scotland

where the law differed and the order had no force. She used her social connections and skills as a writer to campaign for the right of mothers to custody of their children. With support from male politicians, she persuaded Parliament in 1839 to grant a mother access to and custody of her children aged under seven, provided that she had not committed adultery, the furthest Parliament would go in encroaching upon the rights of the father. Mothers still could not gain custody of older children: the father was legally the sole parent. This remained so until the 1920s.

Caroline's problems were not over. Her husband reluctantly granted access to her sons, but failed to tell her when one had a fatal accident, to her great grief. Also, under then current property law, he could claim a legacy left to her by her father and successfully demand that her publishers pay him her earnings. In 1855 she gained revenge in one of the few ways open to a married woman at this time: she ran up large debts for which her husband was legally liable, turning against him her legal subordination as a wife.⁷³

The obstacles to most women leaving their husbands in the nineteenth century and before suggest that marriages which did not break-up were not necessarily stable and contented. Cruelty of wives towards husbands, in all classes, was less common but not unknown.⁷⁴ Cobbe wrote eloquently about male violence in newspapers and journals and drew together such statistics as she could find. Since assaults by husbands upon wives were not specific offences, the *Judicial Statistics for England and Wales* listed together "aggravated assaults on women and children" – 2737 in 1876, 3106 in 1875, 2841 in 1874, four-fifths of which she estimated as being assaults by husbands upon wives.⁷⁵ These were the reported cases. Many were not reported.

At the same time Cobbe helped draw up a Bill to protect abused wives. This was incorporated in an amendment to the Matrimonial Causes Act, 1878, which enabled wives whose husbands were convicted of assaulting them to gain a separation

order, maintenance payments and custody of children under the age of ten, though not if the wife was found guilty of adultery. The law was somewhat tightened up by the end of the century and it was widely used (see above).

The Royal Commission on Divorce, 1910–12, heard much evidence of domestic violence and of dissatisfaction with the law relating to it, though some witnesses cited the fact that abused wives stayed with their husbands as evidence that marital devotion outweighed the experience of violence and argued against easier divorce, though others recognised that women's financial dependence, concern for their children and fear of retribution was often the explanation.⁷⁶ The Commission also heard how hard it was for women to support themselves and their children and the inadequacy of the maintenance, for which the maximum allowed under a separation order was two pounds per week, which husbands often evaded paying.

Concern about the physical and sexual abuse of women and children continued through the inter-war years, though, like most sexual matters at this time, it was rarely publicly discussed except in coded language. The issues were taken up by newly enfranchised women. Feminists and suffragists, such as Cobbe, had campaigned against abuse and the sexual double standard, and for equal divorce rights, before women of age 30 and above gained the vote in 1918. Righting these among many other gender inequalities was seen by many of them as a reason why women needed the vote, though they were not always prominent in suffrage campaigns among the many other inequalities (including poor maternity care and unequal access to employment, pay and education) which affected the mass of women.⁷⁷

All these issues were taken up by women's organisations after 1918. The demand that women be appointed as magistrates and to juries was partly designed to ensure that women involved in marital or family cases no longer sat alone in courts otherwise wholly populated by men. The Sex Disqualification

Removal Act, 1919 allowed women to become lawyers, and to be appointed as magistrates and to juries.⁷⁸ The campaign to appoint policewomen was similarly intended both to extend women's employment opportunities and to ensure that women could report cases of assault to women, and that there were more police officers responsible for, and willing to detect and prevent, abuse of women and children. Women were slowly appointed to local forces from 1920.⁷⁹

Women's organisations helped to bring about important changes in the law. In 1922 the level of maintenance allowable under a separation order was increased and in 1925 the grounds on which a separation order could be obtained was extended to include cruelty and habitual drunkenness and women no longer had to leave the marital home in order to obtain an order. In 1925 women were enabled to apply for a court order giving them custody over their children of all ages, provided that they were legally married. This right was extended to parents of illegitimate children in 1959. Mothers acquired equal guardianship rights without the need to apply to a court only in 1973.

Cruelty to children continued to be a public, though under-recognised, issue through the later twentieth century. Domestic violence was even less acknowledged for a long time. In the 1950s and 60s police were told "not to meddle; it was a family affair and we weren't allowed to meddle in it."⁸⁰ Reports of wife-beating were not recorded as assaults and the Criminal Investigation Department (CID) often refused to be involved in reported cases. Police who wanted to assist could not prosecute; women complainants had to pursue their own action.⁸¹

The post 1968 women's movement brought domestic violence and sexual violence against women into public prominence as never before. They provided refuges to support women fleeing abusive partners, and publications such as Erin Pizzey's *Scream Quietly or the Neighbours will Hear* (1974) made a lasting impact. The House of Commons investigated the issue

in 1974–5. In 1976 the Domestic Violence and Matrimonial Proceedings Act empowered county courts to grant orders forbidding molestation of a spouse or child and excluding a spouse from the family home or part of it; powers extended to couples who were not married but had been living together on a stable basis. 170 years after men were prevented from beating their cattle they were restrained from beating their wives. Women had greater redress against domestic violence than ever before, but, like child abuse, it continues.⁸²

WIDOWHOOD

- Throughout history until twentieth century, the major reason for marriages ending in early adulthood or middle age was death.
- Men had lower life expectancy, leaving large numbers of impoverished families headed by lone mothers and boys lacking male “role-models”.
- Remarriage, more frequent for men, created complex step-families.
- Poor lone mothers and children also shared complex households with grandparents and other relatives, or with other widowed families.

Almost certainly, throughout history, more marriages were broken by death than by marital conflict. Certainly this is easier to quantify. Females have long tended to outlive males and, until the mid-twentieth century, both were more likely to die in early adulthood or middle age than in the more recent past. An estimated 24 percent of marriages contracted in the later 1730s were terminated by the death of one of the partners within 10 years, around 56 percent within 25 years. Of the cohort marrying in the 1780s, about 19 percent were ended by death within 10 years, about 47 percent within 25 years. For marriages

in the 1880s the percentages were 13 and 37 respectively. Many marriages contracted in the early years of the twentieth century were destroyed by the First World War. For the more fortunate, life expectancy gradually extended: 91 percent of marriages lasted at least 10 years and 74 percent for at least 25 years; 44 percent lasted 40 years or more. Apart from the smaller losses of the Second World War, just 5 percent of marriages of the later 1930s were ended by death within 10 years; 85 percent of couples who had not divorced (79 percent of all couples) reached 25 years. "Thereafter", comments Michael Anderson, "divorce rather than death became the great disrupter of marriages, producing in the 1980s total disruption rates very similar... to those by death alone for the 1820s."⁸³

There are no good statistics of the numbers of living widowed persons before the mid-nineteenth century. In the second half of the century, at any one time, about 2 percent of men and 3 percent of women aged 25-34 were widowed, about 4 percent of men and 8 percent of women aged 35-44, 7 percent of men and 16 percent of women aged 45-54, and 14 percent of men and 30 percent of women aged 55-64. These figures fell slowly through the nineteenth century, then faster in the twentieth, though still in 1951 7 percent of men and 22 percent of women aged 55-64 were widowed. Given that, into the early twentieth century, most married women bore children throughout their fertile years, one outcome throughout history was a significant number of children living in single parent, especially in female-headed, households. For 19 English communities at various dates, 1599-1811, Laslett showed that, on average, about 16 percent of children were living with a widowed parent who had not remarried, two-thirds with mothers, one third with fathers; 5 percent were living with a remarried parent and step-parent.⁸⁴

Widowers were more likely to re-marry than widows. In the sixteenth century an estimated 30 percent of all those marrying

were widows or widowers.⁸⁵ By the mid-nineteenth century about 15 percent of men and 9 percent of women marrying were widowed; 8.9 percent and 6.6 percent respectively in the early 1900s. One outcome was numerous complex families including stepchildren and step-siblings.

