

*This is A Few Forgotten Women Article*



## *A Few Forgotten Women*

*"A Woman's Place is in the Home":  
the dutiful daughter, spinster, wife or outcast?  
A Woman's Choice?*

The three articles under the heading -

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form a very brief overview of the issues facing women from medieval times to the 1920s. The main emphasis has been on the choices presented to women should they marry or not marry. The principal topics in the project are not covered here but will be covered in future articles or on the YouTube channel in due course. Obviously, many of the topics raised in the articles about the women in the project often are a result of the choices made in response to the alternatives presented here. When looking at the women in the project, background, context, and social attitudes are the main ways to understand how and why the women's lives turned out as they did.

## Part 1

### Introduction

*“What is better than wisdom?*

*Woman.*

*And what is better than a good woman?*

*Nothing”*

*(Chaucer, Geoffrey)*

Change is inevitable – an obvious statement. However, change does not only affect the constitutional framework of society but imposes the need for people to adapt to that change by their lifestyle. New attitudes developed affecting the decisions people took because of the changes as society developed. The evolution of society means that the roles and status of women over the centuries has also been redefined. Therefore, to understand the decisions which the women we research made, exploration of the developing of status and attitude and legal position of women, needs to be explored. Women have not always been passive in the changes which have taken place and some of their actions should also be considered in this light.

### Women in the Middle Ages

*“Deceite weeping, spinning God hath given*

*To women kindly while they may liven”*

*(Chaucer, Geoffrey, The Canterbury Tales, Wife of Bath's Tale, Prologue)*

As with all historical topics, marriage and the position of women should not be viewed through contemporary eyes but put into context. Life in the middle-ages was dominated by rural communities interspersed with small, compared to ours, urban towns. To understand the lives of women we need to take a little time to look at the everyday life at the time. In some ways the parish life was like living in a goldfish bowl, everyone knew what everyone else's business was. Social class dominated and although this was so for centuries, the conditions and status of women changed with social development. The rural life was in some ways more communal or cooperative from the woman's point of view. Despite the role of women being to take on the domestic responsibilities such as, of course, child bearing, looking after the children, preparing food, tending the livestock, spinning and weaving, all unpaid domestic duties (a sentiment echoed in the 1939 Register with housewives' occupation being recorded as *“unpaid domestic duties”*) at times in the

agricultural calendar, such as harvest, the women and children would join in and where the family needed to eke out their income with cottage industries such as brewing, baking, spinning and making clothes, the women would also play an active role. Even in towns wives helped their husbands in shops, inns, trade crafts, textiles, leather, and metal work.

## **The Role of the Church in Life in the Middle Ages**

*Hamlet: get thee to a nunnery. Why wouldst thou be a breeder of sinners?  
(Shakespeare, William, Hamlet, Prince of Denmark, Act 3. sc1)*

Medieval life, whether town or country was dominated by the church. Not only did people have to attend church but they had to contribute part of their income in the form of tithes. Men were the main influencers and office holders, being regarded as superior because women were judged as inferior, being the incarnation of Eve who had in a moment of moral weakness, eaten the apple proffered by the serpent which hastened the expulsion of Adam and Eve from the Garden of Eden. A theme continued by doctrines in the New Testament, mainly by St. Paul, that women should not be allowed to teach and must be silent. The Virgin Mary had somewhat compensated for this, but the basic tenet remained, men were superior. Some women were able to hold responsible positions such as abbess, some even gained the ultimate responsibility of monarch but of course the majority remained in subjugation.

In the parishes and towns women were allowed some positions within the church but again it was of a domestic nature, washing vestments and altar cloths, arranging flowers and cleaning, even providing food and accommodation for artisans working at the church. The administration of church and parish was the domain of the male population.

As with all other aspects of medieval life the church had a leading role with their courts and religious activities. Marriage was no exception. Marriage was one of the very limited alternatives for a medieval woman, those who were unmarried were looked upon as unfortunate or even regarded with suspicion as a witch. The opposite was to “take the veil” and become a nun, where there was an opportunity, in some cases, to gain some measure of authority, plus there was not the physical danger of childbirth.

