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## WIFE-TORTURE IN ENGLAND.

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**Publication info:** The Contemporary review, 1866-1900 32 (Apr 1878): 55-87.

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**Abstract:** IT once happened to me to ask an elderly French gentleman of the most exquisite manners to pay any attention she might need to a charming young lady who was intending to travel by the same train from London to Paris. M. de-wrote such a brilliant little note in reply that I was tempted to preserve it as an autograph; and I observe that, after a profusion of thanks, he assured me he should be "trop heureux de se mettre au service" of my young friend.

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How does it come to pass that while the better sort of Englishmen are thus exceptionally humane and considerate to women, the men of the lower class of the same nation are proverbial for their unparal- leled brutality, till wife-beating, wife-torture, and wife-murder have become the opprobrium of the land? How does it happen (still more strange to note!) that the same generous-hearted gentlemen, who would themselves fly to render succour to a lady in distress, yet read of the beatings, burnings, and "abominations" of poor women well-to-do, without once setting their teeth and saying, "This must be stopped! We can stand it no longer!"

The paradox truly seems worthy of a little investigation. What reason can be alleged, in the first place, why the male of the human species, and particularly the male of the finest variety of that species, should be the only animal in creation which instructs its mate, or any female of its own kind?

To get to the bottom of the mystery we must discriminate between assaults of men on other men; assaults of men on women who are

**I**T once happened to me to ask an elderly French gentleman of the most exquisite manners to pay any attention she might need to a charming young lady who was intending to travel by the same train from London to Paris. M. de — wrote such a brilliant little note in reply that I was tempted to preserve it as an autograph; and I observe that, after a profusion of thanks, he assured me he should be "trop heureux de se mettre au service" of my young friend. Practically, as I afterwards learned, M. de — did make himself quite delightful, till, unluckily, on arriving at Boulogne, it appeared that there was some *imbroglio* about Miss —'s luggage and she was in a serious difficulty. Needless to say, on such an occasion the intervention of a French gentleman with a ribbon at his button-hole would have been of the greatest possible service; but to render it M. de — would have been obliged to miss the train to Paris; and this was a sacrifice for which his politeness was by no means prepared. Expressing himself as utterly *au désespoir*, he took his seat, and was whirled away, leaving my poor young friend alone on the platform to fight her battles as best she might with the impracticable officials. The results might have been annoying had not a homely English stranger stepped in and proffered his aid; and, having recovered the missing property, simply lifted his hat and escaped from the lady's expressions of gratitude.

In this little anecdote I think lies a compendium of the experience of hundreds of ladies on their travels. The genuine and self-sacrificing kindness of English and American gentlemen towards women affords almost a ludicrous contrast to the florid politeness, compatible with every degree of selfishness, usually exhibited by men of other European nations. The reflection then is a puzzling one—

How does it come to pass that while the better sort of Englishmen are thus exceptionally humane and considerate to women, the men of the lower class of the same nation are proverbial for their unparalleled brutality, till wife-beating, wife-torture, and wife-murder have become the opprobrium of the land? How does it happen (still more strange to note!) that the same generous-hearted gentlemen, 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"?

The paradox truly seems worthy of a little investigation. What reason can be alleged, in the first place, why the male of the human species, and particularly the male of the finest variety of that species, should be the only animal in creation which maltreats its mate, or any female of its own kind?\*

To get to the bottom of the mystery we must discriminate between assaults of men on other men; assaults of men on women who are not their wives; and assaults of men on their wives. I do not think I err much if I affirm that, in common sentiment, the first of these offences is considerably more heinous than the second—being committed against a more worthy person (as the Latin grammar itself instructs boys to think); and lastly that the assault on a woman who is *not* a man's wife is worse than the assault on a wife by her husband. Towards this last or *minimum* offence a particular kind of indulgence is indeed extended by public opinion.† The proceeding seems to

\* With the exception, perhaps, of the Seal. Mr. Darwin gives a sad picture of amphibious conjugal life: "As soon as a female reaches the shore ('comes out,' as we should say in 'society'), the nearest male goes down to meet her, making meanwhile a noise like the clucking of a hen to her chickens. He bows to her and coaxes her, until he gets between her and the water so that she cannot escape him. Then his manner changes, and with a harsh growl he drives her to a place in his harem."—*Descent of Man*, vol. ii. p. 269. What an "o'er true tale" is this of many a human wooing and of what comes later; the "bowing and coaxing" first, and the "harsh growl" afterwards! I am surprised Mr. Darwin did not derive from it an argument for the Descent of Man from the Seal.

It is very instructive to watch the behaviour of a big male dog undergoing the experience which is understood to surpass the limits of a man's endurance; namely, being "nagged" by a little vixen who stands opposite to him in an attitude exactly corresponding to the "arms akimbo" of her human prototype, and pours out volleys of barking which would, obviously, in the police courts be reported as "abusive language." The much-trying dog—let us say a Retriever or Newfoundland—who could annihilate his little female assailant—a toy Terrier or Pomeranian, perhaps—in two mouthfuls, and who *would* do so in the case of an enemy of his own sex—always on these occasions starts aside with well-feigned surprise, as if astonished at the reception of his advances; lifts his ears as a gentleman raises his hat, and presently bounds away, lightly: "I beg your pardon, madam! I am the last dog in the world, I assure you, to offend a lady!" Be it noted that if that dog had retreated before the bullying of another male dog, he would have slunk off with his tail between his legs, ashamed of his own poltroonery. But from the female termagant he retires with all the honours of war, and with his tail held aloft like a standard; quite conscious that he is acting as becomes a dog and a gentleman.

† Not universally I am glad to hear. In Yorkshire and several other counties a very old custom exists, or did exist as late as 1862, called "Riding the Stang" or "Rough Music," which consists in giving a serenade with cows' horns, and warming-pans, and tea-kettles to a man known to have beaten his wife or been unfaithful to her. See a very





I imagine it lies in the sense, so pleasant to the owners of superior physical strength, that after all, if reason and eloquence should fail, there is always an *ultima ratio*, and that that final appeal lies in their hands. The sparring may be all very well for a time, and may be counted entirely satisfactory *if they get the better*. But then, if by any mischance the unaccountably sharp wits of the weaker creature should prove dangerous weapons, there is always the club of brute force ready to hand in the corner. The listener is amused, as in reading a fairy tale, wherein the hero, when apparently completely vanquished, pulls out a talisman given him by an Afreet, and lo! his enemies fall flat on the ground and are turned into rats.

Thus it comes to pass, I suppose, that the abstract idea of a strong man hitting or kicking a weak woman—*per se*, so revolting—has somehow got softened into a jovial kind of domestic lynching, the grosser features of the case being swept out of sight, just as people make endless jests on tipsiness, forgetting how loathsome a thing is a drunkard. A “jolly companions” chorus seems to accompany both kinds of exploits. This, and the prevalent idea (which I shall analyze by-and-by) that the woman has generally deserved the blows she receives, keep up, I believe, the indifference of the public on the subject.

Probably the sense that they must carry with them a good deal of tacit sympathy on the part of other men has something to do in encouraging wife-beaters, just as the fatal notion of the good fellowship of drink has made thousands of sots. But the immediate causes of the offence of brutal violence are of course very various, and need to be better understood than they commonly are if we would find a remedy for them. First, there are to be considered the class of people and the conditions of life wherein the practice prevails; then the character of the men who beat their wives; next that of the wives who are beaten and kicked; and finally, the possible remedy.

Wife-beating exists in the upper and middle classes rather more, I fear, than is generally recognized; 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 be betrayed by his wife's black eye or broken arm, and he regulates his cuffs or kicks accordingly. The dangerous wife-beater belongs almost exclusively to the artisan and labouring classes. Colliers, “puddlers,” and weavers have long earned for themselves in this matter a bad reputation, and among a long list of cases before me, I reckon shoemakers, stonemasons, butchers, smiths, tailors, a printer, a clerk, a bird-catcher, and a large number of labourers. In the worst districts of London (as I have been informed by one of the most experienced magistrates) four-fifths of the wife-beating cases are among the lowest class of Irish labourers—a fact worthy of

more than passing notice, had we time to bestow upon it, seeing that in their own country Irishmen of all classes are proverbially kind and even chivalrous towards women.

There are also various degrees of wife-beating in the different localities. In London it seldom goes beyond a severe "thrashing" with the fist—a sufficiently dreadful punishment, it is true, when inflicted by a strong man on a woman; but mild in comparison of the kickings and trappings and "purings" with hob-nailed shoes and clogs of what we can scarcely, in this connection, call the "dark and true and tender North." As Mr. Serjeant Pulling remarks,\* "Nowhere is the ill-usage of woman so systematic as in Liverpool, and so little hindered by the strong arm of the law; making the lot of a married woman, whose locality is the 'kicking district' of Liverpool, simply a duration of suffering and subjection to injury and savage treatment, far worse than that to which the wives of mere savages are used." It is in the centres of dense mercantile and manufacturing populations that this offence reaches its climax. In London the largest return for one year (in the Parliamentary Report on Brutal Assaults) of brutal assaults on women was 351. In Lancashire, with a population of almost two millions and a-half, the largest number was 194. In Stafford, with a population of three-quarters of a million, there were 113 cases. In the West Riding, with a million and a-half, 152; and in Durham, with 508,666, no less than 267. Thus, roughly speaking, there are nearly five times as many wife-beaters of the more brutal kind, in proportion to the population, in Durham as in London. What are the conditions of life among the working classes in those great "hives of industry" of which we talk so proudly? It is but justice that we should picture the existence of the men and women in such places before we pass to discuss the deeds which darken it.

They are lives out of which almost every softening and ennobling element has been withdrawn, and into which enter brutalizing influences almost unknown elsewhere. They are lives of hard, ugly, mechanical toil in dark pits and hideous factories, amid the grinding and clanging of engines and the fierce heat of furnaces, in that Black Country where the green sod of earth is replaced by mounds of slag and shale, where no flower grows, no fruit ripens, scarcely a bird sings; where the morning has no freshness, the evening no dews; where the spring sunshine cannot pierce the foul curtain of smoke which overhangs these modern Cities of the Plain, and where the very streams and rivers run discoloured and steaming with stench, like Styx and Phlegethon, through their banks of ashes. If "God made the country and man made the town," we might deem that Ahrimanes devised this Tartarus of toil, and that here we had at last found the spot where the Psalmist might seek in vain for the handiwork of the Lord.

