

Introduction

Historians have shown that all types of violence, from interpersonal violence to terrorism, have a history. As Shani D’Cruze notes, ‘Whilst the basic physical realities of violence may be disturbingly repetitive, the socio-cultural context and meanings, as well as the techniques and technologies of violence, have their historical specificities’.¹ In other words, the meanings assigned to violence are historically contingent, or shaped by the social, economic, and political conditions of a particular time and place. Moreover, certain kinds of violence – such as marital violence – undergo periods when they are denied or suppressed and periods when they are rediscovered and redefined.² In order to understand violence, therefore, we must first grapple with its history.

This study explores the history of marital violence in post-independence Ireland, a subject that has yet to be tackled by historians. While interest in marital violence in Ireland (and worldwide) has surged since the 1970s with the advent of second-wave feminism, Linda Gordon notes that public discussions of the issue have been distorted by the lack of a history.³ Synchronous theories of the causes of marital violence abound – ranging from social stress factors such as alcoholism and poverty to psychological factors such as traumatic childhood experiences⁴ – but are inevitably incomplete. We cannot begin to understand this social problem until we recognise its historical dimension. Furthermore, the study of marital violence sheds light on marriage and family life in modern Ireland. Although the post-independence Irish Catholic family was idealised as a bastion of morality and goodness, families had to cope with the problems of poverty, deprivation, and violence. Reality did not always echo rhetoric,

and some families struggled to adhere to a strict code of Catholic morality. A sustained examination of the Irish family demands that we acknowledge the reality of marital violence.

This book takes as its starting point the founding of the Irish Free State in 1922 and ends with the passage of the Domestic Violence Act and the legalisation of divorce in 1996. Although many men beat their wives with impunity during the whole of the twentieth century, there was little public discussion of marital violence for the first fifty years of Irish independence. It was not until the early 1970s, with the arrival of the second-wave feminist movement, that the Irish 'discovered' the problem of marital violence. Once the reality of spousal abuse was widely acknowledged, change quickly followed: activists established emergency refuges for battered women and their children, the government passed legislative reforms that provided protections for abused women, and the public began to more openly discuss the problem of marital breakdown. This study will ask why the issue of marital violence was not recognised for so long, and why it was suddenly brought to light in the 1970s.

For most of the period under review, the battered woman occupied an extremely vulnerable position. It was common for a chronically abused woman to remain with her violent husband because she had little money to support herself (or her children) and little recourse to the law. Due to women's inferior status, it is argued here that marital violence represented a social problem in post-independence Ireland: an abused woman had a socially constructed inability to escape her husband's violence as a result of her economic dependence, limited legal options, and social and religious expectations.⁵ Because so few women had a path of escape, this book considers the ways in which they learned to cope with their abusive partners and how they resisted and responded to the violence. Additionally, it examines the meanings that contemporaries – from the troubled couples themselves to their local communities to legal professionals – assigned to marital violence. By analysing the ways in which a wider audience understood and reacted to marital violence, we can draw broader conclusions about women's position within marriage and society, the nature of family life, and the relationship between family and community.

Although the focus of this book is violence within marriage, it also sheds light on the changing ideals and lived realities of Irish marriages over time. Little to date has been written about modern

marital experience in Ireland, although several historians have covered the topic of marriage from a broader perspective.⁶ In order to gain insights into Irish marriage, this book considers marital violence from the perspective of gender history. It uses marital violence as a tool, for example, in understanding the gendered nature of marital roles and ideals of masculinity and femininity within marriage. In addition to using gender analysis, this book considers marital violence as part of a broader history of the family. It highlights the role that other family members, particularly children, played in marital conflicts and asks how the violence affected them. Few historians to date, with the notable exception of Elizabeth Foyster, have acknowledged the pervasive presence of children and other family members within marital conflicts. As Foyster writes in her study of marital violence in early modern England, 'It is an extraordinary reflection of the distance between historians of gender relations and those of the family, that consideration of the impact of violence between men and women upon other family members has never been attempted'.⁷

For the purpose of this book, marital violence is defined as physical, verbal, psychological and/or sexual abuse inflicted by one spouse upon another. Most historians of marital violence consider mainly physical battering, but such a narrow definition of violence ignores the many forms of abuse endured by past generations of women (and men). As we will see, women in post-independence Ireland who took legal action against their abusive husbands listed a diverse range of complaints that extended beyond the parameters of physical assault. By widening our definition of marital violence, we gain a more complete picture of the forms and meanings of violence within marriage, and a clearer understanding of the ways in which contemporaries perceived violence. Although this book mainly uses the term 'marital violence' because it encompasses a wide range of abuses, it is not without limitations. Firstly, the term is anachronistic as it was not in common usage until the late twentieth century; contemporaries tended to use the terms 'wife beating' or 'wife assault'. Secondly, it is gender-neutral, whereas this study focuses on male offenders and female victims. While some women abused their husbands, historical and contemporary studies suggest that male abusers far outnumber their female counterparts.⁸ Of course, the history of husband beating in Ireland is an important story that deserves to be told, but the vast majority of court records and newspaper reports (on which this book

relies) focus on cases of wife abuse. Moreover, because men occupied a dominant position in twentieth-century Ireland, husband beating had markedly different meanings and implications than wife beating. During the decades considered, Irish women suffered from political, social, and, perhaps most importantly, economic disabilities; thus, they were not as able to resist spousal violence. In order to rectify some of these terminology issues, the terms 'wife beating' and 'wife abuse' will be used where appropriate.