Some churches had separate seating for women. They were allowed to associate in some social groups to raise money for the church and for “Churching” where a woman was received back into the church and cleansed

after the unclean act of childbirth. A caesarean birth would in many cases lead to the death of the mother and frequently that of the child too.

## Marriage in the Middle Ages



*Detail of a historiated initial 'C'(oniugium) of a priest joining hands of a man and a woman*

*Source: [www.medievalists.net](http://www.medievalists.net)*

Given the status and position of women the question for them as they reached their, what in modern parlance was, their teenage years, the question for them was “to be or not to be” - married? In the case of those of the upper working class to the nobility it wasn't always their choice, family connections were the criteria for a marriage partner but “a woman's place is in the home” was the convention for many women and marriage the most influential event, whether chosen or not, affected every aspect of their lives. It was not, in the majority of cases, the modern idea of falling in love and walking down the aisle in a white dress attended by bridesmaids. There was an enormous pressure on women to marry.

## The Rules of Marriage



*Detail of a historiated initial 'S' (sponsus) of a man placing a ring on a woman's finger*

*Source: Wikimedia Commons*

The church imposed a catalogue of rules regarding the marriage event. It could not take place in the three feasting periods of Advent, Lent and Prorogation (the Monday leading up to Ascension Day). As time went on this was eased to just Lent. Not only the time of year but the time of day was limited; it had to be during the day and, by orders issued in 1322, should be “undertaken with reverence in the daytime and in the face of the church, without laughter, sport or scoff ... between 8 and 12 in the forenoon”. The ceremony was to take place “either in the church or chapels where one of the parties dwelleth”. Often the ceremony took place in the church porch before moving into the church itself. A boy could marry at 14 but a girl at 12, if however, they were under 21 they needed permission from their parents or guardian.

In 1563 a table was drawn up to state the forbidden degrees of relationships which applied when couples wished to marry, and this was to be pinned up in every church. It surprisingly did not include first cousins. The main provisions with some slight modifications remained until 1907.

Never Valid	Varied over time	Always Valid
parent/child	spouse's parent/child	Cousins
grandparent/ relationship grandchild parent/ sibling	parent's/child's spouse spouse's grandparent/ grandchild	adoptive other than childbirth
aunt/uncle	grandparent's/grandchild's spouse	
niece/nephew	spouse's sibling sibling's spouse's spouse's aunt/uncle spouse of aunt/uncle spouse's niece/nephew spouse of niece/nephew	

*Prohibited Degrees from "Marriage Law for Genealogists" by Rebecca Probert. Table 3.1, p.58  
by kind permission of the author*

There were 2 alternatives for the couple to undertake the marriage; a licence, which incurred a cost and should the parties be under 21 had to have the permission of the parents. The alternative meant that there was a wait of three weeks, which was the necessary time taken to read the banns. In order that the marriages be public knowledge, banns were to be read for 3 Sundays or Holy days prior to the wedding in the parish churches of both parties. If however it did not take place within 3 months the banns became invalid. Women were to stand on the left as woman was created from Adam's left rib. She was to be obliged or pliant or obedient in "bed and bord". With the giving of the ring the groom takes the bride's right hand and places the ring first "upon the thumb ... saying, 'In the name of the Father', then upon the second finger saying, 'in the name of the Son', then upon the third finger saying, 'and of the Holy Ghost', then on the fourth finger saying, 'Amen' and there let him leave it .... because in that finger there is a certain vein, which runs from thence as far as the heart" (From the Sarum Manuel and Missal" in Old Parish Life, p.295

## The Life of a Married Woman

*If there were no authority on earth  
Except experience; mine, for what it's worth,  
And that's enough for me, all goes to show  
That marriage is a misery and a woe;  
(Chaucer, Geoffrey, The Canterbury Tales; The Wife of Bath's Tale, Prologue)*

There were the rules for the actual service but what were the consequences for the woman in the Middle Ages of undertaking this life changing step? Marriage meant loss of freedom in political and financial matters, domestic drudgery, frequent pregnancy but a higher status over the unmarried. Once married she became the 'property' of her husband, she had no legal or financial standing, they could not sign contracts, be witnesses or borrow money or make a will; things an unmarried woman could do. However, if she transgressed her husband was liable and he could be sued.