\* Transactions Social Science Association, 1876, p. 345.



As we now and then, many of us, whirl through this land of darkness in express trains, and draw up our carriage windows that we may be spared the smoke and dismal scene, we have often reflected that the wonder is, *not* that the dwellers there should lose some of the finer poetry of life, the more delicate courtesies of humanity, but that they should remain so much like other men, and should so often rise to noble excellence and intelligence, rather than have developed, as would have seemed more natural, into a race of beings relentless, hard, and grim as their own iron machines—beings of whom the Cyclops of the Greek and the Gnomes of the Teuton imaginations were the foreshadowings. Of innocent pleasure in such lives there can, alas! be very little; and the hunger of nature for enjoyment must inevitably be supplied (among all save the few to whom intellectual pursuits may suffice) by the grosser gratifications of the senses. Writers who have never attempted to realize what it must be to hear ugly sounds and smell nauseous odours and see hideous sights, all day long, from year's end to year's end, are angry with these Black Country artisans for spending largely of their earnings in buying delicate food—poultry and salmon, and peas and strawberries. For my part, I am inclined to rejoice if they can content themselves with such harmless gratifications of the palate, instead of the deadly stimulants of drink, cruelty, and vice.

These, then, are the localities wherein Wife-torture flourishes in England; where a dense population is crowded into a hideous manufacturing or mining or mercantile district. Wages are usually high though fluctuating. Facilities for drink and vice abound, but those for cleanliness and decency are scarcely attainable. The men are rude, coarse, and brutal in their manners and habits, and the women devoid, in an extraordinary degree, of all the higher natural attractions and influences of their sex. Poor drudges of the factory, or of the crowded and sordid lodging-house, they lose, before youth is past, the freshness, neatness, and gentleness, perhaps even the modesty of a woman, and present, when their miserable cases come up before the magistrate, an aspect so sordid and forbidding that it is no doubt with difficulty he affords his sympathy to them rather than to the husband chained to so wretched a consort. Throughout the whole of this inquiry I think it very necessary, in justice to all parties, and in mitigation of too vehement judgment of cases only known from printed reports, to bear in mind that the women of the class concerned are, some of them woefully unwomanly, slatternly, coarse, foul-mouthed—sometimes loose in behaviour, sometimes madly addicted to drink. There ought to be no idealizing of them, *as a class*, into refined and suffering angels if we wish to be just. The home of a Lancashire operative, alas! is not a garden wherein the plants of refinement or sensitiveness are very likely to spring up or thrive.

Given this direful *milieu*, and its population, male and female,

we next ask, What are the immediate incitements to the men to maltreat the women? They are of two kinds, I think,—general and particular.

First, the whole relation between the sexes in the class we are considering is very little better than one of master and slave. I have always abjured the use of this familiar comparison in speaking generally of English husbands and wives, because as regards the upper orders of society it is ridiculously overstrained and untrue. But in the “kicking districts,” among the lowest labouring classes, Legree himself might find a dozen prototypes, and the condition of the women be most accurately matched by that of the negroes on a Southern plantation before the war struck off their fetters.\* To a certain extent this marital tyranny among the lower classes is beyond the reach of law, and can only be remedied by the slow elevation and civilization of both sexes. But it is also in an appreciable degree, I am convinced, enhanced by the law even as it now stands, and was still more so by the law as it stood before the Married Women’s Property Act put a stop to the chartered robbery by husbands of their wives’ earnings. At the present time, though things are improving year by year, thanks to the generous and far-seeing statesmen who are contending for justice to women inside and out of the House of Commons, the position of a woman before the law as wife, mother, and citizen, remains so much below that of a man as husband, father, and citizen, that it is a matter of course that she must be regarded by him as an inferior, and fail to obtain from him such a modicum of respect as her mental and moral qualities might win did he see her placed by the State on an equal footing.

I have no intention in this paper to discuss the vexed subject of women’s political and civil rights, but I cannot pass to the consideration of the incidental and minor causes of the outrages upon them, without recording my conviction that the political disabilities under which the whole sex still labours, though apparently a light burden on the higher and happier ranks, presses down more and more heavily through the lower strata of society in growing deconsideration and contempt, unrelieved (as it is at higher levels) by other influences on opinion. Finally at the lowest grade of all it exposes women to an order of insults and wrongs which are never inflicted by equals upon an equal, and can only be paralleled by the oppressions of a dominant caste or race over their helots. In this as in many other things the educating influence of law immeasurably outstrips its direct action; and such as is the spirit of our laws, such will inevitably be the spirit of our people. Human beings no longer live like animals in a condition wherein the natural sentiments between the sexes suffice to

\* Let it be noted that while they *were* slaves, these negroes were daily subjected to outrages and cruelties of which it thrilled our blood to hear. Since they have been emancipated their white neighbours have learned at least so far to recognize them as human beings, that these *tortures* have become comparatively rare.

guard the weak, where the male brute is kind and forbearing to the female, and where no Court of Chancery interferes with the mother's most dear and sacred charge of her little ones. Man alone claims to hold his mate in subjection, and to have the right while he lives, and even after he dies, to rob a mother of her child; and man, who has lost the spontaneous chivalry of the lion and the dog, needs to be provided with laws which may do whatever it lies with laws to effect to form a substitute for such chivalry. Alas! instead of such, he has only made for himself laws which add legal to natural disabilities, and give artificial strength to ready-constituted prepotence.

I consider that it is a very great misfortune to both sexes that women should be thus depreciated in the opinion of that very class of men whom it would be most desirable to impress with respect and tenderness for them; who are most prone to despise physical infirmity and to undervalue the moral qualities wherein women excel. All the softening and refining influences which women exert in happier conditions are thus lost to those who most need them,—to their husbands and still more emphatically to their children; and the women themselves are degraded and brutified in their own eyes by the contempt of their companions. When I read all the fine-sounding phrases perpetually repeated about the invaluable influence of a good mother over her son,—how the worst criminals are admitted to be reclaimable if they have ever enjoyed it,—and how the virtues of the best and noblest men are attributed to it, as a commonplace of biography,—I often ask myself, “Why, then, is not something done to lift and increase, instead of to depreciate and lower, that sacred influence? Why are not mothers allowed to respect themselves, that they may fitly claim the respect of their sons? How is a lad to learn to reverence a woman whom he sees daily scoffed at, beaten, and abused, and when he knows that the laws of his country forbid her, ever and under any circumstances, to exercise the rights of citizenship; nay, which deny to her the guardianship of *himself*—of the very child of her bosom—should her husband choose to hand him over to her rival out of the street?”

The general depreciation of women *as a sex* is bad enough, but in the matter we are considering, the special depreciation of *wives* is more directly responsible for the outrages they endure. The notion that a man's wife is his PROPERTY, in the sense in which a horse is his property (descended to us rather through the Roman law than through the customs of our Teuton ancestors), is the fatal root of incalculable evil and misery. Every brutal-minded man, and many a man who in other relations of life is not brutal, entertains more or less vaguely the notion that his wife is his *thing*, and is ready to ask with indignation (as we read again and again in the police reports), of any one who interferes with his treatment of her, “May I not do what I will *with my own*?” It is even sometimes pleaded on behalf



of poor men, that they possess *nothing else* but their wives, and that, consequently, it seems doubly hard to meddle with the exercise of their power in that narrow sphere!\*

I am not intending to discuss the question of the true relation between husbands and wives which we may hope to see realized when

“ Springs the happier race of human kind ”

from parents “ equal and free ”—any more than the political and social rights of women generally. But it is impossible, in treating of the typical case wherein the misuse of wives reaches its climax in Wife-beating and Wife-torture, to avoid marking out with a firm line where lies the underground spring of the mischief. As one of the many results of this *proton pseudos*, must be noted the fact (very important in its bearing on our subject) that not only is an offence against a wife condoned as of inferior guilt, but any offence of the wife against her husband is regarded as a sort of *Petty Treason*. For her, as for the poor ass in the fable, it is more heinous to nibble a blade of grass than for the wolf to devour both the lamb and the shepherd. Should she be guilty of “ nagging ” or scolding, or of being a slattern, or of getting intoxicated, she finds usually a short shrift and no favour—and even humane persons talk of her offence as constituting, if not a justification for her murder, yet an explanation of it. She is, in short, liable to capital punishment without judge or jury for transgressions which in the case of a man would never be punished at all, or be expiated by a fine of five shillings. †

Nay, in her case there is a readiness even to pardon the omission of the ordinary forms of law as needlessly cumbersome. In no other instance save that of the Wife-beater is excuse made for a man taking the law into his own hands. We are accustomed to accept it as a

\* Stripped of the euphemisms of courtesy wherewith we generally wrap them up, it cannot be denied that the sentiments of a very large number of men towards women consist of a wretched alternation of exaggerated and silly homage, and of no less exaggerated and foolish contempt. One moment on a pedestal, the next in the mire; the woman is adored while she gives pleasure, despised the moment she ceases to do so. The proverbial difficulty of introducing a joke into the skull of a Scotchman is nothing to that of getting into the mind of such men that a woman is a *human being*—however humble—not a mere adjunct and appendage of humanity; and that she must have been created, and has a right to live for ends of her own; not for the ends of another; that she was made, as the old Westminster Catechism says, “to glorify God and enjoy Him for ever,” not primarily or expressly to be John Smith’s wife and James Smith’s mother. We laugh at the great engineer who gave as his opinion before a Royal Commission that rivers were created to feed navigable canals; and a farmer would certainly be treated as betraying the “ bucolic mind ” who avowed that he thought his horse was made to carry him to market, and his cat to eat his mice and spare his cheese; yet where women are concerned—beings who are understood to be at least *quasi-rational*, and to whom their religion promises an immortal life hereafter of good and glory—the notion that the Final Cause of Woman is Man seems never to strike them as supremely ridiculous.

† Old English legislation embodied this view so far as to inflict the cruelest of all punishments—burning to death—on a woman guilty of *petty treason*, i.e., the murder of her husband, while the husband was only liable to hanging for murdering his wife. A woman was burned to death under this atrocious law at Chester, in 1760, for poisoning her husband. The wretched creature was made to linger four months in jail under her awful sentence before it was executed.