The topic of marital violence is certainly not pleasant, and this book has been difficult to research and write. The many pages detailing disturbing acts of violence seem, at times, to read as an extensive list of human sadism and misery. The aim of the book, however, is not to alarm or depress, but instead to simply acknowledge the reality of many women's lives in post-independence Ireland. The examples were chosen not for their shock value, but instead for their representative quality. Countless women regularly suffered brutal abuse at the hands of their husbands – many without any real avenue of escape – and the problem continues today. That being said, in choosing Ireland as the focus of this study, the intention is not to imply that marital violence was more prevalent or severe in modern Ireland than anywhere else in the Western world. Roderick Philips argues that wife beating has long been a 'normal' feature of married life throughout Western society. 'To insist on the normalcy of wife beating is not to condone it, even historically, but rather to describe the continuous presence of this coarse thread of behaviour in the fabric of married life', he writes.⁹ Carol Bauer and Lawrence Ritt cite numerous adages that suggest that wife beating has 'spanned both time and place and cut across cultural and social distinctions'. A Russian proverb, for example, states, 'A wife isn't a jug...she won't crack if you hit her ten times'. Similarly, an old English proverb goes, 'A spaniel, a woman, and a walnut tree, the more they're beaten, the better they be'.¹⁰ What is unique to Ireland, then, is not the prevalence of marital violence, but rather its socio-cultural context.

Historiography: approaches and assumptions

Only recently have historians begun to turn their attention to marital violence and the plight of battered women. Prior to the 1970s, marital violence was generally seen as a trivial offence, and it was rarely

acknowledged or discussed by psychologists, social scientists, or historians.¹¹ Since then, thanks in large part to the emergence of second-wave feminism, historians have published a wide variety of works on marital violence. The earliest of these works tended to provide an oversimplified portrait of male dominance and female oppression.¹² More recently, however, the historical analysis has become more complex. As Joanne Bailey writes, scholars have used ‘marital violence as a tool to understand patriarchy, women’s position within the institution of marriage and society, the nature of gendered relationships, and, increasingly, notions of femininity and masculinity’.¹³ Marital violence, then, can shed light on the history of marriage, family, and community.

This study will, of course, make use of the existing literature on marital violence in Ireland. Although no historian has written a sustained examination of marital violence in the post-independence era, a few have explored marital violence in earlier periods. Elizabeth Steiner-Scott, for instance, examines wife beating during the post-Famine period in her article “‘To bounce a boot off her now and then...’: Domestic violence in post-Famine Ireland’. She argues that although the Irish public could read almost daily reports of harrowing incidents of wife abuse in their local newspapers, there was virtually no public outcry against wife beating. A group of early twentieth-century feminists attempted to bring the reality of wife beating to the attention of the Irish middle classes through the pages of the feminist newspaper the *Irish Citizen*, but their campaign had little lasting legal or social impact. She lists several compelling reasons for the silence surrounding marital violence in Ireland. Firstly, she argues that wife beating remained inevitable because marriage itself was an inherently unequal arrangement that allowed husbands to control and beat their wives with impunity. Secondly, she points to a ‘reluctance to expose Ireland’s social ills’, especially at ‘a time of heightened nationalist activity’. She concludes that with the founding of the Irish Free State in 1922, there returned a virtual silence surrounding marital violence until the emergence of second-wave feminism in the 1970s.¹⁴ Continuing where Steiner-Scott left off chronologically, this book evaluates her explanations for Ireland’s failure to acknowledge the problem of marital violence and adds depth to her conclusions.

Additionally, Diane Urquhart has examined marital violence as part of the history of divorce in post-Famine Ireland. Urquhart

shows that abused wives who wished to separate from their husbands had few legal options available to them. While divorce became more accessible in England following the passage of the Divorce and Matrimonial Causes Act of 1857, which moved divorce proceedings from Parliament to the courts, Ireland retained 'the costlier, lengthier, and more social and gender biased parliamentary process'.¹⁵ Following Louisa Westropp's ground-breaking divorce in 1886, however, a legal precedent was set whereby any ground for divorce accepted by the English courts could be applied in Parliament. 'The result was an increase in Irish parliamentary divorce petitions, particularly from women, who utilised an augmenting definition of marital cruelty to secure a permanent release from spousal abuse', Urquhart argues. Despite this upsurge, divorce was still not widely accessible to the women of Ireland: only twenty-four Irishwomen presented divorce bills to Westminster between 1900 and 1922.¹⁶

Lindsey Earner-Byrne has written a compelling book chapter on the topic of family violence in Ireland from 1922 to 1990. She argues that Free State leaders, worried that the Irish family had been irreparably damaged after the instability of the war of independence and the subsequent civil war, sought to protect the integrity of the family unit while simultaneously failing to protect individual family members.¹⁷ For instance, she considers the State's failure to prosecute those who sexually or physically abused children and its long-standing reluctance to acknowledge the problem of marital rape. However, Earner-Byrne challenges the pervasive argument that the State was non-interventionist in family life by introducing a class analysis into her study of domestic abuse. She shows, for example, that the State moved thousands of working-class children from their 'problem homes' and placed them in industrial schools. Although Earner-Byrne's work provides a significant and thought-provoking introduction to family violence in Ireland, she stresses the need for a comprehensive study of domestic abuse in order to enhance contemporary understandings of the subject:

In the Irish context 'the lack of history' has required each generation of campaigners to restate the same discoveries again and again, while failing to connect the threads of continuity: the role of economic dependence, the voices that tend not to be heard (those of children, wives and the economically disadvantaged), the power of the concept of privacy in enabling abusers, and the role of class in allowing evasion. Only by

considering the history of family violence in its social, cultural and legal contexts can we begin to understand the implications of that history for how Irish society currently responds to crimes that happen behind closed doors.¹⁸

Earnar-Byrne's work raises important questions about family violence, particularly the ways in which class shaped experiences of domestic abuse, which this book will consider in greater detail.