At all times, including the twentieth century, it seems to have been less common for widowers than for widows to bring up their children alone. It was difficult to combine childrearing with the long hours of work needed for working class people to support a family. Better-off widowers could employ servants to care for their children, although it was probably more common for an unmarried female relative to join the household. This might occur also in the households of working class widowers; or the children might move into the homes of grandparents or other relatives, as was not uncommon in poor families, even when both parents survived but were too poor to cope. Better-off widows might be well-provided for and able to employ servants. Most women would struggle to earn enough to support their children, even if they had childcare, most probably from relatives. Widows might share a home with their mothers, often widowed themselves, who cared for the children while she worked. If no family support was available, the only resort before 1925 was the Poor Law, which might provide sufficient cash “relief” to enable the family just to survive, or insist that they all enter the workhouse, or take just the children into the workhouse, enabling the widow to work sometimes, leaving her with one child to support, lest she forget her maternal obligations.⁸⁶

The precise numbers are hard to reconstruct, but it is clear that at least until the early twentieth century, due to the early deaths of parents as well as other causes of family break-up, very many children grew up in struggling families, often female-headed, with many boys lacking “male role models”, and that there were many complex households.

BIRTHS

- Birth rates low in early eighteenth century and before.
- Rose 1750s-1820s. Average births per family: six.
- Decline 1870s-1930s, in birth rate and family size, international in higher-income countries, probably due to economic and cultural change. Fall in infant mortality.
- 1930s-1950s, panic about low birth rate and ageing population. Average family size: two to 1960s.
- Birth rate rose again World War Two - late 1960s: higher marriage rate, higher living standards.
- Premarital sex probably normal from at least the mid-eighteenth century. From 1939 official statistics of premarital pregnancy exist for the first time: almost 22.5% brides were pregnant at marriage.
- Declining birth rate, 1968 to lowest ever level in 2001.
- Then rise to near- replacement rate, sustained to present.
- Early twentieth century more people in old age had a surviving child than at any time in history.

i) Birth rate

Birth rates were low, by European standards, in eighteenth century England and before, rising from 1750s, peaking in the 1810s and then stabilising at moderately high levels until the 1870s, when there was a gradual decline to an historically exceptionally low point in the 1930s. This decline was common to much of western Europe causing widespread concern.⁸⁷ There was anxious talk by prominent figures – such as William Beveridge – of a “twilight of parenthood” and the looming costs to a shrinking younger generation of the “menace” of ageing populations, since life expectancy was rising simultaneously. The panic subsided in the 1950s when it became evident that the birth rate was rising again, only to recur from the 1980s.⁸⁸

The reasons for the decline from the 1870s are unclear and there were significant regional divergences which affected different social groups more or less simultaneously.⁸⁹ Birth rates tend to fall as women become more educated and independent, as was the case in England and Wales, gradually, from the later nineteenth century. At the same time infant and child mortality rates underwent a historically unprecedented decline. For the first time in history, parents could begin to assume that any child might survive from birth to adulthood. Both middle and working class families recognised that with fewer children they could achieve higher living standards. By the inter-war years, working class families could, for the first time, hope that their children could realistically aspire to upward mobility through improved education and occupational opportunities, and that with fewer children they could give them better opportunities.⁹⁰ New methods of contraception (caps, more comfortable condoms) became available from the later nineteenth century, but the most popular methods of birth control through to the 1950s, especially for working people, continued to be the age-old *coitus interruptus* and abstinence, suggesting that birth rate decline was driven by social, cultural and economic rather than technological influences.⁹¹

During World War Two the birth rate began to rise again, which, to the surprise of demographers, was sustained throughout the 1950s and 60s, although there was no return to nineteenth century levels, or even to those of the first quarter of the twentieth century, and no “baby-boom” to match that in the US. Immediately after the war when the increase was greatest, the most likely reasons for the rise were delays in marriage and starting families due to the absence of men at war; thereafter, continued higher marriage rates, full employment and growing prosperity.

The rise in births was common to most higher income countries at this time, though the most evident “boom” in births was in the US, Canada, Australia and New Zealand, all of which experienced increased immigration, mainly from Europe,

after the war, which had damaged them less than many other countries. Births per 1000 population in the US fell from 30 in 1909 to 18.5 in 1934, rising to 26.5 in 1949.

Birth rates per 1000, England and Wales

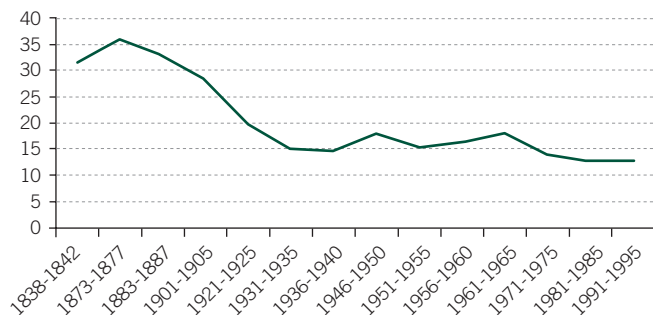


Figure 3. Sources: B. R. Mitchell and P. Deane, *Abstract of British Historical Statistics* (CUP 1962) pp. 29-30; A. H. Halsey and J. Webb, *Twentieth Century British Social Trends* (Macmillan, 2000) p. 34.

Total Fertility Rate (TFR) in the UK

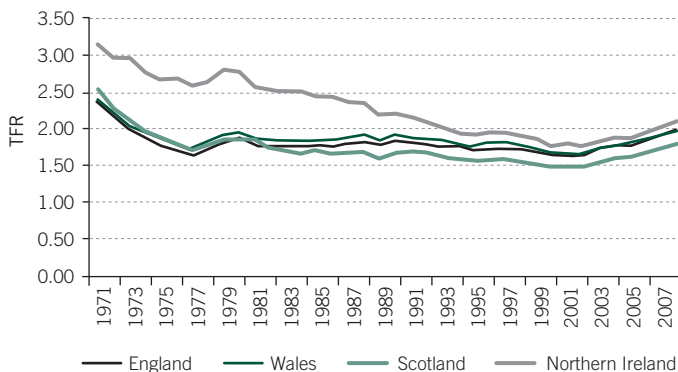


Figure 4. Source: ONS, *Social Trends 40*, p. 7.

