

REVIEW: ALIENATED AFFECTIONS: THE SCOTTISH EXPERIENCE OF DIVORCE AND SEPARATION, 1684-1830

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Leah Leneman (1998) **Alienated Affections: The Scottish Experience of Divorce and Separation, 1684-1830**. Edinburgh: Edinburgh University Press. Hdbk. ISBN 0 7486 1030 6 £35.00, Pb. ISBN 0 7486 1031 6, £14.95, ppix + 354

This is a marvellous book which enthralled this reader from start to finish. I read it as a non historian but with an awareness of the significance of history for explaining and making sense of the present and for understanding the institutions and sites of patriarchy which continue in the present. Women's history (or herstory) is brought alive in Leah Leneman's absorbing text. Men too are given an equal place in the stories and the commentary but for this reviewer it was the women's relationships, loves and losses which made compelling reading. The book has all the ingredients with which to captivate the professional chronicler of social history, the criminologist, academics interested in the family and in the social relationships between women and men over two centuries of Scottish life, and students of class, households, paid work and domestic labour. It has a much wider appeal too. The stories of marriage, separation, conflict and divorce are narrated here in such intimate and engaging detail that they often read like the plot of a racy historical novel. But they are the stories of real lives, lived, recounted and recalled in the public gaze of the Scottish Commissary courts over a one hundred and fifty year period.

Leneman sets out her stall in the first page. Why, she asks, should anyone want to research a detailed account of separation and divorce in Scotland between 1684 and 1830? It may be because Scotland, unlike England, granted divorce and separation agreements across the social spectrum, rather

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than exclusively to the wealthy classes, during the period. Divorce and separation were legally available on equal terms to women and men in eighteenth and early nineteenth century Scotland and the stories, told in the words of the people whose lives they were, are brought vividly to life. There is much more to it, however. Because the courts demanded and recorded such detailed testimony from family, neighbours and other witnesses, the public records present the twentieth century reader with a spectrum of views about what were considered normal and desirable ways of men and women to behave in that society. The records of almost 150 years also provide us with evidence of gender expectations, attitudes towards children, sexuality and the sort of public and private behaviour between individuals that we currently find in the pages of tabloid newspapers. Leneman herself also acknowledges this human interest angle 'for divorce courts are fascinating in the way they reveal the lives, loves and lusts of men and women of every social class during a period when frankness rather than reticence was the rule' (p.2).

The intimate relationships of nearly seven hundred individuals have been chronicled, many in scrupulous detail, as case studies to illustrate the thematic material of individual chapters. Leneman starts with an analysis of the cultural and socio-economic changes prevailing in Scotland in the seventeenth and eighteenth centuries. The juxtapositioning of eighteenth century Enlightenment ideas concerning the acceptability of erotic desire alongside a cult of 'sensibility', with women increasingly cast as a civilising influence on men, is, she argues, mirrored in the replacement of explicit descriptions of sexual practices in divorce cases at the start of the eighteenth century with polite and anodyne accounts by the end of that century.

Why were there more divorces than separations during the period? Economic and social change provides one reason, with employment opportunities more available for women and children than for men so that the financial means to bring a divorce petition became more readily available to women. Separation, on the other hand, required maintenance payments to the woman and it also carried a prohibition on remarriage. If a man was proved to have had sexual intercourse with another woman this constituted grounds for divorce. If, however, a woman alleged that she had been beaten and abused by her husband she was more likely to apply for a judicial separation. Violence was considered less serious than adultery and the pressures on women to stay in the relationship were enormous.

Leneman investigates nine main themes in divorce actions: adultery, contested cases, unsuccessful cases, aristocratic divorces, gentry divorces,

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adultery with a social inferior, 'common' divorces, English marriage and Scottish divorces, desertion and nullity. In each she considers the range of evidence gathered to make or refute a case and she follows this up with case studies as illustrative material. All themes supply a wealth of fascinating detail, since the court demanded evidence from both parties. Friends, neighbours, employers and employees all had their say and even passers-by gave explicit accounts of observed or heard sexual indiscretions. Chronicles of aristocratic divorce and adultery with a social inferior provide ample illustration of the significance of class and sexual double standards which arguably still prevail at the end of the twentieth century.

This reviewer had just read Beatrix Campbell's fascinating account of the sexual politics in one contemporary aristocratic marriage and divorce (Campbell 1998) and found the material in Leneman's account of eighteenth century aristocratic marriage and divorce startlingly familiar. The social acceptability of extra marital affairs in the highest social strata, coupled with the 'intimate connection between servants and their employers ranging from the intense curiosity and trouble stirring of the younger members of staff to deep loyalty of long-serving senior members' (p.125) resonates with many elements of the Charles and Diana story as recounted by Campbell. In common with accounts of gentry divorce, one lesson is that a disparity in social rank in marriage is more acceptable for men than it is for women. A man's adultery with a maid or a prostitute provoked mild disapproval, whilst a women's adultery with a man of lower class elicited outrage in her own class. Leneman provides ample evidence of a sexual double standard for women and men in these pages, much of it confirming the 'man as cad, woman as misguided or mad' view of the sexes.

Two chapters analyse separation agreements, focusing on the vexed question of marital abuse and violence. At the start of the seventeenth century it was acceptable for a man to beat his wife, children and servants and women had to prove attempted murder or a major physical injury for separation to be granted by the courts. Leneman chronicles the changes which occurred so that by the nineteenth century it was harder for a man to argue that he had been provoked to violence by his wife's nagging or poor housekeeping. She argues that women's increasing economic independence and employment opportunities challenged male dominance so that women were now in a better position to leave their violent partners. Here comparisons with the late twentieth century are particularly fascinating. Evidence of victim-blaming, excuses for male behaviour embodied in the part played by alcohol, unemployment and other structural factors, the intervention of others, especially family members and, for the middle classes, servants and, for the

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working class, neighbours, coupled with the shortcomings of separation agreements all resonate in the late twentieth century. The violent event itself, described in the words of women and their witnesses, sits alongside the testimony of women in more recent feminist work on domestic abuse (Dobash and Dobash 1979, 1992; Pahl 1995). Scottish women's contemporary experience of domestic violence would appear to have much in common with the experience of Scottish women from the seventeenth to nineteenth centuries.

My only quibble with this book is that each chapter ended too abruptly. A summary of the material presented, relating it to the arguments outlined at the outset would have helped the reader to resurface from the wealth of detail in the individual stories before moving on to the next theme. At the same time that paradox for this reviewer is that she wanted even more of this informed, richly textured, entertaining, sobering, enlightening and meticulously researched work.

REFERENCES

Campbell, B. (1998) **Diana Princess of Wales. How Sexual Politics Shook the Monarchy**, London: Virago.

Dobash, R.E. and Dobash, R.P. (1979) **Violence against Wives. A Study of the Patriarchy**, New York: Free Press.

Dobash, R.E. and Dobash, R.P. (1992) **Women, Violence and Social Change**, London: Routledge,

Pahl, J. (1995) 'Health professionals and violence against women' in P. Kingston and B. Penhale (eds) **Family Violence and the Caring Professions**, 127-148, London: Macmillan

July 1998