Louise Ryan briefly examines the issue of marital violence in her study of Free State newspapers.¹⁹ Pertinent to this book, Ryan asks how family violence and deviance were rationalised within the framework of a nationalist Catholic discourse that promoted family values. She shows that while the Irish Catholic family was glorified as a stronghold of morality, strenuous efforts were made to ensure that family life did not stray from the narrow dictates of Catholic doctrine. When families deviated from accepted norms, their conduct had to be explained and contained. The press frequently reported episodes of violence and deviance – including marital violence, child abuse, and sexual assault – but they attributed such behaviour to outside influences. The Catholic hierarchy, too, blamed violent crimes on the corrupting effects of foreign books, newspapers, and films. Thus, offences such as wife beating could be dismissed as distinctly un-Irish. Ryan argues that this discourse of foreign corruption was important because it emphasised the need for conformity to a shared national code of values enshrined in Church doctrine and State legislation. Deviance from the norm was presented as not only dangerous, but also threatening to national unity.²⁰ This book will explore Ryan's argument that as a new and predominantly Catholic nation, Ireland had a strong impetus to hide the reality of marital violence. By drawing comparisons with Britain and the United States, it will ask if Ireland was more reluctant to address the problem of violence within marriage.

While the literature on marital violence in Ireland is relatively sparse, a number of historians – including Linda Gordon, Anna Clark, Nancy Tomes, Maeve Doggett, James Hammerton, Elizabeth Foyster, and Elizabeth Pleck – have written significant works about wife beating in Britain and the United States.²¹ One group of scholars, influenced by the work of sociologists, has searched for the causes of wife beating. Operating under the assumption that the causes of marital violence are historically specific, these historians identify specific triggers of violent confrontations between spouses, including

failure to meet marital expectations, disagreements over money, sexual jealousy or insecurity, and alcoholism.²² But, as Elizabeth Foyster warns, an approach to violence that begins with causation has its limitations. Firstly, it assumes that there are identifiable causes of marital violence, ignoring the fact that, for a long period of history, marital violence was not necessarily seen as deviant behaviour. Moreover, the causation approach leaves the reader wondering why men, who were sexually frustrated, drunk, and so on, directed their violence towards their wives instead of others around them. Foyster argues that the best way to address these problems is by exploring contemporary views of marriage, and men's and women's roles within it. Only by understanding these ideas, she claims, can we 'retrieve the meanings that those living in the past gave to violent behaviour'.²³ This book will draw upon aspects of both approaches. It argues that many (but not all) cases of marital violence arose out of specific domestic conflicts between husbands and wives. Although these conflicts merely represented short-term triggers for violence, rather than the underlying causes, a careful analysis of these arguments will allow us to draw broader conclusions about men's and women's understanding of marriage. The causation approach, then, can help to remedy some of the problems posed by Foyster.

Another group of historians has focused on campaigns against marital violence, especially those of the nineteenth century. Collectively, they have shown that public concern about marital violence did not necessarily correlate with rising incidence of the crime, but instead increased when wife beating became symbolically linked with other social issues.²⁴ In her pioneering work chronicling the evolution of public policies against family violence in the United States, Elizabeth Pleck argues that the changing social and political environment, rather than the prevalence of domestic violence, explained the ebb and flow of reform movements. 'The growth of public concern about family violence was relatively unrelated to the actual frequency of domestic violence...but instead was much more attuned to the climate of reform at a particular time and public fears about dangerous criminals', Pleck writes.²⁵ She argues that the most consistent barrier impeding reform was the 'Family Ideal', defined as a set of ideas about family privacy, marital and parental rights, and family stability. Linda Gordon addresses a similar theme in her book on family violence in modern Boston. She argues that while nineteenth-century

reformers campaigned against wife beating, they only addressed the issue indirectly, through temperance, child welfare, or female suffrage campaigns. Temperance rhetoric, for example, often emphasised the image of the bruised and battered wife as an indirect victim of drink.²⁶

Additionally, many historians, especially those of Britain, have considered the role of class in marital violence. Anna Clark, for instance, argues that concern about wife beating in the late nineteenth century was linked to a concerted 'moral purity' campaign waged by the English press and politicians and directed against working-class men. She asserts that the State finally overcame its long-term distaste of regulating family life by redefining wife beating as a working-class affliction: wife beaters were portrayed as working-class brutes underserving of privacy and their wives as passive, pathetic victims incapable of their own defence. It was argued that the scourge of wife beating could only be alleviated through top-down measures such as harsher punishments or better education. Thus, the middle class displaced the problem of wife beating onto class.²⁷ Similarly, in his study of marital conflict in nineteenth-century Britain, James Hammerton argues that wife beating was at odds with an idealised, middle-class model of masculinity that focused on self-control and non-violence within marriage. A growing middle-class intolerance of marital violence within the working classes, he argues, eventually led to its regulation by the end of the nineteenth century.²⁸ He notes, however, that evidence of changing attitudes towards marital violence did not necessarily correspond to changes in men's behaviour towards their wives: 'the link between the two remains, at best, tenuous'.²⁹