From around 1968 began what, again, seemed like an inexorable decline in birth rates. Again, this was international in higher income countries. The reasons probably include the availability of the pill, widely believed to be a safe and effective method of contraception, combined with real improvements in women's educational and employment opportunities which led many, especially middle class, women to delay childbirth until they had completed their education and were established in occupations. However, the most rapid decline came in England and Wales from the mid 1970s through the 1980s when it may also have been driven by unemployment and the growing cost-of-living, especially of housing.⁹² The birth rate decline led, as it had in the 1920s and 1930s to international panic about the looming "burden" of older generations on a shrinking younger generation.⁹³

Taking a different measure of changing fertility, the Total Fertility Rate (TFR), which calculates average family size in relation to the rate of childbearing among women, reached its lowest level in England and Wales of 1.63 children per woman in 2001 (in 1931-5, the lowest point previously recorded, it was 1.80). Then, again to general surprise, came a sustained turnaround. In 2008 the TFR in England and Wales was 1.96 (2.11 in N. Ireland).⁹⁴ This was driven by higher fertility among women in their thirties and forties and the increasing proportion of non-UK-born women of childbearing age. It occurred without any apparent change in the marriage and cohabitation practices of the UK-born population. Non-UK-born mothers were more likely to be married.⁹⁵

ii) Family size

Family size also changed over time. Between the 1770s and the mid-nineteenth century, the average number of children born per woman was around six. From the 1870s the number fell gradually to an average of two by the 1930s. However, the number of children in each family surviving to age 25 averaged

only between three and four in the mid-nineteenth century and the infant mortality rate more than halved in the first 40 years of the twentieth century. While women born after World War One averaged about one third of the number of children of women born in the late eighteenth and early nineteenth centuries, the number of children surviving to adulthood fell by only about 40 percent.⁹⁶

Family size became increasingly concentrated in smaller numbers. In the 1870s, and probably at most previous times, it was widely dispersed: no one size category contained more than 10 percent of families; more than 5 percent fell in all categories from 0 to 10.⁹⁷ In more than one in ten families, eleven children or more were born: more than a quarter of all births. By the 1930s, continuing to the 1960s and beyond, there was a more uniform norm of two children per family.

Increasingly births were concentrated early in marriage – sometimes very early. In 1939, for the first time, the Registrar General investigated the number of first births conceived before marriage. His *Statistical Review of England and Wales for the Years 1938 and 1939*, estimated, to widespread surprise, that almost 30 percent of all first children born in 1938-9 had been conceived out of wedlock. This was based on the number of babies born within eight-and-a-half months of the parents' marriage, plus the smaller number of "illegitimate" births (see below), as recorded on the birth certificates. Some babies might have been premature, and the certificates did not always record the date of marriage, often intentionally to hide a premarital conception.⁹⁸ It was compulsory to do so in Scotland, but not in England and Wales. The Registrar General believed that these omissions were statistically counterbalanced by omissions of children born in the last two weeks of the normal term of pregnancy, i.e. between eight-and-a-half and nine months. He calculated that 22.5 percent of brides were pregnant before marriage. Among mothers under 20, at least 42 percent of first births had been premaritally conceived;

31 percent among those aged 21, 22 percent at 22, 10 percent at 25-9, and 8 percent at 30-4. Later *Statistical Reviews* showed that the percentage of all babies conceived out of wedlock fell from 14.6 percent of births in 1938, to 11.8 percent in 1943, before rising again to 14.9 in 1945.⁹⁹ The proportion of “illegitimate” births rose, especially in the last year of war, but not substantially (see below).

The relatively high levels of premarital conception continued through the 1950s and 1960s. In 1957 20.4 percent of all brides aged under 45 were pregnant,¹⁰⁰ returning to the 1938 level of 22 percent in 1965.¹⁰¹ The number fell to 10 percent in 1992, largely because rates of marriage fell and cohabitation increased. Premarital conceptions among women under 20 were 47.9 percent in 1945, 56.4 percent in 1955, 57.1 percent in 1965 and 33.2 percent in 1996.¹⁰²

The premarital conception rates of the 1930s-60s appear to have been historically rather low. In the early nineteenth century, in the decade of peak fertility, an estimated 20 percent of first births were illegitimate and over half of all first births were probably conceived outside marriage;¹⁰³ indeed it is likely that “premarital sex was a normal (though perhaps more or less normal at different points in time) part of the courtship process for very large sections of the population”, from at least the mid-eighteenth century.¹⁰⁴ The historical evidence suggests that we should treat with caution such comments as: “for at least 750 years [in England]...if a man gets a woman pregnant before [marriage] he may well have to marry her but they tend to avoid full sex settling instead for elaborate forms of heavy petting”, “for much of our history and for most people full sexual activity was delayed” until “by the 1960s we were having more sex and earlier.”¹⁰⁵

Over the twentieth century, people in England and Wales, whether married or not, whether their children were conceived within marriage or not, became more likely to be the parent of at least one child who survived to their old age than at any time in history.¹⁰⁶

ILLEGITIMACY

- Rising levels of “illegitimacy” c1750–late nineteenth century.
- Then fell, except during First and Second World Wars. Wartime rises mainly due to separation of couples who would otherwise have married.
- Post Second World War decline, but only to mid-nineteenth century level.
- Rise from 1960s, at its steepest in 1980s. 1996: one third of all births “illegitimate”, mainly due to unmarried cohabitation; also, 78 percent of illegitimate births jointly registered by unmarried parents.
- 1987 the term “illegitimate” removed by law from official discourse.

Percentage of births outside marriage in
England and Wales, 1845-2007

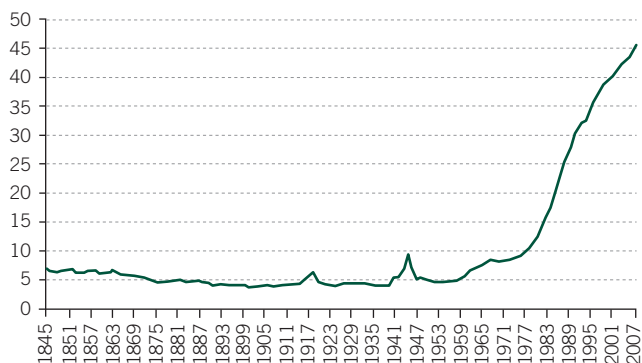


Figure 5. Source: ONS, *Social Trends 40*, p. 24.