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principle that "lynching" cannot be authorized in a civilized country, and that the first lesson of orderly citizenship is that no man shall be judge, jury, and executioner in his own cause. But when a wife's offences are in question this salutary rule is overlooked, and men otherwise just-minded, refer cheerfully to the *circonstance atténuante* of the wife's drunkenness or bad language, as if it not only furnished an excuse for outrage upon her, but made it quite fit and proper for the Queen's peace to be broken and the woman's bones along with it.

This underlying public opinion is fortunately no new thing. On the contrary, it is an idea of immemorial antiquity which has been embodied in the laws of many nations, and notably, as derived from the old Roman *Patria Potestas*, in our own. It was only in 1829, in the 9th George IV., that the Act of Charles II., which embodied the old Common Law, and authorized a man "to chastise his wife with any reasonable instrument," was erased from our Statute-Book. Our position is not retrograde, but advancing, albeit too slowly. It is not as in the case of the Vivisection of Animals, that a new passion of cruelty is arising, but only that an old one, having its origin in the remotest epochs of barbarian wife-capture and polygamy, yet lingers in the dark places of the land. By degrees, if our statesmen will but bring the educational influence of law to bear upon the matter, it will surely die out and become a thing of the past, like cannibalism,—than which it is no better fitted for a Christian nation.

Of course the ideas of the suffering wives are cast in the same mould as those of their companions. They take it for granted that a Husband is a Beating Animal, and may be heard to remark when extraordinarily ill-treated by a stranger,—that they "never were so badly used, no not by their own 'usbands." Their wretched proverbial similarity to spaniels and walnut-trees, the readiness with which they sometimes turn round and snap at a bystander who has interfered on their behalf, of course affords to cowardly people a welcome excuse for the "policy of non-intervention," and forms the culminating proof of how far the iron of their fetters has eaten into their souls. A specially experienced gentleman writes from Liverpool: "The women of Lancashire are awfully fond of bad husbands. It has become quite a truism that our women are like dogs, the more you beat them the more they love you." Surely if a bruised and trampled woman be a pitiful object, a woman who has been brought down by fear, or by her own gross passions, so low as to fawn on the beast who strikes her, is one to make angels weep? \*

\* And there are gentlemen who think there is something beautiful in this! The Rev. F. W. Harper, writing to the *Spectator* of January 26, says, "I make bold to believe that if ever I should turn into a wife I shall choose to be beaten by my husband to any extent (short of being slain outright), rather than it should be said a stranger came between us." After thus bringing to our minds the beatings, and kickings, and blindings, and burnings, and "cloggings," which sicken us, he bids us remember that the true idea of marriage is "the relation of Christ to his Church"! It is not for me to speak on this subject, but I should have expected that a minister of the Christian religion would



To close this part of the subject, I conceive then, that the common idea of the inferiority of women, and the special notion of the rights of husbands, form the undercurrent of feeling which induces a man, when for any reason he is infuriated, to wreak his violence on his wife. She is, in his opinion, his natural *souffre-douleur*.

It remains to be noted what are the principal incitements to such outbursts of savage fury among the classes wherein Wife-beating prevails. They are not far to seek. The first is undoubtedly *Drink*—poisoned drink. The seas of brandy and gin, and the oceans of beer, imbibed annually in England, would be bad enough, if taken pure and simple,\* but it is the vile adulterations introduced into them which make them the infuriating poisons which they are—which literally *sting* the wretched drinkers into cruelty, perhaps quite foreign to their natural temperaments. As an experienced minister in these districts writes to me, “I have known men almost as bad as those you quote (a dozen wife-murderers) made into most kind and considerate husbands by total abstinence.” If the English people will go on swallowing millions’ worth yearly of brain poison, what can we expect but brutality the most hideous and grotesque? Assuredly the makers and vendors of these devil’s philtres are responsible for an amount of crime and ruin which some of the worst tyrants in history might have trembled to bear on their consciences; nor can the national legislature be absolved for suffering the great Drink interest thus foully to tamper with the health—nay, with the very souls of our countrymen. What is the occult influence which prevents the Excise from performing its duty as regards these frauds on the revenue?

2. Next to drunkenness as a cause of violence to women, follows the other “great sin of great cities,” of which it is unnecessary here to speak. The storms of jealousy thence arising, the hideous alternative *possession* of the man by the twin demons of cruelty and lust—one of whom is never very far from the other—are familiar elements in the police-court tragedies.

3. Another source of the evil may be found in that terrible, though little recognized passion, which rude men and savages share with many animals, and which is the precise converse of sympathy, for it consists in anger and cruelty, excited by the signs of pain; an impulse to hurt and destroy any suffering creature, rather than to relieve or help it. Of the widespread influence of this passion (which I have ventured elsewhere to name *Heteropathy*), a passion only

have shuddered at the possibility of suggesting such a connection of ideas as these notions involve. Heaven help the poor women of Durham and Lancashire if their clergy lead them to picture a Christ resembling their husbands!

\* I doubt that, even if reduced to bestial helplessness by these drinks in a pure state, men would ever be goaded by them to the class of passions excited by the adulterated ones. I have myself seen in Savoy whole crowds of men returning from market, all more or less tipsy from the free use of the excellent Vin de Seychelles, but instead of quarrelling or fighting, or beating their horses and pigs, their demeanour was ludicrously good-humoured and affectionate.

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slowly dying out as civilization advances, there can, I think, be no doubt at all. It is a hideous mystery of human nature that such feelings should lie latent in it, and that cruelty should grow by what it feeds on; that the more the tyrant causes the victim to suffer the more he hates him, and desires to heap on him fresh sufferings. Among the lower classes the emotion of Heteropathy unmistakably finds vent in the cruelty of parents and step-parents to unfortunate children who happen to be weaker or more stupid than others, or to have been once excessively punished, and whose joyless little faces and timid crouching demeanour, instead of appeals for pity, prove provocations to fresh outrage. The group of his shivering and starving children and weeping wife is the sad sight which, greeting the eyes of the husband and father reeling home from the gin-shop, somehow kindles his fury. If the baby cry in the cradle, he stamps on it. If his wife wring her hands in despair, he fells her to the ground.\*

4. After these I should be inclined to reckon, as a cause of brutal outbreaks, the impatience and irritation which must often be caused in the homes of the working classes by sheer *friction*. While rich people, when they get tired of each other or feel irritable, are enabled to recover their tempers in the ample space afforded by a comfortable house, the poor are huddled together in such close quarters that the sweetest tempers and most tender affections must sometimes feel the trial. Many of us have shuddered at Miss Octavia Hill's all-too-graphic description of a hot, noisome court in the heart of London on a fine summer evening, with men, women, and children "pullulating," as the French say, on the steps, at the windows, on the pavement, all dirty, hot, and tired, and scarcely able to find standing or sitting room. It is true the poor are happily more gregarious than the rich. Paradoxical as it sounds, it takes a good deal of civilization to make a man love savage scenery, and a highly cultivated mind to find any "pleasure in the pathless woods" or "rapture in the lonely shore." Nevertheless, for moral health as much as for physical, a certain number of cubic inches of space are needed for every living being.

It is their interminable, inevitable propinquity which in the lower classes makes the nagging, wrangling, worrying women so intolerably trying. As millers get accustomed, it is said, to the clapping of their mill, so may some poor husbands become deaf to their wives' tongues; but the preliminary experience must be severe indeed.

These, then, are the incentives to Wife-beating and Wife-torture. What are the men on whom they exert their evil influence?

Obviously, by the hypothesis, they are chiefly the drunken, idle, ruffianly fellows who lounge about the public-houses instead of working for their families. Without pretending to affirm that there are no sober, industrious husbands goaded to strike their wives through

\* Hopes of the Human Race, p. 172 (The Evolution of the Social Sentiment). By Frances Power Cobbe. Williams and Norgate.

jealousy or irritation, the presumption is enormous against the character of any man convicted of such an assault. The cases in which the police reports of them add, "He had been bound over to keep the peace several times previously," or "He had been often fined for drunkenness and disorderly behaviour," are quite countless. Sometimes it approaches the ludicrous to read how helplessly the law has been attempting to deal with the scoundrel, as, for example, in the case of William Owen, whom his wife said she "met for the first time beside Ned Wright's Bible-barrow," and who told the poor fool he had been "converted." He was known to Constable 47 K as having been convicted *over sixty times* for drunkenness and violent assaults; and the moment he left the church he began to abuse his wife.

The pitilessness and ferocity of these men sometimes looks like madness. Alfred Stone, for example, coming home in a bad temper, took his wife's parrot out of its cage, stamped on it, and threw it on the fire, observing, "Jane! it is the last thing you have got belonging to your father!" In the hands of such a man a woman's heart must be crushed, like the poor bird under his heel.

Turn we now from the beaters to the beaten. I have already said that we must not idealize the women of the "kicking districts." They are, mostly, poor souls, very coarse, very unwomanly. Some of them drink whenever they can procure drink. Some are bad and cruel mothers (we cannot forget the awful stories of the Burial Clubs); many are hopelessly depraved, and lead as loose lives as their male companions. Many keep their houses in a miserable state of dirt and disorder, neglect their children, and sell their clothes and furniture for gin. Not seldom will one of these reckless creatures pursue her husband in the streets with screams of abuse and jeers. The man knows not where to turn to escape from the fury. When he comes home at night, he probably finds her lying dead drunk on the bed, and his children crying for their supper. Again, in a lesser degree, women make their homes into purgatories by their bad tempers. There was in old times a creature recognized by law as a "Common Scold," for whom the punishment of ducking in the village horse-pond was formally provided. It is to be feared her species is by no means to be reckoned among the "Extinct Mammalia." Then comes the "nagging" wife, immortalized as "Mrs. Caudle;" the worrying, peevish kill-joy, whose presence is a wet blanket—nay, a wet blanket stuck full of pins; the argumentative woman, with a voice like a file and a face like a ferret, who bores on, night and day, till life is a burden.\*

\* I have seen a woman like this tormenting a great, good-natured hobbledehoy, who unhappily belonged to Carlyle's order of "Inarticulate ones," and found it impossible to avoid being caught every five minutes in the Socratic *elenchus*, which she set for him like a trap whenever he opened his mouth. At length when this had lasted the larger part of a rainy day, the poor boy who had seemed for some time on the verge of explosion, suddenly sprang from his chair, seized the little woman firmly though gently round the waist, carried her out into the hall, and came back to his seat, making no remark on the transaction. Who could blame him?