Although most of the literature on marital violence focuses on the working class, some scholars have begun to research marital violence in the middle class as well. James Hammerton, for instance, provides evidence of the 'progressive weakening of the old paradigm of religiously sanctioned patriarchal authority' within middle-class marriages, but he insists that 'elements of the old paradigm persisted in the newer ideal of egalitarian and companionate partnership'.³⁰ He argues that nineteenth-century Britain saw the 'domestication' of the middle-class husband, but this did not necessarily result in greater companionship between husbands and wives. Instead, as the domesticated husband entered the sphere previously reserved for his wife, he found increased opportunities for cruelty and control. Nevertheless, Hammerton finds that patriarchal domination gradually lessened as a result of extensive

public criticism and new expectations for the behaviour of husbands. Similar to Hammerton, Maeve Doggett sees the middle-class companionate marriage as the patriarchal in disguise. Doggett's study of wife beating and the law in Victorian England devotes a great deal of attention to the 1891 *R. v. Jackson* decision, which rendered it illegal for a husband to beat or imprison his wife. Although the decision was regarded as a positive legal advance for women, Doggett argues that it did not overturn patriarchy but rather expressed another, subtler, form of male domination. In order to challenge the authority of her husband, for example, a wife had to call upon the court, which itself was a bastion of patriarchy.³¹ This book, like Hammerton's and Doggett's works, examines marital violence in both the working and middle classes. It argues that the ways in which marital violence was understood and managed depended largely upon a couple's social class. For example, middle-class women had greater resources for escaping violent marriages than their working-class counterparts, but they also faced enormous pressure to keep the violence hidden in order to avoid social stigma. In contrast, working-class women often found it difficult, if not impossible, to hide their husbands' abuse from those around them, but they had fewer opportunities than middle-class wives to extricate themselves from the violence.

A number of works on marital violence have proved especially influential in the writing of this book, including Linda Gordon's examination of family violence in Boston between 1880 and 1960. In particular, this book is indebted to Gordon's categorisation of wife beating as a social problem. She writes, 'The basis of wife beating is male dominance – not superior physical strength or violent temperament...but social, economic, political and psychological power'. It is because of men's dominance, she argues, that wife beating can be labelled as a social problem, rather than something that occurs in the privacy of certain homes. She sees wife beating not as a single, isolated incident, but instead as 'the chronic battering of a person of inferior power who for that reason cannot effectively resist'.³² This power differential explains why wife assault and husband assault are two very different phenomena. This book draws upon Gordon's arguments in its analysis of why marital violence occurred and was accepted in post-independence Ireland.

Despite the many strengths of Gordon's book, several scholars take issue with one of her central theses that abused women were 'the heroes

of their own lives'. Her categorisation of wife beating as a social problem rests upon the assumption that men were dominant, but she does not totalise ideas of dominance and repression. Instead, she suggests that in the process of protecting themselves from abusive husbands, 'battered women helped to formulate and promulgate the view that women have a right not to be beaten'.³³ Specifically, she argues that by seeking help from social welfare agencies, abused women collectively influenced the attitudes of individual social workers and, ultimately, the policy of the agencies.³⁴ Perhaps reacting against the stereotype of battered women as passive victims, she eagerly assigns agency to the victims of abuse. Although Gordon makes a compelling argument that notions of male oppression and female victimisation should not be totalised, she provides little evidence that battered women changed the policies of social welfare agencies. As Joan Scott writes in her review of Gordon's book, 'the title of the book seems more a wish than a historical reality, more a politically correct formulation than anything that can be substantiated by the sources'.³⁵ Furthermore, it can be problematic to celebrate the resistance of victims. As Elizabeth Pleck writes of Gordon's book, 'the approval of resistance, with the implicit assumption that non-resistance was not heroic, applied unnecessary moral judgement to the difficult circumstances confronting victims of domestic violence'.³⁶

Elizabeth Foyster's *Marital Violence: An English Family History, 1660–1857* has also proved influential in the writing of this book. Although the focus of Foyster's study is early modern England, many of her arguments and conclusions transcend time and space. For instance, Foyster explores the ways in which contemporaries understood marital violence, arguing that the definition of what constituted cruel and unacceptable violence changed over time. Whereas abused wives in Restoration England centred their complaints on physical violence, their early Victorian counterparts expanded their definition of violence to include verbal, psychological, and sexual abuse.³⁷ Thus, Foyster suggests that the ways in which violence is interpreted and represented are historically contingent. Taking inspiration from Foyster, this study asks how victims of marital violence in post-independence Ireland understood and represented their abuse. Additionally, Foyster is one of the few historians of marital violence who has considered the position of children in their parents' quarrels. Insisting that parenting cannot be separated from married life, she attempts to reintegrate stories of children and married adults into a new history of the family.

She argues, for example, that the elevation of the role of motherhood was vitally important to abused women because it provided them with new ways in which to challenge their husbands' conduct.³⁸ This book also asks how women's role as mothers affected their responses and reactions to marital violence, and it will consider the part that children played in marital conflicts.