Until the 1970s, illegitimate and legitimate birth rates followed similar trajectories: they rose and fell together, both rising between c.1750 and 1850 and falling from the later nineteenth

century to the 1930s, suggesting that they were influenced by similar factors. In 1846-50, 67 in every 1000 live births were illegitimate. The figure fell steadily to 40 in 1906-10. During World War One it rose to 53.9 in 1916-20.¹⁰⁷ This was probably due to marriages being prevented or delayed due to the absence or death of men at war rather than, as was assumed at the time, to licentious behaviour by young people liberated by wartime conditions. Until the 1930s, there were more illegitimate births in some rural than in urban areas: in 1900 6 percent of all births in North Wales, Norfolk, Hereford and Shropshire, compared with c 3.6 percent in London, Lancashire, Stafford.¹⁰⁸

Illegitimacy rose again in World War Two. This time the Registrar General had statistics to hand to try (unsuccessfully) to calm moral panic. He calculated that the number of babies conceived out of wedlock (both illegitimate and legitimate) fell from 14.6 percent of all births in 1938 to 11.8 percent in 1943, before rising to 14.9 in 1945.¹⁰⁹ Premarital pregnancies fell, between 1939 and 1945, from 60,346 to 38,176, while the number of illegitimate births rose, 26,569 to 64,743. There is no means of knowing how many of these were legitimated when their parents were reunited after the war and able to marry.¹¹⁰ The Registrar General concluded that the explanation for the rise in illegitimate births:

is almost unquestionably to be found in the enforced degree of physical separation of the sexes imposed by the progressive recruitment of young males into the Armed Forces and their transfers to war stations at home and abroad, rendering immediate marriage with their home brides increasingly difficult- and, in the case of many- quite impossible ...

...To the extent to which this is the explanation, the lapse will often have been of a temporary character only, since it is to be presumed that in many, probably a large proportion, of

the cases where the parents were reunited after the war they will have married and thereby legitimated many of the children registered as illegitimate and secured to them the normality of home life and upbringing of which they might otherwise have been deprived...

...Taking the six war years as a whole the average increase of 6 percent in the total number of irregularly conceived births will hardly be regarded as inordinate, having regard to the wholesale disturbance to customary habits and living conditions in conjunction with the temporary accession to the population of large numbers of young and virile men in the Armed Forces of our Dominions and Allies.¹¹¹

The number of live births registered as illegitimate remained until the end of the 1950s at very low levels not seen since the 1860s: 54.9 per 1000 live births in 1946-50, and 50.1 in 1956-60. Thereafter they rose rapidly: 69 in 1961-5, 86.8 in 1971-5, and 104.6 in 1976-80.¹¹² The rise was steeper still in the 1980s. By 1993 more than one third of all births in England and Wales occurred outside marriage.¹¹³ The term “illegitimate” was removed from official discourse, including that of official statistics, by the Family Law Reform Act 1987.

The main reasons for “illegitimacy” over centuries before the 1960s were unmarried cohabitation (see above), mistakes, often by young women deceived by married men, and geographical mobility, when the man had moved on before the pregnancy was identified, often leaving the mother unable to prove paternity or get support from the father. These continued, but, from the 1970s, a growing proportion of “illegitimate” births were jointly registered by unmarried parents, suggesting that they were in a stable relationship and that the father acknowledged parenthood: 49 percent in 1975, 61.3 percent in 1983, 71.2 percent in 1989, and 78.1 percent in 1996.¹¹⁴

HOUSEHOLD AND FAMILY STRUCTURES

- Average household size small in pre-industrial England and elsewhere in northern Europe, consisting of two generations, due to high death rates and high rates of geographical mobility.
- Older people's preference for independent living until too frail to cope alone.
- High proportion of older people without children surviving or living within reach.
- More complex, three generation households in nineteenth century industrial centres.
- Twentieth century trend to generations living apart, but changes over the family life-course. More complex, three and four generation, families.

Average household size in Great Britain

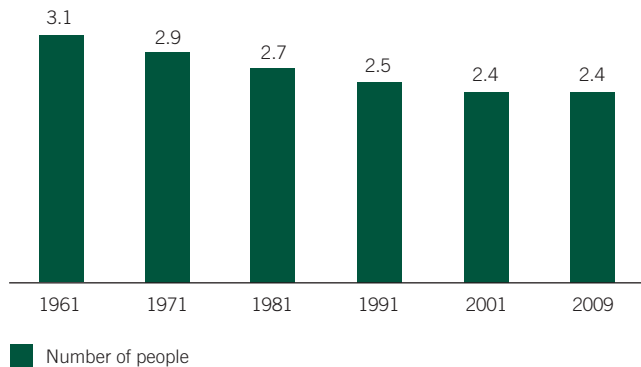


Figure 6. Source: ONS, *Social Trends 40*, p. 14.

Contrary to a one-time sociological orthodoxy that in “pre-industrial” societies most people lived in large, complex family groups, Laslett established in the mid 1960s that in England such households had never been common. He concluded from the rather sparse available data from household listings of 100 English communities, 1574–1821, that mean household size had remained more or less constant at around 4.75 from the sixteenth century until the end of the nineteenth century; though he pointed out that a majority of the population lived in households of six or more, often including servants, who might also be relatives. Households generally consisted of just two generations, parents and children.¹¹⁵ Subsequent research has found this pattern not to be peculiar to England, but quite common historically in northern Europe and, current research shows, in parts of eastern Europe also.¹¹⁶

This should not be too surprising given, in particular, high death rates before the twentieth century, which meant that it was unlikely that three generations of a family would be alive together for more than, at most, very few years. High rates of geographical mobility in England over the same long time period reduced the likelihood of co-residence among vertical and lateral kin. Also, there is strong evidence that in many countries, even in medieval Europe, and for long after, older people preferred to maintain their own household for as long as they were able even if they had adult children willing to give them a home, due often to a preference for independence or sometimes to concern about loss of power and control if they gave up their own homes. *King Lear* is a re-working of popular folk tales warning of the danger to older people of giving themselves and their property into the care of their children, and also, in the person of Cordelia, a reminder that not all children were treacherous.¹¹⁷ It was also rational for people to plan for the strong possibility that when they reached old age their children might have migrated far away in search of work

or that they would have no surviving children. The latter was true of an estimated one-third of women reaching age 65 in the sixteenth and seventeenth centuries, falling to below 20 percent by the late eighteenth century.¹¹⁸ Contrary to widespread belief, it was not unusual to live to old age in “the past”. In the late sixteenth century about 7 percent of the English population was aged 60 or above, about 9 percent a century later, 10 percent in the early eighteenth century.¹¹⁹ Older people with surviving children might move to live with them if they became unable to care for themselves, often for a short time before death, if there was space in often over-crowded homes. Similarly a widowed, deserted or impoverished woman might move to share a parent’s or relative’s home, as might orphaned grandchildren or children whose parents could not afford to support them.

Households consisting of adults of two generations became rather more common, at least in some regions of England and Wales, by the mid-nineteenth century, partly due to increasing longevity, partly to economic change, when grandmothers joined their migrant children in cotton manufacturing districts to care for children while mothers as well as fathers worked in the mill.¹²⁰ In the twentieth century, especially from the 1950s, there was an even stronger trend to smaller households and the generations living apart; more people could afford independent space. But complex shifts continued over the life-course, as they always had, including older people joining the households of younger relatives late in life and younger ones returning to their parents’ households following crises such as divorce.¹²¹ Families and households have become more complex over the past century, as more people survived to later ages. By the later twentieth century three-generation families were normal – not generally living in the same household – and four-generation ones increasingly common.¹²²

RELATIONSHIPS BETWEEN GENERATIONS

- Family relationships remain close even when relatives do not share a household.
- Long tradition of relatives living nearby and exchanging regular support.
- Mutual support between generations: older often give more to younger generations, possibly an increasing trend.
- Modern technology enables exchange between distant relatives.
- Public welfare supplements, rather than substitutes, for family support.