These are terrible harpies. But it is scarcely fair to assume that every woman who is accused of "nagging" necessarily belongs to their order. I have no doubt that every husband who comes home with empty pockets, and from whom his wife needs to beg repeatedly for money to feed herself and her children, considers that she "nags" him. I have no doubt that when a wife reproaches such a husband with squandering his wages in the public-house, or on some wretched rival, while she and her children are starving, he accuses her to all his friends of intolerable "nagging," and that, not seldom having acquired from him the reputation of this kind of thing, the verdict of "Serve her Right" is generally passed upon her by public opinion when her "nagging" is capitally punished by a broken head.

But *all* women of the humblest class are not those terrible creatures, drunken, depraved, or ill-tempered; or even addicted to "nagging." On the contrary, I can affirm from my own experience, as well, I believe, as that of all who have had much to do with the poor of great cities, there are among them at least as many good women as bad—as many who are sober, honest, chaste, and industrious, as are the contrary. There is a type which every clergyman, and magistrate, and district visitor will recognize in a moment as very common: a woman generally small and slight of person, but alert, intelligent, active morning, noon, and night, doing the best her strength allows to keep her home tidy, and her children neat and well fed, and to supply her husband's wants. Her face was, perhaps, pretty at eighteen: by the time she is eight-and-twenty, toil and drudgery and many children have reduced her to a mere rag, and only her eyes retain a little pathetic relic of beauty. This woman expresses herself well and simply: it is a special "note" of her character that she uses no violent words, even in describing the worst injuries. There is nothing "loud" about her in voice, dress, or manners. She is emphatically a "*decent*," respectable woman. Her only fault, if fault it be, is that she will insist on obtaining food and clothing for her children, and that when she is refused them she becomes that depressed, broken-spirited creature whose mute, reproachful looks act as a goad, as I have said, to the passions of her oppressor. We shall see presently what part this class of woman plays in the horrible domestic tragedies of England.

We have now glanced at the conditions under which Wife-beating takes place, at the incentives immediately leading to it, the men who beat, and the women who are beaten. Turn we now to examine more closely the thing itself.

There are two kinds of Wife-beating which I am anxious the reader should keep clearly apart in his mind. There is what may be called *Wife-beating by Combat*, and there is Wife-beating properly so called, which is only wife, and not wife-and-husband beating. In the first, both parties have an equal share. Bad words are exchanged, then blows. The man hits, the woman perhaps scratches and tears. If

the woman generally gets much the worst of it, it is simply because cats are weaker than dogs. The man cannot so justly be said to have "beaten" his wife as to have vanquished her in a boxing-match. Almost without exception in these cases it is mentioned that "both parties were the worse for liquor." It is in this way the drunken woman is beaten, *by the drunken man*, not by the ideal sober and industrious husband, who has a right to be disgusted by her intoxication. It is nearly exclusively, I think, in such drunken quarrels that the hateful virago gets beaten at all. As a general rule she commands too much fear, and is so ready to give back curse for curse and blow for blow, that, in cold blood, nobody meddles with her. Such a termagant is often the tyrant of her husband, nay, of the whole court or lane in which she lives; and the sentiments she excites are the reverse of those which bring down the fist and the clogs of the ruffian husband on the timid and meek-faced woman who tries, too often unsuccessfully, the supposed magic of a soft answer to turn away the wrath of such a wild beast as he.

One word, however, must be said, before we leave this revolting picture, even for that universally condemned creature, the drunken wife. Does any save one, the Great Judge above, ever count how many of such doubly-degraded beings have been *driven* to intemperance by sheer misery? How many have been lured to drink by companionship with their drunken husbands? How many have sunk into the habit because, worn out in body by toil and child-bearing, degraded in soul by contempt and abuse, they have not left in them one spark of that self-respect which enables a human being to resist the temptation to drown care and remembrance in the dread forgetfulness of strong drink?

The second kind of Wife-beating is when the man alone is the striker and the woman the stricken. These are the cases which specially challenge our attention, and for which it may be hoped some palliative may be found. In these, the husband usually comes home "the worse for liquor," and commences, sometimes without any provocation at all, to attack his wife, or drag her out of the bed where she is asleep, or has just been confined. (See cases p. 74.) Sometimes there is preliminary altercation, the wife imploring him to give her some money to buy necessaries, or reproaching him for drinking all he has earned. In either case the wife is passive so far as blows are concerned, unless at the last, in self-defence, she lays her hand on some weapon to protect her life—a fact which is always cited against her as a terrible delinquency.\*

\* Such was the case of Susannah Palmer, a few years ago, whose husband had beaten her, and sold up her furniture again and again, blackened her eyes, and knocked out her five front teeth. At last on one occasion, with the knife with which she was cutting her children's supper, she somehow inflicted a slight cut on the man while he was knocking her about the head. He immediately summoned her for "cutting and wounding him,"



Such are the two orders of Wife-beating with which a tolerably extensive study of the subject has made me familiar. It will be observed that neither includes that ideal Wife-beater of whom we hear so much, the sober, industrious man goaded to frenzy by his wife's temper or drunkenness. I will not venture to affirm that that Ideal Wife-beater is as mythical as the griffin or the sphinx, but I will affirm that in all my inquiries I have never yet come on his track.

I have insisted much on this point, because I think it has been strangely overlooked, and that it ought to form a most important factor in making up our judgment of the whole matter and of the proper remedies. It will be found, I believe, on inquiry that it is actually surprising how very seldom there is anything at all alleged by the husband against the wife in the worst cases of wife-torture—except the “provocation” and “nagging” of asking him for money; or, as in the case of poor Ellen Harlow, of refusing him twopence out of her own earnings when he had been drinking all day and she had been working.\* In thirty-eight cases taken at random, five were of the class of drunken combats; and in thirty nothing was reported as alleged against the victims. In many cases strong testimony was given of their good conduct and industry: *e.g.* the wife of William White, who was burnt to death by the help of his paraffin lamp, was a “hard-working industrious woman.” The wife of James Lawrence, whose face bore in court tokens of the most dreadful violence, “said that her husband had for years done nothing for his livelihood, while she had bought a shop, and stocked it out of her own earnings.” The wife of Richard Mountain had “supported herself and her children.” The wife of Alfred Etherington, who has been dangerously injured by her husband kicking and jumping on her, had been supporting him and their children. The wife of James Styles, who was beaten by her husband till she became insensible, had long provided for him and herself by charwork; and so on.

Regarding the extent of the evil it is difficult to arrive at a just calculation. Speaking of those cases only which come before the courts,—probably, of course, not a third of the whole number,—the elements for forming an opinion are the following:—

In the Judicial Statistics for England and Wales, issued in 1877 for 1876, we find that of Aggravated Assaults on Women and Children, of the class which since 1853 have been brought under Summary Jurisdiction there were reported,

and she was sent to Newgate. I found her there, and afterwards received the very best possible character of her from several respectable tradespeople in whose houses she had worked as a charwoman for years. Friends subscribed to help her, and the admirable chaplain of Newgate interested himself warmly in her case and placed her in safety.

\* This, however, was a “provocation” on which a Chester jury founded a recommendation to mercy when they found him guilty of manslaughter. See p. 75.

In 1876	-	-	-	-	-	2,737
In 1875	-	-	-	-	-	3,106
In 1874	-	-	-	-	-	2,841

How many of these were assaults made by husbands on wives there is no means of distinguishing, but, judging from other sources,\* I should imagine they formed about four-fifths of the whole.

Among the worst cases, when the accused persons were committed for trial or bailed for appearance at Assizes or Sessions (coming under the head of Criminal Proceedings), the classification adopted in the Parliamentary Return does not permit of identifying the cases which concerned women only. Some rough guess on the matter may perhaps be formed from the preponderance of male criminals in all classes of violent crime. Out of 67 persons charged with Murder in 1876, 49 were men. Of 41 charged with Attempt to Murder, 35 were males. Of 157 charged with Shooting, Stabbing, &c., 146 were men. Of 232 charged with Manslaughter, 185 were men; and of 1,020 charged with Assault inflicting bodily harm, 857 were men. In short, out of 1,517 persons charged with crimes of cruelty and violence, more than five-sixths were males, and only 235 females. Of course the men's offences include a variety of crimes besides Wife-beating and Wife-torture.

The details of the crimes for which twenty-two men who were capitally convicted in 1876 suffered death are noteworthy on this head. (Criminal Statistics p. xxix.) Of these:—

- Edward Deacon, shoemaker, murdered his wife by cutting her head with a chopper.
- John Thomas Green, painter, shot his wife with a pistol.
- John Eblethrift, labourer, murdered his wife by stabbing.
- Charles O'Donnell, labourer, murdered his wife by beating.
- Henry Webster, labourer, murdered his wife by cutting her throat.

Beside these, five others murdered women with whom they were living in vicious relations, and three others (including the monster William Fish) murdered children. In all, more than half the convicted persons executed that year were guilty of wife-murder,—or of what we may term *quasi*-wife-murder.

A source of more accurate information is to be found in the abstracts of the Reports of Chief Constables for the years 1870-1-2-3-4, presented to the Home Secretary, and published in the "Report on Brutal Assaults" (p. 169, et seq.). In this instructive table Brutal Assaults on Women are discriminated from those on men, and the total number of convictions for such assaults for the whole five years is 6,029; or at the average of 1,205 per annum. This is,

\* *E.g.* the Report of the Society for the Protection of Women and Children, which has this significant passage: "Some of the cases of assaults were of a brutal and aggravated character, . . . thirty-three by husbands on wives, five by fathers, and four by mothers on their children."

however, obviously an imperfect return. In Nottinghamshire, where such offences were notoriously common, the doings of the "Lambs" have somehow escaped enumeration. "The Chief Constable states that he is unable to furnish a correct return." From Merionethshire no report was received in reply to the Home Office Circular; and from Rutland, Salop, Radnor, and Cardiganshire, the Chief Constables returned the reply that there were no brutal assaults in those counties during the five years in question,—a statement suggesting that some different classification of offences must prevail in those localities, since the immunity of Cardiganshire and Salop for five years from such crimes of violence would be little short of miraculous, while Flint alone had sixteen convictions. Thus I conceive that we may fairly estimate the number of brutal assaults (*brutal* be it remembered, not ordinary) committed on women in England and Wales and actually brought to justice at about 1,500 a year, or more than four *per diem*; and of these the great majority are of husbands on wives.