Unlike some other works on marital violence, this book makes no claims about the prevalence of the crime. It argues that, for a variety of reasons, marital violence cannot be easily translated into numbers or statistics: many, if not most, victims fail to report the crime; statistics are not recorded in a reliable manner; and legal and social definitions of what constitutes abuse change over time.³⁹ Historians are divided as to whether or not they believe that marital violence can be quantified. While it is relatively easy to determine, with a decent degree of accuracy, the number of convictions for marital assault during any given time, it is much more difficult to argue that such statistical evidence provides an accurate representation of behaviour. In her study of working-class marital violence in nineteenth-century London, Nancy Tomes argues that a decrease in convictions for marital violence between 1840 and 1890 represented an actual decline in the crime, instead of simply a change in the recording patterns.⁴⁰ Anna Clark takes a markedly different approach in her study of wife beating and the law in eighteenth- and nineteenth-century Britain. Rather than attempting 'the impossible task of quantifying the incidence of domestic violence', Clark uses abused wives' court testimony as a qualitative source to reveal how these women positioned themselves in relation to changing laws.⁴¹

V. A. C. Gatrell summarises the difficulties of quantifying crime in his study of theft and violence in Victorian and Edwardian England. Although statistics show that crime rates in England dropped substantially from the late 1850s until the pre-war years, Gatrell warns that it is impossible to determine how much of this represented a 'real' decrease and how much was the product of administrative and attitude changes. He cites the familiar argument that criminal statistics can never reveal actual rates of crime because so much goes unreported (a truism that applies to marital violence). He takes his argument further, however, arguing that crime is a 'social phenomenon' rather than 'the sole and simple transgression of values pertaining to some universality'.⁴² In other words, society determines what represents a crime:

'A crime is merely an activity which law-makers, by passing a law or pronouncing judgement proscribing it, choose to categorize as a crime'.⁴³ Moreover, these law-makers and law enforcers are informed by their own social prejudices, interests, and assumptions. Thus, he argues, they often see what they want or expect to see: 'crime tends to embrace the activities primarily of those whom the law-makers and enforcers most expect to commit crime and whose crimes they most fear'. Assuming that only a restricted range of unlawful action is seen, Gattrell's argument explains why such a high proportion of crime tended to be (and continues to be) blamed on the poor or racial minorities. Furthermore, crime rates are affected by the State's administrative ability to deal with the activities it defines as crimes and the public's willingness to cooperate with the State in the disciplining of those who break the law. Despite all of these difficulties, Gattrell insists that we can cautiously draw inferences from statistics about trends and fluctuations in 'real' crime rates if we take into account the many contingent factors that affect reported rates of crime.⁴⁴

The study of crime becomes even more complex when gender is taken into account. As Gattrell's study suggests, the construction of what is considered a 'crime', and how it is dealt with, is of fundamental importance to our understanding of any given society. As a crucial variable of social relations, then, gender cannot be excluded from the study of crime and criminality. Margaret L. Arnot and Cornelia Osborne summarise the historiography of gender and crime in their collection of essays *Gender and Crime in Modern Europe*. Beginning in the 1980s, historians of women began to ask questions that had previously been neglected by criminal justice historians in an attempt to understand gender relations and the gendered power structures within legal institutions. Benefitting from the new social history and feminist theory, these historians have examined women as both criminals and victims with careful reference to the social, economic, and political contexts of women's lives. Studies of gender and crime focus on a variety of subjects, including women as criminals, women as victims, the legal procedures and punishments faced by women, and gendered discourse surrounding particular crimes. Whatever the main focus, a recurring theme is the construction of gender norms as they are perpetuated and reinforced by the criminal justice system.⁴⁵

A number of scholars have shown that one of the ways in which gender difference has been constructed, maintained, and transformed

is in the courtroom. In her study of wife beating and divorce law in nineteenth-century Hamburg, Lynn Abrams argues that the divorce court was a guide to contemporary understandings of gender difference. She analyses the courtroom stories told by abused wives seeking divorces, asking how they reflected and reproduced conventional constructions of femininity and masculinity. 'Countless battered women, desperate to escape a brutal marriage, utilized a language of difference based on prevailing notions of what constituted femininity and masculinity in order to bolster their claims to be heard and believed in court', she writes.⁴⁶ Additionally, Laura Gowing has used court transcripts to analyse how men and women understood the meaning of marriage. In her discussion of marriage breakdown in early modern London, she argues that the complaints husbands and wives made in court reveal 'the great difference between what conjugality meant for men, and what it meant for women'.⁴⁷ She writes:

In the testimonies of marital breakdown that came to court, men and women spoke at length about their understanding of the ground rules of conjugal relations and the disruptions that destroyed marriages. They ordered their stories through the paradigm of law, but behind that paradigm we can also glimpse the models through which contemporary culture understood the marital relationship, and the individual concerns on which men and women acted.⁴⁸

When men faced charges of wife assault, for instance, they often justified their violence by emphasising its rationality in response to women's provocation, misbehaviour, or misconduct. Drawing inspiration from Gowing and Abrams, this study explores court records in order to understand gender difference in twentieth-century Ireland. It argues that the ways in which men and women interacted with the legal system, and the language they used to present their cases, provide us with some understanding of dominant notions of gender roles within Irish marriages.

In addition to historical works, this book draws upon psychological and sociological studies of marital violence. As marital violence has gained recognition as a widespread social problem, countless studies have attempted to assess and explain it. Wini Breines and Linda Gordon suggest that these studies can be broken down into several categories. The feminist school of thought views the problem as symptomatic of widespread inequality between the sexes.