At all times we should be wary of making interpretations about family relationships from household arrangements. Relationships between close relatives have never ceased, or necessarily weakened, when they no longer shared a household: “kinship does not stop at the front door” as Anderson put it.¹²³ Relationships may indeed be warmer when relatives do not share space, given the tensions that can arise from constant contact. There is abundant evidence through centuries of relatives living not together but within reach and in regular contact, of separately residing children helping elderly parents with household tasks and health care or financially, grandparents looking after grandchildren and/or supporting them and adult children financially and in kind. Care and support has always occurred downwards as well as upwards though the generations.¹²⁴ Studies of a sample of British people aged 55-75, mainly not living with younger relatives, in the late twentieth century showed that:

Between two-thirds and three-quarters of parents ...were involved in some sort of exchange relationship with at least one of their children. Generally more Third Age parents

were providers than recipients of help, but there was a strong reciprocal element to intergenerational exchange... Parental characteristics associated with higher probability of providing help included higher income, home ownership and being married or widowed rather than divorced. Higher income and home ownership were, however, negatively associated with odds of receiving help from a child... suggesting socio-economic differences in the balance of support exchanges... help from a child was positively associated with older parental age... in Britain, as in the USA, the balance of intergenerational exchanges involving Third Age adults is downward rather than upward, in contravention of depictions of older adults as 'burdens' on younger generations.¹²⁵

A similar pattern can be found in England throughout recorded history.

The demands of younger upon older generations are likely to increase in future given high housing prices, the risks of partnership breakdown and the costs of higher education, now that more young people attend university than ever before (over 40 percent aged 18-21 compared with about 4 percent in the early 1960s, 7 percent in the early 1970s) and enter the workforce at later ages than ever before. Among less prosperous older parents it has recently been shown how much childcare is provided by grandparents, especially in lower income families, often at real costs to themselves, including giving up their own jobs to support their working children by caring for their children.¹²⁶ Contact and exchange between the generations remains close in very many families, despite persistent assertions to the contrary and despite geographical distance. Modern technology – telephones, and increasingly the internet – can and do keep even distant relatives in close touch, while motor and air transport can and do bring them together when needed. Modern evidence suggests that the long continuity of reciprocal

support among close relatives who do not co-reside has long been supplemented rather than replaced by public welfare, from the Old Poor Law to the Modern Welfare State, which has always been targeted mainly on the poorest families.¹²⁷

MORAL PANICS ABOUT THE FAMILY

- There is a long history of moral panics about the disintegration of the family and its association with disintegration of society.
- There are examples from nineteenth century and from post-Second World War England, despite historically low rates of marriage break-up.
- The persistence of such panics could suggest scepticism when they recur.

The belief that the family is disintegrating as never before, deteriorating from some romanticised past, and society with it, has a long history. As industrialisation and urbanisation grew in the early nineteenth century, a Manchester doctor claimed:

The chastity of marriage is but little known or exercised; husband and wife sin equally, and an habitual indifference to sexual rights is generated, which adds one other item to assist in the destruction of domestic habits.¹²⁸

Benjamin Disraeli wrote in 1845:

There are great bodies of the working classes of this country nearer the condition of brutes than they have been at any time since the Conquest...Incest and infanticide are as common among them as among the lower animals. The domestic principle wanes weaker and weaker every year in England.¹²⁹

Friedrich Engels may not have agreed with Disraeli on everything, but he expressed similar views: “next to intemperance in the enjoyment of intoxicating liquors, one of the principal faults of English working men is sexual license.”¹³⁰ Engels attributed these real problems to poverty and extreme social inequality, above all, as did the less politically radical pioneering Medical Officer to the City of London in the 1870s, Sir John Simon, among others.¹³¹

After World War Two, the extreme poverty of the nineteenth century had been eradicated and, as we have seen, the number of long-lasting marriages in England and Wales was never higher, before or after. Yet, the Assistant Bishop to the Archbishop of Canterbury published a pamphlet, *The Breakdown of the Family* (1949), claiming that “the life of the family is seriously threatened” because “people make greater demands on one another in married life”; “easy divorce has changed the attitude of people to marriage” and “the conditions of modern industrial life threaten the family.” The High Master of St Paul’s School wrote in the *Sunday Times* in 1956 that:

When the late Archbishop of York declared that the home is the greatest casualty of our time, this warning was endorsed by the experience of priests and probation officers, of teachers and magistrates, and even of those politicians whose economic policies have stimulated this gradual dissolution of home life.¹³²

An influential social policy textbook at the time claimed that “the most urgent problems which confront sociologists, social administrators and workers today are such symptoms of a sick society as the increasing number of marriage breakdowns.”¹³³ Another academic lamented:

widespread moral collapse and domestic disintegration... the fundamental nature and purpose of marriage has been lost in

a struggle for equality and social justice in isolation from the biological and domestic context in which, in its natural setting, the institution of marriage occurs.

The bureaucratic Welfare State is too large and too impersonal to inculcate that instinctive loyalty which binds together members of the family or group in a sense of common duty to each other and to society of which they are an integral part...this crucial ethical factor is largely inoperative in modern society.¹³⁴

A grammar school headmaster claimed in 1961, "It seems to me that the father figure has lost much of his awe and all of his majesty."¹³⁵ Some blamed the "emancipation" of women.¹³⁶

In 1962 the sociologist Ronald Fletcher was moved to gather evidence that the family had never been stronger in reaction to what he regarded as such "high-handed and pompous condemnations."¹³⁷ Fletcher made a powerful case that "The family has *not* declined. The family is *not* less stable than hitherto. The standards of parenthood have not deteriorated", and that where families had difficulties they were due above all to socio-economic disadvantage.¹³⁸ He acknowledged, convincingly, that many families had problems but fewer, not more, than in the past.

Historical examples of moral panic about the family can be multiplied. They might suggest scepticism whenever they recur.

CONCLUSION

- Families have always been diverse and changing, and change continues.
- No golden age of universal stable families.
- Poorest families have always found it hardest to achieve stability and harmony, suggesting that socio-economic inequality may be a more important challenge than features of the family itself.
- No evidence of a relationship between family patterns and practices and wider social problems.

Families are changing. They always have, collectively and over the life course of each family. Families have always been diverse, and society in England and Wales has become increasingly culturally diverse in recent decades, with increased immigration of people from cultures with different family traditions. There was no golden age, when the mass of the population lived contentedly in long-lasting, stable, two-parent nuclear families, extra-marital sex and family violence were almost unheard of and most older people were nurtured by adult children more prosperous than they. The golden age came closest in the 1950s and early 1960s, at least in terms of long-lasting marriages. What went on within those marriages, or in marriages at any time, is less certain. The divorce rates that followed the liberalisation of the divorce law in 1969, and the rush to abandon marriage for cohabitation by the children of these post-war marriages, suggests that it may not altogether have been a rare period of more or less universal, harmonious family life.