The wife became cheap labour and there was the real physical danger of childbirth. Cleanliness is vital but conditions, particularly for the poor were very unsanitary. Upper class women would perhaps have had access to medical help but the poor would only be attended by local women some, admittedly, had been attending births for many years. In later years there were some acknowledged midwives which in some cases were authorized to baptise frail babies. However should a woman fail to produce an heir (even the highest in the land suffered in this way) and even if the infertility was not their fault (this could not be determined at this time but it would always be regarded as the woman's fault) they could suffer the ultimate humiliation of rejection.

## Changes to the Marriage event

*"After the hand fasting & making of the contracte, the church goyng & weddyng shulde not be deffered to long, lest the wicked sowe hys ungracious sede in the mene season"*  
(Coverdale's translation of 'Christen State of Matrimonye' quoted p40  
'Clandestine Marriage in England 1500-1850 by R.B. Outhwaite)

While the church during this period still was the main framer and organizer of marriage over the centuries, national events did have an effect upon the institution of marriage. Henry VIII's break with Rome in mid 1530s brought marriage under the Church of England but during the Commonwealth the church lost much of its power and "abuses" began to creep in with local customs such as 'hand-fasting', 'over the broomstick', marriages by priests in

unauthorized premises and by unlicensed priests with the infamous 'Fleet Marriages' and those termed 'clandestine'.

During the period there were also some Acts of Parliament which imposed rules upon marriage. In 1604 there was an Act to Restrain all Persons from Marriage until their Former Wives or Husbands be Dead - in other words making bigamy a felony which was punishable by death. This also led to another ambiguous condition surrounding the rights of people to remarry if their spouse was beyond the seas or unknown to the other for 7 years then remarriage could take place but this did not apply to divorced people, (but there were not many of those)

## Divorce?

**BIGAMY.**

*Simon Savage*, a young man of good address, who had been in the service of his Royal Highness the Duke of Gloucester a few months since, was committed on the oath of a young woman of respectable appearance, named *Anna Hunt*, who resides at No. 11, Brown-street, Grosvenor-square, on a charge of Bigamy, in having married her on the 28th of April last at St. George's, he being wedded for several years past to another woman now alive. The prosecutrix stated, that she would not have brought forward this charge, had she not been ill-treated by the prisoner from the time of her marriage down to the present moment. The prisoner seemed resigned to his unfortunate situation.

*The Day, 20<sup>th</sup> October 1809, page 4, via FindMyPast*

As the church believed that once a marriage had taken place man and wife became one flesh there was no way to end that relationship. Henry VIII made a chink of light with the possibility of annulment, but this was not generally pursued by others. The door was pushed open a little more with the very rich pursuing acts of Parliament to end an unsatisfactory liaison. It was not until the mid-19<sup>th</sup> century that it began to be even a possibility of an end to a marriage. Therefore couples had to put up with each other, live apart, which the church forbade, and a deserted partner could obtain a court order to have conjugal rights restored, (some court orders could be obtained to legalize a separation on the grounds of cruelty or adultery but this did not mean divorce and the couples could not remarry and was still a very costly option), "live in sin" with a new partner or move away and commit bigamy. In the extreme some husbands took to "selling" their wives as in Great Warley in Essex in 1585 a certain Henry Marshall was contracted to Joanna Brewer. Henry then "sold" Joanna to Edward Croxen for 10/-. As the amount was not paid Henry forbade the banns for Edward's marriage!