Non-feminist, but not necessarily anti-feminist, analysis sees the problem as gender-neutral; these studies often choose to use the label 'domestic violence' instead of 'wife beating'. There is an additional division between those who approach family violence psychologically and those who approach it sociologically. Psychological interpretations explain the problem in terms of personal disorders and childhood traumas, whereas sociological interpretations emphasise social stress factors, such as poverty, unemployment, and alcoholism.⁴⁹ Of course, these research findings themselves are historically contextual. As Linda Gordon argues, more conservative times bring psychological explanations to the foreground, while sociological explanations dominate during socially progressive times. She explains the reason behind this trend: 'Social diagnoses imply social action and demand resources; psychological diagnoses may point to the need for psychotherapy but also justify criminal penalties and remove family violence from the range of problems called upon to justify welfare spending'.⁵⁰ The very meaning of marital violence, then, changes with the times.

Sources

Despite the oft-asserted claim that marital violence was 'shrouded in silence' during much of the period under review, the source documentation is relatively rich. I consulted a wide variety of sources, including court records, newspaper reports, government publications, fiction, memoirs, the popular Catholic press, and scholarly Catholic writings. The most important sources for this topic were court records, which provided access to intimate aspects of the lives of married couples. These were supplemented by newspaper reports, which often covered local marital violence trials. As Arnot and Osborne note in their study of gender and crime in modern Europe, court records 'give precious insights into private relations usually hidden from history because they are deemed too intimate to be openly discussed'.⁵¹ Indeed, court records allow the historian to draw conclusions about the nature of marital violence, the sources of conflicts between spouses, the expectations that married men and women had for each other, the attitudes of the judges who heard the cases, and the options available to victims. Because the legal recourse taken was largely dependent upon a woman's class, I consulted a variety of different court records in order to obtain the fullest possible picture of marital violence across the social

spectrum. Moreover, I deliberately selected sources from a wide range of geographical locations, both urban and rural, in order to provide a more accurate and thorough representation of marital violence.

For most of the period under review, a woman could take two main courses of legal action following acts of marital violence. She could charge her husband with assault in District Court, or, if she had extensive means, she could apply to the High Court for a divorce *a mensa et thoro*. Unfortunately, the District Court records are sparse: for the most part, the only records that remain from wife assault trials are the names of the abusers, the verdicts, and the sentences. Because the records do not always distinguish wife assault from other types of assault, it is not possible to draw any conclusions about sentencing patterns. Regional and national newspapers, however, often reported details from these trials; thus, I have relied heavily upon newspaper documentation to supplement the District Court records. For those wives seeking divorces *a mensa et thoro*, the court records are more detailed. Although some files are more complete than others, many include biographical information, the wife's (or, on rare occasions, the husband's) petition asking for a separation, the husband's (or wife's) response, and the outcome of the trial. The petitions are a particularly rich source of information, as they typically contain detailed descriptions of the abuse along with a variety of other details. At the request of the High Court, all of those couples involved in matrimonial cases will remain anonymous. I will identify husbands and wives simply by the first letter of their surname. Due to the sensitive nature of the material, I will also maintain the anonymity of those involved in District Court cases. I will, however, use the full names from those cases reported in newspapers, as these are a matter of public record. Additionally, although the focus of this book remains on non-lethal violence, I examined the records of spousal murder trials available in the Criminal Court of Appeals and the Central Criminal Court.

It is important to acknowledge the limitations of the court records. First of all, a large proportion of abused wives did not take legal action against their husbands – thus many instances of marital violence went unrecorded. We can reasonably assume that some women were unwilling or unable to involve others in their marital difficulties, presumably because of fear, shame, or numerous other obstacles. Others tried to resolve their difficulties in informal ways, most commonly seeking help from family, friends, and neighbours. Women who took

legal action tended to do so as a last resort, and they often explained to the court that they had exhausted all extralegal courses of action. This is fortunate for us as historians because we can learn about alternative methods that abused spouses used to cope with the violence and ascertain how those people around violent couples reacted to the abuse. Secondly, court records do not provide the historian with direct access to the voices of the troubled couples. In her study of abortions in post-independence Ireland, Clíona Rattigan notes that 'the voices that emerge from the statements taken by police and in the transcripts of trials are voices that were shaped and controlled to varying degrees by the investigator and the prosecutor'.⁵² Solicitors, rather than the abused women themselves, wrote petitions for judicial separations. These solicitors altered their clients' language in order to make it as presentable and persuasive as possible and to adhere to legal standards. Thirdly, wives' and husbands' depictions of events were often at odds with each other, and it is impossible to know which accounts were closer to the truth. Indeed, this book likely includes depictions of marital violence that are completely false. However, even untruths can be telling to the historian. The ways in which men and women presented their stories, and the details that they chose to include in order to make their accounts convincing, reveal a great deal about contemporary attitudes towards marital violence and marriage in general.⁵³

Like the court sources, newspaper records are not without limitations. For one thing, newspapers only reported on a selection of legal cases (although a few regional newspapers appear to have summarised nearly all of the spousal assault cases tried in the local District Court). Journalists wrote stories that would attract public interest and thus the marital violence cases that they covered tended to be particularly sensationalist or gruesome. Moreover, whether legally censored or self-censored, journalists excluded sexual details from their reports, even though the court records are full of references to sexual abuse. Additionally, from the late 1960s onwards, some newspaper reports have a clear agenda of eliciting sympathy for female victims. The *Irish Times*, for example, cast the husbands as villains and the wives as innocent victims, describing violent husbands as alcoholic brutes incapable of self-control and their wives as 'attractive, nicely dressed and nicely made-up women' with a deep love for their children and a strong sense of duty.⁵⁴ Newspaper reports, however, hold certain advantages. They include a number of details that are absent

from court records, including direct quotations from witness testimony, commentary from judges, and certain background information. Furthermore, as Elizabeth Foyster points out, newspaper records of marital violence provide us with insights into how contemporaries described and understood marital conduct: 'The language, style and content of these reports can tell us much about the cultural assumptions and values of the period.'⁵⁵