Throughout this survey it has appeared that poor families have greater difficulty sustaining stability and harmony, which may suggest that socio-economic inequality is a more important challenge than change in the family itself.¹³⁹ It has

also emerged that there is no systematic historical evidence of a relationship between family patterns and practices and wider social problems- such as violence and poor educational performance- except possibly that, in recent decades, increased cohabitation, divorce and unmarried parenthood have occurred in parallel with stable or falling levels of crime and greatly improved educational performance overall, especially among girls (although least among the poorest boys and girls). But, of course, correlation is not the same as cause.

ENDNOTES

- 1 E.g. D. Willetts, *The Pinch* (London, Atlantic, 2010) Ch.1.
- 2 E.A. Wrigley and R. S. Schofield, *The Population History of England, 1541-1871: A Reconstruction* (Cambridge, Cambridge University Press, 1989).
- 3 S. Cretney, *Family Law in the Twentieth Century. A History* (Oxford, Oxford University Press, 2005), p. 19.
- 4 Ibid. p. 4-5.
- 5 Ibid. pp. 4-19.
- 6 Report on 1851 Census. Vol. 1. p. 1.
- 7 O. R. McGregor, *Divorce in England* (London, Heinemann, 1957), pp.1-22.
- 8 C. Archbold, 'General Principles and Recent Developments in Northern Ireland Family Law' in A. Bainham (ed.), *The International Survey of Family Law, 1996* (The Hague, The International Society of Family Law, 1998), p. 300-1.
- 9 [sdhttp://www.statistics.gov.uk/cci/nugget.asp?id=170](http://www.statistics.gov.uk/cci/nugget.asp?id=170), www.nisra.gov.uk/demography/default.asp2.htm Accessed 5 April 2010.
- 10 On Scotland on I am grateful to Professor Eleanor Gordon and Dr Anne-Marie Hughes, University of Glasgow, for sharing their current work with me.
- 11 I owe this information also to Gordon and Hughes.
- 12 D. Coleman, 'Population and Family' in A. H. Halsey and J. Webb (eds.), *Twentieth Century British Social Trends* (London, Macmillan, 2000), p. 59.
- 13 L. Leneman and R. Mitchison, 'Scottish Illegitimacy Ratios in the Early Modern Period' in *Economic History Review*, 2nd series, 40 (1987), pp. 41-63; A. Blaikie, E. Garrett, R. Davies, 'Migration, Living Strategies and Illegitimate Childbearing: A Comparison of Two Scottish Settings, 1871-1881' in A. Levene, T. Nutt, S. Williams, *Illegitimacy in Britain, 1700-1920* (London, Palgrave, 2005).

- 14 M. Anderson, 'The social implications of demographic change' in F. M. L. Thompson (ed.) *The Cambridge Social History of Britain 1750-1950*, Vol. 2. (Cambridge, Cambridge University Press, 1991), p. 35.
- 15 Ibid. p. 41.
- 16 Ibid. p. 37; Coleman, 'Population' p. 55.
- 17 R.S. Schofield, 'English Marriage Patterns Revisited', *Journal of Family History* 10 (1985).
- 18 J. Lewis, *The End of Marriage?* (Cheltenham, Edward Elgar, 2001) p. 30; ONS, *Social Trends*, 40, p. 12.
- 19 Lewis, *The End?*, p. 34.
- 20 P.Thane and T. Evans, *Sinner? Scrounger? Saint? Unmarried Motherhood in Twentieth Century England* (Oxford, Oxford University Press, forthcoming, 2012), Ch. 1.
- 21 V.Wimperis, *The Unmarried Mother and Her Child* (London, George Allen and Unwin, 1960), p. 29.
- 22 C. Booth, *Life and Labour of the People in London. Final Volume. Notes on Social Influences.* (London, Macmillan, 1903) pp. 41-2.
- 23 Ibid. *Volume 1. Religious influences.* pp. 55-6.
- 24 S. Parker, *Informal Marriage, Cohabitation and the Law, 1750-1989* (London, Macmillan, 1990), p. 75.
- 25 E. Ross, *Love and Toil. Motherhood in Outcast London, 1870-1918* (Oxford, Oxford University Press, 1993), p. 64.
- 26 R. Probert, 'Cohabitation in Twentieth Century England and Wales: Law and Policy' *Law and Policy*, Vol. 26, No. 1 Jan 2004, p.14.
- 27 Ibid. p. 15.
- 28 Ibid. p.16.
- 29 G. S. Frost, *Living in Sin. Cohabiting as Husband and Wife in Nineteenth Century England* (Manchester, Manchester University Press, 2008), p. 1.
- 30 Ibid. p. 11.
- 31 Ibid. pp. 18-23. Cretney, *Family Law*, pp. 516-7.
- 32 Cretney, *Family Law*, p. 516.
- 33 For discussion of cohabitation in the twentieth century see Tanya Evans 'The other woman and her child. Extra-marital affairs and

- illegitimacy in twentieth century Britain' *Women's History Review* Vol. 20, No. 1 Feb 2011, pp. 47-66.
- 34 Frost, *Living in Sin*, Sic passim.
- 35 Ibid. pp. 169-224.
- 36 R. I. Morgan, 'The Introduction of Civil Legal Aid in England and Wales' *Twentieth Century British History*, Vol. 5, 1994, 38-76; Cretney, *Family Law*, pp. 312- 318.
- 37 Cretney, *Family Law*, p. 287.
- 38 Ibid. p. 252.
- 39 R. Phillips, *Putting Asunder; A History of Divorce In Western Society* (Cambridge, Cambridge University Press, 1988).
- 40 *Royal Commission on Divorce and Matrimonial Causes. Report.* CD. 6478 (London, HMSO 1912), para. 234.
- 41 Pamphlet, *The Divorce Law Reform Union's Objects and Aims*, Papers of Helena Normanton, The Womens Library/7HLN/B/01.
- 42 De Montmorency, JEG rev. H. Mooney, 'Barnes, John Gorell, first Baron Gorell (1848-1913) *Oxford Dictionary of National Biography* (Oxford, Oxford University Press, 2004); Cretney, *Family Law*, p. 275.
- 43 McGregor, *Divorce*, pp. 28-9.
- 44 Ibid. p. 29; J. Lewis 'Marriage' in I. Zweinger-Bargielowska (ed.), *Women in Twentieth-Century Britain* (Harlow: Pearson Education Ltd, 2001), p. 72.
- 45 *Report on the Administration of the National Relief Fund up to 31st March 1915* . Cd 7756 *Parliamentary Papers*, 1914-16, p. 5.
- 46 Departments of State and Official Bodies *Separation Allowances for Dependants of Unmarried Soldiers (or Widowers) during the War.* Nov seventeenth, 1914. quoted Probert 'Cohabitation' n. 8 p. 29.
- 47 *National Relief Fund* p. 14.
- 48 Ibid. p. 54, 67-8.
- 49 Parker, *Informal Marriage*, p. 89-90.
- 50 Ibid; Cretney, *Family Law*, p. 520
- 51 *Hansard*, House of Commons, Vol. 210 col. 1970.
- 52 J. Klein, 'Irregular marriages: unorthodox working class domestic