Let us now proceed from the number to the nature of the offences in question. I have called this paper *English Wife-torture* because I wish to impress my readers with the fact that the familiar term "wife-beating" conveys about as remote a notion of the extremity of the cruelty indicated as when candid and ingenuous vivisectors talk of "scratching a newt's tail" when they refer to burning alive, or dissecting out the nerves of living dogs, or torturing ninety cats in one series of experiments.

*Wife-beating* is the mere preliminary canter before the race,—the preface to the serious matter which is to follow. Sometimes, it is true, there are men of comparatively mild dispositions who are content to go on beating their wives year after year, giving them occasional black-eyes and bruises, or tearing out a few locks of their hair and spitting in their faces, or bestowing an ugly print of their iron fingers on the woman's soft arm, but not proceeding beyond these minor injuries to anything perilous. Among the lower classes, unhappily, this rude treatment is understood to mean very little more than that the man uses his weapon—the fists—as the woman uses hers—the tongue—and neither are very much hurt or offended by what is either done by one or said by the other. The whole state of manners is what is to be deplored, and our hope must be to change the bear-garden into the semblance of a civilized community, rather than by any direct effort to correct the special offence. Foul words, gross acts, drink, dirt, and vice, oaths, curses, and blows, it is all, alas! *in keeping*—nor can we hope to cure one evil without the rest. But the unendurable mischief, the discovery of which has driven me to try to call public attention to the whole matter, is this—*Wife-beating* in process of time, and in numberless cases, advances to *Wife-torture*, and the *Wife-torture* usually ends in *Wife-maiming*, *Wife-blinding*, or *Wife-murder*. A man



who has "thrashed" his wife with his fists half-a-dozen times, becomes satiated with such enjoyment as that performance brings, and next time he is angry he kicks her with his hob-nailed shoes. When he has kicked her a few times standing or sitting, he kicks her down and stamps on her stomach, her breast, or her face. If he does not wear clogs or hob-nailed shoes, he takes up some other weapon, a knife, a poker, a hammer, a bottle of vitriol, or a lighted lamp, and strikes her with it, or sets her on fire;—and then, and then only, the hapless creature's sufferings are at an end.

I desire specially to avoid making this paper more painful than can be helped, but it is indispensable that some specimens of the tortures to which I refer should be brought before the reader's eye. I shall take them exclusively from cases reported during the last three or four months. Were I to go further back for a year or two, it would be easy to find some more "sensational," as, for example, of Michael Copeland, who threw his wife on a blazing fire; of George Ellis, who murdered his wife by pitching her out of window; of Ashton Keefe, who beat his wife and thrust a box of lighted matches into his little daughter's breast when she was too slow in bringing his beer; and of Charles Bradley, who, according to the report in the *Manchester Examiner*, "came home, and after locking the door, told his wife he would murder her. He immediately set a large bulldog at her, and the dog, after flying at the upper part of her body, seized hold of the woman's right arm, which she lifted to protect herself, and tore pieces out. The prisoner in the meantime kept striking her in the face, and inciting the brute to worry her. The dog dragged her up and down, biting pieces out of her arms, and the prisoner then got on the sofa and hit and kicked her on the breast."

But the instances of the last three or four months—from September to the end of January—are more than enough to establish all I want to prove; and I beg here to return my thanks for a collection of them, and for many very useful observations and tabulations of them, to Miss A. Shore, who has been good enough to place them at my disposal.

It is needful to bear in mind in reading them, that the reports of such cases which appear in newspapers are by no means always reliable, or calculated to convey the same impressions as the sight of the actual trial. In some of the following instances, also, I have only been able to obtain the first announcement of the offence, without means of checking it by the subsequent proceedings in court. *Per contra*, it should be remembered that if a few of these cases may possibly have been exaggerated or trumped up (as I believe the story of the man pouring Chili vinegar into his wife's eyes proved to have been), there are, for every one of these *published* horrors, at least three or four which *never are reported at all*, and where the poor victim dies

quietly of her injuries like a wounded animal, without seeking the mockery of redress offered her by the law.

James Mills cut his wife's throat as she lay in bed. He was quite sober at the time. On a previous occasion he had nearly torn away her left breast.

J. Coleman returned home early in the morning, and, finding his wife asleep, took up a heavy piece of wood and struck her on the head and arm, bruising her arm. On a previous occasion he had fractured her ribs.

John Mills poured out vitriol deliberately, and threw it in his wife's face, because she asked him to give her some of his wages. He had said previously that he would blind her.

James Lawrence, who had been frequently bound over to keep the peace, and who had been supported by his wife's industry for years, struck her on the face with a poker, leaving traces of the most dreadful kind when she appeared in court.

Frederick Knight jumped on the face of his wife (who had only been confined a month) with a pair of boots studded with hobnails.

Richard Mountain beat his wife on the back and mouth, and turned her out of her bed and out of their room one hour after she had been confined.

Alfred Roberts felled his wife to the floor, with a child in her arms; knelt on her, and grasped her throat. She had previously taken out three summonses against him, but had never attended.

John Harris, a shoemaker, at Sheffield, found his wife and children in bed; dragged her out, and, after vainly attempting to force her into the oven, tore off her night-dress and turned her round before the fire "like a piece of beef," while the children stood on the stairs listening to their mother's agonized screams.

Richard Scully knocked in the frontal bone of his wife's forehead.

William White, stonemason, threw a burning paraffin lamp at his wife, and stood quietly watching her enveloped in flames, from the effects of which she died.

William Hussell, a butcher, ran a knife into his wife several times and killed her. Had threatened to do so often before.

Robert Kelly, engine-driver, bit a piece out of his wife's cheek.

William James, an operative boilermaker, stabbed his wife badly in the arm and mouth, observing afterwards, "I am sorry I did not kill both" (his wife and her mother).

Thomas Richards, a smith, threw his wife down a flight of fourteen steps, when she came to entreat him to give her some money for her maintenance. He was living with another woman—the nurse at a hospital where he had been ill.

James Frickett, a ratcatcher. His wife was found dying with broken ribs and cut and bruised face, a walking-stick with blood on it lying by. Frickett remarked, "If I am going to be hanged for you, I love you."

James Styles beat his wife about the head when he met her in the City Road. She had supported him for years by char-work, and during the whole time he had been in the habit of beating her, and on one occasion so assaulted her that the sight of one of her eyes was destroyed. He got drunk habitually with the money she earned.

John Harley, a compositor, committed for trial for cutting and wounding his wife with intent to murder.

Joseph Moore, labourer, committed for trial for causing the death of his wife by striking her with an iron instrument on the head.

George Ralph Smith, oilman, cut his wife, as the doctor expressed it, "to pieces," with a hatchet, in their back parlour. She died afterwards, but he was found Not Guilty; as it was not certain that her death resulted from the wounds.

Fletcher Bisley, a clerk, struck his wife violently on the head with a poker,



after having tried to throw a saucepan of boiling soup at her son. Both had just returned home and found Bisley in bed.

Alfred Cummins, tailor, struck his wife so as to deprive her of the sight of an eye.

Thomas Paget, laundryman, knocked down his wife in the street and kicked her till she became insensible, because she refused to give him money to get drink.

Alfred Etherington, shoemaker, kicked his wife in a dangerous way, and a week later dragged her out of bed, jumped on her, and struck her. He said he would have her life and the lives of all her children. He gave no money for the support of his family (six children), and he prevented her from keeping the situations she had obtained for their maintenance. She had summoned him six or seven times.

Jeremiah Fitzgerald, labourer, knocked down his wife and kicked her heavily in the forehead. He had been twice convicted before. The woman appeared in court with her face strapped up.

Patrick Flynn, violently kicked his wife after he had knocked her down, and then kicked a man who interfered to save her. Had already undergone six months' hard labour for assaulting his wife.

Here is a case recorded from personal observation by a magistrate's clerk:—

“I attended a dying woman to take her deposition in a drunkard's dwelling. The husband was present in charge of the police. The poor wretched wife lay with many ribs broken, and her shoulder and one arm broken, and her head so smashed that you could scarcely recognize a feature of a woman. She, in her last agony, said that her husband had smashed her with a wooden bed-post. He, blubbering, said, ‘Yes, it is true, but I was in drink, or would not have done it.’”

And here is one that has come in while I have been writing:—

“At the Blackburn police-court, yesterday, John Charnock was committed for trial on a charge of attempted murder. It was stated that he had fastened his wife's head in a cupboard and kicked her with his iron clogs, and that he had deliberately broken her arm.” (Feb. 3, 1878.)

And here another (reported in the *Manchester Courier*, February 5th) so instructive in its details of the motives for Wife-murder, the sort of woman who is murdered, the man who kills, and the sentiment of juries as to what constitutes “provocation” on the part of a wife, that I shall extract it at length:—

#### “MANSLAUGHTER AT DUKINFIELD.

“Thomas Harlow, 39, striker, Dukinfield, was indicted for the manslaughter of his wife, Ellen Harlow, 45 years old, at Dukinfield, on 30th November, 1877. The prisoner was committed by the magistrates on the charge of wilful murder, but the grand jury reduced the indictment to that of manslaughter. Mr. Marshall prosecuted; and the prisoner, who was undefended by counsel, stated, in his plea, that he had no intention of killing his wife when he struck her.