Drawing upon this rich source material, this book explores how marital violence was experienced, managed, and interpreted in post-independence Ireland. The first chapter considers the ways in which marital violence was sanctioned and controlled through Irish culture during the years from 1922 to 1965. It argues that social, religious, and economic pressures made it difficult, if not impossible, for abused wives to escape their husbands' violence. The second chapter searches for the causes, definitions, and interpretations of marital violence in the post-independence period. It considers how contemporaries defined violence and argues that their definitions extended well beyond physical force to include threats, intimidation, bullying, sexual abuse, and economic deprivation. The third chapter explores the ways in which women resisted and coped with marital violence. It also asks how families, communities, and professionals responded to marital violence, arguing that their responses provide us with some understanding of contemporary attitudes to marital violence and marriage in general. The fourth chapter analyses the role that children played in marital violence, asking both how children affected women's responses to marital violence and how children reacted to and coped with the violence of their parents. The fifth chapter considers how feminist reformers contributed to the 'discovery' of marital violence in the 1960s and 1970s. Activists launched publicity campaigns to increase awareness of the issue, established emergency refuges for battered women and their children, and demanded that the government draft new legislation to protect victims of violence. The sixth chapter explores reforms to domestic violence policy and legislation from 1970 to 1996. Taken together, the final two chapters argue that the coalition of feminist agitation, legal reforms, and the transformation of cultural expectations greatly increased the options available to abused women in the final three decades of the twentieth century.

Notes

- 1 Shani D'Cruze, 'Introduction: Unguarded passions: Violence, history and the everyday', in Shani D'Cruze (ed.), *Everyday Violence in Britain, 1850–1950* (Harlow: Longman, 2000), 1.
- 2 D'Cruze, 'Introduction: Unguarded passions', 1.
- 3 Linda Gordon, *Heroes of their Own Lives: The Politics and History of Family Violence, Boston, 1880–1960* (Chicago: University of Illinois Press, 2002), 2.
- 4 Wini Breines and Linda Gordon, 'The new scholarship on family violence', *Signs*, 8:3 (1983), 507.
- 5 This argument, while unique in this context, is not my own. Over the last thirty years, sociologists and feminist writers have sought to redefine wife beating as a social problem instead of a personal one. In formulating this argument, I was especially influenced by the sociologists R. Emerson and Russell Dobash and by historian Linda Gordon, who argues that wife beating was a social problem in late nineteenth- and early twentieth-century Boston. See R. Emerson Dobash and Russell Dobash, *Violence Against Wives: A Case Against the Patriarchy* (New York: Free Press, 1979); and Gordon, *Heroes of their Own Lives*.
- 6 See, for example, Caitriona Clear, *Women of the House: Women's Household Work in Ireland 1922–1961* (Dublin: Irish Academic Press, 2000); Finola Kennedy, *Cottage to Crèche: Family Change in Ireland* (Dublin: Institute of Public Administration, 2001); and Mary Daly, *The Slow Failure: Population Decline and Independent Ireland, 1920–1973* (Madison, WI: University of Wisconsin Press, 2006).
- 7 Elizabeth Foyster, *Marital Violence: An English Family History, 1660–1857* (Cambridge: Cambridge University Press, 2005), 9.
- 8 See, for example, Terry Davidson, 'Wife beating: A recurring phenomenon throughout history', in Maria Roy (ed.), *Battered Women: A Psychosociological Study of Domestic Violence* (New York: Van Nostrand Reinhold, 1977), 2–23.
- 9 Roderick Phillips, *Putting Asunder: A History of Divorce in Western Society* (Cambridge: Cambridge University Press, 1988), 343. See also Sarah B. Pomeroy, *The Murder of Regilla: A Case of Domestic Violence in Antiquity* (Cambridge, MA: Harvard University Press, 2007). Pomeroy argues that wife beating was quite common in the ancient world.
- 10 Carol Bauer and Lawrence Ritt, '“A husband is a beating animal”: Frances Power Cobbe confronts the wife-abuse problem in Victorian England', *International Journal of Women's Studies*, 6:2 (March/April 1983), 102.
- 11 Foyster, *Marital Violence*, 3.
- 12 See, for example, Davidson, 'Wife beating', 2–23.