- life in Liverpool, Birmingham and Manchester, 1900-1939' *Journal of Family History* (No. 2, 2005) pp. 210-229.
- 53 Wimperis, *Unmarried Mother*, p. 68-9.
- 54 The discussion of divorce law reform which follows draws mainly upon Cretney, *Family Law*, pp. 319 -91. Cretney, *Family Law*, p. 323 n. 24.
- 55 *Ibid.* p. 352.
- 56 *Ibid.* p. 320.
- 57 *Ibid.* 379 n.392.
- 58 *Social Science and Family Policies*. Report of a British Academy Working Group, Chair Sir Michael Rutter (2010) p. 46.
- 59 ONS 'Overview of Families' 4 October 2007: www.statistics.gov.uk/cci/nugget.asp?id=1865 Accessed 10 April 2010.
- 60 *Social Trends* 40 p. 12.
- 61 As discussed in E. P. Thompson, 'Rough Music: Le Charivari Anglais', *Annales*, 1972, vol. 27, pp. 285-312.
- 62 A. J. Hammerton, *Cruelty and Companionship. Conflict in Nineteenth-Century Family Life* (London, Routledge, 1992), pp. 27-29.
- 63 F. P. Cobbe, 'Wife-Torture in England', *The Contemporary Review*, Vol. XXXII, April-July 1878, pp. 55-87.
- 64 Hammerton, *Cruelty*, pp. 15-16; V. A. C. Gatrell and T. B. Hadden, 'Criminal Statistics and their interpretation' in E. A. Wrigley (ed.), *Nineteenth Century Society*, (Cambridge, Cambridge University Press, 1982), pp. 336-96.
- 65 G. Behlmer, *Child Abuse and Moral Reform in England, 1870-1908* (Stanford University Press, 1982); L. Jackson, *Child Sexual Abuse in Victorian England* (London, Routledge, 2000).
- 66 Quoted in L. Williamson, *Power and Protest. Frances Power Cobbe and Victorian Society* (London, Rivers Oram, 2005), p. 81.
- 67 N. Tomes, "Torrents of Abuse": Crimes of Violence Between Working Class Men and Women in London' *Journal of Social History*, 1978, Vol. 11, No. 3, p. 330; V. A. C. Gatrell, 'The decline of theft and violence in Victorian and Edwardian England' in V. A. C. Gatrell, B. Lenman, G. Parker (eds.), *Crime and the Law: The Social*

- History of Crime in Western Europe since 1500* (London: Europa, 1980), pp. 284-301.
- 68 A. Martin, 'The Mother and Social Reform' *The Nineteenth Century and After*, 73 (May 1913), pp. 1071-72.
- 69 Cobbe, 'Wife Torture', p. 58.
- 70 Ibid. p. 56.
- 71 Ibid. p. 57. Also, see cases described by Hammerton, *Cruelty*, pp. 107- 118.
- 72 J. Perkin, *Victorian Women* (London, John Murray, 1991), pp. 114-5.
- 73 M. Finn, *The Character of Credit. Personal Debt in English Culture, 1740-1914* (Cambridge, Cambridge University Press, 2003).
- 74 Hammerton, *Cruelty*, pp. 5, 46-7, 87-8, 111-2.
- 75 Cobbe, 'Wife-Torture' pp. 70-1.
- 76 Hammerton, *Cruelty* p. 43.
- 77 A. Logan, *Feminism and Criminal Justice. A Historical Perspective* (London, Palgrave, 2008), pp.30,143-4.
- 78 Ibid.
- 79 Louise Jackson, *Women Police. Gender, Welfare and Surveillance in the Twentieth Century* (Manchester, Manchester University Press, 2006).
- 80 Ibid. p. 184,
- 81 Ibid.
- 82 Cretney, *Family Law*, pp. 752-6.
- 83 Anderson, 'Social implications', p. 29- 32.
- 84 Ibid. p. 50.
- 85 Wrigley and Schofield, *Population History*, p. 258.
- 86 P.Thane, 'Women and the Poor Law in Victorian and Edwardian Britain' *History Workshop Journal*, No. 6 1978, pp. 29-51.
- 87 M.-S. Quine, *Population Politics in Twentieth Century Europe*, (London, Routledge, 1996).
- 88 P. M. Thane, 'The debate on the declining birth-rate in Britain: the 'menace' of an ageing population, 1920s-1950s' *Continuity and Change* 5 (2), 1990, pp. 283-305.
- 89 E. Garrett, A. Reid, K. Schurer, S. Szreter, *Changing Family Size in*

- England and Wales. Place, Class, Demography, 1891-1911* (Cambridge, Cambridge University Press, 2001).
- 90 Mass Observation, *Britain and Her Birth-Rate* (London: John Murray, 1945), pp. 21-5.
- 91 S. Szreter and K. Fisher, *Sex Before the Sexual Revolution: Intimate Life in England, 1918-1963* (Cambridge, Cambridge University Press, forthcoming 2010).
- 92 Coleman, 'Population', p. 34.
- 93 World Bank, *Averting the Old Age Crisis. Policies to Protect the Old and Promote Growth* (Oxford, Oxford University Press, 1994); Thane, 'The 'menace'.
- 94 www.statistics.gov.uk/cci/nugget.asp?id=369. Accessed April 7 2010. A TFR of 2.1 is required to replace two parents, with a small allowance for mortality.
- 95 *Social Trends* 40, p. 12.
- 96 Anderson, 'Social implications', p. 39; Coleman, 'Population', p. 97.
- 97 Anderson, p. 41
- 98 *Papers of the Royal Commission on Population*, Vol. 11, Reports and Selected Papers of the Statistics Committee (London, HMSO, 1950), p. 136.
- 99 S.M. Ferguson and H. Fitzgerald, *History of the Second World War. Studies in the Social Services* (London, HMSO and Longman's Green, 1954), p. 91-2.
- 100 Wimperis, *Unmarried Mother*, Table 11 (no page number in text).
- 101 K. Kiernan, H. Land, J. Lewis, *Lone Motherhood in Twentieth Century Britain* (Oxford, Oxford University Press, 1998), p. 35. Described by D. Willetts, in *Pinch*, p.40, as an 'historic peak', when 'Britons' were 'having more sex' than before.
- 102 Coleman, 'Population', p. 53.
- 103 Anderson, 'Social Implications', p. 36; T. P. R. Laslett et.al. (eds.), *Bastardy and its Comparative History* (1980), pp. 54-5.
- 104 Anderson, 'Social Implications', p. 36; Laslett et al., *Bastardy*; Levine et al., *Family Formation*, Ch 9.
- 105 Willetts, *Pinch*, pp. 1-2, 38-41.
- 106 I. M. Timaeus, 'Family and households of the elderly population:

- prospects for those approaching old age' *Ageing and Society*, 6, 1986, pp. 271-93.
- 107 H. Cook, *The Long Sexual Revolution. English Women, Sex and Contraception, 1800-1975* (Oxford, Oxford University Press, 2004), p. 103.
- 108 Wimperis, *Unmarried Mother*, p. 25.
- 109 Ferguson and Fitzgerald, *Studies*, p. 91-2.
- 110 Ibid. p. 92.
- 111 Registrar General's *Statistical Review of England and Wales for the Six Years 1940-1945, Text, Vol 11, Civil*, p. 144.
- 112 Cook, *Sexual Revolution*, p. 103.
- 113 Coleman, 'Population', p. 51.
- 114 Ibid. p. 54.
- 115 P. Laslett and R. Wall (eds.), *Household and Family in Past Time* (Cambridge University Press, 1972).
- 116 S. Sovic, 'European Family History. Moving Beyond Stereotypes of 'East' and 'West'' *Cultural and Social History*, 5, 2 (July 2008), pp. 1411-1434.
- 117 Pat Thane, *Old Age in English History*, pp. 73-88; S. Shahar, *Growing Old in the Middle Ages* (London, Routledge, 1997), p. 94.
- 118 Thane, *Old Age*, p. 136, n.57.
- 119 Ibid. p. 20.
- 120 M. Anderson, *Family Structure in Nineteenth Century Lancashire* (Cambridge, Cambridge University Press, 1971), pp. 56-7.
- 121 See essays in S. McCrae (ed.), *Changing Britain. Families and Households in the 1990s* (Oxford, Oxford University Press, 1999).
- 122 J. Brannen, 'Cultures of intergenerational transmission in four generation families' *Sociological Review*, 54, 1, pp. 133-155.
- 123 Anderson, *Family Structure*.
- 124 P. Thane, *Old Age*, pp. 119-146, 287-307, 407-435.
- 125 E. Grundy, 'Reciprocity in relationships: socio-economic and health influences on intergenerational exchanges between Third Age parents and their adult children in Great Britain' *British Journal of Sociology*, 2005, Vol. 56, Issue 2, p. 233.

- 126 Julia Griggs, *Protect, Support, Provide. Examining the role of grandparents in families at risk of poverty*. Report for Grandparents Plus and the Equality and Human Rights Commission, March 2010.
- 127 Thane, *Old Age*, p. 103-146.
- 128 Quoted in McGregor, *Divorce*, p. 75.
- 129 B. Disraeli, *Sybil* (1845. 1904 edition) p. 228.
- 130 Ibid. p. 76.
- 131 Ibid. pp. 78-9.
- 132 *Sunday Times*, 21st October 1956, quoted in McGregor, p. 58.
- 133 M. P. Hall, *The Social Services of Modern England* (London, Routledge, 1952).
- 134 E.O. James *Marriage and Society* (1952) pp. 187-8.
- 135 R. Fletcher, *Britain in the Sixties. The Family and Marriage* (Harmondsworth, Penguin, 1962), p. 14.
- 136 Ibid.
- 137 Ibid. p. 12.
- 138 Ibid. p. 16.
- 139 See also E. Ferri and K. Smith, 'Partnerships and Parenthood' in E. Ferri, J. Bynner, M. Wadsworth, *Changing Britain, Changing Lives. Three Generations at the Turn of the Century* (London, University of London Institute of Education, 2003), pp. 105-132.

ABOUT THE AUTHOR

Pat Thane

Pat Thane is Research Professor in Contemporary History at King's College, London. She co-manages the History and Policy project (www.historyandpolicy.org). She was Vice President of the Royal Historical Society, 2005–8; Chair of the Social History Society, 2002–08; a member of the Peer Review Colleges of the Arts and Humanities Research Council (continuing) and the Economic and Social Research Council in 2002–08.

Pat's most recent publications are: *Unequal Britain. Equalities in Britain since 1945* (ed. 2010); *Women and Citizenship in Great Britain and Ireland in the Twentieth Century* (2010) co-edited with Esther Breitenbach; *The Long History of Old Age* (ed. 2005); and *Britain's Pensions Crisis: History and Policy* (2006), co-edited with History and Policy contributors Hugh Pemberton and Noel Whiteside. Pat Thane and Tanya Evans, *Sinners? Scroungers? Saints? Unmarried Mothers in Twentieth Century England* will be published by Oxford University Press in 2012.

BRITISH ACADEMY POLICY PUBLICATIONS

Drawing Electoral Boundaries, a British Academy Report,
September 2010

Choosing an Electoral System, a British Academy Report,
March 2010

Social Science and Family Policies, a British Academy Report,
February 2010

Language Matters, a Position Paper by the British Academy,
June 2009

*Punching Our Weight: the humanities and social sciences in public
policy making*, a British Academy Report, September 2008

*Joint Guidelines on Copyright and Academic Research- Guidelines
for researchers and publishers in the Humanities and Social Sciences*,
published jointly by the British Academy and Publishers
Association, April 2008

Peer Review: the challenges for the humanities and social sciences,
a British Academy Report, September 2007

Copyright and Research in the Humanities and Social Sciences,
a British Academy Report, September 2006

The British Academy, established by Royal Charter in 1902, champions and supports the humanities and social sciences. It aims to inspire, recognise and support excellence and high achievement in these fields across the UK and internationally. The British Academy is a Fellowship of over 900 UK scholars and social scientists elected for their distinction in research. The Academy's work on policy is supported by its Policy Centre, which draws on funding from ESRC and AHRC. The Policy Centre oversees a programme of activity engaging the expertise within the humanities and social science to shed light on policy issues. All outputs from the British Academy Policy Centre go through a rigorous peer review process to ensure that they are of the highest quality. Views expressed in reports are not necessarily shared by each individual Fellow.



BRITISH
ACADEMY

P O L I C Y
C E N T R E

Happy families? History and family policy brings together evidence on the history of families and how they have changed over the last few hundred years, examining the claims that abound about “broken” families. It finds that high rates of non-marriage among men and women bringing up children existed during much of the past two centuries, making the period 1945-70 unusual, rather than the norm. Marriage break-up, marital unhappiness and violence towards women and children were also common in the past, partly because divorce was financially and legally difficult. The report also tackles claims about the lack of male “role-models” noting that before the 1950s there were always large numbers of impoverished families headed by lone mothers. The prevalence of premarital sex in contemporary society is also discussed, and identified as a normal part of the courtship process for large sections of the population over the last 250 years. The report concludes that the poorest families have always found it hardest to achieve stability and harmony, suggesting that socio-economic inequality may be a more important challenge than features of the family itself.

SPONSORED BY



ISBN: 978-0-85672-590-6

10-11 Carlton House Terrace
London SW1Y 5AH

Telephone: +44 (0)207 969 5200

Fax: +44 (0)207 969 5300

Registered Charity: Number 233176