“The prisoner, who was employed in and about Dukinfield, lived with his wife and three children in Waterloo Street, in that town. On the morning of the 30th November the deceased went out hawking as usual, and returned shortly after twelve o'clock. During the time she was away the prisoner remained in the house sitting by the fire, and for the most part drinking beer. When she

returned she busied herself in preparing dinner, and the prisoner went out for a short time. In the afternoon the prisoner laid himself down, and slept for two or three hours. About five o'clock the deceased, and a lodger named Margaret Daley, and several others, were sitting in the house, when the prisoner came in and asked his wife for twopence. She replied that she had not twopence, and that she had had trouble enough with being out hawking all day in the rain and hungry. He then began to abuse her, and asked her for something to eat. She gave him some potatoes and bacon; after eating the greater part of which he again began to abuse her. He once more asked her for twopence, and Margaret Daley, seeing there was likely to be a disturbance, gave him the twopence, and told him he had better get a pint of beer. Instead of getting beer, however, he sent a little girl to purchase a quantity of coal, and then recommenced abusing his wife. Shortly afterwards he was heard to exclaim, 'There will be a life less to-night, and I will take it.' At this time the persons who were sitting in the house when the prisoner came in went out, leaving Harlow, his wife, and their son Thomas, and Daley together. The prisoner had some further altercation with his wife, which ended with him striking her a violent blow under the right ear, felling her to the floor. She died in a few minutes afterwards, the cause of death being concussion of the brain. The prisoner subsequently gave himself into custody, and made a statement attributing his conduct to the provocation his wife had given him.

"The jury found the prisoner guilty, and recommended him to mercy on account of the provocation he received. Sentence was deferred."

I think I may now safely ask the reader to draw breath after all these horrors, and agree with me that they cannot, *must* not, be allowed to go on unchecked, without some effort to stop them, and save these perishing and miserable creatures. Poor, stupid, ignorant women as most of them are, worn out with life-long drudgery, burdened with all the pangs and cares of many children, poorly fed and poorly clothed, with no pleasures and many pains, there is an enormous excuse to be made for them even if they do sometimes seek in drink the oblivion of their misery—a brief dream of unreal joy, where real natural happiness is so far away.\* But for those who rise above these temptations, who are sober where intoxication holds out their only chance of pleasure; chaste in the midst of foulness; tender mothers when their devotion calls for toilsome days and sleepless nights,—for these good, industrious, struggling women who, I have shown, are the chief victims of all this cruelty,—is it to be borne that we should sit patiently by and allow their lives to be trampled out in agony?

What ought to be done?

First, what has been done, or has been proposed to be done, in the matter?

In June, 1853, an Act was passed (16th Victoria, c. 30) entitled "An Act for the Better Prevention and Punishment of Aggravated

\* Few people reflect how utterly devoid of pleasures are the lives of the women of the working classes. An excellent woman, living near Bristol, having opened a Mothers Meeting, was surprised to find that not more than one out of forty of her poor friends had ever seen the sea, and not more than three had travelled on the railway. Of course their fathers, husbands, brothers, and sons had all seen these wonders, but they—never. That good woman accordingly took the whole party one summer's day to the beach at Weston-super-Mare, and the sight of their enjoyment drew the tears from her eyes,—an from mine when she described it.

Assaults upon Women and Children, and for Preventing Delay and Expense in the Administration of the Criminal Law." In the preamble to this Act it is stated that "the present law has been found insufficient for the protection of women and children from violent assaults;" and the measure provides that assaults upon any female or any male child—occasioning actual bodily harm—may be punished by summary conviction before two Justices of the Peace in Petty Sessions, or before any Police or Stipendiary Magistrate. The penalty to be inflicted is not to exceed imprisonment for six months with or without hard labour, or a fine not exceeding £20. The offender may also be bound to keep the peace for any period not exceeding six months from the expiration of his sentence. Failing to enter into recognizances, the offender may be kept in prison for a period not exceeding twelve months.

Since this Act was passed twenty-five years ago, no further legislation has taken place on the subject except the Consolidating Act (24 and 25 Vict. c. 100), which simply re-enacts the Act as above stated.

Beside this Act on their behalf, wives are able to obtain relief in certain cases, under the Divorce Act. That is to say, those women who are able to apply to the Divorce Court may obtain, under section 16 of the Act (20th and 21st Vict. c. 85), on proof of cruelty, a sentence of Judicial Separation, which shall have the effect of a divorce *à mensâ et thoro*.

In the case of the ignorant, friendless, and penniless women, who are the chief victims of Wife-torture, such relief as this court affords is practically unattainable; but another clause of the same Act (the twenty-first) is of great value to them. It provides that a wife deserted by her husband may, at any time after such desertion, apply to a Police Magistrate in the metropolitan district, or to Justices in Petty Sessions if in the country, for an order to protect any money or property she may acquire; and if any such Protection Order be made, the wife shall, during its continuance, "be in all respects in the same position, with regard to property and contracts, and suing and being sued, as she would have been under the Act if she had obtained a decree of Judicial Separation."

For reasons to be hereafter noticed, this clause in the Divorce Act is of the utmost importance in establishing the principle that a Police Magistrate, or two Justices of the Peace in Session, may pronounce, on proof of the minor offence of desertion by the husband, a sentence which is tantamount, so far as property is concerned, to a Judicial Separation. The clause is, I am informed, brought very frequently indeed into action, and the magistrates not unfrequently interpret "desertion" to signify an absence of three months without cause, albeit in the Divorce Court such absence must exceed two years to enable the wife to obtain a judicial separation.

It was doubtless believed by the benevolent promoters of these Acts



that their provisions would have done a good deal to check the ill-usage of wives. But the offence appears to have diminished very little, if at all, during the twenty years which have since intervened, and at last one well-meaning, though somewhat eccentric member of the House of Commons felt himself moved to speak on the subject.

On the 18th May, 1874, Colonel Egerton Leigh made a vehement appeal for some increased punishment for aggravated assaults on women. He said that England had been called the Paradise of Women, and he brought forward his motion to prevent it from becoming a Hell of Women. After a speech, in which Colonel Leigh appeared overcome by emotion, he ended by saying that he "was sure the women of England would not appeal in vain to the House of Commons," and Mr. Disraeli answered him in the same vein of cheerful confidence which that Honourable House always expresses in its own eagerness to do justice to women. The House "must have sympathized," he said, "with Colonel Leigh, for it was a subject on which there could not be any differences of opinion." He hoped "his honourable and gallant friend would feel he has accomplished his object in directing the attention of the country to the subject, and that he would allow his right honourable friend, the Secretary of State for the Home Department, whose mind is now occupied with this and similar subjects, time to reflect as to the practical mode in which the feeling of the country can be carried out." Colonel Leigh was requested to be "satisfied that after the address he has made, Her Majesty's Government will bear in mind what is evidently the opinion of the House;" and, of course, Colonel Leigh expressed himself as perfectly satisfied, and withdrew his amendment (authorizing flogging) with one of the jokes, which are so inexpressibly sickening in connection with this subject, about "fair play for the fairer sex."\*

On the 15th October, 1874, six months after Colonel Leigh had thus broken a lance in defence of the tortured women, the Home Office issued a Circular inquiring the opinion of the Judges, Chairmen of Quarter Sessions, Recorders, Stipendiary Magistrates of Metropolitan Police Courts, and Sheriffs of Scotch Counties, respecting five points connected with brutal assaults, the principal being whether the existing law was sufficiently stringent, and whether flogging should be authorized, "especially in cases of assaults on women and children."

The replies to these questions were published in a Parliamentary Blue Book entitled "Reports on the State of the Law relating to Brutal Assaults," in 1875, and the following is a summary of the results:—

There was a large consensus of opinion that the law as it now stands is insufficient to effect its purpose. Lord Chief Justice Cockburn says, "In my opinion the present law against assaults of brutal vio-

\* Hansard, vol. cxxix. p. 396.

lence is not sufficiently stringent" (p. 5), and Mr. Justice Lush, Mr. Justice Mellor, Lord Chief Baron Kelly, Baron Bramwell, Baron Pigott, and Baron Pollock, express the same judgment in almost the same words (pp. 7—19).

Several of these, and also other judges, who do not directly say that they consider the present law insufficient, manifest their opinion that it is so by recommending that (under various safeguards) the penalty of flogging be added thereto. The agreement of opinion of these great authorities on this point appears (to the uninitiated) as if it must have been sufficient to carry with it any measure which had such weighty recommendation.

The following are the opinions in favour of flogging offenders in cases of brutal assaults:—

Lord Chief Justice Cockburn, Mr. Justice Blackburn, Mr. Justice Mellor, Mr. Justice Lush, Mr. Justice Quain, Mr. Justice Archibald, Mr. Justice Brett, Mr. Justice Grove, Lord Chief Baron Kelly, Baron Bramwell, Baron Pigott, Baron Pollock, Baron Cleasby, and Baron Amphlett. The opinions of Lord Coleridge and Mr. Justice Denman were hesitating, and the only decided opponent of flogging at that time on the judicial bench in England was Mr. Justice Keating.

The Chairmen of Quarter Sessions and magistrates in Sessions were in *sixty-four* cases out of the sixty-eight from whence responses came to the Home Office, in favour of flogging:—Leftwich, Oxford (county), Stafford (county), and the North Riding being the only exceptions.

The Recorders of *forty-one* towns were likewise in favour of flogging, and only those of Lincoln, Nottingham, and Wolverhampton were opposed to it. The Recorders of Folkestone and of Newcastle-on-Tyne added the recommendation that a husband who had been flogged for a brutal assault on his wife should be divorced from her.

On reading this summary it will doubtless to many persons appear inexplicable that three years should have elapsed since so important a testimony was collected at the public expense, and at the trouble of so many eminent gentlemen whose time was of infinite value; and that, so far as can be ascertained, absolutely nothing has been done in the way of making practical use of it. During the interval scores of Bills, on every sort and kind of question *interesting to the represented sex*, have passed through Parliament; but *this* question, on which the lives of women literally hang, has never been even mooted since Lord Beaconsfield so complacently assured its solitary champion that "Her Majesty's Government would bear in mind the evident feeling of the House on the subject." Something like 6,000 women, judging by the judicial statistics, have been in the intervening years "brutally assaulted"—that is, maimed, blinded, trampled, burned, and in no inconsiderable number of instances murdered outright—and several thousand children have been brought up to witness scenes which might, as Colonel Leigh said, "infernalize a whole generation." Never-



theless, the newspapers go on boasting of elementary education, and Parliament busies itself in its celebrated elephant's trunk fashion, alternately rending oaks and picking up sixpences; but *this* evil remains untouched!