## Legal or Illegal Marriages?



*A scene outside Farringdon Market, Victorian depiction of Fleet Marriages.  
Source: Public domain, via Wikimedia Commons*

An Act of 1695 was another act which hastened the growth of 'clandestine' marriages; An Act for Granting to His Majesty certain Rates and Duties upon Marriages, Births and Burials and upon bachelors and widowers for the term of 5 years to carry on the war with France with vigour. No one was excluded and every degree of society was allocated a specific rate, 12/6 was the rate for ordinary folk. The following year there was an attempt to restrain marriages without a licence or banns and for the better registering of marriages, births and burials. All these acts were from the civil authority leading to a decline of the influence of the church although it was in 1753 that the important act to influence marriage was drawn up, The Hardwick Marriage Act, an Act to stop Clandestine Marriages, enacted in 1754.

## Women and Children



*London A Mother Depositing Her Child at the Foundling Hospital in Paris, O'Neil, c1855*  
© The Foundling Museum used with permission

Early settlement regulations regarding place of birth being your place of settlement meant that should a woman bear a child in a location different to her own place of settlement, (had she married her place of settlement would have changed as she would have taken her husband's place), should her circumstances change and she needed to apply to the parish for relief, she and her child could be cruelly separated, with the child being removed to its place of birth. This was by later legislation changed to stop the separation.

All this affected the woman who chose to marry but not all women followed that path, however some did become pregnant and bore illegitimate children who could become a burden on the parish in the future and some vestries would encourage poor female parishioners to marry. All effort being made to avoid future drains upon the parish purse.

1744," spent fetching of John Smith and marrying him to Black Moll...  
£4/3/6d / gave Black Moll to go to Gillingham ... 1/-) [East Malling, Kent],  
(p379 Old Parish Life.)

Was this a case of you could fetch John Smith but you could not make him marry!

In 1647 in Great Staughton, Hunts, " a man was paid 1/- to watch John Pickle all night and the next day ... till he was married".

Obviously with these examples the women's choice was not considered, only the cost to the parish.

Some women both married and unmarried, if very poor, would leave their babies in a prominent place, usually somewhere around the church or a rich person's house so that it would have a better life and be looked after. Should a woman abandon a dead baby she would often be sought and charged with murder, unless she had a witness that the baby was still born. Parishes were always keen to seek out parents of abandoned children even offering rewards to find them. In 1861 the concealment of a birth could see a prison sentence of 2 years in prison being dispensed.

## **Times of Change: Hardwick, 1753/1754**



*Portrait of Philip Yorke*  
Source: Public domain, via Wikimedia Commons

By the mid-18<sup>th</sup> century there was a growing movement for the reform of the whole system and in 1753 it was the civil authorities which brought in “An Act for the Better Preventing of Clandestine Marriages”, further reducing the church’s influence on the rules regarding marriage. It came into force on 25<sup>th</sup> March 1754 and was often called “Hardwick’s Marriage Act”, after the man who drove it through. Some of the main provisions were:

- A marriage needed legally obtained licence or banns being called on 3 consecutive Sundays, in the place of residence, prior to the marriage, in the church or chapel where the marriage was to take place. The noncompliance with the residency rules did not invalidate the marriage.
- The marriage should take place where at least one of the parties resided, however the flouting of these conditions did not render the marriage void
- The marriage must be conducted by a properly ordained Anglican priest. This was necessary for a valid marriage.
- If the parties were under 21, they needed parental permission for a licence but if they did not object when the banns were read this was all that was needed and even if they did object the only criteria was if there was an error in the calling of the banns
- The marriage was to be recorded in a separate book which had numbered and ruled pages to prevent fraudulent entries
- The entry to be signed by the minister, the couple and 2 witnesses
- Non-conformists still had to use Anglican venues, but Quakers and Jews were exempt.
- If a clergyman broke the rules, he could be transported for 14 years

This did lead to some couples running away to Gretna Green in Scotland where the rules were different but in 1856 there was a residency clause of 3 weeks introduced.

**NOTE:** References to this article can be found at the end of Part 3