- 13 Joanne Bailey, 'Book reviews: English marital violence in litigation, literature and the press', *Journal of Women's History*, 19:4 (Winter 2007), 144.
- 14 Elizabeth Steiner-Scott, "'To bounce a boot off her now and then...': Domestic violence in post-Famine Ireland', in Mary O'Dowd and Maryann Gialanella Valiulis (eds), *Women and Irish History* (Dublin: Wolfhound Press, 1997), 125–7, 140.
- 15 Diane Urquhart, 'Irish divorce and domestic violence, 1857–1922', *Women's History Review*, 22:5 (2013), 820.
- 16 Urquhart, 'Irish divorce and domestic violence', 820, 828–30.
- 17 Lindsey Earner-Byrne, "'Behind closed doors': Society, law and familial violence in Ireland, 1922–1990', in Niamh Howlin and Kevin Costello (eds), *Law and the Family in Ireland 1800–1950* (London: Palgrave, 2017), 142–3.
- 18 Earner-Byrne, 'Behind closed doors', 159.
- 19 Louise Ryan, *Gender, Identity and the Irish Press 1922–1937: Embodying the Nation* (Lewiston, NY: Edwin Mellen Press, 2002).
- 20 Ryan, *Gender, Identity and the Irish Press*, 168–9.
- 21 Gordon, *Heroes of their Own Lives*; Anna Clark, 'Humanity or justice? Wifebeating and the law in the eighteenth and nineteenth centuries', in Carol Smart (ed.), *Regulating Womanhood: Historical Essays on Marriage, Motherhood, and Sexuality* (London: Routledge, 1992), 187–206; Nancy Tomes, 'A "torrent of abuse": Crimes of violence between working-class men and women in London 1840–1875', *Journal of Social History*, 11:3 (1978), 328–45; Maeve E. Doggett, *Marriage, Wife-Beating and the Law in Victorian England* (London: Weidenfeld and Nicolson, 1992); James Hammerton, *Cruelty and Companionship: Conflict in Nineteenth-Century Married Life* (London: Routledge, 1992); Foyster, *Marital Violence*; Elizabeth Pleck, *Domestic Tyranny: The Making of American Social Policy against Family Violence from Colonial Times to the Present* (Chicago: University of Illinois Press, 2004).
- 22 See, for example, Gordon, *Heroes of their Own Lives*; and Tomes, 'A "torrent of abuse"'.
23 Foyster, *Marital Violence*, 3–4.
- 24 See, for example, Clark, 'Humanity or justice', 187; Pleck, *Domestic Tyranny*; and Jan Lambertz, 'Feminists and the politics of wife beating', in Harold L. Smith (ed.), *British Feminism in the Twentieth Century* (London: Edward Elgar, 1990), 25–43.
- 25 Pleck, *Domestic Tyranny*, xii.
- 26 Gordon, *Heroes of their Own Lives*, 254.
- 27 Anna Clark, 'Domesticity and the problem of wife-beating in nineteenth-century Britain: Working-class culture, law and politics', in Shani

- D'Cruze (ed.), *Everyday Violence in Britain, 1850–1950: Gender and Class* (Harlow: Longman, 2000), 34; Clark, 'Humanity or justice', 201.
- 28 Hammerton, *Cruelty and Companionship*, 14.
- 29 Hammerton, *Cruelty and Companionship*, 16.
- 30 Hammerton, *Cruelty and Companionship*, 7.
- 31 Doggett, *Marriage, Wife-Beating and the Law*, 102–3.
- 32 Gordon, *Heroes of their Own Lives*, 251.
- 33 Gordon, *Heroes of their Own Lives*, 251–2.
- 34 Gordon, *Heroes of their Own Lives*, 293.
- 35 Joan W. Scott, 'Review of *Heroes of their Own Lives*', *Signs*, 15:4 (1990), 850.
- 36 Pleck, *Domestic Tyranny*, xviii.
- 37 Foyster, *Marital Violence*, Chapter 1.
- 38 Foyster, *Marital Violence*, 129–31.
- 39 In making this argument, I was influenced by Joanna Bourke's discussion of why sexual assault is impossible to quantify. See Joanna Bourke, *Rape: A History from 1860 to the Present Day* (London: Virago, 2007), 15–16. I also drew inspiration from V. A. C. Gatrell, 'The decline of theft and violence in Victorian and Edwardian England', in V. A. C. Gatrell, Bruce Lenman, and Geoffrey Parker (eds), *Crime and the Law: The Social History of Crime in Western Europe* (London: Europa Publications, 1980), 238–57.
- 40 Tomes, 'A "torrent of abuse"', 328–45.
- 41 Clark, 'Humanity or justice', 188.
- 42 Gatrell, 'Decline of theft and violence', 242.
- 43 Gatrell, 'Decline of theft and violence', 242.
- 44 Gatrell, 'Decline of theft and violence', 239–45.
- 45 Margaret L. Arnot and Cornelia Osborne, 'Why gender and crime? Aspects of an international debate', in Margaret L. Arnot and Cornelia Osborne (eds), *Gender and Crime in Modern Europe* (London: University College London Press, 1999), 1–7.
- 46 Lynn Abrams, 'Crime against marriage? Wife-beating, the law and divorce in nineteenth-century Hamburg', in Margaret L. Arnot and Cornelia Osborne (eds), *Gender and Crime in Modern Europe* (London: University College London Press, 1999), 120.
- 47 Laura Gowing, *Domestic Dangers: Women, Words and Sex in Early Modern London* (Oxford: Clarendon Press, 1996), 180.
- 48 Gowing, *Domestic Dangers*, 185.
- 49 Breines and Gordon, 'New scholarship', 490–531.
- 50 Gordon, *Heroes of their Own Lives*, 5.
- 51 Arnot and Osborne, 'Why gender and crime', 22.
- 52 Clíona Rattigan, "'Crimes of passion of the worst character": Abortion cases and gender in Ireland, 1925–50', in Maryann Gialenella Valiulis

(ed.), *Gender and Power in Irish History* (Dublin: Irish Academic Press, 2009), 118.

53 In my discussion of sources, I was influenced by Foyster, *Marital Violence*, 17–18.

54 *Irish Times*, 15 November 1974.

55 Foyster, *Marital Violence*, 27.