The fault does not lie with the Home Office—scarcely even with Parliament, except so far as Parliament persists in refusing to half the nation those political rights which alone can, under our present order of things, secure attention to any claims. We live in these days under *Government by Pressure*, and the Home Office *must* attend first to the claims which are backed by political pressure; and Members of Parliament *must* attend to the subjects pressed by their constituents; and the claims and subjects which are not supported by such political pressure *must* go to the wall.

Nevertheless, when we women of the upper ranks,—constitutionally qualified by the possession of property (and, I may be permitted to add, naturally qualified by education and intelligence at least up to the level of those of the “illiterate” order of voters), to exercise through the suffrage that pressure on Parliament,—are refused that privilege, and told year after year by smiling senators that we have no need whatever for it, that we form no “class,” and that we may absolutely and always rely on men to prove the deepest and tenderest concern for everything which concerns the welfare of women, shall we not point to these long-neglected wrongs of our trampled sisters, and denounce that boast of the equal concern of men for women as—a falsehood?

Were women to obtain the franchise to-morrow, it is morally certain that a Bill for the Protection of Wives would pass through the legislature before a Session was over. I have yet hopes that even before that event takes place, some attention may be directed to the miserable subject, and that it may be possible to obtain some measure, holding out a prospect of relief to the wretched victims—if not of repression of the crime of Wife-torture. What measure ought we to ask for the purpose?

Of the desirability that any step should be taken in the direction of inflicting the lash for aggravated assaults on women, I shall not presume in the face of such authorities as have been cited above, to offer any opinion whatever.

One thing is manifest at all events. It is, that if flogging were added to the present penalties of wife-beating, the great difficulty which meets all efforts to stop the practice would be doubled. That difficulty is the inducing of the women (whose evidence is in most instances indispensable) to bear testimony against their husbands. It is hard enough to lead them to do so when the results will be an imprisonment to end in one month or in six, after which the husband will return to them full of fresh and more vindictive cruelty, and when in short, bringing him “up” means abandoning the last ray of hope of ever

making a happy home. This sentiment, half prudence, half perhaps in some cases lingering affection, cannot be overcome (even were it desirable to do so), as the law now stands, and causes endless failures of justice and perplexity to the always well-meaning magistrates. As a general rule it is said the wives will often tell their stories to the constables at the moment of the arrest, and can frequently be induced to attend in court the day or two after their injuries and while still smarting from their blows, and kicks, and "cloggings." But if a week be allowed to elapse, still more if the case be referred to the Quarter Sessions or Assizes, the wife is almost certain in the interval to have relented, or to have learned to dread the consequence of bearing testimony, and, instead of telling her true story, is constantly found to narrate some poor little fable, whereby the husband is quite exonerated, and, perhaps the blame taken on herself, as in the pitifully ludicrous case cited by Colonel Egerton Leigh in the House of Commons—of the woman who appeared without a nose, and told the magistrate she had *bitten it off herself!* On this subject, and on the defects of our whole procedure in such cases, some just remarks were made by Mr. Serjeant Pulling in a paper read before the Social Science Congress at Liverpool, published in the Transactions for 1876, p. 345. He says—

"No one who has gained experience of wife-beating cases, can doubt that our present system of procedure seems as if it were designed not to repress crime, but to discourage complaints. A woman after being brutally assaulted by her husband, and receiving a sufficient number of kicks and blows to make her think she is being murdered, calls out for the aid of the police; and if her statements were there and then authentically recorded, and afterwards, on the commitment and trial of the aggressor, allowed to form part of the formal proof against him (subject of course to the right of the accused to refute it by cross-examination), there can be little doubt that the ends of justice would oftener be attained. In practice, however, the course is for the police to hear the loose statements of the scared victim and bystanders; and the subsequent proceedings are left very much to depend on the influences brought to bear on the poor wife in the interim (before the trial). She may relent before morning comes, or be subjected to so much sinister influence on the part of the husband and his friends as to be effectually prevented from disclosing the whole truth at all; or if doing so in the first stage of the proceedings she may be easily made so completely to neutralize its effect, that conviction becomes impracticable. The lesson taught to the ruffian is that if he ill-uses his dog or his donkey he stands a fair chance of being duly prosecuted, convicted, and punished; but that if the ill-usage is merely practised on his wife, the odds are in favour of his own entire immunity, and of his victim getting worse treatment if she dare appear against him."

To avoid these failures of justice, and the consequent triumph of the callous offenders, magistrates are generally very anxious to have these cases summarily disposed of, and to strike while the iron is hot. But of course there hence arises another evil, namely, that the greater offences, which ought to be tried in the higher courts, and were intended to receive the heaviest penalty which the law allows, are punished only to the extent of the powers of the summary jurisdiction,

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of which the maximum is six months' imprisonment. Occasionally there is reason to believe the magistrates mend matters a little by the not unfair device of ordering the offender to find security for good behaviour, which, as he is generally unable to discover anybody foolish enough to give it for him, involves his incarceration in jail, possibly for a year. And, again, magistrates kindly endeavour to make the period of detention serve the process of reclaiming the man to better feelings about his wife, by allowing her entreaty to weigh importantly in any application to curtail his sentence, and letting him know that any repetition of offence will be closely watched and doubly severely punished.\* But all these humane devices, though sometimes, it is to be hoped, successful, yet leave the mournful fact patent to observation that the existing law, even worked with the extremest care and kindness, cannot and does not prevent the repetition, year after year, of all the frightful cruelties, beatings, burnings, cloggings, and tramlings of which we have given some pages back a few awful samples.

The relief which I most earnestly desire to see extended to these women, and from which I would confidently hope for *some* alleviation of their wretched condition, though its entire cure is beyond hope, is of a very different sort. It is this. A Bill should, I think, be passed, *affording to these poor women, by means easily within their reach, the same redress which women of the richer classes obtain through the Divorce Court.* They should be enabled to obtain from the Court which sentences their husbands a Protection Order, which should in their case have the same validity as a judicial separation. In addition to this, the *Custody of the Children should be given to the wife*, and an order should be made for *the husband to pay to the wife such weekly sum for her own and her children's maintenance as the Court may see fit.*

The following are the chief clauses in a Bill, which has been prepared by Alfred D. Hill, Esq., J.P., of Birmingham, and the principle of which has been approved by many eminent legal authorities:—

#### BILL

Intituled *An Act for the Protection of Wives whose Husbands have been convicted of assaults upon them.*

Whereas it is desirable to make provision for the protection of wives whose

\* I have before me a letter written by a man under these circumstances from Clerkenwell House of Detention to his wife. The writer (who was sent to jail for beating the aforesaid poor woman very cruelly) is wonderfully civil, and even condescends to coax. He regrets that it is long since he heard from her, but adds, "I hope you will not forget to try and get me out. If you will go to the magistrate, Mr. \* \* \*, i mean, it is very likely you can get my time reduced. I hope you will do all you can for me. I have quiet (*sic*) made up my mind to do what is right to everybody, more especially to you. I hope you will not be angry with me writing. I do hope and pray that you will do all you can for me. So good-bye, hoping to see and hear from you soon, and with your kind assistance to soon be out. So no more at present from your poor Petitioner, \* \* \*." The intelligent reader will perceive that there is not a single word of regret for his cruelty in this epistle. Still it is a good point when the tyrant can be brought thus to sue his victim. All honour to the wise and kindly magistrate who brought it about.



husbands have been convicted of assaults upon them: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and of the Commons in this present Parliament assembled, and by the authority of the same, as follows:—

1. In any case where a husband has been convicted summarily or otherwise of an assault upon his wife, and has been sentenced to imprisonment therefor without the option of a fine in lieu of such imprisonment, it shall be competent for the Court by which such sentence has been pronounced, either at the time of such conviction or at any time afterwards, upon proof thereof, to make and give to the wife upon her application an order protecting her earnings and property acquired since the date of such order from her husband and all creditors and persons claiming under him; and such earnings and property shall belong to the wife as if she were a *feme sole*: and if any such order of protection be made, the wife shall, during the continuance thereof, be and be deemed to be in the like position in all respects with regard to property and contracts, and suing and being sued, as she would be if she had obtained a decree of judicial separation from the Court for Divorce and Matrimonial Causes.

2. The police magistrate or justices shall include in such order as aforesaid an injunction restraining the husband from going to or visiting the wife without her consent; and if any husband against whom any such injunction shall be made shall commit any act of disobedience thereto, such act shall be deemed to be a misdemeanour, upon due proof of which any Court which would have been competent to make such order and injunction may commit him to the common gaol or house of correction of the city, borough, or county within the jurisdiction of such Court for any period not exceeding three months with or without hard labour.

3. And any Court which would have been competent to make such order as aforesaid may further include in such order a provision that the wife shall have the legal custody of the children of her husband and herself. And the same Court which would have been competent to make such order may further include in such order a provision directing that the husband shall pay to the wife a weekly sum not exceeding \_\_\_\_\_ shillings per week for the maintenance of herself and of such children, which provisions of the order shall, if the payments required by it be in arrear, be enforced in the manner prescribed by the Act of the 11th and 12th Vict. c. 43, for the enforcing of orders of justices requiring the payment of a sum of money.

4. Every such order as aforesaid shall, within ten days after the making thereof, be entered with the registrar of the county court within whose jurisdiction the wife is resident, and a copy of such order shall, within such ten days, or within a reasonable time in that behalf, be served upon the husband. And it shall be lawful for the husband to apply to the Court for Divorce and Matrimonial Causes, or to the magistrate or justices by whom such order was made, for the discharge thereof, and they may (if they think fit) discharge the same. And the said Court for Divorce and Matrimonial Causes, or magistrate, or justices, is or are hereby authorized to discharge such order if it, he, or they shall deem fit.

(Here follows Schedule.)

The reasons which may be urged on behalf of this measure are manifold. They rest at all points on admitted principles of legislation.

In the first place, the Divorce Laws offering to women *who can avail themselves of them* the remedy of Judicial Separation in cases of the cruelty of their husbands, it is a matter of simple justice that the same remedy should be placed within the reach of those poor women who are subjected to tenfold greater cruelties than those which the court always rules to constitute a ground for such separation. It is impossible to imagine a matter in which the

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existence of "one law for the rich and another for the poor" is more unrighteous and intolerable than this. At the same time, except by some such machinery as has been suggested,—namely, that the police magistrate or petty sessions court should be given the power to pronounce the separation,—it is difficult to conceive of any way in which the very humble and ignorant class of women, with whom we are concerned, could ever obtain the decree which is *in principle* at present their *right*.

