

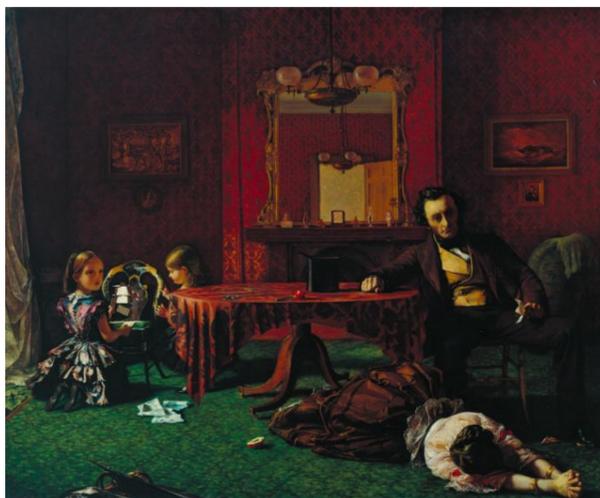
During the Victorian Era in England (1837 – 1901), married women had to adhere to rigid expectations and obey restrictive laws. Though women in the Victorian age did not experience much freedom as wives, there were many women who pushed for marriage law reform. These changing views on marriage portrayed the beginning of modern ideas and led to the institution of marriage that we have today.

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What was Victorian Marriage Like?

Whereas husbands and wives in modern times stand on equal legal terms, in Victorian England husbands had significantly more power than their wives. Marriage for the Victorian middle and upper classes was the only way a man could have legitimate offspring and heirs. A man would marry a woman of his own class – or higher, if he was lucky – in order to maintain a suitable place in society or climb the social ladder. By marrying a woman from a well-established family, a man would become a part of her family, thus boosting his own reputation. The married couple would then have numerous children, which demonstrated that the husband had a fortune he could leave to his heirs. This would also ensure that the husband's fortune would not be lost, and would instead continue to travel through the family. A wife, meanwhile, was not allowed to own property herself once married. It was extremely important to keep the bloodline pure, because if a man had a child with someone who was of a different class, his name would be tarnished. For this reason, men often did not acknowledge their illegitimate children and mistresses. But there was a double standard for men; while a man would not be reprimanded for sexual relations outside of marriage, women would be outcast for the same action, and the law would not protect them.

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Past and Present no. 1, Augustus Egg, 1858

Caroline Norton

In 1839, Norton advocated for the passage of the Infant Custody Act of 1839, which would allow mothers to appeal for custody of their children if they were under the age of seven. She wrote *A Plan Letter to the Lord Chancellor on the Infant Custody Bill*, where she argued that women should not be inferior to men: "What is it but to deny the position of the woman as a rational and accountable creature?" Norton also wrote *English Laws for Women in the Nineteenth Century*, criticizing the law's treatment of women, and *A Letter to the Queen on Lord Chancellor Cranworth's Marriage and Divorce Bill*, arguing that it was time for law reform.



Elizabeth Wolstenholme-Elmy

Wolstenholme-Elmy was a contributor to the *Women's Suffrage Journal* and the author of *The Custody and Guardianship of Children: The Infant Bill* (1884), where she argued in favor of "parental claims resting upon co-equal duties and obligations involved for the adequate fulfillment of these duties, right co-equal and co-determinate." She argued that children needed both their mothers and their fathers, and that parents should be allowed joint custody of their children in the event of divorce. She was also the head of the Married Women's Property Committee and fought for extended property rights for married women, as women were not allowed to own property of their own once they were married during this time.



Barbara Leigh Smith

In 1854, Smith began campaigning for marriage law reform, writing a pamphlet titled *A Brief Summary in Plain English of the Most Important Laws of England Concerning Women*, which divided the injustices faced by women into categories: single women, married women, mothers, widows, women and crime, and so forth. Smith also formed the Married Women's Property Committee, arguing that married women had a right to their own property and the "fruits of their labor," just as anyone else.



Victorian Marriage Laws

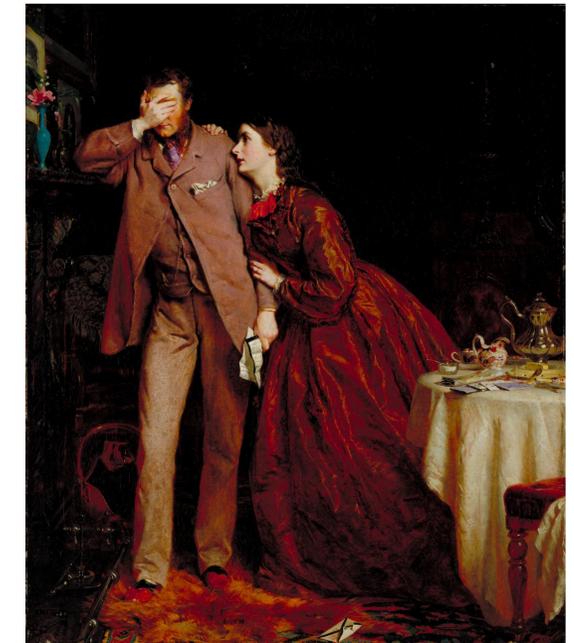
In the event of adultery and divorce, Victorian laws were heavily skewed against women. If one wanted a divorce, their case would be handled by either ecclesiastical courts or a parliamentary court, based on two kinds of divorce:

Mensa et thoro: "Divorce from bed and board," given in cases of adultery, extreme cruelty, or desertion. Neither partner could remarry.

Vinculo matrimonii: "Divorce from the bonds of marriage," granted by Parliament to those whose marriage was considered invalid because of age, mental incompetence, sexual impotence, or fraud. Partners could remarry.

In the case of adultery, a woman was treated as property. Husbands could sue their wives' lovers for "criminal conversation," and then apply for a parliamentary divorce. Women could not sue their husbands for adultery. If a woman left her abusive marriage, she would be charged with desertion.

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Woman's Mission: Companion of Manhood, George Elgar Hicks, 1863

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Conclusion

Despite the many inequalities between husbands and wives in Victorian marriage, there were many women who wrote, petitioned, and fought for marriage law reform. The bridge between Victorian marriage and modern marriage was being built, and it would only be a matter of time until marriage was fully reformed.