A second reason for such a measure is that, as above stated, Magistrates are already empowered, in cases of *desertion*, to give Protection Orders which are expressly stated to be (so far as property is concerned) equivalent to a Judicial Separation—and which (very frequently given as they are) practically act as Judicial Separations in all respects. The objection which has been raised by some hasty readers of the Bill, that it proposes to give an unheard-of power to one or two Magistrates, thus falls to the ground. They already practically exercise the same power every day in the minor case of desertion. The husband is also afforded by the Bill every facility for obtaining a discharge of the Order should it appear to have been unjustly given.

Finally, a most important reason for adopting such a measure is, that it—or something like it—is indispensable to induce the victims of such outrages to apply for legal redress.\* The great failure of justice which has so long gone on in this matter, is chiefly due, as I have said before, to the fact that the existing law *discourages* such applications,—and in like manner must every projected law do so which merely adds penalties to the husband's offence without providing the suffering wife with any protection from his renewed violence when that penalty has been endured. Under the Wives Protection Bill, should it become law, the injured wife would have the *very thing she really wants*, namely, security against further violence, coupled with the indispensable custody of her children (without which, no protection of herself would offer a temptation to the better sort of women), and some small (though probably precarious) contribution to their maintenance and her own. With this real relief held out to them by the law, I should have little doubt that we should find the victims of brutal assaults and of repeated aggravated assaults very generally coming forward to bear testimony and claim their release, and the greatest difficulty attendant on the case would be at an end.

Even were there but a few who availed themselves of the boon, I still think it would be fitting and right that the law should hold it

\* Mr. W. Digby Seymour, Recorder of Newcastle-on-Tyne, in giving in his opinion on the desirability of adding flogging to the penalties of wife-beating, says—"If you flog the husband you will for ever degrade him as a married man. Let him be flogged by all means; but why not amend the laws of divorce, and in cases of a conviction for 'brutal violence,' entitle the wife, on simple proof of conviction, to a divorce *à vinculo*?"—Returns, p. 90.

Mr. Lonsdale, Recorder of Folkestone, says practically the same: "I would not authorize flogging in cases of assaults upon wives unless that punishment were allowed to have the effect of a judicial separation."—Ibid. p. 82.

out to them. In many instances no doubt the mere fact that the wife had such a resource open to her would act very effectually on the husband as a deterrent to violence.

As to the justice and expediency of giving the custody of the children (both boys and girls of all ages) to the wife, there can be, I should think, little hesitation. The man who is, *ex hypothesi*, capable of kicking, maiming, and mutilating his wife, is even less fit to be the guardian of the bodies and souls of children than the lord and master of a woman. They are no more safe under his roof than in the cage of a wild beast, and the guilt of leaving them in the one place is little less than that of placing them in the other. When a child is killed by one of these drunken savages,—as the illegitimate child of George Hill, whom he knocked on the head with a hammer in revenge for having an affiliation order made on him; or as the child of six years old whom James Parris murdered because its mother failed to keep an appointment,—or when a child is cruelly injured, as the poor little girl into whose breast Ashton Keefe thrust a box full of ignited matches because she had been slow in fetching his beer,—when these outrages occur we are indignant enough with the offenders; but, if they had previously betrayed their tiger instincts, is there no guilt attaching to those who *left* these defenceless creatures in their dens? For both the children's sakes and the mothers' this clause of the Bill, then, appears of paramount importance—in fact, a *sine qua non* of any measure possessing practical value.

Lastly, as regards the alimony for the wife, and the maintenance for the children, to be paid by the husband after the term of his imprisonment, I presume the justice of the provision will not be disputed. The man obviously cannot wipe away his natural obligations by the commission of a deed of cruel violence, and it would be a most dangerous lesson to let him think he could do so. The difficulty of course lies in enforcing such an order in the case of those lowest classes of artisans and labourers who can move freely from place to place, obtaining employment anywhere with the help of a bag of tools, or tramping the country from workhouse to workhouse. In the case of affiliation orders it is, I understand, found pretty uniformly that the small tradesmen, and men having a fixed business, pay their weekly dole fairly regularly, thereby minimizing the scandal; but the lower and looser sort of men decamp, and are lost sight of sooner or later, the Poor-law authorities rarely troubling themselves to look after them. The same resource of escape will undoubtedly be sought by not a few separated husbands should the Bill before us become law. The evil is serious, but perhaps not so serious or irremediable as it may appear. In the first place the Poor-law authorities or the police might surely be stirred to put in motion the machinery which lies ready to hand in case of greater crimes. A man was whipped last January by order of the Recorder of Hereford,



under the Act 5 George IV., c. 83, for leaving his wife and children four times, and throwing them on the Union. It would be a useful lesson to impress pretty generally the fact that such legal responsibilities cannot be shirked in England with impunity.\*

Secondly, there are few of these beaten wives who would not be far better off separated from their husbands *even if they never received a farthing of maintenance* than they are under their present condition, or would be under liability to their occasional raids and incursions. Such women (as I have maintained so often) are nearly always the bread-winners of the family. They have usually been for months or years earning their children's subsistence and their own, and very often that of their husbands beside. The withdrawal of this supposed conjugal "support" accordingly means the withdrawal of a minus quantity. They will find themselves where they were, with this difference, that they will not see their husbands reeling home to empty their scanty cupboards—chartered robbers, as scores of such husbands are. It is true the sole charge of their children will devolve on them, but (and this is a reflection which goes far further into the matter than I can pursue it) they will have no *more* children than those already born. Women never reach the bottom of the abyss of their misery save when the pangs and weaknesses of child-bearing and child-nursing are added to their burdens, and when to the outrage of their tyrant's blows is joined the deeper degradation of bearing him children year by year, to furnish fresh victims of his cruelty, and to rivet their chains. The subject is too revolting to be dwelt upon here.

Of course it is not difficult to find objections to the proposed measure. I have already referred to, and I hope satisfactorily answered, that which rests on the supposed difficulty of entrusting a single Police Magistrate or Justices in Petty Sessions with such powers as are given them in the Bill. As no complaints have ever been published of their frequent use of analogous power in cases of Desertion, I know not why we should anticipate them in those of Brutal Assault.

Again, objections have been taken to the Bill on the ground that cases of collusion might occur under its provisions. It has been suggested, for example, that a wife desiring to get rid of her husband might designedly provoke him to beat her, and that she might prefer taking the beating, and so obtaining both his money and release from his presence. Or again, it is said that a wife who had given a man cause for jealousy, and had been beaten by him in consequence, would thus obtain her object of separation and freedom to live with her paramour. Or again, that a wife who drank and "sold up" her husband's goods might have practically done him much more grievous injury than he has done her by the thrashing he gives her, and yet,

\* Perhaps the best plan as regards the maintenance for a wife would be (as suggested by an experienced magistrate) that the money should be paid through, and recoverable by, the Relieving Officer of the parish. This would afford her much greater security, and obviate the chance of collision with the husband.

under such an Act as is proposed, the husband would be compelled to give a share of his wages to her, and to see his children in her custody possibly starving and ill-treated. To all these hypothetical cases I have only to reply that, should they ever be realized, they would certainly form a failure of justice, and that I should sincerely regret that any man, even a wife-beater, should suffer wrongfully, or a jot more than he deserves. But I confess I am more concerned to protect the *certainly* beaten wives than their hypothetically ill-used beaters; and that most of the suggestions above named appear to me exceedingly far-fetched, and unlikely ever to be verified.

The real and valid objection to the Bill—which I cannot blink—is the same which necessarily adheres to every severance of married couples which does not sanction their marrying again—in short, to every divorce *à mensâ et thoro*, which is not a divorce *à vinculo*. The latter kind of divorce—though we have the opinion of Mr. Lonsdale and Mr. Digby Seymour that it ought to be given to the wife in such cases of brutal assault—seems too dangerous a resource, seeing that it might often act as an incentive to commit the assault in the case of a husband, and an incentive to provoke one in the case of the wife. The *quasi-judicial* separation, on the other hand, which is all the Bill proposes, of course leaves the separated man and woman liable each to fall into vicious courses since marriage is closed to them, and thus to contribute to the disorder of the community. The evil, I think, must be fairly weighed against the benefits anticipated from the measure; but the reflection that the wife-beater is almost always *already* a man of loose and disorderly life will tend to diminish our estimate of that evil's extent. The decent respectable wife, such as I hope I have shown a large class of beaten wives to be, would of course live like a well-conducted widow.

I entreat my readers not to turn away and forget this wretched subject. I entreat the gentlemen of England,—the bravest, humanest, and most generous in the world,—not to leave these helpless women to be trampled to death under their very eyes. I entreat English ladies, who, like myself, have never received from the men with whom we associate anything but kindness and consideration, and who are prone to think that the lot of others is smooth and happy as our own, to take to heart the wrongs and agonies of our miserable sisters, and to lift up on their behalf a cry which must make Parliament either hasten to deal with the matter, or renounce for very shame the vain pretence that it takes care of the interests of women.

FRANCES POWER COBBE.

[NOTE.—Copies of the Bill advocated in the foregoing article may be had from Mr. King, Parliamentary Publisher, Canada Buildings, King Street, Westminster. Price 6d.]



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**Journal title:** The Contemporary review, 1866-1900

**Volume:** 32

**Pages:** 55-87

**Number of pages:** 33

**Publication year:** 1878

**Publication date:** Apr 1878

**Year:** 1878

**Publisher:** Contemporary Review Company Ltd

**Place of publication:** London

**Country of publication:** United Kingdom

**Journal subject:** Literature, History, Literary And Political Reviews, Art

**Publication frequency:** Monthly

**ISSN:** 0010-7565

**Source type:** Historical Periodicals

**Language of publication:** English

**Document type:** Article

**ProQuest document ID:** 6686178

**Document URL:** <http://search.proquest.com/docview/6686178?accountid=14888>

**Last updated:** 2010-07-20

**Database:** British Periodicals

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